

NGO Group for the Convention on the Rights of the Child  
**Database of NGO Reports presented to the UN Committee on  
the Rights of the Child.**

---

**Document Title:**

**Elimination of unwanted children in Chinese orphanages: A policy of  
inhumane treatment**

**Region:**

Central Asia, Asia

**Country:**

**China**

**Issued by:**

Human Rights Watch/Asia

**Date of publication of NGO Report:**

**Date of presentation to preessional working group:**

**CRC Session**

(at which related national state party report was submitted):

12th Session : May - June 96

**Language:**

English

---

**Document Text**

[Link to related state party report at UNHCHR in English](#)

[Link to related state party report at UNHCHR in French](#)

[Link to related state party report at UNHCHR in Spanish](#)

**35 Fifth Avenue**

**New York, NY 1017-6104**

**Telephone: 212 972 8400**

**Facsimile: 212 972 0905**

**email: hrwnyc@hrw.org**

**HUMAN RIGHTS WATCH CHILDREN'S RIGHTS PROJECT**

**The Elimination of Unwanted Children in Chinese Orphanages:**

**A Policy of Inhumane Treatment and Deliberate Neglect**

**A Report on Prepared for the United Nations Committee**

**On the Rights of the Child**

**CONTENTS:**

I. Introduction and Summary:

## China's Orphans and Human Rights

### II. Background:

A Nationwide Crisis

The Evidence From Shanghai

Perversion of Medical Ethics

### III. Recommendations:

The Need For a Worldwide Response

Ending Impunity in Shanghai

Reforms to Promote Public Accountability

Management Reforms

Legislative Reforms

## I. Introduction of Summary:

### China's Orphans and Human Rights

The human rights record of the Chinese government has often been attacked. In response to the widespread criticism, the Chinese government has frequently argued that the international community places too much emphasis on civil and political rights, while neglecting the more basic rights to food, shelter, and subsistence-rights which China claims to have secured for its citizens more effectively than some democratic countries. In accordance with the country's post-1949 political tradition, China's leaders assert that economic well-being forms the basis for the enjoyment of all other rights, and that the protection of economic rights can therefore justify restrictions on civil liberties.

It is true that China's record in protecting social and economic rights may serve as a model for the rest of the developing world in some important respects. Levels of well-being, as measured by social indicators such as literacy and life expectancy, are considerably higher in China than in other countries at comparable stages of development, and in some cases higher than those in much wealthier nations.

But China's claim to guarantee the "right to subsistence" conceals a secret world of starvation, disease, and unnatural death—a world into which thousands of Chinese citizens disappear each year. The victims are neither the political activists nor the religious dissidents who dominate the international debate over human rights in the People's Republic; they are orphans and abandoned children in custodial institutions run by China's Ministry of Civil Affairs. A report to be released in January 1996 by Human Rights Watch/Asia documents the pattern of cruelty, abuse, and neglect which has dominated child welfare work in China since the early 1950s, and which now constitutes one of the country's gravest human rights problems.

Despite the barriers to obtaining information about the human rights situation in China, Human Rights Watch/Asia has now pieced together a fragmentary picture of conditions for abandoned children throughout China.

Problems faced by children in China's state-run institutions include:

- staggering high mortality rates
- physical abuse, ranging from physical restraint to beatings and rapes
- intentionally inadequate food and clothing
- deliberate medical neglect
- persistent failure of responsible officials to reveal the status and whereabouts of the majority of orphans
- falsification of records and other deliberate Government attempts to conceal evidence of abuses

The evidence - largely official documents cited in detail below - suggest that in 1989, the majority of newly admitted orphans in China's welfare institutions faced a less than 50 percent

chance of surviving for more than a year. The documents also show that the overall annual mortality rate at many of China's orphanages is far higher than the rate documented in any other country. For instance, the death rate from neglect and infectious disease in one of Romania's most abusive state orphanages was 40 percent in 1989, according to the France-based humanitarian group Médecins du Monde - and conditions in Romania drew worldwide outrage over the plight of Romania's abandoned and handicapped children. But conditions in Romania pale beside those in many Chinese institutions. Comparable 1989 statistics for the Chinese provinces of Fujian, Shaanxi, Guangxi and Henan show that institutionalized orphans faced overall annual mortality rates ranging from 59.2 percent to 72.5 percent.

When sustained over an extended period, these annual mortality rates translate into far higher actual mortality. On the basis of the anecdotal evidence, Human Rights Watch/Asia estimates that in China's best-known and most prestigious orphanage, the Shanghai Children's Welfare Institute, total mortality in the late 1980s and early 1990s was probably running as high as 90 percent. Even official figures put the annual deaths-to-admissions ratio at an appalling 77.6 percent in 1991, and partial figures indicate that this ratio went up in 1992.

The high number of abandoned children in China is due in part to the government's one-child policy, and the crisis shows no signs of abating. Despite this, neither institutional welfare policy nor the size of the orphanage system has changed appreciably since 1992. In Shanghai, the government's desire to encourage foreign adoptions has led since 1993 to a number of cosmetic improvements at the Children's Welfare Institute, but there is evidence that many disabled infants and children are now simply transferred to a facility outside the city, where access for outsiders is extremely rare. According to numerous reports received by Human Rights Watch/Asia, the children at this facility are grossly mistreated.

Most Western media reports have assumed that poor conditions in Chinese orphanages are due to lack of resources. But the evidence gathered by Human Rights Watch/Asia refutes this, and suggests instead that many Chinese orphanages - including some with death rates among the worst in the country - enjoy budgets that provide more than adequately for wages, bonuses, and other personnel-related costs. Expenses for children's food, clothing, and other necessities, however, are extremely low in institutions throughout the country. Given this disparity, the management and staff of China's orphanages cannot excuse their failings by pointing to lack of funding or inadequately paid employees.

Our research suggests that high mortality rates are due to something far more sinister: a deliberate and apparently systematic program of eliminated unwanted infants through starvation and medical neglect. And while simple neglect, intentional or otherwise, accounts for some high proportion of infant deaths, our research indicates that Shanghai's Children's Welfare Institute is characterized by a pattern of more active abuse. Older children in particular are subject to many forms of cruel and degrading treatment, including beatings, torture, sexual abuse and forced labor. In a report to be released in January 1996, Human Rights Watch/Asia documents these abuses through an extended series of case studies.

This crisis, both nationwide and in Shanghai, is known to the top leadership of China's Ministry of Civil Affairs. Conditions at the Shanghai orphanage are well known to the local political elite and to members of the Politburo. But the government reaction has been to maintain a facade of normalcy, to punish dissenters who have sought to expose abuses and, in certain crucial cases, to continue to promote those responsible for the abuses.

**To address this crisis, Human Rights Watch/Asia makes the following recommendations:**

**A concerted world response is needed:**

The United Nations and its specialized agencies should take the lead in investigating abuses of institutionalized children in China  
Governments around the world should make the plight of institutionalized children a high priority as they press the Chinese government of human rights issues

**Perpetrators of abuses must be held accountable:**

The Chinese Government should publicize accurate and up-to-date statistics about the status and whereabouts of orphaned and abandoned children

The government should promulgate strict rules geared towards preventing and punishing abuse of institutionalized children

All deaths of institutionalized children should be considered potential unnatural and should be fully investigated

In Shanghai, Chinese government and Communist Party officials should publicly state their determination to investigate unnatural deaths and abuses in the Children's Welfare Institute. Official investigations into misconduct within the Shanghai Civil Affairs Bureau should be reopened, and current Institute staff should be suspended pending the results of the investigation. The Government should state publicly that any employees or state agencies found to be complicit in abuses will be held criminally accountable, and the current ban on critical reporting of conditions at the Institute should be lifted.

**Institutional reforms must be made:**

The Chinese welfare system should be recognized to ensure that children and adults are placed in separate institutions

Institutions for children should be staffed by formally trained employees and qualified medical professionals

Children should not be classified as "mentally retarded" until they are old enough to be given reliable as appropriate psychological tests

The surgical repair of minor and correctable birth defects (cleft palates, harelips, etc.) in children should be a high priority

All state institutions should be subject to regular visits from local residents, foreign national and agencies such as UNICEF.

**Chinese law must be revised:**

The Chinese Government should clarify and publicize its policy on foster parenting

The Chinese adoption laws should be revised in order to loosen most restrictions on adoptions. The government should encourage families wishing to have more than one child to adopt abandoned children.

**II. Background****A Nationwide Crisis**

Abandonment of children surged in China during the 1980s, in part due to the one-child population control policy and in part due to policies restricting adoption by Chinese couples who already have a child. The national statistics on mortality cited in this report do not contain a gender breakdown, but anecdotal and journalistic reporting on orphanages nationwide reveals that the vast majority of children in orphanages are healthy infant girls. This has been consistently true for the last decade; these infant girls have no serious disabilities and are abandoned solely because of traditional attitudes that value boy children more highly than girls. The problem is compounded by the Government's excessively restrictive adoption policies: those couples who would like to adopt an abandoned baby girl are generally prohibited from doing so.

Foreign awareness of human rights issues in China has increased in the past few years,

because of China's greater openness to foreign press coverage and charitable work financed from abroad. The recent dramatic increase in overseas adoptions from the People's Republic has also helped to generate foreign concern about inhumane conditions for institutionalized children. Although some scattered allegations have succeeded in bringing to light grave abuses against China's orphans, there has been virtually no effort to place these charges in context through systematic research on the country's institutional welfare system.

The Chinese government's own statistics reveal a situation worse than even the most alarming Western media reports have suggested. In 1989, the most recent year for which nationwide figures are available, the majority of abandoned children admitted to China's orphanages were dying in institutional care. Many institutions, including some in major cities, appeared to be operating as little more than assembly lines for the elimination of unwanted orphans, with an annual turnover of admissions and deaths far exceeding the number of beds available.

In any case, the majority of abandoned children in China never even reach the dubious security of a state-run orphanage. Many are sent instead to general purpose state institutions, where they are confined indiscriminately with retarded, disabled, elderly, and mentally disturbed adults. Although the statistical evidence is unclear, the limited eyewitness information available suggests that death rates among children held in these facilities may be even higher than in China's specialized orphanages.

In addition, Chinese official records fail to keep track of most of the country's abandoned infants and children, only a small proportion of whom are in any form of acknowledged state care. The most recent figure provided by the government for the country's orphan population, 100,000, seems implausibly low for a country with a total population of 1.2 billion. Even if this figure were accurate, however, the whereabouts of the great majority of China's orphans would still be a complete mystery. Crucial questions about the country's child welfare system remain unanswered, and suggest that the real scope of the catastrophe that has befallen China's unwanted children may be far larger than is apparent from the limited evidence documented by Human Rights Watch/Asia.

#### Evidence From Shanghai: A Case Study of Inhumane Conditions:

In addition to nationwide statistics on the condition of China's institutionalized children, Human Rights Watch/Asia has recently obtained a large quantity of internal documentation from one of the most prominent specialized orphanages in the country, the Shanghai Children's Welfare Institute. Based on these documents, which include medical records and other official files recording the deaths of hundreds of children, and on the testimony of direct witnesses who left China in 1995, Human Rights Watch/Asia has concluded that conditions at the Shanghai orphanage before 1993 were representative of those at the worst children's institutions in China, several of which have already been exposed in journalistic accounts in the West.

Ironically, the Chinese government has praised Shanghai's municipal orphanage extensively as a national model for the care of abandoned and disabled children. In addition to frequent flattering coverage in China's official media, the Shanghai Children's Welfare Institute receives considerable financial support from Chinese and international charities and hosts a steady stream of private and official visitors. Behind the institution's glossy official image, however, lies a pattern of horrifying abuse. The brutal treatment of orphans in Shanghai, which included deliberate starvation, torture, and sexual assault, continued over a period of many years and led to the unnatural deaths of well over 1,000 children between 1986 and 1992 alone.

This campaign of elimination could be kept secret through the complicity of both higher and lower-level staff, and because the city's Bureau of Civil Affairs, responsible for the orphanage, also runs the crematoria, where starved children's corpses were disposed of with minimum oversight, often even before a death certificate had been filled out by the attending physician. In addition, officials of various Shanghai municipal agencies knowingly suppressed evidence of child abuse at the orphanage, persistently ignored the institute's high monthly death figures, and in 1992, quashed an investigation into orphanage practices.

In addition to deaths through deliberate starvation and medical neglect, numerous witnesses have reported that before 1993, infants and children at the Children's Welfare Institute were routinely tied to cribs, beds, and chairs, chiefly as another means of reducing the staff workload. The policy of tying up children appears to have been a factor contributing to the deaths of a large number of orphans in the winter of late 1991, during a period of extremely cold weather in Shanghai. An investigation team from the Shanghai Bureau of Supervision in December 1991 reported that large numbers of children were being kept tied to their beds. The team also discovered several small children tied to chairs, often wearing only thin clothing with no shoes or socks, able to relieve themselves only through holes in the chair seats into chamberpots placed underneath. A number of these children had developed blue black discolorations on their skin, apparently a symptom of advanced hypothermia aggravated by the immobilization of their limbs.

Virtually all older orphans at the Children's Welfare Institute before 1993 suffered violent physical abuse at least occasionally at the hands of orphanage employees. Far from being normal disciplinary measures, these frequently involved elaborate punitive practices which in many cases amounted to torture. Some of the most common methods employed included: forcing children to assume the "airplane" and "motorcycle" positions for long periods of time (respectively, bent forward horizontally at the waist with arms held vertically upward, and sitting unsupported at half squat with arms stretched forward horizontally). In some cases, these techniques were supplemented by forcing children to balance bowls of hot water on their wrists, heads, or knees or to squat over bowls of boiling water, so that scalding occurred when the child fell; forcing children to kneel on ridged washboards for long periods of time; hanging children upside down with their heads submerged in water, until nosebleeds and near-suffocation ensued. This technique, known as qiang shui ("choking on water"), was reportedly the one most feared by children.

Reports suggest that these punishments were often inflicted for relatively minor disciplinary infractions, or simply on the whim of the child-care workers themselves.

A number of orphan girls at the Shanghai Children's Welfare Institute also claim to have been raped or sexually assaulted by various men on the orphanage staff, including former director Han Weicheng. Although details of most individual cases have been difficult to obtain and corroboration is generally not available, Human Rights Watch/Asia believes the reports of rape and sexual abuse, based chiefly on statements by alleged victims, to be credible.

Conditions in the Shanghai orphanage came close to being publicly exposed in the early 1990s as a result of pressure by concerned orphanage employees, local journalists and sympathetic Shanghai officials. By 1993, however, virtually all the critical staff members were forced out of their positions and silenced. The orphanage leadership was assisted in its efforts to cover up the truth by three of the city's top leaders: Wu Bangguo, Shanghai's Communist Party secretary; Huang Ju, the city's mayor; and Xie Lijuan, deputy mayor for health, education, and social welfare. Wu, Huang, and Xie were fully informed of the abuses occurring at the Children's Welfare Institute, but took no action to halt them or to punish those responsible, acting instead to shield senior management at the orphanage and to prevent news of the abuses from reaching the public. Meanwhile, Wu Bangguo and Huang Ju have risen to positions of national prominence in China's ruling Politburo.

Since 1993, a program of cosmetic "reforms" has transformed the Shanghai children's Welfare Institute into an international showcase for China's social policies, while an administrative reorganization of the city's welfare system has largely concealed the continuing abuse of infants and children. The cosmetic changes since 1993 have been engineered by Han Weicheng, the Institute's former director. Although he was known to be a major perpetrator of abuses at the Institute, Han was promoted to an even more senior position within the municipal welfare bureaucracy.

Shortly after this, the orphanage was opened to visitors and large numbers of children from the city's orphanage began to be transferred to another custodial institution, the Shanghai No. 2 Social Welfare Institute. Located on Chongming Island, a remote rural area north of Shanghai, the No. 2 Social Welfare Institute, which is ostensibly a home for severely retarded adults, has

been transformed since 1993 into a virtual dumping ground for abandoned infants delivered to the orphanage. While the city government has aggressively promoted the adoption of healthy or mildly disabled orphans by visiting foreigners, reports from visitors to the orphanage in 1995 indicate that infants with more serious handicaps are generally diverted to the Chongming Island institution within weeks or months of their arrival.

Human Rights Watch/Asia has not been able to ascertain the mortality rates of children at the No. 2 social Welfare Institute, but has collected credible reports of severe mistreatment and of staff impunity. Extreme secrecy surrounds the functioning of the Chongming Island institution, raising serious suspicions and fears as to the likely fate of children transferred there.

### **Perversion of Medical Ethics**

Some Western observers have charged that the phenomenally high death rates among China's abandoned children result from neglect and lack of medical training on the part of orphanage employees. Anecdotal evidence from foreign charity workers and adoptive parents has painted a grim picture of decrepit and poorly financed institutions run by demoralized and unskilled nursing staff.

However, medical records and testimony obtained by Human Rights Watch/Asia show that deaths at the Shanghai orphanage were in many cases deliberate and cruel. Child-care workers reportedly selected unwanted infants and children for death by intentional deprivation of food and water - a process known among the workers as the "summary resolution" of childrens' alleged medical problems. When an orphan chosen in this manner was visibly on the point of death from starvation or medical neglect, orphanage doctors were then asked to perform medical "consultations" which served as a ritual marking the child for subsequent termination of care, nutrition, and other life-saving intervention. Deaths from acute malnutrition were then, in many cases, falsely recorded as having resulted from other causes, often entirely spurious or irrelevant conditions such as "mental deficiency" and "cleft palate."

The vast majority of children's deaths recorded at the Shanghai orphanage thus resulted not from lack of access to medical care but from something far more sinister: an apparently systematic program of child elimination in which senior medical staff played a central role. By making unfounded diagnoses of mental retardation and other disorders, these doctors have helped to disseminate the widespread belief - which appears to be quite inaccurate - that virtually all of China's abandoned children are physically or mentally handicapped. Worse, the Shanghai orphanage's medical staff then used these supposed disabilities as a justification for eliminating unwanted infants through starvation and medical neglect. Such unconscionable behavior by doctors in China's most advanced and cosmopolitan city points to an ethical crisis of immense proportions in the country's medical profession.

This corruption of medical ethics reflects broader trends in Chinese law and health policy, including recent debates in the National People's Congress, the country's nominal legislature, on legalizing euthanasia for the incapacitated elderly. Official press reports indicate that the Chinese government may also have given serious consideration to allowing euthanasia for handicapped children, but has declined to do so for fear of the international repercussions. The medical evidence suggests, however, that just such pseudo-eugenic practices may have been carried out at the Shanghai Children's Welfare Institute. At the very least, the city's abandoned infants, even when not genuinely disabled, became the victims of a policy of deliberate and fatal neglect resulting in their wholesale death by default.

Reports from the Shanghai orphanage also indicate that medical staff there misused their authority in other ways. In several cases, children who were accused of misbehaviour or were in a position to expose abuses at the orphanage director Han Weicheng. Many other children were given powerful drugs without any apparent medical justification, in order to control their behavior. Human Rights Watch/Asia calls on the leaders of the Chinese medical profession to denounce these gross ethical violations and to take urgent steps to improve standards of medical ethics in China.

### **III. Recommendations:**

#### The Need For A Worldwide Response

The enormous loss of life occurring in China's orphanages and other children's institutions calls for immediate action by the international community. The United Nations and its specialized agencies must take the lead in investigating conditions in China's child welfare system and in bringing these abuses to an end. Governments throughout the world must make the treatment of China's abandoned children one of their highest priorities as they continue to press for improvements in the country's human rights record.

The People's Republic of China ratified the United Nations Convention on the Rights of the Child in December 1991, and submitted its first implementation report to the U.N. committee on the Rights of the Child in 1994. The Chinese government has thus submitted itself voluntarily to international monitoring on the treatment of its minor citizens. Nevertheless, the evidence compiled in this report shows that China's policies towards abandoned infants and children are in clear violation of many articles of the convention. Human Rights Watch/Asia urges the committee on the Rights of the Child to place conditions in the Chinese child welfare system at the top of its agenda for the coming year. Specialized agencies working on children's issues in China, such as the United Nations Children's Fund (UNICEF) and the World Health Organization, should also make a thorough reform of the country's orphanage system their highest priority. We further call for an immediate investigation into abuses against institutionalized children in China by the Special Rapporteur on Extrajudicial Executions, who investigates patterns of deliberate state action resulting in death.

Action by the United Nations and its agencies must be accompanied by a strong response from national governments. Bilateral pressure on China to ensure the rights of abandoned infants and children should be given at least as high a priority as demands to free political and religious detainees or to end torture and ill-treatment in the country's prisons. Protecting the lives of China's orphans must remain at the top of the agenda in any future human rights dialogue with the Chinese authorities.

Despite the Chinese government's generally hostile attitude towards Western human rights organizations, Human Rights Watch/Asia calls on the authorities to take immediate steps to bring an end to these abuses and offers its full cooperation to the Chinese authorities in formulating the necessary reforms. A list of the organization's recommendations follows.

#### Ending Impunity in Shanghai

Most Chinese citizens familiar only with official media reports on the Shanghai Children's Welfare Institute accept the authorities' claim that conditions for the city's orphans are exemplary. This report shows that the fate of most abandoned children in Shanghai is, in fact, much the same as elsewhere in China. Until 1993, the majority of infants brought to the institute died there within a few months of arrival, and the minority who survived to older childhood were subject to brutal abuse and neglect.

Indeed, the only genuinely unique feature of the Shanghai orphanage appears to be its success since 1993 at generating revenue for the municipal Civil Affairs Bureau. The city's newly reorganized child welfare system now presents the municipal orphanage as its acceptable public face, serving as an advertisement for both charitable giving and profitable foreign adoptions, and a ban on negative media coverage of the Children's Welfare institute has been in force since 1992.

Human Rights Watch/Asia believes that the spectacular financial success of the Shanghai policies is the real motive behind official praise of the city's child welfare system as a national model. We fear that efforts to duplicate the Shanghai experience elsewhere in China are likely to further worsen conditions for the country's abandoned children, and to strengthen the vested interest of the Ministry of Civil Affairs in obstructing genuine reforms.

Any attempt to improve the treatment of Chinese orphans must therefore begin by reopening

the official investigation into misconduct within the Shanghai Civil Affairs Bureau, launched in 1991 and abruptly terminated the following year. Above all, such an inquiry would seek the widest possible publicity for any evidence of wrongdoing uncovered and would pursue appropriate legal sanctions against bureau employees found responsible for abusing children and causing avoidable deaths.

Such an inquiry will confront the fact that a number of people associated directly or indirectly with abuses at the Shanghai orphanage continue to hold positions of authority, and many have since been promoted or otherwise risen in status. The beneficiaries of this apparent impunity range from ordinary staff members such as the child-care worker Xu Shanzhen, certified as a "model worker" in early 1995 despite her brutal abuse of a retarded child, to the former Communist Party secretary of Shanghai, Wu Bangguo, who reportedly ordered media coverage of the scandal suppressed and has since been appointed vice-premier of China.

However, these obstacles make it all the more imperative that swift action be taken at the most senior levels to break the cycle of impunity. Human Rights Watch/Asia urges the Chinese authorities to take the following immediate steps:

1) The highest government and Communist Party officials in the country should publicly state their determination to investigate unnatural deaths and abuse of children in welfare institutions run by the Shanghai Civil Affairs Bureau.

To demonstrate this commitment, the authorities should immediately reopen the 1991 inquiry into conditions at the Shanghai Children's Welfare Institute. The leadership of the new investigation should be entirely independent of both the Shanghai municipal government and the Ministry of Civil Affairs. Such an inquiry could be led by a specially appointed committee of delegates to the National People's Congress or the Chinese People's Political Consultative Conference. Members of the committee should include medical and legal professionals and should be drawn from throughout the country.

Pending the outcome of investigation, all management personnel at the institution should be suspended from their positions and replaced by an independent leadership group, preferably including a number of qualified medical doctors, which would aid the authorities in gathering evidence about conditions at the orphanage. Administrative authority over the city's custodial welfare system should be temporarily transferred from the Shanghai Civil Affairs Bureau to another government department, possibly the Shanghai Public Health Bureau.

2) The authorities should emphasize that institute staff members implicated in criminal offenses against children, including murder, rape, assault, sexual abuse, and financial corruption, will be tried and punished according to Chinese law. Criminal penalties should be applied as well to those responsible for administrative violations, such as falsification of medical records and unlawful disposal of corpses, which constitute, among other, the crime of "dereliction of duty" (duzhi zui) under China's Criminal Code.

In reopening the investigation, the authorities should place particular emphasis on the practices of "summary resolution" before 1993, whereby children were intentionally killed through deprivation of food and medical care. Public statements by senior officials should stress that all such incidents, where they can be verified, will be prosecuted to the full extent under Chinese law.

3) The scope of the investigation should be extended beyond the original terms of the inquiry launched in 1991, and should examine evidence of complicity by senior Shanghai officials in shielding the management of the Children's Welfare Institute. Criminal charges of "dereliction of duty" should be brought against present and former city officials who appear to have knowingly suppressed evidence of child abuse at the orphanage. Among the officials so implicated, in official documents cited in this report, are Wu Bangguo, the former Communist Party secretary of Shanghai; Huang Ju, Shanghai's former mayor; Xie Lijuan, the city's deputy mayor; and Sun Jinfu, director of the Shanghai Civil Affairs Bureau.

4) The investigation should also examine the legal culpability of other official bodies in Shanghai which helped to conceal misconduct within the Civil Affairs Bureau, in the process implicating

their own officials in possible criminal acts. At a minimum, these include:

the Shanghai Public Security Bureau, for allowing the Children's Welfare Institute to disobey regulations governing the reporting of unnatural deaths for unlawfully detaining and intimidating Chou Hui, the plaintiff in a rape case against the then-director of the orphanage, Han Weicheng; and for failing to investigate the orphanage employees accused of assaulting Chen Dongxian, a driver at the Shanghai orphanage.

the Shanghai Public Health Bureau, for failing to investigate the extremely high monthly death figures reported from the Children's Welfare Institute over a period of years.

the Shanghai Supervision Bureau, for suppressing evidence obtained during an eight-month-long inquiry that it carried out into conditions at the Children's Welfare Institute in 1991 and 1992.

5) The investigation should urgently examine the present situation at the Shanghai No. 2 Social Welfare Institute, including evidence of unlawful practices such as the detention of mentally normal adults against their will: and, the use of disciplinary measures constituting torture of ill-treatment. Special attention should also be paid to conditions for infants and young children secretly transferred to the Chongming Island institute since 1993, and should seek to determine whether the killing of infants through "summary resolution" or other similar methods is presently occurring there. A criminal investigation should be opened into the alleged rape and murder of a twenty-nine-year-old woman, named Gang Z, at the facility in August 1991.

6) The municipal Propaganda Department should lift its present ban on critical coverage of events at the Children's Welfare Institute, and invite journalists familiar with conditions at the orphanage to publish any information which might assist the authorities in their investigation. The progress of the official inquiry, including any resulting criminal prosecutions, should be publicized without restraint by local and national media.

### **Public Accountability**

Despite the urgent need to resolve these outstanding problems in Shanghai, the above measures represent only the first stage of what should be a nationwide campaign to improve conditions for children in China's welfare institutes. A critical factor in the success of any such effort will be the Chinese government's willingness to expose these institutions to intensive public scrutiny, not only from concerned foreigners but, even more importantly, from China's own citizens. The deceptive policy of "openness" introduced by the Shanghai Children's Welfare Institute in 1993 must be replaced by genuine transparency in order to prevent future abuses from going undetected.

Human Rights Watch/Asia believes the following measures are likely to produce immediate and substantial improvements in the quality of care for children in state custody, even without fundamental reforms in management and law:

1) The Ministry of Civil Affairs should immediately publish comprehensive statistics on the scale of China's child abandonment problem. These should give detailed figures on the number of abandoned infants and children discovered in each Chinese province in recent years, as well as the number of such children offered up for legal adoption, fostered with private families, and places in institutional care.

The ministry should also publish a list of all custodial institutions in China which care for unsupported minors, including specialized orphanages, urban "social welfare institutes," and collectively run "respecting-the-aged homes" in rural areas. The list should include the location of each institution and its population on a specified date, as well as all available statistics on child intake and mortality rates in recent years. In future, such basic population statistics for each institution should be published on an annual basis.

Since most abandoned infants and children in China are delivered to the civil affairs authorities by local police departments and hospitals, the Ministry of Public Security and the Ministry of Public Health should begin compiling and publishing regular statistics on child abandonment, including the sex and estimated age of each child discovered. This will provide an independent

check on the accuracy of intake figures submitted to the Ministry of Civil Affairs by individual institutions, and will prevent the under-reporting of intakes which allegedly took place in Shanghai during the 1980s.

2) The Ministry of Civil Affairs should make public its policy on "fostering" orphans and abandoned children in private family care, including details of the screening process, if any, for prospective foster parents, and of monitoring procedures aimed at ensuring that fostered children are treated humanely.

3) The propaganda organs of the Communist Party should publicize the severe problems in Shanghai's child welfare system, and instruct the state-controlled media throughout China to investigate conditions for children in welfare institutions within their own area of coverage. The Ministry of Civil Affairs should ensure that journalists participating in these investigations receive full cooperation from institute staff, including unrestricted access to all children in each institution. Any abusive or negligent conditions uncovered during the course of journalists' inquiries should be publicly exposed and promptly remedied. Objective reporting on conditions in China's child welfare system should remain a priority indefinitely.

4) Welfare institutes should permit unscheduled visits by local residents, including both Chinese and foreign nationals. Local civil affairs authorities should encourage public involvement in the care of orphans, particularly by qualified medical personnel.

5) The United Nations Children's Fund (UNICEF) and established private children's charities from overseas should be granted access on a regular basis to all welfare institutions holding minors.

#### Management Reforms

Although the steps outlined above are likely to bring about a sharp reduction in some of the worst abuses within the child welfare system, basic changes in institutional management are equally important in order to guarantee that these initial improvements last. These include administrative measures to strengthen the outside monitoring of children's treatment, as well as improvements in the selection, training and discipline of institute staff. Human Rights Watch/Asia recommends that the Chinese authorities undertake the following reforms:

1) The leadership of the Ministry of Civil Affairs should publicly state its commitment to improving conditions for institutionalized children, and should emphasize that the directors of welfare institutes and other management-level staff will be evaluated primarily on their success in reducing children's death rates to an absolute minimum. The directors of welfare institutes where child mortality rates appear to be higher than expected, given normal levels of care, should be subject of investigation and dismissed if mismanagement is shown to be a contributing factor.

2) The Ministry of Civil Affairs should immediately begin reorganizing its custodial welfare system to ensure that minors and adults are kept in separate institutions. The use of all-purpose "social welfare institutes" to warehouse orphans and other incapacitated persons should be ended as soon as practically possible.

3) The Ministry of Civil Affairs should cooperate with the Ministry of Public Health and the Ministry of Public Security to ensure that staff of welfare institutions strictly follow all rules and other legal requirements regarding the reporting of inmates' deaths. All deaths of minors in institutional care should be treated as potentially unnatural, and hence subject to reporting, investigation and documentation requirements of the Public Security Bureau, as well as independent autopsies by qualified medical personnel affiliated with the Bureau of Public Health. Local health bureaus which are notified of a significant number of children's deaths in welfare institutions within their jurisdiction should immediately call for an investigation by local authorities.

4) The Ministry of Civil Affairs should promulgate strict rules prohibiting the abuse of children in

welfare institutions, such as excessive corporal punishment, tying of children's limbs, medically unjustified use of drugs to control children's behavior, and all forms of paid or unpaid child labor. The ministry should also promulgate a formal disciplinary policy to be applied by institute management in cases of misconduct by junior staff.

5) All staff at custodial welfare institutes should undertake a period of formal training, aimed at impressing on newly assigned employees that the protection of inmates' well-being is of paramount importance. Ordinary child-care workers should be trained in basic first-aid techniques, particularly to respond to cases of choking and accidental injuries, and in appropriate feeding methods for infants and small children, especially those with disabilities.

6) Welfare institutes should be staffed with, or (where personnel shortages cannot be resolved) be provided with full and regular outside consultancy services by an adequate number of fully qualified medical professionals, including specialists in pediatrics. Doctors whose medical educations were interrupted, for example during the Cultural Revolution, should not be employed as institute medical staff unless they have completed the necessary remedial coursework.

7) The surgical repair of harelips, cleft palates and other correctable birth defects should be one of the highest medical priorities for welfare institutes and cooperating local hospitals. Abandoned infants requiring these relatively inexpensive procedures should receive them as soon as medically advisable, and should be given individual attention in the meantime to ensure that they remain adequately nourished.

8) Infants and small children should not be classified as "mentally retarded" until they are old enough to undergo appropriate psychological tests. Training programs for child-care workers should emphasize the importance of individual care, attention and stimulation for infants' normal mental development.

#### Legislative Reforms

The phenomenon of child abandonment is not unique to China, and many of the factors which lead parents to abandon their children are beyond the government's power to remedy, at least in the short term. Rural poverty, prejudice against the disabled, traditional attitudes towards female children, and the pressures generated by the country's stringent population policy all contribute to the problem. It must be stressed, however, that whatever the reasons for the orphanhood or abandonment, once such children are accepted into state care, the government has an unshirkable duty to provide them with adequate care and protection.

For the foreseeable future, China will need to maintain a system of state-run foster care for some orphans, particularly the severely disabled. However, Human Rights Watch/Asia believes that relatively minor legislative changes would enable most children now living in welfare institutions to be placed for adoption with Chinese families. An effective domestic adoption program would eliminate the need for institutional care for virtually all of China's abandoned children.

Human Rights Watch/Asia urges the Chinese authorities to take the following steps:

1) China's "Adoption Law" and its implementing regulations should be amended to abolish the legal distinction between "orphans" and "abandoned infants." The provisions of the adoption law which prohibit adults under age thirty-five and couples with children from adopting abandoned infants without handicaps and which prohibit foster parents from adopting more than one abandoned child, should be repealed.

2) The State Commission for Family Planning should issue instructions to local family planning authorities, expressly prohibiting any interference in the adoption of children from welfare institutions.

## [Home](#)

---

The NGO Reports Database on Children's Rights includes all existing and public reports submitted to the Committee on the Convention of the Rights of the Child by NGOs and NGO Coalitions. The copyright of the reports are retained by the authors and use thereof must be duly acknowledged.

The database is the property of the Liaison Unit of the NGO Group for the Convention on the Rights of the Child and is managed by that unit. For further information or other enquiries please contact the Liaison Unit at [dcj-ngo.group@pingnet.ch](mailto:dcj-ngo.group@pingnet.ch).

---