

**Van:** Yvonne Coenders  
**Verzonden:** woensdag 27 februari 2002 10:06  
**Aan:** Juristen SRA Amsterdam; SRADE alle Juristen; SRANO alle Juristen  
**Onderwerp:** FW: orphanages in China

hallo allemaal,

hierbij het antwoord van Robin Munro op mijn e-mail van gisteren(!). Ik zal de adressen die hij heeft gegeven 'aanmailen'. Zodra ik meer info heb, horen jullie het. Overigens heb ik hem beloofd om een vertaling op te sturen van de gedeeltes van het ambtsbericht van april 2001 dat over overheidsopvang in China gaat.

Naar mijn mening voegt dit antwoord helaas niet zo heel veel toe aan hetgeen al naar voren is gebracht in de mail van 14 december, namelijk dat de Chinese overheid in de overgrote meerderheid van de weeshuizen geen buitenlanders toelaat, en dat dus werkelijk geen hond weet hoe het daar aan toegaat. Zonder twijfel heeft de Nederlandse overheid alleen die weeshuizen bezocht die open zijn voor het publiek, zodat deze 'steekproef' (zeven op meer dan 1000, volgens Munro) uiteraard het tegendeel van representatief is...

Groeten,

Yvonne Coenders  
A NO JK Arnhem

---Oorspronkelijk bericht---

**Van:** Robin Munro [mailto:rm@soas.ac.uk]  
**Verzonden:** dinsdag 26 februari 2002 19:42  
**Aan:** 'Yvonne Coenders'  
**CC:** Sidney Jones (E-mail)  
**Onderwerp:** RE: orphanages in China

Dear Ms. Coenders,

Thanks for your letter about the Chinese orphan you're trying to help. I've inserted my answers to your various queries (in CAPS) below. I'm sorry I can't be more directly helpful at this point, but as I indicated in my message of last December to the Refugee Aid Council of Rotterdam, I'm not aware of any groups or individuals who can really answer the question of whether or not things may have improved in China's orphanage system since 1996, since so far as I know the great majority of the 1000+ institutions where orphans and abandoned children are kept are still not open to outside observers.

I'd be very grateful if you could send me (by email or post) a copy of the report by the Dutch government's Ministry of Foreign Affairs on the PRC orphanages question. I'd very much like to see what evidence they present to support their conclusion that things are actually improving in this area.

Soon after the January 1996 publication of HRW's "Death By Default" report, the Chinese government arranged for a visit by Beijing-based Western diplomatic officials to the Social Welfare Institute on Chongming Island, just outside Shanghai, and Dutch diplomats participated in this visit. I subsequently wrote a 10-page (or thereabouts) short report for HRW responding to criticisms of Death by Default and also questioning the value and significance of the diplomatic visit to Chongming Island. I'm sure HRW would be happy to send you a copy of this paper ("Chinese Orphanages: A Follow-Up," HRW, March 1996.) No doubt the Dutch government now has additional evidence to offer, but this visit was certainly a poor beginning, and you may find something of use to your client in the HRW follow-up piece.

Best regards,

Robin Munro

PS: Since several of your queries relate to HRW, I'm copying this reply to Sidney Jones, who heads HRW's Asia division.

-----Original Message-----

**From:** Yvonne Coenders [mailto:y.coenders@sra.rechtsbijstand.net]

**Sent:** Tuesday 26 February 2002 11:57

**To:** 'rm@soas.ac.uk'

**Subject:** orphanages in China

Dear mr. Munro,

I am a lawyer from the Netherlands, specialised in asylumcases and cases of unaccompanied minors who ask for the protection of the Dutch government. Currently I am defending the case of a 16 year old boy from China who has lost both his parents. According to the Dutch Ministry of Justice his family or the village committee will take care of him. If this is not the case, he can go to an orphanage because the situation in Chinese orphanages has improved considerably the last years.

I have received your e-mail adress through mrs. Dorine Thomissen of the Refugee Aid Council in Rotterdam. She also provided me with a copy of your answer of december 14, 2001 on her question on Chinese orphanages, and I have took the liberty to ask you some more questions on this problem.

As you know the Dutch Ministry of Foreign Affairs is of the opinion that the situation in Chinese orphanages differs locally, but that the quality in general can to Chinese standards be described as normal.

Your e-mail of 14 december 2001 has been used in the court case of a 14 year old Chinese girl. The problem is that judges in the Netherlands regard the reports of the Ministry of Foreign Affairs as expert opinions, which can only be ignored if there is definite and specific information which shows that the information in the report of Foreign Affairs about orphanages in China is not correct. The judge has ruled in this particular case that the report of Human Rights Watch dates from years before the report of Foreign Affairs, and that the information that you provided in your e-mail of december 14 is not enough to put the report of Foreign Affairs aside.

Therefore I would like to ask you the following questions:

1. Can we expect an update on the Human Right Watch Report of 1996? if yes, when do you expect this update to be published?

-- I HAVE NOT WORKED FOR HUMAN RIGHTS WATCH SINCE AUGUST 1998, AND AM NOT AWARE OF ANY PLANS BY THEM TO ISSUE AN UPDATE ON THE ORPHANAGES QUESTION. (SO FAR AS I KNOW, THEY ARE NOT WORKING ON THIS TOPIC AT PRESENT, BUT PLEASE ASK THEM DIRECTLY.)

2. Is the opinion that you expressed in your e-mail of december 14, 2001, the official opinion of Human Rights Watch? if not, can your refer me to a person which can give a (quick) official reaction?

-- THE OPINION I SENT TO THE REFUGEE AID COUNCIL IN ROTTERDAM LAST DECEMBER IS SOLELY MY OWN PERSONAL OPINION, AND IT SHOULD NOT BE ATTRIBUTED TO HRW.

3. Do you have a list of the Chinese orphanages which are open to the public? if yes, we could compare this list with the list of orphanages that the Dutch Ministry of Foreign Affairs has visited. If not, do you know a person or organisation which can provide me with this list?

-- I DO NOT HAVE THIS LIST (IN FACT I'M NOT SURE IF ANYONE HAS IT, APART FROM THE CHINESE GOVERNMENT.) YOU COULD TRY CONTACTING THE AMITY

... INFORMATION IN HONG KONG (A CHRISTIAN ORGANIZATION THAT HAS AID PROGRAMMES IN SEVERAL CHINESE ORPHANAGES AND IS CLOSELY AFFILIATED WITH THE OFFICIAL PRC "THREE SELF'S" CHURCH MOVEMENT.) EMAIL: [amityhk@pacific.net.hk](mailto:amityhk@pacific.net.hk) <<mailto:amityhk@pacific.net.hk>> (AS I RECALL, AMITY'S HONGKONG BRANCH ISSUED A STATEMENT IN EARLY 1996 SHARPLY DISAGREEING WITH HRW'S FINDINGS IN THE "DEATH BY DEFAULT" REPORT. THEY'RE NICE PEOPLE, BUT IT'S POSSIBLE THEY MAY NOT WISH TO HELP YOU IN THIS ENQUIRY.)

YOU COULD ALSO TRY CONTACTING A GROUP CALLED "FAMILIES WITH CHILDREN FROM CHINA" ( <<http://www.fwcc.org/>> .) THEY WERE EVEN MORE HOSTILE TO HRW'S 1996 FINDINGS, BUT THEY ARE A LARGE NETWORK AND MAY BE ABLE TO GIVE YOU A LIST OF CURRENTLY "OPEN" ORPHANAGES IN CHINA.

4. Do you know any other organisation which can provide us with useful up-to-date information about the situation in Chinese orphanages? We have asked for information at UNICEF and Defence for Children. Do you think their information is reliable?

– I KNOW THERE ARE QUITE A FEW FOREIGN AID AND CHURCH GROUPS WORKING IN CHINESE ORPHANAGES, BUT I HAVEN'T BEEN FOLLOWING THIS QUESTION CLOSELY SINCE 1996, SO UNFORTUNATELY CANNOT GIVE YOU THEIR DETAILS. UNICEF WAS VERY CONCERNED ABOUT THE ORPHANAGES SITUATION IN EARLY 1996, AND I IMAGINE THEY HAVE BEEN TRYING TO MONITOR THE SITUATION QUITE CLOSELY SINCE THEN, BUT I HAVEN'T SEEN ANY RECENT STATEMENTS OR OTHER MATERIALS FROM UNICEF ON THIS QUESTION, SO I CAN'T GIVE AN OPINION AS TO THEIR RELIABILITY.

I am aware that I'm asking you a lot of questions. However, at the moment there are a lot of Chinese orphans which are denied protection in the Netherlands on basis of the report of april 2001 of the Dutch Ministry of Foreign Affairs. I think that your information will be important for their chance of getting protection in the Netherlands.

– CAN YOU GIVE ME A ROUGH IDEA OF HOW MANY CHINESE ORPHANS HAVE BEEN DENIED PROTECTION IN HOLLAND ON THE BASIS OF THE FOREIGN MINISTRY'S OPINION? ARE THEY BEING SENT BACK TO CHINA (AND IF SO DOES ANYONE KNOW WHAT HAPPENS TO THEM ON ARRIVAL BACK HOME), OR ARE THEY BEING ALLOWED TO REMAIN IN HOLLAND UNDER SOME PROVISION OTHER THAN FORMAL ASYLUM?

Thank you beforehand for your coöperation.

Yours faithfully,

mrs. Y. Coenders LL.M.  
Legal Aid Arnhem, the Netherlands

Postadress:  
postbus 5418  
6802 EK Arnhem  
the Netherlands  
Tel: 0031 263531860  
Fax: 0031 263531865