



United States Department of State

Washington, D.C. 20520

SEP 27 2008

Case No.: 200807436

Segment: DRL001

Mr. Theodore Cox, Esq.
401 Broadway, Suite 701
New York, New York 10013

Dear Mr. Cox:

In response to your request dated December 2, 2008, under the Freedom of Information Act (Title 5 USC Section 552), we initiated searches of the following Department of State record systems: the Central Foreign Policy Records and the Bureau of Democracy, Human Rights and Labor.

The search of the Bureau of Democracy, Human Rights and Labor has been completed, and has resulted in the retrieval of eleven documents responsive to your request. After reviewing these documents, we have determined that one may be released in full, four may be released with excisions, and one must be withheld in full. All released material is enclosed.

A decision on the remaining five documents requires interagency coordination: all five originated in another government office, which will review the documents and respond to you directly.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document. The one document withheld in full was withheld under exemption B5.

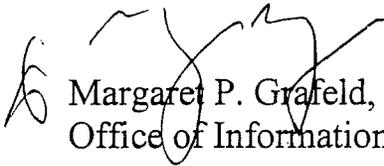
In some cases, two or more exemptions may apply to the same document. In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

With respect to material withheld by the Department of State, you have the right to appeal our determination within 60 days. A copy of the appeals procedures is enclosed.

Still in progress is the search of the Central Foreign Policy Records. Additional information will be provided as it becomes available.

If you have any questions, you may write to the Office of Information Programs and Services, SA-2, Department of State, Washington, DC 20522-8100, or telephone us at (202) 261-8484. Please be sure to refer to the case number shown above in all correspondence about this case.

Sincerely,



Margaret P. Grafeld, Director
Office of Information Programs and Services

Enclosures:
As stated

RELEASED IN PART
B1, 1.4(D)

Jeffrey J Buczacki 09/28/2004 01:31:25 PM From DB/Inbox: Jeffrey J Buczacki

Cable Text:
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TELEGRAM

September 15, 2004

To: SECSTATE WASHDC - ROUTINE
Action: PRM
From: AMEMBASSY BEIJING (BEIJING 15379 - ROUTINE)
TAGS: EAID, PGOV, PHUM, SENV, SOCI, CH
Captions: SENSITIVE
Subject: CHINA REMOVES BIRTH PERMITS IN 25 PROVINCES
Ref: None

1. (SBU) Summary: [redacted]
[redacted] recently confirmed to ESTH Off that between 2002 and 2003 provincial legislation in 25 of China's 31 provinces, municipalities and autonomous regions was amended to do away with the requirement of birth permits, the mechanism for enforcing restrictive birth targets and quotas. [redacted] told the Embassy that it has decided to pursue a more proactive public relations stance [redacted] and highlights loosening application of Social Compensation Fees and expansion of Quality of Care as two positive results.
End Comment.

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Birth Permits Removed in 25 Provinces

2. (SBU) On the margins of the International Forum on Population and Development (septel), [redacted] told ESTH Off that in past months, [redacted] has conducted detailed research into the provincial legislation of the 31 provinces, municipalities and autonomous regions in China. This research revealed, and the SPFPC has recently verified [redacted] that 25 provinces did away with the requirement for birth permits. With the exception of Fujian, Henan, Jiangxi, Xinjiang and Yunnan Provinces, all other provinces amended their family planning legislation between mid-2002 and mid-2003.

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3. (SBU) Birth permits were previously required to ensure that the number of new births in a given year among married couples of an area would not exceed the nationally-established demographic goals. They were the principal method of enforcing restrictive targets and quotas. [redacted] believes that now that the 25 provinces that have done away with birth permits there is no practical way of enforcing a target or quota system, making such a system essentially obsolete. [redacted] said that this move may be partially related to efforts begun [redacted] from 1998-2002 in which the 32 project counties agreed to remove birth permits.

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4. (SBU) Comment: In addition to [redacted] these changes to legislation may also have come as a result of increasing pressure at the provincial level to make management of family planning policies less bureaucratic and less contentious with the public. The State Population and Family Planning Commission (SPFPC) has told us in the past that the largest number of complaints to the central level about administration of policy were focused on family planning workers. Birth permits may

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DATE/CASE ID: 03 MAR 2010 200807436

also have become duplicative. The lack of birth permits does not change the limits on the number of children each family is allowed, it simply precludes allocating in which year they will have them. With the total fertility rate below replacement (the official figure is 1.8, and it may well be lower), officials may no longer feel the need to adjust for yearly fluctuations, while at the same time still limiting overall growth. End Comment.

[redacted]

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5. (SBU) [redacted]

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[redacted] told ESTH Off. Per the SPFPC's request [redacted] will begin to assist China with collection and analysis of data on ageing and infant and maternal mortality. [redacted] will also continue work with the SPFPC on the national standards for quality of care, a work in progress. (Note: Embassy has requested a copy of these National Quality of Care Standards, and has not received them because, according to [redacted] they are not yet in a final form. End Note.)

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Scaling Up of Aspects of Quality of Care

6. (SBU) [redacted] clarified for ESTH Off a statistic on China's move toward quality of care that she has seen misconstrued in our Human Rights Report: After China piloted the quality of care approach in 11 pilot counties in 1995, the [redacted] reported in 2003 that aspects of quality of care had been adopted in over 800 counties. [redacted] noted that the 2003 Human Rights report misstated this fact by saying that targets and quotas had been removed in over 800 counties. [redacted] suggested that with the removal of birth permits, in [redacted] view the correct statement would be that there are no longer targets and quotas in 25 provinces.

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Social Compensation Fee Experimentation

7. (SBU) Continuing her public relations tone, [redacted] also highlighted that [redacted] has revealed several positive moves in Program V counties, including loosening of the application of Social Compensation Fees:

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- In the implementation of Social Compensation Fees, the spacing requirement has been removed in five provinces, and ten others show some relaxation. There is also some relaxation in the requirement that pregnancies by unmarried people automatically require payment of a SCP.

- In pre-2002 provincial regulations, only one province mentioned informed choice of contraceptive method. In the new regulations, 26 provinces explicitly mention informed choice of contraceptive method. (Note: They do not mention informed choice as to whether to have children or to number and spacing. End note.)

- In the pre-2002 provincial regulations, the emphasis was on protecting family planning workers from abuse by clients. Measures to discipline family planning workers were mainly to prevent misuse of family planning funds and only 4 regulations mentioned

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protection of client rights. In the new regulations, 25 explicitly mention punishment of family planning workers if they infringe on client rights.

8. (SBU) Comment: The confirmation by [] the SPFFC that China has done away with birth permits in 25 provinces is the most important example to date of how "scaling up" of both domestic and internationally-funded pilot programs may change family planning policy in China. It is a significant step in ending a system of numerical control of the number of births at the provincial level. It does not change limitations for individual families, but it means that these families are no longer subject to controls related to the total number of births in their towns or counties. The new [] approach to provide more concrete information on the evaluation and successes of its country program are welcome glimpses into how implementation of family planning law on the ground. We will continue to watch how these pilots are ramped up in other [] counties. End Comment.

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9. (U) PRM/POP Director Nan Kennelly cleared this cable.

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Additional Addressees:
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E.O. 12958: N/A
TAGS: SOCI, EAID, PHUM, PGOV, SENV, CH

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SUBJECT: China Removes Birth Permits in 25 Provinces

End Cable Text

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