

From Shanxi to Dongguan, slave labour is still in business

One year after the Shanxi brickyard slave labour scandal first broke in late May 2007, many reportedly freed slaves have not yet returned home, some of those who have returned home are forced to beg for a living, officials who failed in their duty of care are still on the job, and the slave traffickers and slave factories are still in business.

As the [Dongguan factory slave labour story](#) last month showed; very little has changed over the last year, there is still a strong demand for forced labour in China, and a well-established and powerful network capable of delivering it. Despite highly publicized pledges to crackdown on forced labour, the government has done virtually nothing either to help the victims of the Shanxi brickyards or tackle the problem in other parts of the country, leaving vulnerable children and adults all over China potential victims.

The Dongguan scandal received minimal coverage in the official Chinese media and the plight of the more than 1,000 children reportedly abducted or sold into slavery was drowned out by coverage of the Olympic torch procession and the Sichuan earthquake.

It seems the government lacks either the political will, or the administrative ability, to control and eradicate the problem of forced labour. Four years before last year's scandal came to light, another high profile forced labour case in Shanxi's brickyards reached the desk of Premier Wen Jiabao, but even his personal intervention had no impact on the operation of illegal brick factories in the region.

Dumped in the Wilderness

In 2002, while looking for work around Xi'an's railway station, a 16 year old rural middle-school graduate named Zhang Xubo was duped by a labour trafficker into working at a brick kiln in the Shanxi municipality of Yongji. Once he arrived at the brick factory in Kaolao township, he was forced to work 16 hours every day for three months with no pay. When the brick factory stopped production in November, Zhang asked for his wages. The boss, Chen Jianjun, beat Zhang up and dumped him in the wilderness. Zhang was stranded in deep snow and sub-zero temperatures for several days before he was rescued by a Good Samaritan. During that time both his feet suffered severe frost bite, and without proper medical care they both eventually rotted and dropped off.

When Zhang got home to his village outside Xi'an, his mother sought help from a local newspaper. The story was picked up by the *People's Daily* and Wen Jiabao ordered a "thorough investigation." On 13 April 2004, Chen Jianjun was sentenced to three years imprisonment for the crime of forced labour and was ordered to pay Zhang 495,000 yuan in compensation. However, the money was never paid. Zhang made numerous appeals to the Yongjin court for enforcement of the judgement, all to no avail. In June 2007, after that year's brickyard scandal was publicized, the court itself finally offered to pay Zhang 100,000 yuan in compensation.

Yongji is only about 100 kilometres from Linfen, the centre of last year's brickyard scandal. If the authorities had carried out a "thorough investigation" in 2003, as ordered by the prime minister, the existence of hundreds of illegal brick factories using forced labour in the same region would surely have been uncovered earlier. However, not only did the authorities fail to investigate thoroughly, they even failed to ensure that such a high-profile victim as Zhang received adequate compensation for his suffering. All the authorities did was to find a culprit, and with great fanfare, lock him up and forget about it. Tragically for the victims of the 2007 slave labour scandal, the authorities have once again adopted basically the same approach.

Officials merely reprimanded, victims ignored

In July 2007, the Linfen court tried and convicted five men involved in the notorious Hongdong county case where labourers had been routinely beaten and abused by guards and overseers. Overseer Zhao Yanbing was sentenced to death for beating a worker to death, labour contractor Heng Tinghan was given a life sentence, and factory owner Wang Bingbing, nine years imprisonment. Heng Tinghan's son and factory overseer Heng Mingyang was sentenced to two years in jail along with another overseer, Liu Dongsheng. According to official figures, across eight counties in Shanxi, a total of 95 Party officials, including 18 senior county level officials, were subjected to a range of "disciplinary" measures. Three were expelled from the Party, three were placed on probation, 31 were dismissed, 19 demoted, 29 were given demerits, and 34 were given warnings. Despite the fact that local Party officials must have been aware of, or were even directly involved in, the Shanxi slave labour scandal, none were criminally prosecuted. A deputy district head from Hongdong county, Duan Chunxia, who was dismissed from his post last year, quietly returned to work in a slightly lower position in April. However, when the reinstatement was revealed by the media, public reaction forced the local government to rescind the job offer.

The local police claimed their investigation into the region's illegal brick factories was completed within one month, but parents of missing children subsequently asserted that hundreds of brick factories were still operating and that many of children freed during the investigation had not been safely returned home. After being freed from the brickyards by the police, most of the children were handed over to the local civil affairs bureau, but in the majority of cases the bureaus failed to provide proper care or even notify the victims' parents that their children had been found. In Hebei, the victims were usually placed in welfare centres but many traumatized victims allegedly became disruptive and were removed, while others escaped of their volition. In the Hongdong case, the 31 victims were shunted around between different departments for days before being sent back to Caosheng village where factory owner Wang Bingbing's father served as Party secretary. They were then escorted to the railway station, given between 200 yuan and 400 yuan in travel expenses and sent home. Eight of the 31 victims went missing during the trip home.

In another case reported by the *China Youth Daily*, three victims freed from an illegal brickyard in Hebei were sent back to the brickyard boss by the civil affairs bureau for repatriation to their home towns in the neighbouring provinces of Shandong and Henan. A few days later, a relative of one of the victims was informed that the three victims had been "misplaced." Henan Television reported that, in one appalling case, officials from a labour supervision bureau charged with caring for a 14 year-old child freed from a brick factory in Yongji, had sold him on to another brickyard owner and pocketed the 300 yuan compensation awarded to the victim.

Seeking redress

Clearly, no administrative system was put in place to effectively deal with and care for the slave-labour brickyard victims. Officials dealt with each case on an *ad hoc* basis, tending to see the issue as one of wages in arrears rather than of criminal assault and unlawful deprivation of liberty. There was no long-term care for the victims; they were simply given token compensation and travel expenses and sent back home. Many victims had no support when they arrived back home and were left alone to beg on the streets. In the highly publicized Hongdong case, the local government gave the victims "wages in arrears" and a one-off "sympathy payment" (*weiwenjīn*) totaling on average 6,500 yuan per victim. Unsatisfied with the government's response, several victims took matters into their own hands and filed lawsuits against their former oppressors. One Hongdong victim, Chen Xiaojun, filed a civil suit against Heng

Tinghan, Wang Bingbing, Zhao Yanbing, Heng Mingyang and Liu Dongshang, demanding compensation totaling 435,253 yuan for loss of earnings due to deprivation of personal liberty, physical injury and mental distress. The case was accepted by the Linfen Intermediate People's Court on 1 April 2008. However, it has yet to be heard because disability assessment procedures have not been completed. Whilst incarcerated in Hongdong, Chen's shoulder blade was badly broken when he was crushed by falling earth. He was sent to hospital for treatment but was forced into heavy labour again less than a month after the operation and is now permanently incapacitated.

Indeed, it seems that very few civil suits related to the May 2007 slave labour scandal have been successfully filed. Immediately after news of the scandal broke, hundreds of lawyers offered their services to the victims, but the government quickly co-opted them into a centrally organized group, which then essentially did nothing. Moreover, lawyers have been hampered from taking on lawsuits on behalf of multiple victims by the All China Lawyers Association's *Guiding Opinion on the Handling of Collective Cases* issued on 20 March 2006, which states: "After a lawyer agrees to take on a collective case they must enter into prompt and full communication with the judicial authorities, and give a factual account of the situation, highlighting points needing attention." The Opinion stresses that: "After accepting a collective case lawyers must promptly explain the facts through the appropriate channels to the government organizations involved." Thus, even if lawyers attempt to go it alone and file a collective suit on behalf of former slave labourers, they would still have to report all relevant details of the case to local government officials even if those officials were the target of the suit.

Business as Usual

Forced labour is already a crime under Article 244 of the *Criminal Law*, nevertheless, some Chinese legislators and political advisors have suggested amendments that would make it easier to prosecute those who employ and traffic slave labour, and also to increase the criminal sanctions for forced labour. These amendments will only be useful however if the laws are actually enforced, something the local police and the country's understaffed and under-resourced labour bureaus are currently unable to do.

There is a steady demand for forced and child labour in China because, as CLB pointed out in [Small Hands: A Survey Report on Child Labour in China](#), employers actively seek out children and young adults because they see them as easier to manage

and manipulate than more experienced adult workers, who are more aware of their rights. The demand for cheap, compliant labour keeps the traffickers in business with networks seemingly operating all over the country, preying on children, many of whom dropped out of school early to look for work to support their families.

Provincial train stations and long-distance bus stations are still the preferred recruiting grounds for traffickers who either dupe young people looking for work with the promise of high wages or sometimes kidnap them off the streets and bundle them in to waiting vans and buses. At Zhengzhou Railway Station in Henan, traffickers interviewed in a China Central Television investigation claimed they could get 130 yuan for each person they delivered to a labour contractor, who would then sell them on to the boss of illegal brick factories in the region for about 350 yuan. One labour contractor named Zhou Yuanhuan claimed she could ship about 1,000 workers each year. After expenses were deducted, she said, she could make an annual profit of about 170,000 yuan. Zhou claimed the vast majority of the people she trafficked were “not too bright” or “idiots” and included a lot of children.

In April this year, *Southern Metropolis Daily* investigated a gang of traffickers, predominately made up of former migrant workers from the mountainous district of Liangshan in Sichuan, that targeted impoverished families in Liangshan and persuaded them to sign over their children as fodder for the factories in the Pearl River Delta, over 1,000 kilometres to the southeast. Once bussed to Dongguan, the children were sold at underground labour markets to brokers or factory owners for an hourly rate of between 2.5 yuan and 3.8 yuan. The legal minimum wage in Dongguan, as of 1 April 2008, was 4.43 yuan per hour based on a full working month. A typical “contract” between trafficker and factory owner, noted by the newspaper, would specify:

Party A [*the factory*] guarantees Party B [*the trafficker*] that the workers clock a total of 300 hours per month [*the legal maximum work period in China is 40 hours per week*], if Party A cannot fulfill the stipulated number of hours for any reason, then Party A will provide monetary compensation for the shortfall in hours worked [*to Party B*]. Party A must not pay the salaries or any other fees directly to any of the workers of Party B; both parties must keep this arrangement secret so as to avoid unnecessary trouble...
CLB's italics.

The government needs to act

Despite the national outrage caused by the Shanxi slave labour scandal last year, forced labour remains a deeply entrenched and sinister sub-sector of the Chinese economy. The liberalization of the labour market over the last two decades, coupled with lax law enforcement, has allowed the emergence of criminal gangs that promote and exploit forced labour and has further encouraged unscrupulous employers to take advantage of it. Moreover, the virtual news blackout on the issue imposed by the government since the Shanxi scandal died down has meant that there has been little public debate or pressure for change - especially now, as China rides on a wave of patriotic fervor generated by the Olympics and external criticism of its human rights record.

The Chinese government needs to acknowledge that forced labour is a serious and widespread problem in China. Only by increasing transparency and raising public awareness of the issue and by emphasizing that forced labour is a grievous crime, not simply business malpractice, can the problem be effectively addressed. This is an essential prerequisite to the establishment of an effective administrative system that can provide long-term care and humane treatment for the victims of forced labour and can protect those children and adults most at risk from being duped or abducted into forced labour. In addition, the government needs to seriously address the current inability of local labour departments to enforce the country's labour laws, along with the evident failure of the public security bureaus to control organized crime.

Finally, the government must tackle the deeper social roots and causes of forced labour. It should invest far more of its vast resources, currently used to buy blocks of shares in major transnational corporations, in its own rural education system, to ensure that children can complete their nine years of compulsory education and are thus less likely to fall victim to traffickers.

If the government lacks the will to protect even those subject to the most devastating and criminal forms of labour rights violation – forced and slave labour – then what hope can the millions of migrants workers, vulnerable women workers or those laid-off from state-owned enterprises, who suffer daily from lesser but still egregious violations of their basic rights, have that the government stands ready and willing to protect them?

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