Abortion and Abortion Regulations in China

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Abstract: As a result of the adoption of family planning as a basic national policy, Chinese women enjoy full legal access to abortion services. The state only regulates those abortions over sex selection for the purpose of controlling the gender balance of the new-born. Abortion in itself involves the conflict of many rights and social issues. In addition, the interference of public power from the government triggered a confrontation between public interest and private interest. From the constitutional principle that basic human rights are inalienable rights and therefore may not be violated or removed, the state can only regulate conflicts in the social issues arising from abortions for the purpose of protecting the public interest. The purpose of regulations for abortions should be the protection of human rights. Regulation of abortions in China is faced with an adjustment on how to guarantee the basic rights of Chinese people.

Key Words: abortion; reproductive rights; freedom of abortion; regulation of abortion;

Technically speaking, abortions are becoming easier and easier. But as a result of the biological, ethical, even religious weight abortions carry, they usually trigger complicated social problems, to the point that politics and law must get involved. There is no exception to this in China. With the advancement of the protection of human rights and the construction of the legal system, abortion and the legal regulations concerning it has gradually become a hot spot in Chinese society in recent years.

I. The fact of abortion in China and government regulations
Because of the special condition of family planning policy in China, abortion is basically unlimited in China. There are some limited regulations on abortions but they are never seriously carried out. In recent years, social problems caused by abortions keep surfacing, and as a result, the government is tightening up on abortions out of the purpose of choosing genders of babies.

A. Facts of abortion and problems caused by it
Under the condition of having a large population, in order to urge the growth of population, China has been carrying out its family planning policy since the 1970s. The specific provision for this policy is in Article 53, Section 3 of the 1978 Constitution: ‘The state promotes and implements a family planning policy.’ Article 25 of the present constitution passed in 1982 also clearly stated ‘The state promotes the family planning policy, so that population growth may fit the plans for economic and social development. Section 2 of Article 49 stated that both husbands and wives have the duty to follow the family planning policy. Article 17 of The Population and Family
Planning law of the People’s Republic of China passed in 2001 stated that ‘Citizens are entitled to reproductive rights, but also have to take the obligation to follow the family planning policy according to the law. Both husband and wife bear equal responsibility in family planning. Article 19 of this law also stated ‘Family planning shall be practiced chiefly by means of contraception.’

But, in order to take the obligation of contraception, abortions are inevitable.

Under the precondition of carrying out the obligation of family planning, Chinese women enjoy full freedom of, and access to abortion. This freedom is shown in the following aspects: There is essentially unrestricted access to abortion services. It is just a standard procedure in hospitals. Women enjoy full freedom of access to abortion services throughout the whole pregnancy. Women have the freedom to abort at any time. Divorce and death of partners are both considered legitimate reasons for abortions. When a husband and wife’s opinion on abortion differs, the women’s right to have an abortion is protected. From the prospect of social attitudes, most Chinese people are not against abortion, and abortion is usually taken as a private matter. There is little conflict or controversy about abortion. Queries about abortions usually take the form of a citizen’s right of reproduction against the power of government and behavior in this regard.

Full access to abortion services also brings casualties from abortions and thus raises many social problems.

First of all, an abortion can harm the physical health of women. Under the circumstance that the ‘one couple, one child’ policy is advocated, many married women volunteer to abort the fetus. This is quite common. Some females suffer serious injury in their reproductive health due to repeated abortions, but this reality is hidden to support the implementation of the family planning policy.

Second, because abortions are unrestrained, sexual behavior becomes casual. The age of females who undergo abortion is becoming younger and younger. With the progress of medicine, drugs for abortion and the import of painless abortion offered great convenience for not only married women, but also females who are single but became pregnant unexpectedly. According to a report by ‘China Daily’ in 2009, China is the country with the highest abortion rate in the world. Every year at least 13 million abortions are performed; and on average, in every 1,000 females, 24 of them have had abortions, in them, 62% are single women between the ages of 20 and 29.①

The number of abortions performed on single women went up and shows a tendency towards younger ages. The youngest female on record to undergo an abortion is 13 years old. The ratio of repeated abortion is also going up. A lot of research shows that the ratio for single young women who have 2 to 3 abortions is more than 50%.② According to research from 11 major hospitals in Beijing, the ratio of repeated abortions by single women under the age of 22 is 30%.③

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students are a high risk group. Abortions by single women have become a controversial topic in today’s China. The increase in the number of young, single women who go for abortions not only harms young females’ health, but also causes health issues such as infertility, recurrent miscarriages, and ectopic pregnancies, etc. Plus, the casual attitude young people have towards sexual activities and pregnancy causes many social problems as well.

Third, as a result of the increase of abortions over the sex of the fetus, there is a serious gender imbalance in the Chinese population. Influenced by the traditional conception that women are inferior to men, Chinese families, especially families from rural areas, take it as their priority to have a boy in order to extend the family line. Limited by the ‘One child’ policy, in order to make sure the baby is born a boy, many families use modern medical technology to find out about the gender of the fetus. This has skewed the boy-girl ratio in the Chinese population to seriously high levels. Since the 1980s, the boy-girl ratio in new-born in China has been increasing. According to the census in 1982, 1990, 2000 and 2005, the ratio has been 108.5, 111.3, 116.9, and 122.0. Although compared to 2005, the initial data showed the ratio in 2010 was 118.1, and it seems to have come down, this figure is still way off the normal range which is 105±2. Because there are far more males than females in the Chinese society, it is estimated that by 2020, there will be about 30 million bachelors in China, which will trigger a series of social problems.

B. Regulations on the abortions over choice of sex of fetus and their implementation

Under the state family planning policy, females enjoy full freedom of access to abortion services. But the Chinese government never left abortions unchecked. There are some limits and regulations on abortions.

There are two main laws in China that regulate abortions. One is “Law of the People's Republic of China on Maternal and Infant Health Care”. Section 2 of Article 32 stipulated: ‘It is forbidden to carry out fetus gender identification unless it is positively necessitated on medical grounds. The other law is ‘The Population and Family Planning law of the People’s Republic of China’. Article 35 of this law stipulated ‘Use of ultrasound or other techniques to identify fetal sex for non-medical purposes is strictly prohibited. Sex-selective pregnancy termination for non-medical purposes is strictly prohibited. Article 36 also stipulated the responsibilities of offices or individuals who use ultrasound or other techniques to identify fetal gender for non-medical purposes or to bring about sex-selective pregnancy termination for non-medical purposes for another person. In order the carry through these two laws, the Chinese State Department also made two administrative regulations,’ The measures for the implementation of the maternal and infant health care’ and ‘The regulations on the administration of technical services for family planning’. These two administration regulations, together with the two laws mentioned earlier, have set the legislative authority and basic principles for abortions in China, that is, according to law, sex-selective pregnancy termination is strictly forbidden.

Before 2000, as a result of freedom of abortions encouraged by the family planning policy, the ban on sex-selective abortions was not strictly implemented. Especially in remote rural areas,
it was common for private practices to buy ultrasound machines to help women identify the gender of the fetus, and abortions were common too. The government has stepped up on the supervision of such abortions after the issue of boy-girl imbalance emerged. In 2002, the National Family Planning Commission, the Ministry of Health, the National Drug Administration, has jointly released ‘Ban on fetus gender identification and pregnancy termination over fetus gender on non-medical grounds’. This is a special ministry regulation on abortions. This regulation put down the groundwork for specific rules on abortions, and was made clearer when CPC commission at provincial levels passed local regulations based on this law. In recent years, many provinces have stepped up on the supervision of abortions over choice of fetus gender. Specific measures include: Medical administration offices supervised the abortion procedures and medications for abortions; generally speaking, legitimate mid-term pregnancies (14 weeks) cannot be terminated, unless exceptions apply; medical practices that carry out abortion procedures have to be certified, an abortion permission system was set up, abortion registry and check-up and medication supervision and control rules were set up.  

Thus, because of China’s ‘family planning’ policy, Chinese females enjoy full freedom of access to abortion services. But, in order to adjust the imbalance in population gender, the government regulates abortions over sex selection by law. To examine if such a limited regulation on abortion is proper or effective, conflict of interest caused by abortion has to be taken into account.

II Conflict of interest caused by abortion
Abortion means termination of a life being made. This certainly brings double injury to both the mother carrying the fetus and the fetus itself. Should abortion be allowed? Who should have the right to make this determination? This contains rights associated with abortion and the conflicts in different rights. When abortion has to do with the population regulation, it also triggers conflicts between private interest and public interest.

A. Conflicts between freedom of abortion and the right to life
Because abortion is closely associated with human’s behavior of creating life, the abortion behavior faces a dilemma between the females’ right to self determination and the protection of the fetus’ right to life.

Freedom of access to abortion services is the result of advocating and fighting by feminists. Because pregnancy and birth are carried out only by women, it is considered by feminists as a major way the patriarchal society controls females. Feminists believe, in history, ‘By controlling females’ reproduction, males manage to further control females’ sexual desires. This has always been the core of suppression of females.’ In the late 19th century, feminists, typically American feminists, believed females should have free control of their own body. That included the right to enjoy sex and to control reproduction. Contraception became the focus in the fighting for female

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rights. As medicine developed, abortion became safer and safer, and the harm it does to the mother’s body is much less. At the same time, females’ educational level and social status has been going up. In the 1960s and 1970s, the second feminist movement started focusing on how women can gain control of their own body, that is, women have the right to remove burdens of reproduction by contraception and abortion.

Corresponding to this is the issue of the protection of the fetus’ right to life. The core of this issue is whether a fetus is considered as ‘human’. Different answers are made in fields of biology, theology, ethnics, anthropology, and sociology, etc. Of course, this has an impact on the consideration in law on whether a fetus has the right to life. There are two extreme viewpoints, one believes as long as fertilization happened, a fetus is a human, and has the same rights as adults. So, all abortion procedures are immoral, illegal, and are even crimes. Therefore, this behavior should be punished. But the other viewpoint believes that fetus is not human, but nothing more than a tissue in the mother’s body, close in legal status to an appendix. So, the fetus has no rights. Abortion procedures at any stage of pregnancy, and out of any reason are acceptable in ethics.

Reproductive behavior is the natural basis of forming new human life. The fetus’ right to life cannot be ignored, out of the simple reason that the creation of life can be considered to be divine. But it is also not realistic to equate the fetus to individuals in every way. So neither of these two extreme viewpoints is desirable. Most scholars support the idea of weighing the fetus’ right to life and the mother’s freedom to obtain an abortion. There has always been fierce conflict in academic circles in foreign countries between those who support freedom of abortion and those who believe the fetus’ right to life should be protected. After long struggle and debate, most countries in today’s world don’t deny that a fetus does have a right to life, and even in countries that fully respect women’s rights to have abortions freely, the fetus’ right to life is never completely denied.

B. Conflict between freedom of abortion and reproductive rights
In the ‘Resolution on population growth and economic development’ by the General Assembly of the UN in 1966, right to reproduction was mentioned for the first time. Though the resolution pointed out ‘formulating and promoting their own population policies is recognizing the sovereignty of nations, due regard should be given to the principle that the size of the family should be the free choice of each individual family.’ In May 1968, the first International Conference on Human Rights was held in Teheran. In this conference, ‘Teheran Proclamation’ was adopted. Article 16 stipulated ‘Parents have a basic human right to determine freely and responsibly the number and the spacing of their children.’ This article has recognized that parents

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together are the main bodies of right of reproduction. In 1974, the World Population Conference was held in Bucharest by the UN. The conference passed a ‘Plan of Action’, which specified in Article 14 (F): All couples and individuals enjoy the basic right to determine the number and spacing of their children and the information, education and methods that are necessary to be able to do this; couples and individuals should consider the need of their present and future children, and the children’s responsibilities to the society.’ According to this regulation, couples as well as individuals are the main bodies of right of reproduction. But in a natural environment, the realization of men’s rights of reproduction has to be done through women, so men don’t have complete rights of reproduction. Women breed children in their body, or even at the price of compromising their health, or even risk their life, so abortion is more a result of the decision and choice of females. This certainly brings the conflict between the females’ freedom of abortion and the males’ rights of reproduction. In countries where access to abortion services is free or largely free, such conflicts are fiercer.

Complete rights of reproduction should include the rights to decide and choose if a woman wants to have a child, and the number of children she would have. Obviously, in countries where family planning is carried out, because people don’t enjoy full freedom of rights of birth, they don’t have full freedom of access to abortions services. In its essence, women only have the freedom to have abortions in order not to have any children, or, in order not to have any extra children. They don’t have the freedom to choose not to have abortions if they already have children. In this circumstance, because of the interference of the state, the right of reproduction conflicts against freedom of abortion.

C. Conflict between regulations on abortion and rights

Here ‘regulation’ has two layers of implication: controlling and standardization. It is in a way similar to adjustment that puts restraints together with protection. When reviewing regulations on abortions by different countries, one can find that besides reasons out of religion and traditions, there is usually consideration about three rights: 1. Life of the fetus; 2. Health of the mother; 3. Interest of the state. Interest of state mainly includes the control of the size of a country’s population, the boy-girl ratio, etc. Because abortion itself involves conflicts among basic rights such as freedom of abortion, fetus’ right to life, freedom of reproduction, etc., the involvement of public power in regulating abortions is doomed to cause conflicts with all those basic rights.

If the state bans abortions, while it protects the fetus’ right to life, it is mandatory to restrain the pregnant women’s freedom of access to abortion services. But if women are granted full freedom of abortion, fetus’ right to life is abandoned and overlooked. Even when careful balance is made between the fetus’ right to life and women’s freedom of abortion, still, some rights are

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① With the help of modern reproduction technique, it is possible for males to realize the rights to reproduction independently, but this will not be discussed in this paper.

compromised while others are protected. This is why in America, after the Roe case (1973)\(^1\) and Casey case (1992)\(^2\), regulations on abortion set up a three-stage system. Still, abortion is an important issue that draws lots of major social and legal controversy. There are two groups that differ in their view on abortion, one is “pro-choice”, which supports women’s freedom to have an abortion, and the other one is “pro-life”, which is strongly against women’s freedom to have an abortion. Both the two groups hold on to their viewpoint and keep accusing the other group. At the same time, they have each formed a strong interest group and try their utmost to make use of their votes and lobby the American politicians in order to influence the American politics. Thus, politicians are forced to make their own standpoint on abortion very clearly. This issue has become a standard on distinguishing liberals and conservatives in the American political circle.\(^3\)

There are usually complicated social reasons for each individual’s decision to abort an unborn child. If the state only regulates abortions out of public interest such as control of population, people’s basic rights would be compromised out of utility. This will not contribute to the interest of state. All in all, the regulation of abortion by the state does not avoid the conflict among the private rights. On the contrary, the involvement of public power only makes this conflict worse.

### III The system dilemma of regulation on gender-selective abortion in China

Though in China, abortion never caused fierce social conflicts, the rights behind abortions and the conflicts between rights and power still exists. As a developing country, China has a huge population, and the tradition underlines the more sons, the more blessings. So, it is in accordance with the Chinese conditions for the Chinese government to carry out the family planning policy. On the other hand, women basically enjoy full freedom to have an abortion. Chinese laws only regulate those who abort for sex selection. In recent years, as a result of the serious gender imbalance of new-born children, the government stepped up on the implementation of the regulation on sex-selective abortions. But because the making of the law ignored the protection of basic rights and weighing of interest, this regulation has many problems, which cause failure in practical work.

A. The conflicts between the realization of citizens’ right of reproduction and regulation on abortion.

According to The Population and Family Planning law of the People’s Republic of China, Chinese citizens have reproductive rights, and at the same, have the obligation of carrying out family planning. The family planning obligation is a limit to their reproductive rights. So on the face of it, Chinese citizens don’t have complete reproductive rights. The right of reproduction in China only grants Chinese citizens the right to bear one child, but not the right to decide the number of children and the interval between the birth of children. The freedom in this right is only the choice

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\(^1\) Roe v. Wade,410 U. S. 113 (1973).
\(^3\) Ren Donglai: “Limit of Power of Judicial Capacity ——Centered around the Controversy of the American Supreme Court and Women’s Right to Abortion”, 《Journal of NanJing University (Social Science)》 Issue 2, 2007.
of having a child or not having a child. Under this condition, of course, women enjoy full freedom of abortion.

But, the regulation over sex-selective abortion doesn’t allow a woman who is eligible to have a child to have an abortion. Because it is hard to determine the motive of abortions, in the implementing of the regulation, the rule of exception is practiced. According to relevant administrative rules, abortion is forbidden for women who are pregnant for 14 weeks and more, unless one of the following three conditions applies: (1) The fetus suffers from a serious genetic disease. (2) The fetus has a serious birth defect. (3) Due to serious disease, the continuing of the pregnancy will put the life or health of the mother at risk. Such a regulation has in its essence deprived pregnant women of their freedom to not have a child.

From the above, a conclusion can be made, that is, there are two contradictory limits on the citizens’ right of reproduction: Citizens have the freedom of not bearing a child, but don’t have the freedom to have more than one child. But regulation of abortions with the purpose of adjusting the boy-girl ratio limits pregnant women’s freedom of not having a child. These two limits are contradictory to each other.

B. Two opposing attitudes towards the protection of fetus’ right of life

According to Article 19 of The Population and Family Planning law of the People’s Republic of China, Family planning shall be practiced chiefly by means of contraception. Article 20 stipulates that couples of reproductive age shall conscientiously adopt contraceptive methods and accept technical services and guidance for family planning. Incidence of unwanted pregnancies shall be prevented and reduced. But this law didn’t specify the consequence for unexpected pregnancies. Obviously, if contraception fails, unwanted pregnancies have to be dealt with by abortion. Since China implemented the family planning policy, local governments at different levels have been very strict in carrying out this regulation. Usually, unwanted pregnancies are dealt with by abortion, and the fetus’ right to life is never taken into account. Other laws in China also deny the fetus’ right to life. According to Article 9 of General Principles of the Civil Law of the People’s Republic of China, a citizen shall have the capacity for civil rights from birth to death and shall enjoy civil rights and assume civil obligations in accordance with the law. Here from birth refers to the moment when a fetus separates from the mother’s body and starts breathing on itself. This denies the fetus of its right to life. Chinese laws do protect some rights of the fetus, such as Article 28 of the Law of Succession of the People’s Republic of China, “At the time of the partitioning of the estate, reservation shall be made for the share of an unborn child.” According to both the Criminal Law of the People’s Republic of China and Criminal Procedure Law of the People’s Republic of China, the death penalty shall not be applied to a woman who is pregnant at the time of trial. And the Labor Law of the People’s Republic of China aims to protect the fetus through protection of the pregnant women. But, faced with the family planning policy, abortions are not restrained and fetus’ right to life is not protected. But contrary to the freedom of abortion, regulation on the banning of abortions for pregnancies over 14 weeks does protect the fetus’ right
to life. These two contradictory attitudes result in the overlooking of the fetus’ right to life in the practice of law.

In fact, in its choice of value, the current regulation on abortion in China does show protection of the fetus’ right to life in an objective way. But, protection of the potential right to life of the fetus is not yet a clear choice of value made by the government. It is just a subsidiary choice made by the government in its adjustment of the population sex ratio.

C. the deprivation of private interest from public interest

Both the family planning policy and the regulation on abortion was set up for the sake of public interest by the government. The former was set up to regulate the excessive population and to curb the fast growth of the population. The latter was set up to adjust the gender imbalance of new born babies. The choice of pure public interest was at the price of deprivation of private interest.

Under the circumstance of an unhealthy social security system, a major way to support the old is to provide for the old within the family, in which case, one child would make it difficult. Since the family planning policy was adopted in China more than 30 years ago, the parents of the first generation of the “only child” are over the age for giving birth. If their only child should die, these families become “shidu” families, the term for parents that have lost their only child. According to a report by China Zhigong Party, the total number of only children in China between the ages of 15 and 30 is about 190 million. The annual death rate for this age group is about 0.04%. So every year, the number of “shidu” families grows by 76,000. At least 2 million old Han Chinese face immense problems in care providing, medical care and psychology, etc. The risks caused by the “shidu” families are getting more and more attention from society. ①

In the rural areas, according to the Chinese traditions, usually, sons take on the job of providing for the old parents, while daughters would be married and live with her husband’s parents. Farm work in the villages also requires labor. So, people in the countryside have a pressing need to have boys. And this anxiety is made very clear because of the “one child policy”. Abortion over selection of sex is the only choice when complying with the one child policy. Supposing the chance of having a boy and a girl is equal, if sex selection during pregnancy were not possible, 50% of rural families would have to have more than one child to realize their wish of having a boy. In order not to break the obligation of having only one child and have a boy at the same time, 50% of the rural families would take the risk and have abortion over selection of sex. So it is safe to come to the conclusion that abortion over selection of sex is the efforts people made in order to both protect their own interest and also comply with their obligation of having only one child. But because such behaviors resulted in the imbalance of sex in the newborn, it is banned.

Faced with the need to have boys in rural areas, Chinese family planning policy was flexible and brought in an exception to the rule, that is, in rural areas, couples whose first child was a girl

① Baidu Encyclopedia “Families with the only child deceased”, http://baike.baidu.com/link?url=VmAfIqQ5FDCaAM1iYBW6HgbG3vyL32NrqYruhYjp6KHeBdomN2ethYomW1AwkTeuD_PPjEv2yCD2ykcXGlEqk7q
were allowed to have the second child after a certain interval. This exception is in fact supportive of farmers’ wish to have a boy. But this exception in law has certainly encouraged the custom that girls were looked down upon and don’t match the purpose of regulation on abortion over selection of sex.

Thus, it is safe to say that the ban on abortions over selection of sex in China is utilitarian. Such a ban totally ignores the actual demand of the citizens under the family planning policy. This rule was made out of the deprivation of private interest.

**IV reflection on the regulation over abortions with protection of rights as the core**

The practice of human rights goes hand in hand with the practice of power of the government. The basic philosophy of human rights includes two aspects. One is that human rights have its negative side, which can not be violated by the state. The other side is human rights also have its positive side, which needs to be protected by the state. Of the two aspects of human rights, negative side of it is more important. That is, the state should first of all respect human rights and not violate human rights, and then be very active in carrying out its obligations to protect human rights.

According to the rules of basic rights from the current Chinese constitution, basic rights include both negative defensive rights and positive rights of claim. The article in the Chinese constitution concerning rights of reproduction is Article 49 which says ‘Marriage, the family, and mother and child are protected by the state.’ This is a rule that recognizes rights of claim, but it fails to recognize the negative side of private rights such as marriage and reproduction. Indeed, faced with the pressure brought by a huge population, it is necessary to control and adjust it by family planning. In the past 30 years, China’s family planning policy has achieved a lot in controlling the growth of the population. The birth rate of the Chinese population has gone from 33.4% in 1970 to 12.1% in 2012. The natural population growth rate has decreased from 25.8% in 1970 to 4.95% in 2012. This is half of the average figure in the world. But accompanying the achievement of population control came the problems such as shortage of labor, an aging population and difficulty in providing for the old parents by the only children. With the development of the society, the strictly implemented family planning policy should put respect of people’s right of reproduction as their priority. The policy should focus on guidance and encouragement, rather than restriction and punishment. The government should carry out positive publicity, follow up on contraception service, reward for the families with only one child and step up on the pension system.

In November 2013, according to resolutions of the Third Plenary Session of the eighteen Communist Party of China, new policies that if one of the parents is the only child, the couple is allowed the second child were made. This new regulation marked the loosening of the strict policy on child birth in China. Due to the fact that China has a huge population, the family planning policy cannot yet be completely called off, but it is good for the protection of human rights to

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Adoption of new reproduction policy that if one of the two parents is the only child themselves, they are allowed to have two children. [http://www.yuolan.com/news/201311152231520.shtml]
reduce limits on rights of reproduction and adopt policies that are more human. Only when right of reproduction is not under strict control can the freedom of abortion be fully recognized. That is to say, compulsory abortions will no longer exist and citizens can have the freedom to make decisions and choices on abortions.

But freedom of abortion with no limit is ignoring the right to life of the fetus. Because right to life is the primary human right, most countries in the world do not adopt the let-alone policy on abortions. At least right to life of the fetus that ‘have a chance to live’ are protected by law. China’s reality and maintenance of public interest requires control of China’s huge population. So, the government’s choice on not restraining abortions is in accordance with the public interest. But, not protecting the right to life of the fetus in any way brings social problems such as ignoring right to life, casual sexual behaviors, and lowering trend of the mothers who have abortions, etc. Protection of right to life of the fetus requires active behavior of the government. Prohibition of late term abortion laws should be made, according to the progress of pregnancy and the chance of survival after the child is born. Such a law would effectively protect the right to life of the fetus.

As for the abortions over sex selection, the solution lies in why such a phenomenon exists. Measures that can be taken include stepping up on the protection of women’s rights to receive education and employment, and perfecting pension system in the Chinese society, etc. The ultimate solution is to abolish the reasons why people prefer one sex to another. It is not necessary to have regulations pointing at the abortions over sex preference, because such regulations should be integrated into general regulations over abortions.

Overall, only when private rights such as forming of families, marriages and reproduction rights are not violated by the state, can the government interfere into the conflict of the above rights for the sake of public interest and regulate them. As far as regulation of abortion is concerned, the primary concern should be the protection of the potential right to life of the fetus. The balance between the women’s right to have abortion and the right to life of the fetus should be considered. Regulations on abortion should concern more than just abortions over sex-selection. All the fetus that could survive should be protected. Only by adopting prohibition laws on late-term abortion and regulating abortions in various means in accordance with the protection of human rights, can the value goal that abortion regulations should protect human rights be realized.

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