

## **FAMILY**

### **A. National.**

1. ***Opinion on Strengthening the Work of Population and Family Planning of Minorities*** (issued on November 13, 2000 by the State Family Planning Commission and the State Ethnic Affairs Commission).

(a) The Opinion was issued to further do a good job of family planning for minorities and ethnic areas. The Opinion notes that since the 1990s, with the development of the economy of ethnic areas, progress in science, education and cultural undertakings and the improvement in public health conditions, population and family planning work with minorities has seen marked achievements. The Opinion reports on the basic experience of family planning work in ethnic areas.

(b) Family planning shall be included in the social and economic development plans of the area, comprehensive policies and management, and shall be closely integrated with the development of the regional economy, to help the masses overcome poverty and to build civilized and prosperous families. The resolution of population issues is to be supported in the course of development.

(c) Birth control policies that comply with the actual situation of ethnic areas and that consider the special characteristics of minorities shall be formulated and implemented. The stability and continuation of policies is to be maintained so as to control the rapid increase in the population in ethnic areas and to support the appropriate scale of the minority population. Minority cultural traditions and customs are to be respected, and in focusing on the development work of the special characteristics of each ethnic group, attention shall be paid to work methods, the unity of ethnic groups shall be increased and the stability of society shall be protected.

(d) In general, family planning work for minorities and in ethnic areas has been uneven. Certain areas have not been able to escape the vicious cycle of "more poverty more births." Early marriage and early childbirth are still common in certain areas. The overall birth control rate and family planning rate of childbearing married women is low, their cultural quality is low, and the population of illiterate or semi-illiterate people is relatively high. In addition, the rate of birth defects is relatively high, as well as the infant mortality and birth-related maternal death rate.

(e) In the next 10 years, China will enter an important historical phase for the development of its western regions. One major determinative factor in the development will be the quality of the population. Controlling the overly fast increase in the population and improving the quality of the ethnic population is important. Doing a good job of population work and family planning work for ethnic groups is also beneficial to safeguarding the unity of ethnic groups, the unity of the State and the stability of borders.

(f) By 2010, the goals are to: make significant developments in the thinking of childbearing women, basically implement family planning, effectively control population numbers, improve the quality of newborns, provide reproductive health services to childbearing women, gradually develop contraceptive choices, implement ante-natal management and services, stabilize the contraceptive rate to 80% or more and control the rate of abortions and the incidence of disease to less than 0.1% and maintain a basic normal ratio of male/female births.

(g) The main tasks of the family planning work in the next period are to: (i) make people aware of the population problem and advocate late marriage and late childbirth; (ii) improve the quality of the population; (iii) strengthen the construction of family planning technical services networks and satisfy such needs of the minorities; (iv) deepen propaganda and education work to lead the masses to have a scientific, civilized and progressive view of marriage; (v) integrate family planning with the development of the economy of ethnic areas to help people overcome poverty and build prosperous families; and (vi) make great efforts to strengthen work at the basic levels of the villages and leadership for family planning work.

2. ***Law of the People's Republic of China on Population and Family Planning*** (effective September 1, 2002; adopted on December 29, 2001 by the 25th Session of the Standing Committee of the Ninth National People's Congress, and issued on December 29, 2001 pursuant to Decree No. 63 of the People's Republic of China).

(a) This Law (the "PRC Family Planning Law") sets forth the basic national policy that family planning is to be implemented. The State is to adopt comprehensive measures to control population numbers and improve the quality of the population. The State is to rely on propaganda and education, scientific and technological progress, comprehensive services and the establishment of a complete reward and social security system to develop population and family planning work. In promoting family planning, people's governments and work personnel are to strictly comply with laws and may not infringe the legitimate rights and interests of citizens.

(b) People's governments at all levels are to give special support to the development of population and family planning work in impoverished areas and minority areas.

(c) The State implements a planning policy that encourages citizens to marry late and to bear children later in life, advocates one child per couple, but if the provisions of laws and regulations are satisfied, couples may request arrangements to have a second child. Minorities are also to implement family planning. The specific measures are to be stipulated by the people's congresses or their standing committees of provinces, autonomous regions or municipalities directly under the central government.

**B. Tibet Autonomous Region.**

1. ***Adapting Regulations of the TAR on the Implementation of the Marriage Law of the People's Republic of China*** (effective January 1, 1982; adopted on April 18, 1981 by the Fifth Session of the Standing Committee of the Third TAR People's Congress; amended on June 9, 2004 by the Twelfth Session of the Standing Committee of the Eighth TAR People's Congress).

(a) These Regulations have been formulated pursuant to Section [36] (sic) of the Marriage Law of the People's Republic of China (the "PRC Marriage Law"), taking into account the actual situation of marriage and family of each minority in the TAR, and modify the relevant provisions of the PRC Marriage Law.

(b) Males may not marry before the age of 20 and females may not marry before the age of 18.

(c) Polygamy and polyandry are abolished. Any such relationships that existed prior to the implementation of these Regulations are grandfathered if no one who is a party thereto has initiated the termination of any such relationship.

(d) Traditional marriage ceremonies of minorities shall be respected if they do not impede the freedom of marriage.

(e) Religion may not be used to interfere with marriages or families.

(f) Registration procedures must be implemented for marriages and divorces.

(g) The living costs and education expenses of children born out of wedlock shall be handled in accordance with Section [19] (sic) of the PRC Marriage Law, which is a change from the custom that all such expenses shall be borne by the mother.<sup>1</sup>

(h) Unless otherwise supplemented or modified by these Regulations, the PRC Marriage Law shall apply in all respects.

2. ***Measures of the TAR on the Administration of Family Planning for the Floating Population*** (adopted on July 19, 2000 by the 11th Session of the Standing Committee of the TAR People's Government).

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<sup>1</sup> Note: The reference to the PRC Marriage Law should probably be to Article 25, which provides: "Children born out of wedlock shall enjoy the same rights as children born in wedlock. No person may threaten or discriminate against [children born out of wedlock]. The biological father or mother of children born out of wedlock who does not directly raise them shall be responsible for their living and education expenses until the children are able to live independently."

These Measures set forth a framework for family planning for the floating population, *i.e.*, persons from outside the TAR who reside in the TAR for labor, work, business or other activities. The Measures provide that the public security, industrial and commercial, public health, labor and housing management departments are to jointly engage in the administration of family planning. The Measures also stipulate, among other things, the procedures to obtain birth certificates and the provision of birth control measures.

3. ***Adapting Provisions of the TAR on the Implementation of the Adoption Law of the People's Republic of China*** (effective March 1, 2002; adopted on January 20, 2002 by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).

(a) The Provisions have been formulated pursuant to the Adoption Law of the People's Republic of China.

(b) Tibetan people or other minority people without children may adopt two children. However, there is no limitation on the number of children that may be adopted if an adopted child is an orphan, disabled or being raised by a social welfare agency that has been unable to locate such child's parents. Residents of towns or townships may not adopt children if their average annual income is less than the minimum living standard. Residents in agricultural and pastoral areas who are still poverty stricken may not adopt.

## C. Gansu Province.

1. ***Regulations of Gansu Province on Population and Family Planning*** (adopted on November 28, 1989 by the 11th Session of the Standing Committee of the Seventh People's Congress of Gansu Province, amended on September 29, 1997, further amended on September 27, 2002 and further amended on November 25, 2005 in accordance with the Decision to Amend the Regulations of Gansu Province on Population and Family Planning adopted by the Nineteenth Session of the Standing Committee of the Tenth People's Congress of the Province).

(a) These Regulations have been formulated in accordance with the PRC Family Planning Law, taking into account the actual circumstances of the province.

(b) Minorities shall also practice family planning. If either of the following conditions are met in ethnic areas of the autonomous area, a request to have another child may be arranged:

(i) Both or one member of the couple is a Dongxiang, Yugu or Bao'an minority and they live in a township and already have one child;

(ii) Both members of the couple are village residents and one of them is a Dongxiang, Yugu or Bao'an minority or a Tibetan, Mongolian, Sala or Hasake minority and they live in sparsely populated pastoral or forestry areas and already have two children.

2. ***Adapting Provisions of the Gannan Tibetan Autonomous Prefecture of Gansu Province on the Implementation of the Regulations of Gansu Province on Family Planning*** (adopted on September 2, 1999 by the 11th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

(a) These Provisions have been formulated pursuant to the Law of the People's Republic of China on the Autonomy of Ethnic Areas, the Implementing Provisions of Gansu Province for the Law of the People's Republic of China on the Autonomy of Ethnic Areas, and the Regulations of Gansu Province on Family Planning, taking into account the actual situation of the prefecture.

(b) Late marriage and late childbirth are advocated. It is forbidden to bear children out of wedlock. With respect to Han persons, a marriage is treated as a late marriage if the male marries no earlier than at the age of 25 and the female marries no earlier than at the age of 23. With respect to minority persons, a marriage is treated as a late marriage if the male marries no earlier than at the age of 23 and the female marries no earlier than at the age of 21. If a Han woman gives birth no earlier than at the age of 24 and a minority woman gives birth no earlier than at the age of 22, then such births are considered late births.

(c) A "one couple one child" policy shall be advocated. The birth of a second child is permitted, but the birth of a third child is to be controlled.

(d) If both the husband and wife are state cadres, workers or other non-rural residents, then permission for a second child may be granted if either the husband or wife is Tibetan or the first child has been evaluated as a child with a non-hereditary illness and will not be able to become a part of the normal labor force.

(e) If either the husband or the wife or both of them are farmers or pastoral workers, the birth of a second child is permitted, but the one child policy shall be advocated. With respect to Tibetan people who live in pastoral villages or forestry areas, the one child policy shall be advocated, a second child shall be permitted and a third child shall be rationally arranged.

(f) In areas where three children are permitted, a period between births is advocated. In the case of state cadres, workers and other non-rural persons, and rural and pastoral residents who wish to have a second child, the period shall be at least three years.

(g) The Provisions set up an application process for having children.

(h) Support of contraception shall be the main measure and comprehensive contraceptive measures shall be promoted. Couples who already have one child and those persons in areas that permit three children who already have two children must adopt contraceptive measures. With respect to those couples who already have two children and, in areas that permit three children, couples who already have three children, one party must undergo sterilization. Remedial measures shall be adopted for pregnancies that are not planned.

(i) The Provisions have an annex that identifies the areas where couples may have three children.

**D. Qinghai Province.**

1. ***Supplemental Provisions of the Huangnan Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective August 7, 1982; approved on August 7, 1982 by the 19th Session of the Standing Committee of the Fifth People's Congress of Qinghai Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to all minorities in the three counties of Jianzha, Tongren and Zeku. The PRC Marriage Law applies to state cadres, workers, Han Chinese and residents of towns and townships.

(b) A male may not marry before the age of 20 and a female may not marry before the age of 18. Late marriage shall be advocated and family planning implemented.

(c) Marriage and divorce must follow the procedures stipulated by law. Any divorce effected by one party notifying the other, either orally or in writing, shall be void.

(d) Religion may not be used to interfere with marriage.

(e) Marriages of persons of different ethnic groups shall be subject to legal protection. No excuses may be used to interfere with or hinder such marriages.

2. ***Supplemental Provisions of the Haibei Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective July 16, 1983; approved on July 16, 1983 by the Second Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to the minorities living in Qilian, Gangcha and Haiyan counties. The PRC Marriage Law applies to state cadres, workers, Han Chinese and town or township residents (including minorities). These Provisions are substantially similar to the Provisions described in item 1 above.

3. ***Supplemental Provisions of the Huzhu Tu People Autonomous County on the Implementation of the PRC Marriage Law*** (effective December 20, 1983; approved on December 20, 1983 by the Fourth Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

(a) These Provisions apply, among others, to Tibetans who live in the county.

(b) A male may not marry before the age of 20 and a female may not marry before the age of 18.

(c) Marriages and divorces must comply with the PRC Marriage Law. The complete freedom of a couple [to decide to marry] is supported. No person may force someone to marry, arrange marriages or interfere with marriages. It is strictly forbidden to sell persons into marriage.

(d) Religion may not be used to interfere with marriage. It is not permitted to use religious rituals in the place of the legally prescribed marriage procedures. No one may interfere with the remarriage of a widow.

(e) Marriages of persons from different ethnic groups shall be subject to the protection of the law.

4. ***Adapting Provisions of the Hainan Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective July 20, 1985; approved on July 20, 1985 by the 13th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to all minorities in the prefecture, other than state workers who are minorities — they are subject to the PRC Marriage Law.

(b) A male may not marry before the age of 20 and a female may not marry before the age of 18.

(c) Freedom of marriage shall be implemented. Arranged marriages, being sold into marriage and other acts that interfere with the freedom of marriage shall be forbidden. Religion may not interfere with marriage or family.

(d) Divorce shall be handled in accordance with the PRC Marriage Law. No person may represent any person in handling divorce procedures and obtaining a divorce certificate. Any divorce effected by one party notifying the other, either orally or in writing, shall have no legal effect. After a divorce, forcing the other party to a marriage to continue to maintain a marriage relationship shall have no legal effect.

5. ***Supplemental Provisions of the Yushu Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective July 18, 1987; adopted on October 30, 1986 by the Third Session of the Standing Committee of the Seventh People's Congress of the Yushu Tibetan Autonomous Prefecture, and approved on July 18, 1987 by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to minority rural and pastoral residents in the prefecture and Han Chinese who have married minorities, except that the PRC Marriage Law shall apply to minority cadres and workers.

(b) Freedom of marriage shall be implemented. Using religion, the clan or other methods to interfere with the freedom of marriage is forbidden. A one husband one wife system shall be implemented. Polyandry and polygamy are forbidden.

(c) A male may not marry before the age of 20 and a female may not marry before the age of 18. Family planning shall be implemented and late marriage and late childbirth encouraged.

(d) Traditional marriage ceremonies of minorities shall be respected if the fundamental principles of the PRC Marriage Law and these Provisions are not violated.

(e) Marriages and divorces shall be strictly implemented in accordance with the PRC Marriage Law and the Marriage Registration Measures.

(f) Children born out of wedlock shall enjoy the same rights as children born within wedlock. No person may discriminate against or endanger them. The parents of children born out of wedlock shall have the responsibility to raise them. A father shall be responsible for all or a portion of his children's living expenses and education costs until such children are able to live independently.

6. ***Adapting Provisions of the Guoluo Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective November 21, 1987; adopted on November 10, 1987 by the Eighth Session of the Standing Committee of the Eighth People's Congress of Guoluo Tibetan Autonomous Prefecture, and approved on November 21, 1987 by the 29th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to minorities in the prefecture, other than minority cadres and workers, to whom the PRC Marriage Law shall apply.

(b) Freedom of marriage is guaranteed. Using religion, the clan or other methods to interfere with the freedom of marriage is forbidden. Polyandry and polygamy is forbidden.

(c) A male may not marry before the age of 20 and a female may not marry before the age of 18. Late marriage and late childbirth shall be encouraged.

(d) Legal procedures shall be strictly implemented for marriages and divorces.

(e) Children born out of wedlock shall enjoy the same rights as children born within wedlock. No person may discriminate against or endanger them. A father shall be responsible for all or a portion of his children's living expenses and education costs until such children are able to live independently.

7. ***Adapting Provisions of the Haixi Mongolian and Tibetan Autonomous Prefecture of Qinghai Province on the Implementation of the Age of Marriage in the PRC Marriage Law (Revised)*** (effective July 1, 2002; adopted on April 27, 2002 by the Second Session of the 11th People's Congress of Haixi Mongolian and Tibetan Autonomous Prefecture, and approved on May 31, 2002 by the 30th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law. The Provisions are only applicable to the minority people living in rural and pastoral areas. The PRC Marriage Law shall apply to minority state workers, and town or township residents.

(b) With respect to the Mongolian and Tibetan people, a male may not marry before the age of 20 and a female may not marry before the age of 18.

(c) If one person to a marriage is a minority from a village or pastoral area and the other is a state worker or a resident of a town or township, then the Provisions will be separately implemented based on their respective marriage ages. If a party's residence registration is not in the prefecture, the marriage age stipulated by the marriage registration authorities in the locality shall apply.

8. ***Regulations of Qinghai Province on Population and Family Planning*** (effective January 1, 2003; adopted on September 20, 2002 by the 32nd Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) These Regulations are formulated in accordance with the PRC Family Planning Law, taking into account the actual circumstances of the province.

(b) Although the "one child one couple" policy is advocated, an application may be made to have a second child if the couple or one spouse is a minority. Minority couples who live in villages may have two children. Minority couples in pastoral areas may have three children. The Regulations prescribe a gap of four years or more between children.

9. ***Measures of the Provincial Family Planning Commission and Provincial Financial Office of Qinghai Province to Encourage Agricultural and Pastoral Families to Have Only One Child and Minority Pastoral Workers in Pastoral Areas to Give Up Having A Third Child*** (effective January 1, 2003, Qingzhengban [2003] No. 93, transmitted by the Office of the People's Government of Qinghai Province).

(a) This Notice has been formulated in accordance with the Law of the People's Republic of China on Population and Family Planning and the Regulations of Qinghai Province on Population and Family Planning to encourage rural and pastoral persons to have only one child and minority families in pastoral areas to give up having a third child.

(b) Rural and pastoral families which voluntarily have only one child under the age of 14 after January 1, 2003 will be given a one time award of RMB 3,000. Pastoral families who already have two children but who voluntarily give up having a third child after January 1, 2003 will be given a one time award of RMB 1,000.

(c) To receive such an award, the family must take effective birth control measures.

**E. Sichuan Province.**

1. ***Adapting Provisions of A Ba Tibetan and Qiang Autonomous Prefecture on the Implementation of the Inheritance Law of the People's Republic of China*** (effective January 1, 1990; adopted on March 8, 1989 by the Second Session of the Sixth People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture, and approved on September 20, 1989 by the 11th Session of the Standing Committee of Seventh People's Congress of Sichuan Province).

(a) The Provisions have been formulated pursuant to the Inheritance Law of the People's Republic of China, taking into account the specific circumstances relating to property inheritance of the prefecture's minorities.

(b) The principles that men and women have equal rights in inheritance matters, that the elderly and young are to be taken care of and that rights and obligations shall be consistent shall be supported.

(c) Family heirlooms and religious objects that the law permits to be owned by a citizen may be considered part of the estate of such citizen.

(d) If there is no will or gift or care agreements, the successors shall consult and agree on the matter and may also conduct succession in accordance with the customs of the minority.

(e) The order of succession that is prescribed by law is as follows: (i) first, spouse, children and parents, and (ii) second, siblings and grandparents on both sides. If the deceased's spouse has the obligation to be the principal support for the parents or parents-in-law of the couple, then such spouse shall have first priority. If grandchildren and grandparents mutually support each other, all of them shall have first priority.

(f) The Provisions are applicable to all minorities within the prefecture and Han Chinese citizens who are married to minorities or who have support or succession relationships with minorities.

2. ***Supplemental Provisions of the Ganzi Tibetan Autonomous Prefecture of Sichuan Province on the Implementation of the PRC Marriage Law*** (effective July 1, 1982; adopted on November 19, 1981 by the Sixth Session of the Fourth People's Congress of Ganzi Tibetan Autonomous Prefecture, and approved on December 26, 1981 by the 13th Session of the Standing Committee of the Fifth People's Congress of Sichuan Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to all minorities in the prefecture and to Han Chinese who are married to minorities.

(b) A male may not marry before the age of 20 and a female may not marry before the age of 18.

(c) Polygamy and polyandry are forbidden. However, if any such marriage relationship was formed before the effective date of the Provisions and no party thereto wishes to terminate the relationship, then such marriage relationship may be maintained.

(d) It is forbidden to arrange marriages, sell people into marriage or use marriage as an excuse to obtain money (*shenjiafei* — the price of a slave), dowries or other property. Substituting a person in a marriage or using marriage to transfer real property violates the freedom of marriage and the principle of voluntarism, and shall be forbidden.

(e) Direct blood relatives and collateral relatives within the third degree may not marry each other.

(f) Religion, the clan and other methods may not be used to interfere with the freedom of marriage.

(g) The marriage ceremonies of minorities shall be respected if the fundamental principles of the PRC Marriage Law are not violated.

(h) Fathers of children born out of wedlock shall be responsible for all or a portion of the children's living and education expenses, which is a major change from the custom that the mother bears all such expenses.

(i) Marriages and divorces must be performed in accordance with legal procedures.

3. ***Supplemental Provisions of A Ba Tibetan and Qiang Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective January 1, 1984; adopted on March 17, 1983 by the 12th Session of the Standing Committee of the Fourth People's Congress of the A Ba Tibetan Autonomous Prefecture, and approved on July 12, 1983 by the Second Session of the Standing Committee of the Sixth People's Congress of Sichuan Province; amended on July 8, 1988 by the Fourth Session of the Standing Committee of the Sixth People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture, and approved on September 26, 1988 by the Fifth Session of the Standing Committee of the Seventh People's Congress of Sichuan Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to all minorities in the prefecture and Han Chinese persons who are married to minorities.

(b) **Freedom of marriage shall be implemented.** It is forbidden to coerce people into marriage, arrange marriages, sell people into marriage or use marriage to transfer real property. It is also forbidden to use marriage as an excuse to obtain property. It is forbidden to use religion, the clan, tribe or other means to interfere with the freedom of marriage.

(c) A one husband one wife system will be implemented. Polygamous and polyandrous relationships that were formed prior to the implementation of the Provisions shall be left alone if a party thereto does not request termination thereof.

(d) Men and women shall have equal status within a family. The legal rights of women, children and the elderly shall be protected.

(e) A male may not marry before the age of 20 and a female may not marry before the age of 18. Family planning shall be implemented and late marriage and late childbirth shall be advocated.

(f) Marriages of direct blood relatives is forbidden and marriages of collateral relatives within the third degree are not permitted.

(g) The marriage ceremonies of minorities shall be respected if the fundamental principles of the PRC Marriage Law are not violated.

(h) Marriages and divorces shall be strictly implemented in accordance with the PRC Marriage Law. Engagement is not a legally prescribed procedure and has no legal effect.

(i) The law does not permit having children out of wedlock. The parents of a child born out of wedlock both have the responsibility of raising the child. The father must bear all or a portion of the living and education expenses of his children, until the children are able to live independently.

4. ***Regulations of Sichuan Province on Population and Family Planning*** (effective October 1, 2002; adopted on July 2, 1987 by the 26th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province, amended on December 15, 1993, further amended on October 17, 1997, further amended on September 26, 2002 by the 31st Session of the Standing Committee of the Ninth People's Congress of Sichuan Province, and further amended by the Decision to Amend the Regulations of Sichuan Province on Population and Family Planning adopted on September 24, 2004 by the Eleventh Session of the Standing Committee of the Tenth People's Congress of Sichuan Province).

(a) These Regulations have been formulated in accordance with the PRC Family Planning Law, taking into account the actual circumstances of Sichuan Province.

(b) Minorities are also to implement family planning. The specific measures are to be formulated by the people's congress of the autonomous prefecture or county in accordance with the principles in these Regulations and the actual circumstances of the locality, which measures shall be submitted to the standing committee of the provincial people's congress for approval.

5. ***Adapting Provisions of Ganzi Tibetan Autonomous Prefecture to Implement the Regulations of Sichuan Province on Population and Family Planning***

(effective August 1, 2004; adopted on March 24, 2004 by the First Session of the Ninth People's Congress of Ganzi Tibetan Autonomous Prefecture, and approved on June 3, 2004 by the Ninth Session of the Standing Committee of the Tenth People's Congress of Sichuan Province).<sup>2</sup>

(a) These Adapting Provisions have been formulated in accordance with the Ethnic Area Autonomy Law of the People's Republic of China, the Population and Family Planning Law of the People's Republic of China and the Regulations of Sichuan Province on Population and Family Planning, taking into account the actual circumstances of Ganzi Tibetan Autonomous Prefecture.

(b) These Adapting Positions apply to state agencies, social groups, enterprise units and autonomy organizations of the masses in the administrative area of the Prefecture and citizens whose household registration is in the Prefecture, as well as Tibetan compatriots, returning overseas Chinese, Taiwan compatriots and Hong Kong and Macanese compatriots who are resident in the Prefecture.

(c) Married minority women who bear their first child at the age of 22 or above are considered to be late childbearers.

(d) Minority couples in agricultural/pastoral areas may bear a second child. Couples who satisfy the following criteria may, upon approval, bear a second child:

(i) minority township residents;

(ii) Han citizens whose household registration is in the administrative area of the Prefecture and have lived there for at least five years;

(iii) couples who have remarried, where prior to the remarriage, one party only has one child and the other party has no children;

(iv) persons who become pregnant after adopting a child under the Adoption Law of the People's Republic of China may apply to have a child.

(e) Couples who satisfy the following criteria may, upon approval, bear a third child:

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<sup>2</sup> The *Measures of Ganzi Tibetan Autonomous Prefecture on Family Planning* (adopted on June 24, 1988 by the 27th Session of the Standing Committee of the Fifth People's Congress of Ganzi Tibetan Autonomous Prefecture, and approved on May 8, 1989 by the Ninth Session of the Standing Committee of the Seventh People's Congress of Sichuan Province; with an amendment adopted on December 18, 1998 by the 35th Session of the Standing Committee of the Seventh People's Congress of Ganzi Tibetan Autonomous Prefecture, and approved on June 1, 1999 by the Ninth Session of the Standing Committee of the Ninth People's Congress of Sichuan Province), have been repealed by these Provisions.

- (i) minority agricultural/pastoral workers;
- (ii) disabled war veterans with injuries at the second level “jia” grade and above who are minority township residents; and any one party of a couple who suffers equivalent injuries in his/her public job;
- (iii) minority township residents and Han agricultural/pastoral workers who, due to divorce remarry and prior to remarriage, one party has two children and the other party has no children or each party only has one child;
- (iv) couples that have remarried after a death of a spouse and prior to the remarriage one party has no more than two children and the other party has no children or each party only has one child;
- (v) Han agricultural/pastoral workers who live in high altitude remote mountainous areas where minorities are concentrated.
- (f) The period between births shall in general be three or more years. The period may be reduced to two years for married women who are agricultural/pastoral workers and married women who have borne their first child at the age of 28 or more and who live in high altitude mountainous areas.
- (g) If one party of a couple is a minority and the other is Han, the provisions on childbirth relating to minorities may be implemented.

6. ***Adapting Provisions of A Ba Tibetan and Qiang Autonomous Prefecture to Implement the Regulations of Sichuan Province on Population and Family Planning*** (effective August 1, 2004; adopted on February 26, 2004 by the Second Session of the Ninth People’s Congress of the A Ba Tibetan and Qiang Autonomous Prefecture, and approved on June 3, 2004 by the Ninth Session of the Standing Committee of the Tenth People’s Congress of Sichuan Province).<sup>3</sup>

(a) These Adapting Provisions have been formulated in accordance with the Ethnic Area Autonomy Law of the People’s Republic of China, the Population and Family Planning Law of the People’s Republic of China and the Regulations of Sichuan Province on Population and Family Planning, taking into account the actual circumstances of the A Ba Tibetan and Qiang Autonomous Prefecture.

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<sup>3</sup> The *Measures of A Ba Tibetan and Qiang Autonomous Prefecture on Family Planning* (adopted on April 28, 1989 by the Eighth Session of the Standing Committee of the Sixth People’s Congress of A Ba Tibetan and Qiang Autonomous Prefecture, and approved on May 8, 1989 by the Ninth Session of the Standing Committee of the Seventh People’s Congress of Sichuan Province; amended on April 10, 1995 by the 14th Session of the Standing Committee of the Seventh People’s Congress of A Ba Tibetan and Qiang Autonomous Prefecture and approved on October 19, 1995 by the 17th Session of the Standing Committee of the Eighth People’s Congress of Sichuan Province), have been repealed by these Provisions.

(b) These Adapting Provisions apply to state agencies, social groups, enterprise units and autonomy organizations of the masses in the administrative area of the Prefecture and citizens whose household registration is in the Prefecture.

(c) Married minority women who bear their first child at the age of 22 or above are considered to be late child bearers.

(d) Couples who satisfy the following criteria may, upon approval, bear a second child:

(i) both parties or one party is a minority;

(ii) both parties are agricultural/pastoral workers;

(iii) Han couples in non-agricultural/pastoral populations, of whose siblings by blood, only one has child bearing ability;

(iv) one party has two prior generations of singletons;

(v) one party is a war veteran who has suffered injuries at the second level “jia” grade and above or who has suffered an equivalent injury in his or her public job;

(vi) residents of A Ba, Ruo’ergai, Hongyuan, Rangtang county or other villages (townships) that are 3,000 meters or more above sea level who have resided there for eight or more years.

(e) Minority couples who have returned to China and reside in the Prefecture may, upon approval, bear a third child.

(f) Minority agricultural/pastoral couples who satisfy any one of the following criteria may, upon approval, bear a third child:

(i) residents of A Ba, Ruo’ergai, Hongyuan or Rangtang county;

(ii) residents of remote high altitude areas designated by the people’s government of the Prefecture;

(iii) of their blood siblings, only one has child bearing ability;

(iv) both parties are singletons;

(v) one party is a war veteran who has suffered injuries at the second level “jia” grade and above or who has suffered an equivalent injury in his/her public job;

(vi) couples who have remarried after a divorce and prior to the remarriage, one party has no more than two children and the other party has no children or each party has one child;

(vii) of two children who are born in accordance with provisions, one has a non-hereditary illness and cannot develop and become part of the normal work force, and upon a pediatric appraisal conducted by the child bearing technology agencies at the county level and above, the conditions are met.

(g) If one party of a couple is a minority, minority childbearing provisions shall be implemented.

(h) With respect to persons who satisfy these Adapting Regulations and apply to have another child, except for women who are 30 years or more, there shall be a gap of two years for the agricultural/pastoral population and a gap of three years for the non-agricultural/pastoral population [before they may have another child].