Committee for Public Relations and Ethical Issues of the German Society of Human Genetics

Statement on the New Chinese Law concerning Maternal and Child Health Care

In a joint effort, the European Society of Human Genetics (ESHG) and the European Alliance of Genetic Support Groups (EAGS) have called upon the People’s Republic of China to eliminate compulsory childlessness for genetic reasons from their new law on maternal and child health care. The following statement of the two societies was forwarded to responsible persons in the People’s Republic of China through the Chinese ambassador in London. Individual European governments were called upon to represent this point of view in Beijing at the 4th UN World Conference for Human Rights and Women. This statement was delivered based on the conviction that the application of new genetic knowledge can considerably reduce the suffering of affected persons and their families. However, this must be accomplished through free individual choice and reliance on medical geneticists who support the families in their own decisions.

The German Society of Human Genetics, represented by the ESHG board member Dr. Karl Sperling, supported the joint statement of the ESHG and the EAGS, which was worded as follows:

We, the undersigned, urge the People’s Republic of China to change the Law on Maternal and Infant Health Care, effective 1st June 1995, so as to avoid compulsory childlessness on genetic grounds. As it stands, Article 10 of this law is an abuse of genetic information and a violation of human rights. The Universal Declaration of Human Rights in Article 16 provides "men and women of full age without limitation due to race, nationality or religion have the right to marry to found a family". This is repeated in similar vein, but subject to national law, in Article 12 of the European Convention.

We recognize the great progress made by the People’s Republic of China in provision of high quality health care to the Chinese people, and support their recognition of the need to address the burden that genetic disease brings to families and society, but we reject premarital selection, by physicians, as to who may or who may not have children, as required in Article 10 of this law:

"Physicians shall, after performing the premarital physical check-up, explain and give medical advice to both the male and female who have been diagnosed with certain genetic disease of a serious nature which is considered to be inappropriate for childbearing from a medical point of view; the two may be married only if both sides agree to take long-term contraceptive measures or to take ligation operation for sterility. ..."
Article 34 of the same law states:

"Personnel engaged in the health-care services for mothers and infants shall strictly abide by professional ethics and keep the secrets of the individuals concerned."

Professional ethics cannot be maintained in the face of Article 10, with its violation of the Declaration of Human Rights; a Declaration which the People’s Republic of China, as a member of the United Nations, should uphold. Considering the direct conflict between Articles 10 and 34, Article 34 should prevail on the basis of its fundamental nature to the health care profession. Therefore, the undersigned genetics associations, representing the professionals and affected families in Europe, urge the National People’s Congress to reexamine and modify Article 10.