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# 中华人民共和国人口与计划生育法（2015修正）

# Population and Family Planning Law of the People’s Republic of China (2015 Revision)

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（2001年12月29日第九届全国人民代表大会常务委员会第二十五次会议通过　根据2015年12月27日第十二届全国人民代表大会常务委员会第十八次会议《关于修改〈中华人民共和国人口与计划生育法〉的决定》修正）

(Adopted at the 25th Session of the Standing Committee of the 9th National People's Congress on December 29, 2001, and amended according to the Decision on Amending the Population and Family Planning Law of the People's Republic of China at the 18th Session of the Standing Committee of the 12th National People's Congress on December 27, 2015)

第一章 总则

Chapter 1 General Provisions

第一条   为了实现人口与经济、社会、资源、环境的协调发展，推行计划生育，维护公民的合法权益，促进家庭幸福、民族繁荣与社会进步，根据宪法，制定本法。

Article 1 This Law is formulated in accordance with the Constitution for the purpose of achieving harmonious development of the population, economy, society, resources and environment; implementing the family planning strategy; safeguarding the legitimate rights and interests of citizens; promoting family well-being; and achieving national prosperity and social progress.

第二条   我国是人口众多的国家，实行计划生育是国家的基本国策。

Article 2 As a country with a large population, family planning is a basic state policy.

国家采取综合措施，控制人口数量，提高人口素质。

The State adopts comprehensive measures to control the population and improve its quality.

国家依靠宣传教育、科学技术进步、综合服务、建立健全奖励和社会保障制度，开展人口与计划生育工作。

The state will carry out the population-related work and implement the family planning strategy by relying on publicity and education, scientific and technological progress, comprehensive services and the establishment of a sound reward and social security system.

第三条   开展人口与计划生育工作，应当与增加妇女受教育和就业机会、增进妇女健康、提高妇女地位相结合。

Article 3 While carrying out the population-related work and implementing the family planning strategy, we shall also pay attention to increasing women's access to education and employment opportunities, improving women's health and raising women's social status.

第四条   各级人民政府及其工作人员在推行计划生育工作中应当严格依法行政，文明执法，不得侵犯公民的合法权益。

Article 4 Governments at various levels and their staff shall strictly abide by laws and administrative regulations when implementing the family planning strategy, and shall not infringe on the legitimate rights and interests of citizens.

计划生育行政部门及其工作人员依法执行公务受法律保护。

Administrative departments of family planning and their staff shall be protected by law when performing their duties.

第五条   国务院领导全国的人口与计划生育工作。

Article 5 The State Council shall lead population control and family planning across the country.

地方各级人民政府领导本行政区域内的人口与计划生育工作。

Local people's governments at various levels shall lead population control and family planning within their respective administrative regions.

第六条   国务院计划生育行政部门负责全国计划生育工作和与计划生育有关的人口工作。

Article 6 Administrative departments of family planning under the State Council shall be responsible for the national family planning and population-related work.

县级以上地方各级人民政府计划生育行政部门负责本行政区域内的计划生育工作和与计划生育有关的人口工作。

Administrative departments of family planning under governments above county level shall be responsible for the family planning and population-related work within their respective jurisdiction.

县级以上各级人民政府其他有关部门在各自的职责范围内，负责有关的人口与计划生育工作。

Other relevant departments under governments above county level shall be responsible for the family planning and population-related work within their scope of power.

第七条   工会、共产主义青年团、妇女联合会及计划生育协会等社会团体、企业事业组织和公民应当协助人民政府开展人口与计划生育工作。

Article 7 Trade unions, communist youth leagues, women's federations, family planning associations and other social groups, enterprises, public service institutions as well as citizens shall assist the government to carry out the population-related work and implement the family planning strategy.

第八条   国家对在人口与计划生育工作中作出显著成绩的组织和个人，给予奖励。

Article 8 The state will give rewards to organizations and individuals which/who have made remarkable achievements when carrying out the population-related work and implementing the family planning strategy.

第二章 人口发展规划的制定与实施

Chapter 2 Formulation and Implementation of the Population Development Plan

第九条   国务院编制人口发展规划，并将其纳入国民经济和社会发展计划。

Article 9 The State Council will prepare a population development plan and integrate the same into the national economic and social development plan.

县级以上地方各级人民政府根据全国人口发展规划以及上一级人民政府人口发展规划，结合当地实际情况编制本行政区域的人口发展规划，并将其纳入国民经济和社会发展计划。

Local governments above the county level shall, based on the national population development plan, the population development plan prepared by the government at the next higher level and the actual situation of the locality, prepare a population development plan for the administrative region within their respective jurisdiction and integrate the same into the economic and social development plan.

第十条   县级以上各级人民政府根据人口发展规划，制定人口与计划生育实施方案并组织实施。

Article 10 Governments above county level shall, based on the population development plan, prepare a program for carrying out the population-related work and implementing the family planning strategy and arrange execution of such program.

县级以上各级人民政府计划生育行政部门负责实施人口与计划生育实施方案的日常工作。

Administrative departments of family planning under governments above county level shall be responsible for the routine work under the program for carrying out the population-related work and implementing the family planning strategy.

乡、民族乡、镇的人民政府和城市街道办事处负责本管辖区域内的人口与计划生育工作，贯彻落实人口与计划生育实施方案。

The people's governments of townships, nationality townships, towns and government offices in urban communities shall be responsible for population control and family planning within their respective jurisdiction and implement the program for population control and family planning.

第十一条   人口与计划生育实施方案应当规定控制人口数量，加强母婴保健，提高人口素质的措施。

Article 11 The program for carrying out the population-related work and implementing the family planning strategy shall specify relevant measures for controlling the population, strengthening the maternal care of women and health care of children and raising the quality of the population.

第十二条   村民委员会、居民委员会应当依法做好计划生育工作。

Article 12 Village committees and neighborhood committees shall diligently implement the family planning strategy according to law.

机关、部队、社会团体、企业事业组织应当做好本单位的计划生育工作。

Governmental organs, armed forces, social groups, enterprises and public institutions shall properly carry out their respective work of family planning.

第十三条   计划生育、教育、科技、文化、卫生、民政、新闻出版、广播电视等部门应当组织开展人口与计划生育宣传教育。

Article 13 Departments of family planning, education, science and technology, culture, health, civil affairs, press and publication, radio and television shall organize publicity and education of population control and family planning.

大众传媒负有开展人口与计划生育的社会公益性宣传的义务。

The mass media are obliged to give publicity of the population and family planning for the public good.

学校应当在学生中，以符合受教育者特征的适当方式，有计划地开展生理卫生教育、青春期教育或者性健康教育。

Schools shall, in light of the characteristics of the educated and in a proper manner, systematically conduct education in physiology and health, puberty or sexual health among students.

第十四条   流动人口的计划生育工作由其户籍所在地和现居住地的人民政府共同负责管理，以现居住地为主。

Article 14 Family planning of migrating population shall be co-managed by the government at the place of their household and the government at the place of their present residence. The government at the place of their present residence shall play the main role.

第十五条   国家根据国民经济和社会发展状况逐步提高人口与计划生育经费投入的总体水平。各级人民政府应当保障人口与计划生育工作必要的经费。

Article 15 The state will, based on the economic and social development of the country, gradually crease the overall funding for population control and family planning. Governments at various levels shall secure necessary funding for population control and family planning.

各级人民政府应当对贫困地区、少数民族地区开展人口与计划生育工作给予重点扶持。

The people's governments at various levels shall give special support to the work of population and family planning in poverty-stricken areas and minority nationality areas.

国家鼓励社会团体、企业事业组织和个人为人口与计划生育工作提供捐助。

The state encourages social groups, enterprises, public institutions and individuals to donate to the work of population and family planning.

任何单位和个人不得截留、克扣、挪用人口与计划生育工作费用。

No entity or individual may withhold, reduce or misappropriate the funds earmarked for the work of population and family planning.

第十六条   国家鼓励开展人口与计划生育领域的科学研究和对外交流与合作。

Article 16 The state encourages scientific research as well as external exchanges and cooperation in the field of population control and family planning.

第三章 生育调节

Chapter III Regulation of Fertility

第十七条   公民有生育的权利，也有依法实行计划生育的义务，夫妻双方在实行计划生育中负有共同的责任。

Article 17 Citizens have the right to give birth as well as the obligation to practice family planning in accordance with the law. Both husband and wife bear common responsibility for family planning.

第十八条   国家提倡一对夫妻生育两个子女。

Article 18 The State that one couple can give birth to two children.

符合法律、法规规定条件的，可以要求安排再生育子女。具体办法由省、自治区、直辖市人民代表大会或者其常务委员会规定。

Couples may request to given birth to more children if the requirements specified by the laws and regulations are met. Specific measures shall be formulated by the people's congress or its standing committee of the province, autonomous region or municipality directly under the Central Government concerned.

少数民族也要实行计划生育，具体办法由省、自治区、直辖市人民代表大会或者其常务委员会规定。

The minority nationalities are also subject to family planning. The specific measures therefor shall be formulated by the people's congresses or their standing committees of the provinces, autonomous regions and municipalities directly under the Central Government.

夫妻双方户籍所在地的省、自治区、直辖市之间关于再生育子女的规定不一致的，按照有利于当事人的原则适用。

If there is any inconsistency between the regulations concerning giving birth to more children in the provinces, autonomous regions or centrally-administered municipalities where the couples' residences are registered, the principle in favor of the parties concerned shall apply.

第十九条   实行计划生育，以避孕为主。

Article 19 The implementation of the family planning work shall focus on contraception.

国家创造条件，保障公民知情选择安全、有效、适宜的避孕节育措施。实施避孕节育手术，应当保证受术者的安全。

The State shall create conditions to ensure that citizens knowingly choose safe, effective and appropriate contraceptive methods. Where contraceptive operations are performed, the recipients' safety shall be ensured.

第二十条   育龄夫妻自主选择计划生育避孕节育措施，预防和减少非意愿妊娠。

Article 20 Couples at childbearing age shall take contraceptive measures to prevent or reduce unwanted pregnancies.

第二十一条   实行计划生育的育龄夫妻免费享受国家规定的基本项目的计划生育技术服务。

Article 21 Couples at childbearing age may enjoy basic family-planning technical services for free, provided that they observe the family planning strategy.

前款规定所需经费，按照国家有关规定列入财政预算或者由社会保险予以保障。

The funds needed for rendering the services specified in the preceding paragraph shall, in accordance with relevant State regulations, be included in the financial budget or be guaranteed by social insurance.

第二十二条   禁止歧视、虐待生育女婴的妇女和不育的妇女。

Article 22 Discrimination and abuse of women giving birth to baby girls and infertile women shall be prohibited.

禁止歧视、虐待、遗弃女婴。

It is prohibited to discriminate against, abuse or abandon baby girls.

第四章 奖励与社会保障

Chapter IV Rewards and Social Security

第二十三条   国家对实行计划生育的夫妻，按照规定给予奖励。

Article 23 The state will give rewards to couples observing the family planning strategy.

第二十四条   国家建立、健全基本养老保险、基本医疗保险、生育保险和社会福利等社会保障制度，促进计划生育。

Article 24 The State shall establish and improve upon social security systems such as basic pension insurance, basic medical insurance, maternity insurance and social welfare, etc to promote family planning.

国家鼓励保险公司举办有利于计划生育的保险项目。

The State encourages insurance companies to offer insurance coverage in favor of family planning.

有条件的地方可以根据政府引导、农民自愿的原则，在农村实行多种形式的养老保障办法。

In rural areas where conditions permit, various types of pension security schemes may be adopted under the principle of government guidance and willingness of the farmers.

第二十五条   符合法律、法规规定生育子女的夫妻，可以获得延长生育假的奖励或者其他福利待遇。

Article 25 Couples that give birth to children in compliance with the provisions of laws and regulations may be entitled to rewards of longer maternity leave or other benefits.

第二十六条   妇女怀孕、生育和哺乳期间，按照国家有关规定享受特殊劳动保护并可以获得帮助和补偿。

Article 26 Women may enjoy special labor protection as well as help and compensation according to relevant provisions of the state during pregnancy, fertility and breast-feeding periods.

公民实行计划生育手术，享受国家规定的休假；地方人民政府可以给予奖励。

Civilians undergoing family-planning operations may enjoy leave as specified by the state; and local governments may give rewards to such civilians.

第二十七条   在国家提倡一对夫妻生育一个子女期间，自愿终身只生育一个子女的夫妻，国家发给《独生子女父母光荣证》。

Article 27 The State shall issue to a married couple who volunteer to have only one child in their lifetime a Certificate of Honor for Single-Child Parents during the implementation of the one-child policy.

获得《独生子女父母光荣证》的夫妻，按照国家和省、自治区、直辖市有关规定享受独生子女父母奖励。

Couples who are issued the said certificate may enjoy rewards in accordance with relevant regulations of the State and of the provinces, autonomous regions or centrally-administered municipalities.

法律、法规或者规章规定给予获得《独生子女父母光荣证》的夫妻奖励的措施中由其所在单位落实的，有关单位应当执行。

If it is regulated in laws, rules or regulations that the rewards to couples who are issued the said certificate shall be given by the employers, such employers shall implement such regulation.

获得《独生子女父母光荣证》的夫妻，独生子女发生意外伤残、死亡的，按照规定获得扶助。

Where the only child of a couple who is issued the said certificate is disabled or killed in accidents, the couple shall be provided with necessary assistance in accordance with regulations.

在国家提倡一对夫妻生育一个子女期间，按照规定应当享受计划生育家庭老年人奖励扶助的，继续享受相关奖励扶助。

Where the elderly of one-child families are entitled to rewards and assistance during the implementation of the one-child policy, they shall continue to enjoy such rewards and assistance.

第二十八条   地方各级人民政府对农村实行计划生育的家庭发展经济，给予资金、技术、培训等方面的支持、优惠；对实行计划生育的贫困家庭，在扶贫贷款、以工代赈、扶贫项目和社会救济等方面给予优先照顾。

Article 28 Local governments at various levels shall help rural households that practise family planning to develop economy by giving them support and preferential treatment in terms of funds, technology and training. Poverty-stricken households that practise family planning shall be given priority in terms of poverty-alleviation loans, welfare-to-work, poverty-alleviation projects and social assistance.

第二十九条   本章规定的奖励措施，省、自治区、直辖市和较大的市的人民代表大会及其常务委员会或者人民政府可以依据本法和有关法律、行政法规的规定，结合当地实际情况，制定具体实施办法。

Article 29 The People 's Congress and its Standing Committee or the governments of provinces, autonomous regions, municipalities and large cities shall, according to this Law and relevant laws and administrative regulations as well as the actual situation of the locality, prepare detailed measures for implementation of the rewards measures mentioned in this chapter.

第五章 计划生育技术服务

Chapter 5 Family Planning Technical Services

第三十条   国家建立婚前保健、孕产期保健制度，防止或者减少出生缺陷，提高出生婴儿健康水平。

Article 30 The state will establish a pre-marital health care and maternal health care system to prevent or reduce birth defects and to improve health of the newborn.

第三十一条   各级人民政府应当采取措施，保障公民享有计划生育技术服务，提高公民的生殖健康水平。

Article 31 The people's governments at various levels shall take measures to safeguard the citizens' right to enjoy family-planning technical services and to raise the level of reproduction health.

第三十二条   地方各级人民政府应当合理配置、综合利用卫生资源，建立、健全由计划生育技术服务机构和从事计划生育技术服务的医疗、保健机构组成的计划生育技术服务网络，改善技术服务设施和条件，提高技术服务水平。

Article 32 Local governments at various levels shall make reasonable allocation and comprehensive utilization of health care resources, establish a sound family planning service network which consists of institutions engaged in family planning technical services and institutions engaged in family planning medical treatment and health care, improve the facilities and conditions of technical services and upgrade the level of technical services.

第三十三条   计划生育技术服务机构和从事计划生育技术服务的医疗、保健机构应当在各自的职责范围内，针对育龄人群开展人口与计划生育基础知识宣传教育，对已婚育龄妇女开展孕情检查、随访服务工作，承担计划生育、生殖保健的咨询、指导和技术服务。

Article 33 Institutions engaged in family-planning technical service and institutions engaged in family-planning medical treatment and health care shall, within their respective scope of power, popularize basic knowledge regarding population control and family planning among people at child-bearing age. The shall also check and follow up married women at child-bearing age and provide health care consultancy, guidance as well as technical services regarding family planning and reproduction.

第三十四条   计划生育技术服务人员应当指导实行计划生育的公民选择安全、有效、适宜的避孕措施。

Article 34 Personnel providing family-planning technical service shall guide citizens to select safe, effective and appropriate contraceptive measures.

对已生育子女的夫妻，提倡选择长效避孕措施。

Couples who already have children are encouraged to choose long-term contraceptive methods.

国家鼓励计划生育新技术、新药具的研究、应用和推广。

The State encourages research in, application and promotion of new technologies and new contraceptive devices for family planning.

第三十五条   严禁利用超声技术和其他技术手段进行非医学需要的胎儿性别鉴定；严禁非医学需要的选择性别的人工终止妊娠。

Article 35 Non-medical purpose sex identification by means of ultrasound technology and other technologies are prohibited. Artificial termination of pregnancy based on non-medical purpose sex identification is prohibited.

第六章 法律责任

Chapter 6 Legal Liabilities

第三十六条   违反本法规定，有下列行为之一的，由计划生育行政部门或者卫生行政部门依据职权责令改正，给予警告，没收违法所得；违法所得一万元以上的，处违法所得二倍以上六倍以下的罚款；没有违法所得或者违法所得不足一万元的，处一万元以上三万元以下的罚款；情节严重的，由原发证机关吊销执业证书；构成犯罪的，依法追究刑事责任：

Article 36 Anyone who, in violation of the provisions of this Law, commits one of the following acts, will be ordered to make rectification, be given a disciplinary warning, and his unlawful gains will be confiscated by the administrative department for family planning or public health; those having unlawful gains of more than 10,000 yuan will be fined not less than two times but not more than six times the amount of the unlawful gains; those with no unlawful gains or with unlawful gains of less than 10,000 yuan will be fined not less than 10,000 yuan but not more than 30,000 yuan; if the circumstances are serious, the practicing certificate will be revoked by the original issuing authority; and if a crime is constituted, criminal liability will be pursued in accordance with the law:

（一）非法为他人施行计划生育手术的；

1. illegally performing family-planning operation for others;

（二）利用超声技术和其他技术手段为他人进行非医学需要的胎儿性别鉴定或者选择性别的人工终止妊娠的；

(II) non-medical purpose sex identification by means of ultrasound technology and other technologies; or termination of pregnancy based on non-medical purpose sex identification;

（三）进行假医学鉴定、出具假计划生育证明的。

(III) issuing false medical identification report or false family planning evidences.

第三十七条   伪造、变造、买卖计划生育证明，由计划生育行政部门没收违法所得，违法所得五千元以上的，处违法所得二倍以上十倍以下的罚款；没有违法所得或者违法所得不足五千元的，处五千元以上二万元以下的罚款；构成犯罪的，依法追究刑事责任。

Article 37 Administrative departments of family planning shall confiscate illegal incomes gained by those who forge, altered, sell or purchase family planning evidences. A fine equivalent to 2-10 times of the illegal income shall be imposed if the illegal income is more than CNY5,000; A fine in the amount of CNY5,000-20,000 shall be imposed if there is no illegal income or if the illegal income is less than CNY5,000; If the violation constitutes a crime, the violator shall be held criminally accountable.

以不正当手段取得计划生育证明的，由计划生育行政部门取消其计划生育证明；出具证明的单位有过错的，对直接负责的主管人员和其他直接责任人员依法给予行政处分。

Certificates of family planning that are obtained by improper means shall be revoked by the administrative department for family planning; if the fault lies with the unit that issues such certificates, the persons who are directly in charge and the other persons who are directly responsible shall be given administrative sanctions in accordance with law.

第三十八条   计划生育技术服务人员违章操作或者延误抢救、诊治，造成严重后果的，依照有关法律、行政法规的规定承担相应的法律责任。

Article 38 Personnel providing family-planning technical services who are in violation of relevant operational regulations or delay in the rescue, diagnosis or treatment of patients and cause serious consequences shall bear legal liabilities in accordance with relevant laws and administrative regulations.

第三十九条   国家机关工作人员在计划生育工作中，有下列行为之一，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分；有违法所得的，没收违法所得：

Article 39 Staff of state organs who act in any of the following ways when implementing the family planning strategy shall be held criminally accountable if the violation constitutes a crime; If the violation does not constitute a crime, the violation shall be given administrative punishments; and illegal income shall be confiscated, if any:

（一）侵犯公民人身权、财产权和其他合法权益的；

1. Violating the personal rights, property rights and other legitimate rights and interests of any citizen;

（二）滥用职权、玩忽职守、徇私舞弊的；

(II) abusing his power, neglecting his duties or practicing frauds for personal gains;

（三）索取、收受贿赂的；

3. soliciting or accepting bribes;

（四）截留、克扣、挪用、贪污计划生育经费或者社会抚养费的；

(IV) Holding back, deducting, misappropriating or embezzling family planning funds or social care funds; or

（五）虚报、瞒报、伪造、篡改或者拒报人口与计划生育统计数据的。

(V) Making up, concealing, falsifying, tampering or refusing to disclose statistic data related to population control and family planning.

第四十条   违反本法规定，不履行协助计划生育管理义务的，由有关地方人民政府责令改正，并给予通报批评；对直接负责的主管人员和其他直接责任人员依法给予行政处分。

Article 40 Relevant local governments shall order those who fail to fulfill their obligation of assisting the management of family planning by violating this Law to correct such violation and make public criticism against them. They shall also impose administrative punishments on the principal directly in charge and other personnel directly in charge.

第四十一条   不符合本法第十八条规定生育子女的公民，应当依法缴纳社会抚养费。

Article 41 Citizens who do not bear children according to Article 18 of this Law shall pay social care fund according to law.

未在规定的期限内足额缴纳应当缴纳的社会抚养费的，自欠缴之日起，按照国家有关规定加收滞纳金；仍不缴纳的，由作出征收决定的计划生育行政部门依法向人民法院申请强制执行。

Those who fail to pay social child-raising fees in full amount within the prescribed time limit shall, starting from the first day when such fees becomes outstanding, be subject to late payment in accordance with relevant provisions of the State. In case such persons fail to pay the fees after the late payment is imposed, the administrative department of family planning which imposes the social child-raising fees shall apply to a people's court for mandatory enforcement according to law.

第四十二条   按照本法第四十一条规定缴纳社会抚养费的人员，是国家工作人员的，还应当依法给予行政处分；其他人员还应当由其所在单位或者组织给予纪律处分。

Article 42 If public servants are subject to the social care fund specified in Article 41 of this Law, they shall be given administrative punishments according to law at the same time. Other personnel who are subject to the social care fund shall be imposed a disciplinary punishment by the unit or organization to which they belong.

第四十三条   拒绝、阻碍计划生育行政部门及其工作人员依法执行公务的，由计划生育行政部门给予批评教育并予以制止；构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 43 Those who refuse or impede administrative departments of family planning and their staff to carry out their work according to law shall be criticized, educated and stopped by the administrative departments of family planning. If the action constitutes a violation of public security administration, a penalty shall be imposed according to law. If the action constitutes a crime, the violator shall be held criminally liable.

第四十四条   公民、法人或者其他组织认为行政机关在实施计划生育管理过程中侵犯其合法权益，可以依法申请行政复议或者提起行政诉讼。

Article 44 If any citizens, legal persons or other organizations deem that a certain administrative authorities have infringed upon their legitimate rights and interests when implementing the family planning strategy, they may apply for administrative reconsideration or file an administrative lawsuit according to law.

第七章 附则

Chapter 7 Supplementary Provisions

第四十五条   流动人口计划生育工作的具体管理办法、计划生育技术服务的具体管理办法和社会抚养费的征收管理办法，由国务院制定。

Article 45 The detailed measures for the administration over the family planning of the migrating population and the detailed measures for the administration over the family-planning technical services as well as the detailed measures for the administration over the collection and management of the social care fund shall be formulated by the State Council.

第四十六条   中国人民解放军执行本法的具体办法，由中央军事委员会依据本法制定。

Article 46 Specific measures for implementation of this Law by the Chinese People's Liberation Army shall be formulated by the Central Military Commission in accordance with this Law.

第四十七条   本法自2002年9月1日起施行。

Article 47 This Law shall go into effect as of September 1, 2002.