

CHINA

CHINESE ORPHANAGES: A FOLLOW-UP

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The publication of *Death By Default* on January 7, 1996 was followed by several weeks of intense coverage of the report by the international news media. The report found that most orphaned or abandoned children in China die within one year of their admittance to state-run orphanages and that the government does little or nothing to prevent this loss of life—despite the modest economic cost of so doing.

While the report generated a response that was overwhelmingly supportive, it also provoked sharp criticism, not only from the Chinese government, which was expected, but also from some concerned groups and individuals in the West who felt that the report would harm rather than help the children in these institutions. Others differed with our perceptions of the observable conditions in China's orphanages or misunderstood the report's arguments and conclusions.

It is too early to assess the long-term impact of the report, but on the basis of information available thus far, it appears that some orphanages have received instructions to provide better clothing and medical care and that foreign adoptions have substantially increased since the report was published in January. The aim of both Human Rights Watch/Asia and the many people who responded to the report is clear: better treatment for Chinese children. We believe that a combination of outside pressure, public exposure of abuse, and quiet efforts by a wide range of humanitarian organizations and agencies is the best way to achieve that objective: if public pressure combined with quiet diplomacy can produce the release of hundreds of well-known detainees, as happened in China after 1989, it can lead to improvements in the orphanages as well. At the same time, we believe that quiet efforts alone, without the public attention that our report has generated, will not serve to bring about the kind of transparency in the Chinese orphanage system that will ultimately save lives. That said, we would like to make a thoughtful response to the report's critics.

The main substantive points raised by those critics have been that the extensive documentary evidence and eyewitness testimony presented is unreliable; that the report makes an unwarranted extrapolation from the single case of the Shanghai Children's Welfare Institute to conclude that the severe abuses and high death rates documented there for the period 1988–92 are typical of China's orphanage system as a whole; and that even if these abuses and mortality levels are typical of the system in general, they result primarily from inadequate resources and poor training of orphanage staff, rather than from a government "policy" of fatal neglect. (The Chinese government suggested the entire report was a fabrication, and we address these and other charges by the government in the final section of this paper.)

CHARGES OF UNWARRANTED EXTRAPOLATION

A number of critics of our report have argued that we assume without proof that the high death rates which prevailed at the Shanghai Children's Welfare Institute until roughly mid-1993 were typical of China's orphanage system as a whole. But that assumption is supported by the Chinese government's own data. It is striking that none of the various Chinese government responses to our report to date has attempted to challenge, or even address, the detailed statistical evidence presented in Chapter 3 concerning the shockingly high mortality rates that prevailed throughout the Chinese orphanage system during 1989, the only year for which such data are available. All of these statistics, which revealed an average ratio of deaths to admissions in China's orphanages that year of no less than 57.9 percent and an overall mortality rate nationwide of at least 24.7 percent, were published officially by China's Ministry of Civil Affairs. The official statistics also revealed that in the orphanage systems of Shaanxi, Guangxi, Henan and Fujian provinces that year, the deaths-to-admissions ratio exceeded 90 percent while overall inmate mortality hovered in the 60- to 70-percent ranges. The equivalent figures for the Shanghai Children's Welfare Institute in 1989 were a deaths-to-admissions ratio of 51.1 percent, and an overall mortality rate of 22.7 percent. Far from being "untypical" in terms of mortality levels, therefore, the death rate for the Shanghai Children's Welfare Institute in fact was slightly below the national average on both counts in 1989.

Some critics have also argued that our evidence from the Shanghai Children's Welfare Institute of deliberate neglect of children by institute staff was not matched in the report by similar evidence from other orphanages around the country. It is true that *Death By Default* does not provide eyewitness testimony for other orphanages comparable to that presented in the case of the Shanghai Children's Welfare Institute. But this is scarcely surprising: the sheer quantity and quality of archival material that was obtained by Human Rights Watch/Asia for the Shanghai Children's Welfare Institute was an exceptional, one-of-a-kind event in human rights reporting on China. The Chinese government does not make this kind of information publicly available; indeed, in the Shanghai case, it actively sought to cover up evidence of abuse gathered by members of an investigating team from the local people's council. It is incorrect, however, to assert that the report failed to present sufficient evidence to conclude that orphanage conditions are generally deplorable nationwide.

In the first place, *Death By Default* provides in Chapter 2 a detailed historical survey of China's orphan-care system from 1949 to the present day. This account, entirely based on materials published by the Chinese authorities themselves which had never before been brought to light outside of China, describes a pattern of systematic neglect of the country's orphaned and abandoned child population from the earliest days of the People's Republic. It reveals that the provision of institutional or any other kind of proper care for these children has consistently ranked at the bottom of the government's list of priorities in social welfare work, and the consequences have often been fatal. Despite the acknowledged epidemic of child (usually infant girl) abandonment that has taken place over the past decade and more in China, largely as a result of the government's one-child policy, the overall institutional capacity of the national orphanage system has remained virtually static.

On the question of recent foreign eyewitness reports from Chinese orphanages other than the Shanghai Children's Welfare Institute, our report cited detailed accounts of equally gross abuse and similarly high death rates at both the Nanning Social Welfare Institute in Guangxi and the Harbin Social Welfare Institute in Heilongjiang. The latter account, which was published in the German magazine *Der Spiegel* in September 1995, was based on repeated personal visits to the institute in question by the magazine's chief China reporter, the most recent of which occurred in May 1995. Numerous similarly disturbing eyewitness accounts about other Chinese orphanages have been published in the international press in recent years, but since they were not based on Human Rights Watch/Asia's own research, we felt it was neither appropriate nor necessary to reproduce more than the two sample items mentioned above. We have no reason to question the authenticity of those wider press reports, however, and to our knowledge their veracity has never been challenged by other informed sources. Furthermore, since the publication of *Death By Default*, Human Rights Watch/Asia has continued to receive additional accounts of conditions at orphanages elsewhere in China that confirm our findings.

Inadequate Funding and Training, or Government "Policy"?

Some Western groups and individual commentators have challenged our conclusion that the Chinese authorities have applied a "policy of fatal neglect" toward the country's orphanages. Western adoption agencies, in particular, have stated that hundreds of their clients who have visited Chinese orphanages in recent years to adopt children, and also many of their own staff members who travel frequently to Chinese orphanages to arrange and maintain such adoption programs, observe conditions at these institutions which range from "excellent" to "extremely poor," but that nothing they have seen allows them to believe that the Chinese authorities are deliberately applying a "policy" of reducing the inmate population by neglect or starvation.

We are in no position to refute the eyewitness testimony of these critics, nor do we wish to do so; we question, however, the representativeness of the conditions that they observed: local orphanage authorities and staff are unlikely to allow evidence of child abuse to be seen either by foreign adoptive parents who provide a source of valuable foreign-currency income for the orphanages, or by the foreign agency staff who administer the adoption programs. According to information provided to Human Rights Watch/Asia by the overseas adoption agencies themselves, the total number of state-run orphanages of all types (including both Child Welfare Institutes and Social Welfare Institutes) to which they and other non-Chinese observers have access in China is well under fifty. The country as a whole, however, has almost 1,000 such state-run institutes for orphans and abandoned

children—and the vast majority of these are completely inaccessible to foreign observers. Even so, Human Rights Watch/Asia has received calls from numerous Western adoptive parents who have informed us that the conditions they observed in the Chinese orphanages where they obtained their children were manifestly deplorable.

A similar set of arguments and criticisms to those raised above has been more cogently put in a three-page paper written and circulated widely in response to our report by Kay Ann Johnson, an American academic who adopted a child from China and spent several years researching the main orphanage in the city of Wuhan. The following passages represent the kernel of Kay Ann Johnson's argument:

I learned about the escalating problem of abandonment and of the tragically high mortality rates among abandoned children five years ago when I made repeated visits to a large state orphanage in central China....But the staff, sometimes reticent, never attempted to hide or give me a misleading impression of conditions at the institution. The explanation for the high mortality rates involved numerous factors, most beyond the control of the orphanage staff. First, a very high percentage of the infants were extremely ill on arrival. I saw evidence of this on several visits, as new children arrived. A large proportion, over 50%, suffered from congenital disabilities, many of which were in themselves terminal or life-threatening...

While birth parents may not intend it, or allow themselves to contemplate the fact, abandonment is all too often tantamount to infanticide....In effect, the orphanage served as a hospice. It was the orphanage that was left to deal with the tragic problems that no one else would shoulder, neither birth parents nor other institutions. In most cases these tragic problems represent the negative consequences of population policies, policies that have been internationally supported and praised for their "success," even as China has been periodically condemned for their horrible, inevitable consequences. A double bind if there ever was one.

In the early 1990s the orphanages I learned about were inundated with escalating numbers of infants and sorely inadequate staff and resources. HRW scoffs at these reasons for high mortality in Shanghai and all of China. HRW is wrong. Where I investigated, there were neither funds nor staff to provide the kind of medical treatment and individual, round-the-clock care that many infants required. There simply were not funds to provide extraordinary medical treatment to children who were unlikely to survive. But expensive medical care was provided for those most likely to benefit from it.

But the factors cited by Johnson are not sufficient to account for the phenomenally high death rates nationwide. Moreover, we have clear evidence for concluding that those mortality rates could be drastically reduced, indeed largely eliminated, by the adoption of inexpensive and immediately available policy measures by the Chinese government (see below), and that the persistence of high mortality and associated abuses is thus mainly the result of policy decisions by the senior authorities to do nothing.

According to experienced medical and demographic experts who have examined the Chinese government's orphanage mortality statistics, as presented in *Death By Default*, no amount of consideration of normally valid epidemiological criteria, including the poor or even terminal condition of many of the abandoned children who are admitted to Chinese orphanages, can explain such catastrophic general levels of mortality. Examples of officially reported death rates that led to this conclusion include the following excerpt from our report.

[The Henan Provincial] orphanage, which in 1989 had a stated capacity of thirty beds, began the year with a population of twenty-three infants and children. During the year, seventy-two orphans

were admitted to the institution, four left the orphanage alive, and sixty-two died, leaving the year-end population at twenty-five...

An equally striking example is the child welfare system in Nanjing, Jiangsu Province, which began the year with 335 orphans and admitted an additional 316 during 1989. After 263 children died and another sixty-three left alive during the year, the inmate population had actually decreased to 325 by the end of 1989.

Similarly, the specialized orphanages in Fujian Province recorded a total of 109 admissions and 109 deaths during the year, producing a death rate of 100 percent as calculated by Method A [the ratio of deaths to admissions]. With only six children leaving the institutes alive in 1989, the system's total inmate population decreased from eight-one to seventy-five during the year. [*Death By Default*, pp.92-93.]

Some critics have suggested that the 1989 figures on mortality rates we use, taken from official Ministry of Civil Affairs documents, should be discounted because they are six years old. But precisely because 1989 was the last year, indeed perhaps the only year, that such data was made public, the figures are of enormous value. Since they also indicate that the Chinese government was collecting damaging data that it subsequently decided to keep secret, the burden of proof rests with the government to demonstrate that mortality rates have significantly changed. If they have, China should make the data available to researchers and allow open access to the orphanages so that public data can be examined in conjunction with the medical records of the children concerned.

In further response to the argument that the extremely high mortality rates in Chinese orphanages are due to factors beyond the control of the orphanage staff, including that many abandoned children who arrive at the orphanages are ill or near death, one must ask why abandoned children who are gravely ill are routinely delivered to orphanages rather than to hospitals, or, if they are brought first to hospitals, why the latter turn them over to the orphanages to die. As Dr. Johnson notes with relation to the Wuhan orphanage, "In effect, the orphanage served as a hospice." Chinese hospitals are directly administered, with very few exceptions, by either the Chinese government or its subordinate agencies (for example, the People's Liberation Army), so it is once again the Chinese government that must bear direct responsibility for this practice. But if, as many of the adoption agencies assert, most orphanages are populated by healthy, or relatively healthy, abandoned female infants, and **not** by "terminally ill" cases, the high mortality rates become an even great cause for concern.

Many critics seek to explain the high death rates in Chinese orphanages by referring both to inadequate levels of state funding that they receive from the government and to the latter's one-child policy of population control. As Dr. Johnson writes, "I felt extremely critical of the conditions and policies that had created the crisis and the high death rates at the orphanage—the inadequate resources, the understaffing, the lack of help from other institutions and above all the severe campaigns aimed at limiting China's growing population." We entirely agree with this analysis of the problem, as our report makes clear. But if the fault does not lie with the individual orphanage workers in the above case, the government cannot so easily escape responsibility. As we concluded in *Death By Default*:

Are the staff of the Shanghai Children's Welfare Institute, and the thousands of other orphanage staff members all over the country, simply evil people? Probably not, in most cases, although there is clearly an immanent evil to be found in the system, and members of the leadership, both collectively and individually, share a profound culpability...

By the 1980s, there was the growing epidemic of child abandonment to contend with, a phenomenon which, moreover, was taking place within the context of more or less static levels of institutional capacity. On top of this, there came the new rule forbidding the adoption of

abandoned children by couples who already had one child. All these factors must have driven China's orphanages toward a situation of demographic crisis unparalleled even in comparison to the penny-pinching contexts of the 1950s and early 1960s. Above all, therefore, it was the ruthless arithmetic of the situation, the impossible disparity emerging between orphan supply and institutional capacity, which conspired to exacerbate further China's already staggering orphanage mortality rates during the prosperous 1980s and 1990s...

The bottom line, however, was that simply by restricting its annual budgetary allocations to a level commensurate with a notionally stable inmate population, the government could achieve its otherwise complex orphanage management goals with a stroke of the fiscal pen. And this precisely, is what it appears to have done. By default, therefore, the brutal task of "readjusting" the inmate population has historically been left up to each individual orphanage to accomplish, by its own diverse means and in a more or less ad hoc way. The government, for the most part, has remained aloof, remote and detached from the process, although it is government policy that set it in motion and cynical government acquiescence that allows it to continue—even in the face of sustained exposure and demands for change, like those raised in the case of the Shanghai orphanage. [*Death By Default*, pp. 214-215.]

Although we do cite direct evidence to accuse individual orphanage leaders and workers at the Shanghai Children's Welfare Institute of having practiced a deliberate policy of child murder in numerous cases, our conclusion for the country's orphanage system as a whole is that the problem derives from the central government's failure to provide sufficient funding as to allow orphanages to perform their proper custodial and protective function, and that this failure leaves orphanage staff in a terrible position. Hence, we carefully titled the report "Death By Default," rather than (for example) "Death By Decree." Similarly, we accurately subtitled the report "A Policy of Fatal Neglect..." rather than "A Policy of Child Murder..."

But should the lack of adequate funding from the central government to the country's orphanage system properly be characterized as deliberate government negligence in the sense that the Chinese authorities knowingly withhold life-saving and affordable revenues from this purpose, as Human Rights Watch/Asia contends, or is the drastic funding shortfall simply, as many critics of our report have maintained, an "inevitable" consequence of China's relative economic underdevelopment? Here again, the Ministry of Civil Affairs' own published statistics on orphanage management provide the answer. During 1992, these statistics show, the central government allocated a mere RMB 5,394,000 yuan (roughly equivalent to US \$650,000) to cover the basic subsistence—costs for food, clothing, and incidental medical treatment—of all of the roughly 17,000 orphans and abandoned children said to be still living in China's network of specialized orphanages by the end of that year. This sum also covered the part-year "subsistence" expenses of all children who died in Chinese orphanages that year. While China is not a rich country, the authorities could nonetheless double, treble, or even increase tenfold these per capita subsistence allocations without making a perceptible dent in the nation's economic resources. The present levels of government funding are so low as to represent little more than a token commitment by the authorities toward keeping the inmates of China's specialized orphanages alive.

The situation in those orphanages which offer children up for overseas adoption is somewhat different, since they charge the foreign adoptive parents on average US \$5,000 for each child taken out of the orphanage. In certain institutions, there is evidence that some of this income is reinvested by the orphanages to raise overall standards of child care, although other accounts indicate that much of it is siphoned off by corrupt officials. In any event, such orphanages could clearly lower their inmate death rates, even given the present paltry level of direct government subsidies they receive. But income from overseas adoptions, while valuable and important, accrues to only a very small minority of China's orphanages and thus cannot represent a solution to the dire financial straits of the orphanage system as a whole. What is urgently needed is adequate funding by the central government.

Finally, the simplest way of solving China's orphanage problem—freeing Chinese couples to adopt abandoned children—would add no burden at all on the Chinese government's budget. As Dr. Johnson has stated, and Human Rights Watch/Asia could express with no greater eloquence, “In most cases these tragic problems represent the negative consequences of population policies, policies that have been internationally supported and praised for their ‘success,’ even as China has been periodically condemned for their horrible, inevitable consequences.” This may put the orphanage in a “double bind”, as Johnson notes, but she leaves unidentified the direct author of the problem, the Chinese government. Responsibility lies directly with the government, for not only has its one-child policy produced the present epidemic of infant abandonment nationwide, but it has also passed mandatory legislation on the question of domestic adoptions the effect of which is to make it virtually impossible for most Chinese couples to adopt healthy abandoned children, who form the great majority of the country's orphanage inmate population. By contrast, genuine orphans—children who have lost both of their parents through death—can be adopted without legal impediment. Under the relevant provisions of the 1991 Adoption Law of the PRC, non-disabled abandoned infants are in effect legally relegated to the status of “second-class orphans” and thereby in practice condemned to remain for the rest of their childhoods—or until they die—in state institutional care, save for the tiny minority who are adopted by foreigners. This policy appears to have been in force nationwide for at least a decade prior to the passage of the 1991 legislation. As was noted by Human Rights Watch/Asia in *Death By Default*:

Neither the Adoption Law nor [additional] implementing regulations attempt to justify this apparently arbitrary distinction, which seems to bear no relationship to the well-being of foster children. The most plausible explanation for the policy, however, is that genuine orphans, like most Chinese children, will usually have been born in conformity with official family-planning regulations. Infants abandoned by their natural parents, on the other hand, are likely to be so-called “black registration” (*hei hukou*) births, the result of pregnancies not authorized by the state. In effect, therefore, the provisions of the Adoption Law deny the very legitimacy of these children's existence, allowing them to be adopted only if their foster parents forego the right to bear a child of their own, thereby cancelling the “offense” of the abandoned child's natural mother. [*Death by Default*, p.114.]

And as we subsequently concluded in the report:

This official closing off of the main potential path to fostering for most of the country's orphanage population—a development which has occurred, moreover, both within the context of a more or less static nationwide orphan-care network whose main institutional priority seems to be maintaining its inmate population at basically stable levels, and, simultaneously, with the generation by other government policies of steadily growing numbers of abandoned baby girls—provides perhaps the single best explanation as to why such pernicious mortality trends as those indicated in [the 1989 official statistics cited above] are currently being experienced by orphanage populations around the country. [*Death by Default*, p.134.]

If Chinese government officials wish the outside world to believe that no official “policy” underlies the humanitarian catastrophe which prevails in the country's orphanage system today, their first practical action should be to repeal the relevant provisions of the 1991 Adoption Law and to liberalize domestic adoptions procedures in such a way as to grant abandoned children the full right to obtain an adoptive home.

THE CHINESE GOVERNMENT'S RESPONSE

Shortly after the publication of *Death By Default*, China's State Council issued a statement declaring the report to be “totally without foundation,” while on January 9, Reuters quoted Wu Jingsong, a former deputy director of the government department responsible for running all of China's orphanages, as saying that even

“one or two cases of orphans dying would be disastrous.” Wu added: “The conditions at some orphanages may not be good but people definitely do not starve to death or freeze to death.” In an effort to rebut Human Rights Watch/Asia’s charges of longstanding abuses at the Shanghai Children’s Welfare Institute, the government speedily arranged for around twenty Beijing-based foreign media representatives to visit the orphanage; subsequently, Shanghai-based foreign diplomats were taken on a tour of the city’s second main orphan-care facility, the Shanghai No.2 Social Welfare Institute.

Reliability of the Evidence

The Chinese government has sought to claim that the evidence presented in *Death By Default* is unreliable and fabricated. In a series of press statements issued since January 7, the Chinese authorities have alleged that Dr. Zhang Shuyun, a physician who worked at the Shanghai Children’s Welfare Institute during 1988–93 and was a key source of information for much of our report, personally forged the copious documentary material on abuses at the orphanage, comprising hundreds of pages of orphanage archives, official registers of all infant and child deaths, and over one hundred complete medical records of those who died during those years, together with numerous confidential records and minutes of meetings convened by Shanghai government officials at the time to investigate the Shanghai Children’s Welfare Institute’s affairs. The authorities have even claimed that Zhang Shuyun fabricated the photographs reproduced in *Death By Default* showing the severely malnourished corpses of infants and children.

Dr. Zhang was not Human Rights Watch/Asia’s only source of information on abuses at the Shanghai Children’s Welfare Institute. Dozens of leading Shanghai journalists, doctors, lawyers, city councillors and others—not to mention most members of the city’s Party and government elite—either personally investigated and confirmed the material she gave us or had direct access to the full facts of the matter as contained in the various documents listed above. Many of them would now readily authenticate the documentary evidence if permitted to speak freely and openly by the government. Moreover, Dr. Zhang and other concerned staff at Shanghai Children’s Welfare Institute handed over all of the documents and other evidence in question to senior officials of the Shanghai government in 1991-92, as part of their campaign to get the city authorities to intervene to halt the abuses against children at the orphanage. At no time during those years did the authorities claim or suggest that the documents were fabricated.

January 8, 1996 Foreign Media Tour of the Shanghai Orphanage.

As was made clear in the introduction to Human Rights Watch/Asia’s report, certain administrative reforms were carried out at the Shanghai Children’s Welfare Institute in mid-1993, once the government had completed its cover-up of the findings of an official 1992 investigation into the orphanage’s affairs, and after Dr. Zhang and other dissident staff members had all been fired or driven out and senior officials directly responsible for the worst abuses had even been promoted:

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....At about the same time, 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...[which] has been transformed since 1993 into a virtual dumping ground for abandoned infants delivered to the orphanage. [*Death by Default*, pp.3-4.]

It was not surprising that foreign journalists observed no serious abuses against orphan inmates during their official tour of the Shanghai Children’s Welfare Institute on January 8. Their subsequent coverage of the event, however, showed that they remained thoroughly unconvinced by the government’s refutations of Human Rights Watch/Asia’s detailed evidence of phenomenally high death rates at the Shanghai Children’s Welfare Institute from the early 1980s until 1992. Under sustained questioning from the journalists, for example, the orphanage’s former director, Han Weicheng, admitted that overall inmate mortality had reached “19 percent” in

1989 – a figure closely approaching the overall mortality rate of 22.7 percent for the Shanghai Children’s Welfare Institute that year that was cited in *Death By Default* (p.91) on the basis of officially released but hitherto unobtained Chinese government statistics. Han improbably attributed this high death rate to “cold weather” in the winter of 1989, although both the orphanage’s medical records and the official register of orphan deaths for that year (as subsequently obtained by Human Rights Watch/Asia) reported that 74.2 percent of deaths in 1989 had resulted from “congenital maldevelopment of brain,” while the remaining deaths were officially attributed to “mental deficiency,” “cerebral palsy,” “small, malformed cranium” and the like. Nowhere in the contemporary orphanage documentation was “cold weather” cited as a reason for the high mortality.

Han further claimed that 1989 was an exceptional year and that inmate mortality at the Shanghai Children’s Welfare Institute had subsequently fallen to “around 4 percent” annually. (A “Fact Sheet” issued by the Chinese Embassy in London later in January added, moreover, that the death rate at Shanghai Children’s Welfare Institute had remained steady at this level for “the last few years.”) As the exhaustive mortality data presented in Chapter 4 of *Death By Default* – all taken from the official Shanghai Children’s Welfare Institute archives – make clear, this claim was entirely false. Even the deputy director of the Shanghai Municipal Bureau of Supervision, Yu Ming, who led an eight-month-long investigation into the orphanage’s affairs in 1992, admitted to members of the city’s legislature in May 1992 that the annual deaths-to-admissions ratios among inmates at the Shanghai Children’s Welfare Institute over the three-year period 1989–91 had been “50 percent, 60 percent and 70 percent, respectively, averaging 64 percent,” and that the average ratio of deaths to total population (overall mortality) over the period had been “24 percent.” As recently as 1992, moreover, no fewer than 207 infant and child deaths were officially recorded as having occurred at the Shanghai Children’s Welfare Institute (see *Death by Default*, Table 4.6) out of a stated inmate population of around 500.

In short, since the foreign media representatives already had access to the above information from *Death By Default*, the foreign press tour of Shanghai Children’s Welfare Institute backfired, in terms of the Chinese government’s propaganda effort. Most striking of all, perhaps, was the bizarre attempt by orphanage officials to disprove the authenticity of a photograph from the report showing a severely malnourished eleven-year-old boy, Jian Xun, tied to a bed at the Shanghai Children’s Welfare Institute by both his wrists and one ankle, taken just over a week before Jian’s death from starvation and neglect on July 21, 1992. Pointing to the relevant entry in Chinese from a hastily-prepared government translation of *Death By Default*, an official informed the foreign journalists that orphanage records showed that only one child had died there on the day in question, and that the child’s name was quite different from the one reported in (the Chinese version of) *Death By Default*. That the government translator had actually mistranslated the name appearing in our report, however, became clear when the orphanage official triumphantly announced that the real name of the child who had died that day was “Jian Xun.”

Stung by this embarrassing failure, the Chinese authorities subsequently attempted to recover some credibility over the central issue of the Jian Xun photograph by claiming that Dr. Zhang had instructed Ai Ming, an orphan who spent his first twenty years at the Shanghai Children’s Welfare Institute and who took both the photograph in question and dozens of similar ones showing the severely malnourished corpses of infants and children who died at the Shanghai Children’s Welfare Institute in June–July 1992, to personally tie Jian Xun to his bed before taking the photograph. According to a Xinhua (New China News Agency) release of January 13, “No child [at the Shanghai Children’s Welfare Institute] has ever been tied as the photo shows and it was sheer fabrication by the photographer.” Flatly contradicting this claim, however, was an article that had appeared in the official Shanghai newspaper *Laodong Bao* (*Labor News*) on May 31, 1990, the authors of which reported that on a recent visit to the Institute: “We saw close to 20 infants and young children lying in bed with their hands tied to the bed frames with gauze... We were deeply saddened and shocked.” [*Death by Default*, p.330.]

All requests made by foreign reporters in the early 1990s to be allowed to visit the Shanghai No.2 Social Welfare Institute on Chongming Island were flatly turned down. We had contended that since mid-1993, the worst abuses against orphans and abandoned children had been shifted from Shanghai Children’s Welfare

Institute to the Chongming Island facility. One journalist (Jasper Becker of the *South China Morning Post*, Hong Kong's main English-language daily) succeeded in reaching the Chongming institute but was informed on arrival at the main gate that entry was forbidden: "No foreigners have ever been allowed here. It is not open to the outside world," [an official] said, adding, "We don't care what people abroad say." (In fact, a small number of foreigners have been admitted periodically to the facility in previous years, although in most cases on tightly escorted tours.)

January 25, 1996 Foreign Diplomatic Tour of the Chongming Island Facility

A few days after the publication of *Death By Default*, representatives of the German Consulate in Shanghai reportedly requested permission to tour the Chongming facility. The German officials reportedly stressed to their Chinese government counterparts the need for immediate access to be granted. This stricture was clearly vital, both in view of the seriousness of the allegations, and also since any delay in allowing access would inevitably be seen as having given officials sufficient time to disguise or remove any visible evidence of abuse. In the event, immediate access was not granted to the German consular officers, however, and an official tour of the Shanghai No.2 Social Welfare Institute by Shanghai-based foreign diplomats did not take place until January 25, altogether eighteen days after the official publication date of *Death By Default* and three weeks after the first Chinese government statement denouncing the report's contents.

According to a Xinhua press statement of February 1, fourteen senior consular officials from the U.K., U.S., France, Holland, Italy, Austria, Germany, Australia, Japan, and Denmark had participated in the tour, officially reported to have lasted a mere "one hour and more," of the Chongming facility's premises, which are known to be far larger than those of the Shanghai Children's Welfare Institute. Again, unsurprisingly, the few members of the foreign diplomatic delegation who later consented to provide comment to the international news media were quoted as having observed no visible signs of abuse against child inmates during the visit. Agence France Presse, for example, cited one participant as saying: "All of us had the impression that everything was in order...it's like when an inspector visits a school and the teacher told the children to behave themselves." Another diplomat, however, noted that the building had been unheated, while another said that equipment to rehabilitate or treat the disabled was inadequate. He concluded: "It must be difficult to survive in such conditions."

As is clear from the copious eyewitness testimony presented in *Death By Default* and drawn from various sources—including both former orphan inmates and employees of the Shanghai Children's Welfare Institute and members of the Shanghai legislature, local doctors and lawyers and others who investigated dissident staff members' allegations of gross abuse at the Institute in 1992—the Shanghai authorities have a long history of staging showcase-style visits by foreigners to the city's orphanages. The two examples described above were but the latest in a long series of such incidents, and it is to be hoped that the foreign diplomats who participated in the Chongming visit realized the true nature of their tour.

The Report on Abuses of Children in the U.S.

On February 22, 1996, the leading Beijing newspaper, *People's Daily*, ran a long piece about abuses of children in various kinds of institutions in the United States. "What is quite strange," the report said, "is that those Americans who seem to care about the conditions of Chinese children are totally indifferent to the plight of children in their own country." The report, with statistics on possession of guns in American schools, deaths of children from violent crimes, and percentage of children living in poverty, was entirely derived from publicly available material, such as press articles and reports of U.S. nongovernmental organizations. Our response was simple. We welcomed the de facto acknowledgment by the Chinese government in releasing the report that human rights is an issue that transcends international boundaries. We pointed out the fact that addressing any problem is possible if it is fully aired in public and different points of view are expressed; the problem in China is that far from fully airing the issue of high death rates in orphanages, the government has stopped publishing potentially damaging information and covered up an investigation of the Shanghai orphanage. And we note that Human Rights Watch does conduct and publish extensive research into human rights violations in the United

States, including on the treatment of children in detention and the application of the death penalty to juvenile offenders.

Human Rights Watch/Asia

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