

## **CHINA'S SOCIAL POLICY: MEETING THE NEEDS OF ORPHANED AND DISABLED CHILDREN**

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The Peoples Republic of China (PRC) is striving to establish new policies designed to protect the welfare of China's orphaned population. However, each of these policies, though positive steps in the right direction, have some serious downfalls. Drawing on available literature and author's experience adopting two Chinese children, this Final Document argues that the lack of funding and follow-through at regional and local levels of government, allows for these policies to become rhetoric versus implemented change. There is considerable worry by people in China concerned about children, the international adoption community, and domestic and international NGOs over the implementation and outcomes of these policies. It is important for researchers, scholars, human rights activists and the general public, both domestically and foreign, to be the voice of these children so that they do not become a lost population again.

*I have come to realize more and more that the greatest disease and the greatest suffering is to be unwanted, unloved, uncared for, to be shunned by everybody, to be just nobody (to no one). - Mother Teresa of Calcutta (1910-1997)*

**Introduction:** China has emerged as one of the top stories on the world stage. Its expanding economy, incredible pollution, 2008 Olympics, military growth, space program and China's involvement in talks with North Korea receive worldwide attention. Life for the average Chinese has improved greatly since the 1980s. Per capita gross domestic income has increased almost ten-fold since 1980, but many Chinese have been left out of the growth process. Some of the greatest losers are its orphaned and disabled children. China continues to have a real orphan problem caused by its "one-child policy"<sup>1</sup> and rural poverty.

There have been efforts by the government to resolve some of the problems surrounding these children, unfortunately, many times the new policies and laws do not make it past the paper on which they are written. China's laws and social policies (see appendix for text) such as the "Law of the People's Republic of China on the Protection of Minors,"<sup>2</sup> the "Education Law,"<sup>3</sup> "Tomorrow Plan,"<sup>4</sup> and China's International Adoption Policy"<sup>5</sup> state that the government is obliged by law to provide comprehensive welfare for children. These policies are to include education, surgical operations, rehabilitation services, care for orphans, and a safe environment and protection to minors. This development would then insure the livelihood, health, rehabilitation and education for all children with special difficulties, such as disabled

children, orphans and abandoned children throughout China. With China's continued "one child policy", which continues to affect the outcome of unwanted children, the question arises: "Is China meeting the needs of its disabled and orphaned population and to what extent are these laws and policies affecting the future of these children?"

The People's Republic of China (PRC) has adopted laws and policies which seem morally important and a very necessary step to ensure China's expanding population and the welfare of disabled children, orphans and abandoned babies. Many of these policies have an immediate relevance to issues surrounding China's orphan population; however, the long-term affects are having an adverse outcome on the welfare of children. The policies in question are not always followed through at the local level, creating additional problems. Due to the political environment at the local level as well as a lack of funds and often, some degree of corruption, many of the goals of the policies are met with resistance or lack of proper implementation.

During the 1960s and 1970s, the vast majority of children, most of whom are female, in orphanages were children with disabilities. Though there has never been a large domestic adoption in China, the children that were adopted during this time usually had some form of minor disability. In 1983, one orphanage sent a team to investigate out-of-province adoptions, mostly in Hebei, Shanxi and Henan. The majority of the adoptions investigated were female and the vast majority had some form of minor disability.<sup>6</sup> It is important to note that most disabilities associated with children available for adoption are physical and medically repairable.

During the 1990s this trend changed due to changes in the adoption laws and the introduction of the International Adoption Law.<sup>7</sup> During the 1990s a trend began with the adoption of baby girls, perpetuated by China's "One-Child Policy" and the cultural norm of having a son. Orphanages were filled with abandoned girls. International public interest and the added push from Hollywood celebrities who adopted children not only from China, but other Asian countries such as Cambodia, prompted adopting parents to want cute female Chinese girls. Fortunately this trend was short lived and today the trend in international adoption involves older and disabled children. Today, a majority of international adoptions focus on children with medical disabilities. This development in part has been affected by the recent changes in the International Adoption policies and process.

This research will look at these policies and the dilemmas surrounding them. This paper will look at current research along with the author's personal experience while visiting orphanages, living and teaching, traveling throughout China and the adoption of two children (Hannah, age 9 adopted in 2002 and Dillan, age 4 adopted in 2007) from China, both with medical disabilities. There has been all too little research done focusing on the needs of China's huge and continually growing orphan population, especially orphans considered disabled.

This paper will focus on specific dilemmas surrounding each of the described policies, their direct affect on China's orphaned population along with current changes

and outcomes. It is important to note that there are a variety of issues surrounding each of these policies, however, this paper will focus only on those issues specific to the authors research and personal experience.

Chapter one will begin by exploring the dilemmas within each of the described policies. Chapters two and three will look at the affects each of the policies are having on orphans living in China and orphans living in social welfare institutes waiting for adoption. Chapter four will look at the new generation of children considered orphaned but not yet identified as disabled. Chapter five will explore the importance of NGOs (non government organizations) both domestic and international and their importance to the welfare of these children. The paper will conclude with a look at current changes and long-term outcomes surrounding the policies and their direct affect on China's orphaned population.

### **An In-Depth Look at Laws and Regulations**

The PRC has become more aware of the importance of identifying children with disabilities, orphans and their importance to the society. This awareness has promoted social policies addressing the needs of orphans and disabled children. The four policies that this paper will explore have added to the health and well-being of orphans and disabled children. However, while these policies have proven to be valuable in the care of these children, there are shortfalls which in-turn are having a more negative outcome, causing concern of the adoption and child welfare communities both in China and abroad.

Each of the policies and laws addressed in chapter one are designed for the welfare of China's orphans, and disabled children throughout the country. Unfortunately, Chinese practice dictates that while the central government in Beijing may issue a new set of policies, it is generally entirely up to provincial, regional and local authorities to actually do the implementation. Therefore, as one might expect, each of the policies is treated differently throughout China's various provinces and between provincial and local governing bodies. As with any social policy, the original intent is to achieve a positive goal and outcome. With China's rapid growth and expansions that have taken place since Deng Xiaoping's reform policies (often called "Market Leninism"), some wealthier provinces and local jurisdictions are better able to implement social policies. On the other hand, less well-off governmental bodies have been hindered by a lack of funds. Corruption has also been a factor.<sup>8</sup> The result is that in the last 5-10 years these programs have not lived up to their expectations and many children continue to suffer from many of the very problems these programs are designed to solve. A more in- depth look into these policies will show that the outcomes may not warrant the risks.

China's "law of the protection of minors," *Article 5* states: minors are to be protected by State organizations, armed forces, political parties etc. in both urban and rural areas. Though this is considered the law, many of the rural localities turn a blind eye to the problems that face children, especially orphans and children with disabilities. While teaching and traveling throughout China, I encountered many children begging on

the streets, especially in the warmer southern regions. Many of these children had various disabilities. Twisted limbs, blindness, and facial deformities were just some of the disabilities I encountered. An adult accompanied many of the children, while others were simply on the streets begging by themselves.

When I asked local residents about this situation I was told that there are now numerous gangs throughout China who kidnap children from one province, train them to beg and put them on the streets in another province. These children do not attend school, receive no healthcare and the authorities turn a blind eye to their existence. This sad situation, however, is changing and the government is starting to crack down on the situation. It was explained that many of the disabled children were from poorer rural areas where their parents could not find work or afford health care. Apparently, this begging is sometimes the only means of livelihood that these parents can achieve. However, I was also told that some of the parents simply use their children for this because they are lazy and have no desire to work.

When I went to give a donation, most of the locals including policemen advised me not to, stating that the moment I gave a handout many more child beggars would appear and harass me. Strange as it may seem, I noticed that many of these same people would pull out some Yuan (money) and give it to the children begging. These children are apparently trained to target foreigners.

This development follows on the footsteps of *Article 8*, which puts responsibility onto the parents for the care, and well being of the child and stipulates that abandoning of infants or children is forbidden. Orphanages throughout China are filled with abandoned children, seventy-five percent of whom are girls. While visiting orphanages in Northern China, I was introduced to numerous children who had been abandoned. Many of them had medical disabilities. The majority of these children had disabilities that were medically repairable. Unfortunately, the high cost of medical care, especially for rural parents, seems to encourage the abandonment of these children. In many cases, the reason for the abandonment is the hope that these children will receive the medical care they need from state welfare institutes. We were also approached, while in Northern China, by mothers with children with medical problems, who asked if we could take their child back to America for a better life. In one case we were even offered money from one mother to take her daughter who had a deformed arm. It is illegal to adopt a child without going through the CCAA (China Center for Adoption Affairs).

In the post-Mao era of China's reconstruction, the rural areas were forced to adapt to a changing health-care environment. Many of the so-called "barefoot doctors,"<sup>9</sup> having been trained and paid by the government, went into private practice. Fees for services and charges for medication became a burden on the rural farmer. Soon the rural population realized it was cheaper to travel to some of the commune health centers or county hospitals. Many of the barefoot doctors went back to farming and many of the cooperative medical programs collapsed.<sup>10</sup> The cost of good medical care increased and created more problems in the impoverished rural areas, creating a culture which encouraged the abandonment of their children for medical reasons. Children with

disabilities and female children became a burden on the rural population. Pressure from the One-Child Policy and the cultural importance of having a son, prompted the abandonment of girls, especially if she needed medical attention. Sons were given priority regarding the cost of medical care. The abandonment of children for the purpose of better medical care continues today, though the abandonment of girls has decreased. The abandonment of children, although against the law, is not rigorously enforced in local areas, especially in the rural regions.

*Article 29* states that the authorities are solely responsible to intercede on behalf of these children and return them back to their parents. The problem arises when the parents who have abandoned the children many times are not willing to have their child returned or when the identity of the parents is not officially known. There is no medical incentive to help support a child with medical needs, so if the parents cannot afford proper medical care, they often will not step forward to claim their child. Though the authorities in larger populated areas try to find the parents through interviews and newspaper articles, the children quite often remain abandoned. Authorities in less populated rural areas may bypass the notification in the local newspaper, which describes the child and asks for the parents to step forward. Based on reports from people with whom I talked with in the rural areas, it is clear that there is much less effort given to finding the parents. Both my children adopted from China, are considered children with disabilities. My understanding is that the search for my daughter's parents was a newspaper article describing her. This apparently was not the case with my son, who was from a more impoverished area.

According to official records for 2006, currently there are approximately 573,000 orphans living in China; 66,000 of these orphans live in government-sponsored Social Welfare Institutes.<sup>11</sup> The 507,000 children not listed as living in orphanages live with family members, are sold to families without children or end up on the streets of China fending for themselves. According to the Chinese Ministry of Civil Affairs, there are approximately 150,000 children living on the streets.<sup>12</sup> The term "street children" consists of different age, gender and ethnic children who live and work on the street. Most of these children are orphaned, do not attend school, have little or no support, lack protection, and are many times involved in exploitative work.<sup>13</sup> A study conducted by Save the Children in 2004, identified these children as:

- most of the children were aged between 9 and 15 years
- nearly 80 percent were boys
- over 50 percent had migrated from another province
- half had received less than four years of primary education, and none of the girls had completed primary school
- half had spent some time in a detention center.<sup>14</sup>

The following case-study illustrates the problems these children face:

When Joseph Song was a young boy, he was one of many Chinese children who roamed the streets working for the little money he would never see.

These days, the 19-year-old helps run a sanctuary for street children at what used to be an old chili factory. More and more Chinese children from impoverished families are sold in what amounts to a slave market. Poor families sell their children to "ren fanzi", which means "a dealer of children". They are told their children will work in a factory. Instead they are forced to beg for money or steal on the lonely, violent streets of China where handlers often fight over their turf.<sup>15</sup>

There are new shelters being built to house and feed these children, and more effort is going into helping these street children, but authorities are still making little attempt to find their parents or to hold a higher accountability on the abandonment of children.

"Education law of the people's republic of China," *Article 18*, concerns the adoption of a nine-year compulsory education. As noted, the education policy was revised in 2006, to offer a "free" nine-year compulsory education. This policy has been greatly publicized throughout China, though apparently with little follow through throughout the poorer rural regions.

China's Ministry of Education has set three goals to promote education reform in rural areas. These goals include: "promotion of a nine-year free compulsory education for all children in rural areas, to improve the educational quality and reduce the number of dropout students in rural junior middle schools and to rebuild rural schools into training bases, helping peasants through adult education programs, reducing China's illiteracy rate."<sup>16</sup> According to the Chinese Government's website:

Free compulsory education will allow rural students tuition free education from primary to middle school (ages 7 to 16), relieving the burden that has been on the parents of rural children. By 2007, all rural students from very poor families, whose total family income is below 625 yuan (\$US75.50)<sup>17</sup> annually, will be exempt from tuition and textbook fees. Poor boarding students will also be offered a living allowance.<sup>18</sup>

Today, educators are concerned whether the system will be able to accommodate the new growth in education. Students who in the past could not afford education now want this opportunity. Though there is free compulsory education, there are other expenses that are required which fall to local governments to accommodate: chalk, texts, desks, general education supplies, lighting, heating, facility maintenance and repairs and general upkeep. In some rural areas, local governments collect extra fees from students to help with these added expenses. Fines associated with violating family planning, fees for road construction and other illegal educational charges are put upon the rural families.<sup>19</sup>

Compulsory education is a good and needed plan throughout China, especially in the rural areas. However, according to education specialists I talked to during my visits, teaching and consultation to one of China's education consortiums and private schools, this free-education is not being implemented in most rural areas. A 2006 excerpt from *China Daily* states:

Compulsory education is a public good offered by the government to the people. It should be free, compulsory and open to all children of school age. Being free of charge is a precondition to forcing parents to send their school-age children to school. However, because of the restraints of China's current economic strength, it is unrealistic to promote completely free compulsory education nationwide.

At the current stage, the central and local governments, individual families, and some other social channels jointly shoulder the costs of compulsory education. Such an input structure, however, does not ensure lower-income families can afford their child's education. As a result, some children of impoverished families, especially those in poor rural areas, miss out on compulsory education. In such a situation, a differentiated fiscal input policy is badly needed to reform the compulsory education system, especially the compulsory education input system in the vast rural areas.

At a time when the nation is still not developed enough to promote free compulsory education in all regions, priority should be given to rural areas, especially impoverished rural areas. And government finance, especially central finance, should shoulder the cost of compulsory education in those regions. After that, free compulsory education should gradually spread to those regions with better economic conditions.<sup>20</sup>

*Article 26* states, "The establishment of schools or other educational institutions shall be subject to the following requirements. . . 'qualified teachers'". Due to the large income and poverty differential between rural and urban areas, along with economic growth in the cities, many of the families or family members including teachers are leaving rural areas to find more profitable work in larger urban areas.<sup>21</sup> If a town or village is poor, parents too often want their child to go to work rather than pursue an elementary or higher education. In rural areas, senior high school students constitute only 20 percent of their age group, while there are 70 percent in the cities.<sup>22</sup> This is due to the large dropout rate in rural areas, creating an influx of migrant population into cities. According to the Horizon Group who surveyed China's residents regarding housing, education and health care,

Households must have the appropriate registration documents (*hukou*) in order to legally reside in an urban area. Without this registration, access to many of the urban services, including housing, medical care and education, is limited and quite expensive.<sup>23</sup> Children can apply for nine years of compulsory education after their parents have lived in a settled residence for one year with stable employment.<sup>24</sup>

Many of the migrant workers do not stay in the same place for that long. *Business Week* published an article in the fall of 2005, that noted that China is now seeing a trend, of a "floating population" which is estimated at 120 million, about 8 million of them school-age children. According to recent statistics, "Beijing alone has as many as

340,000 migrant children, many who are not permitted to attend the city's schools. Migrant families have taken on the burden of educating their own children, creating special migrant schools. These schools are spread throughout China's new urban expanding metropolises. They are usually unlicensed, located in run-down neighborhoods and the quality of education is poor. A migrant family that makes around 900 Yuan/year (about \$US121.00) will still be required to pay 100 Yuan (\$US13.50) for their child to attend."<sup>25</sup>

*Article 26:* "Educational institutions shall be subject to the following requirements: qualified teachers, quality teaching and learning rooms, facilities and equipment that meet standards." As with any educational setting, the expectation of qualified teachers is a challenge, especially in the rural areas of China.

Lack of funds and poor management in the past has led to a lack of qualified teachers in the rural areas. In Pan'an Primary School in Gangu County, there are over 1,300 students, but only 39 teachers.<sup>26</sup>

In Zhejiang Province, I found the same to be true. A local school had around 900 students and 26 teachers. Due to the poverty that rural China faces, many of the teachers move to the more urban areas to find better paying jobs. This leaves the rural schools short-staffed and teachers having to teach a multitude of subjects like Chinese, mathematics, music and physical education. Some schools only have one or two teachers responsible for as many as six grades of students. Julia (pseudonym), a teacher at a private school in Zhejiang Province, whose best friend is a teacher in a smaller rural town, stated that she makes 800 yuan/month (\$US108.00) compared to her friend who makes 200 yuan/month (\$US27.00). Julia teaches English as her main course, while her friend teaches math, science and Chinese. These two teachers are employed as teachers in schools only sixty miles apart. Julia shared that her father, a local farmer, made less than 1000 yuan/month (\$US135.00) and her teaching salary helped pay for the family's extra expenses.

Another fellow teacher, stated that some of the teachers at her school only had a high school education and that many of the more qualified teachers had left the village seeking better employment. She had close to fifty students in her class, 80 percent boys. During conversations with teachers it was stated:

It is important for all the students to work hard as grades define the future of one's success. This is very hard on the students since most families cannot afford to send their children to university even if they do well.

One teacher told a story explaining how someone had donated a couple of boxes of colored chalk and it had been the talk of teachers and students for a week. When asked if any of the teachers I met in China saw the new education reforms and compulsory education as a positive step, most agreed that it would take more pressure off of the parents of students financially. They did not see it benefiting some families or changing the opinion that it was still more important to find work and make money than to get an education. They expressed how many of the young people are leaving the rural areas to

go to the cities to find work. There is the belief that a person can find work in the cities without a proper education. Though the students get a free education for nine years, the financial burden of senior school and the cost of university are out of reach for most families. Julia shared that her father had worked for years from sunrise to sunset and her mother had worked to afford her an opportunity to attend school. She is now helping save money so her sister can attend school past her senior years.

There are also limited opportunities for careers that have a greater opportunity for advancement, especially for females and orphaned children. Many female students only educational opportunity based on their entrance exam scores is to attend a university that offers a teaching degree. It is very difficult for orphan children to get beyond the nine-year free education and reach the opportunity to attend university.

However, I have met many females graduating with degrees in business. The problem here is that many of the companies that hire these new graduated students have offices in foreign countries and send these new employees to foreign soil. They are only allowed to return home once a year, usually during the Chinese New Year. This distance between employment and rural family life is also true to many who find jobs in the bigger cities. This accounts for a fairly high percentage since for the majority of big businesses are located in the urban cities. This dilemma is rapidly changing the family structure of China—it is a sad fact that while the family used to be the center of one's life in China's Confucian society, economic necessity today sadly divides families. According to Plan China:

Many of the rural schools have fortunately partnered with various non-governmental organizations (NGOs) like Project Hope in China,<sup>27</sup> and private individuals to improve the quality of the schools themselves. Plan China, a child-centered development organization has over the past eleven years raised funds to help improve education in Shaanxi Province, investing in teacher training, infrastructure construction, school management and child sponsorship programs and offering financial aid. However, in the past few years, many village schools have been closed, leaving the students having to travel to boarding schools and only going home on weekends. This creates extra burdens on the families.<sup>28</sup>

Quality education varies throughout the orphanages and for children with disabilities. The orphanage that my daughter grew up in had the students travel to a local school providing their disability did not interfere with their travel to the school. Their education was fairly standard for elementary students. At the time of our adoption, my daughter was able to count to one hundred, recite various nursery rhymes and songs and had a good vocabulary. My son, Dillan, however, was from an area where school for orphans was not a very high priority. The children were educated within the orphanage and not sent to a regular school. Dillan was unable to count past five, knew few songs except from TV opera shows and knew no nursery rhymes. Both the children were adopted at the same age of four.

The "Tomorrow Plan for the Rehabilitation of Handicapped Orphans through Operations" states that orphans with disabilities, especially those living in Social Welfare

Institutes shall receive the needed medical procedures to repair their disability. Though this seems like a needed policy to help these children through their medical difficulties, the outcome has had serious downfalls. According to statistics, children with disabilities in welfare institutes account for approximately 49.6% of the population.<sup>29</sup>

Urban and rural health systems that provide services are administered on the central, provincial and local levels. The local village government makes decisions based on the county policies and the county policies stem from the policies at the provincial levels. Resources for healthcare are many times unevenly distributed throughout different geographical localities with different levels of economic development. In the poorer regions governments provide fewer and lower quality of services.<sup>30</sup> Each level of government makes decisions based on what it feels is right for its specific locality. Many times the three levels of government cannot come to an agreement of the proper distribution of funds. The state government many times does not even know what is happening at the local level because of lack of communication and follow-up.

During the Maoist period (1949-1976), China's barefoot doctors were many times the farmers themselves, having been trained in first aid or traditional Chinese medicine (herbalists, acupuncture, massage). Though these doctors were untrained, they were easily accessible and the health cost was affordable for the poorer rural resident.

Today, many of the rural doctors are still untrained and unlicensed in modern medicine and are performing surgical operations or in some rural areas are the only medical options available. An article posted in *World Press* stated:

Recently there have been legal crackdowns on unlicensed medical practitioners throughout rural China. China's Ministry of Health has dealt with 174,000 cases of unlicensed medical practices and fined 58,000 medical institutions for employing unlicensed doctors, over the last few years.<sup>31</sup>

In the same article it was reported that in 2006, there were over 10,000 attacks by patients' families and friends towards medical personal for misdiagnosis, operation frauds and general mistreatment. This shows that there continues to be problems throughout the rural medical system. Poor families, orphans and children with disabilities have little opportunities to protest their medical treatment.

Many times the doctors that are in the rural hospitals, when asked to perform surgeries on orphans that have medical disabilities, are often untrained to perform the appropriate treatment. However, the fact that the government has pushed these policies, gives opportunity for these surgeries to become training grounds for many of these doctors. This comes from firsthand experience dealing with orphanages and medical treatment while in China. Some orphanage directors have stated that operations and post-operative care is a big problem. It is important to note that these orphanage directors worked in state institutions located in poorer rural regions versus urban located institutions.

International programs have in recent years sent teams of doctors to perform surgeries and even train rural doctors on surgeries such as spina bifida, cleft palette and limb deformities. However, many of the doctors in China after having the training still refuse to perform the procedures. This situation in-turn has promoted international adoption agencies and foreign NGO's to continue to send medical teams and raise foreign donations for many of these treatments.

### **Regulations for Adoption**

Recently, in May, of 2007, the CCAA changed some of the adoption policies surrounding international adoption. In 1990, China opened its doors to international adoption. In 1991, there were fewer then 100 international adoptions; by 2001, there were over 6,000 per year.<sup>32</sup> In 2005, there were 7,900 visas given by the state department for children adopted from China. In 2006, this number dropped to 6,500.<sup>33</sup> This drop in adoptions is partially due to the changes in the policy.

The new rules for foreign adoptions are intended to safeguard the adopted children, but the Chinese government tends to perceive China as America's favorite country to adopt from. Many waiting mothers and fathers are now concerned that they will not qualify as good perspective parents. There is also the concern that many Chinese orphans who exist in institutions are not recognized by Beijing and will become lost in the politics. All children available for adoption must be on an adoption list, sanctified by the CCAA. Most of the orphanages we visited had a number of children not on the adoption list and again these orphanages are located in the very poor, rural areas of China.

Since the government-run CCAA briefed international adoption agencies on the changes before the policy took affect in May 2007, people who find they are now shut out of China's adoption opportunities feel they are being discriminated against and have overwhelmed US adoption agencies. These callers are often single women who are now not allowed to adopt, but consisted of a high percentage of parents who have adopted in the past. An article in *The Asian Times* describes the situation:

The new regulations, which took effect on May 1, 2007, will disqualify those who are single, older than 50, are considered obese (defined as having a body-mass index of 40 or higher). Anyone with a criminal record or an illness such as AIDS or cancer are also now excluded.

Prospective parents must be married for at least two years and have no more than two divorces between them. If either spouse has been previously divorced, the couple must be married five years before qualifying. In addition, there are new educational and financial requirements: couples must have a high-school diploma, a minimum net worth of US \$80,000, and an income of at least \$10,000 per person, including the adopted child.

Fees charged by Chinese authorities in connection with foreign adoptions vary depending on the province where the child is adopted. Individual orphanages may charge between US \$3,000-\$5,000 as a donation to the institution and an additional fee for having raised and cared for the child.<sup>34</sup>

Many times additional fees are added on such as transportation, food or fees for frivolous things concocted by the guides while the families are in China. In addition, there are standard fees that adoptive parents must pay, including the initial fee for the CCAA, fees for translation of the documents, fees to the local authorities, and the fee for the Chinese passport for the adopted child. According to the US State Department, "Americans adopted 6,493 Chinese children in 2006." China's official Xinhua News Agency reports that over the past 10 years, 80% of the more than 50,000 children adopted by foreigners have gone to American parents.<sup>35</sup> CCAA director Lu Ying claims that the new rules will not reduce the number of foreigners who adopt Chinese children, rather, they will decrease the waiting time for qualified adoptive parents and ensure that children are placed with healthy, economically sound families.

"The new rules will help shorten the waiting time for qualified foreigners," Lu said, "and speed up the process for children, especially the disabled, so that they can go to their new families, where they can get better education and medical treatment more quickly."<sup>36</sup> As China becomes wealthier and domestic adoptions rise, the director maintains, stricter requirements on foreign adoptions are simply a product of supply and demand. But international observers, again citing State Department figures, ask: "Why have the tighter rules been announced after US adoptions, still the largest in China, declined by 18% last year? Where is the proof of a corresponding rise in domestic adoptions or decline in orphans?"<sup>37</sup>

The fact is that besides the overwhelming difficulties associated with visiting Chinese orphanages, it's hard to see the true picture. The CCAA provides little reliable information on the number of orphans or orphanages in China. Only selected orphanages are allowed to take part in international adoptions, and government approval is required for any foreigner who wants to visit an orphanage.<sup>38</sup>

Macleod Calum wrote in a recent article in *USA Today*:

Researchers in China say local data and anecdotal evidence show what sketchy national statistics don't: that record numbers of Chinese are adopting. Foreign adoptions are an embarrassment to the government, says Pi Yijun, a scholar at the China University of Politics and Law. "Even researchers do not get the national figures, only local numbers. (The government) strictly controls data like this, and the total number of adoptions is very secret."<sup>39</sup>

Though there is a stigma regarding domestic adoption, the number of children being adopted domestically has increased. The two major reasons for the change in domestic adoption are:

**Growing affluence:** As many as 250 million of China's 1.3 billion people are part of a growing middle class. The Chinese Academy of Social Sciences says 40% of Chinese will be middle class by 2020.

"Better economic conditions mean more Chinese are able to bear the financial burden," says Ji Gang, director of domestic adoptions at the China Center of Adoption Affairs, a government agency.

**Changing attitudes:** Deep-rooted prejudices against taking in children who aren't blood relatives have begun to fade, as have historic biases against girls.

"The importance of continuing the family line is eroding as China modernizes," says Hung Huang, a Beijing publisher who adopted a girl last year. "Traditionally, Chinese felt that orphans signaled shame."

**Empty nesters:** Urban couples, restricted to a single child by a 3-decade-old law, are adopting after their natural children reach adulthood and leave home.

"People want to have more than one child but cannot under the family-planning policy," Ji says. "Adopting or fostering gives them a way."

Booming interest in domestic adoptions has given rise to a loosely regulated market for infants. Websites such as Orphan Net offer forums for prospective parents.<sup>40</sup>

A change regarding the stigma of domestic adoption is a positive step for China's orphans. However, it should not create opposing problems for international adoptions. Before the policy changes many of the people who adopted from the United States were single parents, this change to adoptable parents only being couples will put a big damper on the adoptions. Issues like epilepsy, as a deterrent for adoption is treatable, as is depression and anxiety, again decreasing the number of available people willing to adopt. It is important to understand that these new regulations are having and will continue to decrease the amount of international adoptions, leaving the orphanage populations at a standstill.

### **Disabled Children Living in China**

The ability to care for a child with a disability in China has its own special challenges. The abandonment of disabled children is reported to have increased and in most cases has little to do with China's one-child policy. The burden of raising a child with a disability in China is more the issue. Outside of a few larger cities and welfare institutions, there is little government support for families who wish to keep a disabled child at home.<sup>41</sup> Due to the high cost of medical care and the level of poverty in many rural areas, abandonment may be the only means of getting a child into an institution and any quality of care, no matter the problems surrounding the orphanage.

Many of the children are in need of medical surgery, which is extremely expensive in China. Organizations such as Project Smile, International Assistance and Adoption Project, Project Hope and others have over the past few years provided medical surgeries to correct problems such as spina bifida, cleft pallet and physical deformities, giving these children a greater opportunity for adoption. Children with surgical medically repairable problems fall into the category of disabled. I have met orphans with cleft pallets, spina bifida, blindness, deafness, albino skin, missing fingers, minor cerebral palsy and limb deformities, all which can be medically repaired here in the United States. China does not allow children with mentally handicapped issues to be adopted, with the recent exception of Downs Syndrome.

Many of the rural children with learning disabilities just integrate into village life. There are fewer pressures put on these children attending school and families give more supportive care. While visiting small rural villages during my travels I was introduced to numerous children who were classified as being slow or “of no or little mind.” These children did not attend school and were left to wander the village throughout the day.

China’s education system is a stressful environment in which performance in exams means everything, leaving little space for children with special needs. Most children with disabilities such as autism, hyper-activity, Down’s syndrome or other learning disabilities either go to special schools or stay home and are attended by a parent or caretaker. The policies referred too earlier are designed to educate and protect these children, yet they fall short when followed through at the local level.

Children who are kept at home because of a disability are over-looked and dismissed by local authorities and private schools that are required to offer a free nine-year education. Many of the private schools that attend to children with disabilities do not fall under the free education policies or private schools that are sponsored by state and/or local funding. Extra fees for room and board, books and other learning materials are need to be paid for by the family. Many of the rural families cannot afford these extra fees.

While traveling in Jiangxi province in Southern China, I met Annie (pseudonym), an 11-year-old deaf girl from a small rural village. Annie is not allowed to attend the local school due to the fact she is deaf and there are no trained teachers at the local schools. She lives with her grandmother, mother and four other siblings in a small mud house located on the outskirts of the village. Her mother is no longer married and has the full responsibility of taking care of the family. She works at a local factory, while Annie spends her days at the base of a local tourist attraction waterfall. She hikes up and down the mountain picking up trash left behind by the tourists and sells it for money which she in-turn gives to her mother to help buy food. There is a nearby special deaf school, but it cost over 4500-yuan/ year. Annie attended the school before her father left the family but now her mother cannot afford the tuition. This special education school is not covered under the free compulsory education program. Her dream was to return to school one day. My wife and I along with another family in China have now sponsored Annie and she has returned to school. She is now proud to be one of the top ten in her school.

There are an estimated 3 million children in China with hearing loss. There are only 33,000 listed as enrolled in deaf schools throughout the country.<sup>42</sup> The government runs special-needs schools, located mostly in urban areas, including those for the deaf and for children with more severe developmental disabilities, but children with mild to moderate hearing loss generally receive no intervention services. An article published in the ASHA Leader, a publication specific to disabilities states:

When a child is not developing speech, and traditional treatment methods are not producing results, the family will seek intervention with hearing aids and/or cochlear implants. Education and rehabilitation are often delayed or not provided, either because the family believes that medical treatment alone can cure the hearing loss or there are no trained personnel near the child's home; most rural families cannot afford to send their child to an urban school. The child will remain in the local community for schooling, in classes led by teachers who may have some training for children who have special needs. Most teachers, however, learn on the job.<sup>43</sup>

Children with disabilities are also unprotected from racketeers, people and families who exploit them for profit. The policy to protect them seems to hold little or no authority. The *Beijing Observer*, July 22, 2007 published a story: "China's Disabled Children Are Sold Into Slavery As Beggars." According to the article which cited various individual cases of disabled orphans, after being sold into gangs, children are then forced into a life of street begging. The article stated that the authorities have not yet worked out a plan to protect these children and deal with the perpetrators. The article goes on:

One of the couples living off the earnings of these child beggars after shaking one of the child's legs to show his paralysis admits it is illegal, but in the same breath points out that China has a long history of begging and that everybody has to make a living.<sup>44</sup>

According to Kate Wedgwood, the outgoing China director of Save the Children, it is part of a much bigger phenomenon. Wedgwood reports:

Amid the huge tide of Chinese workers moving from country to city, as many as a million children have become separated from their parents. Perhaps 150,000 are looked after by the state; the rest, presumably, are fending for themselves. 'A lot of it is about ignorance,' said Wedgwood. 'Often the parents don't know what existence they are selling their children into.'<sup>45</sup>

These are good examples of how policies written for the protection of minors, or for proper education by the central government can become lost in the process of turning the implementation of the law over to the local authorities.

## **Disabled Chinese Children with Prospects of Adoption**

All the policies discussed in this report greatly affect the orphan population living in Social Welfare Institutes and orphans with disabilities. The international community adopts the majority of these children. Though the Chinese government and media continue to report policy changes to improve the welfare of these children, it is my personal experience and those of other people involved in the care of orphans that the follow-through and long-term may be detrimental to the care of these children. Article 8 of the Protection of Minors law states that the abandonment of minors shall be forbidden, yet the orphanages continue to fill with abandoned children, many who have some form of disability. Many times the parents abandon their children for lack of financial resources and are aware that the children will receive better education and medical treatment in the orphanages than treatment that can be provided by the parents. This fact challenges the government to allow for better medical care and education within the rural areas. Though there is to be a free nine-year education, this policy is not being implemented in many of the rural areas. These policies challenge all orphans and children with disabilities, but the two biggest policies affecting orphans waiting to be adopted are The Tomorrow Plan and the new International Adoption regulations.

The two case studies to follow will demonstrate where these policies are falling short. The children in both cases are children my wife and I have adopted over the past five years. We have also visited various orphanages to work as volunteers and to do needs assessment, in order to raise funds and supplies here in the United States for the orphanages.

### **Hannah Fu Li Yoxall:**

Hannah was adopted in 2002, from Liaoning Province in the northern part of China. Hannah was found at the age of approximately 2 days old and was left in a common area just before people headed for work. We believe that her mother left her here at this time knowing she would be found and taken to the Social Welfare Institute. We located Hannah through an adoption agency here in the United States, which sponsors three of the orphanages we now travel to and do volunteer work. Hannah had lived in the orphanage from the time she was two days old until she was four.

The adoption process was extremely wearing for the first time. Though there is support from the adoption agency, the paper nightmare and financial stress of adopting is very time consuming and stressful. The process of adoption begins with identifying the child through a dossier sent from China. There is a limited amount of orphans that make the adoption list compared to the amount living in orphanages. The dossier describes the child, contains pictures, medical and development reports, which until 2004 were many times lacking proper information.

The first step after identifying the child is to have a home study done by an independent agency from that of the adoption agency. Both the adoption agencies and the home study agency require fees. There is paper work then required for China such as

medical reports, financial reports, letters of adoption, passport and legal resident information. All this can take as long as six months or longer to require all the necessary documentation. Then the dossier is sent to the state in which the prospective parents reside in-order to receive the stamp of approval, which also has fees attached. Once the dossier is completed it is then sent to China for approval. At this stage the adoptive parents have spent close to \$10,000 to \$20,000 depending on the agency and then a waiting game begins. (For text on dossier requirements see Appendix B)

After six to eight months of anticipation, the approval and travel letter arrives from China. You then need to make travel arrangements to fly to China and pick up your new child. This trip takes anywhere from two to three weeks.

Once you arrive in China you travel to the closest large city near where your child has been living. You are met in a couple of days, many times at your hotel and introduced to your child. The officials from the orphanage then say good-bye and you are left standing looking into a child's terrified eyes with no way to communicate. Many times there are interpreters available, but they are not there all the time.

The legal adoption of the child is done at the local level, which takes usually a week. Then the family must fly to Guangzhou in southern China to secure to child's travel visa. This is the only US embassy bureau in China that issues travel visas for adopted children. This also takes approximately one week, providing there are no problems.

With this process being expensive and stressful, it is difficult to understand why the CCAA has changed the international adoption laws making it even more stressful to adopt from China. The orphanage Hannah resided in was in fair condition though it needed repairs, such as painting, structural repairs and improvement on their school environment. Children who lived at this orphanage attended school down the road from the orphanage. The children who had disabilities or were unable to travel were taught at the orphanage. The classroom consisted of old wooden desks, one black board and nothing on the walls that would promote stimulation of learning. Education was provided by the state up until the ninth grade, at which time the children were put to work in the orphanage if they had not been adopted. At this time the cut-off age for adoption was twelve years old but since then it has changed to sixteen. Some of the workers at the orphanage were themselves orphans who had grown up at the facility. At this time the changes within the Education Law, Tomorrow Plan and International Adoption Policy were not yet in effect.

This facility received funds from the Japanese government for restitution from damages during the Japanese occupation during World War II. The Japanese stole millions of dollars worth of coal and other natural resources from this area. In an agreement by both governments, Japan paid money back to the Chinese people. The Fushun Welfare Institute received a portion of these funds to improve their facility. Hannah Fu Li, my daughter, is from this orphanage that received funds from the Japanese government. Due to this extra money many changes have occurred in the past three years,

including electrical upgrade, brightly painted walls, new bathrooms, new educational material, personal hygiene items for each child and an improved meal plan. Medical care continues to be an issue, however. We were told while visiting, that a child might wait two or three days to be transported to the hospital due to the lack of transportation. The cost of owning a good vehicle is usually an extra expense that many orphanages simply can't afford.

Upon our return to visit in 2005, the orphanage had been upgraded, though they apparently were still struggling to make ends meet.

Other organizations such as Hope International and International Assistance and Adoption Project are among the few organizations that personally sponsor orphanages or have set up foster homes in China. It is reported that 55 percent of the orphans living in Welfare Institutes do not receive funds from the government and that 10 percent of these children receive less than 10 percent needed to raise a child.<sup>46</sup>

When a child is internationally adopted, the adoptive families are required to pay an orphanage fee of three thousand dollars to help support the orphanage. One director of an orphanage stated that the orphanage sees very little of this money and that three thousand US dollars could run the orphanage for almost one year.

**Orphanages in these areas receive this amount per child per year:**

Municipalities like Beijing, Shanghai, or Tianjin 3,000-4,000 RMB (about \$500)

Henan, Gansu, and Ningxia provinces 1,000 RMB (about \$120)

Guangxi, Guizhou, and Hunan provinces 600 RMB (about \$80)

Seven unidentified provinces 300-500 RMB (\$50)

Two other provinces 200 RMB (less than \$30)

Qinghai – the poorest province 110 RMB (\$12)<sup>47</sup>

Though the Tomorrow Plan was not in effect at the time of Hannah's adoption it was believed that slight medical repairs of a disability might increase her chances of adoption. Hannah has a black-hairy-nevus which covers her left arm. This condition and the fact she is a girl was probably a factor in her parents turning her over to the Welfare institute. To show that the nevus was repairable, the orphanage and local doctors decided to remove and skin graft a part of the mole. This was an unnecessary surgical procedure. In the process, they removed some of the mole from her hand and took a piece of skin for grafting from her leg. Due to the lack of good medical procedures, Hannah was left with a huge scare on the inside of her thigh, where they had removed the skin for grafting. According to the plastic surgeons we have seen in the United States, not only was it an unnecessary surgical operation, but also the scar that was left will have to be repaired due to the poor procedure.

During visits to other orphanages in northern China after Hannah's adoption, I encountered other children with medical disabilities who had undergone surgeries either

to show that the disability was repairable or because the surgical procedure was necessary for the well-being of the child. Some of the orphanages, unfortunately, do not have the necessary facilities or the staff to help with postoperative care, after some of these surgeries. There were reported incidences where the child after returning to the orphanage for care had complications, needed to go back to the hospital, and on some occasions died. In some orphanages this has been remedied by outside NGOs establishing postoperative foster homes, with available trained staff to help with aftercare. Unfortunately, this is not the case in many of the orphanages, especially in the more remote and poorer regions of northern and western China.

At the time of Hannah's adoption the new International Adoption policy change was not yet in place. Had there been these changes, my wife and I would not have met some of the requirements leaving Hannah possibly still living in the orphanage.

The adoption process is a very stressful and costly process leaving the adopting parents at times questioning if it is all worth it. New policies, which make the process more strenuous, in my opinion, will allow fewer adoptions to occur. It was also clear from conversations with orphanage staff that the number of children needing to be adopted had only decreased slightly over the past few years. Many of the children living in orphanages never make the list of available children for adoption. Yet the director of the CCAA, has stated: More domestic families have adopted children from our center in recent years and economic and social development has meant that fewer children have been abandoned or orphaned. <sup>48</sup>

**Dillan Li Si Ping:** Dillan is from an area southwest of Beijing, from the province of Shanxi. This is also a coal mining area, but more impoverished than in Hannah's case. Dillan was left at a local police station at around the age of five days. In his medical report he was reported to have a left clubfoot. He was adopted after the Tomorrow Plan was put into place. It took almost two years to see the adoption process through.

A new adjustment to the adoption policy which slowed the process was a series of letters which now are required by the CCAA. These letters need to be signed and notarized by the adoptive parents stating that there is no doubt that the particular child you have identified is definitely the child you plan to adopt.

This new change came into effect due to some adoptive parents arriving in China to pick up their prospective child and suddenly changing their minds. This situation occurs due to the severity of the child's medical problems which were not disclosed in the medical report or because in some cases the child did not look right to the adoptive parents and was therefore "turned down for a better looking one."

The Tomorrow Plan came into effect during our adoption procedures and unknown to us Dillan had his clubfoot operated on. This we did not discover until going to a store to buy him new shoes shortly after we received him because the shoes he was wearing were too small. Upon the removal of his old shoes, I was horrified to discover across the side of his foot was a large scar with protruding scar tissue and a straight foot.

Both his feet were black with dirt and smelled so bad that the store staff removed themselves from our location, leaving us to find the shoe for ourselves.

It was relatively clear from the scarring that whoever had carried out the procedure had done a poor job. Upon arriving back in the United States and to the medical community where we live we found that the procedure was done wrong, and though the foot was straightened, Dillan's ankle was paralyzed. This in-turn now causes Dillan to have difficulties walking, and will have to be surgically repaired again.

Before we had finalized the adoption we had in our dossier sent a letter of intent as well as letters from local orthopedic doctors describing the form of treatment we had in place for the repair of Dillan's clubfoot. When we asked as to the reason for Dillan's foot repair in China, we were told that it is the new policy that all orphans needing medical repairs be given them. Had this not happened, Dillan's foot would have been repaired properly here in the United States.

Many times the medical report that is given to the adoptive parents does not tell the whole story. In Dillan's case it was reported that he had the clubfoot, which according to the report had not been repaired. After arriving back to the United States we learned that Dillan also had spina bifida, a split spinal cord and an atrophied left leg. Some of these conditions are only discovered through good medical treatment, but we believe the medical physicians who attended to Dillan while in China knew of his medical problems but the problems were not disclosed in his medical report.

Dillan's orphanage was very different from Hannah's in that it was much poorer and the children were less attended to. Both orphanages are located in coal mining towns, but Hannah's had received money for upgrading whereas Dillan's remained rundown and very unclean. It was reported that thirty percent of the people living and working in the coal mines in Dillan's town and surrounding area still reside in cave homes, dug into the side of the mountains. These were visible throughout the outskirts of the town as well as in the countryside.

During our first encounter with Dillan we met the director of the orphanage. We asked if it was at all possible to visit the orphanage where Dillan had grown up, to take pictures for his memory book. We were told that this was impossible due to new regulations. Upon my insistence I was able to make arrangements to go to the town where Dillan was from. Upon my arrival I was greeted by the director and to my surprise taken to the orphanage. After being allowed to only take a picture of the sign which gave the name of the orphanage, I was taken out for lunch. At this time the director proceeded to tell me, again to my surprise, that I was to pay her a thousand US dollar for my visit. After refusing this request and threatening an international incident if not treated properly, the director changed her request and allowed us to tour the area. The new regulations set by the CCAA state that no one is allowed to visit an orphanage in China without first receiving permission from the CCAA that no extra fees are to be charged for adoptions. This manipulation of money I was told has become a common practice, especially in the poorer orphanages.

Both the children were four years old when we adopted them. At the time of Hannah's adoption she could count to one hundred in Chinese, sing nursery rhymes and songs. Dillan, on the other hand, could only count to ten and knew no songs or nursery rhymes. Hannah had attended a preschool program at her orphanage, but Dillan had no schooling and, according to some of the locals I met in his town, the orphanage had few children who attended school, even among the older children. Hannah came from an orphanage that illustrated a certain amount of love and care whereas Dillan's orphanage was simply a place to house forgotten children.

At the time of Dillan's adoption the new policies covering international adoptions were also being put into place. Fortunately our dossier was already processed and we were awarded the adoption. Had we been six months later we would have fallen short of four of the new regulations and Dillan would possibly still be living in the orphanage. The doctors in the United States who are following Dillan's medical treatment now have told us, without doubt, Dillan eventually would have died had he remained in the orphanage without extensive medical treatment. We have uncovered many other medical problems, some of them quite serious, since Dillan returned to Virginia with us after his adoption in April of 2007.

While in China to adopt Dillan we were joined by a couple of other families also adopting disabled children. One of the families after arriving in China was informed that their child was in the hospital due to complications from a surgical procedure to repair his spina bifida. The family was shocked to find their prospective child in near critical condition and had to immediately make arrangements with the US Embassy and the CCAA to fly the child back to the United States for immediate treatment.

One of the other families who had accompanied us during our adoption, their son had undergone cardiac surgery a few months before the adoption. Upon their return to the United States, they were informed that the surgery was done without the proper procedure and that their son would need to have surgery within the next month or so, to repair the medical issue not addressed during the first procedure.

These stories are not uncommon throughout the adoption community and though the Tomorrow Plan is designed to improve the well being of orphans, many times the process creates more problems than success. In the adoption process the CCAA requires that if one is looking at adopting a child with a disability one must have a documented medical plan for the child upon its arrival back to the United States. It is, however, important for the children living in orphanages, not yet up for adoption, to be given at least a chance for medical treatment.

Below is a recommendation from IAAP describing what adoptive parents might expect when first meeting their child. These issues are many times the norm with either a disabled child or one without disabilities. This is focused on adoptable babies, but many times these issues have not resolved themselves even with older children.

#### **Your Baby's Physical Condition:**

1. Expect scabies and maybe lice.
2. Don't be alarmed if the baby's head is misshapen. They have simply spent too much time in their crib. Their head will soon begin to return to normal. (Not the case with Hannah, her head is still misshaped.)
3. Mongolian spot—sort of an Asian birthmark that will disappear. (not the case with Dillan) it is at the top of the baby's behind and resembles a blue bruise. Please inform anyone who will be caring for your child about this. Parents have been reported to the authorities by caregivers who think the child has been abused.
4. Blue head—this results from caretakers who believe that some awful blue gunk will cure scabies and cradle cap. It will eventually come off.<sup>49</sup>

China has also recently reported a severe shortage of care workers for orphans and disabled children living in social welfare institutes. According to the Ministry of Civil Affairs, China's charity and social welfare sectors need about 200,000 more workers to look after the orphans and disabled children throughout China. Currently, there are only about 8,000 workers caring for the country's 224 orphanages. This crisis is so desperate that the central government added, "care workers for orphaned and disabled children" to the new professions list and medical colleges and universities are starting to offer "care worker" majors into their curriculums.<sup>50</sup>

### **Other Disabilities Affecting Children**

The previous chapters have looked at children with medical disabilities and orphaned children China waiting for adoption. There are other groups of children that fall into a slightly different category that are also affected by the policies. A new population of orphans identified as disabled are now children directly affected by AIDS/HIV. China's Ministry of Health has estimated a possible 100,000 AIDS orphans now living in China and other 2007 estimates put the number at 140,000.<sup>51</sup> This number continues to fluctuate with every report or study on orphans affected by the disease. The Chinese Ministry of Civil Affairs defines AIDS orphans as children who have lost both parents. Excluded from this definition are children who have been abandoned or are living with a remaining parent afflicted with the disease. In the rural areas, the practices of blood selling have left whole villages filled only with children and their elderly grandparents as the disease has progressed and parents have died. Many of these children have lost one or both parents leaving these children emotionally disabled.

Children affected by the disease now face new family structures, changed community structure, lack of knowledge of HIV/AIDS, poverty, loss of friendship, stigma, discrimination, unknown futures and the possibilities of illness and death. Children in these situations question what will become of them.<sup>52</sup>

The impact of HIV/AIDS on children calls for a new look on the helplessness of children and their overwhelming needs. Care and protection, and the lack of school attendance in many of the rural areas affected by HIV/AIDS are major concerns. Children who have been affected by AIDS are stigmatized and discriminated against. Many are laughed at, abused by their peers, have dropped out of school and have run away. Andy West in his study of children affected by AIDS writes:

One further problem accorded to AIDS is that some distinction seems to be made in the minds of local residents (and including children) between HIV/AIDS and the 'blood disease'. Children, for example, know that their villages have a blood disease which is causing deaths, but do not name it as AIDS, which is seen as far more serious, dangerous and, it seems, stigmatizing. There is a problem here because developing awareness of AIDS and its progress and transmission, and the process of naming the 'blood disease' needs to be handled very carefully otherwise the possibilities are that stigma, discrimination and exclusion become rife. This has already happened in the case of at least one child at school whose mother died, being named by teachers as AIDS affected rather than the assumed 'blood disease affected'. It would seem that the 'blood disease', being perceived as common, is not the subject of discrimination against those who are affected, but that AIDS is. There is some indication that many students in higher education, including trainee teachers, know little of the local epidemic nor of HIV/AIDS transmission in general. This has a number of implications for children, but also begs the question of whether this lack of knowledge is representative of the local population overall.<sup>53</sup>

Kaufman's article on Social Policy and HIV/AIDS in China goes on further to say:

The sudden onset of HIV/AIDS in the rural areas as well as the outbreak of SARS during the winter and spring of 2002-2003 helped exposed the lack of good health care, poorly run social welfare programs, and lack of education surrounding infectious disease.<sup>54</sup>

Government-sponsored orphanages are already overflowing with children and changes in policy are making adoptions harder to obtain. Children orphaned by AIDS are often turned away from local orphanages and are heavily discriminated against, though the government has stated that these orphanages cannot refuse to take AIDS orphans. These are not just children who are infected with the virus but those whose parents have died from the illness. Orphans who are healthy have two choices: go to an orphanage for AIDS infected orphans or live with relatives. AIDS Activist Gao Yaojie has stated: "There are three major problems for these AIDS orphans: Existence, Education, and Psychology. It's bad for these kids if you put them all together in an orphanage, especially for their psychological health."<sup>55</sup>

In some areas the NGOs, both foreign and domestic, are trying to bring together AIDS orphans creating large residential homes versus orphanages. The belief that these children are in need of individualized counseling regarding their specific losses are the catalyst for the creation of these homes. The separation of these children from their familiar communities and from other children can only exacerbate the problems. Children in these homes are showing severe psychological behaviors such as depression, sadness and out of control behaviors.<sup>56</sup>

China's orphans already face numerous challenges in the light of China's changing society. Orphanages struggle to find funds to help support the needs of the

children cared for. The CCAA continues to change policy, making it difficult for both domestic and international adoptions to take place. Orphanages, though governed by the CCAA, a government agency, are still run by the local governments and orphanage directors. If an orphanage decides to turn away AIDS orphans the families have little recourse.

Though China continues to move forward with their fight against HIV/AIDS, there are numerous problems which continue to plague the country. China's massive migrant population, which has stemmed from China's economic boom in the larger urban areas, is creating one of the largest internal migrations in China's history. Impoverished rural people, both male and female, are leaving behind their children and families and heading to the big cities in hopes of jobs. Many of these migrant workers are uneducated, especially to the health risks of HIV/AIDS. The sex trade industry has increased and unprotected sex is running rampant in some areas. The illegal drug trade and IDUs (injecting drug user) are increasing not decreasing according to an article in *Hindustan Times*. The article states that WHO (World Health Organization), predicts that China will face a population of 10 million infected with HIV/AIDS by 2010.<sup>57</sup> According to Henk Bekedam, the WHO representative in China, only about a quarter of all victims know they are infected with AIDS.<sup>58</sup>

China's central government sets social policy goals. For example, the government provides for nine-year compulsory free education, reviving some kind of collective health care system for the countryside, and providing minimum funding guarantees to families in distress. Though feasible, these goals are usually poorly funded and the burden falls on local governments to implement. The local government then turns a blind eye to the policies and sees it as one more burden. Higher government officials do little to follow up on the policies.<sup>59</sup>

Orphanages throughout China continue to be overfilled with abandoned children due to the continued "one child policy." Millions of migrant worker children who do not accompany their parents are now called "left behind children." There are an estimated 19 million migrant children now living in migrant camps throughout China and a unknown number of new HIV/AIDS orphans are emerging. These children feel abandoned, depressed, stigmatized and are lacking the opportunities for a fair and good education.<sup>60</sup>

The Chinese government has taken steps to improve HIV/AIDS education, but unfortunately this does not always transfer to the rural areas where many AIDS victims continue to suffer without proper health care. China is now only beginning to produce its own HIV vaccines appropriate for children. The true economic strain on China's health care system will not be felt until the next decade.<sup>61</sup> There is another group of children coming out of or trapped in villages once classified as leprosy colonies. Due to the stigma of leprosy, no local or provincial education official is willing to provide educational opportunities for many of these children. Though these leprosy villages are slowly dissolving as better medical treatment is put into place, the same discrimination is a problem that is now happening with new diseases, such as AIDS. *China Daily* once

published a story about a small school attended by just one pupil and a teacher. The boy had the school to himself because he was HIV positive.<sup>62</sup>

### **The Importance of NGOs**

Many of the policies being established throughout China in the name of progress are necessary to the welfare of China's orphan population; unfortunately many of these policies are not followed through at the local level. There are numerous reasons these policies fall short such as lack of financial funds, corruption, lack of education concerning the details of the policies and the fact that many of the policies and their implementation are not followed up by higher authorities. Many of the programs that benefit orphaned children that are not followed through by the local or state governments, are making headway with the help of NGOs. Unfortunately even the NGOs seem to have an uphill battle to implement or maintain their supported programs.

Where the State is often failing to provide, it is now civil society- charities and NGOs which are beginning to fill the gap. This is quite a novel situation in China, as recently the State had a monopoly on education and welfare. Now there are literally tens of thousands of "social organizations" throughout China, providing a range of services, from support for the elderly to advocacy for people with HIV/AIDS. But many of these bodies still inhabit a rather murky world, unsure about their status, their relationship with the government and remain strapped for cash.<sup>63</sup>

International NGOs continue to flood the rural areas of China in support of human rights, better social services and international aid. Without the help of these organizations, many of the programs to support disabled children would fall to the wayside. Also the number of local Chinese NGOs has grown and is now beginning to take up the slack where local governments or state programs fall short. Unfortunately, both international and local NGOs are plagued with both internal and external problems, such as restrictive government policies, staffing problems and China's political culture.

Fearful of the potential threat to the government's authority, NGOs face strict registration policies and management guidelines. Local governments in the past have approved social organizations or other non-state bodies, simply to contribute to the well being of their economy or to create local "slush funds." Many local for-profit oriented organizations register as NGOs and then charge fees for social programs. Private nursing homes and childcare institutes are the high percentage that falls into the category.<sup>64</sup>

Many people in China in the wake of the new economic reforms want immediate results. Though they believe in a cause and that they could possibly make a difference, they are yet unwilling to devote the time and effort necessary to make change. They are also fearful to become involved in any organization that might challenge government policy. At the People's Congress conference of parents of mentally disabled children the following statements were made by some of the participants:

It is too slow a remedy to be of any help. Even if we can make the People's Congress adopt new legislation to provide social services for disabled children, it may take five years for it to happen, but we cannot wait that long. By then our children will have grown up. So let us focus on practical issues instead.<sup>65</sup>

At the same conference parents of mentally disabled children when asked to form local organizations stated they were afraid that authorities would accuse them of participating in illegal activities.<sup>66</sup> Rather than forming organizations to create policy and long-term outcomes, the use of *guanxi* (personal connections), dating back to the Maoist government, continues to be used as a means to getting issues resolved.<sup>67</sup> The following story related by a member of a parents' association serves to illustrate this point:

This parent and a fellow member of the association paid a visit to the municipal government's Charity Fund, which had provided financial aid to various people in need. However, it had not provided funding for families with disabled children, as it did not have such a funding category. These two parents argued that many families of disabled children also experience financial difficulties, so the Charity Fund should create a new category for such families. The Charity Fund official who received them said that this was not possible. However, he offered to help the two parents with their individual needs. One can see from this example how tempting it is for ordinary people in China to approach officials with their individual problems rather than trying to obtain benefits for a whole group of people.<sup>68</sup>

International NGOs find themselves facing similar issues when trying to establish themselves throughout China. However, with the help of the WHO and UNICEF and other larger international bodies that have challenged the government on their human rights issues they have in-turn helped the development of NGOs throughout the country.

### **Changing Policies and Outcomes**

While traveling throughout China's rural countryside I observed schools with the Chinese character for "*xi wang*" (to hope) posted near the school's name. Though many of the teachers and educators have stated that the free nine-year compulsory education program is not reaching these communities, other NGOs and charitable organizations have taken up the slack. Organizations such as Project Hope, Hayes Foundation, International Assistance and Adoption Project and UNICEF are just a few organizations that provide scholarships, donate books and supplies, improve libraries and upgrading classrooms and schools.

The government is also beginning to acknowledge the disadvantaged situation of rural China. Teachers are now being trained in more conventional teaching methods. Urban teachers are being offered paid positions to spend time teaching in the rural areas, to help promote and train better teachers and staff. School salaries are which once arrived sometimes as late as three months are now arriving on time.<sup>69</sup>

A revised plan by the MOF (Ministry of Finance) announced recently that they plan to increase free textbooks to another 150 million rural students and the government has promised another 47 billion Yuan (US \$6.4 billion) over the next three years for rural education.<sup>70</sup> UNICEF and the government are now forming policies on the protection of street children, building new Children Protection Centers and staffing them with outreach staff and volunteers, providing food, water and medicine and even educational opportunities.

The staff of these new Child Protection Centers works at tracing the children's families and reuniting them. For those who are abandoned by their parents, they are establishing community-based residential homes. Though these programs are just beginning to become established the government is working to achieve the standards set forth in the Child Protective Policy. Unfortunately the Tomorrow Plan is still in the beginning stages and little or nothing is being done to address the issues surrounding this policy. The positive affect is that the medical community is doing more to better understand the outcomes of surgical practices and more training of Chinese doctors by European and US doctors are making way for overall better medical treatment throughout China. The following description from The Children of China Pediatric Foundation describes the situation:

Dr. Xin Shi, Vice Director of General Surgery at the Zhongda Hospital in Nanjing China, came to the U.S. in February 2007 for a three-week visit to observe the operating theater in a US hospital, and witness how a children's hospital functions. In a letter received after he returned to China, Dr. Shi wrote of what he had learned. "Not only did I learn the skills of the surgeons, but I also learned the responsibility of their work. I was able to witness surgeries I had only seen in textbooks, and was also impressed with the friendly cooperation between department colleagues, high responsibility for patient, and humanized management. I am very appreciative of CCPF and hope to devote my ability and passion to society. The people I met in my travels are not only rich in material life, but rich in spiritual life, and I think this is the "harmony society" that China is pursuing."<sup>71</sup>

Many changes begin in Beijing and then eventually find their way to other urban areas. It still takes a toll on the rural communities but there are changes taking place. Findings published by China's Rural Public Service explains the importance of the hukou systems:

Orphans in Beijing are now being accepted into the household registration system. Unregistered orphans in 2007 were brought under the *hukou* system giving orphans more rights. This allows them opportunities such as acceptance into colleges, ability to find jobs and even marriage privileges. Beijing has fifteen orphanages, but statistics on the number of orphans are unavailable. These new registrations are only for orphans adopted by residence of Beijing and this change for unregistered orphans has yet to be implemented in other Chinese cities. However, the new program comes with its problems, as some families have

sought *hukou* for their children under the adoption route, thereby attempting to circumvent China's one-child policy.<sup>72</sup>

The Beijing Olympics is also creating change as the country is looked at under a microscope, especially when looking at its human rights issues. Recently the first guide dog for the blind has made its way to Beijing. It has been given to a Chinese Paralympic athlete. Beijing has had an increase in new facilities for disabled people and now a guide dog, which shows some changes are taking place for disabled people. An article about the guide dog stated "Ping, a torchbearer for the 2008 Olympic Games, said she hoped to take her dog with her on the route, but is worried she may be denied as dogs are banned from many public areas. 'We were refused to enter the subway station,' she said."<sup>73</sup>

China's International Adoption policy, though making it more difficult for families from the international community to adopt, does however, give more opportunity for domestic adoptions to take place. The government is making an attempt at providing better services to abandoned, orphaned and disabled children. Through these changes the general population of China is becoming more aware of the orphans and the possibility of helping in some way. With the improvements in the economy and the availability of free education, the people of China are more apt to keep their children than abandon them.

An article in *USA Today* describes the new adoption process for domestic adoption. Through the use of the internet, Chinese couples are finding families and/or brokers who claim to have children ready for domestic adoption. Many times this is how families who are in trouble regarding China's one-child policy get their extra children adopted without putting them in an orphanage.<sup>74</sup>

The article continues to give an example of this situation:

In September, a friend introduced the couple to a peasant family expecting the birth of a boy in a few weeks. The family already had managed to evade punishment after violating China's one-child restriction by moving from one village to another after the birth of a second son. Punishments can range from fines, to demolition of homes or forced abortion. The family wanted to give its third son up for adoption.

The article goes on to say that Americans face mountains of paper work and fees as high as \$20,000, where for the domestic family there is no home study, no follow-up visit by social workers, it only takes about two months, and there is a \$250 "nutrition fee." Both Chinese and international adoption officials however are concerned with the lack of guidelines. In some cases the Chinese adoptive families return the children to the orphanage within a couple of weeks. There is still the stigma of having an adopted child.

MacLeod reported that, "Just 10 years ago, families who adopted children hid (the fact)," says Wang, the Civil Affairs official. 'Now it's not a total change, but society is more open. Fewer people feel that they must have a (natural) son to carry on the family

name.' Lazy Pig's adoptive mom, the teacher Wang, says her father-in-law opposed the idea but other relatives were supportive.”<sup>75</sup>

## **Conclusion**

China's culture and history have been built on Confucian ideals and the concern for family, yet through the course of the past twenty-five years, Chinese orphanages have filled with unwanted children, either due to cultural stigma or issues surrounding poverty. The Chinese people I have met on my travels showed nothing but respect for their culture, their children and expressed the importance of family values. Everyone I have met has expressed sadness over the children who live in orphanages. While in Guangzhou an elderly woman who, recognizing we had adopted our little girl, broke into tears as she shared her story of having to abandon her own child for lack of finances.

The Chinese government, along with other concerned individuals, are starting to take notice of these children who are left behind. The policies are the first step in an attempt to make a better world for these children. The “Protection of Minors” is being implemented through the building of shelters to assure that the children, who are lost or abandoned, have a safe environment, providing food, shelter and warmth. However, this is only happening in the larger urban areas such as Beijing. These shelters are needed throughout China especially in the smaller urban cities. The “Education Law” has opened doors to all children throughout China to receive nine years of education. China's illiteracy rate has dropped significantly over the past five years.<sup>76</sup> This opportunity for free education is also having an impact on the decision parents make about keeping their children, especially daughters because now they can afford an education. A policy to monitor rural education programs is needed to assure that the nine-year education program is being followed through at the local level. The “Tomorrow Plan” is giving many of the orphans who need surgeries an opportunity to not live the life of a disabled person or to die before they even have had a chance to become available for adoption. However, monitoring in the rural areas by the larger medical community is greatly needed along with specialized training for rural doctors. The “International Adoption Policy” and the exposure to the importance of adoption will hopefully be a positive step to encourage the increase in domestic adoption. It is better to be raised in one's own culture, than to be raised in a foreign country where you question your identity. Policy changes on international adoption need to be continuously challenged by the international community. China's “waiting children's list” needs to be increased, allowing for more children to become available for adoption.

Each of these policies is a positive step as China steps into the world spotlight and becomes one of the world powers, but as with any shift it has its faults. Although these policies are a step in the right direction, more research and public exposure to the problems addressed by these policies is needed. There are still many orphanages that are located in the rural areas that fall to corruption, policy neglect and general poverty. Unfortunately, the CCAA has made it more difficult to get into these orphanages to research what is really happening. NGOs, Human Rights organizations, scholars and

private individuals need to continue to research and challenge the policies and monitor their long-term outcomes.

During my research I found little evidence of scholarly research specific to the problems surrounding orphans and disabled children. This should be of concern of anyone looking at China today. The children who have been adopted and are now living in the United States will one day look back and question the policies and research that has been so intertwined to their own existence.

Until China changes its perception regarding the value of children, creates an improved health care program, especially in the rural areas, changes the stigma of having an adopted child, addresses the issue of AIDS, opens the doors to orphanages and financially supports the Welfare Institutes, China's orphan population will continue to struggle to find a place in this changing society.

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## NOTES:

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<sup>1</sup>[Note:] China's one-child policy, established by Deng Xiaoping in 1979, limits couples to having only one child. Breaking this law has had extreme punishments such as fines, jail, abortions and forced sterilization.

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