

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.

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.

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 of 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:

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 to investigation and dismissed if mismanagement is shown to be a contributing factor.

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 rem-

edy, 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 adopting of children from welfare institutions.

(3) The propaganda organs of the Communist Party should publicize changes in the country's adoption policy through the official media. Both the media and the State Commission for Family Planning should actively promote the adoption of orphans as an alternative for couples seeking larger families than China's population policies allow.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting five withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 5:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1124) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the House has passed the following bills, in