

**“Flowers of the Country”<sup>1</sup>: Mistreated and Abused  
A Report on Violations of the Rights of the Child in China**



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Chinese Human Rights Defenders (CHRD)

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*Cover image: Family and fellow villagers protest the detention of a boy who had spent four years illegally held with his mother in a “black jail” in southern China. Chen Ya, who was eight years old when released in January 2013, is unable to speak or grasp objects with his hands, reportedly due to mistreatment that he suffered in confinement.*

## Preface

“Will children in China be able to enjoy a safe sky and dream of a China free from assault, hunger, and abuse?” This question is posed on the blog of a group of Chinese activists who advocate for the rights of Chinese children.<sup>1</sup> These activists are responding to the cries for help of many within China. Meet, for instance, the young girl in Hunan Province who was gang-raped at the age of 11 and forced into prostitution. Her mother fought for years to bring the accused men to justice through China's legal system, but she faced pressure from the government and encountered numerous obstacles. For her persistence and refusal to give up, authorities sent her to a Re-education Through Labor (RTL) camp for “disrupting social order.”

In today's China, slick cityscapes, double-digit GDP numbers, and swollen government revenues overshadow sobering facts and figures about the conditions of the country's children. For example, according to a 2009 study, compared to rural children, 3.5 times more urban children attended high schools, and 16.5 times more attended technical schools<sup>2</sup> (that is, for every 10 rural children in high school, 35 urban children were attending high school, and so on). A 2000 study found that 15.4% of 14-year-old migrant children had left school and become “child laborers” or vagrants, and 60% of migrant school-dropouts between the ages of 12 and 14 were working.<sup>3</sup> According to government statistics citing a survey completed in 2006, more than 80% of China's five million children with disabilities lived in rural areas,<sup>4</sup> a concentration disproportionate to urban-rural population ratios. In addition, as many as 300,000 babies in 2008 may have been sickened by Chinese-made milk powder containing excess amounts of melamine.<sup>5</sup> More than 10,000 children in one city in 2009 were found to have excess levels of lead in their blood.<sup>6</sup> Police reportedly “rescued” 3,455 abducted children in 2009,<sup>7</sup> while the number of trafficked children annually is believed to be much higher in recent years. In one Chinese city, nearly half of the more than 2,500 females who had reported being sexually assaulted between 2009 and 2012 were under 14 years of age.<sup>8</sup>

In this report, Chinese Human Rights Defenders (CHRD) documents ongoing violations and neglect of children's rights in China, examines their causes, and identifies applicable protective measures as well as remedies. The lack of safeguards and frequent obstruction by government officials of civil society efforts to ameliorate the situation top the list of identifiable causes. This report focuses on several selected areas: rural-urban disparities in children's access to basic

education and healthcare; authorities' obstruction and neglect in protecting the rights of the child to life and health; continuing child trafficking and failure to protect underage girls from rife sexual abuse; and lack of effective measures to end widespread use of child labor. Based on findings and analysis, the report concludes that the Chinese government has largely failed to implement both the Convention on the Rights of the Child, which it ratified in 1992, and most of the recommendations made by the UN Committee on the Rights of the Child (CRC) after the committee's last review of China in 2005.<sup>9</sup>

In some ways, the lives of Chinese children today have improved since China's economic reforms began to take hold in the 1980s. According to the government, the number of Chinese in poverty has decreased since 1978 due to rapid economic development. Partly as a result, far fewer children suffer from starvation and malnutrition while benefitting from improved standards of hygiene; the rate of child mortality has dropped; and the enrolment rates of children in elementary and middle schools are higher than in other developing countries. While these achievements, if valid, are substantial and commendable, China's deficient record in protecting children's rights in many areas, such as those examined in this report, continues to raise serious concerns.

The Chinese government has promulgated laws and administrative regulations whose formulation, revision, and implementation have provided a rudimentary legal and policy framework for protecting children's rights. However, these laws and regulations have been neither sufficient nor effective, having proved difficult to execute or failed to yield desired results in practice. Infringements of the basic rights of children remain commonplace in China because of the government's inadequate legislation, weak implementation of laws, and lack of effective oversight and protective mechanisms.

The government has issued various "national plans" related to child development, claiming that the implementation of these plans has been supervised by provincial governmental bodies, and that such bodies have evaluated and measured "achievements" with specific indicators.<sup>10</sup> However, such supervision and evaluation processes have lacked the input and participation of independent experts and non-governmental organizations (NGOs). Also, China has not provided the results of such evaluations or disclosed them for public comment.

One indication of the lack of political will in protecting the rights of children is the

government's failure to establish an independent national human rights institution that is permitted to receive, investigate, and address complaints from the public on human rights violations, including those involving children. Other existing legislative and prosecution bodies in China cannot perform such roles due to their lack of independence from the government and the one party ruling the country, the Chinese Communist Party. These institutions do not even pretend to perform such a function. For example, government "Letters and Visits" offices systematically turn away citizens who present grievances involving rights violations of children. Also, police routinely detain many such petitioners and their children in "black jails"—temporary and illegal detention centers set up by Chinese authorities—and sometimes hold them for months.

CHRD worked with human rights activists based in China in preparing this report, drawing upon information provided by several non-governmental groups that have conducted field investigations and research on some of the relevant issues.<sup>11</sup> For this report, CHRD also references Chinese laws and information reported in the Chinese media.

CHRD has provided information in response to the third and fourth periodic reports of the People's Republic of China to the CRC,<sup>12</sup> upon which this report is based. This report covers the period from 2005 to 2013 and documents selected issues related to children's rights in Mainland China, not including Hong Kong and Macao.

### **Right of the Child to Life Trumped by State Interests**

The Chinese government has reported that, "[t]he infant mortality rate has declined from 32.2 per thousand in 2000 to 14.9 per thousand in 2008; the mortality rate for children under five years of age has declined from 39.7 per thousand in 2000 to 18.5 per thousand in 2008."<sup>13</sup> These are aggregate numbers, however, and do not reflect any regional, rural-urban, or ethnic minority-majority disparities. Such aggregate numbers tend to gloss over serious problems with unequal access to healthcare by children in different socio-economic or ethnic groups.

In the area of the right of the child to life, problems persist of selective abortions, infanticide, and the abandonment of children. Such cases are greater among girls and children with disabilities, especially in rural and less developed regions. Little progress has been made in addressing the negative effects of China's family planning policies. The Chinese government claims that, in 2002, it put in place accountability

systems in regions where governmental inaction and high gender ratios had existed. And as a result, the gender ratio problem has been effectively addressed in “14 targeted provinces,” including Anhui, Hunan and Jiangxi.<sup>14</sup> However, the government fails to provide data to back up this claim by, for instance, disclosing the sex ratios at birth in the targeted provinces, either for the relevant time period or the most recent year where such data are available. In other words, the government has not shown how the problem of gender ratios at birth has been addressed or how the ratios had improved in 2010 in comparison to those in 2002.

As CHRD observed in a report released in 2010 on abuses in official efforts to enforce China's family planning policies: “Though the enactment of the National Population and Family Planning Law in 2002 was ostensibly aimed at reining in abusive practices associated with the family planning policy, coercion and violence continue to be used in its implementation. Regardless of the number of children each couple is allowed to have, family planning policy continues to violate citizens' reproductive rights, and will continue to do so until the current form of the policy is abolished.”<sup>15</sup> In the same report, CHRD documented serious violations of human rights associated with the implementation of policies between 2005 and 2010: “Married women are pressured to undergo regular gynecological tests to monitor their reproductive status; when a married woman reaches her birth quota, she is pressured to have an IUD inserted or be sterilized, thus denying her a choice of birth control method; [and] if a woman becomes pregnant out-of-quota, including premarital pregnancy, she is often forced to abort the fetus, even if the pregnancy is advanced.”

In recent years, there have been many cases of serious neglect and violations of the right of the child to life involving government persecution of citizens who tried to conduct independent investigations and help victims' parents seek justice. For example, authorities persecuted activists and suppressed parents' efforts to seek accountability in the aftermath of the devastating Beichuan Earthquake that hit Sichuan Province on May 12, 2008. Tens of thousands of Chinese children died in school buildings that were reduced to rubble because of shoddy construction, and the Chinese government has yet to accept any responsibility for the horrific loss of life. Children made up a very large percentage of those who perished in the earthquake. As Sichuan human rights activist Tan Zuoren pointed out in his independent research conducted from December 2008 to March 2009, a far higher percentage of schools collapsed than did other buildings, and the death rates of students were also far higher than those of others. Tan's research showed that collapsed school buildings directly caused the deaths of teachers and students. More importantly, the collapse of the

buildings had little to do with the intensity of the earthquake or the age of the buildings; rather, collapse was mainly due to faulty construction. The problems leading to unsafe construction—including corruption (officials awarding contracts to companies based on personal or profitable connections, for instance), lack of oversight, and shortfalls in government budgeting for education—remain widespread. The poor quality of school buildings is still an alarming problem that threatens children's lives in China.<sup>16</sup>

In retaliation for Tan Zuoren's investigation and the publication of his findings, Chinese authorities detained him on charges of "subversion of state power" in March 2009 and later sentenced him to five years in prison.<sup>17</sup> In another case, Huang Qi, co-founder of the 6/4 Tianwang Human Rights Center, was sentenced to three years in prison in November 2009 for his role in posting information online about the plight of parents who sought accountability for the collapse of school buildings.<sup>18</sup> The artist and activist Ai Weiwei also conducted an investigation into children's deaths from the earthquake, but authorities obstructed his efforts and shut down Ai's blogs after he posted online names of children killed in the quake. Ai was beaten by police, causing a head injury, and was prevented from attending Tan Zuoren's trial as a witness.<sup>19</sup>

Sichuan authorities also suppressed organized actions seeking accountability by parents of students who were crushed to death in school buildings.<sup>20</sup> According to reports by local activists, from July 2008 to as recently as March 2012, some parents who petitioned for justice were taken into custody for several hours or detained for as long as three weeks. Held in black jails or detention centers, some parents reportedly were tortured and subjected to other forms of mistreatment, and several were detained multiple times.<sup>21</sup>

### **Discrimination and Disparities in Access to Basic Education**

Despite adding a "non-discrimination" stipulation to the Law on Protection of Minors,<sup>22</sup> the Chinese government has made little progress in strengthening efforts to eliminate discrimination against girls, migrant laborers' children, and children with disabilities. The government has made statistics available on the 2009 enrollment of girls in primary school, but not data for enrollment of girls in middle school.<sup>23</sup> And these aggregate statistics—without breaking down the rural-urban ratio, for instance, of girls' enrollment rates—may hide crucial information for understanding rural-urban and gender disparities in basic education. In addition, the government has not made available data on the gender ratio of school dropouts for primary and middle schools,

or on ethnic minorities and rural-urban breakdowns for school dropouts.

Many children in rural China continue to face insurmountable socio-economic obstacles in obtaining a basic education. This situation has to do with the discriminatory treatment of families in terms of rural "household registration" (*hukou*). A 2011 report by an independent NGO in partnership with CHRD, "Equity in Education Waits To Be Met,"<sup>24</sup> provides data on rural-urban disparities in education. At the time of the report, the percentages of rural and urban children, respectively, receiving higher level education were: 6% of rural children and 21% of urban children in high schools; 0.8% and 13.2% in secondary specialized or technical schools; 0.2% and 11.1% in junior colleges; and 0.02% and 5.63% in universities. Residents in urban areas with degrees from high schools, secondary specialized or technical schools, junior colleges, and universities were, respectively, 3.5 times, 16.5 times, 55.5 times and 281.55 times greater than residents in rural areas.<sup>25</sup>

In 2006, Civil Rights and Livelihood Watch (CRLW), a human rights NGO based in China, published (in collaboration with CHRD) "Report on the Right to Basic Education of Rural Children in Suizhou, Hubei Province."<sup>26</sup> Based on studies of schooling in rural areas of Suizhou, this report identified poverty as the primary cause of dropping out of school. "[C]urrently, one of the most important areas school administrators focus on is ensuring school [financial] accounts do not fall into the red [deficit]. This has resulted in parents being charged arbitrary fees..., causing students to drop out of school." The government's failure to eliminate miscellaneous and other "hidden" fees charged by public schools has exacerbated the rural-urban disparity in school dropout rates. Such practices also prevent the nine-year compulsory education system from being truly free. The burden of miscellaneous and "hidden" fees, which can be partially blamed on insufficient government funding for education, has undermined efforts to ensure that all children, particularly girls in rural areas as well as migrant laborers' children, complete nine years of compulsory education.

In addition, certain issues specific to rural China also affect dropout rates. For example, the CRLW report found that "many schools in rural areas have been forced to close down because of the dramatic shrinking of student numbers due to the effects of stringent family planning policies on the already thinly spread population of rural villages." The flood of rural laborers into cities in search of jobs, often bringing their children with them, also contributes to this problem. Rural students often have to become boarders because of both the small number of schools and the long distances between school and home. As the reports states, this situation "considerably increases



the cost of their education.”

Concerning these problems, CRLW suggested that the Chinese government should “increase the amount of funds for the rural education system,” “implement free education for rural primary and secondary students,” and “establish a ‘supplement or grant-based’ assistance program for poor rural children.”

The CRLW report also found that migrant laborers’ children are the most likely to drop out of school. The problems with schooling of children of migrant laborers have persisted despite government promulgation of new laws and regulations. The results of the Fifth Nationwide Population Census, published in 2000, showed that 4% of all school-age migrant children had never attended school, and 0.8% had dropped out. Among 14-year-old migrant children, 15.4% had left school and become “child laborers” or vagrants, and 60% of migrant children between 12 to 14 years old who had dropped out of school already had started to work.<sup>27</sup>

With increasingly rapid urbanization over the past three decades, a large number of migrant laborers have traveled to cities to look for work. China has at least 20 million children of internal migrants.<sup>28</sup> According to a study on the children of migrant laborers in nine major cities conducted in 2000, only 40% of migrant children of school age under the age of 16 were attending school.<sup>29</sup> (The study was done by scholars at the Beijing Normal University, as part of a survey by the National Working Committee on Children and Women of the State Council, the China National Children’s Center, and UNICEF.) Though the actual numbers might be much higher, estimating on the basis of more than 14 million migrant children nationwide at the time, these figures mean that about 8 million migrant children of school age under 16 years of age were not attending school at the time of the survey.

Since most migrants in China hold rural *hukou* (household registration), in cities where they work and live, they are not entitled to the same rights and services provided to urban residents (holding urban *hukou*). The *hukou* system divides the Chinese population into two categories: urban and rural. Under this system, urban and rural residents receive disparate services in accessing education, healthcare, housing, and work. The government allocates most government resources to services provided to urban residents. This discriminatory household registration system is one of the main culprits responsible for unfair treatment of rural migrant children in their access to public schools in Chinese cities. Migrant children, who come largely from families with rural household registrations, are generally not admitted into public schools in

cities.

There are other problems inhibiting the equal right of migrant children to an education. First, citing lack of residential permits and failure to pay miscellaneous fees, administrations in some public schools reject migrant children even when the children are legally entitled to be enrolled. Second, when schools are specifically set up for migrant children by parents and non-profit organizations, such segregated schools tend to be poorly equipped and risk being shut down by authorities for failing to pass safety inspections or having licensing issues. Such schools rarely get government support and are often severely under-funded.

According to one research study conducted in 2010-11, public schools in cities continue to charge high fees, making education unaffordable for migrant children.<sup>30</sup> The report also found that 84% of public schools in Beijing charged migrant students various fees and tuition amounting to as much as 50,000 *yuan* (about 8,500 USD) per year. Most migrant students were not granted reduced tuition or scholarships. A 2008 survey of “school selection fees” (fees paid in order for rural migrants to choose schools in urban areas) in Beijing, Shanghai, Guangzhou, Chengdu, and Xi’an showed that the average school selection fee in these locations was 3,150 *yuan*. The highest fee was 4,767 *yuan*, charged by public schools in Beijing.

Confronting these problems, parents of migrant children and non-profit groups have experimented with opening private or community schools for these children. The schools—commonly known as “migrant schools”—do not receive state funding, face severe funding shortages, lack qualified teachers, and are often housed in unsafe buildings. In 2011, nearly 30 migrant schools in the districts of Daxing, Chaoyang, and Haidian in Beijing were ordered to close down, which affected up to 30,000 students.<sup>31</sup> Common issues leading to the closures included the lack of operating licenses or property ownership certificates, and illegal or unsafe construction. Migrant schools are often forced to go “underground” due to difficulties in meeting government requirements for legal registration and safe construction, a situation that puts the safety of children at further risk. Since 2006, the Beijing Municipal government has been closing down migrant schools, even using aggressive tactics to achieve its aims. In August of that year, a migrant school in Chaoyang District, the “Tongxin Experimental School,” refused to comply with the government’s demand to close. In response, the government cut off the school’s water supply, leading hundreds of students’ parents to gather in protest.<sup>32</sup> According to media reports, 32% of the students in Beijing migrant schools closed down in 2011 were forced to return to the

rural villages of their *hukou*. As a result, these children were separated from their parents who were working in Beijing.<sup>33</sup> The lack of parental care for these children and absence of family oversight of their education are growing concerns.

The Chinese government has acknowledged serious problems with regional and rural-urban disparities in the area of the right to education for children.<sup>34</sup> However, in addition to policy and institutional problems, as pointed out above, government budget allocations also contribute to persistent disparities. China has one of the world's largest economies, and government revenue has increased substantially since the reform of the economy. The persistence of the disparity in access to basic education cannot be justified solely by regional differences in economic development. One root cause of the disparity lies in the central government's failure to provide sufficient resources to less developed regions, especially rural areas, necessary for narrowing regional and rural-urban disparities.

China's current compulsory education system adopts a "decentralized" financial mechanism that puts the burden of responsibility for raising and allocating funds for compulsory education on local governments. In practical terms, this reinforces regional disparities by making funding for schools dependent on the level of economic development and local government revenue of each region, province, and local administration.

### **Discrimination On the Basis of Parents' Beliefs or Activities**

A largely neglected issue of human rights in China involves discrimination against children based on their parents' expressed opinions, beliefs, or activities. This form of discrimination violates Article 2 (2) of the Convention on the Rights of the Child:

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

In China, it is common that children of political prisoners, persecuted human rights defenders, and dissidents face serious discrimination and harassment by the government due to their parents' opinions, beliefs, or activities. Authorities not only subject many human rights and democracy activists to harassment and imprisonment, but also try to force them to give up their activism or beliefs by mistreating their

family members, including children. In this sense, authorities target children in order to punish and suppress activists, resulting in their children also becoming victims of political suppression.

Human rights lawyer Gao Zhisheng is a well-known prisoner of conscience in China.<sup>35</sup> His wife Geng He, after she and their two children were subjected to harassment and mistreatment by government authorities for several years, finally left China with their 16-year-old daughter and 5-year-old son in 2009 with the help of supporters. They eventually arrived in the United States and were granted political asylum. According to Geng, four to five Chinese police officers used to “escort” their daughter Gege to school every day. Authorities did not want Gege to inform the outside world about the mistreatment of her father. They didn’t allow the teenage girl to attend computer classes for fear that she might gain access to the Internet and communicate online. Police visited her school, where her teachers and classmates kept their distance from her. As a result, Gege felt very isolated. These circumstances took a debilitating toll on her; she became agitated and withdrawn, and even attempted to starve herself. From September 2008 until she left China, Gege was forbidden to go to school and stayed in her family’s apartment in Beijing. Cut off from any connection with the outside world, Gege was on the verge of a breakdown and attempted suicide several times.<sup>36</sup>

Human rights activist Guo Feixiong (aka: Yang Maodong) was sentenced to five years in prison in 2007.<sup>37</sup> His wife Zhang Qing subsequently lost her job, and their young son and daughter were denied admission to school. Zhang sent an open letter to then-Premier Wen Jiabao asking for help, but she did not receive a response. In February 2009, Zhang fled China with their two children and received political asylum in the United States in the fall of 2009.<sup>38</sup>

After human rights activist Chen Guangcheng was released from prison in September 2010, he and his family, including daughter Chen Kesi, were placed under house arrest. They were subjected to tight monitoring, constant harassment, and nearly complete isolation. At six years of age, Chen Kesi finally began attending school in September 2011, but her movements were still tightly controlled. She was “escorted” to and from school by guards who monitored her family, and she could not go home to have lunch during the school day while all her schoolmates did. Stationed around the school entrance and at other locations on the grounds, guards monitored her movements within the school and limited her interactions with her fellow students and teachers. These oppressive circumstances only came to an end after her father fled

house arrest in April 2012. Shortly after Chen Guangcheng's escape, his family, including Chen Kesi, were brought to Beijing and then permitted to go with him to the United States in May 2012.<sup>39</sup>

In late February 2013, national security officers in Anhui Province summoned activist Zhang Lin, ostensibly because he lacked a temporary residence permit to reside in Hefei City, where his 10-year-old daughter, Annie Zhang, attended school. On the same day, Annie was forcibly taken from her elementary school. While held in the same police station as her father, she was prevented from seeing him for several hours. Annie was then barred from attending school in Hefei, with both the local public security bureau and the school, which cited pressure from police, refusing to allow her to resume her education. All of these incidents not only violated the girl's rights but also caused emotional trauma that manifested itself in her having difficulty sleeping and communicating. In addition, several activists who demonstrated in front of the school to urge authorities to allow Annie to return to classes were harassed or detained.<sup>40</sup> On July 18, 2013, Zhang Lin was detained for "gathering a crowd to disrupt public order," and police interrogated him about his role in "organizing" the rallies held in support of his daughter's right to education.<sup>41</sup>

The above are just some examples of a pattern of reprisals against activists by harassing their children. Such incidents raise serious concerns about the welfare and rights of the children of persecuted activists. This form of reprisal constitutes a double blow to human rights: Parents are punished for their human rights activities, and, as a result, their children and other family members are subjected to discrimination and denied basic rights.

### **Neglect and Obstruction in Protecting the Right of the Child to Health**

In the area of the right to health for children, sufficient evidence points to government failure in providing adequate protection. For instance, the government has not implemented the International Code of Marketing of Breast-milk Substitutes.<sup>42</sup> On the other hand, the government has adopted several measures and policies to promote breastfeeding and regulate breast milk substitutes. However, these regulations only vaguely address concerns about the lack of oversight of milk production and marketing. Weak regulations have contributed to a poor level of oversight that has led to incidents of children's deaths and illnesses caused by toxic milk products. Critics of these policies and regulations have subsequently been silenced.

According to data released by the Chinese government, excess melamine in milk powder caused tens of thousands of children to become ill and led to at least four deaths in 2008. The government reported that more than 50,000 children suffered kidney stones due to consumption of the toxic milk powder, but the number of victims may actually be as high as 300,000.<sup>43</sup> Parents of affected children and their supporters were intimidated and threatened by police when they tried to disclose details of the incidents and seek accountability. After one parent, Zhao Lianhai, became the spokesperson for a group of parents, he was arrested.<sup>44</sup> Meanwhile, the government blocked media coverage about children who developed kidney stones from the tainted milk powder. Authorities failed to address compensation issues or make systematic reforms to prevent similar problems from recurring. In fact, more reports of harmful effects of tainted milk powder emerged not long after the initial disclosure of the scandal.

In another area of children's health rights, an NGO report released in August 2012 found that, although children carrying the Hepatitis B virus (HBV) have been permitted by a government regulation since 2010 to enroll in kindergarten and need not be screened for HBV as a prerequisite for enrollment, many kindergartens continue to require children to submit to such screening. The study showed that 68.6% of kindergartens nationwide in 2011 required screening for HBV as part of the enrollment process, and that 31.4% of kindergartens had turned away children with the virus.<sup>45</sup> Such a practice likely exacerbates social discrimination against children carrying HBV.

The Chinese government has also failed to address serious concerns about infections spread through government-administered immunization programs. The government has adopted certain regulations, including a revised Law on the Prevention and Treatment of Infectious Diseases and the Regulations on Management of the Circulation of Vaccine and Preventive Inoculation.<sup>46</sup> However, like many other regulations and laws, these are not vigorously implemented. Between 2006 and 2008, nearly 100 children in Shanxi Province inexplicably died, or were disabled or stricken with serious illnesses after receiving vaccines, according to reports by the journalist Wang Keqin.<sup>47</sup> After disclosure of this "vaccine scandal," the Shanxi Province Department of Health claimed that the reports were fabricated, and many concerned parents as well as the journalist received threatening text messages. Later, due to widespread public outrage, the Ministry of Health explicitly admitted to the problem and promised to compensate the families of the sick children. However, parents of the children who died or became disabled following the vaccinations have not received

compensation. On the contrary, some parents who sought accountability and compensation through petitioning have been put under police surveillance, had their movements monitored by the police, or were forcibly returned home from Beijing. Similar problems with deaths or disabilities in children following vaccination have also occurred in other parts of China.<sup>48</sup>

Yet another alarming issue concerning the right to health of the child is the detrimental effects of industrial pollution. Chinese media disclosed that a 2009 survey to identify the extent of lead contamination checked 23,000 children and found 54% had lead levels in the blood above the national standard in the city of Chenzhou, Hunan Province, which is well known for its metal industry. However, when a group of 53 villagers wanted to be examined themselves to see if they were also poisoned, they were intercepted by police. After villagers resisted and clashed with police, three villagers were detained. In 2011, authorities in Chenzhou ordered local hospitals to stop administering tests for lead poisoning. An article in a local newspaper about the problem of the unavailability of screening tests was ordered to be withdrawn. The editors were required to engage in “self-examination” for publishing news “detrimental” to the local government. Meanwhile, the government did not close down the polluting factories out of fear of losing revenue.<sup>49</sup>

Lead poisoning due to industrial contamination occurs throughout China. For example, about 2,000 people, including approximately 300 children, came down with lead poisoning in Gansu Province in September 2006. Between 1994 and 2007, the operation of a battery smelter in Fujian Province caused lead poisoning, and approximately 200 children were found to have excessive lead levels in their blood. In 2008, after an industrial accident in Sanhe Village in Jiangsu Province, 41 of the 100 children under 14 years old in Sanhe suffered from lead poisoning, with the youngest under one year old.<sup>50</sup> Asia's largest lead-recycling enterprise was located less than 100 meters from the village. Although the government has taken some positive measures after these incidents were exposed, regulations have not been effective in restraining industrial pollution, and there are few prevention mechanisms in place. Frequent lead poisoning incidents in China have brought to light local governments' greed and profit-driven development approach, as officials have largely been more concerned about keeping the polluting factories in their jurisdictions than protecting local residents' health.

Disparities in access to healthcare raise another set of grave concerns about lack of protection of the right to health of the child. The government has not taken necessary

measures to provide universal access to maternal and child health services in the past decade. Healthcare access is especially a problem for non-registered children under the country's household registration (*hukou*) system. These are mostly children who are born exceeding the quota of "one child per couple" family planning policy. The government provides subsidies for children with urban household registration to participate in health insurance plans, but more than two-thirds of children in China live in rural areas or have migrated to cities with parents who hold rural household registration. There is little evidence that the government has implemented any substantive measures in the past decade to provide universal access to child healthcare, or to reduce disparities in access, regardless of "birth quotas" and urban or rural household registration status.

### **Prevalent Use of Child Labor**

The use of child labor remains widespread in China.<sup>51</sup> Despite a lack of government data, several cases reported in state media specifically illustrate the prevalence of child labor in the country. Chinese media reported that hundreds of parents maintained that their children were lured into or forced into the Shanxi Black Brick Kilns to do hard labor and that police had rescued hundreds of workers, among whom the youngest was 13.<sup>52</sup> The journalist investigating this story in Wanrong County, Shanxi Province, found that the youngest child worker was just eight years old and the oldest was 13. The children were reportedly performing manual labor that even adults would be unwilling to do. The journalist said that the major obstacle in rescuing the children was the lack of cooperation and even illegal behavior of local law-enforcement agencies. Media reports generated public outrage about this situation. Under pressure, government officials launched special operations that resulted in the rescue of 570 individuals, including 51 children, from kilns in Shanxi and Henan provinces. However, the number of rescued children was only 5% of approximately 1,000 children reported by parents as missing, and who were believed to be working under hazardous conditions in the kilns.<sup>53</sup>

Prevalent practices of child labor include the large number of secondary specialized or technical school students working in companies as unpaid work-study "interns." Such schools often advertise on their websites about internship programs to attract potential students.<sup>54</sup> The government lacks oversight of such work-study programs. In fact, authorities tacitly approve of schools sending young students to factories and companies, especially in the Yangtze River Delta and Pearl River Delta areas. These programs provide free labor to enterprises, which face increasing problems of



recruiting cheap laborers from rural areas because of the rising cost of living and other problems that migrant workers face. Most of the work-study interns from middle schools are not yet 18 years old, and some are under 16. Although they work as unpaid “interns,” their tasks, schedules, and work intensity are often the same as those of full-time employees.

For example, media reports disclosed that the KYE factory, which makes products for Microsoft in Dongguan City, Guangdong Province, “recruited hundreds—even up to 1,000—‘work study students’ who were 16 and 17 years old and work 15-hour shifts for six or seven days a week.” And “[i]n 2007 and 2008, dozens of the work-study students were reported to be just 14 and 15 years old.”<sup>55</sup> After this information was published, the government did not conduct any review or strengthen oversight of the KYE factory. In fact, the matter went unaddressed after the government deliberately played it down, and KYE even denied that such problems existed.

One particular problem with child labor festers in Re-education Through Labor (RTL) camps, where a person can be sent by police and detained for as long as four years without a trial. The government has not made data available showing the number of persons under the age of 18 currently detained in RTL facilities. However, the Chinese media has reported on such cases. In 2011, one Chinese man wrote to a website where lawyers offer free consultation, asking, “Can I still work as a security guard after I was sent to an RTL [camp] for one year following conviction for theft when I was under 18 and not old enough to be criminally sentenced?”<sup>56</sup> In April 2013, a young man under the age of 18 was arrested on suspicion of rape in Beijing's Haidian District.<sup>57</sup> Reportedly, this same person had previously served in an RTL camp for a misdemeanor. There have been no known legal cases of the government holding criminally liable any officials who have ordered the detention of children in RTL facilities.

Meanwhile, the government defends the practice of sending children who are 16 or 17 years old to RTL.<sup>58</sup> The government mistakenly claims that sending juveniles under the age of 18 but above the age of 16 to RTL camps is not a violation of International Labor Organization (ILO) Conventions 138 and 182. The same line of defense has been given about the work-study “internship” programs or child labor in general. However, ILO Convention 182 clearly stipulates, “For the purposes of this Convention, the term ‘child’ shall apply to all persons under the age of 18” (Article 1), and ILO Convention 138 stipulates, “The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried

out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years” (Article 3(1)).

In addition, individuals under 18 also are known to work as guards in black jails and as “interceptors,” thugs hired by local governments to seize and forcibly return petitioners, often from Beijing, to their hometowns.<sup>59</sup> Those employed in these positions are vulnerable to great physical harm, and the government has claimed to be cracking down on such illegal detention facilities. Data are hard to come by on the number of individuals below the age of 18 who have worked as “interceptors” for local governments or as guards in black jails. Also, there has not been any publicly reported information on how children have been utilized in this dangerous work, or who employed them.

### **Child Trafficking and Corporal Punishment**

The Chinese government has not released any official statistics on the number of trafficked and missing children in China. However, numbers and estimates published in the Chinese media shed some light on the seriousness of child trafficking in the country. A report by Xinhua, the official news agency, cited an incomplete estimate that 200,000 children have gone missing annually in China in recent years, and only 0.1% of the missing children have been found each year.<sup>60</sup> Another news report noted that, from January through October 2009, Chinese courts tried 1,107 child trafficking cases, and that there has been a year-on-year increase of such cases of 11.25% over the past several years.<sup>61</sup> Still another media outlet reported that, in 2009 alone, Chinese police rescued 3,455 abducted children and 7,365 abducted women.<sup>62</sup>

Though the Chinese government has taken some measures to crack down on child trafficking, it seems unwilling to seriously address the root causes. These causes have to do with current laws and national policies, which are unlikely to be changed or abolished by the government due to political priorities.

One root cause is the government's failure to overhaul the country's inadequate rural pension system, which reinforces the traditional bias in society of raising sons to support parents in their old age. This bias contributes to maintaining a strong “buyer's market”—the demand for boy children. In addition, laws generally do not hold accountable parents or other family members who sell or buy children, or parents who abandon their own children.<sup>63</sup> Third, punishment for births exceeding family planning policy quotas has created incentives for parents to abandon female infants in

order to save their quota for having boys later, or incentives for purchasing abducted children of the “desirable” gender. Abandoned infant girls also become “goods” for trafficking and selling into marriage or prostitution. Due to inherent disadvantages under the law of having more children than official birth quotas allow—stiff fines, job loss or demotion, difficulties in registering newborns and obtaining legal status for them—or having children out of wedlock, children born under these circumstances are more likely to be abandoned or trafficked.

Besides facing possible trafficking, Chinese children are inadequately protected from myriad forms of violence. The government reported that, from 2008 to 2010, Chinese courts convicted 915 individuals for crimes involving abuse and abandonment.<sup>64</sup> But the government has not made available data showing how many of the victims of such crimes were minors. China's Law on Protection of Minors<sup>65</sup> does not adequately address these issues, as seen with the problem of corporal punishment against children and also sexual violence against minors (see next section). One recent incident is especially illustrative of the problem of corporal punishment and the inadequacy of the law for handling it. In October 2012, Chinese media reported that a teacher in Zhejiang Province had physically abused schoolchildren for two years until she was caught after incriminating photos were posted online. The resulting public outrage pressured local authorities to look into the issue. However, nothing in the 72-article Law on Protection of Minors could be used to criminally charge the teacher. She was ultimately detained on suspicion of “creating a disturbance,” which is a crime that carries a relatively light sentence and was used in this case inappropriately—simply to placate public anger. As this case shows, those who physically abuse children in China are rarely prosecuted because of inadequate protection provided under the Law on Protection of Minors.

According to some Chinese legal experts, the Law on Protection of Minors is similar to a moral declaration: It lists goals of what should be done under certain circumstances, but does not prescribe specific punishments for offenders or detail implementing mechanisms. Existing regulations banning corporal punishment in schools remain unevenly implemented, and corporal punishment in the home is not banned by the law, which reinforces and perpetuates social acceptance of such punishment against children. In fact, recent statistics show that corporal punishment and physical abuse are common in China—at schools, by law-enforcement officials, and in the family. To address the problem of child abuse, legal experts believe that Chinese law should establish that a child does not simply belong to a family, but that the state also has a role in protecting minors from rights violations.<sup>66</sup>

## **Lack of Accountability for Officials Involved in Sexual Abuse of Children**

One survey conducted in 2011 by a group of independent scholars and activists in China shows that the youngest victim of violent sexual abuse among a group of 82 women and girls interviewed was only eight years old. The survey also revealed that girls under 18 comprise 30% of those who were victims of sexual violence, and that 6% of the underage victims suffered sexual violence when their parents were not present to protect them.<sup>67</sup> The study points out that some perpetrators in cases of sexual assaults against underage girls understood that the law only prescribes light punishment for such crimes. This problem with the law greatly threatens the safety of underage girls. In addition, after the girls were sexually abused, government institutions failed to provide psychological rehabilitation and other forms of assistance that could help alleviate victim trauma.

In recent years, there have been many cases reported in China's state media of sexual abuse of minors involving government officials or government employees. While outraging the public, the cases below also illustrate that relevant government agencies did not assume sufficient responsibility to protect children or help them recover from sexual assault. In several instances, officials and other public servants who had sexually abused children, including teachers, have not been held legally accountable. Furthermore, parents and supporters who tried to seek accountability have run into strong resistance from authorities or even gotten in trouble themselves.

In a Shenzhen restaurant on October 29, 2008, Lin Jiexiang, a former Communist Party secretary of the Shenzhen Maritime Bureau in Guangdong Province, grabbed an 11-year-old girl by the throat and attempted to drag her into the men's bathroom. The restaurant's closed-circuit television showed that when the girl's parents complained, Lin shouted at them, intimidating them by indicating his high position in the government. Though he eventually admitted to his misconduct and offered to pay off the parents,<sup>68</sup> police in Shenzhen later declared that Lin had not committed any crime. In a decision that shocked the public for its leniency, Lin was merely sacked from his job as punishment.<sup>69</sup>

From October 2007 to July 2008, officials in Xishui County in Guizhou Province were involved in the rape of a number of teenage girls. Under intense media coverage and pressure generated by widespread anger at the officials, the Zunyi City Intermediate People's Court heard the case on June 30, 2009. The court announced

after a closed-door trial that seven adult males—including a legal affairs official, a local legislator, and a county official—had committed sex crimes against children under the age of 14 and had been sentenced to prison.<sup>70</sup> Nevertheless, the court's verdict provoked nationwide outrage, since the public perception was that the trial had been manipulated and that the officials had received light sentences that did not fit their crimes.<sup>71</sup>

On April 28, 2008, several girls from the Bihu Middle School in Lishui City, Zhejiang Province, were raped in an incident involving a village committee director and several government officials. According to media reports, at least 10 junior middle school girls between 13 and 16 years old were sexually assaulted.<sup>72</sup> The local Public Security Bureau conducted an investigation and arrested the owner of a local nightclub and the village committee director. Later, the Lishui City Intermediate People's Court sentenced the two defendants to death. However, even after the convictions, the Lishui government continued to deny that the officials had committed sex crimes, and authorities dodged journalists' inquiries. It was later learned that the victims had been threatened by the village party secretary not to disclose information about the case.

On May 8, 2013, an elementary school principal, Chen Zaipeng, and a housing management official, Feng Xiaosong, sexually assaulted six female students in a guesthouse room in Wanning City, Hainan Province. The two officials were subsequently taken into custody on suspicion of rape. During the investigation, police told the press that the girls' hymens had not been ruptured and no rapes had thus been committed. However, the police conclusion contradicted DNA evidence that doctors found through examination of the girls. The police also told the press that the girls were prostitutes—and that the encounters were therefore consensual. Suspecting police malfeasance, concerned civic activists released an open letter that pointed out problems with the investigation, called for filing charges against the two men, and implored police to publicly disclose more information on the case. Some critics also said that the police were trying to stigmatize the girls as prostitutes in order to shift public sympathy.<sup>73</sup>

Within three weeks of the May 2013 exposure of the above case in Hainan Province, many other reports of sexual assaults of underage girls appeared in the Chinese media. In late May 2013, the Women's Federation of Guangzhou, Guangdong Province, released data indicating that, over the previous three years, nearly half of the 2,506 females who had reported being sexually assaulted in the city were under 14 years of

age. In most of the cases, the girls were repeatedly raped. The victims did not inform their families because of the emotional pain and shame due to social stigma attached to sexual assault victims.<sup>74</sup> In June 2013, the *China Youth Daily* reported that reports of child sex abuses are on the rise, though most incidents are not reported to police.<sup>75</sup>

One of the most revealing cases of government obstruction of those seeking accountability in a sexual assault of a child is that of Tang Hui, mother of a girl from Hunan Province. Tang was determined to bring the perpetrators to justice for the rape of her daughter, and the ordeal that Tang experienced testifies to the legal and political obstacles that inhibited her pursuit. In 2006, Tang Hui's daughter was raped at the age of 11 and then forced into prostitution by several men. Tang went to the police, judicial authorities, and government offices that receive complaints to try to lodge a grievance for police negligence and have the men criminally prosecuted. She persisted and told her story to the media despite pressure and retaliation against her from local authorities. She travelled to the provincial capital and Beijing to seek help from authorities at higher levels. Tang staged sit-ins in courthouses and in front of judicial authorities' offices. Local authorities were annoyed with her because of the unwanted attention from higher-level authorities and the press. Eventually, under such pressures, eight men were convicted. However, local authorities also decided in June 2012 to lock her up in an RTL camp for 18 months for "disrupting social order." Tang took the authorities to court after the RTL decision came down. Her case received much public attention online, even in the state media, as it came after years of public debate on the legality of RTL.

In what some hailed as a landmark case that grabbed international attention, the Hunan Provincial Higher People's Court ruled on July 15, 2013, that the local RTL Committee should compensate Tang for "violating personal freedom" and for causing her "mental harm." But the court rejected her demand for a written apology from the RTL authorities. The court also said that she should take responsibility for disrupting the normal business of the government and public order, but let her off out of consideration for her daughter's age.<sup>76</sup>

As illustrated in several cases discussed above, China's laws and criminal justice system have not done enough to protect children from the growing (but often hidden) problems of child sexual assault in the country. This is often due to legal loopholes and the lack of judicial independence and oversight at all levels of government and institutions, including in schools. The unwillingness of law-enforcement authorities and courts to prosecute perpetrators who occupy higher positions of authority has

exacerbated this problem.

In addition, the government has tried to silence critics of its policies and targeted civil society activists working to protect minors from sexual assault. As one notable case, in May 2013, police in Guangxi Province detained and allegedly beat up an activist who supported the rights of sex workers, women and minors, and persons infected with HIV/AIDS. On May 30, about 10 police officers in Bobai County barged into the residence of Ye Haiyan, and several policewomen reportedly beat her before she was dragged off to a police station. This came after Ye posted online a photo of herself with a sign protesting the recent government handling of a school principal who had sexually abused underage female students. (Many in China believed that the law had been inappropriately applied in the principal's case.) Ye was at risk of facing criminal charges at the time, according to activists who went to the police station to inquire about her situation. Authorities have harassed Ye for years and targeted organizations that she has worked with. Before she was taken into custody this time, a local chapter of the All-China Women's Federation and a homeowners association had reportedly pressured Ye's landlord to cancel her rental lease. After her eventual release, she was forced to leave town and went to Hainan Province. However, soon after she had found a place to stay, local authorities arrived and turned her out in the street, making her homeless while needing to care for a young child.<sup>77</sup>

Exemplifying the ineffectiveness of current laws in combating child sexual abuse, China's Criminal Law (1997)<sup>78</sup> puts the "crime of prostituting minor girls" under a separate category from "rape." Offenders in the serious crime involving violence and sexual abuse of children can evade appropriate criminal punishment, since the punishment stipulated in the Criminal Law for the "crime of prostituting minor girls" is much lighter than that for rape. This problem in the Chinese Criminal Law violates general principles in the Convention on the Rights of the Child—equal protection (Article 2) and special protection (Article 3). Chinese legal scholars point out that the failure to include the "crime of prostituting minor girls" under the category of "crimes infringing upon a citizen's personal rights," while including it instead under the category of "crimes obstructing the administration of public order" is an indication of the skewed priorities of the Chinese government. It underlines that public order or "stability" has greater importance than the rights of the child to special protection, health, and life.<sup>79</sup>

The government's political priority of maintaining "social stability," however, has in other cases led to bending the law in the other direction. Take, for instance, the Tang

Hui case again. To placate public anger over authorities' mishandling of Tang's efforts to seek punishment for those involved in the rape and forced prostitution of her daughter, the government seemingly bypassed some legal procedures for safeguarding the rights of the accused and swiftly sentenced two men to death, four men to life in prison, and another two men for 16 and 15 years, respectively, in prison.<sup>80</sup> One recent media survey conducted by a Chinese group working on the rights of the child<sup>81</sup> found numerous reports in state media in the last decade of legal cases involving rape and sexual assault against minors, where prosecution of suspects led to 36 people being sentenced to death, with 29 of them already having been executed.

Both from a legal and social standpoint, the work of raising awareness of adults and children about sexual abuse, as well as developing rule of law—with law-enforcement and criminal justice systems that respond properly to cases of such abuse—is clearly far behind what the International Convention on the Rights of the Child obligates the Chinese government to do.

## **Recommendations**

The Chinese government should take effective actions and reform relevant policies and laws in order to end violations and improve protection of the rights of the child in China. To achieve these objectives, CHRD has these recommendations:

- To address the root causes of rural-urban disparities and to protect the rural/migrant child's right to basic education, the government should register all children immediately after birth and abolish the rural-urban household registration (*hukou*) system.
- The government should allocate adequate national revenue for nine-year compulsory education. National government funding should reach the most vulnerable groups and help reduce regional and rural-urban disparities. The government should take special measures to allocate sufficient resources in less-developed regions, especially poor rural areas, while taking effective action to eliminate all miscellaneous and other "hidden" fees in order to ensure genuinely free nine-year compulsory education for all.
- To address the problems of child abandonment, trafficking in children, and violence against girls, the Chinese government should abolish its coercive and abusive birth control measures in the family planning law. Revisions in the



law should include measures to safeguard reproductive freedom and adequate maternal and child healthcare. The family planning law should include punitive measures to hold officials criminally accountable for forcing women to undergo abortions or couples to undergo sterilizations. Other measures should hold adults criminally accountable for selective abortion, infanticide, child abandonment and abduction, and the selling and buying of children.

- The government should take effective measures to end the use of child labor and economic exploitation of children, including using secondary specialized or technical school students in unpaid labor as work-study “interns.” The government should strictly enforce the International Labor Organization’s standard of 18 as the minimum age for admission to any type of employment or work that is likely to jeopardize the health, safety, or morals of minors.
- The government should eliminate discriminatory policies and laws that reinforce and perpetuate prejudices against girls, internal migrant children, children infected with hepatitis B or HIV/AIDS, children with disabilities, and children belonging to ethnic and religious minorities, as well as discrimination against children on the basis of their parents’ political activities or expressed opinions.
- The government should take all necessary measures to provide universal access to maternal and child healthcare, and reduce disparities in access to adequate healthcare for all children, regardless of their gender or urban or rural household registration status.
- The government should amend China’s Criminal Law (1997) to ensure that the “crime of prostituting minor girls” will not be classified under a separate category from “rape,” such that an offender who forced minors into prostitution will no longer be able to evade the appropriate punishment for intentionally inflicting serious harm on children in the form of violence and sexual assault. The government should hold officials and public servants legally accountable for sexually abusing children.
- The government should end its suppression and reprisals against critics of government policies and regulations deemed responsible for deaths, illnesses, and abuses of children; and against child victims’ parents, supporters and lawyers in their efforts to seek accountability and remedies. Such persons’

actions should not be criminalized, since they are protecting the legal rights of the child. These individuals should have full protection of their rights to seek compensation for damages and the rights to free expression and peaceful demonstration.

**Appendices:**

**Appendix 1: "I Don't Have Control over My Own Body!" Abuses continue in China's Family Planning Policy**

**Appendix 2: The Right to Basic Education of Rural Children in Suizhou, Hubei Province**

**Appendix 3: Equality in Education Waits To Be Met 教育平等权亟待落实**

**Appendix 4: A Report on Rights Violations of Marginalized Women and Social Support Networks 边缘女性受暴力侵害状况与社会支持网络调查报告**

**Appendix 5: Investigation of Students Deaths in Earthquake by Tan Zuoren et al 谭作人等人就地震死难学生的调查报告**

**Appendix 6: A Report on the Chinese Government's Implementation of the UN Convention on the Rights of the Child 关于中国政府落实联合国《儿童权利公约》状况的民间报告**

## Endnotes:

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<sup>1</sup> In this report, a child (or "minor") is any individual under 18 years of age, a definition in line with the United Nations Convention on the Rights of the Child

(<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>), which China has ratified.

<sup>2</sup> See Zhang Shuying, Liu Chaochen, "A Study on the Relationship between Rural Income and Education," *Scientific Technology and Economy* (《科技与经济》), No. 5, 2009.

<sup>3</sup> These statistics were cited in Duan Chengrong and Liang Hong, "The Conditions of Our Country's Migrant Children," *Population Study* (人口研究), No. 1, 2004.

<sup>4</sup> See China's state report submitted to the UN Committee on the Rights of the Child on July 16, 2010, "Third and fourth periodic reports of States parties due in 2009 China" (CRC/C/CHN/3-4):

<http://www2.ohchr.org/english/bodies/crc/crcs64.htm> (Hereafter "China's state report"), paragraph 136. However, another government document gave the number of disabled children in China in 1996 as over 9 million. See Chapter IV, "The Protection of Disabled Children" in "The Situation of Children in China" (1996), released by Information Office of the State Council of the PRC: <http://www.china.org.cn/e-white/children/c-5.htm>.

<sup>5</sup> "China Dairy Products Found Tainted with Melamine," BBC, July 9, 2010,

<http://www.bbc.co.uk/news/10565838>.

<sup>6</sup> "Children Screening for Lead Poison Refused, When Will Lead Poisoning End?" (郴州儿童血铅检测遭拒 铅中毒事件何时休?), *Weiwei Health Net*, April 1, 2012, <http://news.vivijk.com/rdht/201204/229664.html>.

<sup>7</sup> "Ministry of Public Security 'Crackdown on Trafficking' Action Frees More Than 10,000 Women and Children"

(公安部“打拐”行动共解救妇女儿童逾万人), February 24, 2010, *Xinhua Net*,

[http://news.xinhuanet.com/legal/2010-02/24/content\\_13041740.htm](http://news.xinhuanet.com/legal/2010-02/24/content_13041740.htm).

<sup>8</sup> "Girl Children Repeatedly Subjected to Sexual Abuse Before 'June 1 International Children's Day, Women

Lawyers from Nine Provinces Form Support Group to Extend Helping Hands" (女童频遭性侵“六一”前夕九省市女律师组团伸援手), *Gender and Development in China*, June 4, 2013,

<http://www.china-gad.org/Article/ShowArticle.asp?ArticleID=20078>; see also "8 School Sexual Abuse Cases in Various Locations Broke Within 10 Days of May 20" (5月20天内各地已连发8起校园性侵案), *China Police Net*, May 30, 2013, <http://daan.cpd.com.cn/n157242/c17282221/content.html>; and "Inventory of Many

Recent Teacher-Student Sexual Assaults" (盘点近期多起教师性侵学生事件), *China Police Net*, May 28, 2013,

<http://daan.cpd.com.cn/n157188/c17258178/content.html>.

<sup>9</sup> The Committee on the Rights of the Child's 2005 "Concluding Observations" from its review of China can be downloaded here: <http://www2.ohchr.org/english/bodies/crc/crcs40.htm>.

<sup>10</sup> See China's state report, para. 13.

<sup>11</sup> Names of NGO informants are not being made public due to concerns for their safety.

<sup>12</sup> See China's state report (Endnote 4).

<sup>13</sup> See China's state report, para. 46.

<sup>14</sup> See China's state report, para. 48.

<sup>15</sup> See Appendix 1: "I Don't Have Control over My Own Body!" Abuses continue in China's Family Planning

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Policy,” CHRD, 2010, <http://chrdnet.com/2010/12/i-dont-have-control-over-my-own-body/>.

<sup>16</sup> See Appendix 5: Investigation of Students Deaths in Earthquake by Tan Zuoren et al (谭作人等人就地震死难学生的调查报告), Rights Defense Network, 2009, <http://weiquanwang.org/?p=15145>.

<sup>17</sup> For more information, see “Prisoner of Conscience – Tan Zuoren,” CHRD, <http://chrdnet.com/?p=4561>.

<sup>18</sup> See “China: Activist who defended earthquake victims jailed for three years - Amnesty demands immediate release,” Amnesty International, November 23, 2009, [http://www.amnesty.org.uk/news\\_details.asp?NewsID=18512](http://www.amnesty.org.uk/news_details.asp?NewsID=18512).

<sup>19</sup> See *Laoma Tihua* (老妈蹄花), a documentary film by Ai Weiwei about his experience in August 2009, when he was detained and beaten for trying to testify at the trial of Tan Zuoren, a Sichuan activist detained for “inciting subversion of state power.” <http://chrdnet.com/2009/03/eyewitness-article-5/>.

<sup>20</sup> See *Our Children*, a documentary film on deaths of schoolchildren in the Sichuan earthquake (by Ai Xiaoming). [http://www.youtube.com/view\\_play\\_list?p=6D03DD4EEEA1F7CB](http://www.youtube.com/view_play_list?p=6D03DD4EEEA1F7CB).

<sup>21</sup> For more information, see “Partial Name List of Parents Detained for Rights Defense Petitioning for Student Victims of Juyuan Middle School in Dujiangyan City, Sichuan Province” (四川省都江堰市聚源中学 5.12 遇难学生家长维权上访部分被关押名单), Rights Defense Network, January 14, 2013, <http://wqw2010.blogspot.com/2013/01/512.html>.

<sup>22</sup> For full text of Law of the People's Republic of China on Protection of Minors, see <http://www.china.org.cn/english/government/207411.htm>.

<sup>23</sup> See China's state report, para. 28.

<sup>24</sup> For example, see Appendix 3: “Equality in Education Waits To Be Met – Taking for Example the Right to Education for Children of Three Disadvantaged Groups” (教育平等权亟待落实——以三大弱势群体子女的受教育权为例), <http://weiquanwang.org/?p=28286>.

<sup>25</sup> See Endnote 2.

<sup>26</sup> “The Right to Basic Education of Rural Children in Suizhou, Hubei Province,” CHRD, June 2007, <http://chrdnet.com/?p=1674>.

<sup>27</sup> See Endnote 3.

<sup>28</sup> “Legal Guarantee of Migrant Laborer Children's Right to Education” (进城农民工子女受教育权的法律保障), *Continuing Education Research* (继续教育研究), No. 9, 2009.

<sup>29</sup> See “Investigation of Children's Development and Needs in Nine Chinese Cities” (中国九城市流动儿童发展与需求调查), [http://pocketknowledge.tc.columbia.edu/home.php/viewfile/download/62725/40-A\\_Survey\\_on\\_Needs\\_of\\_Migratory\\_Children.pdf](http://pocketknowledge.tc.columbia.edu/home.php/viewfile/download/62725/40-A_Survey_on_Needs_of_Migratory_Children.pdf).

<sup>30</sup> “Equality in Education Waits To Be Met – Taking for Example the Right to Education for Children of Three Disadvantaged Groups” (教育平等权亟待落实——以三大弱势群体子女的受教育权为例), Rights Defense Network, September 21, 2011, <http://weiquanwang.org/?p=28286>.

<sup>31</sup> See “Closure of Beijing Schools for Migrant Workers' Children Ushers in Educational, Social Crises,” *China Human Rights Briefing* (August 16-22, 2011), CHRD, <http://chrdnet.com/?p=3161>.

- <sup>32</sup> See “Mingxin Migrant School’s Water Supply Cut Off” (明星打工子弟学校被断水), *Shandong Commercial News*, August 3, 2012, <http://news.hexun.com/2012-08-03/144308896.html>.
- <sup>33</sup> See “30% Migrant School Students Return Home After Beijing Migrant School Closures” (北京打工子弟学校被关停后三成学生回原籍读书), *Beijing News*, August 27, 2012, <http://news.qq.com/oa/20120827/000060.htm>.
- <sup>34</sup> See China’s state report, para. 23.
- <sup>35</sup> For more information, see “Prisoner of Conscience – Gao Zhisheng,” CHRD, <http://chrdnet.com/2011/02/prisoner-of-conscience-gao-zhisheng/>.
- <sup>36</sup> For more information, see “Update to UN on Gao Zhisheng – July 23, 2012,” CHRD, <http://chrdnet.com/?p=6336>; and “Wife of Gao Zhisheng Sues Over Family’s Harassment, Experience of Trauma” (高智晟妻诉一家人遭受迫害、创伤的惨痛经历), *Epoch Times*, March 14, 2009, <http://www.epochtimes.com/gb/9/3/14/n2462700.htm>.
- <sup>37</sup> For more information, see “Activist Yang Maodong Sentenced to Five Years in Prison,” CHRD, November 14, 2007, <http://chrdnet.com/2007/11/activist-yang-maodong-sentenced-to-five-years-in-prison/>.
- <sup>38</sup> See “Zhang Qing, Guo Feixiong’s Wife, Writes Open Letter to Wen Jiabao on Child’s Access to Education” (郭飞雄的妻子张青为子女上学致温家宝公开信), June 30, 2008, Boxun.com, <http://www.peacehall.com/news/gb/china/2008/06/200806302348.shtml>.
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<sup>44</sup> See “Communiqué on Detention of Chinese Citizen Zhao Lianhai for Advocating on Behalf of Victims of Tainted Milk Powder Scandal,” CHRD, <http://chrdnet.com/?p=3752>.

<sup>45</sup> See “Kindergartens refuse hepatitis B carriers,” *China Daily*, August 31, 2012, [http://www.chinadaily.com.cn/china/2012-08/31/content\\_15722645.htm](http://www.chinadaily.com.cn/china/2012-08/31/content_15722645.htm); and “When B is worse than F,” *Global Times*, September 5, 2012, <http://www.globaltimes.cn/content/731118.shtml>.

<sup>46</sup> See China's state report, para. 154.

<sup>47</sup> See “Let's All Watch Incidents of Shanxi Vaccination: Save the Children!” (请大家一起围观山西疫苗事件 :救救孩子!) report by journalist Wang Keqin in *China Economic Times*, March 17, 2010, <http://jiaren.org/2010/03/21/shanxi-yimiao/>.

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<sup>49</sup> See Endnote 7.

<sup>50</sup> See “Netizens Question Mysterious Child Lead Poisoning Cases in Chenzhou, Hunan” (湖南郴州儿童铅中毒谜案引网友质疑), *Zhonggu Net*, March 22, 2010, <http://news.9ask.cn/yljf/rmzt/201003/376951.html>; “Chenzhou blood poisoning: What is in the drug?” (郴州血铅中毒 : 究竟是什么中了毒), *Zhonggu Net*, March 22, 2010, <http://news.9ask.cn/yljf/rmzt/201003/377011.html>; “In Longchang, Sichuan, 47 cases of children with abnormal levels of lead in blood suspected due to pollution” (四川隆昌 47 名儿童疑因污染造成血铅含量异常), *China Net*, March 12, 2010, [http://news.china.com/zh\\_cn/domestic/945/20100312/15850663.html](http://news.china.com/zh_cn/domestic/945/20100312/15850663.html).

<sup>51</sup> In June 2013, China was among 19 nations listed by the US State Department in its annual report on human trafficking and forced labor as having failed to combat or been complicit with these problems. See “U.S. Accuses 3 Countries of Abetting Human Trafficking,” *The New York Times*, June 19, 2013, <http://www.nytimes.com/2013/06/20/world/us-accuses-3-countries-of-abetting-human-trafficking.html?ref=world&r=0>. For the full report, see <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>.

<sup>52</sup> See webpage for numerous media reports at “Shanxi Black Brick Kilns Abused Workers” (山西黑砖窑虐待工人): <http://news.qq.com/zt/2007/sxhzc/>; and “Black Brick Kilns Incident: 359 Migrant Workers Rescued, Youngest Was 13” (黑砖窑事件解救农民工 359 人 最小年龄 13 岁), *People's Daily Online*, August 13, 2007, <http://news.qq.com/a/20070813/002434.htm>.

<sup>53</sup> See “More than One Thousand Children Sold to Shanxi Black Brick Kilns, 400 Fathers Cry for Help” (上千孩子被卖山西黑砖窑 400 位父亲泣血呼救), *China Net*, June 13, 2007, [http://www.china.com.cn/city/txt/2007-06/13/content\\_8380301.htm](http://www.china.com.cn/city/txt/2007-06/13/content_8380301.htm).

<sup>54</sup> For related information released by the Haikou No. 1 Career Secondary School about its “career internship” program, see “Career Situation Looking Good for 2011” (2011 年实习就业形势喜人), <http://www.hkyzz.net/News/Newsxy.asp?act=2989&catid=291>.

<sup>55</sup> See “China's Youth Meet Microsoft,” American National Labor Committee (NLC), April 13, 2010, <http://www.globallaborrights.org/reports?id=0034> and

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[http://www.globallaborrights.org/admin/reports/files/Chinas\\_Youth\\_Meet\\_Micro.pdf](http://www.globallaborrights.org/admin/reports/files/Chinas_Youth_Meet_Micro.pdf).

<sup>56</sup> For the man's question and a lawyer's response, see "Can I still work as a security guard after I was sent to an RTL for one year following conviction for theft when I was under 18 and not old enough to be criminally sentenced?" (我在未满 18 岁时因为盗窃没达到判刑被劳教 1 年现在还可以做保安吗?), 110.com, October 18, 2011, <http://www.110.com/ask/question-673197.html>.

<sup>57</sup> See "Imprisonment after RTL, How Was the 'Bear Child' Formed"? (劳教过后又入刑, "熊孩子"如何炼成?), *Zhonghe Education*, April 26, 2013, <http://www.zhongheedu.com/news/school/zhuanfu/ZYFD/2013/4/1342615362910985ED24H4BG11GF3II.htm>.

<sup>58</sup> See China's state report, para. 219.

<sup>59</sup> See "10 Sentenced for Illegally Detaining Petitioners in Beijing" (10 名非法拘禁来京上访人员者被判刑) *Xinhua News*, February 5, 2013, [http://news.xinhuanet.com/legal/2013-02/05/c\\_114619493.htm](http://news.xinhuanet.com/legal/2013-02/05/c_114619493.htm).

<sup>60</sup> "200,000 Children Gone Missing Each Year in Our Country, Almost No Criminal Responsibility Was Sought for Buying Infants" (我国每年约 20 万儿童失踪 对买婴者几乎不追刑责), *Xinhua News*, June 2, 2013, [http://news.xinhuanet.com/legal/2013-06/02/c\\_115997624.htm](http://news.xinhuanet.com/legal/2013-06/02/c_115997624.htm).

<sup>61</sup> "Chinese Courts Handled More Than 1100 Cases of Child Trafficking in the First 10 Months of the Year" (中国法院今年前十月审结 1100 多起拐卖儿童案件), *China News Net*, November 26, 2009, <http://news.sina.com.cn/o/2009-11-26/160416673517s.shtml>.

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<sup>63</sup> See Endnote 60.

<sup>64</sup> See China's state report, para. 122.

<sup>65</sup> For full text of law, see <http://www.china.org.cn/english/government/207411.htm>.

<sup>66</sup> See editorial, "Children Can't Be Protected by Relying on Legislation" (光靠一部法律保护不力儿童) *Southern Weekend*, November 1, 2012, <http://www.infzm.com/content/82546>.

<sup>67</sup> See Appendix 4: "A Report on Rights Violations of Marginalized Women and Social Support Networks" (边缘女性受暴力侵害状况与社会支持网络调查报告), Rights Defense Network, <http://weiquanwang.org/archives/21856>.

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<sup>69</sup> See "China: Should Lin Jiaxiang be charged of assaults?" *Global Voices*, November 8, 2011, <http://globalvoicesonline.org/2008/11/08/china-wheres-the-sense-of-shame-of-high-official/>.

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<sup>74</sup> See Endnote 9.

<sup>75</sup> See “Beijing Chaoyang District Court Statistics Show Growth in Trend of Sexual Abuses of Children” (北京朝阳法院统计显示猥亵儿童犯罪呈上升趋势), *China Youth Daily*, June 9, 2013,

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