



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## China

China – CHN38753 – Social Compensation  
Fee – Social Maintenance Fee – Corruption  
– Fujian  
19 May 2011

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**1. Is there any country information as to whether people who are required to pay family planning or social compensation fees in Fujian province are blackmailed by officials or required to pay more than the fee so that officials can take a cut?**

A report from the Immigration and Refugee Board of Canada of 13 July 2007 provides detailed information collated from several sources which attest that corruption is an ‘endemic’ problem in China.<sup>1</sup> It refers to the Transparency International Corruption Perceptions Index (CPI) for 2006 which measured perceptions of the degree of corruption among public officials and others in China – this index lists China at 3.3 on a scale where 0 is highly corrupt and 10 indicates highly clean.<sup>2</sup>

Another report from the Immigration and Refugee Board of Canada of 9 July 2010 cites press reports from Reuters which explicitly state that “some local officials have come to rely on family planning fines as a source of revenue”.<sup>3</sup>

An article dated May 2001 states that Fujian is a “hothouse of corruption scandals” and:

For years, China has strictly limited couples to a single child to slow the growth of its population, now at 1.3 billion. But the stories of the Lins [Note from the Country Advisor: the Lins are a couple who contravened the ‘one-child policy’, were fined and the husband was jailed for being unable to pay the fine] and many others underscore that, these days, local officials in much of the country enforce the rule more as a way of raising cash, by demanding huge, arbitrary sums from rural families who have two or more children. Those who have the money to bribe officials can have large families. But when poorer families go bankrupt trying to pay, husbands find themselves locked in jail without trial, often indefinitely.<sup>4</sup>

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<sup>1</sup> Immigration and Refugee Board of Canada 2007, CHN102561.E - China: China: Government efforts to crack down on corrupt officials (2005 - 2007), 13 July [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=451382&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=451382&l=e) – Accessed 18 May 2011 – Attachment 1.

<sup>2</sup> Immigration and Refugee Board of Canada 2007, CHN102561.E - China: China: Government efforts to crack down on corrupt officials (2005 - 2007), 13 July [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=451382&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=451382&l=e) – Accessed 18 May 2011 – Attachment 1

<sup>3</sup> Immigration and Refugee Board of Canada 2010, CHN103502.E - China: Family planning laws, enforcement and exceptions; reports of forced abortions or sterilization of men and women particularly in the provinces of Guangdong and Fujian (2007 - May 2010), 9 July [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=453047&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=453047&l=e) – Accessed 16 August 2010 - Attachment 2

<sup>4</sup> Gargan, E. 2001, ‘Family Joy Leads to Jail / In China, strict enforcement of 1-child- per-family policy’, *Newsday*, 27 May - Attachment 3

The Australian Department of Foreign Affairs and Trade advised the Tribunals on 12 November 2010 that it appears social compensation fees were being manipulated by local government officials in Shandong and Fujian:

Where a range of penalties is applicable, there is anecdotal evidence that local officials have discretion to decide, on a case-by-case basis, the applicable fees. There is also anecdotal evidence that social compensation fees is an important stream of revenue for local governments, and that adhering to family planning regulations is an important performance indicator for local officials.<sup>5</sup>

Further information which confirmed the above is contained in the report published by “Chinese Human Rights Defenders” (CHRD) on 21 December 2010 which found that officials who monitor the National Population and Family Planning Law in China are likely to administer the levy of the social maintenance fee according to their own interpretations and motives:

Although there are standards for levying the social maintenance fee, the standards allow much room for interpretation, thus resulting in unevenness and unfairness of the application of the fines, as well as leaving the door open for abuse and corruption by officials in charge of handling the fee. Furthermore, local governments often dedicate a particular percentage of the collected fines and fees to pay for the operation costs of the same family planning offices that enforce the policy. Staff members are therefore motivated to levy fines, especially since these offices are often required to provide services and bonuses with insufficient resources.<sup>6</sup>

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<sup>5</sup> Department of Foreign Affairs and Trade 2010, *DFAT Report 1210 – RRT Information Request: CHN37505*, 12 November (paragraph F)- Attachment 4

<sup>6</sup> Chinese Human Rights Defenders 2010, “*I Don’t Have a Choice over My Own Body*”, 21 December, <http://chrdnet.org/wp-content/uploads/2010/12/%E2%80%9CI-Don%E2%80%99t-Have-a-Choice-over-My-Own-Body%E2%80%9D.pdf> – Accessed 13 January 2011, p. 2-3 – Attachment 5

## Attachments

1. Immigration and Refugee Board of Canada 2007, *CHN102561.E - China: China: Government efforts to crack down on corrupt officials (2005 - 2007)*, 13 July [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=451382&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=451382&l=e) – Accessed 18 May 2011.
2. Immigration and Refugee Board of Canada 2010, *CHN103502.E - China: Immigration and Refugee Board of Canada 2010, CHN103502.E - China: Family planning laws, enforcement and exceptions; reports of forced abortions or sterilization of men and women particularly in the provinces of Guangdong and Fujian (2007 - May 2010)*, 9 July [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=453047&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=453047&l=e) – Accessed 16 August 2010.
3. Gargan, E. 2001, ‘Family Joy Leads to Jail / In China, strict enforcement of 1-child- per-family policy’, *Newsday*, 27 May.
4. Department of Foreign Affairs and Trade 2010, *DFAT Report 1210 – RRT Information Request: CHN37505*, 12 November.
5. Chinese Human Rights Defenders 2010, “*I Don’t Have a Choice over My Own Body*”, 21 December, <http://chrdnet.org/wp-content/uploads/2010/12/%E2%80%9CI-Don%E2%80%99t-Have-a-Choice-over-My-Own-Body%E2%80%9D.pdf> – Accessed 13 January 2011.