

China's Three-Child Policy
Research Report on the Impact on Women's Reproductive Rights
(Three-child Policy Monitoring Network, March 2025)

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Preface

According to the United Nations' World Population Prospects 2024 report, the world's overall fertility rate is declining. In China, the government's one-child policy of enforcing one child for more than three decades has exacerbated the decline in fertility. In 2015, the Chinese government fully liberalized the two-child policy, advocating that couples have two children, and the "one-child" policy officially ended. But the "two-child" policy has not brought about the expected upsurge in births. In 2021, the Political Bureau of the Central Committee of the Communist Party of China announced the liberalization of the three-child policy. Since then, various measures have been introduced at all levels of government to encourage childbearing, and a few government departments have not hesitated to inquire about women's menstrual and marital status in a way that invades personal privacy, as well as restricting access to sterilization and abortion drugs. Individual local governments are also preparing to introduce policies that call on party members and cadres to take the lead in having more children. All of this is called "birth" by the folk. Since the burden of childbearing is mainly borne by women, these "birth-producing" acts also violate women's reproductive autonomy.

Even so, the fertility rate is still declining. It is reported that China's total fertility rate in 2023 will be 1.02, which is already ranked as the second-lowest among the world's economies¹. 2024 is the year of the Chinese zodiac "dragon", and the annual birth population has only increased by 5.8% compared to the previous year. Under such circumstances, will China's central and local governments at all levels continue or even further intensify their efforts to "give birth"? Will some of the radical and excessive signs of extremism that have already appeared spread and intensified? As a group of philanthropists who have been studying China's family planning policies for a long time and have long been concerned about gender equality, we have done the following research in order to reveal the impact of various birth promotion policies in China on women's reproductive rights and to determine the trend of future birth promotion policies.

Chapter I: Research Methods

1. Selection and explanation of research methods

Policy and document analysis method: systematically collect and sort out relevant policy documents of the central and local governments, such as the "Guiding Opinions on Further Improving and Implementing Positive Birth Support Measures" jointly issued by 17 departments including the National Health Commission and the National Development and Reform Commission in 2022, and the "Population and Family Planning Regulations" of various provinces. Analyze the potential impact and implementation of different policies on women's reproductive rights.

¹ When will China's fertility rate fall below 1? NetEase, October 23, 2024

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Comparative Research Method: In order to understand the actual effect of the policy, this study compared the implementation of the birth policy in different regions (provinces and municipalities) horizontally to present the overall appearance and regional differences of the birth promotion policy. In addition, we have collected international experience (Europe, the United States, Japan, and South Korea) and analyzed the implementation path and effectiveness of these policies, summarized the lessons and differences that can be learned, and predicted the possible effects of China's catalytic policies.

Convenience Sampling Survey: This study uses convenience sampling survey, that is, sampling through available (including random encounters) population and data under the condition of limited time and resources. Although this approach is not statistically representative of the overall picture, it has practical implications in obtaining preliminary data and insights into a particular phenomenon.

Semi-structured interviews: Conduct small-scale, cross-regional semi-structured interviews with respondents, including online one-on-one communication and offline in-depth interviews. The interviews focused on: women's fertility intentions and influencing factors; financial, work and child-rearing status of three-child families; Attitudes and policy implications of business owners towards women's employment. This group of respondents includes: middle-class families with three children; small business owners; grassroots officials involved in family planning work, etc.

Online ethnography methodology: By collecting and analyzing discussions, screenshots, and circulating field photos in social media groups, we investigated the specific implementation of the three-child policy, as well as the public's immediate perception, attitude, and discourse expression of the three-child policy. In the process of data analysis, this study follows ethical principles, avoids the exposure of private information, and protects the identity information of anonymous users.

Gender perspective: The research pays special attention to the female perspective, focusing on the impact of fertility policies on individual women, including: women's right to reproductive autonomy; parenting and workplace conflicts; The presuppositions and expectations of the social structure for the role of women. Through interviews and data analysis, women's voice and choice in fertility policy are highlighted, and their actual difficulties and demands are reflected. Particular attention should be paid to avoiding the neglect of women's rights from a patriarchal perspective and a narrative of family and country feelings.

2. Limitations of research methods

Although a variety of research methods were used in this study, there were the following limitations:

Sample bias: Due to the limitations of convenience sampling and interviews, the sample size is small and not completely random, which may lead to a certain bias in the research conclusions.

Data limitations: Due to resource and technical limitations, the collection and analysis of quantitative data is insufficient, making it difficult to achieve a wider range of statistical verification.

Lack of multiple perspectives: We focus on the lens of law, human rights, freedom, and government accountability, with a special focus on gender, while others may be weak, such as the economic perspective, the religious and cultural perspective, and the study of ethnic areas.

In order to reduce the above limitations and try to ensure the accuracy and reliability of the research results, we used multi-channel cross-validation data (e.g., open government data, interview records, policy documents, etc.), as well as interviews with as many people with different identities and cultural backgrounds as possible.

Chapter II: Overview of Catalytic Policies and Instruments

Whether China implements a one-child policy or a three-child policy, it is a "national family planning" led and controlled by the government, and allowing the birth of several children is subject to the national plan formulated by the Chinese government, not a plan decision within the family, let alone a woman's own choice. In the past, it was illegal to have a second child under the one-child policy, and under the current three-child policy, it is also illegal to have a fourth child. In the past, pregnant with a second child had to be forced by the government to have an abortion, but now voluntary abortion and abortion are increasingly restricted by the government².

1. New policies and new measures after the government canceled the one-child policy

1. On January 1, 2016, the first paragraph of Article 18 of the Population and Family Planning Law of the People's Republic of China was amended, stipulating: "The State encourages a couple to have two children. "The one-child policy, which has been in place for more than 30 years, has since ended.

2. On May 31, 2021, the Political Bureau of the Central Committee of the Communist Party of China deliberated on the "Decision on Optimizing the Fertility Policy to Promote the Long-term Balanced Development of the Population" and pointed out that in order to further optimize the fertility policy, the policy that a couple can have three children and supporting measures will be implemented.

3. On August 20, 2021, the Standing Committee of the National People's Congress voted to adopt the decision on amending the Population and Family Planning Law, which stipulates that the state advocates marriage and childbearing at the appropriate age, and that a couple can have three children. The State shall adopt financial, tax, insurance, educational, housing, employment and other support measures to reduce the burden on families in childbirth, parenting, and education.

4. On March 5, 2022, the government work report of the National People's Congress proposed to improve the supporting measures of the three-child birth policy, include the care expenses of infants and young children under the age of 3 in the

² See Chapter III for details.

special additional deduction of individual income tax, develop inclusive childcare services, and reduce the burden of family parenting.

5. On August 16, 2022, the National Health Commission, the National Development and Reform Commission and other 17 departments jointly issued the "Guiding Opinions on Further Improving and Implementing Positive Childbirth Support Measures"³ (hereinafter referred to as the "Guiding Opinions of 17 Departments"). It is required to improve and implement financial, tax, insurance, education, housing, employment and other positive childbirth support measures, implement the responsibilities of the government, employers, individuals and other parties, and put forward a total of 20 specific policies from seven aspects, including improving the level of eugenics and childcare services, developing an inclusive childcare service system, improving the maternity leave and treatment guarantee mechanism, strengthening housing, taxation and other support measures, strengthening the supply of high-quality educational resources, building a childbirth-friendly employment environment, and strengthening publicity and guidance and service management.

6. On October 28, 2024, the General Office of the State Council issued the "Several Measures on Accelerating the Improvement of the Childbirth Support Policy System and Promoting the Construction of a Childbirth-Friendly Society", which includes a total of 13 specific measures, aiming to strengthen the support for childbirth services, strengthen the construction of the childcare service system, and strengthen support measures for education, housing, and employment. Create a childbirth-friendly social atmosphere.

In addition to the above national-level policies, various localities have also issued implementation rules or policy documents, which are basically the same as the paths used in the one-child policy that year, and are divided into three categories: reward, punishment, and inhibition, the difference is that the direction is opposite.

2. Comparison of the previous one-child policy and the current multi-child policy

1. Incentives and incentives:

One-child policy: one-child certificate, one-child allowance, preferential pension policy, etc.;

Multi-child policy: multi-child subsidy, maternity allowance, maternity leave, parental leave, reproductive technology services, supporting and improving the childcare mechanism, tax deduction for childcare expenses under the age of three, preferential employment policies, preferential policies for renting and buying houses, etc., assisted reproduction into medical insurance, etc.

2. Inhibitory means:

One-child policy: Adjust the time of childbearing, such as how many years apart before having a second child, or the law stipulates that "citizens are encouraged to marry later and have children later". Forced abortion, abortion.

³ See government document https://www.gov.cn/zhengce/zhengceku/2022-08/16/content_5705882.htm for details

In 2022, members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) put forward the "Proposal on Recommending the Government to Introduce Policies to Encourage Early Marriage and Early Childbearing" (Proposal No. 03228 (Medical and Health No. 284) of the Fifth Session of the 13th National Committee of the Chinese People's Political Consultative Conference). Reduction of family planning services, such as the popularization of contraceptive knowledge and the free distribution of condoms for family planning supplies. Another example is the prohibition of the sale of abortion contraceptives, the prohibition or reduction of non-medically necessary abortions and abortions, and the reduction or prohibition of sterilization. In terms of public opinion, moral criticism and accusation, family planning commissions, neighborhood committees, units and other departments organized and held birth promotion meetings, telephone birth promotion, and so on.

3. Punitive means:

One-child policy: fines/social maintenance fees for "overbirth", one-vote veto (evaluation, promotion), demotion, expulsion (party, military, public office).

Multi-child policy: Although there is no direct fine for those who have fewer children, it is possible to punish non-children in disguise through wealth transfer. For example, some state media published articles suggesting the establishment of a "fertility fund",⁴ which everyone would pay for, and those who had more children could receive subsidies, while those who did not have children or had fewer children could only play the role of cost sharers. Although there is no sign of the implementation of the fertility fund, it cannot be ruled out that the government may use the media to test the public's reaction. Moreover, the maternity insurance in the "Labor Law" has actually played a similar role in "punishing the infertile": it is generally paid and the child is paid, and the child has no opportunity to receive it. Since the "maternity insurance" is paid by the employer, the "punishment" effect on those who do not have children is not direct. If the whole people pay the birth fund, then the "punishment" effect on those who do not have children will be more obvious and the pain will be stronger.

Other punitive tactics have not yet been found to be used in multi-child policies. It is necessary to be vigilant whether these methods will be used in the future due to "path dependence".

Chapter III: The implementation of the three-child policy

1. The logic of policy implementation of family planning work

(1) The logic of the implementation of the family planning policy

⁴ On August 14, 2024, Xinhua Daily, the newspaper of the Jiangsu Provincial Committee of the Communist Party of China, published a signed article by Liu Zhibiao and Zhang Ye of the Yangtze River Institute of Industrial Economics of Nanjing University, suggesting the establishment of a fertility fund system, in which citizens under the age of 40 should pay a certain percentage of their wages every year.

In order to prevent the implementation of public policies from falling into "fragmentation", the government will use the high-level promotion of the system with Chinese characteristics to solve the implementation and implementation of public policies between the central government and local governments and between departments through hierarchical governance and multi-attribute governance.

Based on this, the achievement of policy objectives depends on the grassroots executive and the discretionary power that the local bureaucracy uses to redistribute public resources. For example, the entry of fines for excess births into the local treasury will bring impetus to local enforcement⁵.

On the contrary, if the central and local governments are asymmetrical and incompatible with incentives, the game behavior of the policy implementation subjects and policy target groups based on their own interests will inevitably affect the faithful implementation of the policy, and then lead to the delay of policy implementation. As a result, local governments are prone to divergent views in the implementation of central government policies. For example, the "Guiding Opinions" of 17 departments mentions: prevent unintended pregnancies and reduce non-medically necessary abortions. Lower-level governments may simply implement policies to reduce abortions⁶. This is an assumption based on the implementation posture of four policies under the policy fuzzy conflict model.

(2) Analysis of the implementation of family planning policies

China's family planning policy has been implemented for more than 30 years, and a complete set of implementation systems and pathways have been formed. The vertical and vertical integration of administration has been opened, involving many departments such as civil affairs, education, housing, urban and rural construction, finance, taxation, medical and social security, public security, market supervision, and employment. In recent ⁷years, the requirements of family planning decrees have been increasingly weakened, departments have been reduced, and the workload has been reduced, and the original administrative order type has been changed to a service type, and the responsibility is mainly to solve the problems left over from the one-child policy.

At present, it seems that the implementation of the three-child policy has not yet been fully launched. The policy shift from "one child" to "three children" is relatively rapid, and it will take time for the implementation level to recover the implementation force, so as to achieve all-round steering cooperation. In addition, some specific methods that worked during the one-child policy, such as fines and forced abortions, are more difficult to copy and apply to forced births, and it will take some time for the implementation level to find more specific methods to promote birth.

⁵ According to an interview with a town cadre in a region of Shandong Province.

⁶ Lv Xinglan, "Construction of Fertility Support Policy System under the Background of "Three-child" Policy[J]. Science and Technology and Industry, 2024, (17):189-195.)

⁷ The one-vote veto on family planning refers to the veto of localities, departments, and units under their jurisdiction that have not fulfilled their family planning goals and tasks, or that have major problems, and have caused serious consequences due to ineffective work and failure to implement measures, when conferring comprehensive honorary titles, evaluating and awarding awards, and selecting and appointing leading cadres. "Reply to Recommendation No. 1238 of the Second Session of the 13th National People's Congress", National Health Commission, July 1, 2020.

However, the "mature" administrative channel and "abundant" management experience of one-child family planning are still there, and once the government resolutely applies it to the three-child policy, it is likely to be very familiar and efficient. In particular, once the "one-vote veto" is used to strongly promote it, the implementation of the three-child policy is likely to accelerate.

2. The specific implementation and effect of the promotion policy

(1) Encourage the implementation of the birth policy in all localities

Since the implementation of the "two-child policy", 30 provinces, municipalities and autonomous regions have issued new family planning regulations, as well as other specific policies, mainly including the following:

(i). Financial subsidies: multiple children, artificial assisted reproduction

In recent years, a number of provinces, municipalities and regions have successively introduced subsidy measures for families with multiple children.

On March 29, 2022, the first childcare subsidy of 950,000 yuan in Panzhihua City has been fully distributed, and a total of 650 two-child or three-child families in Panzhihua City have been subsidized⁸.

In October 2023, Xintian County, Hunan Province, implemented the "Implementation Opinions on Optimizing the Fertility Policy in Xintian County to Promote the Long-term Balanced Development of the Population", and issued a one-time birth subsidy of 1,000 yuan and 5,000 yuan respectively to families with two and three children in accordance with the policy⁹.

In October 2024, Dayu County, Jiangxi Province, held a three-child reward distribution ceremony, and distributed 1.144 million yuan to the first batch of 52 families who applied for the three-child birth incentive subsidy¹⁰.

On October 30, 2024, the Luliang Municipal People's Government issued the "Several Measures on Improving the Fertility Support Policy System and Building a Childbirth-Friendly Society". It is stipulated that families who have one, two and three children in accordance with the policy and whose newborns are registered in Luliang will be subsidized 2,000 yuan, 5,000 yuan and 8,000 yuan respectively.

However, in the specific implementation, due to the different financial allocation policies in various localities, there have been situations where subsidies are not in place. Some newborn families in Zhengzhou reported that the optimized birth policy has been implemented for nearly two months, and no one cares how to apply for childcare subsidies.¹¹ The report also said that a staff member of the local health commission, surnamed Zhang, revealed that the implementation rules of the relevant

⁸ "All 650 two- and three-child families have received it! Panzhihua's first childcare subsidy of 950,000 yuan has been distributed", Red Star News, April 1, 2022

⁹ "Xintian: Introduce "eugenics" policy and give birth to three children with a subsidy of 5,000 yuan, Yongzhou today, June 18, 2024

¹⁰ "Jiangxi Dayu 52 Families Receive Three-Child Birth Incentive Subsidy", Health News, October 21, 2024

¹¹ "Three-child subsidy "unable to apply"? Zhengzhou Municipal Health Commission Response", Henan Business Daily, November 22, 2023

policies have not yet been introduced, resulting in "there is no way to apply for subsidies now, and the city is formulating relevant implementation rules." In October 2024, the author of this report called the 12320 public health public service number in Zhengzhou and still received the same answer.

Combing public information found that up to now, Ya'an in Sichuan, Yunnan, Xianning in Hubei, Lishui in Zhejiang, Hengshui in Hebei, Luoyang in Henan, Zhangzhou in Fujian and other places have introduced relevant subsidy policies for assisted reproductive technology.

On April 25, 2024, Sichuan issued Ya'an City's "Ten Measures to Optimize Fertility Security Policies in Ya'an City to Promote Long-term Balanced Development of the Population", according to the "Measures", the subsidy standard for assisted reproduction expenses is to use "test-tube baby" assisted reproduction, and a one-time subsidy of 20,000 yuan will be given after childbirth; If "artificial insemination" is used to assist reproduction, a one-time subsidy of 1,500 yuan will be given after childbirth.

Among them, Hebei Hengshui made it clear that if the woman is over 35 years old and neither husband and wife have given birth, and the first child is born through assisted technology, a subsidy of no more than 10,000 yuan will be given; For mothers who give birth to a third child in accordance with the policy, the government will give a delivery subsidy of 5,000 yuan.

At the end of 2023, Zhangzhou City, Fujian Province, clarified that a one-time subsidy of 20,000 yuan will be given to families who have successfully given birth to a family that adopts IVF assisted reproduction, and a subsidy of 50,000 yuan will be given to families who have successfully given birth.

(ii) Maternity allowance for employees

According to the Social Insurance Law of the People's Republic of China, if an employer has paid maternity insurance premiums, its employees are entitled to maternity insurance benefits; The unemployed spouse of an employee shall be entitled to maternity medical expenses in accordance with the provisions of the state. The required funds are paid from the maternity insurance fund. Maternity insurance benefits include maternity medical expenses and maternity allowances.

There are regional differences in the procedure and amount of maternity benefits.

Through our consultation with the social security bureaus and medical insurance bureaus in some places, only in-service employees in Shanghai can enjoy maternity allowance if they have paid social security and maternity insurance, and the amount of treatment applied for by in-service and non-in-service employees is different. In Beijing, non-working women in the two places cannot use their spouse's maternity insurance and cannot enjoy their spouse's maternity allowance unless they have paid insurance during the period of unemployment benefits and 9 months before giving birth, or have no interruption in insurance for one year after giving birth.

Non-working female employees in Shandong can apply to use their working spouse's maternity insurance to reimburse part of their medical expenses, but the maternity allowance cannot be used.

The amount of maternity allowance for female employees in Shandong is based on the average salary of the individual in the previous year, while in Beijing and Shanghai, it is based on the company's average monthly salary.

Rural women in Hengshui and other places in Hebei Province do not have maternity allowances, and only part of the medical reimbursement is provided. The premise of maternity allowance is to have social security or pay maternity insurance, and the same is the maternity allowance and the extension of maternity leave and parental leave.

Regarding the allowance for single childbirth, Beijing, Shanghai, Shandong and other places are no longer bound to marriage certificates, and the answers in online searches and legal consultations are that the policies of different regions are different. At present, the online view on the liberalization of insurance and allowances for single births is more optimistic, or it will become an overall trend.

In addition, the National Health Insurance Administration (NHSA) emphasized in the answer to the maternity insurance policy issued on December 12, 2024 that "employers should enroll employees in maternity insurance, regardless of gender. "But if the husband is covered by maternity insurance and the wife is not (e.g., the wife is farming or freelancing), the family does not receive maternity allowance from the husband's maternity insurance, and in many provinces and cities it is not even reimbursed for maternity medical expenses.

(iii) Preferential policy for buying and renting

The "Guiding Opinions" of 17 departments stipulate: (11) Accurately implement the preferential policy for buying and renting houses. Housing policies are skewed in favour of families with many children.

The subsidy policy for housing purchase in Luzhou City, Sichuan Province, has time and regional land restrictions, and is subsidized by developers. It's more like doing a promotion. The Municipal Health Commission jointly issued a document saying that two-child or three-child families will receive a subsidy of 800 yuan per square meter for buying a house this year.

The housing purchase subsidy in Zibo area, Shandong Province, is subsidized by the Municipal Finance Bureau, and there are time and regional restrictions. Regarding the implementation plan for providing housing purchase subsidies to families who meet the national two-child and three-child birth policies - housing security - open government affairs - The Construction Bureau of the Economic Development Zone takes care of multi-child families through preferential policies such as renting low-rent housing and public rental housing.

Shanghai provides housing policies through preferential policies for multi-child loans and an increase in the amount of provident fund loans. For example, for multi-child families, if certain conditions are met (such as selling the house, the birth of a second child, etc.), the second home loan interest rate can be converted to the first home loan interest rate. For families with many children who buy their first home, the maximum loan amount of the provident fund will be increased by 20% on the basis of the maximum loan amount in the city.

Article 32 of the Hebei Provincial Regulations on Population and Family Planning stipulates that when allocating public rental housing, the people's governments at or above the county level may, in accordance with the number of

minor children, give appropriate consideration to families with minor children who meet the local housing security conditions. People's governments at or above the county level may study and formulate differentiated preferential policies for leasing and purchasing housing on the basis of the family's burden of raising minor children.

On October 15, 2024, Chengdu introduced a new policy for buying a house and settling down, and families with two children or more will be recognized as their first home when they buy a new house, so as to enjoy the preferential policy of the first home loan. In terms of increasing the maximum loan amount, the maximum loan amount for single depositors will be increased from 400,000 yuan to 600,000 yuan, and the maximum loan amount for double depositors will be increased from 800,000 yuan to 1 million yuan. At the same time, for families with many children and "trade-in" house purchases, the loan amount will be increased by 20%, up to 1.2 million yuan.

Paragraph 3 of Article 17 of the Hunan Provincial Regulations on Population and Family Planning stipulates that when allocating public rental housing, families with minor children who meet the local housing security conditions shall be given appropriate consideration in terms of household type selection according to the number of minor children;

(iv) Job security

The "Guiding Opinions" of the 17 ministries stipulates: (18) Earnestly safeguard the legitimate rights and interests of labor and employment. Promote the improvement of institutional mechanisms to promote women's employment, and strengthen vocational skills training for female workers, especially women who have given birth and re-employed. Continue to carry out interviews on gender discrimination in employment, and investigate and punish violations in accordance with the law. The provincial maternity regulations have also made corresponding provisions: to provide public services for employment training for women whose employment has been interrupted due to childbirth, to protect the legitimate rights and interests of women's employment, to encourage employers to determine flexible leave and flexible working methods that are conducive to taking care of infants and young children, and to balance the work and family relations of employees.

However, employment discrimination against women of childbearing age and pregnant women remains widespread. According to the 2024 China Women's Workplace Status Survey Report, 48.8% of the women surveyed said that they had been asked about marriage and childbirth during the job search process¹². According to other survey data, 61% of women are asked about marriage and childbirth when applying for jobs. The report also shows that giving birth to a child in China can cause a drop in wages by about 7 percent, and the negative impact will increase as the number of children born increases¹³.

We conducted semi-open-ended interviews with an online community, conducted one-on-one questionnaires with eight small business owners through convenience sampling, and conducted offline interviews with a neighborhood

¹² "Zhaopin's 2024 Survey Report on the Current Situation of Women's Workplaces in China".

¹³ "Special Report: Half the Sky in the New Era: The Current Situation and Prospects of Gender Equality in the Chinese Workplace", McKinsey & Company, Greater China, August 2023

committee staff member who had a second child. Through these interviews and surveys, we learned:

a) The Labor Law and the Law on the Protection of Rights and Interests of Women stipulate that women cannot be discriminated against and their rights to work and employment are guaranteed, but in fact the job market will follow some hidden rules. For example, women who have two or more children have little room for promotion in the workplace.

b) The employment status of several families with three children we collected is as follows:

The wife is a civil servant, and the husband works in a state-owned enterprise.

The wife's occupation is unknown, and the husband is a civil servant.

The wife is a university teacher and the husband is starting a business.

The wife works in finance, travels frequently, and the elderly help take care of the children.

Both husband and wife work in sales and live in villas.

The wife's occupation is unknown, and the husband's annual income is one million yuan.

The wife takes care of the baby by herself and does business part-time.

The wife takes care of the baby by herself and does a small business.

The wife is a mother and baby blogger, and the husband's occupation is unknown.

Looking at the above households, the occupations can be summarized as: civil servants, teachers, high-income occupations, or flexible employment.

c) The owners of small and medium-sized enterprises who passed the random survey through our network came from Beijing, Shanghai, Hebei, Guangxi, Fujian and other places, and 9 answers were collected.

Three of the business owners said they did not exclude women who had multiple births. One of them is in the power industry, and the majority of employees are men. A company is because employees do not have a basic salary, only commissions, and the remuneration paid to employees is completely based on performance, and does not care about women's maternity leave.

The three companies chose to ostensibly support the employment rights of women of childbearing age, but in practice they would reduce the recruitment of female employees.

Another business owner directly said that in the past, female employees would be hired less because multiple births would hurt the company's profit. The other two business owners directly said that they would reduce the recruitment of female employees who are likely to have multiple children.

d) During the interview, we learned that if a civil servant in a certain area of southern Hunan Province is a three-child family, his husband will be given priority for promotion.

(v) Maternity leave

According to the Special Provisions on Labor Protection for Female Employees formulated by the State Council, maternity leave for female employees is 98 days. Compared with the "comprehensive two-child" period, most of the family planning regulations revised in many places after 2021 have further extended maternity leave, mostly by 60 days. Zhejiang has also made provisions on the classification of maternity leave periods, clarifying that the maternity leave for the first child is extended by 60 days, and the maternity leave for the second and third children is extended by 90 days.

There is also some controversy regarding maternity leave.

First, if a female employee's maternity leave is much longer than the paternity/nursing leave of the man, will it make employers more reluctant to hire women of childbearing age? In the "Hunan Provincial Population and Family Planning Regulations (Draft Amendment)" released for public comment in 2021, it is mentioned in the column "Basis and Reasons for Amendment" that excessive holidays may affect women's employment, and in the long run, it is not conducive to safeguarding and developing women's rights and interests.

Second, there are obvious industry differences in the implementation of maternity leave. Cui Shuyi, director of the Population Research Institute of the Shandong Academy of Social Sciences, said: "Judging from past experience, similar policies will be better implemented in government agencies, institutions and state-owned enterprises, which¹⁴ is a major practical benefit to women employed in the system." "Not necessarily for other types of businesses. For example, some Zhengzhou residents said that the government's regulations such as "10 days of parental leave for each husband and wife each year until the child reaches the age of three" and "maternity leave for female employees can be applied for up to one year" are difficult to implement due to the lack of practical procedures¹⁵.

(vi) Paternity leave

According to the Population and Family Planning Law of the People's Republic of China, local governments may formulate supporting measures such as parental leave and paternity leave in light of the actual situation. According to the regulations of various provinces, municipalities and autonomous regions, the paternity leave for men is generally from 15 to 25 days, and there are also 7 or 30 days. For example:

a) Article 27 of the Regulations of Jiangsu Province on Population and Family Planning stipulates that couples who give birth to children in accordance with the provisions of these Regulations shall be entitled to 15 days of nursing leave.

b) Article 30 of the Regulations on Population and Family Planning of Zhejiang Province stipulates that couples who give birth to children in accordance with the provisions of laws and regulations shall enjoy 15 days of nursing leave, and wages, bonuses and other benefits shall be paid accordingly.

¹⁴ The personnel of the national administrative establishment, the establishment of public institutions, and the establishment of enterprises owned by the whole people are collectively referred to as the personnel on the staff, the staff within the staff or the system (Wikipedia).

¹⁵ "Three-child subsidy "unable to apply"? Zhengzhou Municipal Health Commission Response", Henan Business Daily, November 22, 2023

c) Article 18 of the Beijing Municipal Population and Family Planning Regulations stipulates that the spouse of a female employee is entitled to 15 days of paternity leave.

The above regulations stipulate that leave due to childbirth does not affect promotions, salary adjustments, and the calculation of length of service. However, these are only possible in those units that have a clear promotion process, salary standards and a method of calculating seniority. It also requires the employer to have a friendly and responsible attitude towards it. In the interview, we learned that a male employee of a public institution in Beijing was deducted from his attendance bonus for taking maternity leave.

Furthermore, has the man's paternity leave entered the family? According to our interviews with women on the three-child policy, some units do not actually implement male leave. Some units complied, but men chose to continue to work. There are also men who are on maternity leave but do not stay home to assist their wives in childcare responsibilities.

In an interview, a woman working for a foreign company in Shanghai asked:

"Paternity leave is now almost symbolic and simply not enough for the husband to take on the responsibility of companionship." She said that her husband's work-related time is limited to return home, and this serious life-work imbalance is also the reason why she is afraid to have children now. "If fathers are also involved in the early child-rearing process, the pressure on women is much less. However, since the existence of our labor laws is already a non-existent entity, even if the government increases maternity leave for men, how can it ensure the standards and norms in the implementation process? There will be companies that don't comply, and there will be employees who choose to avoid family responsibilities. "

(2) Policies that remain to be seen and may be problematic

(i) So far, local governments at all levels have introduced policies to encourage and support childbirth, and there is little mention of subsidies and leave for women who are unemployed or not covered by maternity insurance.

In October 2024, the General Office of the State Council issued the "Several Measures on Accelerating the Improvement of the Childbirth Support Policy System and Promoting the Construction of a Childbirth-Friendly Society", which requires "guiding qualified localities to include flexible employees, migrant workers, and new forms of employment who participate in the basic medical insurance for employees into maternity insurance." Do a good job in ensuring the treatment of maternity medical expenses for unemployed persons. "

But how will governments at all levels implement these measures? Further attention is required.

(ii) The Civil Code of the People's Republic of China, which came into effect on 1 January 2021, does not mention that "both husband and wife have the obligation to practice family planning" in the original Marriage Law, but the regulations of some provinces and municipalities still retain this provision, which is consistent with the Population and Family Planning Law of the People's Republic of China as amended in 2021.

The current interpretation of "obligation" should mean avoiding more than "three children". However, will it be interpreted by some local governments in the future as "the obligation to plan and have children"? Leave it to see later.

(iii) Will restricting abortion and the sale of abortion drugs limit reproductive freedom?

a) In 2018, the Jiangxi Provincial Health and Family Planning Commission issued the "Notice on Carrying out Special Supervision and Inspection of Family Planning and Maternal and Child Health Care Technology in the Province", which stipulates that for the termination of pregnancy after more than 14 weeks of pregnancy and medical needs, a medical diagnosis certificate signed by more than 3 medical personnel is required; Non-medical needs to terminate pregnancy, provide family planning certificates, etc¹⁶.

According to the Jiangxi Provincial Health and Family Planning Commission, the move is to prevent abortion from being chosen because of the sex of the fetus, with the aim of controlling the sex ratio of the birth population and protecting the right to life of girls. However, China's sex ratio began in 1982 and has risen rapidly since then, apparently as a result of the "one-child" policy. After the comprehensive two-child policy, the main cause of the abnormal sex ratio at birth has disappeared. Some studies have found that since 2010, with the gradual relaxation of fertility policies, the decline of fertility intentions and the weakening of male preferences, sex-selective abortions in China have generally¹⁷ decreased. The Jiangxi Provincial Health and Family Planning Commission's explanation is difficult to hold.

Termination of pregnancy should be a matter of personal discretion. Pregnancies over 14 weeks are still within the safe abortion window, and women have the right to terminate their pregnancies for non-medical reasons (e.g., financial hardship, changes in marital status, etc.). Whatever the reason, does the government's raising of the threshold for legal termination of pregnancy limit women's reproductive autonomy? Will women be forced to undergo abortions, leading to increased health risks? In particular, will it have a greater negative impact on rural, low-income women, and unmarried women?

On August 16, 2022, the "Guiding Opinions" of 17 departments also included the content of "reducing non-medically necessary abortions": "In order to strengthen reproductive health publicity, education and services, prevent unintended pregnancies, and reduce non-medically necessary abortions." "

Depending on the context, it can be understood as the reduction of non-medically necessary abortions by preventing unintended pregnancies. What we are concerned about is whether policy implementers will take things out of context and increase the restrictions and thresholds for abortion.

b) On November 30, 2022, China's National Medical Products Administration (NMPA) issued a list of prohibited online sales of drugs, which includes five drugs commonly used to induce labor.

¹⁶ "Jiangxi Provincial Health and Family Planning Commission: Abortion of more than 14 weeks of pregnancy requires a certificate", Jiangnan Metropolis Daily, June 21, 2018

¹⁷ New Trends in Sex-Selective Abortion in China, Population and Society, 2021.01

Will this move be to implement the above-mentioned requirements of the Guiding Opinions of the 17 departments? Even if this is not the case, the practical effect is to raise the threshold for obtaining abortion medication to induce abortion.

3. Extreme and excessive tendencies in policy implementation

(1) The grassroots "spawn" unscrupulous means are emerging

According to a report by the well-known media "Caixin" on October 24, 2024, netizens in many places posted on social media, saying that they received calls from community workers asking about personal birth plans. Personal privacy issues were directly and repeatedly asked, and many netizens felt uncomfortable about this, and questioned the purpose of the community's move to promote childbirth, "Is it now the state that wants you to give birth?" "

According to Caixin, this phenomenon should be part of the measures implemented by population dynamics monitoring and fertility services. However, a few years ago, he was still asking for Shanghuan, forced abortion, and "only having one", but now he is concerned about the personal privacy of residents and plans to have children, which is so large that it is difficult for netizens to accept.

According to the screenshots of online speeches collected by NetEase netizens, this phenomenon is by no means an isolated case¹⁸.

(i) Jiangsu ID netizen: I have encountered, the neighborhood committee in my hometown calls at least once a month, and it is very offensive when I get connected, I just got married and asked me if I was pregnant.

(ii) Zhejiang netizens: I was unmarried and I also received it, I said that I refused to answer, and asked me when I planned to get married, when I would give birth, and go to get folic acid or something, and told me that the policy of community health centers was popular.

(iii) Sichuan netizens: It seems that we will call you after the marriage examination to ask if you have any plans to get pregnant. But what I received was quite normal, because I said no, and the other party said that you should pay attention to contraception. The one my friend received was not normal, and she asked her, "Why don't you want to give birth?" "

(iv) Sichuan netizens: 30+ people who are not married ask me when I will get married and whether I have any plans to have a baby. I replied that I would not marry or have children, and the other party said that I still had to have a view of the overall situation, and I wanted to get married and have children to respond to the call.

(v) There are also Shandong netizens who reported that they received a text message from the Shandong Fertility Assessment Center, informing them that the subsidy for women who are preparing for pregnancy has been issued this year, "Women who can't get pregnant go back to 1, apply for a pregnancy test subsidy back to 2, and understand back to 3".

¹⁸ New Mission? A large number of women revealed that they received a call from the street office to urge birth, and they came up and asked what the menstrual number was", NetEase self-media platform "NetEase", October 21, 2024

(2) Party members and cadres take the lead in having more children?

On July 20, 2024, Jiemian News reported two examples of calling on party members and cadres to take the lead in having more children¹⁹.

In November 2023, when the Lukou Community of Yuetang District, Xiangtan City, carried out the publicity work of the "comprehensive three-child" policy, it called on "Party members and cadres to publicize and guide, take the lead in implementation, and consciously implement the country's optimized birth policy, and make positive contributions to promoting the long-term balanced development of the population." ”

In July 2024, a proposed population policy document in Quanzhou, Fujian Province, mentioned that "party members and cadres, cadres of organs at all levels, state-owned enterprises, and public institutions should take the lead in implementing the three-child policy." Although the Quanzhou Municipal Health Commission claims that the report is still in the stage of internal consultation, it still raises concerns about "disguised forced" births.

(3) Fewer services for ligation surgery

According to a report by "Duan Media" on November 10, 2021, a man in Shandong called the urology department of a tertiary hospital in Shandong Province to make an appointment for male ligation surgery, and was told on the phone that the state would not allow him to do it. After being rejected, he went to several other hospitals and got a unanimous reply of "no", until he successfully found a second-class hospital in the field.

The Washington Post reported on December 9, 2021, that a 30-year-old man surnamed Jiang in Fujian Province was rejected by six hospitals in his hometown in order to have a ligation. In desperation, he ran to Chengdu, Sichuan Province, nearly 2,000 kilometers away from his hometown, to be successfully sterilized. The Washington Post checked public hospitals in Shanghai, Beijing and Guangzhou, and 12 said they no longer offered the procedure, while six said they were still performing it.

In April 2023, the deputy chief physician of the Department of Urology of a tertiary hospital in Zhengzhou, Henan Province, also mentioned in response to questions from netizens, "Even if you are willing to do ligation surgery, the hospital will not do it for you." Due to the relaxation of the family planning policy, hospitals have stopped performing ligation". (See image below).

¹⁹ "Fujian Quanzhou calls on party members and cadres to have three children? Quanzhou Municipal Health Commission Response", Jiemian News, July 20, 2024



(4) Fertility fund?

On August 14, 2024, Xinhua Daily, the newspaper of the Jiangsu Provincial Committee of the Communist Party of China, published a signed article by Liu Zhibiao and Zhang Ye of the Yangtze River Institute of Industrial Economics of Nanjing University, suggesting the establishment of a fertility fund system. The article suggests that citizens under the age of 40 should pay a certain percentage of their wages to the maternity fund every year, and families with two or more children can apply to withdraw and receive the maternity subsidy, and those who have not given birth to two children can only withdraw the account funds when they retire.

All people under the age of 40 pay contributions, which is contrary to the principle of individual reproductive freedom. However, "citizens who have not given birth to a second child can only take it out until retirement", which is equivalent to an economic punishment for "those who do not have children or have fewer children", and turns the right to have children into an obligation.

(5) Exaggeration and excessive publicity

After the implementation of the three-child policy, exaggerated slogans and slogans to promote the three-child policy appeared in some places, such as: "If you want to live a well-off life, the third child is stronger than the second child", "Build a better family, start with 'having three children'", "Three children are good, and the state does not need to provide for the elderly".

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Some local governments have launched offline activities to promote the birth of three children, such as:

On January 15, 2025, the Nanning Jinyang Community Family Planning Association launched an on-site publicity activity for the "three-child" birth policy.

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On November 24, 2024, the Sichuan Provincial Family Planning Association hosted a childbirth-friendly theme publicity event at Wanda Plaza in Jinjiang District, with more than 300 people participating in the event.

In October 2024, Nalong Town, Yangdong District, Yangjiang City, Guangdong Province, launched a publicity campaign for the full implementation of the three-child policy.

On September 4, 2024, Honggutan District, Nanchang City, launched a publicity service activity with the theme of "Paying Attention to Reproductive Health and Promoting High-quality Development of the Population" to publicize the three-child policy.

On June 21, 2024, Taichang Town, Ningxian County, Qingyang, Gansu Province, carried out activities to comprehensively publicize the "three-child" policy and promote balanced population development.

While stepping up positive publicity and momentum for the "three-child" policy, the government has also begun to suppress and suppress dissenting voices.

On January 19, 2025, the Cyberspace Administration of the Central Committee of the Communist Party of China launched the "Clear and Clear 2025 Spring Festival Internet Environment Rectification" special action, which focuses on rectifying six problems, and the first problem includes "deliberately exaggerating and advocating topics such as non-marriage and infertility, anti-marriage and anti-childbearing". It is foreseeable that in the future, comments questioning the marriage system and the three-child policy on the Internet will face severe scrutiny, and the discussion on marriage and childbirth will become more and more "one-sided".

The government's strong public opinion has brought pressure and disgust to many women, especially women who have no desire to have children or are unwilling to have a second or third child, and they report that their husbands and in-laws will use the government's propaganda to brainwash themselves, and use both soft and hard measures to let themselves cooperate with their husbands to get pregnant and give birth.

In our interview, a female interviewee from Henan Province mentioned that she was under pressure to get pregnant, and that the family's patriarchal perception made her very distressed and resisted childbearing. The concept of "more children and more blessings" is still deeply ingrained in traditional Chinese culture, and the prejudice of "preference for sons over daughters" puts women under more pressure when it comes to childbearing. And her best friend gave birth again in order to give birth to a boy, and sighed after giving birth to her second child: "The task of having a child in my life has finally been completed." Such a concept of childbearing not only deprives women of their autonomy over their bodies, but also forces them to make choices against their will in front of society and their families.

A woman from Tianjin observed that many families with two children are not rationally considered, but are encouraged by policies or social trends, and end up relying on the elderly to take care of the children, leading to tensions between husband and wife. She believes that childbearing decisions should be based on rational judgment, especially in terms of economic status, psychological state, housing and educational resources.

Chapter IV: Chinese people's fertility intentions and attitudes

1. The overall fertility intention is low

According to a survey based on 2,318 valid questionnaires, only 6.95% of the surveyed public chose "three" (having three children), considering that there is a "discount" for the conversion of fertility intentions into actual fertility actions, so there will actually be fewer children with three children, indicating that the vast majority of families do not resonate with the government's three-child policy.

In August 2024, Sichuan Provincial Situation magazine published the "Mianyang School-age Population Fertility Willingness Survey Report" written by the Mianyang Municipal Bureau of Statistics. The survey results show that 46.2% are willing to have one child, 40.3% are willing to have two children, and only 2.9% are willing to have three or more children.

In September 2024, under the guidance of the Ningbo Women's Federation, the Ningbo Women's Activity Center launched the 2024 Ningbo Childbearing Group Marriage and Childbearing Concept Survey Activity, which found that 38% of the respondents planned to have only one child, 22% of the respondents were willing to have two children, and 3% of those who chose three children and the more the merrier, which was much lower than the willingness of one child and two children²⁰.

2. Women's willingness to have three children is lower than that of men

Existing fertility surveys and studies have shown that women have a lower desire to have three children than men.

Some scholars used the data of the 2021 "Hubei Hundred Counties Fertility Survey" to show that men's willingness to have a second child was 32.36 percentage points higher than that of women, and the willingness to have a third child was 76.56 percentage points higher²¹.

According to the 2024 "Mianyang School-age Population Fertility Willingness Survey Report" mentioned above, women's willingness to have one child is 47.3%, slightly higher than that of men, but the willingness to have two or three children is lower than that of men.

Other studies have also generally shown that women have a higher opportunity cost in childbearing than men, thus showing lower fertility intentions (Qing Shisong and Jiang Yushan, 2022, Wang Jiwen, 2018, Zhang et al., 2016).

It can be seen through various policies to encourage and support childbirth that all policies are aimed at the redevelopment and excavation of this labor force produced by women, and by increasing the intensity and extension of women's

²⁰ "A new round of fertility willingness survey report released in many places: what are the pain points? Are the current policies working? Pengbai News, November 2, 2024

²¹ Research on Fertility Intention from the Perspective of Gender, Finance and Trade Research, No. 6, 2023

reproductive labor force, and then giving them subsidies and incentives through social publicity, the birth subsidies obtained by women belong to the common wealth of the family, and basically all the burden of childbirth is borne by women.

For the other half of marriages, paternity/parental leave is increased for men, but it is undoubtedly a drop in the bucket for long periods of pregnancy, childbirth and parenting, and it is difficult to implement at the implementation level. As a result, there has been little change in men's responsibilities in childbirth and parenting (see the previous interview and discussion of "paternity leave"). In recent years, the Internet buzzword "widowed parenting" refers to the phenomenon of the absence of fathers in the child-rearing process.

3. The main factors affecting fertility intention

The United Nations Population Fund (UNFPA)'s 2019 working paper, *Low Fertility: An Overview of Determinants*, explores three broad dimensions of social, cultural and economic determinants:

First, the change in perception and the second demographic shift. These include the rejection of institutional control, the self-actualization of the individual, and the emphasis on the importance of lifestyle and individual freedom. In our research, we also found that the new generation of young people in China is becoming more and more open and diverse, no longer taking the traditional family form as the goal of life pursuit, and abandoning the traditional concept of "passing on the family lineage", and some young people even shouted "we are the last generation". Some young people choose to "lie flat", that is, to maintain a minimum standard of survival, reject excessive competition and social expectations, and pursue personal freedom and individualized lifestyle.

Second, economic constraints, including labor market uncertainty and the direct costs of parenting.

Thirdly, there are constraints that affect women's ability to reconcile paid work and childbearing, namely gender (inefficiency) in the family sphere, workplace conditions and the provision of childcare services.

According to the survey of "Social Blue Book: Analysis and Forecast of China's Social Situation in 2022", income pressure (58.07%) is the primary factor for the childbearing age group to "not want to have children" and "dare not give birth", with lack of time and energy (50.30%) and education cost (49.40%) ranking second and third. 36.75% of people said that it is better to enjoy themselves than to become "child slaves", among them, women (49.60%) agree with this statement by nearly 20 percentage points higher than men (29.26%).

According to the 2022 Zhejiang Provincial Department of Education scientific research project survey of 700 families of childbearing age in a city in the province, it was found that economic cost, time and energy, infant care and other factors have become important factors to inhibit fertility intention. The better the career prospects, the more women are worried about fertility²².

²² Research on the Impact of Inclusive Fertility Support Policy on Fertility Intention under the Three-Child New Deal, *Western Academic Journal*, No. 22, 2024

In line with the above surveys and research, we have conducted telephone and online surveys to show that families with a lower income pressure and above are more likely to have more children, and more are full-time mothers or are more likely to be flexibly employed. In third- and fourth-tier cities, women are more likely to have more children if they have a stable job and a generally well-off family.

In addition, in our interviews, many interviewees mentioned that the current maternity medical services are centered on economic interests and children, rather than women who are pregnant and give birth, which also makes many women who have had experience of having one child afraid of second and third children.

Lan Lan (pseudonym) from Beijing went to the nearest tertiary hospital to set up a file after she became pregnant, but was told that "the quota is full" and she needs to go through the back door or send a red envelope to set up a file. When she went to the hospital in the early hours of the morning, she was told that there was no anesthesiologist on duty and waited until the morning, and then she was refused a painless delivery.

Yang Zi (pseudonym) from Xinyang, Henan Province, due to abnormal fetal induction, the hospital asked him to go downstairs to pay the fee by himself, went to the payment hall alone in severe pain, and finally gave birth to the fetus in the hall on the first floor of the hospital.

Meng Meng (not her real name) from Shandong Province has observed that the "baby-friendly policy" has led hospitals to focus more on infant health than on the needs of mothers. For example, "baby-friendly hospitals" strictly promote breastfeeding, and there is a lack of support for mothers who do not have breast milk.

Chapter V: The Influence of the Marriage System on Fertility Policy

On February 8, 2025, the "Civil Affairs Statistics for the Fourth Quarter of 2024" released on the official website of the Ministry of Civil Affairs showed that the number of marriage registrations nationwide in 2024 will be 6.106 million and the number of divorce registrations will be 2.621 million. Nationwide, the number of marriage registrations decreased by about 20.5% compared with the previous year; The number of divorce registrations increased by about 1.1 per cent.

Different from Europe and the United States, China's proportion of non-marital births is low, so childbirth is closely related to marriage and family relations, and the marriage system itself is an important part of the fertility policy.

The distribution of rights and responsibilities in marriage and childbearing relations will also determine the influence of the attitudes and wishes of both men and women towards childbearing. According to the Blue Book of Social Mentality released by the Institute of Psychology of the Chinese Academy of Social Sciences at the end of 2019, there are significant differences between Chinese men and women in terms of marital satisfaction, and women's satisfaction is lower than that of men. The lower a woman's satisfaction with her marriage, the less likely she is to decide to have children in marriage. There are many factors that determine marital satisfaction, and the following factors belong to the institutional and policy level:

1. According to the Civil Code of the People's Republic of China and its relevant judicial interpretations, the immovable property purchased by one party before the marriage shall be registered in his or her own name and shall be owned by the purchaser at the time of divorce. If the property rights are registered in the name of the child and the gift is expressly given to the child, the real estate is the personal property of the recipient. After marriage, the loan is repaid with the joint property of the husband and wife, but the property is registered in the name of one of the parties, and in the event of divorce, it belongs to the registered party. Property that is determined in a will or gift contract to belong to only one party is personal property.

Given that newlyweds usually buy a house at the expense of the man or his family and are registered in the man's name, and that many young couples repay the loan jointly after marriage, these provisions weaken the economic security of women in marriage, make women more vulnerable in marriage, and reduce trust and satisfaction in marriage.

2. From January 1, 2021, the "divorce cooling-off period" system was officially implemented, stipulating that couples applying for divorce by mutual agreement must go through a 30-day cooling-off period, during which if either party repents or does not go to the registration authority, the divorce application will be revoked.

The "cooling-off period for divorce" is a clear violation of the freedom to marry. Moreover, according to existing studies and surveys, the "divorce cooling-off period" system has a negative impact on people's willingness to marry in many ways. According to a survey, 53% of unmarried people will be affected by the "divorce cooling-off period" system when making a marriage decision, which is likely to make young people of marriageable age "fear of marriage" to a certain extent²³.

3. China's refusal to recognize same-sex marriage has led to legal, social, economic, cultural and other obstacles and discrimination against homosexuals, and the desire to have children has been suppressed.

Chapter VI: A Comparative Study of Foreign Fertility Policies

Many countries have had or are implementing birth policies, and some countries were even very extreme in the early days.

1. Extremes give birth to typical policies

From 1966 to the end of 1989, the Romanian population experienced what has been described as the most extreme of the birth policies. In addition to incentives such as cash grants, tax breaks, housing support, education benefits, etc. The Ceausescu regime lowered the age of marriage to 15 and banned divorce. The notorious 770 decree stipulates that ²⁴abortion is completely illegal except in the following cases: women over the age of 45, women have given birth to four children, women suffer

²³ "Practical Review and Improvement Analysis of the Divorce Cooling-off Period System", Wang Yang, Liu Hongbao, Lu Jizhuang, School of Law, Southwest University for Nationalities, November 28, 2024

²⁴ Decree No. 770, Wikipedia

from life-threatening diseases, women experience sexual violence, and consanguineous births.

With the exception of the prohibition of abortion, all contraceptive measures are illegal. Women of childbearing age are required to go to the hospital every month for a gynecological examination, and the government also sends "menstrual police" to the hospital to supervise them, and severely punish women who are found to be contraceptive and medical personnel who perform abortions.

In addition, some couples are unable to have children due to physical reasons, and they are considered "unable to contribute to the country", so they have to pay huge fines, which will almost empty the foundation of an ordinary family.

The government also restricted women's access to higher education and encouraged them to marry and have children at an early age. Policies will guide women to take up more housewife roles and reduce the proportion of women in the workplace.

Given that the Chinese government has been implementing an extreme one-child policy for three decades since the 1980s, will the Chinese government move from one extreme to the other? Will there be a "birth" policy similar to that of Romania? This is something to be wary of.

2. The mainstream "birth" measures of the modern state

Most modern countries in Europe, the United States and East Asia have encouraged childbirth policies from several aspects, such as financial subsidies, tax exemptions or preferential treatments, sharing childcare care, maternity leave, and ensuring women's employment.

The German government has introduced more than 150 marriage and family support measures to improve the fertility environment in three aspects: financial subsidies, parental leave and childcare conditions²⁵.

(1) Financial support: 1) Child allowance of 219-250 euros per month depending on the number of children, up to 25 years of age (in the case of education). Low-income families can apply for additional grants (up to 209 euros/month) and educational assistance. 2) Child allowance of 8,388 euros per child (parents filing jointly). 3) Basic allowance for parents, who take care of their children after the birth of their children, can receive a subsidy equivalent to 65% of their net income before childbirth (300-1800 euros/month) for a maximum of 14 months. 4) Parental allowance+, if the parent is in part-time work, the amount of time can be doubled, but the amount is halved. 5) Partner bonus, if both parents work 25-30 hours per week, they can each receive an additional 4 months of allowance.

(2) Parental leave: 1) Each parent can take leave for 3 years before the child reaches the age of 3, during which they are entitled to job security and can choose to work part-time (up to 30 hours/week). 2) It can be deferred for up to 24 months and can be used between the age of 3-8 years.

²⁵ Family Policy Measures to Encourage Childbearing in Germany, March 20, 2022, Zheng Chunrong, Director of the Institute of German Studies, Tongji University

(3) Child care support: 1) Children over the age of 1 can apply for government-funded nursery or day care. 2) Nursery + plans to extend their opening hours to help parents balance work and childcare. 3) Full-time care for primary school students, and the government continues to increase training and recruitment support for preschool educators.

According to the United Nations Population Fund (UNFPA) working paper published in 2019, *Policies to Combat Low Fertility: How Effective Are They Effective?* The characteristics of French policy include:

Financial support: Provide generous family allowances and tax incentives to ease the financial burden of raising children for families. **Childcare Services:** Widely available high-quality, affordable childcare to support parents in balancing work and family responsibilities. **Work-life balance:** Implement paid parental leave and flexible working arrangements to promote labour force participation of parents, especially women.

Sweden's family policy is centred on the promotion of gender equality, and its policy to encourage childbearing has been effective. Sweden's total fertility rate rose from 1.54 in 2000 to 1.90 in 2015. Key measures include:

Paid parental leave: Paid parental leave is provided to both parents, and "paternity quotas" are established to encourage men to participate in childcare. **Child care:** Providing universal and high-quality child care, with fees adjusted based on family income. **Work flexibility:** Implement flexible working schedules to support parents in balancing work and family.

In response to the low fertility rate, South Korea has adopted a number of policy measures, such as: economic incentives, providing maternity and childcare allowances; childcare support and expanding the provision of childcare services; Work-life balance with paid parental leave and flexible working arrangements. However, these measures have only led to an occasional rebound in the country's fertility rate, but have not stopped the continued downward trend, making it the country with the lowest fertility rate in the world.

Since the 90s of the 20th century, the Japanese government has successively introduced a series of policies²⁶. The first is to build a social environment suitable for parents to raise children together, and realize the free education of childcare and higher education. Second, we should pay attention to the employment policy of women, and strive to ensure that the employment rate of women aged 25-44 is increased and the quality of childcare work is improved. However, Japan's birth rate has been declining for nine consecutive years until 2024.

In 2007, Russia launched the Mother's Fund program²⁷, which provides state subsidies to families who give birth to or adopt a second or more children, which can be used to repay mortgages, build houses, educate children, and save for parents' pensions. Since 2013, the vast majority of federal entities have also launched local mothers' funds. In addition, local governments have reduced personal income tax for parents of new children. A series of policies have raised the country's total fertility

²⁶ "The Social Impact, Policy Evolution and Enlightenment of Japan's Low Birthrate and Aging", Shi Tiantian, *Jiangxi Social Sciences*, No. 8, 2020

²⁷ *Thirty Years of Russian Independence: The Demographic Crisis Follows You*, Wang Xiaojun, *Russia, Eastern Europe and Central Asia*, No. 5, 2020

rate from 1.3 in 2006 to 1.8 in 2015. From 2016 onwards, there was another downward trend.

Chapter VII: Discoveries and Reflections on the New Deal for Three Children

1. New problems and potential hidden dangers

Through the investigation and analysis of the three-child policy and its local implementation, we have found some phenomena and potential hidden dangers that need special attention, which are not only related to the effect of policy implementation, but also related to the impact on individual rights:

(1) Women's reproductive autonomy is improperly restricted

(i) The Government has failed to fully respect women's reproductive autonomy in the process of formulating policies to promote childbirth. For example, policies restricting male sterilization have indirectly increased the risk of unintended pregnancies and reduced contraceptive options for women.

(ii) Controls on abortion and contraception, as well as the implementation of the prohibition on termination of pregnancy for non-medical, non-family planning policy reasons, interfere with women's right to bodily autonomy.

(iii) The reproductive rights of single women are not fully guaranteed.

In recent years, through public interest litigation and policy advocacy by single mothers and non-governmental public interest groups, single mothers can already receive maternity²⁸ allowances. In addition, restrictions on home purchases for non-married people and single-person families have begun to be relaxed in some places²⁹. All of these contribute to the realization of the reproductive rights of single women. However, there are still many restrictions on the reproductive rights of single women. Single women need to use egg freezing, artificial insemination, in vitro fertilization and other assisted reproductive technologies to give birth, but China's assisted reproductive technology is mainly for married couples with fertility disorders, the former Ministry of Health (now the National Health Commission) promulgated the "Human Assisted Reproductive Technology Management Measures" and "Human Assisted Reproductive Technology Specifications", which clearly prohibit the implementation of human assisted reproductive technology for single women. Single women's applications to use these technologies are often rejected by medical institutions, including heterosexual singles, divorced women, and LGBTI women who are gay. In August 2024, the media also widely reported that the egg freezing rights protection case initiated by Xu Zaozao (pseudonym), a single woman, was lost.

²⁸ On August 17, 2022, Liu Juan, deputy director of the Treatment and Security Department of the National Health Insurance Administration, said in response to reporters' questions that on the list of handling services, the materials required to enjoy the maternity allowance of maternity insurance do not need materials such as "marriage certificate".

²⁹ "Shanghai Loosens 7 Categories of Purchase Restrictions for Singles, Divorced, etc., with a Minimum Down Payment of Only 2 Percent", Economic Observer, May 27, 2024

(2) Women's privacy rights are violated

Driven by central policies, local governments may take radical measures in pursuit of fertility indicators, such as telephone tracking of women's menstruation and pregnancy. Although this practice is nominally "data collection", it has violated women's right to privacy and caused widespread public outrage.

In particular, in the era of "big data", people's physiological and medical information, marriage information, dating and cohabitation information are extremely easy to be tracked, leaked, and even resold on the black market by dating websites, insurance companies, medical institutions and pharmaceutical companies for precision marketing and even fraud. Excessive control of information by family planning departments can pose potential hidden dangers to women's privacy.

(3) The impact of the three-child policy on different groups is different

Due to more stable job security and easier implementation of maternity benefits, people in administrative units, public institutions and state-owned enterprises are more likely to accept birth promotion policies, but outside the system, due to hidden obstacles such as the difficulty in implementing paid maternity leave and the inability to secure jobs after maternity leave, some birth support policies cannot play a role.

For women outside the system who prefer children and want to have more children, this disparity exacerbates social injustices. The question of how to make birth support policies and welfare policies implemented outside the system is likely to become more and more prominent.

(4) Excessive publicity brings pressure and arouses disgust

The government's strong propaganda and public opinion guidance have strengthened the social value of having more children, but it has brought a psychological burden to women and families who are unwilling to have more children, and even caused women to suffer heavy emotional and moral pressure in the family. Judging from the statements of netizens on social media and our interviews, this kind of "spawning" propaganda has aroused strong antipathy among the people.

Soon after the introduction of the three-child policy, Xinhua News Agency, the official propaganda agency, launched a Weibo poll on the three-child policy - "Are you ready for the three-child policy?" However, more than 90% of the participants chose the option of "not considering it at all", and the resistance was so obvious that Xinhua had to delete the poll post. On the eve of the "Qixi Festival" in 2023, the Xi'an government department sent a "birth" text message to the people: "May you love sweetly, age-appropriate marriage and childbearing, eugenics, create fertility friendliness, continue the Chinese bloodline, and share the important task of rejuvenation!" sparked ridicule on social media: "It's a leek when you use it, and you talk about blood when you're raw." "Continue the bloodline of cattle and horses, and share the responsibility of leeks!"

(5) From "party members and cadres taking the lead" to national compulsion again?

The phenomenon of some localities trying to call on party members and cadres to take the lead in giving birth is worthy of vigilance. Forty years ago, China's "one-child" family planning practice of pressure and compulsion was gradually extended from calling on party members, cadres, state-owned enterprises, and public institutions to the whole people. We can't help but worry about whether the "three-

child" family planning policy will follow the same path towards universal compulsion? In the end, will the "three-child policy" be like the "one-child" policy of the year, from only forcing party members and cadres to forcing all citizens?

(6) Is the traditional multi-child group under double pressure?

Certain groups (e.g., rural areas, certain religious groups) have traditionally been more likely to be multi-child groups because of their cultural beliefs or beliefs. Will these women's reproductive autonomy be further squeezed under the dual role of policy and tradition? Further observation is needed.

2. Reflection: Increasing the fertility rate should not come at the expense of violating women's rights and interests

In recent years, the Chinese government has taken a series of measures to address the declining fertility rate. However, if China wants to increase its fertility rate, it must be based on respecting women's rights and interests and providing equitable opportunities for development.

(1) Violating women's rights for the purpose of increasing fertility is improper, immoral, and illegal

Childbearing is a woman's right, not a woman's obligation. Every woman should have the right to choose whether, when and how many children she wants.

In September 1994, the Chinese Government sent a delegation to attend the International Conference on Population and Development held in Cairo, Egypt. During the Conference, the Chinese Government had adopted the Programme of Action of the International Conference on Population and Development with 179 other countries and had committed itself to taking its principles into account in its national policies. According to the Programme of Action, "all couples and individuals have the fundamental right to decide freely and responsibly on the number, spacing and timing of their births, and to have information and methods to do so, as well as the right to achieve the highest attainable standards of sexual and reproductive health." It also includes the right of every human being to make reproductive decisions without discrimination, coercion and violence, as stated in human rights documents."

Article 16, paragraph 1, of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly states: "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and, in particular, shall ensure to them, on a basis of equality of men and women: (e) the same right to decide freely and responsibly on the number and spacing of their children".

Article 51 of the Law of the People's Republic of China on the Protection of Women's Rights and Interests stipulates: "Women have the right to have children in accordance with the relevant provisions of the State, and they also have the freedom not to have children."

Obviously, women have no obligation to the state to give birth, let alone be regarded as a "reproductive tool" of the state. When Governments seek to increase fertility rates through coercion or pressure, they violate women's rights and freedoms, in contravention of international law, international commitments and domestic law.

(2) "Inducing" through coercion or pressure, and the harm to women can be very serious

Restrictions on male sterilization, unreasonable control over abortion and contraception, and prohibition of termination of pregnancy for non-medical, non-family planning policy reasons will result in a large number of women becoming pregnant and giving birth before they are ready, undermining women's academic and career plans, as well as family wealth accumulation plans and children's education arrangements, and potentially forcing women to become unwed mothers and women to seek expensive and unsafe underground abortions.

(3) The low fertility rate is not so terrible

In recent years, some scholars and policymakers have argued that a low fertility rate will lead to a series of serious problems, such as labor shortages, economic recession, and reduced national competitiveness. However, this view ignores factors such as technological progress and economic restructuring. For example, Germany (1.53 fertility), Japan (1.26), and South Korea (0.72) have strong economies despite low birth rates. Israel has a population of just over 9 million, but its high-tech industry is world-famous. With a population of just over 8 million and Finland even more than 5 million, Switzerland still plays an important role in the global economy thanks to strong manufacturing and technological innovation.

In particular, China's current per capita GDP is several times behind the above-mentioned countries, and there is huge room for improvement. China can achieve high-quality economic development by increasing per capita productivity. Such a development strategy, if not in terms of effectiveness alone, is far more realistic than a development strategy to increase the population by depriving women of reproductive autonomy.

(4) To increase the fertility rate, expectations should not be too high

Global experience has shown that it is extremely difficult to increase fertility. Strategies to increase the population by increasing fertility will have very limited results and will not be a worthwhile goal.

Since 2006, the Korean government has invested more than \$200 billion in increasing the fertility rate, including childcare subsidies, extended parental leave, and encouraging women to return to the workforce. However, South Korea's total fertility rate fell from 1.13 in 2006 to 0.72 in 2023. Since the 1990s, the Japanese government has implemented policies to encourage childbirth, including free kindergartens, childcare allowances, and childcare support for companies. The fertility rate is still declining from 1.54 in 1990 to 1.26 in 2022. Even in high-welfare countries such as France and Sweden, where the government provides high childcare subsidies, shared parental leave for men and women, and free childcare services, the policy effect has been quite successful compared to most countries, and the fertility rate has always hovered between 1.5 and 1.9. In Romania, where the "forced birth" policy was implemented, Decree No. 770 of 1966 banned contraception and abortion, and the birth rate fell rapidly after a brief increase, becoming a typical example of a failed population policy.

In short, under the current cultural and technological background of human society, the policy of "giving birth" is unlikely to be successful, and the practice of violating women's rights and interests for the sake of giving birth is even more undesirable.

Chapter VIII: Recommendations on Fertility Policy

1. Principled recommendations

(1) In the process of formulating and implementing future fertility policies, the right of individual choice should be fully respected, and a balance should be struck between policy objectives and individual rights, so as to improve the quality of the construction of a childbirth-friendly society.

(2) Low fertility is a common problem faced by modern countries, and among the many factors that lead to low fertility, some are global factors that are the most difficult to reverse, such as the modernization of the concept of childbearing, the general postponement of the age of first marriage and childbearing, the controllability of women's pregnancy timing, and the plannability of the number of family births; Some are regional/cultural factors, which are less difficult to solve, such as the general "involution" (high expectation, high investment) of East Asian families for their children's education; Some of them are relatively easy factors that should be prioritized, such as cleaning up the historical legacy of the "one-child" policy, promoting gender equality in the workplace and men's childcare responsibilities, and improving the marriage and family system.

(3) For many people, it is instinct to love children, and it is their desire to have their own children or even multiple children, but many obstacles and restrictions from society make it impossible for these people's wishes to be realized. The key point of the birth promotion policy is to eliminate the social obstacles and restrictions that lead to the "want to be born but can't" of these people, and promote the realization of the desire of this part of the people to have children. Instead of coercing those who do not want to have children, calling on those who do not want to have more children.

2. Specific policy recommendations

(1) Respect the reproductive autonomy of individuals

(i) Women's right to choose whether to give birth, when to have children, and the number of children is clearly protected, and the government should not set the number of children.

(ii) removal of excessive restrictions on the circulation of medication for the termination of pregnancy; Medical facilities should not refuse fertility-related procedures such as abortion or sterilization.

(iii) Lift the ban on the use of assisted human reproductive technology by single women and protect the reproductive rights of single women.

(2) Solve problems left over from history

(i) Solve the problem of harm caused by the one-child policy to families, and provide special support programs for affected families, including financial assistance and psychological support. For example, the Wenchuan earthquake caused thousands of families to lose their independence. In addition, under the one-child policy of the year, remarried couples who had already had one child in each of their previous marriages were generally prohibited from having another child. This has resulted in

many remarried families not being able to have children in common, and has also caused varying degrees of harm.

(ii) In response to the problem that the "government pension" promised by the one-child policy has not been fulfilled, a supporting pension policy has been clearly introduced to provide pension subsidies or priority guarantees for single-child families. By addressing these issues, we will rebuild the credibility of the government so that Malaysians can trust the promises made under the current multi-child policy.

(iii) The "super-birth" families of that year actually delayed the extraordinary decline in China's fertility rate. The money confiscated or the social maintenance fees levied for "overbirth" should be refunded in order to seek the understanding of these families and achieve social reconciliation on the issue of family planning.

(iv) Lowering the legal age of marriage and reducing restrictions on the right to marry³⁰: The difference between the legal age of marriage for men (22 years) and the legal age of marriage for women (20 years) has been abolished, so that citizens of different sexes can enjoy the right to marry at the same age. The age of marriage is set at 18 for both men and women, and the age limit for the right to marry is lowered, which is consistent with the definition of "adult" as stipulated in Article 17 of the Civil Code.

(3) Implement employment equality and protect women's employment rights and career development

(i) Administrative departments shall strengthen oversight of employers' recruitment discrimination and workplace discrimination, and support and encourage the supervision and legal aid conduct of non-governmental public interest organizations, law firms, and public interest lawyers.

(ii) Government departments, public institutions, state-owned enterprises, the formulation and implementation of relevant personnel systems are relatively standardized, and can give women workers a more stable career expectation, childbirth has less impact on women's career development, these units should better implement gender equality in recruitment, and under the same conditions should give priority to recruiting women.

(iii) The education level of women of childbearing age in China is gradually higher than that of men, but the level of employment is still low, and informal employment and hidden unemployment are widespread. The focus should not only be on increasing the number of people, but also on the development of women's productivity as a growth point for the quality of the population.

³⁰ The Marriage Act of 1980 raised the legal age of marriage from 20 for men and 18 for women to 22 for men and 20 for women. The upward revision is mainly based on the consideration of controlling population growth, in order to deal with the "pre-population problem" of excessive population and rapid growth, and to promote the implementation of the basic national policy of family planning. (Solving the Problem of Low Fertility with the Legal System of Marriage and Family, He Lixin and Zhang Rentian, China Social Science News, June 15, 2022, Issue 2427).

(4) Improve childcare support services

(i) Set up differentiated economic relief measures for families with different incomes, increase childcare subsidies for low-income families, and provide pre-school childcare fee reductions and exemptions.

(ii) Support the operation of public and private childcare institutions to promote accessibility, inclusiveness and diversification of childcare services, especially in rural and underdeveloped areas. Improve the control of childcare institutions and support the supervision of childcare institutions by civil society organizations, especially parents' organizations, to ensure the rights and interests of young children.

(iii) Support and encourage large and medium-sized employers employing a certain number of employees of childbearing age to set up childcare facilities.

(iv) Increase the spread of flexible working mechanisms and encourage employers to provide parental leave and flexible work arrangements.

(5) Strengthen the protection of rights and social security

(i) Establish and complete mechanisms for protecting reproductive rights and interests, and punish government employees for acts that violate women's privacy, such as telephone births.

(ii) Increase the coverage rate of maternity insurance, including flexible workers, migrant workers and other new forms of labor, and unemployed women, and allow uninsured women to be reimbursed for maternity medical expenses and receive maternity allowances from their husbands' maternity insurance.

(6) Conform to the changes in modern social concepts and create an equal, pluralistic and inclusive social environment

(i) With the help of public education, it is clear that citizens have no obligation to have children, dilute the single narrative of "reproductive responsibility", encourage more children but avoid belittling fewer children or no children, and reduce social antipathy.

(ii) Advocate for both men and women to share childcare responsibilities, increase men's participation in household chores, and extend paternity/care/parental leave for men.

(iii) Improve the marriage system, support a pluralistic family structure, further protect the equal right of single-parent families and same-sex parents to buy houses, and create a friendly society for children born out of wedlock and children of same-sex parents, and effectively protect these children from discrimination.