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Unequal Opportunities

As school fees rise, more children are sent to work

Although child labor is not institutionalized in certain industries in China as it is in many other developing Asian countries, it is a growing problem, reflecting the general lack of enforcement of labor laws and regulations. China Labour Bulletin examines its extent, arguing that the lack of central government funding for basic education is at the root of a phenomenon which is robbing millions of children of their youth, health and sometimes their lives.

In its initial report on the implementation of the Convention on the Rights of the Child, the Chinese government acknowledges the existence of child labor in China. Unfortunately, the report does not include any statistics and does little to suggest the extent of the problem except to say that "[a] preliminary analysis shows [child labor] to be fairly marked in the southern coastal cities, largely because the southern coastal regions have been growing fast and the comparative wealth of job opportunities exerts a strong attraction on households and minors in some poor districts." The report does not indicate whether the Chinese government has bothered to conduct any studies beyond this "preliminary analysis."

The report also describes the legal sanctions against child labor. However, the report states that "for a variety of reasons, there are still gaps in the monitoring and enforcement of the law." Again, the report stops at this brief description without any elaboration. Finally, the report argues that child labor is ultimately the natural consequence of an economic situation—rich coastal cities attracting young workers from poor villages—which at present the government can do little to change.

Here we present statistics and case examples, most drawn from reports in the domestic Chinese press, in order to establish a rough idea of the extent of the child labor problem. This material demonstrates that child labor is at least partly attributable to factors well within the government's power to change, including flaws in China's educational policy and official connivance with those who violate regulations banning the employment of children.

How many are working?

Data collection, especially on "sensitive" issues such as child labor, has always been difficult in China, where there is no free access to information independent of official sources. Nevertheless, it is possible to construct a rough picture of child labor in China from estimates published in various newspapers and magazines and indirectly from official statistics on the enrollment and drop-out rates of school-age children.

It is estimated that 500,000 children migrated from rural areas to the southern coast of China and Guangdong Province in 1991 alone. Migrant children are not eligible for admission into schools in the export-processing areas in the South because their parents are registered as residents in their villages,

and the children have, if anything, only temporary residence permits to remain in the coastal areas. Most of them are believed to be engaged in some kind of income-earning activities. Indeed, as these children are compelled by poverty in their home villages to travel all the way to the coastal areas, it is obvious that they will take up some kind of work, notably in the mushrooming small-scale rural enterprises—township-and-village-level enterprises (TVEs) and private enterprises—where law enforcement is less effective than in foreign-invested enterprises. In some such enterprises, official reports say, child workers make up as much as 20 percent of the work force.

The actual number of child workers in China is far above this 500,000 figure if one takes into account the number of non-enrolled school-age children and dropouts. China's report on the Convention on the Rights of the Child states that 2.61 million school-age children did not enroll in primary schools in 1993; this represented two percent of the country's school-age children. The report also gives the 1992 drop-out rates for primary and junior middle school students as 2.19 percent and 5.7 percent, respectively. Discounting strong suspicions that these official figures are unrealistically low, they already indicate an enormous number of children not in school.

Calculated solely from official data, in 1993 there were about 10.66 million minors out of school. Since, as the government's report itself explains, the overwhelming majority of children not in school are from very poor areas, it is not unreasonable to infer that most of them are expected to work in the fields or take up sideline jobs to help alleviate their families' financial burdens. Assuming that 50 percent of children not in school are working, the number of child workers in 1993 can be estimated at five million. Undoubtedly, 50 percent is an extremely conservative assumption: the authorities in Sichuan conducted a study of 58 secondary and primary schools in a certain county and found that in the first term of 1993 there were 5,260 dropouts (19 percent of the total number of students), 85 percent of whom went to work outside the province.

In a clear expression of the deep-rooted discrimination against girls, girls constitute the majority of dropouts and non-enrolled children: in 1993, more than two-thirds of the 2.61 million non-enrolled primary school children were girls. Many rural families never send their girls to school or force them to drop out early to take up jobs at home, in the TVEs or as babysitters and domestic servants in the cities. A 1991 study of poor counties and villages in six provinces including Guangdong, Shandong, Liaoning and Hebei recorded 1,217 child workers, of which 880 (73.5 percent) were girls.

Appalling working conditions

In many rural enterprises basic industrial safety is routinely ignored. Without any training, children are often forced to work for long hours in extremely hazardous conditions. Disabling and fatal industrial accidents are common. Many accidents go unreported because both employers and parents prefer to settle problems in private rather than risk punishment for violating child labor rules.

A few cases of industrial casualties involving children are listed below:

- Among the deaths in the November 1993 fire at the Hong Kong-owned Zhili Toy Factory in Shenzhen SEZ which killed 87 workers and injured another 51, the youngest was a 15-year-old girl.
- In the September 1995 blast at the Huiyuan Lighter Factory, a TVE in Shunde, Guangdong, 23 workers were burned to death and more than 60 were injured, according to official reports. All of the victims were women workers. Among those critically injured was a 15-year-old girl from

Sichuan who sustained serious burns on 60 percent of her body.

- A foreign-invested textile enterprise in Zhongshan, Guangdong employed 400 rural migrants, of whom 160 were child workers. A 14-year-old girl, exhausted from working 18 hours per day, fainted while working. Her hair was pulled into the machine and she died on the spot.
- A serious blast occurred in a firework factory in Dongguan City, killing 11 and injuring another seven. All of them were child workers between 12 and 15, from Hubei Province.
- Since 1989, Fujian Province has witnessed several industrial accidents that involved child workers. In Xianyou County, four blasts broke out in just 13 days in village and township firework factories, killing five children (four girls and a boy) and injuring more than 30 others.

Furthermore, child workers are often subjected to verbal, physical and sexual abuse. Not infrequently reports surface of actual slave labor, where children are kidnapped, forced to work with no pay, and locked up for the few hours each day when they are not working. In one case, reported by *China Women's News* in December 1994, brick shop owners in Gouzhaio Village, Zhengzhou City, Henan Province were discovered using forced child labor. The children had to carry bricks for over ten hours each day and were fed on melon in plain soup only. Over 40 workers shared a makeshift hut of less than 20 square meters. Moreover, they were not given a cent of the wages they had been promised. The contractor, Li Jianqing, employed guards to keep watch on them 24 hours a day. On August 13, 1994, the workers started a fight to distract the attention of the foreman while two children escaped and reported the case to the Public Security Bureau. The police rushed to Gouzhaio Village and arrested 18 owners, but the contractor escaped. Over 100 child workers were found in the brick shops. On December 9, 1994, the foreman and two others were arrested, and those arrested previously were either sentenced to labor reform or detained for further investigation. No further information on the verdict is available.

State policy contributes

While it is undeniable that rural poverty is an important factor behind child labor, it is also a convenient excuse used by the government to explain away its own role in creating and fueling the problem. China's educational policy must take the blame for constructing a system in which the financial burden of education is borne by impoverished local governments, which in turn shift the burden to the students. Such educational policies run counter to the principles of equal educational opportunities and of assisting poor areas stipulated in the Education Law. In view of the crippling expense of primary education and the bleak prospects for higher education, it is no wonder that many children, especially girls, are forced to drop out of school.

Education in China is provided through a three-tier system whereby senior middle schools are run by counties; junior middle schools, by towns; primary schools, by villages. The central government will pay for the wages of state teachers—who are rarely sufficient in number and must be supplemented by *minban* ("people-run" schools) teachers paid in part or full by the village—as well as part of the capital expenses. Local governments must therefore take care of the remainder of the capital expenses and all other costs. This is what the government describes as "education run by the people." In practice it results in education that the people cannot afford to run. Ironically, the poorest villages, precisely those to which the central government should commit more resources, are instead granted increased "decentralization."

Although in theory basic education in China is free to all, poor village governments can afford to provide only minimal educational expenses, so the villagers must cover the schools' operating expenses through miscellaneous charges such as application fees, examination fees, extra lesson fees, paper fees, library fees, insurance fees, health care fees, heating fees, water fees, electricity fees and so on. Needless to say, the villagers often cannot afford these expenses either. For example, in Baiwan County, Guangdong Province, the annual per capital income is 335 *yuan* (US\$40.40). In one local primary school, miscellaneous charges amount to 400 *yuan* (US\$48.20) per year. Suppose a family of four, earning 1,340 *yuan* (US\$161.40) annually, wants to send a single child to school—they would have to spend almost 30 percent of the family income on one child's school expenses alone. If there is more than one school-age child, the financial burden is simply too much to bear.

Another key aspect of the government's complicity is official connivance at violations of child labor laws and regulations. In its report on the Children's Convention the government claims that it is often powerless to check violations because it "is not possible to take prompt control of the situation or to investigate matters properly and put a stop to them." In fact, TVEs are usually run by local officials, ex-officials or individuals who are close to the government. Given this intimate government-industry relationship and rampant corruption among officials, those who violate child labor laws can easily escape prosecution—particularly when local governments strive to cut production costs in order to attract foreign investment. Surely greed ranks high among the "variety of reasons" why the authorities fail to get hold of the situation in time.

Making changes

A crucial step in any effort to deal seriously with the problem of child workers in China is to allow free access to information beyond that supplied by official sources. It is difficult to draw up concrete measures without a comprehensive understanding of the problem. The Chinese government should not obstruct the formation of independent NGOs, which could play a vital role in compiling and disseminating information.

The government should also review its educational policy to bring it into line with the spirit of the Education Law so that the principles of assisting poor areas and of equal educational opportunities regardless of property conditions will not remain empty words.

A code of conduct forbidding the use of child workers should be instituted among enterprises in China. Again, independent NGOs and labor groups would be of central importance in monitoring the implementation of this code.

Finally, the international community should keep close track of aid offered to China to ensure that it is properly spent on the Chinese people and not swallowed up by the corrupt bureaucracy.

This is an edited version, compiled by Mark Goellner, of a report by China Labour Bulletin presented to the Committee on the Rights of the Child for its review of China's report on implementation of the Convention on the Rights of the Child. China Labour Bulletin is available from: P.O.Box 72465, Central Post Office, Kowloon, Hong Kong, Tel/Fax: (852) 2780-2187.

Attachment #1

Workers Confined, Forced to Do Heavy Labor at Quarries. Heshan Public Security Bureau Frees 50 People, including 10-year old Child

Oriental Daily (Hong Kong), December 8, 1995

Since October the Public Security Bureau of Heshan City, Guangdong Province, has cracked five successive cases involving quarry contractors illegally restricting workers' movements; 14 suspects have been seized and over 50 workers liberated.

According to reports, the black-hearted contractors' habit was to lay in wait at the Guangzhou train station, where they would descend upon migrants arriving in Guangdong in search of work and lure them to the quarries to do forced heavy labor. Those who did not submit were beaten.

In one of the five cases, the Taoyuan, Heshan police investigated the Nanjian Quarry on October 27 and discovered that a worker from Hunan Province named Mi Mou was covered with bruises. Mi Mou explained to the police that he and seven other migrant workers from Hunan were tricked into going to the quarry by contractor Huang Zhaoqing, who promised he would find them lucrative jobs in an electronics factory.

Once at the quarry they were permitted no contact whatsoever with the outside world. They were forced to haul stone all day under strict supervision and were locked up in a shed at night. For their work they received only two bowls of gruel to eat each day and none of their promised wages. Mi Mou's bruises were the result of a severe beating following an escape attempt.

Of the more than 50 people freed in this and the other four recent cases, the youngest worker was only 10 years old.

Translated by Mark Goellner

Attachment #2

Girl Sexually Tortured by Employers in Qingyuan

Oriental Daily (Hong Kong), December 10, 1995

A 14-year-old girl working in a bakery in Qingyuan City, Guangdong Province, was subjected to repeated sexual torture by her employers, who on one occasion burned her breasts with a hot ladle and on others raped her with a candle and a wooden rod. The bakery owners, Cai Jinzhong and his sister Cai Meiqiong, and the supervisor, Liu Zhiming, are currently in police custody.

Early this year, while visiting their hometown of Putian in Fujian Province, the Cai siblings sought to lure workers back to their bakery with stories of great wealth to be had in Guangdong. In this way, the rape victim and her 16-year-old cousin, eager to help alleviate the financial burden on their impoverished family, were duped into accompanying the Cai siblings back to Qingyuan.

Upon arriving at the bakery the victim and her cousin were given one day of training and then put to work making and kneading dough, 20 hours per day. After enduring over a month of this grueling routine, one day the victim passed out on the job from exhaustion. She was discovered by Cai Jinzhong,

<http://www.igc.apc.org/hric/crf/english/96spring/e6.html>

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who ordered her to remove all of her clothes. When she refused, Cai's sister removed the victim's clothes by force and held her while Cai and supervisor Liu groped at her body. Liu then removed a ladle from a vat of boiling oil and pressed it against the victim's breasts.

On two other occasions the victim was raped by the Cai siblings, once with a candle and once with a wooden rod, as "punishment" for passing out on the job. The victim sustained serious vaginal injuries as a result.

After the third attack, the victim's cousin sold his wristwatch in order to buy a train ticket and escaped to Guangzhou. Unable to go any farther with no money, he worked in Guangzhou for 20 days before he could afford passage back to Putian, Fujian. As soon as he arrived home he contacted the victim's father, who immediately borrowed money for a train ticket to Qingyuan. One week later, the victim was back with her family in Putian, but transformed utterly: her face pale and thin, her body red and swollen, she can no longer urinate normally and seems to be mentally disturbed.

This case caused such an uproar in Putian that the local police were sent to Qingyuan to capture the alleged rapists. They are currently under arrest in Putian and an investigation is underway.

Translated by Mark Goellner

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