

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).

(a) These Regulations have been formulated pursuant to the Marriage Law of the People's Republic of China (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 the PRC Marriage Law, which is a change from the custom that all such expenses shall be borne by the mother.

(h) People's congresses and their standing committees at the county level may adopt adapting or supplementary regulations, taking into account the particular circumstances of minority marriages and families, and such regulations shall be submitted to the standing committee of the TAR people's congress for approval. Unless otherwise specified in the 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).

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, and further amended on September 27, 2002).

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

(b) Although the Regulations advocate a “one child one couple” policy, if the couple are village residents and one spouse is a minority, then the couple may request arrangements to have a second child. In addition, in autonomous areas in ethnic areas, a request may be made to have another child if the couple are village residents, of whom one spouse is from the Dongxiang, Yugu or Bao’an minority or is a Tibetan, Mongolian, Sanla or Hasake minority and the couple resides 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, 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 and further amended on September 26, 2002 by the 31st Session of the Standing Committee of the Ninth 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. ***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).

(a) The Measures have been formulated pursuant to the Regulations of Sichuan Province on Family Planning, the Autonomy Regulations of Ganzi Tibetan Autonomous Prefecture and the Supplemental Provisions of the Ganzi Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law, taking into account the actual situation of the prefecture, to promote family planning, control the number of the population, improve the quality of the population and to cause the increase in the population to correspond with social and economic development.

(b) In implementing family planning, education shall be the main method, with necessary administrative and economic measures as a supplement, to achieve late marriages, late childbirth, fewer births, better quality births and health.

(c) A social security system including safety insurance for single children and pension insurance for the parents of single children shall be gradually implemented.

(d) The Measures apply to citizens of all ethnic groups who reside in the administrative region of the prefecture, citizens of all ethnic groups who live in the prefecture but whose place of registration is outside the prefecture, as well as all state agencies, social groups, enterprises and units in the administrative region of the prefecture. The Measures also apply to Tibetan compatriots and overseas Chinese who have returned from abroad, Taiwan compatriots, and compatriots from Hong Kong and Macau.

(e) Late marriage and late childbirth are advocated and encouraged. Men and women who are of marriage age but who have delayed marriage by more than three years shall be considered to have married late. A woman who has given birth four years after she has reached the legally prescribed marriage age shall be deemed to have married late.

(f) Births must be carried out in accordance with plans.

(g) Couples are encouraged to have one child only. It is not permitted to have children out of wedlock, to marry early and have children early or to have unplanned children.

(h) Couples may have a second child if they are: (i) minority workers or town or township residents; (ii) Han farmers or pastoral workers or vegetable farmers; (iii) Han workers, residents, farmers or pastoral workers who have moved from inland areas to the prefecture and who have lived in the prefecture for more than five years; and (iv) a married couple involving a divorced party, in respect of whom, prior to the remarriage, one party has one child and the other party does not have a child. Couples who, after years of marriage, have not had a child but after having adopted a child, become pregnant, may apply to have a child.

(i) Couples may have a third child if they are: (i) minority farmers or pastoral workers; (ii) minority workers, (town or city) residents or vegetable farmers who are soldiers who have suffered an injury of a certain level; (iii) minority workers, residents, vegetable farmers and Han farmers or pastoral workers who have remarried after divorce, where one party has two children prior to the remarriage and the other party has no children or where each party has one child; (iv) persons who have remarried after the death of their spouse and prior to the remarriage one party had no more than two children and the other party had no children, or each party had one child; or (vi) Han Chinese rural or pastoral workers who live in high plateau or remote mountain areas where minorities are concentrated.

(j) The period between childbirths shall generally be three years or more. However, for married rural or pastoral women who live in high plateaus and mountain areas and married women who were 28 years old or more when they had their first child, the period may be reduced to two years.

(k) If one spouse is a minority and the other spouse is Han Chinese, then the family planning provisions for minorities may be implemented in respect of them.

(l) The Measures contain provisions regarding the making of applications to have a child, the use of contraceptives and measures to encourage couples to marry late, to have children late or to have fewer children.

6. ***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).

(a) The Measures have been formulated pursuant to the Regulations of Sichuan Province on Family Planning and the Autonomy Regulations, of A Ba Tibetan and Qiang Autonomous Prefecture, taking into account the actual situation of the prefecture, to promote family planning, control the population, improve the quality of the population and cause the increase in population to correspond with social and economic development. These Measures are substantially similar to those described in item 4 above. Certain variances are noted below.

(b) Late marriage shall mean a first marriage where a Han male is more than 25 years of age and a Han female is more than 23 years of age, and a minority male is more than 23 years of age and a minority female is more than 21 years of age. Late birth shall mean where a married women of late marriage age has delayed having a child for more than a year.

(c) Couples are advocated and encouraged to have only one child. Minority couples may apply to have a planned second child. Han rural and pastoral couples may, upon application and approval, be considered for having a second child.

(d) A non-rural Han couple may apply for approval to have a second child if: (i) the first child has a non-hereditary illness and cannot become a part of the normal work force; (ii) they have been married for many years and after adopting a child, have become pregnant; (iii) they are Taiwan compatriots, Hong Kong or Macau compatriots or overseas Chinese who have returned to reside in the prefecture; (iv) of their siblings, only one has the ability to bear children; (v) one spouse is the second or greater generation of singletons; (vi) both of the couple are singletons; or (vii) one spouse is a soldier who has suffered an injury of a certain level or has suffered an injury while on duty equivalent to such level of injury.

(e) A couple may, upon application and approval, have an additional child if: (i) in a remarriage where a spouse's prior spouse died, one party has no more than two children and the other has no children; (ii) where a spouse has divorced, the prior married party has only one child and the other party has no child; (iii) they are a minority rural or pastoral couple who have remarried after a divorce, where one spouse has two children and the other party has no children or each spouse has one child; (iv) they are a minority rural or pastoral couple with two children, one of whom has a non-hereditary illness who cannot become a part of the normal work force.

(f) A non-rural or pastoral Han person who lives in a village or township that is more than 3,000 meters above sea level such as A Ba, Ruo'ergai, Hongyuan and Rangtang and has lived there for more than eight years may apply to have a planned second child.

(g) Minority rural or pastoral couples may, upon application and approval, have a third child if: (i) they live in A Ba, Ruo'ergai, Hongyuan or Rangtang county; (ii) they are a dispersed household living in a remote and high plateau area determined by the people's government; (iii) of their siblings, only one has the ability to have children; (iv) both of them are singletons; and (v) if one spouse is a soldier with an injury of a certain level or has suffered an injury while on duty equivalent to such level of injury.

(h) Minority couples may apply to have a third child if they return to China from a foreign country. The relevant provisions of the State shall apply to the reproduction issues of couples where one spouse is a Hong Kong, Macau or Taiwan compatriot, overseas Chinese or foreign citizen resident in the prefecture.

(i) If one spouse is a minority and the other is Han, then such couple may be treated in accordance with the reproduction provisions applicable to minorities.