

FUNDED BY THE UNITED STATES
DEPARTMENT OF LABOR

Summary Report: Child Labor, Forced Labor, and Forced Child Labor in China

July, 2009

2009

ACKNOWLEDGEMENTS

This report describes in detail research conducted from October to December 2008 by Macro International Inc., including interviews, field site visits, and document review. This research was conducted under the condition of strict anonymity. For this reason, the names of the people interviewed and their institutional affiliations have been withheld or changed to protect their security. In addition, work sites are identified only by the province and major city. For those cases of child labor, forced labor, and forced child labor cited from public secondary sources (i.e., newspapers, journals, etc.) the actual names of the victims, as previously published, have been used.

Funding for this research was provided by the United States Department of Labor. Points of view or opinions in this report are those of the authors and do not necessarily represent the views or official positions of the U.S. Government or the U.S. Department of Labor.

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ACRONYMS

CL/FL/FCL	Child Labor, Forced Labor, Forced Child Labor
CNY	Chinese Yuan, the official regional monetary currency
3D	Dirty, dangerous, or demeaning jobs
GDP	Gross Domestic Product
ILO	International Labor Organization
NGO	Nongovernmental organization
OSH	Occupational Safety and Health
SACOM	Students and Scholars Against Corporate Misbehavior
TOR	Terms of Reference
USDOL	U.S. Department of Labor
WFCL	Worst Forms of Child Labor
XPCC	Xinjiang Production and Construction Corps

EXECUTIVE SUMMARY

Numerous news articles and nongovernmental organization (NGO) reports have documented the existence of the problems of child labor, forced labor, and forced child labor in China, although there are no official statistics on these problems. This research aims to explore the current incidence and nature of the problems of child labor, forced labor, and forced child labor in China's 10 sectors—brick, coal, cotton, fireworks, tile, toy, electronics, foundry products, grape products, and chemical. This research also investigates the employment conditions under which the victims of child labor, forced child labor, and forced labor work, comparing them with non-forced adult employees working in the same workplace.

This report is based on empirical data collected from October to December 2008 using three methods. The researcher (1) interviewed 27 informants from media, international organizations, NGOs, community groups, and academic institutions, (2) conducted field studies in 37 workplaces producing bricks, tiles, coal, fireworks, and toys in Shanxi, Hunan, and Guangdong Provinces, and (3) made document reviews of secondary resources, including 119 news reports, reports by international organizations and NGOs, and academic articles during the period of 2003–2008.

This study was designed to use primary and secondary qualitative data sources to provide an indication of the extent of child labor, forced child labor, and forced labor within 10 industries in China. Based on this research design, both primary and secondary data sources cannot provide findings of statistical significance with regard to the extent of child labor, forced child labor, or forced labor in China. This study did employ rigorous methods associated with qualitative research to tell the story of child labor, forced child labor, and forced labor in the provinces and factories visited.

However, the U.S. Department of Labor (USDOL) published in the *Federal Register* (Vol. 72, No. 247, p. 73,377) a definition of significant incidence of child labor, forced child labor, or forced labor that is not dependent on statistical testing. That definition is:

Information that relates only to a single company or facility; or that indicates an isolated incident of child labor or forced labor, will ordinarily not weigh in favor of a finding that a good is produced in violation of international standards. Information that demonstrates a significant incidence of child labor or forced labor in the production of a particular good(s), although not representing a pattern or practice in the industry as a whole, will ordinarily weigh in favor of a finding that a good is produced in violation of international standards.

Using this definition, any time there is a demonstration that is not an isolated incident and is not in a single company or facility, it will be considered to constitute a significant incidence. Evidence for significant incidence spans from 2003 to 2008.

Using the level of evidence found through interviews with primary sources and the currency of the reports from secondary data sources, the following conclusions can be drawn:

- There is evidence of child labor violations in the brick, toy, coal, cotton, tile, electronics, foundry, grape, and fireworks industries. In the brick, cotton, toy, foundry, coal, fireworks, and electronics industries, the evidence of persistent existence constitutes significant incidence, using the USDOL definition.
- There is evidence of forced child labor with respect to the brick, coal, toy, tile, cotton, electronics, fireworks, foundry, and grape industries. For the cotton industry there does seem to be history and continued practice of using students on work-study to pick cotton. There was only one report of a work-study incidence with respect to the grape industry, and it is difficult to know whether that was an isolated incident. Using USDOL's definition, there is evidence of significant incidence in the brick, toy, cotton, electronics, and foundry industries.
- There is evidence of forced labor in the brick, toy, and electronics industries. In all three industries, the evidence of persistent existence constitutes significant incidence, using DOL's definition.

Brick

Based on two relevant site visits, two Type 1 interviews, and a review of 15 articles and reports, there is sufficient data to support a conclusion of significant evidence of child labor, forced child labor, and forced labor in the brick sector in China, based on USDOL's definition of significance. With regard to forced labor, the data indicates a demonstrated pattern of abuses in the brick sector across multiple factories in Shanxi, Hunan, and Hebei provinces, and outside of the city of Beijing. With regard to child labor, the data indicates a demonstrated pattern of abuses in Shanxi, Henan, Qinghai, and Shandong provinces. With regard to forced child labor, the data indicate a pattern of abuses in Shanxi and Henan provinces in 2007 during the brick kiln scandal.

Coal

One site visit, six relevant interviews, and eight relevant news reports provide considerable data to support a conclusion of significant evidence of child labor in the coal sector in Shanxi and other provinces in China, based on USDOL's definition of significance. With regard to child labor, six interviews, observation during a site visit, and all eight articles reviewed indicated presence of this phenomenon in Shanxi, Henan, and Hebei provinces. Given that the eight reviewed articles provide uncertain evidence, this research found isolated incidence of forced child labor in the coal industry in those provinces as well. One interview and four articles indicated the presence of forced labor in this sector as well, in Shanxi and Henan provinces, but given the uncertain evidence from the articles, this research did not constitute a significant finding for forced labor in the coal industry.

Fireworks

Four relevant Type 2 interviews, one relevant Type 1 interview, and review of three articles provide considerable data to support a conclusion of significant evidence of child labor in the fireworks sector in Hunan, Chongqing, and Liaoning provinces in China, based on USDOL's definition of significance. The researcher encountered several sources who knew of child

laborers or were personally victims of child labor, and reviewed several articles that indicated evidence of child labor practices in this industry. Despite some evidence of forced child labor practices from two news articles, the data did not demonstrate a pattern of practice in the fireworks industry. With regard to forced labor, the researcher did not find any evidence of forced labor practices in the fireworks industry.

Toy

Based on five site visits, four Type 1 interviews, and review of 19 articles and reports, there is sufficient data to support a conclusion of significant evidence of child labor, forced child labor, and forced labor in the toy sector in China, based on USDOL's definition of significance. With regard to child labor, the data indicate a demonstrated pattern of abuses in the toy sector across multiple factories in multiple locations; including Shenzhen and Dongguan in Guangdong Province, the City of Shanghai, Zhejiang Province, and other locations in Southeastern China. With regard to forced child labor, the researcher found credible evidence of such abuses during a site visit in Dongguan; articles demonstrated that such abuses exist in various locations in Guangdong and Sichuan provinces. With regard to forced labor, site visits and articles indicated forced labor practices in various factories throughout Guangdong Province; despite the evidence only stemming from one province, the number of site locations and victims justifies a finding of significance, according to USDOL's definition of significance.

Cotton

Based on two relevant interviews and six relevant news reports, there is sufficient data to support a conclusion of significant evidence of child labor and forced child labor in the cotton sector in China, based on USDOL's definition of significance. The data indicates a demonstrated pattern of abuses in the cotton sector across multiple locations, including Jiangxi, Xianjiang, Shaanxi, and Gansu provinces, which implicates hundreds of thousands of children. The two interviewees indicated knowledge of child labor and forced child labor practices in the cotton sector, which included long working hours, work without pay, involuntary work, and children as young as eight being forced to work. The news reports also indicated that these practices were widespread and ongoing in the cotton sector. Given that only two articles indicated the use of forced labor in the cotton industry in only one province, the data do not indicate significant evidence of forced labor in the cotton industry, based on USDOL's definition of significance.

Tile

Based on two interviews, a site visit, and two articles, there is insufficient data to support a conclusion of significant evidence of child labor, forced child labor, or forced labor in the tile sector in China. While numerous cases were cited by an interviewee—in one village, among 20 to 30 children—there was not sufficient corroboration of cases (with the exception of one outside of this village and in other work sites) to determine significance, based on the USDOL definition of significant.

Electronics

The data gathered support a conclusion of significant evidence of child labor, forced child labor, and forced labor in the electronics sector in China, based on USDOL's definition of significance. With regard to child labor and forced child labor, four articles by credible and major newspapers indicated multiple instances of these phenomena in two different provinces, one of which was corroborated by two sources. With regard to forced labor, four articles indicated the use of forced labor through the involuntary nature of work (compulsory overtime and withheld wages), as well as menace of penalty (physical punishment and financial penalties) in two provinces and outside the city of Shanghai.

Foundry

One Type 1 interview and six relevant news reports provide considerable data to support a conclusion of significant evidence of child labor and forced child labor in the foundry sector in Shanxi, Guangdong, and Fushan provinces in China, based on USDOL's definition of significance. An interview with a community group member and articles which identify four different factories that use child labor in three different provinces, demonstrate child labor practices. Three articles also point to practices of forced child labor in three of these four factories.

Grape

There is not sufficient data to support a conclusion of significant evidence of child labor, forced child labor, or forced labor in the grape sector in China, based on USDOL's definition of significance. The reviewed articles only indicate the existence of one incident at one factory, which does not demonstrate a pattern of practice.

Chemical

There is not sufficient data to support a conclusion of significant evidence of child labor, forced child labor, or forced labor in the chemical sector in China, based on USDOL's definition of significance. The reviewed articles only indicate the existence of one incident at one factory, which does not demonstrate a pattern of practice, and generalizations regarding practices in the industry, without sufficient detail on these practices.

Conclusion

Analyzing empirical data collected from fieldwork at brick, coal, fireworks, and toy workplaces in Shanxi, Huanan, and Guangdong provinces, the researcher found different patterns with regard to sector, age, gender, education level, household registration status, occupational status, ownership, market, and size of workforce in the distribution of 11 interviewed victims of child labor, forced labor, and forced child labor. The majority of victims of child labor, forced labor, and forced child labor interviewed were: under age 16; illiterate and rural migrants; undertaking dirty, dangerous, or demeaning (3D) jobs in privately owned or Hong Kong-invested enterprises. However, the research found no significant difference concerning gender and size of workforce: among the 11 victims of child labor, forced labor, and forced child labor, 55% were female and 54% worked in small- and medium-sized enterprises (see Annex B for details).

For a vast majority of the 37 workplaces investigated for this research project, the researcher documented rampant violations of the Chinese Labor Law. This study discovered that it is not unusual for victims of child labor, forced labor, and forced child labor, as well as other adult or regular employees, to be subject to the following: routinely required to take compulsory overtime work of long hours without being compensated at the legal overtime rate, not being inscribed into the mandatory national social security schemes, not being paid promptly every month, and being provided with substandard dormitories and meals.

I. INTRODUCTION

In the past several years, the problems of child labor, forced child labor, and forced labor in China have drawn growing media attention. In 2001, an explosion in a rural school in Jiangxi Province killed 42 people, most of them children 9 to 10 years old; they were believed to be making fireworks at the time of the blast. In December 2004, five girls under age 16 were poisoned and killed by the fumes in the dorms of a canvas-making factory in Hebei Province.¹ In 2005, as reported by an official media channel (China Education News, September 9, 2006, p. 2), approximately 1 million students from 2,689 elementary schools, high schools, and colleges in the Xinjiang Autonomous Region took part in cotton picking as a compulsory work-study activity, and in 2006 about 0.8 million students continued to pick cotton.² In June 2007, the public was shocked again when hundreds of slave workers, many of them kidnapped children (among whom the youngest was 8 years old and the oldest 13) and mentally disabled people, were found working in brick kilns under inhumane working conditions. Moreover, it was estimated by Chinese journalists that there might be up to 1,000 child laborers who were either transferred or hidden by kiln owners to avoid responsibility for their crimes.³ On October 12, 2007, 12 school-age children under age 16 lost their lives and nine other children were injured when an explosion occurred in an illegal fireworks workshop where they were working in Xiushan County, Chongqing.⁴ In April 2008, the Liangshan child labor scandal was uncovered by Chinese journalists. Their reports state that as many as 1,000 Yi ethnic-minority children (mostly between the age 13 and 15) from Liangshan, Sichuan Province were lured or even kidnapped to work at toy and electronics workshops in Dongguan, Guangdong Province, and then forced to take long working hours under almost slave-like conditions for minimal pay.⁵

1.1. Statistics

The increasing number of news reports implies that these problems may not be a few individual cases or due to regional problems, but are instead widely existing labor practices. However, no official statistics on the number of victims of child labor, forced child labor, and forced labor have been released by Chinese governmental agencies. Although statistics are hard to come by, according to a news report by a journalist of the *Los Angeles Times* (May 13, 2005), in some

¹ Ni, C.-C. (2005, May 13). China's use of child labor emerges from the shadows. *Los Angeles Times*, p. A1.

² Anonymous Author. (2008, September 11). What is the purpose of picking cotton? Retrieved from <http://tieba.baidu.com/f?kz=477089276>

³ Feng, J. (2007, July 12). Child labor problem alarming Chinese society. *Beijing Weekly*. Retrieved from www.beijingreview.com.cn/zgsy/txt/2007-07/10/content_68607.htm

⁴ Yang, J. (2007, November 30). 12 child laborers killed in an explosion accident of a fireworks workshop in Chongqing. *The Beijing News*. Retrieved from <http://liuhedaquan.cn/jxgd/news/rdxw/userobject1ai754981.html>

⁵ De-hong, R., Xing, W., Hui-long, L., Ming, L., Jin-ming, K.,... Xue-jun, W. (2008, April 28). Liangshan child laborers are sold like cabbages in Dongguan. *Southern Metropolis*. Retrieved from http://epaper.nddaily.com/l/html/2008-04/28/content_452545.htm (in Chinese); Barboza, D. (2008, May 1). China says abusive child labor ring is exposed. *The New York Times*, pp. 1. Retrieved from http://www.nytimes.com/2008/05/01/world/asia/01china.html?pagewanted=1&_r=1

estimates as many as 10 million school-age children are working in China,⁶ and half of these children labor in manufacturing factories in the suburbs of Chinese cities.⁷

A set of official data revealed by local Chinese authorities likewise illustrated that the illegal use of child labor is a serious problem in China. Between 2001 and 2005 in the Zhejiang Province of Eastern China, 2,263 child labor cases were investigated and 2,318 child laborers were rescued and sent home. In the July–August 2006 Special Inspection Action launched by the Jiangxi Provincial Government and Law Enforcement Department, 81 cases of illegal recruitment of child laborers were detected, involving 129 children. In a month-long investigation launched by the Henan Provincial Government in August 2006, 381 child laborers were found.⁸

Meanwhile, in recent years, forced labor has increased as the trend in human trafficking in China and taken a turn for the worse. Statistics released by the Chinese Ministry of Public Security show that every year, 2,000 to 3,000 cases of women and children being sold are reported to police across the country. In the past, women were abducted for marriage, and babies for adoption. Today, it is for prostitution, forced labor, and begging.⁹ Yuan Xiaoyin, an official of the Ministry of Public Security, stated that more children are being trafficked by criminal gangs, especially children of migrant families.¹⁰ Also, there is a growing trend for traffickers to specifically target children in China. In one of the worst scenarios uncovered so far, in 2007 hundreds of migrant workers and underage children were found to have been trafficked to work in illegal brick kilns in Shanxi and Henan provinces. Also in 2007, a report compiled by the *Phoenix Weekly*, a Hong Kong-based Chinese-language magazine, revealed a nationwide network of *Fagins* living off more than 4,000 stolen children trained to steal and beg.¹¹ Reports indicate that trafficking of women and children is most serious in China's Guangdong, Fujian, Henan, Sichuan, and Anhui provinces.¹² Also in recent years, numerous media reports and investigations by labor rights NGOs¹³ have revealed the problem of *forced overtime* in China's electronics and toy industries, where employers routinely force workers to take excessive overtime hours by means of financial penalties and withholding of workers' wages. However, there is no statistical data available on this form of forced labor to conclusively assess the statistical significance and prevalence of the problem.

⁶ Ni, C.-C. (2005, May 13). China's use of child labor emerges from the shadows. *Los Angeles Times*, pp. A1. Retrieved from http://www.nytimes.com/2008/05/01/world/asia/01china.html?pagewanted=1&_r=1

⁷ So-yeon, J. (2008, October 22) Student Corner: Abuse of Chinese kids serious. *Korea Times*.

⁸ Feng, J. (2007, July 12). Child labor problem alarming Chinese society. *Beijing Weekly*. Retrieved from http://www.beijingreview.com.cn/zgsy/txt/2007-07/10/content_68607.htm

⁹ Zhuo-qiong, W. (2008, September 30). China to step up fight against trafficking in women. (2008, September 30). *China Daily*. Retrieved from http://www.chinadaily.com.cn/china/2008-09/30/content_7070678.htm

¹⁰ Ibid.

¹¹ Callick, R. (2007, June 27). Stolen ethnic minority kids victims of Chinese "Fagins." *Australian*, p. 8.

¹² More forced into labor, prostitution. (2007, July 27). *China Daily*.

¹³ De-hong, R., Xing, W., Hui-long, L., Ming, L. Jin-ming, K.,... Xue-jun, W. (2008, April 28). Liangshan child laborers are sold like cabbages in Dongguan. *Southern Metropolis*. Retrieved from http://epaper.nddaily.com/l/html/2008-04/28/content_452545.htm. See also Barboza, D. (2008, May 1). China says abusive child labor ring is exposed. *The New York Times*, p. 1. See also Students and Scholars against Corporate Misbehavior. (2007). Wal-Mart's sweatshop monitoring fails to catch violations: The story of toys made in China for Wal-Mart. Retrieved from <http://sacom.hk/wp-content/uploads/2008/07/walmart-reportsacomjun2007.pdf>. For more discussions, see the report, p. 43.

1.2. Reasons for the Problems

Reviewing the existing literature, including news reports, academic works, and NGO reports, we found several factors embedded in the labor market, society and the community, the education system, and the legislative framework to explain the problems of illegally employing child labor, forced labor, and forced child labor in China.

First, *poverty*: this economic reason is the most significant factor pushing children of poor families to enter the labor market, working before age 16 simply to survive. The vast majority of child laborers in China are from poverty-stricken households in the country's under-developed rural areas. In March 2006, the Zhejiang Provincial Department of Labor and Social Security issued an official report based on child labor investigations, stating that: "Poverty is the main cause of child labor...over 98 percent of child laborers [found working in Zhejiang Province] come from impoverished areas of other provinces, 98 percent come from families with more than one child, and 95 percent have not finished the 9 years of compulsory education."¹⁴ On the demand side of the labor market, there are always employers willing to risk hiring child laborers for the purpose of reducing production costs and heartlessly pursuing maximum profits. Consequently, child laborers become more vulnerable to a series of labor abuses such as reducing, docking, and deducting salaries; lengthening work hours; using substandard production equipment; and offering an environment utterly unfit for human habitation. In recent years, the growing problem of labor shortage in China's labor-intensive industries has created a demand for underage children to fill the gap in the supply of rural migrant workers as labor.

Second, various shortcomings of China's current compulsory education system have been identified as the root cause of the child labor supply. Students who have dropped out of junior and senior high schools in China's rural regions are more likely to become victims of child labor and forced child labor. A journalist from the *Beijing Weekly* wrote in July 2007: "High educational pressure, a lack of hope for college admittance, and a pessimistic attitude towards the post-university employment situation, constitute the reasons why some students lose interest in education during junior high school and drop out. Some parents believe it's better to let their kids drop out of school at an earlier stage so they can be "polished" by society in order to have "an early wedding and an early career" rather than waste time studying at a university after which there are no jobs available. Due to these two reasons, some underage children enter the labor market long before reaching the legal working age."¹⁵ Several factors relating to the educational system resulted in the increasing supply of child laborers, as analyzed by a researcher of the China Labor Bulletin, a Hong Kong-based labor rights organization, in a report published in 2007. It found "grossly inadequate state expenditure on education...compulsory education is really education for a fee...the gap between the school curriculum and students' actual needs...the high cost and limited benefit of a university education."¹⁶

¹⁴ Labor and Social Security Department of Zhejiang Province. (2006). Document no. 49. [Official letter issued by Labor and Social Security Department of Zhejiang Province]. Retrieved from <http://211.138.126.86/gb/zjnew/node3/node22/node166/node224/node1477/userobject9ai49994.html>

¹⁵ Feng, J. (2007, July 12). Child labor problem alarming Chinese society. *Beijing Weekly*. Retrieved from http://www.beijingreview.com.cn/zgsy/txt/2007-07/10/content_68607.htm

¹⁶ China Labour Bulletin. (2007, September). *Small hands: A survey report on child labour in China* (Research Report No. 3). Retrieved from http://www.clb.org.hk/en/files/share/File/general/Child_labour_report_1.pdf

Third, although China has established a legislative system prohibiting the use of child labor, forced child labor, and forced labor, there are still loopholes in the country's law system. For example, on the issue of forced labor, Yin Jianzhong, a senior official of the anti-trafficking office of the Ministry of Public Security, analyzed in July 2007, "The number of forced laborers and the sexually exploited has risen partly because of the loopholes in the legal and labor systems...The Criminal Law on human trafficking only protects women and children and leaves out adult and teen males. It also doesn't have provisions for punishing those trafficking people for forced labor or prostitution."¹⁷ Furthermore, ineffective enforcement of current legislation at the local level also weakens the prevention of illegal employment of child labor, forced labor, and forced child labor. In many regions of China, the prevailing attitude of the local authorities toward using child labor is "no public tip-offs, no official inspection." It is reported that except for the special inspection actions conducted every few years, local authorities rarely applied compulsory measures to curb the spread of child labor recruitment. This administrative lethargy, to some degree, has provided fertile soil for the rapid growth of the problem of child labor.¹⁸ For example, the occurrence of slavery in brick kilns in 2007 was closely related to the dereliction of duty by Government officials. As the Shanxi Governor, Yu Youjun, admitted, "for a long time, relevant Government departments did little to regulate rural workshops, small coal mines, and small factories, and they are basically out of control and are not being supervised."¹⁹ Worse, some local officials even colluded with law-breaking employers, refusing to facilitate parents' efforts to find and rescue their missing children.²⁰

1.3. Distribution of Child Laborers by Region, Sector, Gender, and Workplace Ownership

According to existing studies, the distribution of child laborers has clear characteristics regarding region, gender, sector, and workplace ownership. Regarding both the areas they are sent to and from, the child labor issue has regional characteristics. As the China Labor Bulletin summarized in its 2007 report, "Child workers primarily migrate from economically disadvantaged areas to economically developed areas, from comparatively isolated villages to the more open cities, and from the central and western parts of the country to the southeastern coastal areas, like Guangdong, Zhejiang, and Fujian."²¹ Concerning gender, existing studies have demonstrated that the number of female child workers is significantly higher than that of males. According to the Women of China magazine, for example, a 1996 survey by governmental agencies in Guangdong, Shandong, Liaoning, and Hebei found that 73.5% of 1,217 child workers were female.²² With regard to sectors, the majority of child laborers were found working in low-tech, labor-intensive industries such as textiles, clothing, shoe, luggage, toy, fireworks, leatherware

¹⁷ More forced into labor, prostitution. (2007, July 27). *China Daily*. Retrieved from http://english.china.com/zh_cn/news/society/11020309/20070727/14245061.html

¹⁸ Feng, J. (2007, July 12). Child labor problem alarming Chinese society. *Beijing Weekly*. Retrieved from http://www.beijingreview.com.cn/zgsy/txt/2007-07/10/content_68607.htm

¹⁹ Fears linger over child slaves at kilns. (2007, June 23). *South China Morning Post*, p. 4.

²⁰ Feng, J. Child labor problem alarming Chinese society. (2007, July 12). *Beijing Weekly*. Retrieved from http://www.beijingreview.com.cn/zgsy/txt/2007-07/10/content_68607.htm

²¹ China Labour Bulletin. (2007, September). *Small hands: A survey report on child labour in China* (Research Report No. 3). Retrieved from http://www.clb.org.hk/en/files/share/File/general/Child_labour_report_1.pdf

²² Chunling, L., & Daming, W. (1998). An analysis of the circumstances of disadvantaged Chinese youth. *Youth Studies*, (Vols. 5-7).

and glassware manufacturing, and the food and beverage industry.²³ Finally, regarding workplace ownership, most employers of child laborers are private, township, or individual workshops of small size, while State-owned and large-scale enterprises were seldom found breaking the law to hire child laborers.²⁴ As the official report of the Zhejiang Provincial Department of Labor and Social Security stated, “More than 98 percent of child labor is concentrated in townships, individual, and private businesses, especially in family-based workshops.”²⁵

1.4. Focus of This Research

Bearing in mind the increasing awareness of child labor, forced child labor, and forced labor in China, this research project examines the current incidence and nature of these problems in ten sectors in China—brick, coal, cotton, fireworks, tile, toy, electronics, foundry products, grape products, and chemical. This research project also investigates the employment conditions under which the victims of child labor, forced child labor, and forced labor are working, and compares them with other employees working in the same workplace.

²³ Yin, M.-M., & Lu, Y.-G. (2004). Analysis on the phenomenon of child labor. *Population and Economics*, Vol. 5. See also China Labour Bulletin. (2007, September). *Small hands: A survey report on child labour in China* (Research Report No. 3). Retrieved from http://www.clb.org.hk/en/files/share/File/general/Child_labour_report_1.pdf

²⁴ Ibid.

²⁵ Labor and Social Security Department of Zhejiang Province. (2006). Document No. 49. [Official letter issued by Labor and Social Security Department of Zhejiang Province]. Retrieved from <http://211.138.126.86/gb/zjnew/node3/node22/node166/node224/node1477/userobject9ai49994.html>

II. METHODOLOGY

2.1. Definitions

2.1.1. Child Labor

Child labor under the international standards outlined in International Labor Organization (ILO) Convention 138 means all work performed by a person below the age of 15.²⁶ In addition, this research also considers guidelines established by ILO Convention 182 on the Worst Forms of Child Labor (WFCL), which states that no child under the age of 18 shall be subject to the following practices:

- a) All forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict.
- b) The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic purposes.
- c) The use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs.
- d) Work circumstances under which such things are carried out, which are likely to harm the health, safety, or morals of children.

China has ratified the ILO conventions: Convention 138 in 1999, and Convention 182 in 2002. Compared with the issues of forced labor and forced child labor, China's legislative system is relatively well established on the issue of child labor, including: the Law on the Protection of Minors, enacted in 1991 and revised in 2006; the Labor Law enacted in 1994; Provisions on Prohibiting the Use of Child Labor, issued in 1991 and revised in 2002; and the Criminal Law of the People's Republic of China, enacted in 1979 and revised in 2006.

China's Legislative System on Issues of Child Labor

Law on the Protection of Minors²⁷

Article 38: No organizations or individuals are allowed to hire minors under age 16, except as otherwise provided by the State. Any organization or individual that recruits minors age 16 years or above but under age 18 shall follow the relevant regulations of the State in respect to the types of jobs, duration of time, and intensity of labor, as well as protective measures, and may not assign them to any over-strenuous, poisonous, or harmful labor, or any dangerous operations.

Article 68: Organizations or individuals illegally hiring minors under age 16, or recruiting juveniles age 16 or above but under age 18, to work on any over-strenuous, poisonous, or harmful labor, or any dangerous operation, will be required by the labor and social security departments to rectify violations and a financial penalty will be imposed; if the violations are serious, the Administrative Department for Industry and Commerce will revoke their operating license.

²⁶ Further explanation of ILO Conventions 182 and 138 can be found at the following URL: <http://www.ilo.org/ilolex/english/convdisp1.htm>

²⁷ Law of the People's Republic of China on the Protection of Minors. (2006). Retrieved from www.gov.cn/flfg/2006-12/29/content_554397.htm

Labor Law²⁸

Article 58: The State shall provide female workers and juvenile workers with special protection. Juvenile workers hereby refers to laborers age 16 or above but under age 18.

Article 64: No juvenile workers shall be allowed to engage in work below or within mine pits, work that is poisonous, or harmful, work with Grade IV physical labor intensity²⁹ as stipulated by the State, or other work that they should avoid.

Article 65: The employment unit shall provide regular physical examinations to juvenile workers.

Article 95: Where an employment unit encroaches upon the legitimate rights and interests of female and juvenile workers in violation of the stipulations of this Law on their protection, the Labor Administrative Department shall order it to make corrections, and impose a fine. If harm to female and juvenile workers has been caused, the unit shall assume the responsibility for compensation.

Provisions on Prohibiting the Use of Child Labor³⁰

Article 2: No employer may hire minors under age 16 (and working minors are classified as child laborers). No entity or individual is allowed to arrange employment for minors under age 16.

Article 4: All employers are required to verify the age and identity of applicants when recruiting personnel.

Article 5: Labor bureaus at all levels of government, from the county level up, have the primary responsibility of enforcing these regulations, while the public security, industry and commerce, education, and health agencies, as well as civil organizations such as trade unions, the Communist Youth League, and the Women's Federation, also have legal obligations in this area.

Article 6 and 7: Employers hiring child laborers will be fined 5,000 Yuan per month per person; introducing legal minors to work will result in a fine of 5,000 Yuan per person, and the operating license of employment agencies will be revoked for introducing legal minors to work.

Article 11: Anyone who abducts child workers; forces child workers into labor; makes child workers engage in hard physical labor, work at high altitude or underground, or work with radioactive, toxic, flammable or explosive materials; uses child workers under age 14; or causes the death or serious injury of child workers; is considered guilty of using child labor, and the judicial agencies are charged with enforcing the criminal law provisions on child trafficking, forced labor, and other applicable crimes.

The current Chinese legislation system sets the minimum working age at 16. All persons employed between age 16 and 18 are legislatively classified as juvenile workers (*weichengnian gong*) and should be subject to particular legal protections; for example, being prohibited from working in mines or in other heavy industrial jobs. However, in China, using students under the legal working age of 16 as temporary workers under a *work-study program*³¹ is not recognized as illegally using child labor. The National Temporary Regulation on Work-Study Programs for Elementary and Secondary Schools, issued in 1983 by the State Council, encourages schools to

²⁸ Labor Law of the People's Republic of China. (1994). Retrieved from www.cau.edu.cn/xgh/FAGUI/guojia/ldf.html

²⁹ According to the Chinese national standard on Category of Physical Labor Intensity, Grade IV is the heaviest physical labor, which requires a pure working time of 370 minutes per day (8 hours), consuming an average body energy of 2,700 calories. See <http://ks.cn.yahoo.com/question/?qid=1407022802348>

³⁰ Provisions on Prohibiting the Use of Child Labor. (2002). Retrieved from <http://www.people.com.cn/GB/shizheng/252/10043/10044/20021231/899224.html>

³¹ *Work-study* is a well-established school program designed to give students limited work experience and vocational training. However, over the last decade or so there has been widespread abuse of this system. For example, during each summer vacation, large groups of 11- to 15-year-old students from mountainous areas in Hunan, Guangxi, Guangdong, and other provinces have been sent to toy and handicraft factories in the coastal regions to engage in so-called *work-study activities*. In many cases, they have had to work even longer hours than adult workers. Some rural primary and secondary schools also arrange for their students to go to local enterprises to participate in seasonal production, and most of the earnings from these activities become the school's income. See China Labour Bulletin. (2007, September). *Small hands: A survey report on child labour in China* (Research Report No. 3). Retrieved from http://www.clb.org.hk/en/files/share/File/general/Child_labour_report_1.pdf

carry out work-study programs of various forms. Article 2 outlines “the main objectives of programs are to cultivate students’ morals, enhance student’s knowledge and skill in production, and generate revenue for improving education facilities to the benefit of teachers and students.”³² The Education Law actually supports schools that establish work-study programs, and in it, Article 58 provides, “The State shall adopt preferential measures to encourage and support schools to develop work-and-study programs, conduct social services, and establish campus workshops on the precondition that normal education and teaching/learning activities are not affected.”³³ Provisions on Prohibiting the Use of Child Labor, revised by the State Council in 2002 provides that *education practice labor* and *vocational skills training labor* organized by schools and other educational and vocational institutes do not constitute the use of child labor when such activities do not adversely affect the safety and health of the students.³⁴

Considering both the international standards and China’s national legislation on child labor, in this research, we define *child labor* as (1) working children under age 16, and (2) those under age 18 who are subject to the worst forms of child labor; i.e., any of the conditions listed in sections (a) through (d).

2.1.2. Forced Labor

ILO has two conventions on forced or compulsory labor: the Convention concerning Forced or Compulsory Labour (No. 29) and the Convention concerning the Abolition of Forced Labour (No. 105).³⁵ ILO Convention 29 states that “the term forced or compulsory labor shall mean all work or service which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily.”

ILO provides further guidance on the meaning of menace of penalty and the involuntary nature of the work or service. Examples of menace of penalty include the actual presence or credible threat of—

- Physical violence against worker or family or close associates
- Sexual violence
- (Threat of) supernatural retaliation
- Imprisonment or other physical confinement
- Financial penalties

³² National Temporary Regulation on Work-Study Programs for Elementary and Secondary Schools. (1983, February 20). Retrieved from http://hdmoral.bjedu.cn/news_show.asp?f_id=65&wt_id=227

³³ Education Law of the People’s Republic of China. (1995). Retrieved from http://www.nuaa.edu.cn/xc_b_web/law_study/jiaoyufa.htm

³⁴ Provisions on Prohibiting the Use of Child Labor. (2002). Article 13. Retrieved from <http://www.people.com.cn/GB/shizheng/252/10043/10044/20021231/899224.html>

³⁵ ILO Convention concerning Forced or Compulsory Labour. (1930). No. 29. Retrieved from <http://www.ilo.org/ilolex/english/convdisp1.htm>. See also ILO Convention concerning the Abolition of Forced Labour. (1957). No. 105. Retrieved from <http://www.ilo.org/ilolex/english/convdisp1.htm>

- Denunciation to authorities (police, immigration, etc.) and deportation
- Dismissal from current employment
- Exclusion from future employment
- Exclusion from community and social life
- Removal of rights or privileges
- Deprivation of food, shelter, or other necessities
- Shift to even worse working conditions
- Loss of social status.

Examples of involuntary nature of work (coercion) include—

- Birth/descent into slave or bonded status
- Physical abduction or kidnapping
- Sale of person into the ownership of another
- Physical confinement in the work location—in prison or in private detention
- Psychological compulsion; i.e., an order to work, backed up by a credible threat of a penalty for noncompliance
- Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc.)
- Deception or false promises about types and terms of work
- Withholding and non-payment of wages
- Retention of identity documents or other valuable personal possessions.

China has not ratified ILO's Convention on Forced Labor or the Convention on the Abolition of Forced Labor.³⁶ Comparatively speaking, China's legislative system is relatively weak on the issue of forced labor, narrowly defining forced labor as a crime when laborers suffer from "restriction of personal freedom" and "physical violence." It does not require those trafficking in

³⁶ According to Kathleen Speake, chief technical advisor of ILO's Project to Prevent Trafficking in Girls and Young Women for Labor Exploitation in China (CP-TING), China will soon ratify the Palermo Protocol and the ILO Conventions on Forced Labor, leading to changes in the country's legal definition of trafficking, which will bring it more in line with the international definition. See also, Zhuo-qiong, W. (2008, September 30). China to step up fight against trafficking in women. *China Daily*. Retrieved from http://www.chinadaily.com.cn/china/2008-09/30/content_7070678.htm

and hiring forced adult laborers by other means of penalty or coercion, as specified by the ILO, to bear criminal responsibility.

China's Legislative System on the Issue of Forced Labor
Labor Law Article 96: Where an employment unit commits one of the following acts, the person in charge shall be taken into custody by a public security organ unit for 15 days or less, fined, or given a warning; criminal responsibilities shall be investigated against the person in charge according to the law if the act constitutes a crime in one of the following ways: forcing laborers to work by resorting to violence, intimidation, or illegal restriction of personal freedom; humiliating, giving corporal punishment, beating, illegally searching, or detaining laborers.
Criminal Law of the People's Republic of China³⁷ Article 244: Where an employment unit, in violation of the laws and regulations on labor administration, compels its employees to work by restricting their personal freedom, this will be considered forced labor; if the violations are serious, the persons directly responsible for the offense shall be sentenced to a fixed-term imprisonment of not more than three (3) years or criminal detention and shall also, or shall only, be fined.

For the purposes of this study, *forced labor* is defined based on the ILO Conventions rather than the Chinese legislative system, because the ILO's definition provides a more analytically suitable conceptual tool to reflect the complex, real situation of forced labor issues in China. Based on guidance regarding the meaning of *menace of penalty* and the *involuntary nature of work* provided by the ILO, this study created an operationalized conceptual tool to define *forced labor*:

Elements of <i>Menace of Penalty</i>	Yes/No
Physical violence against worker or family, or close associates	
Imprisonment or other physical confinement	
Sexual violence	
(Threat of) supernatural retaliation	
Financial penalties	
Denunciation to authorities and deportation	
Dismissal from current employment	
Exclusion from future employment	
Exclusion from community and social life	
Removal of rights or privileges	
Deprivation of food, shelter, or other necessities	
Shift to even worse working conditions	
Loss of social status	
Number of Yes	

³⁷ Criminal Law of the People's Republic of China. (2006). Retrieved from www.szxingshi.com/95w9.html

Elements of <i>Involuntary Nature of Work</i>	Yes/No
Birth/descent into <i>slave</i> or <i>bonded</i> status	
Physical abduction or kidnapping	
Sale of person into the ownership of another	
Physical confinement to the work location	
Psychological compulsion	
Induced indebtedness	
Deception or false promises about types and terms of work	
Withholding and non-payment of wages	
Retention of identity documents or other valuable personal possessions	
Number of Yes	

These two tables can be used as tools to define the occurrence of forced labor. In cases under investigation (which can be individuals or workplaces), if examples of both menace of penalty and those of involuntary nature of work are found, the case will be categorized as forced labor. The more examples found in each table, the more serious the problem.

2.1.3 Forced Child Labor

As one of the worst forms of child labor, forced child labor is defined as “*all work or service (1) exacted from any person under age 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily [coercion]; or (2) performed by any person under age 18 pursuant to a contract the enforcement of which is accomplished by process or penalties.*”

Given that China has ratified two ILO conventions on child labor, the country’s legislative system is slowly becoming solidified on the issue of forced child labor, including the Law on the Protection of Minors, enacted in 1991 and revised in 2006; Provisions on Prohibiting the Use of Child Labor, issued in 1991 and revised in 2002; and the Criminal Law of the People’s Republic of China, enacted in 1979 and revised in 2006.

China’s Legislative System on Issues of Forced Child Labor
Law on the Protection of Minors Article 41: Trafficking, kidnapping, ill treatment, and sexually abusing legal minors is prohibited by law.
Provisions on Prohibiting the Use of Child Labor Article 11: Anyone who abducts child workers; forces child workers into labor; forces child workers to engage in hard physical labor, work at high altitude, work underground, or work with radioactive, toxic, flammable, or explosive materials; uses child workers under age 14; or causes the death or serious injury of child workers, is considered guilty of using child labor, and the judicial agencies are charged with enforcing the criminal law provisions on child trafficking, forced labor, and other applicable crimes.

Criminal Law of the People's Republic of China

Article 262: Anyone who abducts a minor under age 14, thereby separating the child from his family or guardian, shall be sentenced to a fixed-term imprisonment of not more than five (5) years, or criminal detention. Anyone who organizes disabled people and minors under age 14 through violence or coercion to beg is to be sentenced to a fixed-term imprisonment of not more than three (3) years or criminal detention, and shall also be fined; if the [violation] circumstances are serious, they are to be sentenced to a fixed-term imprisonment of more than three (3) years but less than seven (7) years and/or fined.

Incorporating the international standards and China's legislation on forced child labor, for the purpose of this research, *forced child labor* is defined by three conditions:

- The work or service is performed by a child below the age of 18.
- The work is done under the menace of any penalty.
- The work is done involuntarily (coercion).

In practice, coercion of children can sometimes occur differently from coercion of adults. Examples of ways in which children are coerced into exploitive work include the following:

- Children are deprived of basic needs in the workplace.
- They work long or unusual hours.
- They are engaged in hazardous work that puts them at risk of serious injury or death.
- They are physically or sexually abused at work.
- They are not able to attend school because of work.

Individually, these factors may not in and of themselves constitute coercion, but if several factors (at least two) are present, this could be an indication of coercion. Put plainly, in this research, the following three tables simplify the operationalization of the concept of forced child labor:

Elements of <i>Menace of Penalty</i>	Yes/No
Physical violence against worker or family or close associates	
Imprisonment or other physical confinement	
Sexual violence	
(Threat of) supernatural retaliation	
Financial penalties	
Denunciation to authorities and deportation	
Dismissal from current employment	
Exclusion from future employment	

Exclusion from community and social life	
Removal of rights or privileges	
Deprivation of food, shelter, or other necessities	
Shift to even worse working conditions	
Loss of social status	
Number of Yes	

Elements of <i>Involuntary Nature of Work</i>	Yes/No
Birth/descent into <i>slave</i> or <i>bonded</i> status	
Physical abduction or kidnapping	
Sale of person into the ownership of another	
Physical confinement to the work location	
Psychological compulsion	
Induced indebtedness	
Deception or false promises about types and terms of work	
Withholding and nonpayment of wages	
Retention of identity documents or other valuable personal possessions	
Number of Yes	

Elements of <i>Coercion of Children</i>	Yes/No
Children are deprived of basic needs in the workplace	
They work long or unusual hours	
They are engaged in hazardous work that puts them at risk of serious injury or death	
They are physically or sexually abused at work	
They are not able to attend school because of work	
Number of Yes	

These three tables can be used as tools to determine the occurrence of forced child labor. In a case under investigation (individual or workplace), for working children under age 18, if examples of *menace of penalty*, *involuntary nature of work*, and *coercion of children* are found, the case will be considered forced child labor. The more examples found in each table, the more serious the problem.

2.1.4. Employment Conditions

To achieve a deep understanding of the nature of child labor, forced labor, and forced child labor in China, researchers need to examine the employment conditions under which the victims of these problems are laboring. Generally, employment conditions can be measured by a wide range of standards, including monthly payment, working hours, occupational safety and health conditions, and legally required social security benefits. The Chinese legislative system that regulates main aspects of employment conditions includes the Labor Law enacted in 1994; the Production Safety Law issued in 2002; the Provisions on Minimum Wages issued by the Ministry of Labor and Social Security in 2003; and the Labor Contract Law enacted in 2007.

China's Legislative System on Working Hours

Labor Law³⁸

Article 36: The State shall practice a working hour system under which laborers shall work for no more than 8 hours a day and no more than 44 hours a week on the average.

Article 38: The employing unit shall guarantee that its staff and workers have at least one day off in a week.

Article 41: The employing unit may extend working hours due to the requirements of its production or business after consultation with the trade union and laborers, but the extended working hour for a day shall generally not exceed one hour; if such extension is called for due to special reasons, the extended hours shall not exceed three hours a day under the condition that the health of laborers is guaranteed. However, the total extension in a month shall not exceed 36 hours.

China's Legislative System on Wages

Labor Law

Article 44: The employing unit shall, according to the following standards, pay laborers remunerations higher than those for normal working hours under any of the following circumstances:

To pay no less than 150% of the normal wages if the extension of working hours is arranged.

To pay no less than 200% of the normal wages if the extended hours are arranged on days of rest and no deferred rest can be taken.

To pay no less than 300% of the normal wages if the extended hours are arranged on statutory holidays.

Article 48: The State shall implement a system of guaranteed minimum wages. Specific standards on minimum wages shall be determined by the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government and reported to the State Council for the record. Wages paid to laborers by the employing unit shall not be lower than the local standards on minimum wages.

Article 50: Wages shall be paid monthly to laborers themselves in the form of currency. The wages paid to laborers shall not be deducted or delayed without justification.

Article 51: The employing unit shall pay wages according to law to laborers who observe statutory holidays, take leaves during the periods of marriage or funerals, or participate in social activities in accordance with the law.

³⁸ Labor Law of the People's Republic of China. (1994). Retrieved from www.cau.edu.cn/xgh/FAGUI/guojia/ldf.html

Provisions on Minimum Wages³⁹

Article 3: The term *standards on minimum wages* as mentioned in the present Provisions refers to the minimum labor remuneration that shall be paid by the employing entities in accordance with the law under the precondition that the laborers have provided normal labor within the statutory working hours or within the working hours as stipulated in the labor contracts concluded in accordance with the law.

The term *normal labor* as mentioned in the present Provisions refers to the labor undertaken by a laborer, according to the contract concluded in accordance with the law, within the statutory working hours or within the working hours stipulated in the contract. A laborer's enjoying paid annual vacation, home leave, marriage, or funeral leave, maternity leave, and contraceptive operation leave, as well as his/her participating in any social activities in the statutory working hours shall be deemed as offering normal labor.

Article 4: The administrative departments of labor and social security of the people's governments at or above the county level shall be responsible for the supervision and inspection over the employing entities' implementation of the present Provisions within their respective administrative division.

Article 5: As a general rule, the standards of minimum wages appear in two forms: the standard of monthly minimum wage and the standard of hourly minimum wage. The standard of monthly minimum wage applies to full-time employees while the standard of hourly minimum wage applies to non full-time employees.

Article 12: Under the precondition that the laborers have provided normal labor, wages paid by employing entities should not be below the standards on minimum wages, which should not include the following extra payments: (1) overtime; (2) bonus for taking afternoon and night shift, working under low temperature, down in the pit of mines, or under poisonous or harmful conditions; (3) other benefits stipulated by laws and regulations.

Labor Contract Law⁴⁰

Article 20: The wages paid to employees during their probation period shall not be less than the minimum wage level for the same position with the Employer, or less than 80% of the wage agreed upon in the labor contract, and shall not be less than the minimum wage of the place where the Employer is located.

Article 72: The hourly remuneration rate for part-time labor shall not be lower than the minimum hourly wage rate prescribed by the local people's government of the place where the Employer is located. The maximum remuneration settlement and payment term for part-time labor shall not exceed 15 days.

Article 85: If an Employer falls into any of the following circumstances, the labor administrative department shall order the Employer to pay labor remuneration, overtime wages, or financial compensation within a specific period of time. If the labor remuneration is lower than the local minimum wage rate, the Employer shall pay the shortfall; if the payment is not made within the time limit, the Employer shall be ordered to pay extra damages to the employee at a rate of not less than 50% and not more than 100% of the amount payable.

Failing to pay an employee his labor remuneration in full and on time as stipulated in the labor contract or as prescribed by the State.

Paying an employee labor remuneration below the local minimum wage rate.

Failing to pay overtime wages despite the arrangement for overtime work.

Revoking or terminating a labor contract without paying the employee financial compensation pursuant to this Law.

³⁹ The Provisions on Minimum Wages. (2003). Retrieved from www.lawinfochina.com/law/display.asp?db=1&id=3401

⁴⁰ Labor Contract Law of the People's Republic of China. (2007). Retrieved from http://news.xinhuanet.com/legal/2007-06/30/content_6311563.htm

China's Legislative System on Occupational Safety and Health

Labor Law

Article 52: The employing unit must establish and perfect the system for occupational safety and health, strictly implement the rules and standards of the State on occupational safety and health, educate laborers on occupational safety and health, prevent accidents in the process of work, and reduce occupational hazards.

Article 54: The employing unit must provide laborers with occupational safety and health conditions conforming to the provisions of the State and necessary articles of labor protection, and provide regular health examination for laborers engaged in work with occupational hazards.

Article 55: Laborers to be engaged in specialized operations must receive specialized training and acquire qualifications for such special operations.

Article 56: Laborers must strictly abide by rules of safe operation in the process of their work.

Laborers shall have the right to refuse to operate if the management personnel of the employing unit command the operation in violation of rules and regulations or force laborers to run risks in operation; laborers shall have the right to criticize, report, or file charges against the acts endangering the safety of their life and health.

Production Safety Law⁴¹

Article 37: The production and business operation entities shall provide labor protection articles that meet the national standards or industrial standards to the employees thereof, and supervise and educate them to wear or use these articles according to the prescribed rules.

Article 44: In the employment contracts entered into between the production and business operations and the employees, it shall include stipulations about the guarantee of the labor safety of the employees, the avoidance of vocational injuries, and the buying of employment injury insurances for the employees thereof according to law. No production and business operation entity may conclude any agreement with the employees thereof so as to exempt or mitigate the liabilities which result from any production safety accident casualties occurring to the employees thereof and which it has to undertake.

Article 46: The employees shall be entitled to criticize, expose, or institute legal proceedings on the grounds of the problems that exist in the production safety of the entity concerned.

Article 47: Where any employee finds any emergency that may directly endanger the personal safety of himself or any other person, he shall be entitled to stop work or leave the site of work after taking possible emergency measures.

Labor Contract Law

Article 32: The refusal of an employee to perform dangerous tasks shall not be deemed as a breach of contract if he is forced to do so by the management staff of the Employer or if the instruction to do so is made in violation of regulations. Employees shall have the right to criticize, report to the authorities, or bring charges against their Employers in respect to working conditions that would endanger their lives and health.

China's Legislative System on Social Security

Labor Law

Article 70: The State shall develop social insurance undertakings, establish a social insurance system, and set up social insurance funds so that laborers may receive assistance and compensations under

⁴¹ Production Safety Law of the People's Republic of China. (2002). Retrieved from http://news.xinhuanet.com/legal/2003-01/22/content_701861.htm

such circumstances as old age, illness, work-related injury, unemployment, and childbearing.

Article 73: Laborers shall, in accordance with the law, enjoy social insurance benefits under the following circumstances: (a) retirement; (b) illness or injury; (c) disability caused by work-related injury or occupational disease; (d) unemployment; and (e) childbearing. The survivors of the insured laborers shall be entitled to subsidies for survivors in accordance with the law. The conditions and standards for laborers to enjoy social insurance benefits shall be stipulated by laws, rules, and regulations. The social insurance amount that laborers are entitled to must be paid in full in a timely manner.

Production Safety Law

Article 43: The production and business operation entities must buy employment injury insurance according to law, and pay insurance premiums for the employees thereof.

2.2. Data Gathered

2.2.1. Summary of Data Gathered

From October 13 to December 22, 2008, for the purpose of this research project, the researcher collected two kinds of data—secondary sources and primary sources. The secondary data sources during the period 2003–2008 include 92 news articles collected through Google (in Chinese) and LexisNexis (in English), 19 English reports by international organizations and overseas NGOs, and 8 academic articles in Chinese through China Journal Net. The primary sources include interviews with 27 Type 1 informants and 99 Type 2 informants, as well as site-visit notes and photos taken during field studies in 37 workplaces in brick, tile, coal, fireworks, and toy industries. Type 1 informants refer to interviewees from media, international organizations, NGOs, community groups, and academic institutions that have investigated or reported on the problems of child labor, forced child labor, and forced labor in China. Type 2 informants refer to interviewees who provided workplace-specific empirical data in bricks, coal, cotton, fireworks, tile, and toy industries, including victims of child labor, forced child labor, and forced labor, other adult employees, employer/managers, and community members (see Table 1).

Table 1: Summary of Data Gathered

Category	Subcategory	Source	Number
Secondary Sources	News articles from Chinese and English media	Google (Chinese) LexisNexis (English)	92
	Reports in English by international organizations and overseas NGOs	Internet; During interviews	19
	Academic articles in Chinese	China Journal Net	8
Primary Sources	Interview notes of Type 1 informants		27
	Interview notes of Type 2 informants		99
	Site visits notes		For five sectors only
	Photos	Taken during fieldwork	Over 100

2.2.2. Type 1 Interviews

As illustrated in Table 2, the researcher interviewed 27 informants, including five from the Chinese media, one international organization, five China-based NGOs, seven overseas NGOs, five community groups, and four scholars of academic institutions. Of the 27 Type 1 interviews, all of the interviews were conducted asking questions related to all 10 target sectors and eight Type 1 interviews provided industry-specific information: two for electronics, two for brick, two for toy, one for tile, and one for cotton.

Table 2: Summary of Type 1 Interviewees

Category	Organization Location	Number
Media	China	5
International Organization		1
NGO	China	5
Overseas NGO	Hong Kong, U.S., U.K.	7
Community Group	China	5
Academic Institution	China	4
	Total	27

2.2.3 Type 2 Interviews

As shown in Table 3, during the fieldwork in 37 workplaces (brickyards, tile kilns, coal mines, fireworks factories, and toy factories) in Shanxi, Hunan, and Guangdong provinces and telephone interviews concerning the cotton farming industry in Xinjiang, 99 informants were interviewed, including three victims of child labor, three victims of forced labor, five victims of forced child labor, 53 other adult employees, 27 employer/managers, and eight community members.⁴²

Table 3: Summary of Type 2 Interviewees

	Visited Workplace	Interviewed Informants ⁴³						
		Child labor	Forced labor	Forced child labor	Other adult employee	Employer/manager	Community member	Total
Brick	10	0	3	0	16	11		30
Coal	6	1	0	0	9	3	1	14

⁴² Although victims of child labor, forced labor, and forced child labor are the ideal informants for this research project, researchers also interviewed other adult employees, employers/managers, and community members because they could (1) provide information on their own employment practices (being forced labor/hiring child labor, forced labor, forced child labor, or not); (2) provide clues for researchers to identify and interview victims of child labor, forced labor, forced child labor; and (3) allow researchers access to workplaces or dormitories where interviews of some victims of child labor, forced labor, and forced child labor were conducted (for employers).

⁴³ Researchers did not interview other children except for victims of child labor and forced child labor.

Fireworks	11	2	0	0	12	8	4	26
Toy	6	0	0	5	14	5	2	26
Cotton	1	0	0	0	1	0	1	2
Tile	3	0	0	0	1	0	0	1
Total by Category	37	3	3	5	53	27	8	99
		Victims: 11			Non-victims: 88			

Different research methods were used for priority and non-priority sectors. For the five priority sectors (brick, coal, cotton, fireworks, and toy) as well as the tiles sector, empirical data were collected mainly from semi-structured interviews conducted during fieldwork (Type 2 interviews); secondary data are also analyzed. For the four non-priority sectors (electronics, foundry products, grape products, and chemicals), the researcher relied heavily on secondary sources, such as news articles, academic works, and NGO reports for analysis.

2.3. Data Analysis

Quantitative analysis was done descriptively, discussing the incidence and distribution of the problems of child labor, forced child labor, and forced labor in the six sectors (brick, coal, cotton, fireworks, toy, and tile) where the researcher collected empirical data. Given that the number of interviews with victims of these problems is relatively small (11 in total), statistical analysis cannot be done in a sector-based or issue-specific way. Instead, the 11 victims of child labor, forced child labor, and forced labor interviewed are considered to be the sample for quantitative analysis, and this study portrays the distribution of the 11 victims of child labor, forced child labor, and forced labor by sector, age, gender, education level, household registration status, occupational status, workplace ownership, market, and size of the workforce, which are all key factors in determining the general characteristics of the issues focused on for this project (see Annex B). However, quantitative analysis of this type is not applicable to the four sectors (electronics, foundry products, grape products, and chemicals) where no empirical data were collected. Instead, the researcher relied heavily on secondary sources to examine the incidence and nature of child labor, forced labor, and forced child labor in these sectors. In addition, for all 10 sectors, this research has undertaken qualitative analysis that is descriptive and explanatory in nature, examining the extent to which various economic, social, and political factors embedded in China's national, regional, or sector-specific environments determine the occurrence and nature of child labor, forced child labor, and forced labor.

This study was designed to use primary and secondary qualitative data sources to provide an indication of the extent of child labor, forced child labor, and forced labor within 10 industries in China. Based on this research design, both primary and secondary data sources cannot provide findings of statistical significance with regard to the extent of child labor, forced child labor, or forced labor in China.

When analyzing the occurrence of child labor, forced labor, and forced child labor in ten sectors, researchers abide by the five criteria listed in USDOL's Procedural Guidelines:

- a) Nature of information
- b) Date of information
- c) Source of information
- d) Extent of corroboration
- e) Significant incidence of child labor, forced labor, or forced child labor

USDOL published in the *Federal Register* (Vol. 72, No. 247, p. 73,377) a definition of significant incidence of child labor, forced labor, or forced child labor that is not dependent on statistical testing. That definition is—

Information that relates only to a single company or facility; or that indicates an isolated incident of child labor or forced labor, will ordinarily not weigh in favor of a finding that a good is produced in violation of international standards. Information that demonstrates a significant incidence of child labor or forced labor in the production of a particular good(s), although not representing a pattern or practice in the industry as a whole, will ordinarily weigh in favor of a finding that a good is produced in violation of international standards.

Using this definition any time there is a demonstration that the incident is not isolated and is not in a single company or facility will be considered to constitute significant incidence. Evidence for significant incidence spans from 2003 to 2008.

2.4. Limitations of the Study

The research methodology for this project does not overcome various limitations to make a conclusive assessment of the incidence and nature of the problems of child labor, forced labor, and forced child labor in China's 10 industries—brick, coal, cotton, fireworks, tile, toy, electronics, foundry products, grape products, and chemical. The project is not designed to be statistically representative of quantitative research because of the following constraining factors:

1. For the six sectors—brick, coal, cotton, fireworks, tile, and toy—where empirical studies were conducted, workplaces for the research were selected by judgment sampling,⁴⁴ but were not drawn randomly from a list of workplaces in these six sectors of China,⁴⁵ indicating that the sample of 37 workplaces is not statistically representative of the population.

⁴⁴ Researchers decided to draw the sample of workplaces from four representative cities: Shanxi, Hunan, Guangdong, and Xinjiang Provinces, which are, respectively, the largest production bases for China's brick, tile, coal, firework, toy, and cotton industries, where use of child labor, forced labor, and forced child labor has been reported by media, NGOs, and scholars to varying degrees.

⁴⁵ Researchers believe a list of such workplaces within these six sectors of China does not actually exist, and was apparently not available for this project.

2. For the six sectors where empirical studies were conducted, all 99 Type 2 interviewees from the 37 workplaces were selected through *snowball sampling*⁴⁶ rather than through random sampling because research did not identify a full list of all employees (population) available for researchers to randomly draw a sample (interviewee) from. Consequently, the sample of 99 interviewees is not statistically representative of the population. For the same reason, the researcher had no chance to interview other children besides those identified as victims of child labor and forced child labor.
3. For the four non-priority sectors—electronics, foundry products, grape products, and chemical—where no field study was conducted, the researcher relied on secondary sources (news articles, reports of international organizations and NGOs, as well as academic works) and interviews with 27 Type 1 informants (journalists, international organizations, NGOs, and scholars) for analysis. However, none of these secondary sources and Type 1 interviews provided industry-specific, statistically quantitative analysis of the incidence and nature of the problems of child labor, forced child labor, and forced labor.

For these reasons, it is not possible to make statistically quantitative analyses by sector on the incidence and nature of the problems of child labor, forced child labor, and forced labor in China. The quantitative analysis for this evaluation is based on a small sample (11 victims of child labor, forced child labor, and forced labor) that was drawn through non-probability sampling methods. It is, therefore, a pilot research investigation,⁴⁷ meant to facilitate future quantitative study with higher levels of methodological rigor.

Regarding qualitative analysis of empirical data for this project, the project had limitations in collecting sufficient industry-specific data for each of the 10 sectors to make a conclusive assessment of the incidence and nature of the problems of child labor, forced child labor, and forced labor in China's 10 industries:

1. For the six sectors—brick, coal, cotton, fireworks, tile, and toy—where empirical studies were conducted, the field studies were not in-depth enough to interview more relevant informants (especially victims) and collect rich empirical data in each workplace and industry. Given that the project time for empirical study of the 10 industries was less than one month, the researcher had just three to five days for each sector, which includes several workplaces located in different provinces of China, and could only spend a mere several hours in each workplace.
2. For the four non-priority sectors—electronics, foundry products, grape products, and chemical—where no field study was conducted, the only primary data available for analyses were interviews with 27 Type 1 informants (journalists, international organizations, NGOs, and scholars). However, only two Type 1 interviews provided industry-specific information (for electronics); six Type 1 interviews provided industry-specific information for brick (2), toy (2), tile (1), and cotton (1) sectors; and two Type 1 interviews provided industry-specific information for suitcase/handbag (1) and garment (1) industries, which were not the focus of this project.

⁴⁶ Once approaching a new workplace, researchers rely on referrals from initial subjects who were met/interviewed previously by researchers to generate additional interviewees, especially victims of child labor, forced labor, and forced child labor.

⁴⁷ For details, see Annex B: Pilot Quantitative Analysis.

Concerning the secondary data collected for this project, which contain news articles, reports of international organizations and NGOs, as well as academic works, the present research also had limitations in collecting sufficient industry-specific data for each of the 10 sectors in order to make a conclusive assessment of the incidence and nature of the problems of child labor, forced child labor, and forced labor in these 10 industries:

1. Based on the requirement of the terms of reference (TOR),⁴⁸ for *all* 10 sectors, news reports in both Chinese and English were not exhaustively collected, as many of the articles focused solely on the slavery brickyard scandal in 2007 and the Foxconn electronics factories from 2006. An attempt was made to collect articles on all 10 sectors to provide adequate secondary information.
2. Although the majority of NGO reports were industry-specific, they focused on merely two industries (electronics and toy), providing no information on other industries.
3. All collected academic works and reports of international organizations for this project were not industry-specific.

Finally, the project had limitations in the procedure of research design:

1. If secondary data had been collected, reviewed, and analyzed before the finalization of the TOR, the field studies could have been based on a better background of knowledge.
2. If the Type 1 interviews had been conducted before the launching of field studies as well as Type 2 interviews, the problem of mismatching the focusing industries⁴⁹ would have been controlled to a higher degree.

⁴⁸ As the TOR states, “the researcher shall collect relevant published documents and other materials such as newspaper articles and radio or video recordings. At a minimum, 20 new documents must be collected. Sources collected should not be more than five years old.”

⁴⁹ According to the interviews with Type 1 informants, the mismatch problem was that some industries focused on for this project (such as grape products, and chemicals) turned out to be less relevant than other industries which were not focused on (such as suitcase, handbag, and garment).

3. FINDINGS

3.1. Findings for the Six Sectors with Empirical Data

Based on data drawn from both primary sources (fieldwork and Type 2 interviews) and secondary sources, we discuss to what extent the problems of child labor (CL), forced child labor (FCL), and forced labor (FL) exist in China's brick, coal, fireworks, toy, cotton, and tile sectors; we portray the nature of these problems; and we shed light on factors that might explain for the occurrence of these problems.

3.1.1 Bricks

In 2007, a slavery scandal caused outrage across China, as hundreds of people were found to have been forced to work under inhumane conditions in brickyards in China's Henan and Shanxi provinces.⁵⁰ Many of the victims were handicapped children and mentally disabled people.⁵¹ In response to widespread public anger, the Chinese Government launched a national crackdown on slavery and child labor. At least 548 workers were rescued by June 2007 during the crackdown on brick factories in North-Central China, where they found abducted men and children as young as eight years of age who had been sold into slavery for US\$65 a head.⁵²

Although the slavery scandal of 2007 made the problems of CL, FCL, and FL in the brickyards of Shanxi and Henan provinces the target of media scrutiny and government crackdown, during the period of 2003–2008, brick kilns in other provinces of China had also been reported for using child labor. For example, in June 2004 it was reported by a journalist of *Human Rights* that an illegal brick kiln located in Qinghai Province was investigated by a local labor department for hiring a young boy, age 14, who was seriously injured at the brickyard after working there for less than two months.⁵³ The problem of forced child labor in Shanxi Province can be traced back to 2002 when Zhang Xubo, age 16, was tricked into working in a brick kiln in Yongji County and had his two feet severed after being seriously beaten by the foremen.⁵⁴

To examine the current situation of labor practices in brickyards, in late October 2008 our research team visited two cities in the Southern region of Shanxi Province⁵⁵ that were in the spotlight of the 2007 scandal. These areas were selected because the Southern region of Shanxi Province is one of the largest brick-producing areas in the country. In addition, this area was

⁵⁰ Fairclough, G. (2008, May 5). China's child-labor sweep: Underage-work case involving minorities points to wealth gap. *Wall Street Journal Asia (Hong Kong)*, p. 8.

⁵¹ Ruwitch, J. (2008, May 2). Assembly-line children: China worried as underage labour scandal grows. *The Gazette (Montreal)*, p. A17.

⁵² Ni, C.-C. (2007, June 16). China's president orders probe of brickyard slavery. *Los Angeles Times*, p. A3.

⁵³ Xiong, Z. (2004). Reflections on the case of disabled child labor Gan Hailin. *Human Rights*, Vol. 6. Retrieved from <http://www.humanrights.cn/china/newzt/magezine/200312005415162501.htm>

⁵⁴ Young boy from Chanan losing two feet sue the employer for committing the crime of intentionally injuring. (2007, June 1). *Huashang News*. Retrieved from <http://news.163.com/07/0613/13/3GSE0R2O0001124J.html>

⁵⁵ The Southern region of Shanxi Province is one of the largest brick-producing areas in China due to several vital advantages: low demand for investment cost and labor skill, sufficient supply of cheap labor in nearby provinces of Shanxi and Henan, as well as abundant source of raw materials (clay and coal). See also, Duan, H., Luo, C., & Wang, H. (2007, June 25). The ecology of black brick kilns. *Caijing Magazine*, Vol. 13. Retrieved from <http://www.caijing.com.cn/topic/brick>

found, through previous media articles, to have been using CL, FCL, and FL. The researcher investigated 10 brick kilns and interviewed 28 informants (3 victims of forced labor, 14 adult employees, and 11 employers/managers). In early November 2008, the researcher investigated one more brick kiln in Hunan Province and interviewed two adult employees. In total, the researcher visited 11 brick kilns situated in Shanxi and Hunan provinces, and interviewed 30 informants (3 victims of forced labor, 16 adult employees, and 11 employers/managers).

Based on interviews with these 30 informants, the researcher found that out of the 11 brick kilns visited, one factory (situated in Shanxi Province) was found to be using roughly seven to eight mentally disabled adults from rural regions in Henan Province as forced labor.⁵⁶ The researcher did not find children under age 18 working in any of the brick kilns visited.

In addition to interviews with 30 Type 2 informants, for the purpose of this project, the researcher also interviewed two Type 1 informants⁵⁷ and reviewed secondary data (news reports and academic articles) during the period of 2003–2008 to achieve a long-term assessment of the situation of CL, FCL, and FL in the brick sector. Among these site visits, interviews, and articles, two site visits (which included various Type 2 interviews), both Type 1 interviews, and 15 articles and reports were found to be relevant in determining incidence of CL, FCL, and FL in the brick industry.

3.1.1.1. Forced Labor

After analyzing relevant news reports during the period of 2001–2002, the researcher found two cases of forced labor in Shanxi’s brick industry: the Xiaoliu case of 2001 and the Liu Daiping case of 2002. These cases implied that forced labor might have been a problem of significant incidence in the Shanxi brick kilns during this period.

The Case of Xiao Liu⁵⁸

After serial reports of “A youth cheated into working far from home lost his feet because of cold,” the case was not only followed by readers’ concerns, but provided a chance for several victims of our province [Shanxi] who were once cheated and went through water and fire in the illegal brick kilns of Shanxi, to reveal the inside stories of labor abuses in illegal brick kilns in Yongji, Shanxi Province.

One such young man, Xiao Liu of Xi’an City, Shanxi Province, is 21 years old this year. In April 2001 he was deceived by two strangers from Henan Province from the labor market in Wenyi Street to work at a brick kiln in Yongji County, Shanxi. Because Liu was young and weak, he only worked there for three days, and then cleverly escaped and finally returned home.

⁵⁶ We tried to ascertain the exact number of mentally disabled workers in the brick kiln, but our efforts were interrupted several times by the foreman, who was closely supervising these mentally disabled workers. He prevented us from having individual talks with the mentally disabled workers; seven to eight is the number we estimated from site observations and interviews with other workers.

⁵⁷ One is *Chinese Media 4* and the other is *Overseas NGO 4*.

⁵⁸ Excerpt of an unofficial translation of Yuanhua, S. (2003, March 15). Workers working tied by wires—an inside story of illegal brick kilns revealed by the youth losing feet. *Huashang News*, p. C9. Retrieved from <http://www.tianya.cn/publicforum/content/free/1/934585.shtml>

Liu told the reporter that when workers labored in the illegal brick kilns, five or six hired thugs oversaw them, and that they were even overseen when they slept at night. The boss and hired thugs were all from Henan Province. The man deceiving Liu was there as an overseer. The overseers frequently went out and could get 20 to 30 Yuan for bringing back a worker. Liu learned from the old workers that the brick production period normally lasted from March to September, and some old and weak workers were often abandoned at Yongji train station. The second day Liu came to the brick kiln, two young boys from Xianan City attempted to run away, but were caught and beaten brutally by the overseers. The workers in the brick kiln included people from Sichuan, Shanxi, and Shandong; some of them were mentally disabled.

All the workers there wanted to run away, but it was nearly impossible. Life in the brick kiln was isolated from the outside world. Everyone was on alert and afraid to speak the truth to others. Thinking of his experience two years ago, Liu was still full of fear: "When I recall the life there, I feel that it is so dangerous. If I had been killed in the brick kiln, no one would know."

The Case of Liu Daiping⁵⁹

Liu Daiping (38) is from Luohe, Henan Province, and once was deceived to work in an illegal brick kiln in Shanxi for nearly three months. February 3, 2002, Liu Daiping went to the labor market on Wenyi Street in Xi'an City as a job hunter. Being lured by the wage offered of 600 Yuan per month and free room and board, Liu Daiping was deceived by several men from Henan Province to get on the bus to Shanxi. In the brick kiln of Puzhou Town in Yongji, Shanxi, over 30 migrant workers were there, having also been deceived into working there; they had to work both days and nights, and suffered abuse under the constant threat of four thugs and two big dogs.

One month later, a boy from Xianyang, Shaanxi Province went strangely missing after he fell ill. When Liu Daiping asked the employer about the boy, he was beaten brutally by the thugs. In late May 2002, Liu Daiping asked the employer for his wages and wanted to leave. At about 10:00 p.m. one night, workers were awoken by the employer and thugs scolding someone. Xi Chunling asked who wanted to get the payment, and Liu Daiping answered "yes." He had hardly finished the word when four thugs walked up to him. They stuffed his mouth with socks, covered his head with the bedclothes, and beat him with bricks and sticks. One thug seized his left hand and cut it deeply with a knife.

Liu Daiping did not recover consciousness until the afternoon of the second day. He was carried by two thugs toward the Yellow River. Liu Daiping asked what they were doing; they just replied coldly, "You said too much." On their way to the Yellow River, it rained heavily. The thugs became busy, going back to call migrant workers to cover the unfired bricks with plastic sheets, so they left Liu Daiping behind. Liu Daiping sighed, "If it were not for the rain, I must surely have been thrown into the Yellow River." Liu Daiping finally returned to Xi'an City at the end of May. He lay in bed for over two months and spat blood now and then for one and a half months.

The notorious brickyard slavery scandal of 2007 reminded the public that the problem of forced labor was still not curbed but had in fact deteriorated, because the reported number of victims of forced labor turned to be significantly larger than ever before. Since the scandal came to light in

⁵⁹ Excerpt of an unofficial translation of Yuanhua, S., & Jie, T. (2003, March 17). Migrant worker escapes from illegal brick kiln at the risk of life: Almost thrown into the Yellow River. *Huashang News*, p. C2. Retrieved from http://www.hsw.cn/gb/default/2003-03/17/content_94215.htm

June 2007, a total of 1,340 people, 367 of whom were mentally disabled, had been rescued from forced labor by August 13, 2007, according to the joint investigative group of Chinese governmental agencies.⁶⁰

To assess the current situation of forced labor in the brick sector of Shanxi, in late October 2008 the researcher conducted field studies of 10 brick kilns located in the cities of Jincheng and Yuncheng, and interviewed three mentally disabled adults who were forced to work at one of the 11 brickyards. Unlike the victims in the brick kilns slavery scandal of 2007 who were found to have been trafficked, beaten, and left unpaid, the mentally disabled workers we interviewed at the brickyard had not been kidnapped or lured away with false promises by a slavery ring, nor had they been beaten. They would be categorized as victims of forced labor defined by ILO Convention 29. The Convention states in Article 2, subparagraph 1, that “the term forced or compulsory labor shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” In the following, using evidence collected from interviews with the three mentally disabled workers, the foremen supervising them, other regular workers, as well as the kiln owner, it is analyzed in detail how these mentally disabled people were forced to work under the *menace of penalty* and in what forms they worked *involuntarily*.

Elements of <i>Menace of Penalty</i>	Yes/No
Physical violence against worker or family or close associates	No
Imprisonment or other physical confinement	Yes
Sexual violence	No
(Threat of) supernatural retaliation	No
Financial penalties	No
Denunciation to authorities and deportation	No
Dismissal from current employment	No
Exclusion from future employment	No
Exclusion from community and social life	No
Removal of rights or privileges	No
Deprivation of food, shelter, or other necessities	No
Shift to even worse working conditions	No
Loss of social status	No
Number of Yes	1

As shown above, one example of *menace of penalty* was found in this case. The mentally disabled workers were not completely physically confined within the brick kiln, in that the researcher did not see guard dogs or hit men. However, they were not allowed to chat with other

⁶⁰ More than 1,000 rescued from forced labour in China. (2007, August 13). *Xinhua News Agency*. Retrieved from http://news.xinhuanet.com/english/2007-08/13/content_6524290.htm

laborers working in the kiln, and they were also denied the freedom to go out after work. A dialogue between a researcher and the foreman explained how and why these mentally disabled workers were always confined in their dorms at night after work:

Researcher: Can they go out after work? Do you take them out after they finish work?

Foreman: Generally they don't go out at night. There are apple orchards out there. They all want to pick the apples. Letting them do this is going to cause trouble, isn't it?

Research: Then what do they do in the dorms?

Foreman: They watch TV, then VCDs until 9:00 p.m.

These mentally disabled workers were also routinely denied the right to take leave when they got sick, as the foreman told us:

Researcher: Do they usually ask for leave?

Foreman: Generally they don't get sick. If somebody catches a cold, we buy him some medicine. People come here to earn money, not to see a doctor. If you feel tired, you can work less.

Elements of Involuntary Nature of Work	Yes/No
Birth/descent into <i>slave</i> or <i>bonded</i> status	No
Physical abduction or kidnapping	No
Sale of person into the ownership of another	No
Physical confinement in the work location	Yes
Psychological compulsion	No
Induced indebtedness	No
Deception or false promises about types and terms of work	No
Withholding and nonpayment of wages	Yes
Retention of identity documents or other valuable personal possessions	No
Number of Yes	2

As shown above, two examples of involuntary nature of work were found in this case. As discussed above, these mentally disabled workers were physically confined in the kilns, at workplaces or dorms. The mentally disabled workers' wages were set at 800 Yuan per month, 6,400 Yuan per year (working eight months per year); however, the wages were not paid to the workers but rather to the foreman who brought these workers out from their home villages. Also, the workers' wages were not paid monthly but at the end of every October when they went back

to their home villages. In other words, the mentally disabled workers themselves did not receive any cash payment from the kiln owner, who explained in detail the deal between the foreman and the relatives of these mentally disabled workers.

All these workers brought out by the foreman are orphans living with their elder brothers and sisters-in-law in their home villages. Can their elder brothers raise them all their lives? Their relatives don't want to raise them and hope they won't come back. So, the foreman persuaded their relatives to let him bring them out to work. The workers' wages are set at 6,000 Yuan per year, and the foreman pays 3,000 Yuan to the workers' relatives in advance. The foreman takes the leftover 3,000 Yuan and provides meals for workers.

The kiln owner was interested in using these mentally disabled workers because they were 50% cheaper than using normal workers. Although all workers were required to work 12 hours per day, 7 days per week, we found there was a sharp wage difference between mentally disabled workers and regular workers. Mentally disabled workers earned a mere 750 Yuan per month, while the monthly wages of normal workers routinely ranged from 1,500 to 2,100 Yuan per month.

With regard to employment conditions, these mentally disabled workers were forced to work excessive overtime hours without being compensated at the legal overtime rate, and were not inscribed in the mandatory national social security schemes. According to the Chinese legislative system—their Labor Law, Provisions on Minimum Wages, and Labor Contract Law—all these employment practices have violated employees' legal rights for monthly payment, working hours, and social security benefits.

3.1.1.2. Child Labor

After reviewing secondary data for 2003–2008 collected for this report, the researcher found a reported case of child labor in a brick kiln located in Qinghai Province in 2004 and more cases in 2007 brickyard scandal in Shanxi Province.

The Case of Child Labor in Qinghai⁶¹

In June 2004, the Labor Supervision Department of Haidong Region in Qinghai Province investigated the Yatou Village brick kiln of Weiyuan Town, Tu autonomous county. This was where Gan Hailin, a victim of child labor, was hired illegally and became injured.

March 14, 2004, the production line manager of the brick kiln factory recruited and brought Gan Hailin (male, Han nationality, born on November 11, 1989, primary education) from his home village in Sichuan Province to the brickyard.

Although the brickyard is licensed, the employers did not check and verify the age of Gan Hailin and, beginning March 17, had him clean certain areas of the kiln and do other physical work. One month later, on April 19 when the brick kiln formally started producing, Gan Hailin was given the task of coding brick shelves and cleaning brick-making machines, both of which demanded heavy physical labor.

On the morning of May 5, his left arm was mangled by the machine while working, and was diagnosed with a left elbow injury. On July 16, according to the Labor Identification Commission of Haidong Region, he was identified as having a fifth-class disability.

Three years after this event, the brickyard slavery scandal of 2007 would disclose many more serious problems in using child laborers in Shanxi's brick sector. According to the estimate of a journalist of Henan Television's Metropolitan Channel, there were over 1,000 children working in Shanxi brick kilns in 2007. The journalist described what he saw during the investigations in Shanxi brickyards in 2007:⁶²

The interview that astonishes me most is the one about child laborers in illegal brick kilns of Wanrong County in Shanxi. The children are from 8 years old to 13, who should have been studying in the classrooms of primary schools; they should not be doing the labor that even adults would not like to do. As far as we know, there are at least 1,000 children working in Shanxi illegal kilns. Most of the children were kidnapped and sold to the illegal kilns to do the manual work, and some followed the contractors to earn a living because of poverty. No matter whether they are forced to work or driven by poverty, I am heartbroken and I feel great sorrow because I cannot save them.

⁶¹ Excerpt of an unofficial translation of Xiong, Z. (2004). Reflections on the case of disabled child labor, Gan Hailin. *Human Rights*, Vol. 6. Retrieved from <http://www.humanrights.cn/china/newzt/magezine/200312005415162501.htm>

⁶² Luo, B. (2007, June 13). Over 1000 children were sold to work in illegal brick kilns in Shangxi and 400 fathers losing children cried for help on website. *Xinkuai News*. Retrieved from <http://society.people.com.cn/GB/8217/5857901.html>

3.1.1.3. Forced Child Labor

Forced child labor in brickyards located in Shanxi Province has become a problem that increasingly concerns the public since 2003, when the case of Zhang Xubo was uncovered by Chinese journalists.

The Case of Zhang Xubo⁶³ On September 21, 2002, Zhang Xubo (16) from Niujiao Village of Doumen Town in Shaanxi Province was deceived into working in a brick kiln in Kaolao Town of Yongji, Shanxi Province. When he arrived at the brick kiln, it was dark, but he was still forced to work for a whole night regardless of his tiredness. Afterward, Zhang Xubo tried several times to leave because the heavy labor was beyond his endurance, but he was refused time after time. What's worse, he was beaten cruelly for those times by the overseers.	 Zhang Xubo, suing the employer, was in court, April 7, 2004.
After Zhang Xubo could not work any longer because of the gall⁶⁴ of his feet, the boss was cruel enough to take the boy by motorcycle and discard him in the wilds. At that time, Zhang Xubo did not have even a single penny on him, and was not able to walk. Fortunately, he was found by a warm-hearted person and was then brought back to Xi'an by his relatives. However, his feet had by that point become totally rotten. In March 2003, Zhang Xubo's mother came to the office of Huanshang News, bringing two severed black feet and hoping to win public attention through news reports. Meanwhile, the situation of Zhang Xubo was getting worse and worse. The breaking point of Zhang Xubo's feet was diagnosed as the following: "the stumps suppurate, the bone is exposed, the wound stinks, and skin of 5×5 cm in the hip has been lost as deep as the sacrum..." The hospital offered amputation of shanks and large-area cleaning operations of the back. After three months of treatments, Zhang Xubo had almost recovered. On July 27, 2003, Prime Minister Wen Jiabao instructed the department of public security to deal with the case of Zhang Xubo. Then, Minister of the Ministry of Public Security Zhou Yongkang and the secretaries and provincial governors of Shanxi and Shaanxi also gave instructions regarding the case. Very soon, Shanxi police enhanced the sweep of illegal brick kilns.	

Although the case of Zhang Xubo resulted in a government-initiated crackdown of illegal brick kilns in Shanxi, the problem was not eliminated. As illustrated vividly by an appeal letter published by 400 fathers searching for their missing children in brick kilns, the problem of forced child labor still existed significantly in Shanxi brickyards in 2007.

⁶³ Excerpt of an unofficial translation: Young boy from Chanan losing two feet sues the employer for committing the crime of intentionally injuring. (2007, June 1). *Huashang News*. Retrieved from <http://news.163.com/07/0613/13/3GSE0R2O0001124J.html>

⁶⁴ Gall here refers to a skin sore, often an open sore, caused by friction, chafing, or abrasion.

Appeal Letter Written by 400 Fathers Searching for Missing Children⁶⁵

We are the fathers of children who have been cheated into working as drudges in illegal kilns of Shanxi. Our children are so young and inexperienced that they were deceived or pulled into cars by force at train stations, bus stops, overpasses, and even on streets in Zhengzhou, and were sold to illegal kilns in Shanxi at the price of 500 Yuan per child.

We have stolen into Shanxi several times, risking our lives, and have even acted as laborers, until we finally learned that Linfen and Yongji in Shanxi Province are places where illegal kilns centralize. Although we had imagined the dangerous situations the children were in, after we went through fences and got deep into the mountain, we were still astonished by the scenes when we saw the unfortunate children.

Among the children using their hands and feet, their hair long, some have been isolated from the outside world for seven years; some were beaten into disability for trying to run away. What's worse, some were even branded on the back by overseers using hot burning bricks (they don't recover, even after receiving treatments in the hospital for months). They had to work for over 14 hours without any meals. Sometimes, if they were a little slow because of tiredness, they would be beaten by overseers with bricks till their heads broke and bled, which were dealt with a piece of broken cloth, and they would have to work as usual. Being beaten up is a daily routine for the workers, but even when some children were hurt badly, they would not get any treatment but were left to heal by themselves; and if they were unlucky and the disease or injury became worse, the foremen and bosses, lacking of conscience, would bury the dying laborers. The children all had furfures⁶⁶ like psoriasis for not taking baths for a long time. The youngest were only eight years old, and they had to do the unbearable labor for food. Their personal liberty was restricted, and the overseers and thugs stood watch the whole day.

We can only make every effort to rescue the children of our He'nan Province, but can do nothing to help the children from Hubei and Sichuan, which makes us feel guilty. With multiple missions and coordination, we expended all our energies and saved over 40 deceived children and sent them back to their families... So far, there are over 1,000 child laborers among the forced laborers in the illegal kilns of Shanxi, of whom over 400 are from He'nan. If we do not put a stop to this crime, there will still be children missing everyday, which will seriously affect social stability...

When the slavery scandal ignited growing public anger and accusations, governments launched crackdowns on illegal brick kilns. However, some parents felt more hopeless of finding and getting back their missing children after the crackdown. For instance, when the case of illegal kilns in Hongdong County, Shanxi was tried in court on July 4, 2007, 38-year-old Chai Wei from Zhengzhou City was still seeking for his son who was lost in Zhengzhou on April 2, 2007. His son was a 17-year-old deaf and mute boy who was mentally retarded, with handicaps in his hands. There was sound evidence proving that he had been kidnapped and sold to the illegal kiln. Chai Wei told the reporters of *Caijing Magazine* the following with great anxiety:⁶⁷

⁶⁵ Excerpt of an unofficial translation: 400 fathers cried for help: Please save our children. (2007, June 6). *Dahe Website*. Retrieved from <http://news.163.com/07/0607/06/3GC6O3OG0001124J.html>

⁶⁶ Furfures relates to dry, scaly skin; flake-like particles on the skin's surface.

⁶⁷ Hongqing, D., & Heyan, W. (2007, July 9). Cases of illegal brick kilns: The powerfulness and powerlessness of the public voice. *Caijing Magazine*, Vol. 189.

Attracting the attention of the media and urging the government to severely fight against illegal kilns are what we dreamed of; however, after the crackdown on illegal kilns, many fathers and mothers having missing children have begun to feel that the hope of finding their child again has grown extinct. At least, we could go to the brick factories to find our children in the past. But now, there are fewer and fewer reports in the media and many brick factories have been closed. So, where should we go?

In conclusion, determination of CL, FCL, and FL in the brick industry in China is based on two relevant site visits, two interviews with Type 1 informants, and a review of 15 relevant articles and reports, published from 2004 to 2008. Many of the articles cite secondary source information about the slavery scandal in China's Henan and Shanxi provinces in 2007. However, some of the articles include primary interviews with victims and victims' families, as well as firsthand evidence of abuses outside of the 2007 events. The data indicate a demonstrated pattern of abuses in the brick sector across multiple kilns in multiple locations, including Henan and Shanxi provinces, but also near the city of Beijing, and in the Hunan, Qinghai, and Hebei provinces.

With regard to child labor, evidence from a Type 1 interview and media reports provided evidence of this practice. The researcher conducted a Type 1 interview with another investigative journalist who reported witnessing 30 children under age 16 working at a brick kiln in Shanxi, and another three to five mentally handicapped children working at another brick kiln in an unknown location. Of the 15 articles and reports, nine corroborated the brick kiln scandal of 2007 through secondary sources, all of which indicated child labor. Three other articles provided evidence of child labor in multiple brick kiln sites in the Shanxi, Qinghai, and Shandong provinces. In addition, a report by a nongovernmental organization (NGO) detailed child labor practices after the brick kiln scandal, stating that children under age 16 continue to work in brick kilns, but now do so under contracts and within humane conditions. This indicates an institutionalization of the practice of child labor. The researcher did not encounter any clear evidence of child labor in the brick kilns visited.

With regard to forced child labor, of the 15 articles and reports, nine corroborated the brick kiln scandal of 2007 through secondary sources, all of which indicated forced child labor through *menace of penalty* and coercion of children (physical abuse), and *involuntary nature of work* (slave-like conditions and physical confinement). The researcher's interviews and site visits did not reveal any conditions of forced child labor.

With regard to forced labor, evidence from a site visit, an interview, and news articles indicated the presence of this practice. During one site visit, the researcher personally observed seven to eight mentally disabled adults, three of whom she spoke to, at a brick kiln in Shanxi Province. These adult laborers were not allowed to leave the work site, and were physically confined, which indicates *involuntary nature of work*. The employers also withheld wages from these laborers, which constitutes *menace of penalty*. The researcher also conducted a Type 1 interview with an investigative journalist, who reported observing mentally handicapped adults, who were victims of trafficking, at a brick kiln in Hunan Province. Nine of the 15 articles and reports corroborated the brick kiln scandal of 2007 through secondary sources, which indicated forced labor through *menace of penalty* (physical abuse) and *involuntary nature of work* (physical

confinement). In addition to this evidence, two other articles provided evidence of forced labor in brick kilns in the city of Beijing and in Hebei Province. The employers in these cases were brought to court in these cases, one of which ended in convictions of five employers.

In summary, based on two relevant site visits, two Type 1 interviews, and a review of 15 articles and reports, there is sufficient data to support a conclusion of significant evidence of CL, FCL, and FL in the brick sector in China, based on USDOL's definition of significance. With regard to forced labor, the data indicate a demonstrated pattern of abuses in the brick sector across multiple factories in Shanxi, Hunan, and Hebei provinces, and outside of the city of Beijing. With regard to child labor, the data indicate a demonstrated pattern of abuses in Shanxi, Henan, Qinghai, and Shandong provinces. With regard to forced child labor, the data indicate a pattern of abuses in Shanxi and Henan provinces in 2007 during the brick kiln scandal.

3.1.2. Coal

China is the world's largest consumer and producer of coal. As such, coal is the lifeblood of China's booming economy, making up 69% of the country's total primary energy consumption and fueling its dramatic growth. There are an estimated 21,000 coal mines in China, including large State-owned ones and countless small town and village mines.⁶⁸ In recent years, China has been officially striving to restrain the rapid growth of its coal consumption by shutting down small and unlicensed coal pits, mainly because of concern for its coal reserves. The aim of officially designed industrial transformation is to consolidate the coal-mining industry into five or six giant State-controlled companies, and close all the small coal mines by 2015. However, its efforts so far have been weak and ineffective. Even when it shuts down an illegal coal mine, the mine is often reopened later by local businessmen who do not want to lose the revenue.⁶⁹ Most workers are peasants from the countryside, a source of labor that appeared in the 1990s as mobility restrictions eased. More than half of the 5.5 million miners are migrant laborers, who work cheaply and are often poorly trained.⁷⁰

During the past decade, illegal labor practices in China's coal industry, especially in unlicensed small-sized coal pits, have increasingly come under media scrutiny. It was reported that in the coal-rich mountainous regions of the southwestern Guizhou Province, many coal mines were operating illegally; here, miners did back-breaking work underground for meager wages, without any protection from industrial accidents, which occur frequently. School-age children were also found to be among them.⁷¹ In April 2007, the death of a 15-year-old boy working at a subcontracted coal mine located in Pucheng County of Shaanxi Province reflected vividly the persistence of child labor in the coal industry.⁷²

⁶⁸ York, G. (2007, February 3). A canary in the Chinese coal mine. *Globe and Mail* (Canada), p. A18.

⁶⁹ Ibid.

⁷⁰ MacLeod, C. (2008, January 31). Chinese official rallies for better workplace safety. *USA Today*, p. 8A.

⁷¹ Anonymous. (2006). Pain for survival: illegal coal mine in Guizhou province. Retrieved from <http://diyidiaosu.bokee.com/5077434.html>

⁷² Anonymous. (2007, June 22). The unknown story of the death of a 15 year old child. Retrieved from <http://bbs.hsw.cn/viewthread.php?tid=230542&frameon=no>

To explore the current situation of labor practices in the coal mining sector, the researcher revisited the cities of Jincheng and Yuncheng, Shanxi Province in late October 2008.⁷³ The researcher investigated six coal mines and interviewed 14 informants (one victim of child labor, nine adult employees, three employers/managers, and one community member). Based on interviews with these 14 informants, the researcher found that out of the six coal mines visited, one mine (situated in Jincheng City, Shanxi Province) was found to have hired a boy of 16 as a miner. This research did not detect problems of forced labor or forced child labor in any of the coal mines visited.

Besides interviews with 14 Type 2 informants, for the purpose of this project the researcher also interviewed one Type 1 informant⁷⁴ and reviewed secondary data (eight news reports and academic articles published from 2006–2008) to achieve a historically sensitive assessment of the situation of CL, FL, and FCL in the coal mining sector. Of these site visits, interviews, and articles, there was one site visit, nine interviews, and eight articles found to be relevant in the determination of incidence of CL, FL, and FCL in the coal industry.

3.1.2.1. Child Labor

For many years, China's coal mining industry has been criticized by journalists for using child laborers. In 2006, a Chinese journalist reported on a case of child labor when Liu Feng, a 15-year-old boy who was recruited to a coal mine in Xiangning County, Shanxi Province in October 2000, was gravely injured in an industry accident after working there for six months.⁷⁵

The Case of Liu Feng ⁷⁶	
In October 2000, when he was 15 years old, Liu Feng was recruited as a miner by Podigou Coal Mine in Xiangning County, Shanxi Province. Initially, the boy's task was to operate a transit-belt down the pit, but later he was sent to drive the winch. On May 26, 2001, before having a rest after a night shift, he was required to fill the wincher with lubricant, something which should have been done by a qualified technician. Working without safety equipment and under great fatigue, the boy eventually had his arms crushed by the winch's gears and was permanently handicapped.	 After the accident

⁷³ These two cities are major coal mining areas in the southern region of Shanxi Province.

⁷⁴ This is the interview with *Overseas NGO* 6.

⁷⁵ Li, L. (2006). Disabled street child labor. *Government Legality*, Vol. 6.

⁷⁶ Excerpt of an unofficial translation of Li, Ling. (2006). Disabled street child labor. *Government Legality*, Vol. 6.

The incident left [REDACTED] without both arms and right shoulder. Immediately after the accident, which is said to be the best time for treatment, Podigou Coal Mine refused to pay him medical expenses, which led to facial disfigurement, facial nerve spasms, irritable skin, aggravated nervous system diseases, and other pains. For six years, in order to help cure their son and seek justice, Liu Feng's parents spent their entire life savings. Without the ability to pay for basic living expenses, Liu Feng had no choice last year but to beg in the busy streets during the temple fair of Pu County on National Day, accompanied by his parents.

Making the problem of child labor more worrisome, China's coal mining sector has long been listed as one of the deadliest workplaces in the world. Reported coal mining deaths in major industrial accidents during 2004 to 2008 are listed below.

Date	Toll
October 20, 2004	147 killed by a gas explosion at Daping mine, Henan.
November 11, 2004	33 killed in a gas blast in Lushan, Henan.
November 28, 2004	166 killed in a gas explosion at Tongchuan, Shaanxi.
December 12, 2004	36 drowned in mine flood at Sinan, Guizhou.
February 14, 2005	215 miners killed by a gas blast at Sunjiawan mine, Liaoning.
March 22, 2005	69 miners killed in a gas blast at Xishui mine, Shanxi.
July 11, 2005	83 miners killed by gas blast at Shenlong mine, Xinjiang.
November 27, 2005	134 killed and 15 missing after a colliery explosion at Dongfeng mine, Heilongjiang.
May 18, 2006	56 miners drowned in mine flood at Zuoyun mine, Shanxi.
October 28, 2006	14 killed by a gas blast at coal mine, Miqian, Xinjiang.
November 12, 2006	25 killed by a blast at Nanshan mine, Shanxi.
November 5, 2006,	47 killed by a gas blast at Jiaojiazhai mine, Shanxi.
November 6, 2006	15 killed and 1 missing in a gas blast at Taiping mine, Shanxi.
August 17, 2007	172 miners drowned in mine flood at Huayuan mine, Shandong.
December 5, 2007	105 killed by gas blast at Ruizhiyuan mine, Shanxi.
January 20, 2008	20 killed by gas blast at an unlicensed coal mine, Linfen, Shanxi.
September 4, 2008	24 killed and 6 injured in a gas explosion at a coal mine, Liaoning.
October 30, 2008	23 killed and 6 missing in a gas blast at Raotou mine, Shaanxi.
November 30, 2008	15 miners and 3 rescuers killed at Changlong mine, Helongjiang.

Note: Data are combined from multiple sources.⁷⁷

⁷⁷ McDonald, H. (2005, February 19). The depths of despair in China's deadly mines. *The Age* (Melbourne, Australia), p. 6. Retrieved from <http://news.sina.com.cn/z/sdxintaimine/index.shtml>. See also, 134 miners confirmed dead in explosion. (2005, November 29). *China Daily*. Retrieved from http://english.peopledaily.com.cn/200511/29/eng20051129_224355.html. See also, Feng, G., & Junwei, T. (2007, December 9). Hongdong incident is the deadliest one since 2006. *Xinhua News Agency*. See also, 24 killed in Chinese coal mine blast. (2008, September 5). *The Irish Times*, p. 10. Retrieved from <http://news.sina.com.cn/c/2006-11-13/160611501776.shtml>; www.coal.com.cn/CoalNews/ArticleDisplay_132956.html; www.tianshannet.com/special/node_18860.htm; http://news.xinhuanet.com/fortune/2007-02/09/content_5720627.htm; <http://news.sina.com.cn/c/2007-09->

According to Chinese official statistics, 4,794 coal miners died in 2006 in work-related accidents, more than 13 each day, on average, though many believe that the official figures underestimate the real toll.⁷⁸ Although in 2007 mining fatalities fell 20% to 3,786, according to official records, “the death toll is still too high, and the occurrence of major accidents has not been effectively curbed,” said Li Yizhong, the Minister of State Administration of Work Safety.⁷⁹ Small, private mines are the most dangerous, producing a quarter of China’s coal and two-thirds of its mining accidents, Li said.⁸⁰ As the case of Liu Feng reflected, child miners under age 16 are also victims in these frequently-occurring mine accidents.

To assess the current situation of child labor in the coal mining sector of Shanxi Province, the researcher conducted field studies in late October 2008 to six coal mines located in Jincheng and Yuncheng cities. There, the researcher interviewed [REDACTED], a child laborer working at one of the six coal mines, as well as 13 other informants.

[REDACTED], the only child laborer interviewed, said he was born in 1992 to a poor rural family of Shanxi Province. [REDACTED] decided to leave home to work in early September 2008, when one of his fellow-villagers (*Laoxiang*—a friend or acquaintance), who was a foreman in the coal mine, promised to introduce him to a job. The way [REDACTED] found his job is not unique. On the contrary; seeking jobs through interpersonal networks with relatives, fellow-villagers, or friends rather than formal, regulated recruitment channels is quite common in coal mines and all other workplaces where rural migrants are the backbone of the labor force. However, overdependence on informal interpersonal ties for job seeking also puts rural migrants more at risk of illegal labor practices. Max Tuñón insightfully analyzed the issue in a report written for the ILO Beijing Office in 2006:⁸¹

Public services do not play a relevant role for rural migrants in their search for external employment. Instead, the composition of the workforce is largely influenced by chain migration and social networks: about 95% of rural migrant workers found jobs through friends or by themselves, less than 1% found jobs with government assistance, and only 2% found jobs through employment departments or public recruitment agencies. This not only restricts movement into the formal economy and curbs opportunities for social mobility, but the shortage of “regular” migration channels also greatly increases the risk of trafficking and exploitation.

According to a subcontractor employing dozens of miners at the coal mine, because of the informal recruitment pattern, [REDACTED] was not the only underage worker at the mine. From the dialogue between the researcher and the subcontractor, it is apparent that children under age 18

21/123213943344.shtml; www.hbsafety.cn/article/news/5/200811/53394.shtml. See also, 25 miners were killed in a coal mine accident in Shanxi province (2006, November 13). *Xinhua News Agency*. Retrieved from <http://news.sina.com.cn/c/2006-11-13/160611501776.shtml>.

⁷⁸ French, H. W. (2007, July 14). Carving plight of coal miners: He churns China. *The New York Times*, p. 4.

⁷⁹ MacLeod, C. (2008, January 31). Chinese official rallies for better workplace safety. *USA Today*, p. 8A.

⁸⁰ Ibid.

⁸¹ Tuñón, M. (2006, April). *Internal labour migration in China: Features and responses*. Beijing: International Labour Organization. Retrieved from http://www.ilo.org/public/english/region/asro/beijing/download/training/lab_migra.pdf

or even age 16 could be employed, if they had direct or indirect interpersonal relationships with the employer, or they had relatives working at the mine.

Researcher: How old are the workers working in the coal mine, on average?

Subcontractor: The majority of them are over 30. Normally, we don't employ people who are age 17 or 18.

Researcher: Why not? 16 years old is enough, according to the law.

Subcontractor: We have some young people working here after graduating from junior high school. In the coal pits, we need somebody to drive the coal-loaded lorry outside; but driving the coal lorry on the narrow road underground requires skill, the driver must turn the corners very precisely. The younger the drivers, the better they drive. That's why young workers mainly work as lorry-drivers in the mine.

Researcher: You have young men doing this job, right?

Subcontractor: Normally, we don't dare to employ workers without ID cards or workers younger than 16 years old unless they are connected with someone who knows the boss. If the boss adds their name to the recruitment list, then they can do the job, otherwise they can't.

Researcher: Are there any young men who go along with their uncles to find a job here?

Subcontractor: Yes. Young workers are assigned easier jobs like watching the machines—say, the coal transit-belt. That kind of work is easy and relatively safe and they are paid 60 Yuan per day.

Like all other miners in this coal pit, [REDACTED] did not sign a labor contract with the employer. After the Labor Contract Law was enacted in 2007, the Chinese Government attached more importance to the signing of labor contracts in all sectors, especially in these less-regulated industries (including mining, construction, and services) where huge numbers of rural migrants are used. However, as found in October 2008, few coal mine employers signed labor contracts with the miners whose legal rights for minimum wages, social security benefits, and safe and healthy working conditions were still unprotected. Miners interviewed were required to consistently work at least 8 hours per day, 7 days per week, risking frequently-occurring

industrial accidents to earn a wage of 2,500 to 4,000 Yuan per month (\$367 to \$588 USD),⁸² which is already the most desirable wage for rural migrants.

As discussed above, occupational safety and health is a huge problem facing China's coal mining industry, and the prevalence of migrants in dangerous jobs ensures a high number of work-related injuries, deaths, and illnesses. The subcontractor of one mine said a serious accident had occurred before in which a child under age 18 had died.

Years ago, one of my fellow-villagers died in an accident in the mine, and he was less than 18 years old. He followed a coal-carrier pulling a fully-loaded handcart out of the well and pushed the cart. When the cart fell back the boy was crushed and died. The mine owner paid 300,000 CNY "under the table" in compensation for his death. We can't report this kind of accident to the labor department, because the boy who died in the accident was too young to be legally allowed to work in the mines. -Subcontractor

██████ said he finally decided to leave the mine and go back home because he found the coal-loaders' work too heavy for him and, unfortunately, easier jobs such as operating the transit-belt had been given to other people.

██████ case indicates that job opportunities in coal mines suitable for children under age 18 are not sufficient, implying the problem of child labor may not be as significant as in the other labor-intensive industries demanding labor. During the researcher's interview with ██████ in December 2008, the informant explained the phenomenon insightfully:

Interviewee: In China, I think the coal mine industry is the one we paid great attention to these years.

Researcher: Ok, so did you find any cases of child labor in the coal mining industry?

Interviewee: I think nothing significant. I think there, you got a look at why the employers want children, right?

Researcher: Yes.

Interviewee: Usually because children are very small and have very quick fingers, you know, they are good at doing manual and very detailed works. And also of course, other industries use children because they are very easy to control and dominate. But coal, I mean, is very different. It needs big hands. And there are just millions, hundreds of thousands of mine workers who are willing to work at coal mines as adults...So I didn't see much

⁸² CNY stands for the Chinese Yuan, the official regional monetary currency.

of role for children in that industry. It makes sense to the employers.

Researcher: Yes, because the employers just want the more productive adult miners.

In conclusion, determination of CL, FCL, and FL in the coal industry in China is based on one site visit, six interviews, and a review of eight articles, published from 2006 to 2008. The data indicate incidence of CL, FCL, and FL abuses in the coal sector across Shanxi, Henan, and Hebei provinces.

With regard to child labor, evidence from the site visit, interviews, and articles provided evidence for this phenomena in the coal industry. During a site visit to a coal mine in Shanxi Province, the researcher observed a child under age 16 working. The researcher conducted six interviews, which yielded relevant evidence regarding child labor practices in the coal sector. Five of the interviews were held with adult mine workers—including a former child laborer—and one was with a current child laborer, who all confirmed the presence of child labor at their work sites. The researcher also interviewed a journalist who has reported on child labor in multiple sectors, and who suggested that child labor is practiced in the coal industry throughout Shanxi Province.

All of the eight articles provided uncertain evidence of child labor in the coal sector. In one reported incident, the Chinese Government raided 8,000 kilns and mines across Shanxi and Henan provinces in June 2006, to find hundreds of cases of child labor; this incident was mentioned in four different reviewed articles. However, these articles did not distinguish between bricks and coal (kilns and mines), so this evidence has been deemed uncertain since the relevant sector is not clear. Other articles cited evidence of workers as young as age 15 in coal mines, suffering from severe disabilities and injuries from mining accidents. A synthesis report on child labor in the coal sector indicated that hundreds of child laborers were working in coal mines throughout the town of Shahe in Hebei Province. In another article, a social scientist compared the coal sector to the brick sector, in terms of labor practices, including practices of child labor.

With regard to forced child labor, all eight reviewed articles also provided evidence of possible forced child labor. These abuses include withheld pay and uncompensated overtime. As these child laborers are working in underground coal mining, presumably they experienced hazardous conditions, nightshifts, and did not attend school; their experiences indicate forced child labor practices. All eight reviewed articles provided uncertain evidence of forced child labor. During the Government raid, evidence was found of children being subject to hazardous conditions, withheld pay, and compulsory overtime. Again, however, there is a lack of clarity as to the sectors targeted in these raids (brick or coal). The articles which cited evidence of workers as young as age 15 suffering from severe disabilities and injuries from mining accidents also indicate hazardous working conditions. The synthesis report on child labor in the coal sector provided evidence of hundreds of child laborers working in coal mines to be subject to low pay and overtime of up to 18 hours per day. In another article, a social scientist compared the coal sector to the brick sector, in terms of labor practices, including practices of forced child labor.

With regard to forced labor, the researcher interviewed a mine worker in Jincheng County in Shanxi Province, who indicated practices of forced labor at his work site, which employs approximately 100 workers. The source said that the workers had experienced characteristics of *involuntary nature of work*, such as not receiving up to five months of withheld pay, and having been deceived with regard to the terms of their employment. Of the eight articles reviewed, four articles all refer to the same event of Government raids on kilns and mines, but provide uncertain evidence of forced labor in the coal sector. During this raid, adult laborers in the mines were found to suffer from deception regarding their working conditions and withheld or unpaid compensation. However, given the lack of clarity as to which sector the articles were referring to, this only provides uncertain evidence.

In summary, the site visit, six relevant interviews, and eight relevant news reports provide considerable data to support a conclusion of significant evidence of child labor in the coal sector in Shanxi and other provinces in China, based on USDOL's definition of significance. With regard to child labor, six interviews, observation during a site visit, and all eight articles reviewed indicated presence of this phenomenon in Shanxi, Henan, and Hebei provinces. Given that the eight reviewed articles provide uncertain evidence, this research found isolated incidence of forced child labor in the coal industry in those provinces as well. One interview and four articles indicated the presence of forced labor as well in this sector in Shanxi and Henan provinces, but given the uncertain evidence from the articles, this research did not constitute a significant finding for forced labor in the coal industry.

3.1.3. Fireworks

Fireworks were originally invented by the Ancient Chinese for entertainment purposes, as a natural extension of the Chinese invention of gunpowder. At present, China is the largest manufacturer and exporter of fireworks in the world. China is estimated to have exported over 6 million cases, or 120,000 tons, of fireworks to the United States in 2005.⁸³ Liuyang, a small city in Central China's Hunan Province, is China's largest fireworks production base. The annual output of fireworks produced in Liuyang amounts to 500,000 trunks, 60% of which are exported to more than 100 countries and regions.⁸⁴

Fireworks production is a major source of revenue in many poor parts of China, but lax safety standards routinely lead to lethal accidents. Reported deaths and injuries relating to fireworks production during 2001 to 2008 follow.

⁸³ Wikipedia (2008, November 20) *Fireworks*. Retrieved from http://en.wikipedia.org/wiki/Fireworks#Creation_in_China

⁸⁴ Anonymous. (2008). *Fireworks in Liuyang*. Retrieved from <http://www.fireworks-firecrackers.com/>

Date	Toll
December 2001	9 workers were killed in a fireworks factory in Wanzai, Jiangxi Province. ⁸⁵
January 18, 2003	11 workers were killed by an explosion in a fireworks factory in, Changde City, Hunan Province. ⁸⁶
December 30, 2003	38 people died and 44 were seriously injured in an explosion in a fireworks factory in Tielin City, Liaoning Province. ⁸⁷
December 31, 2003	9 workers died and 5 were injured in an unlicensed fireworks factory in Lilin City, Hunan Province. ⁸⁸
September 12, 2005	A series of blasts ripped through seven workshops in the Jiangnan Fireworks Plant in Anhua County, Hunan Province, killing 13 and leaving 4 others seriously injured. ⁸⁹
November 2007	An explosion took place in a fireworks factory in Liuyang, Hunan Province, killing 10 and injuring 2. ⁹⁰
November 28, 2007	11 workers died and 8 were injured by a blast in a fireworks factory located in Yangquan City, Shanxi Province. ⁹¹
November 16, 2008	4 people were killed and 2 injured after a blast in a village fireworks plant in Dianbai County, Maoming City, Guangdong Province. ⁹²

Children under age 16 working in fireworks workshops are often also victims in these frequently-occurring explosions. For example, on July 10, 2006, an explosion took place in an illegal firecracker workshop in Yizheng County, Hunan Province, in which seven workers died, including a 14-year-old girl.⁹³

In the past few years, explosions in fireworks plants have caused concern for the nation's work safety authorities, prompting a tightening of supervision on fireworks manufacturing. Illegal production, sale, storage, and transport of fireworks are to be targeted in the planned crackdown, said Sun Huashan, vice-director of the State Administration of Work Safety in 2005.⁹⁴ On January 11, 2006, the State Council issued the Regulation on the Safety Administration of

⁸⁵ Pai, H.-H. (2004, November 3). The gunpowder plot. *The Guardian* (London), p. 8.

⁸⁶ Chun-hui, L. (2003, January 30). 25 people died in a fireworks explosion accident. *China News Net*. Retrieved from <http://www.southcn.com/news/china/zgkx/200301300132.htm>

⁸⁷ Li, Y. and Zhen, L. (2004, January 1). *The investigation of Tieling explosion accident*. Retrieved from <http://unn.people.com.cn/GB/22220/31177/31178/2276531.html>

⁸⁸ Bing-feng, W. (2004, January 6). *9 people died and 5 injured in an explosion at an illegal fireworks factory in Liling, Hunan province*. Retrieved from <http://unn.people.com.cn/GB/14778/21707/2282363.html>

⁸⁹ A series of blasts at crackers factories in Anhua County, Hunan province has killed 13 people. (2005, September 16). *Xinhua News Agency*. Retrieved from http://news.xinhuanet.com/newscenter/2005-09/16/content_3497869.htm

⁹⁰ 40 deaths prompt firework safety drive. (2007, November 24). *Xinhua News Agency*. Retrieved from <http://en.invest.china.cn/english/China/232981.htm>

⁹¹ Liu, X. (2007, November 29). An explosion at a firework factory in Yangquan, Shanxi killed 11 people. *Xinhua News Agency*. Retrieved from http://www.gov.cn/jrzq/2007-11/29/content_819851.htm

⁹² Four killed, two injured in S China firework plant blast. (2008, November 17). *Xinhua News Agency*. Retrieved from http://news.xinhuanet.com/english/2008-11/17/content_10369777.htm

⁹³ Liu, F. (2006, July 27). Who is watering down the blood of women workers and child laborers. *South Daily*. Retrieved from http://www.dahe.cn/xwzx/mtbg/mtbg/hnrb/t20060727_591652.htm

⁹⁴ Anonymous. (2005, September 20). Beijing, China: Accidents spark firework safety push. *Fireworks Town*. (2005, September 20). Retrieved from <http://www.fireworkstown.com/NewsDtls.asp?Id=1689>

Fireworks and Firecrackers, which is China's first national regulation on safety in the fireworks industry.⁹⁵ In the following years, the Chinese Government further strengthened supervision of fireworks production, urging a standardized design of factories and warehouses, and initiated tougher crackdowns on illegal workshops. During fieldwork in Shanxi Province, all four fireworks factories visited were closed by the local government, mainly due to safety concerns.

To examine the current situation of labor practices in fireworks factories, the researcher visited the cities of Changsha and Liuyang, Hunan Province, the manufacturing base of China's fireworks industry, from November 6 to 9, 2008. The researcher investigated seven fireworks factories and interviewed 21 informants (2 victims of child labor, 10 adult employees, 6 employers/managers, and 3 community members). From October 24 to 28, 2008, while conducting fieldwork in Shanxi Province, the researcher also investigated four fireworks factories and interviewed five informants (two adult employees, two employers/managers, and one community member). In total, the researcher visited 11 fireworks factories and interviewed 26 informants (2 victims of child labor, 12 adult employees, 8 employers/managers, and 4 community members).

Based on interviews with these 26 informants, the researcher found that, out of the 11 fireworks factories visited, one factory (situated in Liuyang City, Hunan Province) had hired two children, one a 15-year-old boy and one a 17-year-old girl. The researcher did not discover any problems with forced labor or forced child labor in any of the fireworks factories visited.

Besides interviews with 26 Type 2 informants, for the purpose of this project, the researcher also reviewed secondary data (news reports and academic articles) published from 2003–2008 to achieve a historically sensitive assessment of the situation of CL, FCL, and FL in the fireworks sector. Of these interviews and articles, four Type 2 interviews, one Type 1 interview,⁹⁶ and three articles were found to be relevant in the determination of incidence of CL, FCL, and FL in the fireworks industry.

3.1.3.1. Child Labor

Although there is no statistical data on incidence of child labor in the fireworks industry, numerous news reports on frequently-occurring accidents from 2000–2007 have documented the existence of the problem.

- On December 11, 2000, a serious explosion occurred in an illegal fireworks workshop in Beipiao City, Liaoning Province, in which a 17-year-old girl was killed and another worker was badly injured. All 10 female workers hired by the illegal factory were minors, among them, the oldest, Li Yu, had been killed in the accident and was only 17 years old. The youngest was only 14 years old.⁹⁷

⁹⁵ Regulation on the Safety Administration of Fireworks and Firecrackers. (2006). Retrieved from http://www.gov.cn/zwgk/2006-01/25/content_170906.htm (Chinese); <http://www.lawinfochina.com/law/display.asp?id=4924> (English).

⁹⁶ This is the interview with Overseas NGO 4.

⁹⁷ Jing, S. (2000, December 26). Checking action in Liaoning focuses on illegal fireworks workshop employing child laborer. (2000, December 26). *Guangzhou Daily*. Retrieved from http://gzdaily.dayoo.com/gb/content/2000-12/26/content_49660.htm

- An explosion broke out in a fireworks workshop in Jiahe County, Binzhou, Hunan Province on October 19, 2003. One 14-year-old worker was killed, five were badly injured and another six were covered with cuts and bruises. Nine out of the 12 workers of this fireworks workshop were all students under age 15.⁹⁸
- On July 10, 2006, an explosion took place in an illegal firecracker workshop in Yizheng County, Hunan Province, in which seven workers died, including a 14-year-old girl.⁹⁹
- A more grievous tragedy happened on October 21, 2007, when several illegal fireworks factories in Xiushan County, Chongqing City exploded and burned to the ground. Nineteen people were killed in this series of explosions. Among the victims losing their lives, 12 were primary and secondary school students who worked in nearby fireworks workshops on the weekends, and nine student workers were seriously injured in the accident. Students working in these workshops were under age 16; the youngest was only 8 years old, the oldest, 15. The work these children did was wrapping gunpowder and tin into tiny balls; a job so dangerous that a single stray act could cause an explosion. Children were paid 0.01 Yuan for each ball and usually earned 10 Yuan per day.¹⁰⁰

To assess the current situation of child labor in the fireworks sector, the researcher conducted field studies in November 2008 at 11 fireworks factories located in Hunan and Shanxi provinces, and interviewed two child laborers working at one of the 11 workplaces. [REDACTED], one child laborer interviewed in depth, was born in 1993 in a small village near Liuyang City, a city with a long history of making firecrackers and fireworks. All mountainous regions and the majority of farm land have been rented out to fireworks factory owners, and there were nine fireworks workshops in the village at the time. Booming development of firework manufacturing has provided stable employment opportunities for local rural residents, especially for married female villagers in their 30s, 40s, and 50s who are the backbone of the labor force in these village-based fireworks workshops, accounting for nearly 70% of the total labor force. Many villagers working at fireworks factories told us their family income had increased significantly because of these jobs. At present, an average family could save 20,000 to 30,000 Yuan in cash income per year, because over 90% of the villagers were working in fireworks workshops, earning 1,500 to 2,500 Yuan per month.

However, [REDACTED] family was not that lucky. His father was a hunchback and his mother was slightly mentally disabled. Although [REDACTED] looked like a normal child, in effect, he was not as intelligent as his cohorts and could not communicate as easily as his peers. Not surprisingly, [REDACTED] family was much poorer than others, because both of his parents had difficulties finding a stable, well paying job. Currently, [REDACTED] was the only school-age child working in the fireworks workshops in this village as a *regular worker*, though several years ago it was quite common for school-age children to work as *temporary workers* during the summer vacation.

⁹⁸ Xiong, H., Guisheng, H., & Yudong, Y. (2003, October 25). Nine out of 12 workers are children: One killed and 11 injured in a fireworks explosion accident in Jiahe. *China Work Safety News*. Retrieved from http://zgaqb.home.sunbo.net/show_hdr.php?xname=MJJDC01&dname=TEDEAU0&xpos=142

⁹⁹ Liu, F. (2006, July 27). Who is watering down the blood of women workers and child laborers? *South Daily*. Retrieved from http://www.dahe.cn/xwzx/mtbgt/mtbg/hnrb/t20060727_591652.htm

¹⁰⁰ Yang, J. (2007, November 30). 12 Child laborers killed in an explosion accident of a fireworks workshop in Chongqingm. *The Beijing News*. Retrieved from <http://liuhedaquan.cn/jxgd/news/rdxw/userobject1ai754981.html>

One young man in his early 20s told us of his experience as a temporary worker in a local fireworks workshop years ago.

Young Man: When I was still at school, 17 years old, I did some safer jobs in a fireworks factory for a month over the summer vacation.

Researcher: How much did you make working temporarily in the summer?

Young Man: Very little back then, 10 or 20 Yuan a day.

Researcher: What did you do?

Young Man: My job was very simple, it was plugging the bottom of the empty tube with mud.

In recent years, as the local villagers' economic situation improved, it became less and less prevalent for school-age children to work in fireworks workshops, as described by a local resident who had worked in the fireworks sector for over a decade.

Researcher: I've read some news articles that young children go to work in fireworks factories during school vacations. Does that happen here too?

Local Resident: No, no. People under 16 are not allowed to work in fireworks factories.

Researcher: Is there anyone between 16 and 18 working in firework factories?

Local Resident: In some factories, yes.

Researcher: Are there many children working there?

Local Resident: No, very few, only that one family in this neighborhood. This generation of children is not interested in the job anymore. Parents also do not require children to do so. After all, working in a fireworks factory is more dangerous than other jobs.

Not as fortunate as other children his age, [REDACTED] lost the chance to attend junior high school after he completed primary school age 14. Although [REDACTED] said he was willing to continue the compulsory nine years of education, his father decided to have him stop at the current level due to the financial difficulties the family was facing.

[REDACTED] Neighbor: The main problem for him [REDACTED]'s father] is that he has too many expenses. He has parents to look after, and

he's not in very good health, not to mention his wife doesn't have a job.

Researcher: I'd also like to ask you about the high school fees. Since high school is now compulsory, they shouldn't charge tuition fees any more, right?

█'s Neighbor: The closest high school is about 10 miles away from the village, and although the school does not charge tuition fees, parents still need to pay transport costs, food, pocket money, etc. Altogether, a student in high school costs 5,000 to 6,000 Yuan a year.

█'s Father: Nowadays, most of the children in this region enroll in vocational schools after completing their elementary education. But my son can't study like other kids, even if I'd let him attend high school. I don't want my son to work at a fireworks factory; but as you can see, a fireworks factory is the only place you can find job, and my son can't do anything else. Also, keeping my son at home doing nothing would be too much of a luxury, as we are the poorest family in the village.

Researcher: How much did you spend on building this house (which looked new and large)?

█'s Father: I spent 60,000 Yuan in total in 2004 to build the house.

Researcher: You mean building a beautiful house is still the most important thing for a village family, regardless of whether they are poor or rich. Did you borrow money from friends and relatives, or loan sharks?

█'s Father: Friends and relatives.

Researcher: How much is there still to pay off?

█'s Father: About 10,000 Yuan. It's hard for us to save money, we need at least 10,000 Yuan to cover the basic living expenses of the whole family each year.

█'s mother had worked in the fireworks factory located in the village on a part-time basis, so in the very beginning █ just worked there occasionally as his mother's assistant. In

January 2008, the peak production season for the fireworks sector, when [REDACTED]'s mother had to quit the job because of her deteriorating health, [REDACTED] was recruited by the fireworks factory though he had not yet reached age 15. [REDACTED] was not the only victim of child labor in this factory, where another girl, age 17, who came from a nearby village, was found working in an assembly workshop. As revealed by interviews with the factory owner, the incidence of child labor is closely related to the problems of accumulated labor shortage encountered by many local fireworks factories as a result of the trend towards geographic consolidation in the fireworks industry.

Researcher: Are the workers all local residents?

Factory Owner: There were already six to seven fireworks workshops in this village when we moved here. Hiring experienced workers was not easy. Nowadays, there are never enough workers, and some need to be recruited from other counties or provinces. Right now, we hire around 100 people in the factory, of which 60 to 70% are not local residents of this village. To get non-local people working here, we need to provide transportation services, meals, or even dormitories. These also increase costs. So we prefer to use local residents.

Facing the problem of labor shortage and increasing costs for hiring non-local residents, fireworks factories have more incentives to employ underage children in nearby villages, especially in the peak production season.

At the time the researcher interviewed him, [REDACTED] routinely worked 10 hours a day, 7 days a week, 11 months per year; similar to all other adult workers. It was normal that employees were not paid by the month, but rather, occasionally received small amounts of cash for traditional Chinese festivals. Those needing more money to cover their families' incidental expenses had to negotiate this with the employer. Typically, all employees were not fully paid until the end of the Chinese Lunar Year. By the time the researcher interviewed him, [REDACTED] had worked in the factory for nearly 11 months, but he had only been paid a small amount of pocket money.

Researcher: Were you given a salary?

[REDACTED]: I've worked there for nearly a year. They've only given me a little until now. The rest will be paid at the end of the year.

Researcher: How much have you been paid?

[REDACTED]: Just twice, 300 Yuan each time.

Researcher: At the end of the year, are all other workers paid the same?

[REDACTED]: Yes.

Researcher: Do you know how much you earn a month?

[REDACTED]: Yes, 30 Yuan a day.

As discussed before, Chinese fireworks workers have frequently been put at risk of deadly industrial accidents. Fortunately, we found through the onsite investigation of fireworks factories in Liuyang City that since the enactment of the Regulation on the Safety Administration of Fireworks and Firecrackers in 2006, the local government of Liuyang City had intensified their supervision of safety conditions in the production of fireworks. Factories that were found to be in violation of the rules were made to cease operations until the conditions were rectified. Major violators could have their licenses revoked, an interviewed fireworks factory owner said. As a result of stricter enforcement of safety regulations, according to the interviewees, no explosions or other serious industrial accidents had taken place at fireworks workshops in the nearby areas.

However, no problems were detected relating to occupational safety and health. The researcher spoke with [REDACTED] carefully,¹⁰¹ as his mental faculties are not that of a normally developed child and he cannot communicate in a regular manner. [REDACTED] expressed that he disliked the job because it was too painful and difficult for him to do such heavy work for excessively long hours—without sufficient and suitable personal protective equipment.

Researcher: Do you like your job?

Xiaowei: Sometimes I do, sometimes I don't.

Researcher: Today, I saw you worked very well, and quickly. Are you feeling tired after a whole days work?

[REDACTED]: Yes, very.

Researcher: Let me see your hands. Look at these hard calluses! Before you started working here, you didn't have these, did you?

[REDACTED]: No.

Researcher: How long did you work before these appeared?

[REDACTED]: Two months.

¹⁰¹ It should be noted that for the case of [REDACTED], a child with limited mental capacity, interviewers had to provide more direct questions than with other interviews.

Researcher: Only two months. Were there any blisters on your hands at the very beginning?

[REDACTED]: Yes.

Researcher: Did they hurt?

[REDACTED]: Yeah.

Researcher: Did they provide you with gloves or any other protective equipment?

[REDACTED]: No.

These workers performed dangerous and unhealthy work-related actions such as mixing, granulating, filtrating, filling, ramming, pressing, cutting, and moving the gunpowder. Moreover, they were routinely handling poisonous and dangerous chemicals with their bare hands, being provided with no basic employee protective equipment, such as masks and gloves. Consequently, workers in fireworks workshops for years have complained that they suffered from serious skin and respiratory illnesses. A middle-aged woman working in a chemical-mixing position for over 10 years described in detail the health problems she had:

Researcher: What about the workers like you who may have to touch the gunpowder? Is it bad for your skin?

Woman Worker: Yes, it is. Our hands are usually very dirty and black when we're working anyway. There are things like alcohol, preservatives, and moisture-proofing agents in it, which are corrosive, I guess. You see, one time my fingernails completely disappeared, so I had to go to the hospital. My hands have gotten a bit better now, I didn't have fingernails at all before.

Researcher: Can't you just use a tool to stir it with instead of with your hand?

Woman Worker: That would be dangerous because an iron tool may cause an explosion.

Researcher: You mention the thing that makes you feel dizzy is mainly the moisture-proofing agent, nothing else?

Woman Worker I don't know.

In conclusion, determination of CL, FCL, and FL in the fireworks industry in China is based on four relevant Type 2 interviews and one relevant Type 1 interview out of a total of 26 interviews, and a review of three articles published from 2003 to 2008. The data indicate a demonstrated pattern of child labor abuses in the fireworks sector in Hunan, Chongqing, and Liaoning provinces. However, according to USDOL's definition of significance, there is not significant evidence of forced child labor or forced labor in the fireworks industry.

With regard to child labor, the researcher personally interviewed one adult laborer in a fireworks factory who expressed knowledge of child labor in the industry, as well as one child laborer, and two adult laborers who said they were hired as children. These interviews all occurred in a number of different factories in the Guankou District, Liuyang City, Hunan Province. The researcher also interviewed an international NGO worker, who asserted that child labor is a problem in the fireworks industry, citing the 2007 Chongqing explosion in which 12 primary and secondary students working in fireworks factories lost their lives. Some of these child victims were as young as age 8. The researcher also reviewed three articles, two of which presented evidence of separate incidents wherein child laborers in fireworks factories were killed in explosions. Another report, which consisted of a policy analysis of various sectors that use child labor in China, identified the fireworks industry as a high-risk sector for child labor practice.

With regard to forced child labor, the researcher gathered some evidence of this practice. The aforementioned NGO worker asserted that forced child labor practices exist in the fireworks industry, though the source did not provide any proof. Also, the two news articles which cited events in which child laborers died in fireworks explosions demonstrated evidence of forced child labor practices, as the children who were victims in these incidents were not attending school due to work, were working in highly hazardous conditions (*coercion of children*), and were illegally recruited (*involuntary nature of work*). However, these two articles did not provide clear evidence of a pattern of forced child labor practices, given that these could have been two isolated incidents; nor did the articles demonstrate evidence of menace of penalty. Also, the Type 2 interviews did not offer any corroborating evidence of forced child labor.

In summary, the four relevant Type 2 interviews, one relevant Type 1 interview, and review of three articles provide considerable data to support a conclusion of significant evidence of child labor in the fireworks sector in Hunan, Chongqing, and Liaoning provinces in China, based on USDOL's definition of significance. The researcher encountered several sources who knew of child laborers or were personally victims of child labor, and reviewed several articles which indicated evidence of child labor practices in this industry. Despite some evidence of forced child labor practices from two news articles, the data did not demonstrate a pattern of practice in the fireworks industry. With regard to forced labor, the researcher did not find any evidence of forced labor practices in the fireworks industry.

3.1.4. Toys

China is the largest producer and exporter of toys in the world, with over 8,000 manufacturing companies that employ more than 3.5 million workers and produce almost 75% of the toys in global trade. The United States and the European Union are key markets for China's toy exports,

accounting for 47.7% and 22.4%, respectively, of the country's total toy exports in 2005.¹⁰² China's share of the total U.S. imports of toys increased from 41.4% in 1992, to 86.2% in 2006 (see Figure 1).

China's toy production is concentrated in the country's coastal regions. More than 95% of toy production in 2005 was located in six coastal provinces: Guangdong, Jiangsu, Shanghai, Zhejiang, Shandong, and Fujian.¹⁰³ Guangdong Province is the largest toy production base, accounting for 69.3% of China's toy exports.¹⁰⁴

The majority of toy factories in Guangdong are financed by Hong Kong toy manufacturers who have dominated the world toy manufacturing industry since the 1970s. Exceeding Japan, Hong Kong became the world's largest production site for toys in the early 1980s. However, drawn by its cheap labor and land, Hong Kong toy manufacturers began to switch production to Guangdong's Pearl River Delta Region in the 1980s.¹⁰⁵

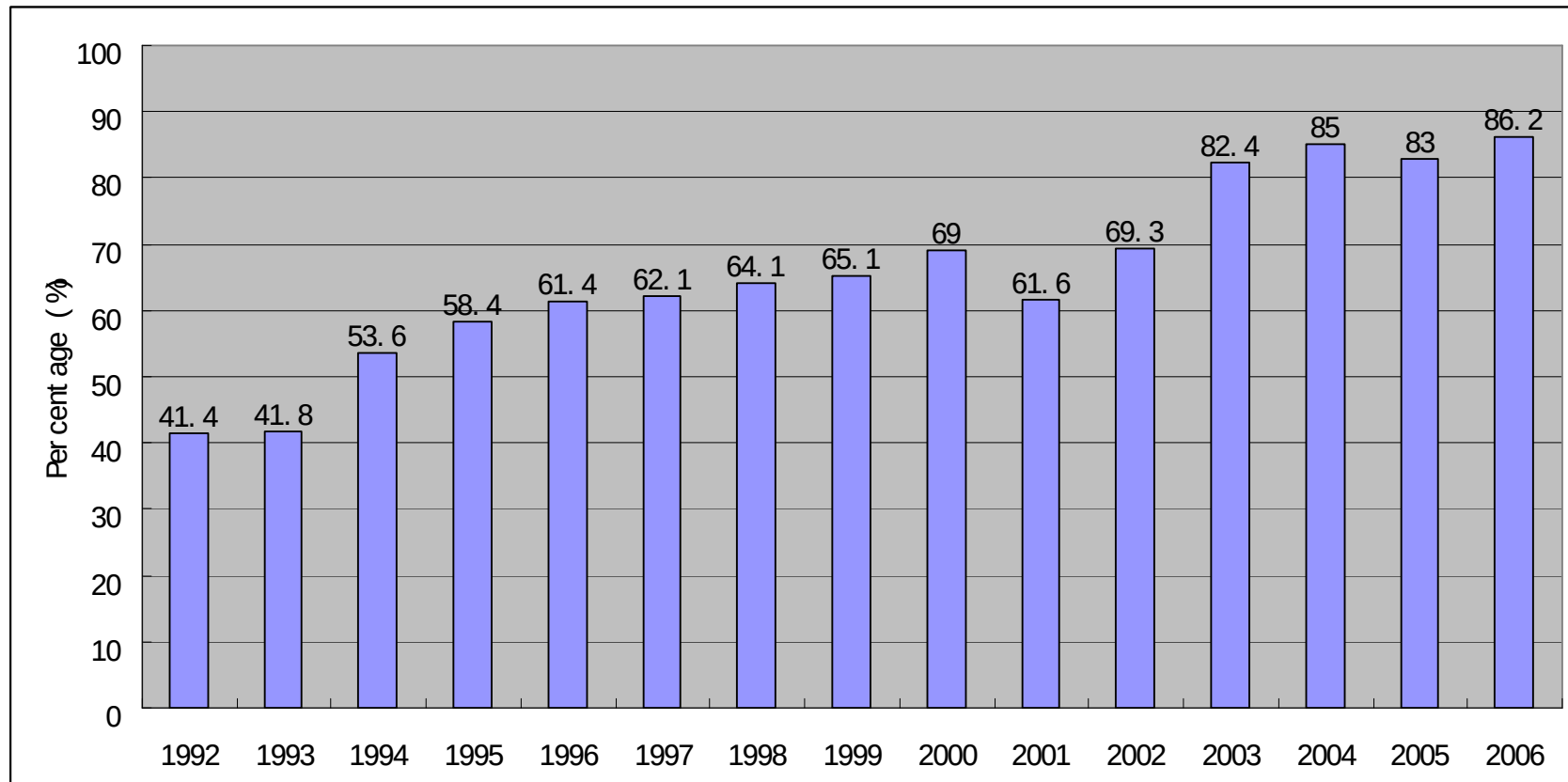
¹⁰² Pun, N., & Yu, X. (2008). When Wal-Mart and the Chinese dormitory labor regime meet: A study of three toy factories in China. *China Journal of Social Work*, 1(2), 110–129.

¹⁰³ Anonymous. (2006, October 1). Bigger and better: The continued growth of China's toy industry. *Playthings*. Retrieved from <http://web.ebscohost.com/ehost/selectdb?vid=1&hid=5&sid=51997233-8bec-4f13-b335-dcbb5eb662c6%40sessionmgr4>

¹⁰⁴ Anonymous. (2006, January 19). Toy exports up 42% in 1st 11 months of 2005. *Global News Wire—Asia Africa Intelligence Wire*. [Retrieved from Lexis Nexis].

¹⁰⁵ The Toys Manufacturer's Association of Hong Kong. (2001). *Survey of Hong Kong's toy industry: Operations, business environment and future outlook*, pp. 1–2. Retrieved from <http://forum.yidaba.com/thread-1157077-1-1.html>

Figure 1: China's Share of U.S. Total Toy Imports, 1992–2006



Sources: The International Trade Administration of the U.S. Department of Commerce, "Top 25 import sources for all toys, games, and dolls SIC 3942, 3944: Customs Value;" see www.ita.doc.gov/td/ocg/imp3942_44.htm; and www.ita.doc.gov/td/ocg/archive/aimp3942_44.htm.

The competitiveness of China's toy industry is based on a low price strategy made possible by cheap land, energy, materials, and labor at the expense of workers' rights and interests. During the 1990s, numerous reports written by journalists and labor rights NGOs have revealed rampant labor abuses in global toy factories. Most of the accusations concern hazardous or unhealthy working conditions, forced overtime, child labor, illegally low wages, and coercive labor discipline.¹⁰⁶ In recent years, serious violations of workers' human rights and legal rights have become recurrent headlines in mainstream media, just as human rights and labor rights have become the main theme of NGO reports.¹⁰⁷ Among these prevailing labor abuses, child labor and forced overtime are two frequently reported problems in China's toy industry.

To examine the current situation of labor practices in toy factories, the researcher visited Dongguan, one of six major cities in the Pearl River Delta of Guangdong Province, from November 9 to 12, 2008; Dongguan is known for its ubiquitous toy, shoe, and paper-product factories, filled with migrant laborers. Disney, Mattel, Wal-Mart, Nike, and a slew of other American companies have made products here. To the more than 200 million Chinese workers who have left the countryside to find jobs in factories or at construction sites, Dongguan is known for its two faces: while revered as a place where fortunes can be made, its reputation is tainted by several high-profile cases in which factories were accused of employing child labor, cheating workers out of wages, and bullying employees who tried to quit.¹⁰⁸

In Dongguan, the researcher investigated six toy factories and interviewed 26 informants (5 victims of forced child labor, 12 adult employees, 7 employers/managers, and 2 community members). Based on interviews with these 26 informants, the researcher found that out of the six toy factories visited, one factory (situated in Dongguan, Guangdong Province) had employed underage children (age 13–15) and juvenile workers (age 16–17), and that students had worked temporarily there as *work-study students* during their summer vacations. Among the children and juvenile labor force working in the factory (which produces plastic, die-cast, and electric toys exported to Japan), the researcher interviewed five Zhuang ethnic minority children from Guangxi Province and found they could be categorized as victims of forced child labor.

Besides interviews with 26 Type 2 informants, for the purpose of this project, the researcher also interviewed two Type 1 informants¹⁰⁹ and reviewed secondary data (news reports, reports written

¹⁰⁶ For more detailed information on sweatshop abuses in Chinese toy factories, see Inside Santa's sweatshops: Chinese workers slave in firetraps to make our toys. (1995, December 17). *The Toronto Star*. See also, Santa finds a bargain in China: Low-paid workers make toys by the millions. (1995, December 24). *The Washington Post*. See also Chinese workers make Christmas toys for UK at 10p an hour. (1995, December 24). *The Independent*. See also, Furby's dirty secret: Chinese workers toil in dingy factories to churn out the cuddly toy. (1998, December 11). *The Ottawa Citizen*. [Retrieved from Lexis Nexis].

¹⁰⁷ For details, see The hidden downside of Santa's little helpers. (2002, December 21). *The Irish Times*. See also, Sweatshop hell for China's toy makers worse than ever. (2002, December 24). *The Independent*. See also, Season of discontent: Santa's Chinese elves plumb out of goodwill. (2004, December 23). *Ottawa Citizen*. See also Asia Monitor Resource Centre. (2004). *A critical guide to corporate codes of conduct: Voices from the South*. Retrieved from <http://www.amrc.org.hk/Critical%20Guide%20to%20Codeof%20Conduct%20with%20front%20cover.pdf>. See also, Hong Kong Christian Industrial Committee. (2000). *McDonald's toys: Do they manufacture fun or more exploitation?* Retrieved from [http://www.cic.org.hk/download/McDonald%20Toys%20\(1\).doc](http://www.cic.org.hk/download/McDonald%20Toys%20(1).doc). See also, Hong Kong Christian Industrial Committee. (2001a). *How Hasbro, McDonald's, Mattel, and Disney manufacture their toys*. Retrieved from <http://www.cic.org.hk/download/CIC%20Toy%20Report%20Web%20eng.pdf>. See also, Hong Kong Christian Industrial Committee. (2001b). *BOM!! Beware of Mickey—Disney sweatshops in South China*. Retrieved from <http://www.cic.org.hk/download/whole%20report2.doc>

¹⁰⁸ Cha, A. E. (2008, April 14). New law gives Chinese workers power, gives businesses nightmares. *The Washington Post*, p. A01.

¹⁰⁹ One is Overseas NGO 5 and the other is Overseas NGO 8.

by NGOs) published from 2004–2008 to achieve a historically sensitive assessment of the situation of CL, FCL, and FL in China's toy sector. Of these site visits, interviews, and articles, five site visits (including various Type 2 interviews), four interviews with Type 1 informants, and a review of 19 articles and reports were found to be relevant in the determination of incidence of CL, FCL, and FL in the toy industry.

3.1.4.1. Child Labor

During the period from 2004–2007, numerous media and NGOs reports have documented the problem of hiring child laborers (below China's legal working age of 16) or juvenile laborers (between age 16 and 17) in the toy industry of Guangdong Province.

- On August 22, 2004 a local governmental labor supervision team cracked down on an unlicensed electronic toy workshop in Huidong County of Guangdong Province. Here, 35 school-age children (age 11 to 16) were assembling toys under substandard working conditions, being paid only 3.2 to 110 Yuan for 10 days.¹¹⁰
- On July 10, 2007 over 30 underage children (age 15 to 17) from Shaoguan in Guangdong Province, five of them school students working temporarily over the summer vacation, were found working in a toy factory in Shipai Town, Dongguan City, Guangdong Province.¹¹¹
- In July 2007 the National Labor Committee, a New York-based labor rights NGO, released in a report that, "Sesame Street's Kid K'NEX 'Ernie'" construction toys were being made at the Kai Da factory in Shenzhen City, China, by 600 mostly young workers, including 100 16-year-old high school students and several younger children. The child workers were seen in the factory in April, which is exactly the time a local newspaper in China exposed that hundreds, if not thousands of children were trafficked from Sichuan Province to the south of China, where they worked under slave labor conditions in toy and other assembly plants."¹¹²

During field studies in Dongguan, Guangdong Province in November 2008, the researcher was told by multiple categories of Type 2 informants that hiring juvenile workers and children under the legal working age, as well as in-school students who worked temporarily over the summer as work-study students, had become a routine employment practice at the factory, one of the six toy factories we investigated for this project. Given that the researcher did not get the chance to interview any managerial staff at the factory, nor had access to the factory's labor force records, this research was unable to obtain accurate statistics on the number of children and juvenile workers. However, according to interviews with 10 informants at the factory (five victims of forced child labor, three adult employees, and two community members), the number of children and juvenile workers may be substantial.

¹¹⁰ Anonymous. (2004, August 23). *Huidong County shut down an electronic toy workshop hiring child labor*. Retrieved from <http://www.chinatoy.net.com/html/list.asp?id=4315>

¹¹¹ Wanli, W. (2007, July 11). *Child laborers in a toy factory in Dongguan work 16 hours per day*. Retrieved from <http://pic.people.com.cn/GB/1098/5973822.html>

¹¹² The National Labor Committee. (2008). *Nightmare on Sesame Street: Ernie toy made in Chinese sweatshop*. Retrieved from http://www.nlcnet.org/admin/media/document/China/KNEX_2008/SESAME_WEB_071508.pdf

Estimation of number of student workers:

Researcher:	Do they recruit workers older than 16 or 18?
Adult Employee No.1:	Sixteen-year-olds are recruited here.
Researcher:	As you just mentioned, this place recruits students during the summer vacation. Are you sure they are high school students? They can't be older than 16 years old, right?
Adult Employee No.1:	As long as they can do the work, then it's OK.
Researcher:	Do you mean there are junior or senior high school students?
Adult Employee No.1:	There are definitely junior high school students [below 16], they are so short.
Researcher:	Do the students get paid if they work here?
Adult Employee No.1:	Yes, they do.
Researcher:	They get less than normal workers, I presume?
Adult Employee No.1:	I'm not too sure about that.
Researcher:	About how many students have they recruited?
Adult Employee No.1:	Maybe 40 or 50. The factory always goes to other provinces and recruits workers.

Estimation of number of child workers under age 16:

Researcher:	A few minutes ago, I talked with the security guard who mentioned there were workers under age 16 working in this factory; are you aware of this?
Adult Employee No.2:	Yes.
Researcher:	Are they normal people? I mean, they don't have any mental handicaps, do they?
Adult Employee No.2:	They are just normal children. And they work quickly.

Researcher: Do these children live in the factory?

Adult Employee No.2: Yes.

Researcher: How many?

Adult Employee No.2: About 100 or 200.

Estimation of number of juvenile workers of 16 to 17 years old:

Researcher: How old are you?

**Victim of Forced
Child Labor No.1:** I'm only a little older than these two young children. I was born in January 1992.

Researcher: How long have you worked here?

**Victim of Forced
Child Labor No.1:** I've worked here several months. I came here in April.

Researcher: So it's the first time you've left home for work.

**Victim of Forced
Child Labor No.1:** Yes. I'm also from Guangxi.

Researcher: Are there many other workers your age here? Namely, teenagers 16 or 17 years old?

**Victim of Forced
Child Labor No.1:** There are many, maybe the majority of the total workforce (which is about 1,500).

According to the estimation of the interviewees at the factory, the number of full-time children and juvenile workers as well as temporary student workers, goes as follows:

- Temporary student workers in the summer: 40 to 50 junior high school students, between age 15 and 16
- Full-time child workers: 40 to 200¹¹³ between age 13 and 15

¹¹³. Interviewees' estimation of the number of child workers (between age 13 and 15) varies, some saying "40-50," others saying "100-200."

- **Full-time juvenile workers: 300 to a majority of the workforce (of 1,500)¹¹⁴ between age 16 and 17.**

These child and juvenile workers came to the factory through different channels. Temporary student workers were routinely introduced by their teachers, who might know the recruitment manager of the factory. Child workers under the legal working age of 16 were often brought directly from rural areas by a *middleperson*, who also worked at the factory or had contacts with managerial staff in charge of recruitment. Child workers and their parents would normally *trust* this middleperson to bring them to the factory because this person was often one of their fellow-villagers (*laoxiang*). The factory routinely provided economic incentives to these middlepersons for introducing child workers, ranging from 100 to 200 Yuan per head.

Given that China's legal working age is 16, the factory was allowed to hire juvenile workers of 16 or 17 years of age in the regular manner, through the factory's built-in recruitment center. Sending recruitment staff to labor-rich and economically poor rural areas of China, such as Sichuan, Guangxi, Hunan, and Henan provinces, to hire workers wholesale and luring middlepersons to likewise do so, were two other ways to hire juvenile workers.

Researcher: There are workers under 16 years old in the factory, aren't there?

Adult Employee No. 2: Yes.

Researcher: Did they come to Dongguan to find a job by themselves?

Adult Employee No. 2: Some people brought them here. The factory also recruits workers.

Researcher: The factory goes to rural areas to recruit workers? Do you mean in the relatively poor regions, such as Yunnan and Guizhou?

Adult Employee No. 2: Yes, and also in Sichuan, Hunan, and Henan.

Since 2004, cities in China's Pearl River Delta region have experienced an acute shortage of migrant workers. The situation deteriorated as one region after another reported a labor undersupply—from Guangdong and Fujian, up to Zhejiang Province. The Ministry of Labor and Social Security put the nationwide labor shortfall at 2.8 million in 2004. In 2005, it was estimated that factories were short 1 to 2 million workers in Guangdong Province alone.¹¹⁵ This shortage of adult workers might have exerted substantial pressure on employers to hire underage

¹¹⁴ Interviewees' estimation of the number of juvenile workers (age 16 or 17) is different, some saying "300-400," others saying "the majority of the workforce."

¹¹⁵ Wiseman, P. (2005, April 11). Chinese factories struggle to hire. *USA Today*. Retrieved from <http://www.usatoday.com/money/world/2005-04-11-china-laborx.htm>.

workers to maintain production levels in many labor-intensive industries. However, when analyzing the reasons behind the substantial use of children and juvenile workers at the factory, interviewees attributed the problem more intensively to incentives for the employers rather than pressure from a labor shortage. As explained specifically by an adult worker employed at one toy factory in Dongguan for several years, it is the employers' consideration of young workers' low cost and high productivity—in particular, for toy production lines—that is the main reason behind the problem.

Researcher:	How do you know they are younger than 16 years old?
Adult Employee No.1:	They all have resumes. You know their ages from the resumes.
Researcher:	In your opinion, why does the factory employ children?
Adult Employee No.1:	First, to save costs. In addition, all the work done by child workers is manual work, like making small toys. Adults can't assemble tiny toys, they can't even stick their fingers in. But underage children can, they are useful. Many detailed manual jobs in this factory need children's nimble fingers.

With regard to employment conditions, like all other adult workers at the factory, these children and juvenile workers labor long overtime hours without being compensated at the legal overtime rate; they were not inscribed in the mandatory national social security schemes; and they were not provided any well-organized Occupational Safety and Health (OSH) training, medical exams, or employee protective equipment. According to the Chinese legislative system, such as their Labor Law, Provisions on Minimum Wages, Labor Contract Law, and Production Safety Law, all these employment practices have violated employees' legal rights with regard to monthly payments, working hours, social security benefits, and occupational safety and health.

3.1.4.2. Forced Child Labor

In April 2008, the Liangshan forced child labor scandal was uncovered by Chinese journalists of the *Southern Metropolis* newspaper. It was reported that hundreds, perhaps thousands, of poor children of the Yi ethnic minority group in Liangshan had been lured or even kidnapped to work in factories situated in Dongguan, one of China's largest manufacturing centers for electronics, toys, and other consumer goods sold around the world. The children, mostly between age 13 and 15, were forced to work 300 hours a month (China's legal maximum overtime hours are 36 hours

over regular work hours per month) and were paid 42 cents an hour, far below the local minimum wage of about 64 cents an hour.¹¹⁶

During field studies in November 2008 at Dongguan, Guangdong Province, at one of the six toy factories investigated, the researcher interviewed four girls born in 1993, 1994, and 1995, as well as one juvenile girl born in 1992, who all came from the remote mountainous villages of Guangxi Province. Based on interviews with these five girls, all five should be categorized as *forced child labor*, which is defined for this project as “all work or service (1) exacted from any person under age 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily [coercion]; or (2) performed by any person under age 18 pursuant to a contract the enforcement of which is accomplished by process or penalties.”

Unlike the victims in the Liangshan forced child labor scandal uncovered in April 2008 who were lured or even kidnapped to work in factories, these five Zhuang ethnic minority children were brought to the factory by their relatives or fellow-villagers. In what follows, using evidence collected from interviews with these five Zhuang girls, it is analyzed in detail how they had been forced to work under the *menace of penalty*, in what forms they worked involuntarily, and to what extent these children suffered from *coercion*.

Elements of <i>Menace of Penalty</i>	Yes/No
Physical violence against worker or family or close associates	No
Imprisonment or other physical confinement	No
Sexual violence	No
(Threat of) supernatural retaliation	No
Financial penalties	Yes
Denunciation to authorities and deportation	No
Dismissal from current employment	No
Exclusion from future employment	No
Exclusion from community and social life	No
Removal of rights or privileges	No
Deprivation of food, shelter, or other necessities	No
Shift to even worse working conditions	No
Loss of social status	No
Number of Yes	1

As can be seen from the table above, one example of *menace of penalty* was found in this case. Financial penalties were also routinely used by management as labor discipline techniques to ensure productivity and prevent absenteeism. Forcing workers to work overtime for excessively

¹¹⁶ De-hong, R., Xing, W., Hui-long, L., Ming, L. Jin-ming, K.,... Xue-jun, W. (2008, April 28). Liangshan child laborers are sold like cabbages in Dongguan. *Southern Metropolis*. Retrieved from http://epaper.nddaily.com/I/html/2008-04/28/content_452545.htm. See also, Barboza, D. (2008, May 1). China says abusive child labor ring is exposed. *The New York Times*. Retrieved from http://www.nytimes.com/2008/05/01/world/asia/01china.html?pagewanted=1&_r=1

long hours by means of heavy fines was the main problem brought up by the child and juvenile workers interviewed.

Researcher: Do they fine you a lot?

**Victim of Forced
Child Labor No.1:** Yes, they do.

Researcher: Suppose something you've made wasn't made quite right, or something like that, would you be fined?

**Victim of Forced
Child Labor No.1:** For sure. There is a fine whenever we make something wrong. Fifty Yuan and up.

Researcher: Have your fellow workers or you yourself ever been punished?

**Victim of Forced
Child Labor No.1:** I haven't. But some others have.

Researcher: Besides this, what else would you be fined for?

**Victim of Forced
Child Labor No.1:** Being late or absent.

Researcher: How much is the fine for being late?

**Victim of Forced
Child Labor No.1:** Five or ten Yuan is the lowest amount.

Researcher: Your overtime shifts are too long. Is it possible for you not to work overtime?

**Victim of Forced
Child Labor No.1:** Yes. But some money will be deducted. If someone is fined one day for some reason, he won't be willing to work overtime that day. But then they are absent from overtime work, so they'll be fined again. Being fined several times a day means the worker needs to work several days unpaid.

Researcher: So not working overtime is considered being absent.

**Victim of Forced
Child Labor No.1:** Yes.

Researcher: How much is the financial penalty for being absent from overtime work?

**Victim of Forced
Child Labor No.1:** Fifty Yuan. If someone is absent for a whole day, the penalty will be 150 Yuan, which is as much as the wage of three or four days.

Researcher: So many people are unwilling to work long hours overtime. Are you willing to work for that long?

**Victim of Forced
Child Labor No.1:** No. Long hours overtime makes us too tired.

Elements of <i>Involuntary Nature of Work</i>	Yes/No
Birth/descent into <i>slave</i> or <i>bonded</i> status	No
Physical abduction or kidnapping	No
Sale of person into the ownership of another	No
Physical confinement in the work location	No
Psychological compulsion	No
Induced indebtedness	No
Deception or false promises about types and terms of work	Yes
Withholding and non-payment of wages	Yes
Retention of identity documents or other valuable personal possessions	No
Number of Yes	2

As shown above, two examples of *involuntary nature of work* were found in this case. First of all, these victims of forced child labor had been lured to work at the factory by job recruiters' "deception or false promises about types and terms of work." While this research found no children or juvenile workers who had been kidnapped or sold illegally to work at the factory, the Zhuang girls said they felt somewhat cheated by the middleperson who had promised them that the jobs at the factory were well-paid and of reasonable working hours.

Researcher: Were you introduced here or did you find the job yourself?

Victim of Forced

Child Labor No.1: I was introduced here by others. The introducer told us the factory was very good. No money would be deducted from our wages. And it would provide room and board. But after we got here, we found it was just the opposite.

Researcher: Do you feel you've been cheated?

Victim of Forced

Child Labor No.1: Yes, a little. Once you come here, they withhold your wages, so it is quite difficult for you to leave.

Researcher: Because you worry that they won't give you your wages?

Victim of Forced

Child Labor No.1: Yes, if you want to quit, they won't approve it, then you will lose two month's worth of withheld wages.

This second example of the *involuntary nature of work* discovered at the factory was the withholding of workers' wages for two months. Workers complained that it became very difficult to resign from their job or find a better one because the employer routinely withheld all production workers' wages for two months; these wages would never be paid to workers submitting resignation (unless, of course, management were to give their approval).

Researcher: When do you usually get your wages?

Victim of Forced

Child Labor No.1: Two months later; for example, the wages for September will be given in November; those of October won't be given until December.

Researcher: Why is it delayed for so long?

Victim of Forced

Child Labor No.1: They are afraid you might quit.

Researcher: You won't get your wages if you quit, right?

Victim of Forced

Child Labor No.1: No, you won't.

Community member: They don't have a contract. If you leave the factory, you will get nothing. They withhold money for this reason. So

you have to wait until the next time when the wages are given.

Victim of Forced

Child Labor No.1: Because they have delayed paying us.

Elements of Coercion of Children	Yes/No
Children are deprived of basic needs in the workplace	No
They work long or unusual hours	Yes
They are engaged in hazardous work that puts them at risk of serious injury or death	No
They are physically or sexually abused at work	No
They are not able to attend school because of work	No
Number of Yes	1

As for coercion of children, excessively long working hours was found to be a prevailing problem, regardless of whether it was for adult workers or children and juvenile workers, who should all be protected by law from working long overtime hours.

Researcher:

Does your overtime work last long? Till what time at night?

Victim of Forced

Child Labor No.1:

It's 10:30 p.m. now. But in peak production seasons, till 11:30 p.m. or 12:00 a.m.

Researcher:

Do you work on Saturdays or Sundays?

Victim of Forced

Child Labor No.1:

Yes, we do.

Researcher:

Even on Sundays?

Victim of Forced

Child Labor No.1:

Yes.

Researcher:

How many days can you rest a month?

Victim of Forced

Child Labor No.1:

I can't rest at all if I have work to do.

Researcher:

Since you have to work overtime for such a long time, do you feel exhausted?

- Victim of Forced
Child Labor No.2:** Yes, very tired. We want to go home.
- Researcher:** If you get your wages now, would you go home instead of working here?
- Victim of Forced
Child Labor No.2:** Yes.
- Researcher:** But you can't leave, can you?
- Victim of Forced
Child Labor No.2:** No, we can't. We haven't gotten our wages.
- Researcher:** Is it possible to find the introducer and ask him, "Please lend me some money. I want to go home now"?
- Victim of Forced
Child Labor No.2:** I've told him this. But he said I should work here for several months, till January 2009.

3.1.4.3. Forced Labor

According to numerous reports from labor rights NGOs during 2003–2008, forcing workers to work excessively long overtime hours is the other common labor abuse in China's toy industry. Students and Scholars Against Corporate Misbehavior, a Hong Kong-based labor rights NGO, conducted field research between June 2005 and December 2006 at five toy supplier factories in Shenzhen and Zhuhai cities, Guangdong Province, producing for Wal-Mart. They documented widespread illegal labor practices in a report published in 2007. The report had specific findings on the issue of forced overtime:¹¹⁷

All five factories impose a "six-day workweek" and a minimal 11-hour workday on production workers—making for a 66 to 78 hour workweek. The most serious case among the five factories occurred at Zhuhai-based Kam Long. Kam Long workers report that on average they work as many as 28 days per month and up to 30 days when filling rush orders. In one month, their working hours reached a record high of 336 hours. They also complain that they are not allowed to refuse overtime—even when they have a bad cold or headache.

¹¹⁷ Students and Scholars against Corporate Misbehavior. (2007). Wal-Mart's sweatshop monitoring fails to catch violations: The story of toys made in China for Wal-Mart. Retrieved from <http://sacom.hk/wp-content/uploads/2008/07/walmart-reportsacomjun2007.pdf>

Practices of forced overtime in toy factories of Guangdong Province were also released in many other reports of labor rights NGOs.¹¹⁸

During field studies in Dongguan, Guangdong Province in November 2008, at one of the six toy factories we investigated the researcher also found that adult workers were likewise suffering from problems of forced overtime. Just like the children and juvenile workers at the factory, adult workers were also forced to take compulsory overtime, subject to the criteria of *menace of penalty* and *coercion* discussed previously in Section 3.1.4.2.

In conclusion, determination of child labor, forced child labor, and forced labor in the toy industry in China is based on five site visits; four interviews with Type 1 informants; and a review of 19 articles and reports, published from 2004 to 2008. The data indicates a demonstrated pattern of abuses in the toy sector across multiple factories in multiple locations, including Shenzhen and Dongguan in Guangdong Province, the City of Shanghai, Zhejiang Province, and other locations in Southeastern China.

With regard to child labor, data gathered from site visits, interviews, and articles, all provide evidence for this phenomenon throughout China. The researcher visited three different factory sites in Dongguan where children were observed to be working. At one of these sites, the researcher personally interviewed five girls who were victims of child labor and forced child labor. The researcher also interviewed four Type 1 informants, three NGO workers, and one academic researcher, who all reported observing child laborers in various toy factories in the country, though little detail of the children and their situations was provided in the interviews. Given the content of these interviews, it appears that the informants were referring to different factories. While the information in the interviews did not allow for sufficient characterization about the condition of child labor in these factories, all four informants did confirm knowledge of child labor in the toy industry. Of the 19 articles and reports, 13 indicated the presence of multiple instances of child labor in various cities and factories, mostly in Guangdong Province. The existence of child labor in these articles and reports is based upon the use of direct observation and interviews, as well as secondary sources.

With regard to forced child labor, during a site visit the researcher personally interviewed five girls who were victims of child labor and forced child labor in a toy factory in Dongguan, as mentioned previously. These girl laborers reported being subject to withheld wages and

¹¹⁸ China Labor Watch & National Labor Committee. (2005) *Blood and exhaustion: Behind bargain toys made in China for Wal-Mart and Dollar General*. Retrieved from http://www.nlcnet.org/admin/media/document/huangwu_report.pdf. See also National Labor Committee. (2004). *Toys of Misery 2004: A joint report by National Labor Committee and China Labor Watch*. Retrieved from http://www.nlcnet.org/admin/media/document/ReportPDF/China/Toys%20of_Misery_Report.pdf. See also National Labor Committee. (2007). *Toys of Misery 2007: Santa's helpers suffer constant abuse while making Barbie, Thomas & Friends, and other toys for Wal-Mart at the Xin Yi Factory in China*. Retrieved from http://www.nlcnet.org/admin/media/document/China/Mattel/Toys_Misery_WEB.pdf. See also National Labor Committee. (2007). *Thomas & Friends goes to China, stumbles, and is recalled: Illegal sweatshop conditions at four factories in China producing Thomas & Friends toys*. Retrieved from http://www.nlcnet.org/admin/media/document/china/Thomas_China_PRINT_BODY.pdf. See also National Labor Committee and China Labor Watch. (2006). *Made in China: The sweatshop behind the Bratz*. Retrieved from http://www.nlcnet.org/admin/media/document/ReportPDF/China/Bratz_Report.pdf. See also Students and Scholars Against Corporate Misbehavior. (2005). *Looking for Mickey Mouse's conscience: A survey of the working conditions of Disney's supplier factories in China*. Retrieved from <http://sacom.hk/wp-content/uploads/2008/07/disney.pdf>. See also Students and Scholars Against Corporate Misbehavior. (2006). *A second attempt at looking for Mickey Mouse's conscience: A survey of the working conditions of Disney's supplier factories in China*. Retrieved from <http://sacom.hk/wp-content/uploads/2008/09/7-disney-research-2006.pdf>

deception about the nature of their work, both of which constitute *involuntary nature of work*; financial penalties, which constitutes *menace of penalty*; and *coercion*, through long working hours. Four of the girls were under the age of 16, so these practices also constituted *child labor*, while another girl was 16 years old at the time of the site visit. Of the 19 articles and reports, seven articles and reports indicated the presence of forced child labor in the toy industry, evidenced through *coercion* of children (deprivation of basic needs, long hours), *menace of penalty* (threat of physical violence, withheld wages), and *involuntary nature of work* (slave-like conditions, sale of children, physical confinement, retention of identity documents, and deception regarding working conditions).

With regard to forced labor, the researcher interviewed adult laborers, employees, and community members who reported the existence of forced labor in the toy sector, mostly through the use of compulsory overtime (*involuntary nature of work*) and financial penalties (*menace of penalty*). Nine NGO reports, which detailed site visits and interviews with laborers, indicated forced labor of adults in the toy industry; mostly through the use of the use of compulsory overtime (*involuntary nature of work*) and financial penalties (*menace of penalty*).

In the five site visits, four Type 1 interviews, and review of 19 articles and reports, there is sufficient data to support a conclusion of significant evidence of child labor, forced child labor, and forced labor in the toy sector in China, based on USDOL's definition of significance. With regard to child labor, the data indicate a demonstrated pattern of abuses in the toy sector across multiple factories in multiple locations, including Shenzhen and Dongguan in Guangdong Province, the City of Shanghai, Zhejiang Province, and other locations in Southeastern China. With regard to forced child labor, the researcher found credible evidence of such abuses during a site visit to Dongguan; articles demonstrated that such abuses exist in various locations in Guangdong and Sichuan provinces. With regard to forced labor, site visits and articles indicate forced labor practices in various factories throughout Guangdong Province; despite the evidence only stemming from one province, the number of site locations and victims justifies a finding of significance, according to USDOL's definition of significance.

3.1.5. Cotton

As the world's major manufacturing center and exporter of clothing and textiles, China is also the world's largest producer and consumer of raw cotton. As estimated in 2006 by the National Reform and Development Commission, China's cotton production was likely to reach 6.5 million tons, accounting for 26% of the global cotton production of 25 million tons per year.¹¹⁹ Statistics from the China Cotton Association show that the national gross output of cotton reached 6.73 million tons during the 2006/07 cotton season, and is estimated to be 7.5 million tons for 2007/08.¹²⁰ At the same time, as the largest cotton consumer in the world, China's cotton consumption made up 24% of the total volume of cotton consumption in the world in 2006.¹²¹ China's soaring economy and global textile trade liberalization have driven its

¹¹⁹ China's cotton production to grow this year. (2006, October 24). *Xinhua News Agency*. Retrieved from http://www.china.org.cn/2006-10/24/content_1185838.htm

¹²⁰ Hairong, W. (2007, December 27). A tale of cotton pickers. *Beijing Review*. Retrieved from http://www.bjreview.com.cn/nation/txt/2007-12/27/content_93189.htm

¹²¹ Wang, J., & Fok, M. (2006). *Analysis on China cotton market*. Retrieved from http://wjian1958.blog.bokee.net/bloggermodule/blog_viewblog.do?id=101334

cotton imports far beyond that of any other markets.¹²² The other key factor explaining the increase of China's cotton imports is that the international cotton price is lower than the domestic price due to the higher production efficiency of foreign farmers and subsidies from their governments. According to the U.S. Cotton Council, from 2004 on, about half of cotton consumed in China was from imports, and about one half of China's imported cotton was from the United States, with the rest coming from West Africa, the former Soviet Union, and Australia.¹²³

Cotton is grown in most of China's provinces, municipalities, and autonomous regions; from the border areas of southern Yunnan to northeastern Liaoning and northwestern Xinjiang.¹²⁴ As the largest cotton-growing region in China, the Xinjiang Uygur Autonomous Region consistently ranks number one in per capita yield, output, rank, and domestic transfer volume.¹²⁵ In 2007, cotton output in Xinjiang was expected to reach 2.7 million tons, accounting for about 40% of the country's cotton production volume this year. The output growth has been attributed to increased cultivation of 1.33 million hectares.¹²⁶ Cotton production and related industries have become the backbone of Xinjiang's economy, generating one-sixth of the local gross domestic product (GDP).¹²⁷

Despite Xinjiang's geographic and natural advantages, painstaking farm work is needed to ensure the cotton's high quality and an impressive production capacity. During the whole farming process, the harvest season—lasting two months, starting in early September and ending by early November—is the most labor-intensive stage. To ensure the highest production volume and quality, the cotton must be picked quickly; otherwise it will go to waste in the field. Labor is abundant in China, but not in Xinjiang during the cotton harvest season. With an area four times the size of California, Xinjiang accounts for one-sixth of the total landmass of China, but only slightly over 1% of the total population. Every harvest season, more than 600,000 migrant workers, mostly middle-aged women from various parts of China, make the long journey of several thousand kilometers to Xinjiang to help local farmers pick cotton.¹²⁸ The number of migrant farmers picking cotton in Xinjiang each year has increased from about 10,000 a decade ago, to 1 million in 2007.¹²⁹

¹²² U.S. Department of Agriculture, Economic Research Service. (2006, July 14). *Cotton: Trade*. Retrieved from <http://www.ers.usda.gov/Briefing/Cotton/trade.htm>

¹²³ Hairong, W. (2007, December 27). A tale of cotton pickers. *Beijing Review*. Retrieved from http://www.bjreview.com.cn/nation/txt/2007-12/27/content_93189.htm

¹²⁴ Hsu, H.-H., & Gale, F. (2001). *Regional shifts in China's cotton production and use*. Retrieved from <http://www.ers.usda.gov/Briefing/Cotton/PDF/Chinacotton.pdf>

¹²⁵ Anonymous. (2006, November 22). *Xinjiang, China's biggest cotton production base*. Retrieved from http://www.aboutxinjiang.com/Today/content/2006-11/22/content_1386727.htm

¹²⁶ Anonymous. (2007, December 14). China's largest cotton base expects major output growth. *Xinhua News Agency*. Retrieved from <http://www.china.org.cn/english/business/235684.htm>. See also, Hairong, W. (2007, December 27). A tale of cotton pickers. *Beijing Review*. Retrieved from http://www.bjreview.com.cn/nation/txt/2007-12/27/content_93189.htm

¹²⁷ Hairong, W. (2007, December 27). A tale of cotton pickers. *Beijing Review*. Retrieved from http://www.bjreview.com.cn/nation/txt/2007-12/27/content_93189.htm

¹²⁸ Tuanjie, C. (2006, September 10). Cotton pickers in Xinjiang. *China Foto Press*. Retrieved from <http://en.chinafotopress.com/index/onegroup?gid=1146143>

¹²⁹ Hairong, W. (2007, December 27). A tale of cotton pickers. *Beijing Review*. Retrieved from http://www.bjreview.com.cn/nation/txt/2007-12/27/content_93189.htm

Each year, when Xinjiang has a bumper cotton harvest, the shortage of cotton-picking laborers persistently worries the cotton growers. Local government in Xinjiang provides a solution to the labor shortage problem, allowing the recruitment of students as temporary cotton-pickers; this falls under one form of the work-study programs that have been implemented in China's educational institutes at various levels, from elementary schools to universities. To solve the serious labor shortage problem in cotton fields, in 2005 the Educational Department of Xinjiang issued an official document requiring college students and those in primary and secondary schools to take part in the work-study program. For students, the cotton-picking activities were compulsory, because students' working attitudes and performances would be recorded as references for school performance, scholarships, financial aid, and as a judgment criterion for the Merit Student Award.¹³⁰ In 2006, the General Office of the People's Government of Xinjiang issued the *Opinions on Strengthening the Management of Work-Study Labor Practices in Elementary and Secondary Schools*. The Opinions highlighted the leading roles of governmental agencies in managing work-study programs, portraying the working mechanism as "government-led, educational, administrative, department-managed, and school-operated." The Opinions recognize three categories of labor practices as State-sanctioned work-study activities: productive activities at social practice bases of educational institutes or schools; picking various kinds of farm crops (including cotton); and collecting waste bottles, tins, and newspaper. The Opinions also limit the maximum working time to seven days per academic year for third grade and upper level primary students (normally above age 8), and 14 days for students in junior and senior secondary schools (normally ranging from age 12 to 18).¹³¹

However, the long-term practice of requiring students to pick cotton in Xinjiang has increasingly become a topic of public controversy, leading to great concern from students, parents, and the public. The opponents complained that it was not at all reasonable that primary and secondary school students suspend classes for cotton-picking; it was inappropriate to treat students as cheap laborers and directly connect performance of cotton-picking with academic performance; and lastly, many students who could not bear the tough working environment and living conditions in the cotton fields became willing to hire peasant workers to work for them, or bought picked cotton from others, causing the work-study program to lose its meaning.¹³²

Possibly as a response to the growing public grievances against the compulsory cotton-picking activities, in September of 2008 the Education Department of Xinjiang issued the *Notification on Suspending Cotton-picking Activities of Students in the Nine Years of Compulsory Education*, providing that students in primary and junior high schools, normally age 6 to 15, will no longer participate in school-organized activities to pick cotton beginning in the autumn of 2008. Instead, schools should organize necessary social practice activities according to the capabilities of students from different grades so they can ensure the students' safety.¹³³ According to local

¹³⁰ Anonymous. (2005, September 15). Xinjiang, 100,000 students suspend class for cotton picking. *Nanjing Morning Newspaper*. Retrieved from <http://news.sina.com.cn/c/2005-09-15/09526950302s.shtml>

¹³¹ General Office of the People's Government of Xinjiang Uygur Autonomous Region Government. (2006). *Opinions on strengthening the management of work-study labor practices in elementary and secondary schools*. Retrieved from [www.bri.gov.cn/1\\$003/1\\$003\\$020/33.jsp?articleid=2006-7-18-0007&pageorder=1](http://www.bri.gov.cn/1$003/1$003$020/33.jsp?articleid=2006-7-18-0007&pageorder=1)

¹³² Anonymous. (2005, September 15). Xinjiang, 100,000 Students Suspend Class for Cotton Picking. *Nanjing Morning Newspaper*. Retrieved from <http://news.sina.com.cn/c/2005-09-15/09526950302s.shtml>. See also, Universities in Xinjiang organizing 1 million students to pick cotton gave rise to dispute. (2007, September 24). *Xinhua Web*.

¹³³ He, P. (2008, September 20). From this Autumn onwards, students of nine-year compulsory education will not pick cotton any longer. *Xinhua Web*. Retrieved from http://www.xj.xinhuanet.com/2008-09/20/content_14449889.htm

officials from the Education Department of Xinjiang, the problem of primary and secondary schools in rural areas lacking public funds has been solved by the nine-year compulsory education guarantee system established by the Government, which will provide doubled funds for students in primary and secondary schools in rural areas, starting with the new autumn semester of 2008. Therefore, students enrolled in the nine years of compulsory education will no longer be required by schools to pick cotton and generate revenue for the school.¹³⁴

To examine the current situation of using work-study students as temporary cotton pickers in Xinjiang, the researcher interviewed two informants from the Shihezi Reclamation Area, Xingjiang, on November 20, 2008. One was an adult cotton-picker and one a teacher in a local junior high school, probed to examine the current situation of labor practices in the cotton farming sector. Based on interviews with these two informants, it was found that the practice of school-organized cotton-picking by students in junior high school still existed in the harvest season of 2008, although the governmental notification banning this practice was issued in September 2008.

Besides interviews with two Type 2 informants, for the purpose of this project the researcher also interviewed one Type 1 informant¹³⁵ and reviewed secondary data (news reports) from the period of 2003–2008 to achieve a historically sensitive assessment of the situation of CL, FCL, and FL labor in the Xinjiang cotton farming sector. Of these interviews and articles, there were two Type 2 interviews and six articles found to be relevant for determination of incidence of CL, FCL, and FL in the cotton industry.

3.1.5.1. Work-Study Students

Using students under work-study programs as temporary cotton-pickers during the harvest season has a long history in Xinjiang's cotton fields. Since 1994 the Xinjiang government has called for students to pick cotton for work-study purposes. The students participating in cotton-picking range from third-grade students in primary schools to those in secondary schools, secondary technical schools, and universities.¹³⁶ Given that the practice of students picking cotton is one acceptable type of government-required work-study program, the number of students who have participated in cotton-picking activities is substantial. On September 9, 2006, it was revealed in a news report from *Education of China* that about 1 million students of different ethnic groups from 2,689 schools all over the autonomous region took part in cotton-picking in 2005, bringing in 93.4 million Yuan. The income from this work-study program is mainly used for supporting poor students and improving school facilities, and it also helps pay for the construction of schools. In 2006, about 800,000 college and high school students were sent to pick cotton.¹³⁷

Researchers' interviews with two informants in November 2008 provided empirical data for analyzing the practices of using work-study students as seasonal cotton pickers in Xingjiang. According to these two interviewees, it has been a long-term practice at the Xinjiang Production

¹³⁴ Ibid.

¹³⁵ This is *NGO 1*, which shot a documentary film about cotton supply chains and visited many cotton farms in Xingjiang.

¹³⁶ Anonymous. (2008, September 11). *What is the purpose of picking cotton?* Retrieved from <http://tieba.baidu.com/f?kz=477089276>

¹³⁷ Ibid.

and Construction Corps (XPCC) agricultural division for over two decades to organize students to work as cotton-pickers every autumn, and primary and secondary schools were normally administrated by the XPCC branches at the regimental level. This is a practice which can be traced back to the 1980s when students' cotton-picking activities were considered 'voluntary labor' (*yiwu laodong*) and were unpaid.

Researcher: When did the schools begin to organize students to pick cotton, especially elementary and secondary school students?

Adult Cotton-picker: Since 1994.

Researcher: Did this also happen during the 1980s or earlier?

Adult Cotton-picker: In the countryside, any child can go and pick cotton if workers are needed. Even when we were students [the interviewee was in her forties at time of interview, so this may have been in the early 1980s] we had to pick cotton in the field.

Researcher: Your school didn't organize this for you, did they?

Adult Cotton-picker: Yes, they did. If the company [which is a grassroots unit of XPCC] needed people, the school children had to work.

Researcher: I presume that the schools don't belong to the company?

Adult Cotton-picker: They probably belong to the regiment.

Researcher: The regiment is a higher administrative rank than the company?

Adult Cotton-picker: Yes.

Researcher: Did you get paid for picking cotton in the past?

Adult Cotton-picker: No. It was totally voluntary.

Researcher: Did your school suspend classes?

Adult Cotton-picker: They certainly did!

Researcher: How long did you spend picking cotton?

Adult Cotton-picker: About two or three months. You know, autumn is long and there aren't many people here in Xinjiang.

Researcher: So you didn't have class for two or three months, right?

Adult Cotton-picker: No, we didn't.

Researcher: Did you have a summer holiday?

Adult Cotton-picker: Yes, of course!

Researcher: Then how did you make up for the missed lessons?

Adult Cotton-picker: We had to hurry to get through all the school material in a shortened academic semester.

Researcher: I am told that you've always been working in secondary schools. Does your school organize cotton-picking every year?

Teacher: Yes.

Researcher: Do you mean they've sent students out to pick cotton ever since you began working here years ago?

Teacher: Yes, that's right.

Researcher: Do all the students of both elementary and secondary school have to work?

Teacher: Those above grade three in elementary school and all in secondary and high school.

Researcher: Has it always been like this?

Teacher: Yes. But there have been some changes this year. The working period is shorter now. Now, they're only required to work for 10 to 20 days, while they worked for over a month in the past.

It was found from the interviews that the notification banning students in nine-year compulsory education from participating in cotton-picking issued by the Education Department of Xinjiang in September 2008 had not been enforced at the local level. Shortage of labor and cheaper costs for using student laborers were the main reasons for the non-implementation of this student protective policy.

- Researcher:** The Department of Education of the Autonomous Region issued a notification saying that students still in the nine years of compulsory education are not required to pick cotton this year. Did your school receive this document?
- Teacher:** We heard about that. Some schools didn't send any students while some others, like my school, still did. My school was ordered to do so by the Deputy Political Commissar of the regiment in charge of local educational affairs.
- Researcher:** Do you think sending students to pick cotton will continue next year, or will this be the last year?
- Teacher:** I don't know.
- Researcher:** How many students are there under the administration of the regiment?
- Teacher:** Probably several thousand.
- Researcher:** All students have to help pick cotton regardless of their family background, right?
- Teacher:** That's what the regulations say, but students with somewhat powerful parents can choose not to work.
- Researcher:** Did you take your students to cotton fields this year?
- Teacher:** Yes.
- Researcher:** How many students were you responsible for?
- Teacher:** A high school class, my class, about 50 students, between age 13 and 15.
- Researcher:** Is cotton-picking a compulsory course?
- Teacher:** It is considered a work-study experience rather than a course. However, it is included in the assessment of the students' overall school performance.
- Researcher:** Did the students get paid?

- Teacher:** Yes. The regiment set a fixed payment level for the students. It used to be quite low. This year, it's a bit higher. The gross payment was 1.2 Yuan per kilogram of cotton, but the net payment is only 0.9 Yuan, after deducting the costs for transportation and meals. Forty percent of students' net payment is taken away by the school, and the remaining 60% is given to the students.
- Researcher:** How much would a student earn for the 10 days or so?
- Teacher:** On average, they got 300 to 400 Yuan.
- Researcher:** Do you know the pay rate for adult cotton-pickers this year?
- Adult Cotton-picker:** Migrant workers are paid 1.5 Yuan per kilogram. There is no regular pay rate for our local residents because we know how to bargain with employers for a better rate.

It is apparent from the interviewees that non-implementation of the new policy is not a singular case. As illustrated by an open letter released on the governmental website of Wusu City to comfort displeased parents, school-organized compulsory cotton-picking practices persistently exist in large cotton farming regions.

A Letter of Complaint from Students' Parents and the Response of the Education Department of Wusu City¹³⁸

Letter of complaint from students' parents:

Officials in the Education Department of the City,

My child is a grade-three graduate student in the No.4 Junior Middle School. He tells us that they will be asked to pick cotton next Tuesday. However, the Education Department of Xinjiang has released the Notification on Suspending Cotton-picking Activities of Students in the Nine Years of Compulsory Education, saying that from the autumn of 2008, students in the nine years of compulsory education should no longer be required to take part in cotton-picking. What's more, there will be frost in late October, so how can children work in such cold weather? Moreover, grade-three students are under tremendous learning stress. Although they said that it would only last 16 days, children can hardly return to normal school life until at least a month later. The lost time can never be made up for. I am looking for a satisfactory reply from leaders of the Education Department.

Reply from the Education Department of Wusu City:

According to the *Opinions of Strengthening the Management of Work-Study Labor Experience in Elementary and Secondary Schools* issued by the General Office of the People's

¹³⁸ Anonymous. (2008, October 9). *The issue of junior middle school students picking cotton*. Retrieved from http://www.xjws.gov.cn/wsxf/index.asp?repage=1&action=view_topics&id=9623&forumid=4

s Government of Xinjiang in 2006: “The time period of work-study practice for primary and secondary schools is 14 days. The work-study experience is an essential cultivation-oriented education and teaching activity. For the convenience of labor management, the school can employ quantitative management based on the summarization of the former experience, that is, the school can take the class as a unit, and make instructive goals based on the cardinal number of the amount of the task students can finish as well as their ages, gender, and health situation. It is necessary to encourage students to help those who have made every effort but still cannot finish the task, in the process of which they can learn how to achieve the goal by cooperative work. Work-study experience should be included in status management. The performance of the students is an important reference in the evaluation of the social experience activity.”

It is true that the Education Department of Xinjiang has recently delivered the *Notification on Suspending Cotton-picking Activities of Students in the Nine Years of Compulsory Education*. However, the shortage of cotton-picking labor leads to the fact that a large amount of cotton cannot be picked in time. Thus, the authorities of the Autonomous Region have signed an instruction, urgently mobilizing the students in junior and senior high schools all across Xinjiang to help farmers pick cotton, in order to minimize farmers’ economic losses. On the evening of October 6, 2008 we received an emergency notification from the Education Department of Tacheng Region, requiring junior high school students to participate in the work-study experience programs (including cotton-picking), and that the work-study experience program should not exceed 14 days, as limited by the relevant rules of the Ministry of Education and the Education Department of Xinjiang.

The work-study experience program implemented in our city is a social practice activity in accordance with the requirements of documents of higher authorities and the emergency notification of the Work-Study Practice Office of the Regional Education Department. We hope that parents will show enough understanding and offer their full support.

The Education Department of Wusu City

October 10, 2008

Just as reported repeatedly by journalists, two interviewees said cotton-picking was definitely hard work for the students; especially for young students in primary schools, who would routinely work in the cotton fields for over 10 hours per day, being closely supervised by teachers to pick more than 40 kilograms of cotton—the daily workload for each student.

Researcher: So, for your students between age 13 and 15, how much are they required to pick a day?

Teacher: The standard is 40 kilograms.

Researcher: Can they generally pick that much?

Teacher: If they focus on the work, most students can.

Researcher: If some students don’t work hard, will you scold them?

Teacher: No. We only encourage them.

- Researcher:** If a student refuses to work, or they can't finish the required workload, what will happen to them?
- Teacher:** They will have to pay their share to the school, 40% of the payment for the required workload. For example, the students' payment for 40 kilograms is 70 Yuan. If the student doesn't work, they have to pay 28 Yuan [per day] to the school.
- Researcher:** How long do they work a day?
- Teacher:** A bit over 10 hours or so.
- Researcher:** Are they allowed to rest?
- Teacher:** Just a short break at noon.
- Researcher:** Does the school buy emergency insurance or industrial injury insurance for the students?
- Teacher:** The school is not responsible for that. The school asks the parents to do so, including emergency and medical insurance. The parents pay for these.

When analyzing why cotton-picking activities have received strong opposition from students and their parents, the teacher interviewed highlighted two factors: the work of cotton-picking is too painstaking to be a suitable form of labor for young children and the management of the revenue generated from students' labor is not transparent.

- Researcher:** How do the students feel about cotton-picking?
- Teacher:** No one is willing to go. They usually see it as wasting time they should be spending studying, and it is also exhausting.
- Researcher:** From the perspective of a teacher, do you approve of cotton-picking?
- Teacher:** No, I don't. I do agree that a reasonable amount of labor is good for the students. But if the work lasts too long, it becomes too tiring and boring, then results in the students' negative attitude and behavior; which, in the long run, is harmful to the development of their personality, habits, and their future social lives. It's not suitable for young children to work like this for a long time, both physically and mentally.

- Researcher:** Does cotton-picking relieve the financial strain on the school to some extent?
- Teacher:** There is a bit of a relationship there. This place has always been relatively poor. The funds allocated to the school have never been enough.
- Researcher:** Is the revenue generated by the students' labor eventually used for the school?
- Teacher:** We are in the dark on this. The regiment manages the school's financial account so that's hard to say. Our school doesn't have any financial freedom and has to submit a report for the regiment to check and approve before paying the teachers' salaries or any administrative expenses. I'd say cotton-picking would relieve the strain to some extent.
- Researcher:** Sorry, I don't understand. Who pays the students for picking cotton and how?
- Teacher:** Normally, students' wages are paid by the employer [farm owners] to the regiment, which then transfers them to the schools, and finally the students get 60% of their wages from the schools.
- Researcher:** How long does it take for the money to be distributed to the students?
- Teacher:** It depends. Once, the students' payment was withheld by the regiment for half a year before it was finally distributed to the students.

In conclusion, determination of CL, FCL, and FL in the cotton industry in China is based on two Type 2 interviews and a review of nine articles, six of which are relevant, published from 2005 to 2008. No site visits were conducted. The data indicate a demonstrated pattern of child labor and forced child labor abuses in the cotton sector across multiple locations, including Jiangxi, Xianjiang, Shaanxi, and Gansu provinces. The data do not indicate a demonstrated pattern of forced labor in the cotton industry.

With regard to child labor, the researcher conducted two interviews in Xinjiang Province that yielded relevant information. Interviews with an adult farm worker and a teacher from a school indicated ongoing practices of cotton-picking by students or children accompanying their parents. These sources also said they knew of children as young as age 8 working to pick cotton. Of the nine articles and reports, six provided evidence of child labor in the cotton sector. These

articles demonstrated that children as young as third graders work to pick cotton throughout China. One article indicated that in Xinjiang Province alone, over 1 million students, some of whom were children, worked to pick cotton through work-study programs at their schools. Other reports indicated similar practices elsewhere in Xinjiang Province, and also in Ganshu Province; these work-study programs affected approximately 100,000 and 40,000 children, respectively.

With regard to forced child labor, the two sources mentioned above also indicated such practices. The interviews with the adult farm worker and teacher revealed that children in the cotton industry work 10 or more hours per day, and suffer from low pay and financial penalties, which constitute *coercion*, *menace of penalty*, and *involuntary nature of work*. Therefore, in addition to the presence of child labor, the interviews indicated the existence of forced child labor due to financial penalties (*menace of penalty*), long working hours (*coercion* of children), and low wages (*involuntary nature of work*).

The same six articles referenced above also provided evidence of forced child labor in the cotton sector. The article, which indicated that over 1 million students in Xinjiang Province were forced to pick cotton through work-study programs at their schools, also demonstrated that the students were not paid wages, and that if the students did not pick cotton, financial penalties were imposed on them. Other reports indicated similar practices elsewhere in Xinjiang and also in Ganshu Province; these work-study programs affected approximately 100,000 and 40,000 children respectively; and again, students were forced to pick cotton without pay, and suffered financial penalties if they did not work. Another report indicated that a 15-year-old boy was killed while working at a cotton mill in 2007 in Jiangxi Province. These reports indicate *menace of penalty* (financial penalties), *coercion* (hazardous work), and *involuntary nature of work* (withholding or nonpayment of wages).

With regard to forced labor, the data indicated the presence of this phenomenon in the cotton industry in Xinjiang Province. However, of the over 1 million students in Xinjiang Province forced to pick cotton through work-study programs at their schools, an unspecified number are college or postsecondary students, and are therefore, adults. These articles also pointed to practices such as poor working conditions, financial penalties, and withheld wages, which meet the criteria of *menace of penalty* and *involuntary nature of work*. The sources are web-based and could be referring to the same incidents of forced labor.

Based on the two relevant interviews and six relevant news reports, there is sufficient data to support a conclusion of significant evidence of child labor and forced child labor in the cotton sector in China, based on USDOL's definition of significance. The data indicates a demonstrated pattern of abuses in the cotton sector across multiple locations, including Jiangxi, Xianjiang, Shaanxi, and Ganshu provinces, which implicates hundreds of thousands of children, if not more. The two interviewees indicated knowledge of child labor and forced child labor practices in the cotton sector, which included long working hours, work without pay, involuntary work, and children as young as age 8 being forced to work. The news reports also indicated that these practices were widespread and ongoing in the cotton sector. Given that only two articles indicated the use of forced labor in the cotton industry in only one province, the data do not indicate significant evidence of forced labor in the cotton industry, based on USDOL's definition of significance.

3.1.6. Tiles

The slavery scandal of 2007 in Shanxi Province also uncovered the problem of child labor in the tile industry. However, it was not the first time Shanxi was caught in the media spotlight for using child labor. As early as 2002, Liuwu Village, Wanrong County, Yuncheng City, Shanxi was fined 148,000 Yuan by the Labor and Social Security Ministry for recruiting child laborers.¹³⁹

To examine the current situation of labor practices in the tile kilns, on October 28, 2008 the researcher revisited Liuwu Village, which was notorious in the slavery scandal of the previous year. The researcher investigated three tile kilns and interviewed one adult employee who had been working there burning tiles for nearly 10 years. The researcher did not uncover problems of child labor, forced labor, or forced child labor in the kilns visited.

Besides interviews with one Type 2 informant, for the purpose of this project the researcher also interviewed one Type 1 informant¹⁴⁰ and reviewed secondary data (news reports) published from 2003–2008 to achieve a historically sensitive assessment of the situation of child labor, forced labor, and forced child labor in China's tile sector. Of these site visits, interviews, and articles, both interviews, one site visit, and two articles were found to be relevant in determination of incidence of CL, FCL, and FL in the tile industry.

3.1.6.1. Child Labor

A journalist of the *Southern Weekend* reported in June 2007 that substantial numbers of child laborers were found working in over 60 tile kilns located in Liuwu Village, Wanrong County, Yuncheng City, Shanxi Province. Just before the police could crack down on the kilns using these illegal labor practices, the victims of child labor were moved elsewhere by the kiln owners.¹⁴¹

¹³⁹ Zhu, H. (2007, June 21). Reappearance of child labor problem. *Southern Weekend*. Retrieved from <http://www.southcn.com/weekend/top/200706210013.htm>

¹⁴⁰ This is a journalist from *Chinese Media 3*.

¹⁴¹ Zhu, H. (2007, June 21). Reappearance of child labor problem. *Southern Weekend*. Retrieved from <http://www.southcn.com/weekend/top/200706210013.htm>

The Case of Child Labor in Tile Kilns of Liuwu Village¹⁴²

Photographers from a TV channel recorded these shocking images. At the entrance of the village, 60 tile kilns were lined up, showing no signs that a lunch break was about to be taken even though it was already noon. Still, with the innocence of youth on their faces, child laborers, no less than 20 in number as far as the reporters could tell, mostly 1.3 or 1.4 meters tall, were working everywhere in the kilns.

These children were usually assigned to produce unburned tiles. Weighed by the reporter, the cylindrical mould for shaping mud into tiles was about 3.5 or 4.0 kg, and these children were lifting one every 30 seconds; in total, thousands of times a day.

These children were extremely cautious of outside visitors. Once asked their age, they would, without hesitation, say 17 or 18, then leave. A little boy told the reporters in private that he was 14 years old, from Yunnan Province, and was owed salaries since February. When the reporters offered to take him away with them, he hesitated and soon was driven away by a yelling foreman.

Mistaking the reporters for parents of missing children, this middle-aged foreman comforted them by saying, "We are all from Yunnan Province, there's not a single one from Henan. Perhaps you should look somewhere else."

An adult worker told the reporters in confidence that all the kilns in that region were contracted to Yunnan or Shandong people who brought those child laborers with them; some sent by their parents, others tricked into coming. In return for their work, the foremen would send 2,000 to 3,000 Yuan to their families at the end of the year.

In the afternoon, when the reporters left the kiln, work continued as usual. However, the next morning when the reporters returned, all those children, surprisingly, were nowhere to be found, and the kilns that had been busy the day before were almost or even completely empty. Kiln workers told the reporters that the child laborers had been transferred before the police arrived for a sweep the afternoon before, and they would not have gone far.

The reporters hurried to the village committee member for the latest information, where dozens of kiln owners and foremen were under investigation. A police officer and labor supervisory personnel told the reporters that the results of the initial sweep indicated no existence of child laborers, which came as a shock.

The reporters could not find out the final results of this sweep, but unintentionally got to know that these Liuwu tile kilns had a long history of recruiting child labor and were seemingly immune to police raids. In 2002, they attracted the attention of the National Labor and Social Security Department, which had urged the provincial and city governments to conduct a thorough investigation.

Reporters of the *Southern Weekend* newspaper learned from the investigation reports submitted by the county government to the Labor and Social Security Department that year that the so-called Liuwu Village Brick and Tile Construction Material Corporation, which openly recruited child laborers, was in fact run by the leading board members of the village committee.

Neither this corporation nor the leading board members played a great role in the direct management of production, marketing, or employment proceedings of the kilns. They only collected a certain amount of money each year to cover the costs of management and other

¹⁴² Ibid.

functional departments' work. Neither this corporation nor the kilns were registered for industrial and commercial administration. All the kilns were basically contracted as a "piece rate and foreman management system."

This report found that the child laborers were from Shiqiang and Yaoji towns, Shangshui County, Henan Province, and were mostly owed salaries, overworking, and living under vile conditions.

The report also disclosed three main reasons why the recruitment of child labor went unnoticed/was not stopped: as a grassroots and village-level organization, not only did the village committee fail to conduct strict management, but it attempted to obstruct police investigations; local governments, especially county government, focused on economic development over rigorous supervision of village enterprises; and functional departments misplaced their work focus, charging more than supervising.

That child labor case was closed with a fine of 148,000 Yuan. The local labor supervisory department said that a lesson must be learned, and that relevant work must be strengthened in order to prevent such tragedies from happening again.

However, only five years later, the situation has returned. Child labor managed to revive itself in the same place and under the same supervision, and even shows signs of spreading. What is different now is that children are taken from Yunnan instead of Henan.

In recent years, the Shanxi government has called upon the entire province to carry out unprecedented special action. Up to 400 workers have been rescued and properly resettled so far, among whom children and teenagers make up a disturbing proportion. But the genuine purpose of the related example is to ask the question of how child labor can be completely eradicated. It is quite clear that one stormy rescue raid is far from a final solution.

In November 2008, to reexamine the problem in additional detail, the researcher interviewed the journalist who reported the case of child labor in Shanxi tile kilns. As explained by the journalist, routinely using child labor had become a prevailing problem, no longer triggering the interest of local media.

Kiln coolies have been ill-treated for a long time. Local people showed me old newspapers from 10 years ago, from which I know that several cases of labor abuse in kilns happen every year. All cases are quite similar; that is, someone escapes from the kiln after suffering a lot and reports it to the police station. To the local media, stories like these were just a repetition of other similar cases, and so they seemed quite indifferent. They didn't expect that it would turn out to be a big news event.

The journalist also described how large numbers of victims of child labor had been brought by a labor contractor (*bao gong tou*) from poor rural regions such as Henan and Anhui provinces to work under the close control of these foremen in the kilns of Shanxi Province.

Researcher: I'd like to know more about the way child labor is recruited for kilns.

Interviewee: These children are in the same situation as those child laborers in the Dongguan scandal. Whether they work in brick kilns, coal pits, or toy factories in Dongguan, they have all been brought here together and are managed in groups by labor contractors. In some places in Yunnan and Henan, there is one labor contractor in each village. They take the children away and force them to work. There are even many parents who left their village to work, and later brought their children to work with them, thinking that they wouldn't be able to continue their studies. That's the general situation in the kilns.

Researcher: When you investigated the child labor case in the tile kilns of Shanxi, did you find some children had been kidnapped, deceived, or lured there and forced to work?

Interviewee: In most cases, they were not necessarily kidnapped, but they were tightly controlled. Ever since they were brought to the kilns, they have belonged to the same small group. Usually they stayed in the kiln and were unable to escape. Although the living conditions were quite bad, they had no place to go, and they got no wages; meaning, they didn't receive wages every month. Even though the labor contractors had promised the children's parents a monthly wage of 160 to 170 Yuan, they gave it to the parents instead of the children. The children didn't even have pocket money. I remember clearly how I asked a child from Yunnan if life was hard for him. He said yes. I asked why he didn't go home. He told me he had no money, not a cent.

Researcher: So the children were actually unwilling to do the work.

Interviewee: I believe they didn't want to work there... I could feel it when I was there.

Echoing what the journalists reported last year, the tile-burning worker we interviewed confirmed that there were children under age 16 who were brought by foremen from poor villages to work at the kilns visited, until the government crackdown on illegal tile kilns in this region in June 2007. For these foremen, it was much easier to squeeze money from children than adult rural migrants.

Researcher: A lot of journalists came here last year because of the child labor scandal, did you know that?

- Adult Tile-burner:** Yes, they came to this tile kiln, too. But in fact, some of the children were not child laborers. There were couples working here who brought their children with them. Sometimes, these children would help the parents work, but they weren't hired by the boss.
- Researcher:** I see, but did these children get paid?
- Adult Tile-burner:** Of course not—why would they get paid? They just helped their parents; they weren't hired as regular workers. Last year, there were two children who came here with their father and helped him work occasionally. Some journalists took their pictures and then these kids left.
- Researcher:** Where are the foremen bringing children with them from, generally?
- Adult Tile-burner:** Mainly from Yunnan Province. They weren't coming to make tiles; they only brought people here to work. Maybe because Yunnan is remote and mountainous, and quite poor, so the foremen brought children from Yunnan to work here. But now they're not allowed to bring children, and they don't dare to either. If they got caught using children, they would be punished and sent to jail.
- Researcher:** Do you know how much the foremen bringing children earned a year?
- Adult Tile-burner:** Foremen bringing children here might get a bit over 10,000 Yuan per year. But if they brought adults, they would get less because adults could work things out for themselves.
- Researcher:** Do you mean foremen bringing children tell the children how much they would be paid for a year, but for adults they need to tell them clearly how much they would get for each tile, so it's impossible for the foremen to exploit adults as much as they do children?
- Adult Tile-burner:** That's right.

It would seem the crackdown launched by the Chinese authorities in 2007 had gotten rid of the problem of child labor in the Liuwu tile kilns, at which time both the tile owners and foremen became increasingly afraid of the heavy punishments imposed by the Government.

Researcher: **How about people who make unburned tiles?**

Adult Tile-burner: **Before, they were mainly migrant workers from Shandong and Henan. Now, they are mostly local people.**

Researcher: **Did they used to recruit children to do this work?**

Adult Tile-burner: **Several years ago, we would occasionally recruit child labor. Now, not a single child is hired. The bosses are too scared to use child labor. Using child labor is illegal, so they would risk getting caught and fined. Since the profits from making tiles are not very high, the boss would not be able to afford the fine for recruiting child laborers. The foremen who brought children here before don't dare to anymore.**

In conclusion, determination of CL, FCL, and FL in the tile industry in China was based on one Type 1 interview, one Type 2 interview, a site visit, and review of two articles published in 2007 and 2008.

Site visits undertaken during this research did not reveal the presence of CL, FCL, and FL. Of the two interviews, one was with a laborer in the tile industry and the other was with a journalist who was the author of one of the articles reviewed. The laborer reported children accompanying their parents (workers at the kilns) to help them in their work. Very little detail of the children and their situation was provided in the interview, which does not allow for sufficient information to determine the level of child labor in these kilns. In the case of the journalist interviewed, he reported observing 20–30 instances of child labor that also met the criteria of forced child labor, during visits to numerous kilns in one village. This journalist also mentioned direct observation of mentally disabled adults (3–5) working at the tile kilns, but whether the conditions constituted forced labor is not clearly specified in the interview. While the focus of the article is on child labor working conditions, similar conditions could apply to the adults with mental disability, but it was not clearly stated in the interview.

Of the two articles, one of the articles (by the interviewed journalist) did indicate the presence of multiple instances (20 incidents) of child labor, and potentially of child forced labor, in one village. This is the same village as was noted in the journalist interview. The second article, a synthesis of other articles, did note one instance of child labor and forced child labor, but sources were not cited and there was no direct primary observation of the case.

Based on the two interviews, a site visit, and the two articles cited, there is insufficient data to support a conclusion of significant evidence of CL, FCL, and FL in the tile sector in China. While numerous cases were cited by the interviewee in one village, among 20–30 children there

was not sufficient corroboration of cases (with the exception of one) outside of this village and in other work sites to determine significance, based on the USDOL definition of *significant*.

3.2. Findings for the Four Sectors without Empirical Data

Based on data drawn from secondary sources (news reports, academic works, and NGO reports) and primary sources (Type 1 interviews), this study analyzed the incidence and nature of the problems of CL, FCL, and FL existing in China's electronics, foundry products, grape products, and chemical sectors.

3.2.1. Electronics

Public scrutiny against labor abuses in electronics has not ended since the Foxconn iPod scandal was uncovered by the media in 2006. As was well documented by several news reports, forced overtime was a routine practice at the production lines of Foxconn, where workers suffered corporal punishment, including doing pushups and having to stand at attention for long periods.

On June 12, 2006, London-based newspaper Mail on Sunday uncovered labor abuses at Foxconn factories, the world's largest manufacturer of electronics and computer parts. A journalist from Mail on Sunday wrote:¹⁴³

The first factory we visited was in Longhua. It's a sprawling place where 200,000 people work and sleep. Zang Lan, 21, from Zhengzhou in central China, has worked on the Apple assembly line for a month. "The job here is so-so," Zang Lan says. "We have to work too hard and I am always tired. It's like being in the army. They make us stand still for hours. If we move we are punished by being made to stand still for longer. The boys are made to do push-ups...We have to work overtime if we are told to and can only go back to the dormitories when our boss gives us permission....If they ask for overtime, we must do it. After working 15 hours until 11.30pm, we feel so tired."

On June 15, 2006, a Chinese reporter of *First Financial Daily* wrote two more detailed reports on substandard labor conditions discovered at Foxconn's electronics factories in Shenzhen and Kunshan cities, based on factory investigations:¹⁴⁴

There are no stools in the production lines, and all the operators except a few of them have to stand working 12-hour-long shifts and are forbidden to talk. The management believes that having stools and allowing people to talk will affect efficiency. What's worse, the operators are also asked to stay for the evening meeting after a day's work.

¹⁴³ Anonymous. (2006, June 12). The stark reality of iPod's Chinese factories. *Mail on Sunday*, Retrieved from <http://www.mailonsunday.co.uk/news/article-401234/The-stark-reality-iPods-Chinese-factories.html#>

¹⁴⁴ Wang, Y. (2006, June 15). Foxconn's workers: Machine punish you to stand working for 12 hours. *First Financial Daily*. Retrieved from <http://news.163.com/06/0616/10/2JNV76P00001124J.html>. See also, Wang, Y. (2006, June 22). Foxconn's resigned female worker in Kunshan city: Low base wage and high benefits. *First Financial Daily*. Retrieved from <http://finance.sina.com.cn/g/20060622/02452671054.shtml>

The workers must return to their dorms through the “sidewalk” in the factory when off duty, even though there is no truck passing through. Whoever forgets to pull up the computer plug after work will receive a fine of 1,000 Yuan.

A dozen female workers in the production line begin to assemble components while sitting on the low stools at 8:00 every morning. They must put their stools in a line, or they will be scolded by the managers. Workers here are not allowed to talk or use cell phones.

Since the Foxconn scandal caught the media spotlight in 2006, labor abuses in China’s electronics sector have been intensively scrutinized by journalists and labor rights NGOs. These labor rights NGOs have been conducting investigations consistently on the labor practices of supply factories of well-known, brand-name companies in the electronics sector, such as Motorola, Dell, Hewlett-Packard, and others. Forced overtime and the use of child labor are the two main public allegations of labor abuses in China’s export-oriented electronics factories.

To examine the incidence of CL, FCL, and FL in China’s electronics industry, the researcher interviewed three Type 1 informants¹⁴⁵ and reviewed secondary data (news reports and NGOs reports) published from 2003–2008. After analyzing the data collected for this project, the researcher found that 13 media and NGO reports corroborated the existence of CL, FCL, and FL (forced overtime) in the electronics industry of Guangdong Province from 2006–2008. Interviews with the Type 1 informants also confirmed the use of child laborers in Guangdong electronics factories in 2008.

3.2.1.1. Child Labor

After reviewing secondary data, a case of child labor was uncovered in a report published in 2007 by Students and Scholars Against Corporate Misbehavior (SACOM), a labor rights NGO based in Hong Kong. In 2006, SACOM examined the labor practices at a Shenzhen-based electronics factory supplying computer power-supply devices for Dell, Acer, NEC, Siemens, Samsung, Fujitsu, Motorola, and others. Various labor rights violations were released to the public in February 2007, including the use of child labor, restrictions on the freedom of employment, excessive compulsory overtime, and extravagant punitive fines imposed on workers. With regard to the issue of child labor, SACOM’s report disclosed the following:¹⁴⁶

Though Chinese labor law prohibits the employment of children under age 16, child labor is a standard practice at Yonghong Electronics. SACOM interviewed 25 workers from Yonghong, including seven underage workers. All the interviewed workers testified that Yonghong employs children under age 16. SACOM thereafter confirmed workers’ comments with Yonghong security and personnel officers. According to one worker with three years of experience at

¹⁴⁵ These are with Community Group 3, Overseas NGO 5, and Overseas NGO 1.

¹⁴⁶ Students and Scholars Against Corporate Misbehavior. (2007). *Clean up your Computer Campaign: Yonghong Electronics, Shenzhen, China*, 3–7. Retrieved from http://sacom.hk/wp-content/uploads/2008/09/yonghongelectronicsreport_eng.pdf

the site, Yonghong has hired children throughout the previous three years during which the worker has been employed.

What is more, Yonghong actively recruits children through highly suspicious arrangements with schools. The recruitment of workers in July 2006 included a substantial number of “student apprentices” between age 14 and 15. These students were mainly from Kai Fung of the Henan and Shanxi provinces. Though some of the students thought they were only there for the summer, approximately half of the 200 underage workers in the Manufacturing II workshop were transferred to other workshops in mid-October 2006.

The poverty that forces some children to seek employment in factories and miss out on school is tragic enough. However, students at Yonghong have not even had the luxury to freely choose employment. The student workers SACOM interviewed all said they were exhausted and wanted to return home to continue their studies. For the first three months of employment at Yonghong, they received only 27.5 Yuan a day in income. At the end of three months, their income was raised to 32 Yuan a day. The student workers’ savings are paltry once they deduct expenses for food and accommodation. Most express their desire to quit their jobs and return to school.

In May 2008, SACOM published a follow-up report on working conditions in China’s electronics hardware sector. The factory, which was caught using work-study students under age 16 in 2006, had suspended this practice soon after SACOM published the report. In its 2008 report, SACOM released that the factory had altered its recruitment policy to abide by Chinese legislation:¹⁴⁷

In the summer of 2006, SACOM researchers testified that Yonghong had been hiring child workers under age 16, with the youngest being only 14 years old. Most of these child workers were students from rural villages in Henan and Shanxi provinces who had either come to Shenzhen or had been sent directly to Yonghong for summer jobs. By mid-October 2006, when the new semester had started, more than 100 child and student workers continued working.

In late December 2006, SACOM suddenly lost contact with all seven of the Yonghong child workers. SACOM suspected that Yonghong had laid off the child workers after the publication of the report in November 2006. We were concerned about whether the children received due wages, overtime premiums, and economic compensation. More importantly, we were unable to determine whether each and every child worker had been able to return home safely.

¹⁴⁷ Students and Scholars Against Corporate Misbehavior. (2008). *High tech—no rights? A one year follow-up report on working conditions in China’s electronic hardware sector*, 11. Retrieved from <http://sacom.hk/wp-content/uploads/2008/07/report-high-tech-no-rights-may2008.pdf>

Between February 2007 and March 2008, SACOM revisited the Shenzhen-based Yonghong. At that time, child workers and underage students no longer seemed to be working. Teenagers between age 16 and 18 and adult workers over age 18 all informed us that Yonghong now strictly checks identification papers and school diplomas. Any new workers employed by Yonghong must now be at least 16, as stipulated by Chinese law.

As reflected by the successful case of ending child labor, growing media exposure and NGO campaigns can exert pressure on employers to cease the illegal practice of hiring child laborers. However, according to the interview with a Type 1 informant from a community-based labor rights NGO,¹⁴⁸ the problem of child labor has not been eliminated completely in the electronic workshops of Shenzhen as of 2008.

- Interviewee:** I began to work after graduating from high school in 1997 when I was 16 years old—mainly in Guangzhou, Shenzhen, and the Pearl River Delta area.
- Researcher:** How many factories have you been in altogether, those you have worked in?
- Interviewee:** No less than 10 factories, producing plastic, electronics, hardware, paper, etc. I used to work in a plastic electronics factory where I found several workers who were just 14 or 15 years old.
- Researcher:** Among all the factories you have worked in, which kind of factory do you think is more likely to use child laborers?
- Interviewee:** Normally smaller private enterprises, which have a few dozen or hundreds of workers, are more likely to do so.
- Researcher:** You just said that you would always find at least one or two child laborers each time you went to a factory?
- Interviewee:** Basically; the small enterprises I went to have 200 workers or so, and they all have this problem.
- Researcher:** Did these child laborers just find the job by themselves?
- Interviewee:** No, the factories won't usually employ them unless they know someone if the children are too young. Normally, some people or someone from the same village brings them to the factory.

¹⁴⁸ Type 1 informant is from Community Group 3.

- Researcher:** I heard that your organization conducted an investigation on child labor this past April. What did you find?
- Interviewee:** It was carried out in Shenzhen.
- Researcher:** How many factories did you investigate?
- Interviewee:** About four or five.
- Researcher:** What kind of factories were these four or five that you investigated?
- Interviewee:** Plastic, electronics, and hardware. I investigated two, and my colleagues investigated the others.
- Researcher:** Can you tell me what the two factories you investigated were like?
- Interviewee:** They produce plastic, electronics, electric bicycles, that sort of thing.
- Researcher:** Did they use many child laborers?
- Interviewee:** I found many child laborers in one factory, nearly 10 I think. The factory is not very large, probably only 500 or 600 workers, making electric bicycles. I found the problem of child labor by chance, and then I went into their factory, worked there for several days so as to know labor practices.
- Researcher:** How old were these child laborers you met in this factory?
- Interviewee:** Some of them were as young as 13 or 14, most of them came from Sichuan.
- Researcher:** Are they ethnic minorities?
- Interviewee:** No, they're not. But their hometowns are pretty backwards and they couldn't earn enough at home, so they quit school at a very young age and began to earn some money because their families were very poor.
- Researcher:** The people who introduced these child laborers would get some part of their payments, right?

- Interviewee:** I heard that it worked like this: the introducer took money out of their wages, while these workers received 3, 4, or 5 Yuan per hour.
- Researcher:** Did child laborers hand the money to the introducer after they got their payment from the employer, or was the money deducted before they actually got paid?
- Interviewee:** It was deducted before they got it. The factory would hand it directly to the introducer.
- Researcher:** Do you know for how long these children worked there?
- Interviewee:** When I did the investigation in April and May 2008, the child laborers there had only been working for one or two months. I went there, and one or two months is a very short period of time.
- Researcher:** But they were still working there when you left?
- Interviewee:** Yes.

3.2.1.2. Forced Child Labor

The report published in 2007 by SACOM also uncovered the problem of forced child labor in 2006 at the Shenzhen-based electronics factory, which supplies computer power-supply devices. These victims of child labor were reported to be subject to both *menace of penalty* and *coercion*. However, the follow-up report published in 2008 by SACOM showed that the company found to be hiring forced child labor in 2006 had suspended this illegal practice. The following information relates to the 2006 report and appears to no longer be an issue at this particular factory.

An example of *menace of penalty* was disclosed in a SACOM report—forcing workers to work overtime for excessively long hours by means of heavy fines:¹⁴⁹

Workers express awareness of being exploited. Some of them want to quit yet feel they cannot afford to lose the wages. All the interviewed workers voiced complaints of fatigue and a lack of leisure time. Yet they feel forced to work excessive overtime since Yonghong imposes severe fines on workers if they refuse to work overtime or do not meet production quotas.

¹⁴⁹ Students and Scholars Against Corporate Misbehavior. (2007). *Clean up your Computer Campaign: Yonghong Electronics, Shenzhen, China*, 7, 8, 11. Retrieved from http://sacom.hk/wp-content/uploads/2008/09/yonghongelectronicsreport_eng.pdf

Several examples of *coercion* and *coercion of children* were documented in the SACOM report—debt-bonded status, retention of identity documents, excessively long working hours, and not being able to attend school because of work:¹⁵⁰

- Even though these student workers want to quit, they continue to toil away at Yonghong. From interviews, we believe many of these students were sent to the factories by schools. The students' families owe money to the schools for tuition and school fees, and so the schools send students to factories. One arrangement is, for example, that Yonghong sends half of the students' income to the school to pay off debts. The students receive the other half to pay their living expenses in Shenzhen. Debt is widely recognized as a serious restriction on the freedom of employment and a form of bonded labor; at Yonghong, children work to pay off debts. They have neither the freedom to choose their employer nor to choose what portion of their wages goes to their debtor. In a situation like this, there is a high risk that employers and schools will manipulate debts to their advantage to prevent child/student workers from exercising their rights.
- Examples of this manipulation are rampant at Yonghong. For example, the instructor of a village school in Kai Fung, a city in Henan Province, withheld the employment agreement and identity papers of one of the students sent to Yonghong to prevent them from quitting after the summer. If this child ever wants to have their identity papers returned to them, they must toil away and have payments sent to their school until the instructor is satisfied. Though these arrangements are entirely against Chinese law, the student worker will have difficulties defending their rights without either identity papers or a document to validate the terms of their employment agreement.
- SACOM talked to three underage student workers who were high school grade II students from Yong Zhou, located in the Hunan Province. The 14- and 15-year-old students were brought by a schoolteacher with falsified identity papers to work at Yonghong. They thought they were going to a summer job, scheduled to end in mid-September. It was only when their teacher failed to return at the end of the summer that they realized that they were stuck at Yonghong. One student said, in tears, "We are just students. We want to go home. The factory does not let us go. They do not approve our requests to resign. I want to go home to study. I don't want to work in the factory. We work overtime every night until very late. They just raised the daily production quota..." Another student continued, "Now we have to finish 300 pieces every day. There is no way for us to meet the quota. So we have to work overtime. But we are not paid for overtime work. The next morning, we have to get up and work again..." The three underage workers said their school and families were aware of their situation but felt helpless to do anything. SACOM discovered another group of underage student workers who were less willing to explain their situation. Their schoolteacher was renting a room in the neighborhood and met the students every day before and after work at the gates of the factory. Those students told SACOM they want to return to school but have to have the permission of their teacher and management to go home.

¹⁵⁰ Ibid, pp. 3–7.

3.2.1.3. Forced Labor

Compulsory overtime has been documented in numerous NGO reports as a problem of forced labor. Between April and June 2006, SACOM conducted field research at a Shenzhen-located factory that produces cellular phone screens for Motorola, and there uncovered the problem of forced overtime:¹⁵¹

Workers typically work 10–12 hours a day, including 2–4 hours of overtime, and they have no day off on Saturday or Sunday. As a result, overtime exceeds 160 hours per month, in serious violation of the legal limit of 36 hours overtime per month.

The factory also uses many different means to force workers to work overtime. For example, the factory delays and deducts wages, cuts the full attendance bonus, and more, so that workers dare not resist. The excessive working hours also mean that workers are exposed to hazardous chemicals even longer, with less time to recover. This is one of the primary causes of the tragic occupational poisoning, and this could also trigger many more cases of chemical poisoning in the future.

The factory not only forces workers to work excessive overtime hours, it also forbids workers to resign. The factory previously prevented workers from resigning by deducting wages. Since April 2006, the factory has used the excuse of a “training fee”: workers resigning within the first three months must “pay” a 300 Yuan training fee, and after three months they must “pay” 500 Yuan. Such embezzlement of wages and deprivation of workers’ right to resign is obviously another serious violation of Chinese labor law.

Another report released by SACOM in 2007, based on investigation of the Shenzhen-based electronics factory producing computer power-supply devices, also documented the problem of excessive and compulsory overtime:¹⁵²

For 22 days per month, workers work a standard day of eight hours starting at 7:30, finishing at 17:00, with one hour for lunch. Yonghong frequently requires another three to five hours of overtime, beginning from 17:40. At peak season, overtime is sometimes extended through the night.

If workers do not meet production quotas, they have to work overtime until they meet the quota. Some workers find themselves working after midnight; they are forced to start the same routine the very next morning.

¹⁵¹ Students and Scholars Against Corporate Misbehavior. (2006). *Hivac Startech Film Window (Shenzhen) Co., Ltd.: An investigative report on labor conditions*, 6. Retrieved from <http://sacom.hk/wp-content/uploads/2008/07/english-report-aug2006-hivac-startech.pdf>

¹⁵² Students and Scholars Against Corporate Misbehavior. (2007). *Clean up your Computer Campaign: Yonghong Electronics, Shenzhen, China*, 7, 8, 11. Retrieved from http://sacom.hk/wp-content/uploads/2008/09/yonghongelectronicsreport_eng.pdf

During the period when SACOM was observing Yonghong, management raised the quota for some workshops from 2,200 pieces to 2,500 pieces per day, seriously upsetting workers. A trimming worker was required to raise his speed to 90 pieces per hour. Starting from 7:30 to the time he punched out of work at midnight, he needed to trim 1,080 adapters. Most workers could not finish the quota before midnight and were working until 3:00 in the morning.

Workers express awareness of being exploited. Some of them want to quit yet feel they cannot afford to lose the wages. All the interviewed workers voiced complaints of fatigue and a lack of leisure time. Yet they feel forced to work excessive overtime since Yonghong imposes severe fines on workers if they refuse to work overtime or do not meet production quotas.

Managers require workers to work long hours of overtime through the weekends, without days off during the peak season. Naturally, workers need rest. However, workers are punished severely if they miss work without permission. For example, workers suffer deductions of three days' wages and bonuses equivalent to 232 Yuan if they miss one day of work, and another 182 Yuan for every day missed continuously after the first day. This effectively prevents absenteeism since workers will lose a substantial portion of their monthly income from just two days' absence (total of 414 Yuan).

In conclusion, determination of CL, FCL, and FL in the electronics industry in China is based on three Type 1 interviews, and review of 13 articles and reports, published from 2006 through 2008. No site visits were conducted in the electronics industry.

With regard to child labor, because of the number of articles and reports reviewed, these are considered first. Of the eight articles and reports with information on child labor, three of the articles and reports indicated the presence of child labor in three different factories in Dongguan, Guangdong Province, and one article indicated the presence of such practices in another factory in Jiangxi Province. One of the articles reported on a "rescue" of 100 underage workers, between age 13 and 15, by the Chinese Government, but also indicated an ongoing problem after the rescue. Three of the articles and reports indicated instances of child labor in Shenzhen, in Guangdong Province. However, two of the reports indicated evidence of child labor at Yonghong Electronics factory in 2007, and a follow-up report from May 2008 demonstrated that this particular factory in Shenzhen no longer employed underage workers and had taken steps to protect against child labor.

Of the three interviews, all touched on the subject of child labor. One was with a legal assistant who performs investigations on labor practices, including child labor, and the other two were with NGO workers in the labor field. The legal assistant reported visiting an electronics factory in Shenzhen in April 2008, where 10 underage children, out of a factory of 500–600 employees, were working. Little detail of the children and their situation was provided in the interview, which does not allow for sufficient information to characterize the conditions of child labor in this factory. The NGO workers interviewed also did not give sufficient information to characterize the conditions of child labor in the electronics industry. One NGO worker gave

information about the phenomenon of children being illegally recruited through work-study programs to work in factories, but did not say with certainty whether this occurred in the electronics industry, or give any indication as to the scope of the problem. The other interviewee mentioned an April 2008 investigation by the NGO the interviewee works for, which uncovered child labor practices in a Motorola electronics factory, but did not give any details with regard to the evidence.

With regard to forced child labor, the same articles that indicated child labor in four different factories in Dongguan City and in Jiangxi Province also indicated evidence of forced child labor. The reports on these events indicated that criteria for forced child labor was met through *menace of penalty* and *coercion* of children (physical confinement and sexual violence), and *involuntary nature of work* (slave-like conditions, sale of children, and withholding of wages).

With regard to forced labor, four articles indicated the presence of forced labor in factories in Shenzhen and Longhua in Guangdong Province, in Suzhou in Jiangsu Province, and in Kunshan, outside of the city of Shanghai. The factories in Longhua and Suzhou employed 200,000 and 150,000 workers, respectively. In these cases, the workers experienced compulsory overtime and withheld wages (*involuntary nature of work*), and physical abuse and financial penalties (*menace of penalty*). Additionally, an NGO report from February 2007 indicated the presence of forced labor at a Yonghong electronics factory in Shenzhen (which also demonstrated evidence of child labor, as mentioned previously). The follow-up report from May 2008 demonstrated that the factory no longer employed underage workers and had taken steps to protect against child labor; however, the condition of compulsory overtime remained present.

In summary, the data gathered support a conclusion of significant evidence of CL, FCL, and FL in the electronics sector in China, based on USDOL's definition of *significance*. With regard to child labor and forced child labor, four articles by credible and major newspapers indicated multiple instances of these phenomena in two different provinces, one of which was corroborated by two sources. With regard to forced labor, four articles indicated the use of forced labor through the *involuntary nature of work* (compulsory overtime and withheld wages), as well as *menace of penalty* (physical punishment and financial penalties) in two provinces and outside the city of Shanghai.

3.2.2. Foundry Products

For many years, China's foundry (metal, plastic, glass, and other) industry has been criticized for substandard labor practices (including the use of child labor) and high numbers of deadly industrial accidents and injuries. In 2007, 32 workers were killed when a huge tank containing red-hot molten steel collapsed at a workshop belonging to the Ginghe Special Steel Company, situated in Tieling of Liaoning Province. In the same year, 20 workers died in a molten aluminum overflow incident at an aluminum casting factory belonging to the Weiqiao Company, located in Shandong Province.¹⁵³ Moreover, workers in the plastic casting factory were reported frequently as victims of serious industrial injuries. It was reported in 2004 that industrial machinery crushed or severed the arms, hands, or fingers of about 40,000 Chinese workers every

¹⁵³ Anonymous. (2007, September 21). *Shandong Huayuan coal mine flooding accident killed 172 people*. Retrieved from <http://news.sina.com.cn/c/2007-09-21/123213943344.shtml>.

year. A majority of these accidents occurred in metalworking and electronics plants with heavy stamping equipment, shoe and handbag factories with leather-cutting equipment, and toy factories and industrial plastics plants with blazing hot machinery.¹⁵⁴

To examine the incidence of CL, FCL, and FL in China's foundry industry, the researcher interviewed one Type 1 informant¹⁵⁵ and reviewed secondary data (news reports) published from 2003–2008. The researcher interviewed a worker at the Panyu Service Center for Peasant Workers in Guangdong Province, who had helped two injured child laborers in April and May 2008. These child workers, both of whom were under age 16, injured themselves at two different metal factories in the Guangdong and Fushan provinces.

In addition to this interview, the researcher found, after analyzing secondary data collected for this project, six news reports had corroborated the existence of child labor and forced child labor in the glass-foundry industry of Shanxi Province from 2003–2005, and the existence of child labor in the plastic-foundry industry of Guangdong Province from 2005–2008. No evidence of forced labor is documented through secondary data sources collected for this project.

3.2.2.1. Foundry (Glassware) Child Labor and Forced Child Labor

In 2005, a 15-year-old worker named Duan Huidong was beaten to death by a manager of the Baocheng Glassware Factory, located in Qi County of Shanxi Province. Afterward, Qi County, which is most likely China's largest center of hand-blown glassware, became infamous for its consistent illegal practices of using child labor.

The Death of Duan Huidong, One Victim of Child Labor in Glassware Factories¹⁵⁶

Duan Huidong was from a poor farmer's family in Qi County of Shanxi Province. His father died of leukemia in 2000, leaving a debt of 70,000 Yuan to the family. In 2004, Duan's older brother was admitted to a technical secondary school, requiring 4,000 Yuan or more to cover annual expenses.

In 2005, when Duan Huidong was in his first year of junior high school, he decided to drop out and take a job in order to support his brother. He found a job in the Baocheng Glassware Factory five miles away from his home. Beginning August 6, 2005, 15-year-old Huidong and six other children left home at 4:30 a.m. every morning to work for a salary of 25 Yuan a day. His work was to "make small bubbles" (dipping the melting glass with iron pipes and blowing into them to make different shapes); a job which could easily hurt people. Seven days later, Duan Huidong, who had not yet familiarized himself with the job, was assaulted and killed by a workplace manager.

According to the investigation by the Public Security Bureau of Qi County, when a workplace

¹⁵⁴ Johnson, T. (2004, April 18). Pressure to produce is leading to maiming of Chinese workers. *The Philadelphia Inquirer*, pp. E02.

¹⁵⁵ This is with *Community Group 1*.

¹⁵⁶ Yunling, L., & Zhao, W. (2005, September 20). The death of a child laborer: Investigation on illegal child labor in glass industry at Qi County in Shanxi. *Xinhua News Agency*. Retrieved from http://news.xinhuanet.com/politics/2005-09/20/content_3515075.htm. See also, Feng, J. (2007, July 12). Child labor problem alarming Chinese society. *Beijing Weekly*. Retrieved from http://www.beijingreview.com.cn/zgsy/txt/2007-07/10/content_68607.htm

manager, who happened to be the younger brother of the factory owner, saw Duan Huidong quarrelling with another male worker, he grasped a pair of big, sharp pliers and threw it toward Duan, in an attempt to stop the quarrel. Unfortunately, the sharp end pierced Duan Huidong's chest, seriously injuring him, leading to his death six hours later.

However, Duan Huidong's tragic story is merely the tip of the iceberg of child labor in the glassware factories of Qi County. As early as 2002, Chinese newspapers began repeatedly exposing the illegal employment of child laborers at glassware workshops. According to the head of the Bureau of Labor and Social Security of Qi County (which holds the largest artificial glass-blowing base in China), among the 160-plus glassware factories in the county, between 20 and 30 workshops were caught illegally employing child laborers. In 2004, for example, 115 child laborers in this county were sent back home by the county authorities. Concerning the labor practices in recent years, the chief officer of the Supervision Bureau of the Department of Labor and Social Security of Shanxi Province pointed out the following: although the number of children hired illegally had been reduced, many factory owners still employed many child laborers for the sake of profit under terrible working conditions, where these child workers were often scolded, beaten, and abused.¹⁵⁷ Two weeks after Duan Huidong's case, onsite observations by undercover journalists confirmed the continued use of child labor in these glassware factories:¹⁵⁸

When we came to Qi county two weeks after the accident, reporters found out that although Baocheng Factory had been closed, there were almost 20 workers still laboring in another glassware factory hundreds of meters away; most of them were obviously fragile and thin child laborers.

The reporter saw over 10 children around a furnace that looked like an "alchemy furnace." Some were blowing the glass with an iron pipe, some were cleaning up the tools, and some were moving materials. There were three or four girls among these children, doing the same job as the boys. It was extremely hot and dry in the workshop, and the temperature was at least 50 degrees Centigrade [122 Fahrenheit], a temperature that normally makes people feel suffocated within three minutes. When the reporter asked several children about their age, all replied 17 or 18 years old; when asked about their birth year, they thought hard before answering evasively. The young man who stopped our reporter said that they were just "kids who followed their parents to have fun in the workshop."

Although the craft in the glass factory was easy, the child laborers still made mistakes from time to time, which resulted in burning themselves or getting beaten by the foreman. A doctor from a local public health center said that children who were burned while blowing glass were sent here every year, and

¹⁵⁷ Yunling, L., & Zhao, W. (2005, September 20). The death of a child laborer: Investigation on illegal child labor in glass industry at Qi County in Shanxi. *Xinhua News Agency*. Retrieved from http://news.xinhuanet.com/politics/2005-09/20/content_3515075.htm

¹⁵⁸ Ibid.

many of them were very young. In fact, usually after getting hurt, many children would be sent to the nearby small clinics or the community hospital first; many glass factories even had medicines stored especially for burning accidents, letting the child laborers deal with the injuries themselves.

The case of Duan Huidong and follow-up news reports also demonstrated the incidence of forced child labor in the glass-foundry industry of Shanxi Province in 2005, where both the element of menace of penalty and that of coercion of children were documented. Children under 18 working in glassware factories were beaten by the foreman for making mistakes and engaged in hazardous work that put them at risk of serious injury.

3.2.2.2. Foundry (Plastics) Child Labor

Factories casting plastic products also face public scrutiny for possible labor abuses, especially for high occurrences of work-related injuries. As analyzed by Li Qiang, executive director of China Labour Watch, “work injuries often happen at metalworks and at manufacturers of furniture and plastics products, where molding machines and saws are often used. After laboring at the same routine at such intensity for such long hours, many workers often become exhausted and, as a result, accidents happen.”¹⁵⁹

In recent years, allegations of illegal employment of children in plastics factories, especially work-study students during summer vacation, have increased significantly in the Guangdong Province. In 2005, it was reported by *Southern Daily* that one plastics factory in the town of Changan, located in the city of Dongguan, recruited a good many work-study students, many under age 16. [REDACTED], a 15-year-old boy, was given four slaps across the face and had his hair pulled for “clumsy hands and being incapable of work.” Many child workers under age 16 had also been beaten by foremen. These children told the reporter they were students of the primary and junior high schools of Guanqiao and Ligang, towns in the Huazhou County of Guangdong Province. A vice principal of a junior high school in Huazhou organized over 100 of these students to work at the factory. Among these children, the youngest was 12 years and the oldest was 17. Student workers told the reporter that they came to the factory to earn money to help pay for tuition, but many of them planned to quit, unable to stand the long 13.5 hours per day, 7 days per week, and the physical abuse often imposed by foremen.¹⁶⁰

In August 2007, it was reported that a 16-year-old junior high school student, Xiaowen Liang, lost her life after working for only two weeks at Pushen Plastics Products Company in the city of Dongguan.

¹⁵⁹ Cui, V., & Huang, K. (2006, May 1). China’s neglected “untouchables”: Exploited by employers and ignored by society, migrant workers are deemed the lowest of the low. *South China Morning Post*. [Retrieved from Lexis Nexis].

¹⁶⁰ Child labor in large quantity recruited in a Dongguan factory, works 12 hours a day, beaten if clumsy. (2005, August 2). *Southern Daily*. Retrieved from <http://society.northeast.cn/system/2005/08/02/050097554.shtml>

The Case of Xiaowen Liang¹⁶¹

In June 2007, more than 300 junior high school students of the South China Electrical and Mechanical Engineering School, located in Maoming City, were organized to go to factories in the cities of Dongguan and Shenzhen to work as work-study students.

Xiaowen Liang was one of these students; she wanted to earn money to pay for her tuition because the recruiter had promised that each student could earn 900 Yuan per month. Not only was Xiaowen's family extremely poor, her father was also paralyzed and bedridden, and her mother earned only about 200 Yuan each month by doing odd jobs to support the whole family.



Xiaowen Liang, died on
July 27, 2007

On the evening of June 24, Xiaowen, together with her 30 classmates, some of them under age 16, got on a bus bound for Dongguan. On the bus, a teacher from the school charged 165 Yuan for each student, saying 85 Yuan was for the bus fare and 80 Yuan for the job-introducing fee. On June 26, Xiaowen and her classmates began to work in Pu Sheng Group Co., Ltd., a Dongguan plastics factory.

"We were asked to go to the oil-painting workshop directly, having no training or instruction," said Liang Chunmei, Xiaowen's classmate. "After watching the workers work for a while, Xiaowen and I were sent to the assembly line. I was in charge of cleaning the machine parts and Xiaowen worked on sand blasting. I worked the day shift while she worked the night shift."

Student workers were required to work 11 hours per day, 7 days a week, and were paid 824 Yuan for the whole month. Although many production materials in the plastics factory were poisonous, student workers received no training or instructions related to occupational health or safety, and did not have any protective equipment like masks. "There were many plastic products in the workshop. When we first entered it, we almost could not breathe because of the stinking smell. Later, we seemed to have adapted to it," said Liang Chunmei. Miserable times followed. Many student workers began to show cold symptoms, some had fevers, others felt chest tightness, and so on. "I got a cold after several days of working there and then began to cough after that. I managed to get permission to leave and went to see the doctor only to find out that I had gotten bronchitis," Liang Chunmei said. "I had never had such kind of disease, and after I found that out, almost all my classmates around me got sick too."

However, Xiaowen's disease was the most serious. At first, she only had the cold and a fever. On July 8, she collapsed beside the assembly line. Her classmates helped her back to the dormitory and brought her to see the doctor. She was not sent to the hospital until two days later when her elder sister came. By then, Xiaowen, who had had a persistent high fever for three days, become unconscious and her body constantly convulsed. The local hospital

¹⁶¹ Summer vocation worker turned to be dead child laborer: Grade three school girl dead in the factory. (2007, August 8). *News Fast*. Retrieved from http://www.yznews.com.cn/zhxw/2007-08/08/content_891112.htm

diagnosed her sickness as viral encephalitis.

By July 18, Xiaowen's condition had worsened. Her family, who could not afford the cost of treatment, had to transfer her to a hospital in their hometown to receive conservative treatment. "We fought for a long time, but they said that my daughter had only worked for a few days and then gave us 135 Yuan as the wage," Xiaowen's mother told the reporter with tears in her eyes.

On July 27, the hospital declared Xiaowen dead, resulting from "viral encephalitis, respiratory paralysis, and pneumonia."

In May 2008, the story of 15-year-old Ruichuang Ye, a boy who was severely injured while working at Hongsen Plastics Factory in the town of Humen, Dongguan, made headline news.

The Case of Ruichuang Ye¹⁶²

After the Spring Festival of 2008, a just-turned-15-years-old Ruichuang Ye was introduced by his uncle to work at Hongsen Plastics Factory, located in Humen Town in Dongguan City. At about 7:00 in the morning of March 31, 2008, while Ruichuang was operating the molding machine (bie ji), his right palm was suddenly cut off by the machine. "A product was stuck in the machine, so I tried to pull it out. Suddenly the machine closed and then I knew nothing," Ruichuang told the reporter. The boy had been working for nearly 12 hours all night, and had been doing so for half a month already.

However, when revisiting the factory one month later, the reporter was astonished to find the machine which had injured Ruichuang Ye still running. The operator on duty looked quite childlike and told the reporter, "My family name is Liu, and I am 15 now."

The factory owner justified himself by saying, "He has been in the factory for just a week, but has not given me a copy of his ID card, so I don't know if he is a child laborer."



Ruichuang Ye, was injured on
March 31, 2008

In conclusion, determination of CL, FCL, FL in the foundry industry in China is based on one Type 1 interview and a review of six articles, published from 2005 to 2008. No site visits were conducted for the foundry sector (which includes factories that produce metal, glass, and plastic). The data indicate a demonstrated pattern of child labor and forced child labor abuses in the foundry sector in Guangdong, Shanxi, and Fushan provinces. There is no evidence of forced labor in the foundry industry.

With regard to child labor, evidence from an interview with a community group member and six articles provided evidence for this practice in the foundry industry. The researcher interviewed a

¹⁶² Ping, L. (2008, May 1). A boy got his hand cut when operating machine, replaced by another child laborer. *Southern Metropolis Daily*. Retrieved from <http://news.sohu.com/20080501/n256613664.shtml>

worker at the Panyu Service Center for Peasant Workers in Guangdong Province, who had helped two injured child laborers in April and May 2008. These child workers, both of whom were under 16, injured themselves at two different metal factories in the Guangdong and Fushan provinces. A review of six articles also demonstrated the existence of child labor abuses in plastics and glass factories in Shanxi and Guangdong provinces. In 2005, approximately 100 child workers, some as young as 12 years, were found in a plastics factory in Liwu Village in Guangdong Province, having been recruited to work at the factory by their school's vice principal. In 2007, approximately 300 child workers were found in at Sheng Pu Group Co., Ltd., a plastics factory in Dongguan. Three articles also referenced a 2008 incident, in which a 15-year-old boy's hand was severed as a result of an accident at Hongsen Plastics Factory in Dongguan. Another article referenced an incident in 2005 during which a 15-year-old worker was killed by his supervisor at a glass factory in Shanxi Province; this factory also employed approximately 20 other child laborers.

With regard to forced child labor, three of the aforementioned articles indicated the presence of this practice. The aforementioned incident from 2005, which involved 100 children in Liwu Village, included evidence of forced child labor practices, such as unpaid/withheld wages (*involuntary nature of work*), and long hours and physical abuse (*coercion of children* and *menace of penalty*). Forced child labor practices were also evident in the incident at Sheng Pu Group Co., Ltd., wherein children were subject to long working hours and hazardous work (*coercion of children*), deception regarding the terms of work (*involuntary nature of work*), and withheld wages and physical confinement (*menace of penalty*). In addition to the death of a 15-year-old worker, the article about the glass factory indicated forced child labor practices such as hazardous conditions (*coercion*) and physical abuse by foremen (*menace of penalty*).

The interview and the six reviewed articles did not offer any evidence of forced labor. Therefore, this report cannot make a determination on the practice of forced labor in the foundry industry in China.

In summary, the one Type 1 interview and six relevant news reports provide considerable data to support a conclusion of significant evidence of child labor and forced child labor in the foundry sector in Shanxi, Guangdong, and Fushan provinces in China, based on USDOL's definition of *significance*. An interview with a community group member and articles that identify four different factories using child labor in three different provinces demonstrate child labor practices. Three articles also point to practices of forced child labor in three of these four factories.

3.2.3. Grape

To examine the incidence of CL, FCL, and FL in China's grape industry, this research reviewed secondary data (three news reports), published from 2003–2008, and found a single case constituting both child labor and forced child labor in the grape industry of Zhejiang Province, which occurred in 2006. No evidence of forced labor was documented by secondary data sources collected for this project.

3.2.3.1. Child Labor and Forced Child Labor

In August 2006 the issue of child labor and forced child labor in the food-processing sector caught media attention when over 80 (estimates vary) junior high school students were forced by their teacher to work at Wuzhouxing Company under exploitive working conditions, being forced to peel grapes for 15 hours per day with hands whose skin had become eroded.

The Case of Work-Study Students at Wuzhouxing¹⁶³

For 14-year-old Zhu Meiyang and 80-plus other students coming from Tuocheng County in the Henan Province, the summer vacation of 2006 was extremely hard. They were forced by their teacher to work at Wuzhouxing Company in Ningbo City, Zhejiang Province, a large canned fruit manufacturer listed among “the top 10 canned food manufacturers in China.”



Students rescued by the local authority on August 9, 2006

Meiyang's daily schedule was as follows: after getting up at 5:00 a.m., she washed herself hurriedly and ate some steamed buns. She was to arrive at the workshop at 5:30 a.m., where they were required to wear three hats as well as rain shoes to peel the grapes. She had to peel up to 31 kilograms of grapes by 9:30 p.m., with only one half-hour break for food. Meiyang told the reporter that more than 70 children there were counting days until the “summer vacation” ended, because then, so would the inhumane treatment.

Zhu Meiyang is only a grade II student in junior high school in the Tuocheng County of the Henan Province. Just prior to summer vacation, a teacher of her school circulated the information that she had a relative in charge of a factory in Ningbo and that the children could work there. “The teacher told us that the work wouldn't be heavy and that the factory provides room and board. We only needed to work eight hours a day and could earn 700 to 800 Yuan per month,” Meiyang told the reporter. This was a powerful lure for rural families in Henan. In addition, the factory promised they would pay the transportation fees.

Thus, Zhu Meiyang and her two sisters each paid 20 Yuan to sign up. Together with over 80 children, they got on a bus on July 9, 2006, with excited hearts full of hope. Meiyang recalled that “most were students in our town and village; several had just graduated from elementary school.” On the evening of July 10, they finally arrived at the old factory yard of the Ningbo Wuzhouxing Company.

When the students were signing up, they met a man who claimed to be in charge in the factory. The moment the students arrived at the factory, under the excuse of preventing students from spending money randomly, the teacher had all the students hand in all the

¹⁶³ Zheng, W. (2006, August 10). 70 children from Henan forced to peel grapes had skin erosion on hands. *Zhejiang Online-Today Morning Express*. Retrieved from <http://zjnews.zjol.com.cn/05zjnews/system/2006/08/10/007800761.shtml>

money they had brought with them to the man.

Zhu Meiyan and other children received their work cards on July 12 and started to work. The foreman told them to write their age as over 18 when they registered, and to not tell anyone that they were junior high students.

At the very beginning, the children started work at 7:00 a.m. and finished at 5:00 p.m. However, the work time gradually extended. A week later, they were required to work from 5:30 a.m. until 9:30 or even 11:00 p.m.

Liu Lu is one of the few adults working there; she is a student from a college in Zhengzhou City. She compares her work to a “battle,” because she has to peel 10 kilograms of grapes in the morning and 21 kilograms in the afternoon, with only a half-hour to eat; this includes the time for leaving the workshop, changing clothes, and washing hands. “If the task for the morning isn’t finished on time, you can’t have lunch. If the task for the afternoon isn’t finished, you will have to work overtime,” said Liu Lu, overcome with emotion, “many children just arriving are inexperienced and full of fear and can’t finish the task at all, so they have to work without eating anything.” Liu Lu and the girls have been working there for nearly a month, but they have only had a half-day for rest. Additionally, two girls have to share one bed in the evening. They usually eat vegetables such as white gourd, and have only eaten meat once.

What’s frightening to the children is that many girls’ hands have become eroded because of being immersed for too long, and their legs have become swollen because of standing all day. But, even when they are ill, it is very hard to ask for a leave of absence; if they take a rest without permission, it is counted as skipping work for three days.

Some students who couldn’t get used to the work after laboring for several days asked their teacher to let them go home, but the teacher refused. Some students who tried to run away were quickly caught and brought back. But Wang Ning and three other students were lucky. On the evening of August 2, they all ran away from the factory successfully. They ran along the roads in the darkness and lay on the roadsides to rest when tired. On August 3, the hungry girls met the boss of a nearby restaurant, who helped the girls contact their parents.

The girls informed the other parents about the situation in Wuzhouxing, resulting in many worried parents. On the evening of August 8, four children’s parents arrived in Ningbo City from Tuocheng County, and finally found their children at Wuzhouxing on August 9.

The parents reported the issue to the local authorities, who sent officials to the factory to investigate the case. The head of the Supervision Office of Ningbo Labor and Social Security Bureau confirmed to reporters that it was the most serious case of child labor in Ningbo.

In conclusion, determination of child labor (CL), forced child labor (FCL), and forced labor (FL) in the grape industry in China is based on a review of three articles, published in 2006 and 2007. No site visits or interviews were conducted for the grape sector. It appears that all three articles refer to the same incident in 2006, which demonstrated child labor and forced child labor practices, at a grape processing plant in Ningbo City in Zhejiang Province. Due to the singular nature of this incident, the data do not indicate a demonstrated pattern of CL, FCL, or FL in the grape industry.

With regard to child labor and forced child labor, the three articles refer to what appears to be the same incident at the Wuzhouxing Canning and Food Processing Factory in Ningbo City in Zhejiang Province. In this incident, 70 to 200 child laborers (estimates vary), some as young as 14 years, were recruited to work at the grape processing plant during the summer of 2006. The

children were brought to the factory by one of their schoolteachers. At the plant, the children suffered from deception of work conditions, hazardous work conditions (many of the children's hands bled from the work), long work hours, compulsory overtime, confiscation of identity documents, and physical confinement. These conditions meet the criteria of *menace of penalty*, *coercion*, and *involuntary nature of work*.

Despite the egregious nature of these labor practices, there is not sufficient data to support a conclusion of significant evidence of CL, FCL, or FL in the grape sector in China, based on USDOL's definition of *significance*. The reviewed articles only indicate the existence of one incident at one factory, which does not demonstrate a pattern of practice.

3.2.4. Chemicals

China's chemical industry is another sector witnessing high occurrences of fatal industrial accidents. Reported deaths in major industrial accidents from 2006 to 2008 are listed below:

Date	Toll
December 8, 2008	3 killed and 2 injured in an explosion at Chaoqiang chemical factory, Huainan City, Anhui.
November 25, 2008	2 killed and 3 injured in an explosion at a chemical factory in Luoding, Guangdong.
August 26, 2008	16 killed, 6 missing, and 60 injured in a explosion at Weinilun Company, in Yizhou city, Guangxi.
November 27, 2007	7 killed, 5 seriously injured, and 1 missing in an explosion at Lianghua Company in Xiangshui, Jiangsu.
October 11, 2007	1 killed and 9 injured in an explosion at a chemical factory in Zhengzhou, Henan.
July 15, 2007	3 killed and 7 wounded in an explosion at Xingye Chemical Industry Company in Hanshou, Hunan.
July 28, 2006	12 killed and 10-plus injured in Fuyuan chemical factory in Sheyang County, Jiangsu.
June 16, 2006	14 killed, 24 injured, and 2 missing in an explosion at Dunan Chemical Industry Company in Maanshan City, Anhui.

Note: Data combined from sources below¹⁶⁴

¹⁶⁴ Anonymous. (2008, August 28). 16 people died in a explosion at chemical factory in Yizhou, Gaungxi province. *Xinhua Net*. Retrieved from http://news.xinhuanet.com/video/2008-08/28/content_9726407.htm. See also, Anonymous. (2008, December 9). 3 people died in an explosion at chemical factory in Huainan, Aihui. *Xinhua Net*. Retrieved from http://news.xinhuanet.com/newscenter/2008-12/09/content_10476346.htm. See also, Huang, Y., & Liu, S. (2008, November 25). 2 people died and 3 injured in an explosion at chemical factory in Luoding, Guangdong. *China News*. Retrieved from <http://estate.chinanews.com.cn/sh/news/2008/11-25/1462845.shtml>. See also, Wang, X. (2007, November 28). 7 died and 1 missing in an explosion at a chemical factory in Xiangshui, Jiangsu. *People's Net-Social Channel*. Retrieved from http://6.gz116114.cn/content/2007-11/28/content_1012607.htm. See also, Yonghong, S., & Wang, J. (2006, July 28). 12 people died in an explosion at a chemical factory in Sheyang, Jiangsu. *Xinhua News Agency*. See also, Anonymous. (2007, October 22). 1 died and 9 injured in an explosion at a chemical factory in Zhenzhou. *Zhengzhou Daily*. Retrieved from http://www.365jk.com/HGJK/2007/1022/article_962.html. See also, Anonymous. (2007, July 17). 3 died and 7 wounded in an explosion at a chemical factory in Hanshou, Hunan. *Hong Net*. Retrieved from <http://www.hshan.com/news/gnews/2007/07/1716342054.html>. See also, Guo, S. (2006, June 19). The big explosion at chemical factory in Anhui exposes "reform trap." *Xinhua Net*. Retrieved from <http://www.XINHUANET.com>

3.2.4.1. Child Labor

Chemical factories in China have also been accused of using child laborers. For instance, a journalist from the *New York Times* reported on June 21, 2007 that “a 14-year-old boy was killed in an explosion while filling a tank with naphthalene at a chemical factory near Nanjing.”¹⁶⁵ However, the news article provides no detailed description of the accident.

To examine the incidence of CL, FCL, and FL in China’s chemical industry, the researcher reviewed secondary data (news reports) published from 2003 to 2008 and found a single case of child labor in the chemical industry of Jiangsu Province, which occurred in 2007. No evidence of forced labor and forced child labor was documented by secondary data sources collected for this project.

The case of a 14-year-old boy who died as a result of an explosion of chemical products¹⁶⁶

Li Hui, a welder, spent 150 Yuan on a fake Special Operation Certificate for a workmate, intending to help him find a job; instead, this led to the unexpected death of two workers.

After the New Year Festival of 2007, Li Hui’s friend, Bai Kai called and asked Li Hui to help him find a job. Li Hui responded warmly, “I am working at the dock¹⁶⁷ in Yizheng City, Jiangsu Province. If you would like to come here, I can introduce you to our boss, Mr. Zhou.” However, it was not easy to enter such a big [construction] project; workers must have Special Operation Certificates. Li Hui was so kind-hearted that he not only managed to “get” himself a certificate but also “got” one for Bai Kai, by paying 300 Yuan to the monger selling fake certificates.

On the afternoon of May 17, 2007, Mr. Zhou assigned the task of maintaining the naphthalene tanks to Li Hui. “You heard the directions of Mr. Zhou. Now, move.” Li Hui passed the task to Bai Kai and another young worker. Unfortunately, the naphthalene tank suddenly exploded soon after they arrived at the tops of the tanks, resulting in the horrific and messy scene of the men burning to death.

According to official investigation, Li Hui had neither the qualifications nor skills for the work. While cutting the baluster on the top tank, he had accidentally cut through to the combustible gases tank, resulting in the tragic accident. It was confirmed later that Bai Kai was only 24 years old and that the other young worker was not even 19 years old. Li Hui had registered as a 14 year old, meaning he was a child laborer.

In conclusion, determination of CL, FCL, and FL in the chemicals industry in China is based on a review of two articles, published in 2006 and 2007. Due to the lack of evidence, the data do not indicate a demonstrated pattern of CL, FCL, or FL in the chemicals industry.

¹⁶⁵ French, H. W. (2007, June 21). Fast-growing China says little of child slavery's role. *The New York Times*, p. A4.

¹⁶⁶ Buying fake operation certificates, two workers died in naphthalene tank explosion. (2007, June 19). *Nanjing Morning Post*. Retrieved from <http://news.sohu.com/20070619/n250649919.shtml>

¹⁶⁷ Although both of these news reports refer to the same case, their identification of the workplace where the accident of naphthalene tank explosion occurred are different—*New York Times* took it as a chemical factory, while Chinese local newspaper *Nanjing Morning Post* took it as a dock. There is no additional information accessible to determine whether the case is chemical industry specific or not.

With regard to child labor and forced child labor, one article referred to an incident in 2007, in which a 14-year-old child laborer was killed in an explosion at a chemical factory in the city of Nanjing. The child was not attending school in order to work, and was working in highly hazardous conditions. These conditions indicate *coercion of children*, but do not provide definitive evidence. There was no evidence of *menace of penalty* or *involuntary nature of work* in this incident. The other article was from a newsletter of the National Political Council, an advisory entity to the central government and the Communist Party in China. The article cited a member's statement saying that child labor was a serious problem in the plastic and chemical industries, where child laborers had suffered from intoxication, injuries, and even death. However, no details such as location, event, or victims' identities were given in this report, so there was no convincing evidence of child labor or forced child labor in these articles.

There was no evidence of forced labor in the chemicals industry in these two articles.

In summary, there is not sufficient data to support a conclusion of significant evidence of CL, FCL, and FL in the chemicals sector in China, based on USDOL's definition of *significance*. The reviewed articles only indicate the existence of one incident at one factory, which does not demonstrate a pattern of practice, and contains generalizations regarding practices in the industry, without sufficient detail of these practices.

IV. CONCLUSIONS AND RECOMMENDATIONS

4.1. Conclusions

This study was designed to use primary and secondary data sources to provide an indication of the extent of CL, FCL, and FL in 10 industries in China. Based on this research design, both primary and secondary data sources cannot provide findings of statistical significance with regard to the extent of CL, FCL, and FL in China. This study did employ rigorous methods associated with qualitative research to tell the story of CL, FCL, and FL in the provinces and factories visited.

However, USDOL published in the *Federal Register* (Vol. 72, No. 247, p. 73,377) a definition of significant incidence of CL, FCL, and FL that is not dependent on statistical testing. That definition is—

Information that relates only to a single company or facility; or that indicates an isolated incident of child labor or forced labor, will ordinarily not weigh in favor of a finding that a good is produced in violation of international standards. Information that demonstrates a significant incidence of child labor or forced labor in the production of a particular good(s), although not representing a pattern or practice in the industry as a whole, will ordinarily weigh in favor of a finding that the good is produced in violation of international standards.

Using this definition any time there is a demonstration that the incident is not isolated and is not in a single company or facility will be considered to constitute significant incidence. Evidence for significant incidence spans from 2003 to 2008.

The three activities under investigation (CL, FCL, and FL) are illegal activities; even under the best circumstances, the levels of these are difficult to estimate. Secondary data reports are typically deaths or scandals that have been uncovered as part of a journalistic investigation and are also not representative. In addition, one does not know when generating a point estimates the direction of the trend. Finding evidence of child labor does not mean that the government efforts to reduce it are not succeeding, but simply that the problem still exists.

Primary data collected from onsite observations and in-depth interviews during October to December 2008—and secondary data from news articles and NGO reports published from 2003 to 2008—all reveal that the problems of CL, FCL, and FL still exist to varying degrees in China's brick, coal, cotton, fireworks, tile, toy, electronics, foundry products, grape products, and chemical sectors.

A number of the 10 industries studied also have illegal factories where activities are conducted. This project had no method for identifying those, so they are not included in this report. The industries where this is most likely to occur are the fireworks, toy, and electronics sectors. Site visits were also conducted in those provinces where reports indicated abuses had occurred. It is

possible that, because of government attention focused in these areas, the abuses are not as prevalent as they are elsewhere in China.

4.1.1. Bricks

Determination of CL, FCL, and FL in the brick industry in China is based on two relevant site visits, two interviews with Type 1 informants, and a review of 15 relevant articles and reports, published from 2004 to 2008. Many of the articles cite secondary source information on the slavery scandal in China's Henan and Shanxi provinces in 2007. However, some of the articles include primary interviews with victims and victims' families, as well as firsthand evidence of abuses outside of the 2007 events. The data indicate a demonstrated pattern of abuses in the brick sector across multiple kilns in multiple locations, including Henan and Shanxi provinces, but also near Beijing and in Hunan, Qinghai, and Hebei provinces.

With regard to child labor, evidence from a Type 1 interview and media reports provided proof of this practice. The researcher conducted a Type 1 interview with another investigative journalist, who reported witnessing 30 children under age 16 working at a brick kiln in Shanxi, and three to five mentally handicapped children working at another brick kiln in an unknown location. Of the 15 articles and reports, 9 corroborated the brick kiln scandal of 2007 through secondary sources, all of which indicated child labor. Three other articles provided evidence of child labor in multiple brick kiln sites in Shanxi, Qinghai, and Shandong provinces. In addition, a report by an NGO detailed child labor practices after the brick kiln scandal, stating that children under 16 continue to work in brick kilns, but now do so under contracts and within humane conditions. This indicates an institutionalization of the practice of child labor. The researcher did not encounter any clear evidence of child labor in the brick kilns visited.

With regard to forced child labor, of the 15 articles and reports, 9 corroborated the brick kiln scandal of 2007 through secondary sources, all of which indicated forced child labor through menace of penalty, *coercion of children* (physical abuse), and *involuntary nature of work* (slave-like conditions and physical confinement). The researcher's interviews and site visits did not reveal any conditions of forced child labor.

With regard to forced labor, evidence from a site visit, an interview, and news articles indicated the presence of this practice. During one site visit, the researcher personally observed seven to eight mentally disabled adults, three of whom she spoke to, at a brick kiln in Shanxi Province. These adult laborers were not allowed to leave the work site, and were thus physically confined, which indicates *involuntary nature of work*. The employers also withheld wages from these laborers, which constitutes *menace of penalty*. The researcher also conducted a Type 1 interview with an investigative journalist, who reported observing mentally handicapped adults, who were victims of trafficking, at a brick kiln in Hunan Province. Nine of the 15 articles and reports corroborated the brick kiln scandal of 2007 through secondary sources, which indicated forced labor through *menace of penalty* (physical abuse) and *involuntary nature of work* (physical confinement). In addition to this evidence, two other articles provided evidence of forced labor in brick kilns in Beijing and in Hebei Province. The employers in these cases were brought to court, with one case ending in the convictions of five employers.

In summary, based on two relevant site visits, two Type 1 interviews, and a review of 15 articles and reports, there is sufficient data to support a conclusion of significant evidence of CL, FCL, and FL in the brick sector in China, based on USDOL's definition of *significance*. With regard to forced labor, the data indicate a demonstrated pattern of abuses in the brick sector across multiple factories in Shanxi, Hunan, and Hebei provinces, and outside of Beijing. With regard to child labor, the data indicate a demonstrated pattern of abuses in Shanxi, Henan, Qinghai, and Shandong provinces. With regard to forced child labor, the data indicate a pattern of abuses in Shanxi and Henan provinces in 2007 during the brick kiln scandal.

4.1.2. Coal

Determination of CL, FCL, and FL in the coal industry in China is based on one site visit, six interviews, and a review of eight articles, published from 2006 to 2008. The data indicate incidence of CL, FCL, and FL abuses in the coal sector across Shanxi, Henan, and Hebei provinces.

With regard to child labor, evidence from the site visit, interviews, and articles provided proof for this phenomena in the coal industry. During a site visit to a coal mine in Shanxi Province, the researcher observed a child under age 16 working. The researcher conducted six interviews, which yielded relevant evidence regarding child labor practices in the coal sector. Five of the interviews were held with adult mine workers (one of whom was a former child laborer) and a current child laborer, who all confirmed the presence of child labor at their work sites. The researcher also interviewed a journalist who has reported on child labor in multiple sectors, and who suggested that child labor is practiced in the coal industry throughout Shanxi Province.

All of the eight articles provided uncertain evidence of child labor in the coal sector. In one reported incident, the Chinese Government raided 8,000 kilns and mines across Shanxi and Henan provinces in June 2006, finding hundreds of cases of child labor; this incident was mentioned in four different reviewed articles. However, these articles did not distinguish between the brick and coal sectors (kilns and mines), so this evidence has been deemed uncertain since the relevant sector is not clear. Other articles cited evidence of workers as young as age 15 in coal mines, suffering from severe disabilities and injuries from mining accidents. A synthesis report on child labor in the coal sector indicated that hundreds of child laborers were working in coal mines throughout Shahe Town in Hebei Province. In another article, a social scientist compared the coal sector with the brick sector, in terms of labor practices, including practices of child labor.

With regard to forced child labor, all eight reviewed articles also provided evidence of possible forced child labor. These abuses include withheld pay and uncompensated overtime. As these child laborers are working in underground coal mining, they presumably experience hazardous conditions and nightshifts, and do not attend school; their experiences indicate forced child labor practices. All eight reviewed articles provided uncertain evidence of forced child labor. During the government raid, evidence was found of children being subject to hazardous conditions, withheld pay, and compulsory overtime. Again, there is a lack of clarity as to the sectors targeted in these raids (brick or coal). The articles that cited evidence of workers as young as 15 suffering from severe disabilities and injuries from mining accidents also indicated hazardous working conditions. The synthesis report on child labor in the coal sector provided evidence of hundreds

of child laborers working in coal mines subject to low pay and overtime of up to 18 hours per day. In another article, a social scientist compared the coal sector with the brick sector in terms of labor practices, including practices of forced child labor.

With regard to forced labor, the researcher interviewed a miner in Jincheng County in Shanxi Province, who indicated practices of forced labor at his work site, which employs approximately 100 workers. The source said that the workers had experienced characteristics of *involuntary nature of work*, such as not receiving up to five months of withheld pay, and having been deceived with regard to the terms of their employment. Of the eight reviewed articles, four articles (all of which referred to the same event of government raid of kilns and mines) provided uncertain evidence of forced labor in the coal sector. During this raid, adult laborers in the mines were found to suffer from deception regarding their working conditions and withheld or unpaid compensation. However, given the lack of clarity as to which sector the articles were referring to, this only provides uncertain evidence.

In summary, the site visit, six relevant interviews, and eight relevant news reports provide considerable data to support a conclusion of significant evidence of child labor in the coal sector in Shanxi and other provinces in China, based on USDOL's definition of *significance*. With regard to child labor, six interviews, observation during a site visit, and all eight articles reviewed indicated presence of this phenomenon in Shanxi, Henan, and Hebei provinces. Given that the eight reviewed articles provide uncertain evidence, this research found isolated incidence of forced child labor in the coal industry in those provinces as well. One interview and four articles indicated the presence of forced labor as well in this sector in Shanxi and Henan provinces, but given the uncertain evidence from the articles, this research did not constitute a significant finding for forced labor in the coal industry.

4.1.3. Fireworks

Determination of CL, FCL, and FL in the fireworks industry in China is based on four relevant Type 2 interviews and one relevant Type 1 interview, of a total of 26 interviews, and a review of three articles, published from 2003 to 2008. The data indicate a demonstrated pattern of child labor abuses in the fireworks sector in Hunan, Chongqing, and Liaoning provinces. There is not significant evidence, according to USDOL's definition of *significance*, of forced child labor or forced labor in the fireworks industry.

With regard to child labor, the researcher personally interviewed one adult laborer in a fireworks factory who expressed knowledge of child labor in the industry, as well as two adult laborers, who said they were hired as children, and one child laborer. These interviews all occurred in a number of different factories in Guankou District in Liuyang City, Hunan Province. The researcher also interviewed an international nongovernmental organization (NGO) worker, who asserted that child labor is a problem in the fireworks industry, citing the 2007 Chongqing explosion, in which 12 primary and secondary students working in fireworks factories lost their lives. Some of these child victims were as young as age 8. The researcher also reviewed three articles, two of which presented evidence of separate incidents wherein child laborers in fireworks factories were killed in explosions. Another report, which consisted of a policy analysis of various sectors that use child labor in China, identified the fireworks industry as a high-risk sector for child labor practice.

With regard to forced child labor, the researcher gathered some evidence of this practice. The aforementioned NGO worker asserted that forced child labor practices exist in the fireworks industry, though the source did not provide any proof. Also, the two news articles that cited events in which child laborers died in fireworks explosions demonstrated evidence of forced child labor practices, as the children who were victims in these incidents were not attending school and working in highly hazardous conditions (*coercion of children*), and were illegally recruited (*involuntary nature of work*). However, these two articles did not provide clear evidence of a pattern of forced child labor practices, given that these could have been two isolated incidents, nor did the articles demonstrate evidence of *menace of penalty*. Also, the Type 2 interviews did not offer any corroborating evidence of forced child labor.

In summary, the four relevant Type 2 interviews, one relevant Type 1 interview, and review of three articles provide considerable data to support a conclusion of significant evidence of child labor in the fireworks sector in Hunan, Chongqing, and Liaoning provinces in China, based on USDOL's definition of *significance*. The researcher encountered several sources who knew of child laborers or were personally victims of child labor, and reviewed several articles indicating evidence of child labor practices in this industry. Despite some evidence of forced child labor practices from two news articles, the data did not demonstrate a pattern of practice in the fireworks industry. With regard to forced labor, the researcher did not find any evidence of forced labor practices in the fireworks industry.

4.1.4. Toys

Determination of CL, FCL, and FL in the toy industry in China is based on five site visits, four interviews with Type 1 informants, and a review of 19 articles and reports, published from 2004 to 2008. The data indicate a demonstrated pattern of abuses in the toy sector across multiple factories in multiple locations, including Shenzhen and Dongguan in Guangdong Province; Shanghai, Zhejiang Province; and other locations in Southeastern China.

With regard to child labor, data gathered from site visits, interviews, and articles provide evidence for this phenomenon throughout China. The researcher visited three different factory sites in Dongguan, Guangdong Province where children were observed to be working. At one of these sites, the researcher personally interviewed five girls who were victims of child labor and forced child labor. The researcher also interviewed four Type 1 informants, three NGO workers, and one academic researcher, who all reported observing child laborers in various toy factories in the country, though little detail of the children and their situations was provided in the interviews. Given the content of these interviews, it appears that the informants were referring to different factories. While the information in the interviews did not allow for sufficient characterization of the condition of child labor in these factories, all four informants did confirm knowledge of child labor in the toy industry. Of the 19 articles and reports, 13 indicated the presence of multiple instances of child labor in various cities and factories, mostly in Guangdong Province. The existence of child labor in these articles and reports is based upon the use of direct observation and interviews, as well as secondary sources.

With regard to forced child labor, during a site visit, the researcher personally interviewed five girls who were victims of child labor and forced child labor in a toy factory in Dongguan, as mentioned previously. These female laborers reported being subject to withheld wages and

deception about the nature of their work, both of which constitute *involuntary nature of work*; financial penalties, which constitutes *menace of penalty*; and *coercion*, through long working hours. Four of the girls were under 16, so these practices also constituted child labor, while another girl was 16 years at the time of the site visit. Of the articles and reports, seven articles and reports indicated the presence of forced child labor in the toy industry, evidenced through *coercion of children* (deprivation of basic needs and long hours), *menace of penalty* (threat of physical violence and withheld wages), and *involuntary nature of work* (slave-like conditions, sale of children, physical confinement, retention of identity documents, and deception regarding working conditions).

With regard to forced labor, the researcher interviewed adult laborers, employees, and community members who reported the existence of forced labor in the toy sector, mostly through the use of compulsory overtime (involuntary nature of work) and financial penalties (menace of penalty). Nine NGO reports, which detailed site visits and interviews with laborers, indicated forced labor of adults in the toy industry, mostly through the use of the use of compulsory overtime (involuntary nature of work) and financial penalties (menace of penalty).

Based on five site visits, four Type 1 interviews, and review of 19 articles and reports, there is sufficient data to support a conclusion of significant evidence of CL, FCL, and FL in the toy sector in China, based on USDOL's definition of *significance*. With regard to child labor, the data indicate a demonstrated pattern of abuses in the toy sector across multiple factories in multiple locations, including Shenzhen and Dongguan in Guangdong Province, Shanghai in Zhejiang Province, and other locations in Southeastern China. With regard to forced child labor, the researcher found credible evidence of such abuses during a site visit in Dongguan; articles demonstrated that such abuses exist in various locations in Guangdong and Sichuan provinces. With regard to forced labor, site visits and articles indicated forced labor practices in various factories throughout Guangdong Province; despite the evidence only stemming from one province, the number of site locations and victims justifies a finding of significance, according to USDOL's definition of *significance*.

4.1.5. Cotton

Determination of CL, FCL, and FL in the cotton industry in China is based on two Type 2 interviews and a review of nine articles published from 2005 to 2008, six of which are relevant. No site visits were conducted. The data indicate a demonstrated pattern of child labor and forced child labor abuses in the cotton sector across multiple locations, including Jiangxi, Xianjiang, Shanxi, and Gansu provinces. The data do not indicate a demonstrated pattern of forced labor in the cotton industry.

With regard to child labor, the researcher conducted two interviews in Xinjiang Province that yielded relevant information. Interviews with an adult farm worker and a staff person from a school indicated ongoing practices of cotton picking by students or children accompanying their parents. These sources also said they knew of children as young as age 8 working to pick cotton. Of the nine articles and reports, six provided evidence of child labor in the cotton sector. These articles demonstrated that children as young as third-graders work to pick cotton throughout China. One article indicated that over 1,000,000 students, some of whom are children, in Xinjiang Province, worked to pick cotton through work-study programs at their schools. Other

reports indicated similar practices elsewhere in Xinjiang Province, and also in Ganshu Province; these work-study programs affected approximately 100,000 and 40,000 children respectively.

With regard to forced child labor, the two sources mentioned above also indicated such practices. The interviews with the adult farm worker and school staff person revealed that children in the cotton industry work 12 or more hours per day, and suffer from low pay and financial penalties, which constitute *coercion*, *menace of penalty*, and *involuntary nature of work*. Therefore, in addition to the presence of child labor, the interviews indicated the existence of forced child labor due to financial penalties (*menace of penalty*), long working hours (*coercion of children*), and low wages (*involuntary nature of work*).

The same six articles referenced above also provided evidence of forced child labor in the cotton sector. The article that indicated that over 1,000,000 students in Xinjiang Province were forced to pick cotton through work-study programs at their schools also demonstrated that the students were not paid wages, and that if the students did not pick cotton, financial penalties were imposed on them. Other reports indicated similar practices elsewhere in Xinjiang Province, and also in Ganshu Province; these work-study programs affected approximately 100,000 and 40,000 children, respectively—and again, students were forced to pick cotton without pay, and suffered financial penalties if they did not work. Another report indicated that a 15-year-old boy was killed while working at a cotton mill in 2007 in Jiangxi Province. These reports indicate *menace of penalty* (financial penalties), *coercion* (hazardous work), and *involuntary nature of work* (withholding or nonpayment of wages).

With regard to forced labor, the data indicate the presence of this phenomenon in the cotton industry in Xinjiang Province. Of the over 1,000,000 students in Xinjiang Province forced to pick cotton through work-study programs at their schools, an unspecified number are college or postsecondary students and are, therefore, adults. These articles also pointed to practices such as poor working conditions, financial penalties, and withheld wages, which meet the criteria of *menace of penalty* and *involuntary nature of work*. The sources are web-based and could be referring to the same incidents of forced labor.

Based on the two relevant interviews and six relevant news reports, there is sufficient data to support a conclusion of significant evidence of child labor and forced child labor in the cotton sector in China, based on USDOL's definition of *significance*. The data indicate a demonstrated pattern of abuses in the cotton sector across multiple locations, including Jiangxi, Xianjiang, Shaanxi, and Ganshu provinces, which implicates at least hundreds of thousands of children. The two interviewees indicated knowledge of child labor and forced child labor practices in the cotton sector, which included long working hours, work without pay, involuntary work, and children as young as age 8 being forced to work. The news reports also indicated that these practices were widespread and ongoing in the cotton sector. Given that only two articles indicated the use of forced labor in the cotton industry in only one province, the data do not indicate significant evidence of forced labor in the cotton industry, based on USDOL's definition of *significance*.

4.1.6. Tile

Determination of CL, FCL, and FL in the tile industry in China is based on one Type 1 interview, one Type 2 interview, a site visit, and review of two articles, published in 2007 and 2008.

Site visits undertaken during this research did not reveal the presence of CL, FCL, or FL. Of the two interviews, one was with a laborer in the tile industry and the other was with a journalist who was the author of one of the articles reviewed. The laborer reported children accompanying their parents (workers at the kilns) to help them with work. Very little detail of the children and their situation was provided in the interview, which does not allow for sufficient information to determine the level of child labor in these kilns. In the case of the journalist interviewed, he reported observing 20 to 30 instances of child labor that also met the criteria of forced child labor, during visits to numerous kilns in one village. This journalist also mentioned direct observation of mentally disabled adults (three to five) working at the tile kilns, but whether the conditions constituted forced labor is not clearly specified in the interview. While the focus of the article is on the working conditions for child labor, similar conditions could apply to the adults with mental disability, but it was not clearly stated in the interview.

Of the two articles, one of the articles (by the interviewed journalist) did indicate the presence of multiple instances (20 incidents) of child labor, and potential forced child labor, in one village. This is the same village as was noted in the journalist interview. The second article, a synthesis of other articles, did note one instance of child labor and forced child labor, but sources were not cited and there was no direct primary observation of the case.

Based on the two interviews, a site visit, and the two articles cited, there is insufficient data to support a conclusion of significant evidence of CL, FCL, or FL in the tile sector in China. While numerous cases were cited by the interviewee in one village among 20 to 30 children, there was not sufficient corroboration of cases, with the exception of one, outside of this village and in other work sites to determine significance, based on the USDOL definition of *significant*.

4.1.7. Electronics

Determination of CL, FCL, and FL in the electronics industry in China is based on three Type 1 interviews, and review of 13 articles and reports, published from 2006 to 2008. No site visits were conducted in the electronics industry.

With regard to child labor, because of the number of articles and reports reviewed, these are here considered first. Of the eight articles and reports with information on child labor, three of the articles and reports indicated the presence of child labor in three different factories in Dongguan, Guangdong Province, and one article indicated the presence of such practices in another factory in Jiangxi Province. One of the articles reported on a “rescue” of 100 underage workers, between ages 13 and 15, by the Chinese Government, but also indicated an ongoing problem after the rescue. Three of the articles and reports indicated instances of child labor in Shenzhen, in Guangdong Province. However, two of the reports indicated evidence of child labor at Yonghong Electronics factory in 2007, and a follow-up report from May 2008 demonstrated that

this particular factory in Shenzhen no longer employed underage workers and had taken steps to protect against child labor.

Of the three interviews, all touched on the subject of child labor. One was with a legal assistant who performs investigations on labor practices, including child labor, and the other two were with NGO workers in the labor field. The legal assistant reported visiting an electronics factory in Shenzhen in April 2008, where 10 underage children were working, of 500 to 600 employees at the factory. Little detail of the children and their situations was provided in the interview, which does not allow for sufficient information to characterize the conditions of child labor in this factory. The NGO workers interviewed also did not give sufficient information to characterize the conditions of child labor in the electronics industry. One NGO worker gave information about the phenomenon of children being illegally recruited through work-study programs to work in factories, but did not say with certainty whether this occurred in the electronics industry, or give any indication as to the scope of the problem. The other interviewee mentioned an April 2008 investigation by the NGO the interviewee works for, which uncovered child labor practices in a Motorola electronics factory, but did not give any details with regard to evidence.

With regard to forced child labor, the same articles that indicated child labor in four different factories in Dongguan, Guangdong Province and in Jiangxi Province also indicated evidence of forced child labor. The reports on these events indicated that criteria for forced child labor was met through *menace of penalty* and *coercion of children* (physical confinement and sexual violence), and *involuntary nature of work* (slave-like conditions, sale of children, and withholding of wages).

With regard to forced labor, four articles indicated the presence of forced labor, in factories in Shenzhen and Longhua in Guangdong Province, in Suzhou in Jiangsu Province, and in Kunshan, outside of Shanghai. The factories in Longhua and Suzhou employed 200,000 and 150,000 workers, respectively. In these cases, the workers experienced compulsory overtime and withheld wages (*involuntary nature of work*), and physical abuse and financial penalties (*menace of penalty*). Additionally, an NGO report from February 2007 indicated the presence of forced labor at Yonghong Electronics factory in Shenzhen (which also demonstrated evidence of child labor, as mentioned previously). The follow-up report from May 2008 demonstrated that the factory no longer employed underage workers and had taken steps to protect against child labor; however, the condition of compulsory overtime remained present.

In summary, the data gathered support a conclusion of significant evidence of CL, FCL, and FL in the electronics sector in China, based on USDOL's definition of *significance*. With regard to child labor and forced child labor, four articles by credible and major newspapers indicated multiple instances of these phenomena in two different provinces, one of which was corroborated by two sources. With regard to forced labor, four articles indicated the use of forced labor through the *involuntary nature of work* (compulsory overtime and withheld wages), as well as *menace of penalty* (physical punishment and financial penalties) in two provinces and outside the city of Shanghai.

4.1.8. Foundry

Determination of CL, FCL, and FL in the foundry industry in China is based on one Type 1 interview and a review of six articles published from 2005 to 2008. No site visits were conducted for the foundry sector (which includes factories that produce metal, glass and plastic). The data indicate a demonstrated pattern of child labor and forced child labor abuses in the foundry sector in Guangdong, Shanxi, and Fushan provinces. There is no evidence of forced labor in the foundry industry.

With regard to child labor, evidence from an interview with a community group member, and six articles provided evidence for this practice in the foundry industry. The researcher interviewed a worker at the Panyu Service Center for Peasant Workers in Guangdong Province, who had helped two injured child laborers in April and May 2008. These child workers, both of whom were under age 16, injured themselves at two different metal factories in the Guangdong and Fushan provinces. A review of six articles also demonstrated the existence of child labor abuses in plastics and glass factories in Shanxi and Guangdong provinces. In 2005, approximately 100 child workers, some as young as 12 years, were found in a plastics factory in Liwu village in Guangdong Province, having been recruited to work at the factory by their school's vice principal. In 2007, approximately 300 child workers were found in at Sheng Pu Group Co., Ltd., a plastics factory in Dongguan. Three articles also referenced a 2008 incident, in which a 15-year-old boy's hand was severed as a result of an accident at Hongsen Plastics Factory in Dongguan. Another article referenced an incident in 2005 during which a 15-year-old worker was killed by his supervisor at a glass factory in Shanxi Province; this factory also employed approximately 20 other child laborers.

With regard to forced child labor, three of the aforementioned articles indicated the presence of this practice. The aforementioned incident from 2005, which involved 100 children in Liwu Village, included evidence of forced child labor practices, such as unpaid/withheld wages (*involuntary nature of work*), and long hours and physical abuse (*coercion of children* and *menace of penalty*). Forced child labor practices were also evident in the incident at Sheng Pu Group Co., Ltd., wherein children were subject to long working hours and hazardous work (*coercion of children*), deception regarding the terms of work (*involuntary nature of work*), and withheld wages and physical confinement (*menace of penalty*). In addition to the death of a 15-year-old worker, the article about the glass factory indicated forced child labor practices such as hazardous conditions (*coercion of children*) and physical abuse by foremen (*menace of penalty*).

The interview and the six reviewed articles did not offer any evidence of forced labor. Therefore, this report cannot make a determination on the practice of forced labor in the foundry industry in China.

In summary, the one Type 1 interview and six relevant news reports provide considerable data to support a conclusion of significant evidence of child labor and forced child labor in the foundry sector in Shanxi, Guangdong, and Fushan provinces in China, based on USDOL's definition of *significance*. An interview with a community group member and articles that identify four different factories that employ children in three different provinces demonstrate child labor practices. Three articles also point to practices of forced child labor in three of these four factories.

4.1.9. Grape

Determination of CL, FCL, and FL in the grape industry in China is based on a review of three articles published in 2006 and 2007. No site visits or interviews were conducted for the grape sector. It appears that all three articles refer to the same incident in 2006, which demonstrated child labor and forced child labor practices, at a grape processing plant in Ningbo City in Zhejiang Province. Due to the singular nature of this incident, the data do not indicate a demonstrated pattern of CL, FCL, and FL in the grape industry.

With regard to child labor and forced child labor, the three articles refer to what appears to be the same incident at the Wuzhouxing Canning and Food Processing Factory in Ningbo, Zhejiang Province. In this incident, 70 to 200 child laborers (estimates vary), some as young as 14 years, were recruited to work at the grape processing plant during the summer of 2006. The children were brought to the factory by one of their schoolteachers. At the plant, the children suffered from deception of work conditions, hazardous work conditions (many of the children's hands bled from the work), long work hours, compulsory overtime, confiscation of identity documents, and physical confinement. These conditions meet the criteria of *menace of penalty*, *coercion of children*, and *involuntary nature of work*.

Despite the egregious nature of these labor practices, there is not sufficient data to support a conclusion of significant evidence of CL, FCL, and FL in the grape sector in China, based on USDOL's definition of *significance*. The reviewed articles only indicate the existence of one incident at one factory, which does not demonstrate a pattern of practice.

4.1.10. Chemical

Determination of CL, FCL, and FL in the chemicals industry in China is based on a review of two articles published in 2006 and 2007. Due to the lack of evidence, the data do not indicate a demonstrated pattern of CL, FCL, and FL in the chemicals industry.

With regard to child labor and forced child labor, one article referred to an incident in 2007, in which a 14-year-old child laborer was killed in an explosion at a chemical factory in the city of Nanjing. The child was not attending school, and was working in highly hazardous conditions. These conditions indicate but do not provide definitive evidence of *coercion of children*. There was no evidence of *menace of penalty* or *involuntary nature of work* in this incident. The other article was from a newsletter of the National Political Council, an advisory entity to the central government and the Communist Party in China. The article cited a member's statement saying that child labor was a serious problem in the plastic and chemical industries, where child laborers had suffered from intoxication, injuries, and even death. However, no details, such as location, event, or victims' identities, were given in this report, so there was no convincing evidence of child labor or forced child labor in these articles.

There was no evidence of forced labor in the chemicals industry in these two articles.

There is not sufficient data to support a conclusion of significant evidence of CL, FCL, and FL in the chemicals sector in China, based on USDOL's definition of *significance*. The reviewed articles only indicate the existence of one incident at one factory, which does not demonstrate a pattern of practice, and generalizations regarding practices in the industry, without sufficient

detail of these practices. The table below summarizes the general information regarding each industry by the source of the data.

Table 4: Summary of Findings for CL, FCL, and FL by 10 Industries in China

Industry	Primary	Secondary	Findings
Brick 11 sites visited 32 informant interviews 2 Type 1 interviews 30 Type 2 interviews	Visited two cities in the province involved in the scandal. Found evidence of forced labor in terms of mentally disabled adults. Found evidence of child labor at a brick kiln.	2007—scandal in one province involving CL, FCL, and FL	Significant incidence of CL, FCL, and FL
Coal 6 sites visited 15 informant interviews 14 Type 2 interviews 1 Type 1 interview	One case of CL was documented, but implication was that more existed.	Two news reports on CL from 2001 to 2007	Significant incidence of CL Isolated evidence of FCL and FL
Fireworks 11 sites visited 26 Type 2 interviews	Of 11 factories, visited one employed two children.	2006—report of a child dying in an explosion at an illegal fireworks factory Three articles about fires or explosions at illegal fireworks factories that indicated the death of at least one child in each of the events cited	Significant incidence of CL Isolated evidence of FCL No evidence of FL
Toy 6 sites visited 28 informant interviews 2 Type 1 interviews 26 Type 2 interviews	Interviewed five victims of forced child labor and found evidence of a factory employing child laborers. “...hiring juvenile workers and children under the legal working age... had become a routine employment practice at the factory....”	Reports as late as 2007 of child labor being used to make toys Liangsham forced child labor scandal Reports of forced overtime for adults Multiple Type 2 informants said hiring underage workers is common practice	Significant incidence of CL, FCL, and FL
Cotton 1 site visit 4 informant interviews 2 Type 2 interviews 2 Type 1 interviews	Use of work-study students to pick cotton was found.	Reports from 2003 to 2008 on the use of children to pick cotton as part of work-study program	Incidence of CL and FCL No evidence of FL

Industry	Primary	Secondary	Findings
Tile 3 site visits 2 informant interviews 1 Type 1 Interview 1 Type 2 Interview	No evidence of CL, FCL, or FL.	Slavery scandal in 2007 found through news reports and the Type 2 interview	Incidence of CL and FCL No evidence of FL
Electronics 3 Type 1 informant interviews		iPod scandal of 2006 Report in 2008 of use of work-study students, but the practice was suspended Interview with NGO representative indicated the problem may not be resolved Reports of forced overtime	Significant incidence of CL, FCL, and FL
Foundry 1 Type 1 informant interviews		Report in 2005 of the death of a child at a glassware factory Report in 2004 resulted in 115 children being sent home Interview with legal NGO worker who had taken care of two children injured in metals factories	Significant incidence of CL and FCL No evidence of FL
Grape		2006—report of 80+ junior high students forced to work in food processing	Isolated incidence of CL and FCL No evidence of FL
Chemicals		2007—report of child killed at chemical plant explosion and 2006—report by governmental advisory entity	Isolated incidence of CL No evidence of FCL or FL

Table 5: Summary Chart—Findings of Significance* in 10 Industries for CL, FCL, and FL

Industries	Child Labor	Forced Child Labor	Forced Labor
Brick	✓	✓	✓
Coal	✓		
Fireworks	✓		
Toys	✓	✓	✓
Cotton	✓	✓	
Tile			
Electronics	✓	✓	✓
Foundry	✓	✓	
Grape			
Chemical			

* According to USDOL's definition of significance. ✓ = Finding of significance in that industry.

4.2. Recommendations

The persistent occurrence of these problems in China is closely related to various shortcomings of China's legislative system, which has thus far proven to be ineffective in prohibiting the illegal employment of CL, FCL, and FL. We recommend the following ways in which the Chinese Government can improve the country's legal system and its enforcement mechanisms to obtain a more substantial and sustainable solution to the problems of CL, FCL, and FL.

4.2.1. Close the Loopholes in the Country's Legislative System

As we discussed previously, having students under the legal working age of 16 participating in school-organized work-study programs is not banned, but rather justified, by China's current legal system. For instance, the estimated number of student cotton-pickers ranged from 0.8 to 1.0 million in Xinjiang during 2005–2006.¹⁶⁸ When students become the cheapest solution to the serious problem of the labor shortage in the regional labor market, the work-study program increasingly lost its legitimacy and meaning as an educational program designed to “cultivate students' morals [and] enhance student's knowledge and skills in production.” As we discussed previously in Section 3.1.5 on Cotton, the Education Department of Xinjiang issued a *Notification* in September 2008, which provided that students in primary and junior high schools (normally between ages 6 and 15) would no longer be organized by schools to pick cotton. Although the edict was scheduled to begin in the autumn of 2008, this *Notification* is not being implemented strictly in many cotton-farming regions of Xinjiang. Moreover, excluding work-study students under 16 from China's legislative definition of child labor is not in line with the internationally recognized definition of *child labor*, which is: “All work performed by a person below the age of 15,” as outlined in ILO Convention 138. Such a loophole also provides fertile

¹⁶⁸ Anonymous. (2008, September 11). *What is the purpose of picking cotton?* Retrieved from <http://tieba.baidu.com/f?kz=477089276>

soil for teachers' illegal practices in organizing, luring, and even deceiving students into working as temporary laborers under substandard working conditions. To prevent these negative byproducts of the work-study program, we recommend that the Chinese Government amend legislation and regulations regarding the work-study programs to limit the minimum age of student participants to age 16.

There are also significant loopholes in China's legislative system on issues of forced labor. According to China's Criminal Law, last revised in 2006, *forced labor* is narrowly defined as laborers suffering from "restriction of personal freedom" and "physical violence," not including the other means of penalty or coercions specified in ILO conventions. Also, the Criminal Law on combating human trafficking only protects women and children, having no provisions on criminal responsibility of those trafficking or using adult (over age 18) and teen males (over age 16 but under age 18) for forced labor. We recommend the Chinese legislative agencies amend the current provisions on forced labor and human trafficking to provide broader legal protection against forced labor, especially for adults (over age 18) and teen males (over age 16 but under age 18).

4.2.2. Improve Legislative-Enforcement Mechanisms

Whatever the standards, laws are worthless without effective enforcement. However, as revealed in our analysis of all cases of CL, FCL, and FL, China's current enforcement mechanisms have various defects. First of all, the process of legislation enforcement mainly involves governmental agencies and marginalized participants of quasigovernmental social organizations, such as the All-China Federation of Trade Unions and the All-China Women's Federation. Unfortunately, at present, the Chinese authorities allow no room for active involvement of children's rights and labor rights NGOs. It is these NGOs who have rich expertise in monitoring the problems of CL, FCL, and FL through their community-based activities, and who could provide social mechanisms to prevent the occurrence of these problems by raising public awareness and organizing employer training activities. For instance, the enforcement of legislation against the use of child labor relies heavily on stiff financial penalties imposed by labor and social security departments for violations, rather than on preventing the occurrence of employing child laborers. However, undeniably, the problems of CL, FCL, and FL have their own social dynamics, and the eradication of these problems is also the shared responsibility of governmental agencies and NGOs, which should work together.

The current efforts of governmental agencies are very limited in terms of manpower and frequency of workplace inspections. By the end of 2006, China had 22,000 full-time inspectors overseeing workplaces that employ 764 million people—far fewer inspectors than even government regulations stipulate.¹⁶⁹ In effect, the government agencies in charge of overseeing labor practices at the workplace level only organize periodic, campaign-like factory investigations on specific issues, like child labor and student workers; meanwhile, there is no effective supervision mechanism routinely in use. For this reason, *the scandals of CL, FCL, and FL labor are never fully eradicated in China*; instead, they tend to disappear temporarily, off the Government's radar until the next time they are discovered and highlighted. Moreover, given

¹⁶⁹ Ruwitch, J. (2008, May 2). Assembly-line children: China worried as underage labour scandal grows. *The Gazette* (Montreal), p. A17.

that there are no meaningful statistics and no systematic research on the nature of CL, FCL, and FL, governmental efforts to fight these problems often follow mismatched approaches. For instance, currently, government efforts to enforce the law combating human trafficking are often directed at fighting organized crime, but people are nearly always trafficked through social networks—by relatives and acquaintances.¹⁷⁰ It is safe to predict that improving the effectiveness of government efforts in solving these problems depends on the extent to which the Chinese Government realizes and acknowledges these flaws in their enforcement mechanisms, while also having and demonstrating sufficient motivation to reform.

4.2.3. Strengthen Elementary Education in Rural China

As discussed previously, various shortcomings of China's current compulsory education system have been taken as the root cause of the problem of child labor. Students dropping out of school in China's rural regions are more likely to become victims of child labor and forced child labor. As Robin Munro, research director at the *China Labor Bulletin*, observed, "The rural education system in many parts of the countryside is in a state of virtual collapse. There is a high dropout rate of children under 16. They are not just sitting around doing nothing. It is safe to assume most are illegally engaged in some kind of work."¹⁷¹

To eradicate the supply of child laborers at the source, we recommend the Chinese Government invest more financial resources and manpower into strengthening the elementary education system, especially in the country's less-developed rural regions where the dropout rate of students who have not yet completed the nine years of compulsory education is relatively high.

¹⁷⁰ Gooch, L. (2007, July 27). The brick kiln scandal has highlighted how poverty and ignorance support human trafficking. *South China Morning Post*, p. 14.

¹⁷¹ Ni, C.-C. (2005, May 13). China's use of child labor emerges from the shadows. *Los Angeles Times*, p. A1.

ANNEXES

Annex A: Demographics of China and Provinces Investigated

Annex B: Pilot Quantitative Analysis

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ANNEX A: DEMOGRAPHICS OF CHINA AND PROVINCES INVESTIGATED

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ANNEX D: SECTOR MATRICES OF EVIDENCE

BRICK SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Child Labor											
Interviews	B.I.1	Evidence: observations and interviews with child laborers in brick kilns	Investigative journalist, first-hand account of child laborers, including mentally handicapped children, in brick kilns, children under 16, forced child labor as well	11/27/ 2008 (unclear when observed)	Personal interview	Designated researcher	Wages, hours, cities, conditions, ages	Interview with investigative journalist	Interviewee saw 30 children at a brick kiln in Shanxi, and 3-5 mentally handicapped children in a kiln (location unknown)	Shanxi Province	Children under 16, denied wages, physical confinement, long working hours
Site visit	B.S.1	Unclear evidence: interview with laborer who reported his son used to work with him at kiln	Laborer reported that his son used to work with him at brick kiln when son was 17	10/28/ 2008	Personal interview	Designated researcher	Age, conditions, nature of work	Interview with adult laborer onsite	1 child, 3 years ago	Baoquan Brick Factory in Tonghua town, Wanrong county, Yuncheng City, Shanxi Province	Son was 17 when he worked with interviewee; was not paid wages (went to father only)
Articles	B.A.1	Evidence: Article about victim of brick kiln scandal	Physical abuse/confinement, children under 16, kidnapping, slavery	12/8/ 2007	Interviews, secondary sources	Major newspaper	Ages, hours, locations, wages, conditions, social/policy analysis	Interviews with victims, families	500 parents still looking for children from brick kiln scandal	Henan, Shandong and Hebei Provinces	Abuse, beating children to death, physical confinement, slave-like conditions, kidnapping, children under 16
	B.A.2	Evidence: Article about victim of brick kiln scandal	Slave-like conditions	5/5/ 2008	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources	Hundreds of people rescued, including children and mentally handicapped adults	Shanxi and Henan Province	Slave-like conditions, physical confinement

BRICK SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	B.A.3	Evidence: Article about victim of brick kiln scandal	Slave-like conditions	5/2/2008	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources	Hundreds of people rescued, including children and mentally handicapped adults	Shanxi and Henan Province	Slave-like conditions, physical confinement
	B.A.4	Evidence: Article about victim of brick kiln scandal, number of victims	Slave-like conditions, kidnapping, sale of children	8/14/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources, interviews with government officials	1,340 workers rescued	Shanxi and Henan Province	Slave-like conditions, physical confinement
	B.A.5	Evidence: Case of 14-year old seriously injured in brick kiln	Unsafe conditions, child as young as 14	2004	Interviews	Academic journal	Age, conditions, site locations, social/policy/legal analysis	Secondary sources, interview with victim	1 child	Yatou village brick factory of Weiyuan town in Qinghai Province	Child as young as 14, physical injuries
	B.A.6	Evidence: Article about victim of brick kiln scandal, number of victims	Slave-like conditions, kidnapping, sale of children, children as young as 8	6/16/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims, locations	Secondary sources, interviews with government officials	Kidnapping of as many as 1,000 children	Shanxi and Henan Province	Slave-like conditions, physical confinement, kidnapping/sale of children, children as young as 8
	B.A.7	Evidence: Article about 16-year old boy whose feet had to be amputated due to experience in brick kiln	Slave-like conditions, physical abuse/confinement, compulsory overtime	6/1/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, locations	Interview with victim	1 child	Kaolao Town of Yongji, Shanxi Province	Slave-like conditions, child age 16, physical confinement/abuse, forced overtime
	B.A.8	Evidence: Article about brick kiln scandal	Slave-like conditions, kidnapping, sale of children	6/13/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources	Estimates over 1,000 children sold	Shanxi and Henan Province	Slave-like conditions, physical confinement

BRICK SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	B.A.9	Evidence: Letter from 400 fathers whose children are believed to be victims of brick kiln scandal	Sale of children, deception re working conditions, kidnapping, long hours, physical abuse and confinement	6/6/ 2007	Appeal letter	Major newspaper (published)	Hours, conditions, number of victims, locations	Letter from victims' family members	400 children	Linfen and Yongji, Shanxi Province	Sale of children, kidnapping, abuse, confinement, refused food and medical treatment, children as young as 8, deception
	B.A.10	Evidence: NGO report about phenomenon of child labor post-brick kiln scandal	Children under 16	9/2007	Secondary sources, analysis	NGO report	Conditions, ages	Secondary sources	Unknown	Unknown	Children as young as 16; work under contracts and in safe conditions, but too young to work legally
	B.A.11	Evidence: news report about brick kiln scandal	Children under 16, as young as 8, slave-like conditions, sale of children	7/12/ 2007	Interviews, secondary sources	Major newspaper	Conditions, ages, hours, locations, social/policy analysis	Analysis, interviews with victims and government officials, secondary sources	Rescue of 12 child laborers as reported by government	Throughout Shanxi Province	Children as young as 8, slave-like conditions, sale of children, interview with government official who met the 8-year old victim
	B.A.12	Evidence: article about child labor in brick kilns	Children as young as 14	6/21/ 2007	Site visits, interviews with victims, observations by reports	<i>Southern Weekend</i> newspaper	Ages, conditions, locations	Analysis, site visits, direct observation, interviews with victims	About 20 children seen by reporter	Liuwu village in Shanxi Province	Children as young as 14, children disappeared from kiln after reporter's visit, fines for employers, missing children
	B.A.13	Evidence: Article about labor practices	Interview with woman whose 15-year old daughter left home to work in brick factory	5/10/ 2008	Interview with victim's parent	Major newspaper well-known for investigative journalism	Age, location	Interview with one mother of a child	One victim's mother	Shandong Province	Child laborer under 16

BRICK SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Forced Child Labor											
Interviews	B.I.1	Evidence: observations and interviews with child laborers in brick kilns	Evidence of child laborers, including mentally handicapped children, in brick kilns, children under 16, menace of penalty (physical confinement), coercion (long working hours), involuntary nature of work (withheld wages)	11/27/ 2008 (unclear when observed)	Personal interview	Designated researcher	Wages, hours, cities, conditions, ages	Interview with investigative journalist	Interviewee saw 30 children at a brick kiln in Shanxi, and 3-5 mentally handicapped children in a kiln (location unknown)	Liuwu village, Shanxi Province	Children under 16, denied wages, physical confinement, long working hours
Articles	B.A.1	Evidence: Article about victim of brick kiln scandal	WFCL: Physical abuse/confinement, children under 16, kidnapping, slavery	12/8/ 2007	Interviews, secondary sources	Major newspaper	Ages, hours, locations, wages, conditions, social/policy analysis	Interviews with victims, families	500 parents still looking for children from brick kiln scandal	Henan, Shandong and Hebei Provinces	Abuse, beating children to death, physical confinement, slave-like conditions, kidnapping, children under 16
	B.A.2	Evidence: Article about victim of brick kiln scandal	WFCL: Slave-like conditions	5/5/ 2008	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources	Hundreds of people rescued, including children and mentally handicapped adults	Shanxi and Henan Province	Slave-like conditions, physical confinement
	B.A.3	Evidence: Article about victim of brick kiln scandal	WFCL: Slave-like conditions	5/2/ 2008	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources	Hundreds of people rescued, including children and mentally handicapped adults	Shanxi and Henan Provinces	Slave-like conditions, physical confinement

BRICK SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	B.A.4	Evidence: Article about victim of brick kiln scandal, number of victims	WFCL: Slave-like conditions, kidnapping, sale of children	8/14/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources, interviews with government officials	1,340 workers rescued	Shanxi and Henan Province	Slave-like conditions, physical confinement
	B.A.6	Evidence: Article about victim of brick kiln scandal, number of victims	WFCL: Slave-like conditions, kidnapping, sale of children, children as young as 8	6/16/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims, locations	Secondary sources, interviews with government officials	Kidnapping of as many as 1,000 children	Shanxi and Henan Province	Slave-like conditions, physical confinement, kidnapping/sale of children, children as young as 8
	B.A.7	Evidence: Article about 16-year old boy whose feet had to be amputated due to experience in brick kiln	WFCL: Slave-like conditions, physical abuse/confinement, compulsory overtime	6/1/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, locations	Interview with victim	1 child	Kaolao Town of Yongji, Shanxi Provinces	Slave-like conditions, child age 16, physical confinement/abuse, forced overtime
	B.A.8	Evidence: Article about brick kiln scandal	WFCL: Slave-like conditions, kidnapping, sale of children	6/13/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources	Estimates over 1,000 children sold	Shanxi and Henan Province	Slave-like conditions, physical confinement
	B.A.9	Evidence: Letter from 400 fathers whose children are believed to be victims of brick kiln scandal	Sale of children, deception about working conditions, kidnapping, long hours, physical abuse and confinement	6/6/2007	Appeal letter	Major newspaper (published)	Hours, conditions, number of victims, locations	Letter from victims' family members	400 children	Linfen and Yongji, Shanxi Provinces	Sale of children, kidnapping, abuse, confinement, refused food and medical treatment, children as young as 8, deception
	B.A.11	Evidence: news report about brick kiln scandal	WFCL: Children under 16, as young as 8, slave-like conditions, sale of children	7/12/2007	Interviews, secondary sources	Major newspaper	Conditions, ages, hours, locations, social/policy analysis	Analysis, interviews with victims, secondary sources	Rescue of 12 child laborers as reported by government	Throughout Shanxi Province	Children as young as 8, slave-like conditions, sale of children, interview with government official who met the 8-year old victim

BRICK SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Forced Labor											
Interviews	B.I.2	Unclear evidence: interview with journalist who encountered mentally disabled adults in a brick kiln	Unclear evidence: Known trafficking victims	12/5/2008	Personal interview	Designated researcher	Conditions	Interview with journalist who encountered trafficking victims	Several victims	Hunan Province	Trafficking victims
Site visits	B.S.2	Evidence: interview with foreman, one adult laborer and three mentally disabled adults	Evidence of menace of penalty and involuntary nature of work (physical confinement, withholding/ nonpayment of wages)	10/27/2008	Personal interviews, observation	Designated researcher	Living/working conditions, wages, hours, nature of work	Interviews with one foreman, and four laborers	Three mentally disabled laborers	Xiaonishan Brick Factory in Beijing town, Linyi county, Yuncheng city, Shanxi Province	Not allowing workers to leave after work hours or when they are sick (physical confinement), withholding and nonpayment of wages
Articles	B.A.1	Evidence: Article about victim of brick kiln scandal	Physical abuse/confinement, children under 16, kidnapping, slavery	12/8/2007	Interviews, secondary sources	Major newspaper	Ages, hours, locations, wages, conditions, social/policy analysis	Interviews with victims, families	500 parents still looking for children from brick kiln scandal	Henan, Shandong and Hebei Provinces	Abuse, beating children to death, physical confinement, slave-like conditions, kidnapping, children under 16
	B.A.2	Evidence: Article about victim of brick kiln scandal	Slave-like conditions	5/5/2008	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources	Hundreds of people rescued, including children and mentally handicapped adults	Shanxi and Henan Province	Slave-like conditions, physical confinement
	B.A.3	Evidence: Article about victim of brick kiln scandal	Slave-like conditions	5/2/2008	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources	Hundreds of people rescued, incl. children and mentally handicapped adults	Shanxi and Henan Province	Slave-like conditions, physical confinement

BRICK SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	B.A.4	Evidence: Article about victim of brick kiln scandal, number of victims	Slave-like conditions, kidnapping, sale of children	8/14/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims	Secondary sources, interviews with government officials	1,340 workers rescued	Shanxi and Henan Province	Slave-like conditions, physical confinement
	B.A.6	Evidence: Article about victim of brick kiln scandal, number of victims	Slave-like conditions, kidnapping, sale of children, children as young as 8	6/16/2007	Interviews, secondary sources	Major newspaper	Ages, conditions, number of victims, locations	Secondary sources, interviews with government officials	Kidnapping of as many as 1,000 children	Shanxi and Henan Province	Slave-like conditions, physical confinement, kidnapping/sale of children, children as young as 8
	B.A.14	Evidence: news article about two victims of forced labor at brick kiln and conviction of employers	Physical confinement and abuse, withheld wages, long hours (menace of penalty and involuntary nature of work)	12/8/2004	Secondary sources	Major newspaper	Conditions, location, dates, fines	Secondary sources, details re: dates and fines	2 adult laborers	Gaochang town in Hebei Province	Physical confinement, withheld/low wages, long working hours
	B.A.15	Evidence: news article about forced labor at brick kiln and trial of employers	Physical confinement and abuse, withheld wages (menace of penalty and involuntary nature of work)	9/1/2007	Secondary sources, court observation	Major newspaper	Dates, locations, conditions, hours, wages	Observation of reporter in court	10 adult laborers	Beijing Rusheng Shale Brick Factory in Fengtai district, Beijing	Physical confinement, abuse, withheld wages, compulsory overtime

CHEMICAL SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Child Labor											
Articles	CH.A.1	Evidence: Cited a CL case in a chemical factory	Age 14 child laborer killed in chemical explosion	6/21/2007 (cited event a week earlier)	News report	Major international newspaper (NYT)	Rough location, the chemical that caused explosion	Secondary source (not specified)	1 victim, 1 site	Nanjing City	Age 14 child laborer killed while filling the chemical tank
	CH.A.2	Evidence: Cited statements—CL in chemical industries	Indicated CL in plastic /chemical industries is a serious problem	5/15/2006	Citing National Political Council member statements	Special news paper (National Political Council Newsletter)	N/A	National Political Council member	N/A	N/A	Child laborer suffers from intoxication, injuries, and death
Forced Child Labor											
Articles	CH.A.1	Insufficient evidence: Cited a CL case in a chemical factory	Age 14 child laborer killed in chemical explosion, implicating high hazardous work, not attending schools	6/21/2007 (cited event a week earlier)	News report	Major international newspaper (NYT)	Rough location, the chemical that caused explosion	Secondary source (not specified)	1 victim, 1 site	Nanjing City	Age 14 child laborer killed while filling the chemical tank
	CH.A.2	Insufficient evidence: Cited statements—CL in chemical industries	CL in plastic /chemical industries, implicating high hazardous work and not attending school	5/15/2006	Citing National Political Council member statements	Special news paper (National Political Council Newsletter)	N/A	National Political Council member	N/A	N/A	Child laborer suffers from intoxication, injuries, and death

COAL SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Child Labor											
Interview	CO.I. 1	No evidence: interviewee indicated CL extremely rare or nonexistent in the coal mine	Extensive interview found no current CL	10/23-24/2008	Personal interview	Designated researcher	Hiring practice, wage, benefits, accidents, injury/ death, compensation, working conditions	Mine employer/ manager	N/A	N/A	N/A
	CO.I. 2	No evidence: interviewees indicated no current CL in the coal mine	Extensive interview found no current CL (the youngest age uncertain)	10/24/ 2008	Personal interview	Designated researcher	Hiring practice, wage, accidents, injury/ death compensation, working conditions	3 mine workers, 1 foreman	N/A	N/A	N/A
	CO.I. 3	No evidence: interviewee indicated no CL in the coal mine	Found no CL at all	10/23/ 2008	Personal interview	Designated researcher	Hiring practice, wage, accidents, injury/ death compensation, working conditions	1 mine worker	N/A	N/A	N/A
	CO.I. 4	Evidence: interviewee indicated 1 CL in the coal mine	A 16-year-old working with his father in mine	10/23/ 2008	Personal interview	Designated researcher	CL family background, wage, unemployment pay, death settlement, working conditions	1 mine worker	1 CL case	1 coal mine, Shanxi Province	The CL is allowed to work, as favor to his father (divorced); low wage, pay withheld, unfair financial arrangement (worker pay for materials)

COAL SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	CO.I. 5	Evidence: interviewees suggest several CL cases in the coal mine, including the above case	An 8th grader, began working with his father in mine, mentioned other CLs	10/25/2008	Personal interview	Designated researcher	CL family relationships (father and son), wage, unemployment pay, working conditions, arrangement	2 adult mine workers, 1 child laborer	1 CL case describe several mentioned	1 coal mine, Shanxi Province	The CL is allowed to work apparently as a favor to his father (divorced); low wage, pay withheld for months, no assistance when the mining is suspended
	CO.I. 6	Evidence: interviewee himself and others are CL in the coal mine	Started at coal mine at age 15, with others 16-17	10/25/2008	Personal interview	Designated researcher	CL family background, wage, motives of working at mine, working conditions	1 adult mine worker who used to be child laborer	1 CL case described, several mentioned	1 coal mine, Shanxi Province	As young as 15
	CO.I. 7	No evidence: interviewee strongly indicated no CL or FL in the coal mine	Extensive interview found no CL	10/25/2008	Personal interview	Designated researcher	Hiring practice, wage, accidents, housing/ living/ working conditions	1 mine worker	N/A	N/A	N/A
	CO.I. 8	No evidence: interviewee firmly denied CL	No CL	10/27/2008	Personal interview	Designated researcher	Hiring practice, wage, accidents, mine close compensation, housing/ living/ working conditions	1 mine worker	N/A	N/A	N/A
	CO.I. 9	No evidence: interviewee denied CL	No CL	10/3/2008	Personal interview	Designated researcher	Hiring practice, wage, mine close compensation, working conditions	1 mine worker	N/A	N/A	N/A

COAL SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	CO.I. 10	Evidence: interviewee alluded to coal mine CL as similar in other sectors	No specifics about coal CL, only suggest a general pattern as in brick	11/23/2008	Personal interview	Designated researcher	No specifics about coal CL, CL in other industries applied	1 investigative journalist who had reported CL in multiple sectors	No specifics for coal CL	Implies in Shanxi Province	No specifics on coal CL
Site visit	CO.S .1	Evidence: of the 6 sites, 1 CL found in 1 site	A CL of age 16 working on coal mine	10/23-27/2008	Observation	Designated researcher	Production size, working and living conditions, ownership	Observation	1 CL, 1 mine	Juncheng county, Shanxi Province	16 year old CL, 1 month pay withheld, overtime hours without legally required overtime compensation
Article	CO.A .1	Uncertain evidence: Chinese official raid kilns/ mines rescued CL	One statement re CL in brick kilns & coal mines, no specified coal CL.	6/20/2007	News media	Major global media (BBC)	N/A	Government announcement	591 forced labor, 51 child labor in 8,000 kilns and mines raided by the Police	Across Shanxi and Henan Provinces	N/A
	CO.A .2	Uncertain evidence: Chinese official raid kilns/ mines rescued CL	Ref. to the same event as CO.A.1	5/5/2008	News media	Major global media (WSJ)	N/A	N/A	Hundreds FL and CL rescued by the Police	Across Shanxi and Henan Provinces	N/A
	CO.A .3	Evidence: citing scholar about CL in coal as well as other sectors	A statement compared brick with coal CH, no specifics	6/14/2007	News Media	Reputable major regional newspaper	N/A	A social scientist	N/A	N/A	N/A
	CO.A .4	Uncertain evidence: Police raid kilns/mines to rescue FCL/ CL	Ref to the same event as CO.A.1	6/15/2007	News Media	Global media (Canada)	N/A	Government announcement	7,500 kilns and mines in 11 cities	Across Shanxi and Henan Provinces	N/A

COAL SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	CO.A .5	Uncertain evidence: Police raid kilns/mines to rescue FCL/ CL	Ref. to the same event as CO.A.1	6/24/ 2007	News Media	Major regional newspaper	N/A	Government announce- ment	300 FCL and CL freed from kilns and mines	Across Shanxi and Henan Provinces	N/A
	CO.A .6	Uncertain evidence: Government official on raid, FCL/ CL in brick & coal mines	Ref. to the same event as CO.A.1	6/25/ 2007	News Media	Major global media (BBC)	No. of sites, FCL (mentally retarded included), CL, arrests and criminal charges, official responsibilities	Government announce- ment, governor's statements	300+ FCL and 11 CL freed from kilns and mines	Across Shanxi and Henan Provinces	N/A
	CO.A .7	Evidence: court case of CL in coal mine	Accident, injury of coal CL	6/2006	Court case description	Professional journal	Injury/ disability caused by work site accident, settlement process	Court documents	1 CL case in Shanxi	Xiangning County, Shanxi Province	Age 15, severe injury /disability due to mine accident, prolonged settlement process and delayed treatment, devastated family
	CO.A .8	Evidence: synthesis report includes CL in coal mines	Of multiple sectors, coal mine mentioned with CL	6/2006	Journalist report	Professional journal	Together with other sectors, coal mine's working condition for CL	Unspecified media source	Multiple small mines (including coal), hundreds of CL	Shahe town, Hebei Province	Teenage workers, unskilled, tedious, intense, underground work, low pay, average daily up to 18 hours work

COAL SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Forced Child Labor											
Site visit	CO.S .1	Evidence: of the 6 sites, 1 CL found in 1 site	CL in coal mine by definition implies hazardous condition, unusual hours, not attending school	10/23-27/2008	Observation	Designated researcher	Production size, working and living conditions, ownership	Observation	1 CL, 1 mine	Juncheng county, Shanxi Province	16 year old CL, 1 month pay withheld, overtime hours without legally required overtime compensation
Article	CO.A .1	Uncertain evidence: Chinese official raid kilns/ mines rescued CL	One statement re CL in brick kilns & coal mines, no specified coal CL.	6/20/2007	News media	Major global media (BBC)	N/A	Government announcement	591 FL, 51 CL in 8,000 kilns and mines raided by the Police	Across Shanxi and Henan Provinces	N/A
	CO.A .2	Uncertain evidence: Chinese official raid kilns/ mines rescued CL	Ref. to the same event as CO.A.1	5/5/2008	News media	Major global media (WSJ)	N/A	N/A	Hundreds FL and CL rescued by the Police	Across Shanxi and Henan Provinces	N/A
	CO.A .3	Evidence: citing scholar about CL in coal as well as other sectors	A statement compared brick with coal CL, no specifics	6/14/2007	News Media	Reputable major regional newspaper	N/A	A social scientist	N/A	N/A	N/A
	CO.A .4	Uncertain evidence: Police raid kilns/mines to rescue FCL/ CL	Ref .to the same event as CO.A.1	6/15/2007	News Media	Global media (Canada)	N/A	Government announcement	7,500 kilns and mines in 11 cities	Across Shanxi and Henan Provinces	N/A
	CO.A .5	Uncertain evidence: Police raid kilns/mines to rescue FCL/ CL	Ref .to the same event as CO.A.1	6/24/2007	News Media	Major regional newspaper	N/A	Government announcement	300 FCL and CL freed from kilns and mines	Across Shanxi and Henan Provinces	N/A

COAL SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	CO.A .6	Uncertain evidence: Government official on raid, FCL/ CL in brick & coal mines	Ref to the same event as CO.A.1	6/25/2007	News Media	Major global media (BBC)	N of sites, FCL (mentally retarded included), CL, arrests and criminal charges, official responsibilities	Government announcement, governor's statements	300+ FCL and 11 CL freed from kilns and mines	AcrossAacro ss Shanxi and Henan Provinces	N/A
	CO.A .7	Evidence: court case of CL in coal mine	Accident injury of coal CL	6/2006	Court case description	Professional journal	Injury/ disability caused by work site accident, settlement process	Court documents	1 CL case in Shanxi	Xiangning County, Shanxi Province	Age 15, severe injury /disability due to mine accident, prolonged settlement process and delayed treatment, devastated family
	CO.A .8	Evidence: synthesis report includes CL in coal mines	Of multiple sectors, coal mine mentioned with CL	6/2006	Journalist report	Professional journal	Together with other sectors, coal mines working condition for CL	Unspecified media source	Multiple small mines (including coal), hundreds of CL	Shahe town, Hebei Province	Teenage workers, unskilled, tedious, intense, underground work, low pay, average daily up to 18 hours work
Forced Labor											
Interview	CO.I .9	Evidence: the interviewee described work arrangement implied FL	FL as described deception/false term and withheld pay	10/3/ 2008	Personal interview	Designated researcher	Hiring practice, wage, mine close, compensation, working conditions	1 mine worker	About 100 workers in a mine	Jincheng county, Shanxi Province	Withheld up to 5 months wage and promised compensation during months of mine closure

COAL SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Article	CO.A .1	Uncertain evidence: Chinese official raid kilns/ mines rescued FL/CL	One statement re CL in brick kilns & coal mines, no specified coal CL.	6/20/ 2007	News media	Major global media (BBC)	N/A	Government announce- ment	591 FL, 51 CL in 8,000 kilns and mines raided by the police	Across Shanxi and Henan Provinces	N/A
	CO.A .4	Uncertain evidence: Police raid kilns/mines to rescue FL/ CL	Ref. to the same event as CO.A.1	6/15/ 2007	News Media	Global media (Canada)	N/A	Government announce- ment	7,500 kilns and mines in 11 cities	Across Shanxi and Henan Provinces	N/A
	CO.A .5	Uncertain evidence: Police raid kilns/mines to rescue FL/ CL	Ref. to the same event as CO.A.1	6/24/ 2007	News Media	Major regional newspaper	N/A	Government announce- ment	300 + FCL and CL freed from kilns and mines	Across Shanxi and Henan Provinces	N/A
	CO.A .6	Uncertain evidence: Government official on raid, L/ CL in brick & coal mines	Ref. to the same event as CO.A.1	6/25/ 2007	News Media	Major global media (BBC)	No. of sites, FL (mentally retarded included), CL, arrests and criminal charges, official responsibilities	Government announce- ment, governor's statements	359 FL (65 mentally retarded) freed from kilns and mines	Across Shanxi and Henan Provinces	N/A

COTTON SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of Info Source	Scale	Geographic Widespread	Severity
Child Labor											
Interviews	CT.I.1	Evidence: The interviewee indicated CL in picking cotton	Students or children picking cotton with parents	11/28/2008 (September to November, every year)	Personal interview	Designated researcher	Identified location, long history of CL in cotton-picking, age, length of work, pay, working condition	Local farm worker	No CL number specified, implying a common practice, 1 unit of military farm	Xinjiang Province	Historical and ongoing practice, 12–13 hours per day, up to 3 months of cotton-picking
	CT.I.2	Evidence: The interviewee indicated CL in picking cotton	Elementary students (age 8–15) with parents picking cotton	11/28/2008 (every year)	Personal interview	Designated researcher	Identified location, local schools with CL in cotton-picking, age, length of work, pay, working condition, penalty	Local school staff	No CL number specified, implying a cross-school practice, 1 local school	Xinjiang Province	Ongoing CL picking cotton (with fewer days than before), 10 or more days per season, 12 hours per day, low pay and financial penalty
	CT.I.3	No evidence: The interviewee had no specific information	A generic statement that of CL—students picking cotton for school's financial gain	12/5/2008	Personal interview	Designated researcher	None	Academic researcher	N/A	N/A	The academic researcher made a generic observation without specifics
Articles	CT.A.1	Evidence: News report on CL in cotton mill	Age and condition meet definition	7/9/2007	Secondary source (cited)	Reputable major newspaper	Site location, work condition, government response	Another newspaper	1 cotton mill, 4 child laborers	Qishan County, Shaanxi Province	12–13 year old, 12 hours per day work, pay withheld 6 months, noted voluntary nature

COTTON SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability			Significance			
		Relevancy	Accuracy		Method	Reputation	Details	Type of Info Source	Scale	Geographic Widespread	Severity
	CT.A.2	Evidence: News report on CL in multiple industries, including cotton	Child worker killed in an accident while working in a cotton mill	7/21/2007	Secondary source (not cited)	Major U.S. newspaper	One sentence mentioned the accident—no site location, victim unidentified	Not cited	1 cotton mill, 1 child laborer	Nanchang, Jiangxi Province	15-year-old boy, extreme overtime, accident
	CT.A.3	No evidence: News report of the government terminating student cotton-picking	Announced new policy but indicated prior policy using student cotton pickers	9/20/2008	N/A	Government media	None	Provincial government official announcement	Implied province-wide student cotton-picking in 2006	Xianjiang Province	Secondary and postsecondary students summer work program
	CT.A.4	No evidence: News report on an elementary student picking cotton	Ambiguous—child working with his family during holiday	10/6/2008	N/A	Government media	None	Provincial government official announcement	1 child identified, an example of regular practice involving children	Hami County, Xiangjiang Province	N/A
	CT.A.5	Evidence: Blog article that criticized forcing students to pick cotton	Students (third grade through college) seemingly forced to pick cotton	Circa 2006–2007	Citing news reports, government announcements, commentary	Internet blog	Schools identified, number of students cited, working condition, analysis, criticism	News reports and county government documents	Numerous schools/colleges in Xinjiang Province, millions of students (but no ages specified)	Changji County and other unspecified jurisdictions in Xinjiang Province	Large scale CL, as long as 20 days in the summer, tough working conditions, no wages, financial penalty imposed to nonparticipants, student resistance, and undocumented revenue from student labor
	CT.A.6	Evidence: Web report and comments on CL in cotton industry	Elementary and secondary school students pick cotton	11/20/2006	Citing news reports, government announcements, commentary	Internet blog, but the page is no longer available	Location and the school system identified, number of students, nature of the program	News reports and county government documents	1 county school system, 40,000 students	Qinmin County, Ganshu Province	Whole county school system, 10 days in summer, no pay, financial penalty imposed to nonparticipants

COTTON SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of Info Source	Scale	Geographic Widespread	Severity
	CT.A.7	Evidence: News report on the government changing CL policy	Elementary and secondary school students pick cotton	9/15/2005	Citing news reports, government announcements, personal interviews	Regional newspaper	Some schools identified, work condition, pay and penalty	News reports and county government documents, interviews with students, teachers, parents, and provincial officials	100,000 or more students, 1 province	Xianjiang Province	Province-wide practice but noted a declining number of schools and students involved, no or low pay, financial penalty
	CT.A.8	No evidence: Web source on secondary and postsecondary students picking cotton	Elementary school students not mentioned, age not specified	9/24/2007	Citing news reports, government announcements, and web viewers' comments	Major internet media	Some schools identified, work condition, pay, penalty, controversies	News reports and provincial government documents; comments by Web viewers	1 million students, 1 province	Xinjiang Province	N/A
	CT.A.9	Evidence: Numerous CL cases cited, one case was in a cotton mill	A case of a 15 year old killed in cotton mill accident	7/12/2007	Interview with a lawyer who cited the case	Major regional newspaper	Victim age, name, city and the nature of the accident	A leading lawyer specializing in child labor cases	1 child, 1 cotton mill	Victim from Tianjin, accident in Beijing	A single case, exhaustion due to lengthy hours and tough work, resulting in severe disability
Forced Child Labor											
Interviews	CT.I.1	Evidence: The interviewee indicated CL in cotton industry	Students or children accompany parents to pick cotton	11/28/2008 (September to November, every year)	Personal interview	Designated researcher	Identified location, long history of CL in cotton-picking, age, length of work, pay, working condition	Local farm worker	No CL number specified, implying a common practice, 1 unit of military farm	Xinjiang Province	Historical and ongoing practice, 12–13 hours per day, up to 3 months of cotton-picking

COTTON SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of Info Source	Scale	Geographic Widespread	Severity
	CT.I.2	Evidence: The interviewee indicated CL in cotton industry	Elementary students (age 8–15) accompany parents to pick cotton	11/28/2008 (every year)	Personal interview	Designated researcher	Identified location, local schools with CL in cotton-picking, age, length of work, pay, working condition, penalty	Local school staff	No CL number specified, implying a cross-school practice, 1 local school	Xinjiang Province	Ongoing CL in cotton- picking (with fewer days than before), 10 or more days per season, 12 hours per day, low pay and financial penalty
	CT.I.3	No evidence: The interviewee had no specific information	A generic statement that children pick cotton for school's financial gain	12/5/2008	Personal interview	Designated researcher	None	Academic researcher	N/A	N/A	The academic researcher made a generic observation without specifics
Articles	CT.A.1	Evidence: News report CL in a cotton mill	Age and condition meet definition	7/9/2007	Secondary source (cited)	Reputable major newspaper	Site location, work condition, government response	Another newspaper	1 cotton mill, 4 child laborers	Qishan County, Shaanxi Province	12–13 year old, 12 hours per day work, pay withheld 6 months, noted voluntary nature
	CT.A.2	Evidence: News report on CL in multiple industries, including cotton	Child worker killed in accident while working in a cotton mill	7/21/2007	Secondary source (not cited)	Major U.S. newspaper	One sentence mention of the accident, no site location unclear or victim ID	Not cited	1 cotton mill, 1 child laborer	Nanchang, Jiangxi Province	15-year-old boy, extreme overtime, accident
	CT.A.3	No evidence: News report on the government terminating student cotton-picking	Announced new policy but indicated prior policy using student pick cotton	9/20/2008	N/A	Government media	None	Provincial government official announcement	Implied province-wide student cotton-picking in 2006	Xianjiang Province	Secondary and postsecondary students summer work program

COTTON SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of Info Source	Scale	Geographic Widespread	Severity
	CT.A.4	No evidence: News report of an elementary student picking cotton	Ambiguous in: child work with his family in a holiday	10/6/2008	N/A	Government media	None	Provincial government official announcement	1 child identified, an example of regular practice involving children	Hami county, Xiangjiang Province	N/A
	CT.A.5	Evidence: Blog article criticizing the forcing of students to pick cotton	Students (third grade through college) seemingly forced to pick cotton	Circa 2006–2007	Citing news reports, government announcements, commentary	Internet blog	Schools identified, number of students cited, working condition, analysis, criticism	News reports and county government documents	Numerous schools/colleges in Xinjiang Province, millions of students (but no ages specified)	Changji County and other unspecified jurisdictions in Xinjiang Province	Large scale CL, as long as 20 days in the summer, tough working conditions, no wages, financial penalty imposed to nonparticipants, student resistance, undocumented revenue from student labor
	CT.A.6	Evidence: Web report and comments on CL in the cotton industry	Elementary and secondary school students picking cotton	11/20/2006	Citing news reports, government announcements, commentary	Internet blog, but the page is no longer available	Location and the school system identified, number of students, nature of the program	News reports and county government documents	1 county school system, 40,000 students	Qinmin County, Ganshu Province	Whole county school system, 10 days in summer, no pay, financial penalty imposed to nonparticipants
	CT.A.7	Evidence: News report of the government changing CL policy	Elementary and secondary school students picking cotton	9/15/2005	Citing news reports, government announcements, personal interviews	Regional newspaper	Some schools identified, work condition, pay and penalty	News reports and county government documents, interviews with students, teachers, parents, and provincial officials	100,000 or more students, 1 province	Xianjiang Province	Province-wide practice but noted the declining number of schools and students involved, no or low pay, financial penalty

COTTON SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of Info Source	Scale	Geographic Widespread	Severity
	CT.A.8	No evidence: Web source on secondary and postsecondary students picking cotton	Elementary school students not mentioned, age not specified	9/24/2007	Citing news reports, government announcements, and web viewers' comments	Major internet media	Some schools identified, work condition, pay, penalty, controversies	News reports and provincial government documents; comments by web viewers	1 million students, 1 province	Xinjiang Province	N/A
	CT.A.9	Evidence: Numerous CL cases, with one case in cotton mill	Case of a 15-year-old killed in a cotton mill accident	7/12/2007	Interview with a lawyer citing the case	Major regional newspaper	Victim age, name, city, and the nature of the accident	A leading lawyer specializing in child labor cases	1 child, 1 cotton mill	Victim from Tianjin, accident in Beijing	A single case, exhaustion due to lengthy hours and tough work which resulted in severe disability

ELECTRONICS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Child Labor											
Interviews	E.I.1	Evidence: Interview with a legal assistant regarding CL in electronics factories	Children under 16 working in electronics factories, self-reported ages	11/26/2008 Observed in 4/2008	Personal interview	Designated researcher	General conditions, ages, pay	Interviewee is a legal assistant investigating CL practices; this particular investigation on CL was carried out in April 2008	10 underage workers in an electronics factory of 500–600 workers	Shenzhen; factory not identified	Withheld wages, children as young as 13
	E.I.2	Unclear evidence: Interview with an NGO worker that children may be working in electronics factories	Not enough evidence of CL	11/27/2008	Personal interview	Designated researcher	Ages, general conditions, pay	Interviewee is NGO worker	Interviewee not sure which sector children sent to	Not specified	Children as young as 15
	E.I.3	Unclear evidence: Interview with NGO worker that children work in Motorola electronics factory	Not enough evidence of CL; investigation uncovered evidence of children working in Motorola factory in April 2008, but no details given	12/4/2008	Personal interview	Designated researcher	None given	Interviewee works for NGO which conducted investigation; unclear if interviewee was directly involved in investigation	Unclear	Not specified	Unknown
Articles	E.A.1	Evidence: Report on CL in several sectors	Interview with the mother of a 15-year old working in electronics factory	5/10/2008	Site visits, interviews (teachers, victims, victims' families, scholars, foreman)	Major newspaper well known for investigative journalism	Site location, history, current conditions, some names, social/policy analysis, laborer ages	Interviewee's 15-year-old son works in an electronics factory	1 child	Shenzen	15 years old

ELECTRONICS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	E.A.2	Evidence: Report on CL ring in electronics and other consumer goods	Report from Chinese authorities that 100 children were "rescued" from CL ring; ages 13–15	5/1/2008	Interviews (government authorities, professor in China), secondary sources	Major newspaper	Laborer ages, conditions, social/policy analysis, pay, forced recruitment, hours worked	Chinese government authorities, researcher, and secondary sources	Unnamed number of factories in one city; approximately 100 children	Dongguan in Guangdong Province	As young as 13, little pay, coercive treatment, menace of pen., slave-like conditions, sale of children, tricking or kidnapping children
	E.A.3	Evidence: Report on child laborers in Dongguan factories who refuse to leave their jobs	Report that 40 children had been "resold" to an electronics factory in Dongguan	4/30/2008	Interviews (Victims, dealer, academic researcher, victim's mother)	Major newspaper	Laborer ages, pay, conditions, forced recruitment, hours worked, names of different parties involved	Academic researcher, victims, CL dealers, victims' family member	Approximately 40 children in unnamed electronics factory in Dongguan	Dongguan in Guangdong Province	As young as 9, coercive treatment, low wages, rape and other physical harm, sale of children, kidnapping
	E.A.4	Evidence: Report on general CL practices	Report of laborers being shipped to electronics factory in Dongguan under auspices of "work-study program"	6/21/2007	Interviews (Victims and their families, factory manager, academic researcher), secondary sources	Major newspaper	Site where victims originated, forced recruitment, pay, compulsory overtime, hours worked, isolation	Victims and family members, factory manager, academic researcher	Children from middle school who were shipped hundreds of miles under work-study program to electronics factory in Dongguan	Dongguan in Guangdong Province	Withheld wages, compulsory overtime (up to 14 hours a day), restricted communication with family
	E.A.5	Evidence: Journalist reports on CL generally	Report of children at private school being lured to work in electronics factory through promise of free tuition in 2004	10/19/2007	Secondary source	Major newspaper	None	Secondary source	Children were promised free tuition at private vocational school if worked at electronic factory	Jiangxi Province	Unknown

ELECTRONICS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	E.A.6	Evidence: Interviews with workers at Yonghong Electronics	Report of underage and other workers coerced to work at factory. However, E.A.7 indicates that this problem no longer exists.	2/2007	Interviews with victims and workers, site visits	NGO report	Site location, pay, compulsory overtime, coercion, living/work conditions, age of workers, hours worked	Victims	Out of 25 workers interviewed, 7 were underage children, and other workers knew of other children	Yonghong Electronics in Zhonghan Electronics compound in Shenzhen	Debt bondage, forced overtime, underage workers, coercion, poor living/working conditions, workers not allowed to resign
	E.A.7	Unclear Evidence: Interviews with workers at Yonghong Electronics	As a follow-up to previous report (E.A.6), no evidence of child laborers at factory and evidence of strict precautions against CL	5/2008	Interviews with workers	NGO report	n/a	Workers	n/a	Yonghong Electronics in Zhonghan Electronics compound in Shenzhen	n/a
	E.A.8	Evidence: Academic article on modern day CL practices in several industries	Report of students from private school lured to work in electronics factory - Seems to corroborate evidence in T.A.5.	6/2007	Secondary sources	Academic journal article	Geographic location, ages, pay, hours worked, living/working conditions	Secondary sources	Reported victims were 40 children from private school in Yichun of Jiangxi and 80 more students sent to electronic and toy factories (breakdown into which sectors of latter students unclear)	Unnamed electronic parts in Shenzhen and instruments factory (unknown location)	Low wages, withheld wages, compulsory overtime, workers ages 13–15

ELECTRONICS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Forced Child Labor											
Articles	E.A.2	Evidence: Report on CL ring in electronics and other consumer goods	Report from Chinese authorities that 100 children were "rescued" from CL ring; ages 13–15	5/1/2008	Interviews (government authorities, academic researcher), secondary sources	Major newspaper	Laborer ages, conditions, social/policy analysis, pay, forced recruitment, hours worked	Chinese authorities, researcher and secondary sources	Unnamed number of factories in one city; approximately 100 children	Dongguan in Guangdong Province	As young as 13, little pay, coercive treatment, menace of penalty, slave-like conditions, sale of children, tricking or kidnapping children
	E.A.6–7	Unclear evidence: Interviews with workers at Yonghong Electronics; however, follow-up report shows that these conditions had been remedied.	Underage and other workers coerced to work at factory	2/2007 and 5/2008	Interviews with victims/ workers	NGO reports	Site location, pay, mandatory overtime, coercion, living/work conditions, age of workers, hours worked, occupational safety and health	Victims/workers	Out of 25 workers interviewed, 7 were underage children, and other workers knew of other children. However, in follow-up report, no children found in factory, and workers reported new precautions against CL.	Yonghong Electronics in Zhonghan Electronics compound in Shenzhen	Debt bondage, forced overtime, underage workers, coercion, poor living/working conditions, not allowed to resign
	E.A.3	Evidence: Report on child laborers in Dongguan factories who refuse to leave their jobs	Report that 40 children had been "resold" to an electronics factory in Dongguan	4/30/2008	Interviews (victims, dealer, researcher, victim's mother)	Major newspaper	Laborer ages, pay, conditions, forced recruitment, hours worked, names of different parties involved	Academic researcher, victims, CL dealers, victims' family member	Approximately 40 children in unnamed electronics factory in Dongguan	Dongguan in Guangdong Province	As young as 9, coercive treatment, low wages, rape and other physical harm, sale of children, kidnapping

ELECTRONICS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	E.A.4	Evidence: Report on general CL practices	Report of laborers being shipped to electronics factory in Dongguan under auspices of "work-study program"	6/21/2007	Interviews (victims and their families, factory manager, researcher), secondary sources	Major newspaper	Site where victims originated, forced recruitment, pay, compulsory overtime, hours worked, isolation	Victims and family members, factory manager, academic researcher	Children from middle school who were shipped hundreds of miles under work-study program to electronics factory in Dongguan	Dongguan in Guangdong Province	Withheld wages, compulsory overtime (up to 14 hours a day), restricted communication with family
Forced Labor											
Articles	E.A.6–7	Evidence: Interviews with workers at Yonghong Electronics	Workers coerced to stay at factory and work overtime	2/2007 and 5/2008	Interviews with workers	NGO report	Site location, pay, mandatory overtime, coercion, living/work conditions, hours worked	Victims	Unknown	Yonghong Electronics in Zhongshan Electronics compound in Shenzhen (Guangdong)	Debt bondage, compulsory overtime, coercion, not allowed to resign
	E.A.9	Evidence: Interviews with workers at Hivac Startech Film Window co. (Motorola cell phones)	Workers forced to work overtime and not allowed to resign	8/23/2006	Interviews with workers	NGO report	Site location, pay below minimum wage and withheld wages, mandatory overtime, coercion, hours worked	Victims	Unknown	Hivac Startech Film Window co. in Shenzhen (Guangdong)	Forced overtime, withheld wages
	E.A.10	Evidence: Compulsory overtime in factories which make iPods – known as Foxconn iPod scandal	Workers coerced to work overtime	8/18/2006	Site visits, interviews with workers, scholars, industry experts	Major newspaper	Site locations, hours worked, conditions, compulsory overtime, pay, punishment	Victims, industry experts, scholars, direct observation by journalist	Two plants visited, one with 150,000 workers and another with 200,000 workers	Foxconn plant in Longhua and Asustek plant in Suzhou	Forced overtime, low wages, retribution (workers made to do pushups, stand for long hours)

ELECTRONICS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	E.A.11	Evidence: Article on Foxconn iPod scandal	Workers coerced to work overtime, financial penalties, physical punishments	6/15/2006	Interviews with workers, secondary sources	Major newspaper	Site locations, hours worked, pay, punishment, conditions	Victims	Not specified	Foxconn plant in Kunshan (outside Shanghai)	Forced overtime, forced to stand for long hours, long working hours, financial penalties
	E.A.12	Evidence: Articles on Foxconn iPod scandal	Workers coerced to work overtime, financial penalties, physical punishments	6/22/2006	Interviews with workers, secondary sources	Major newspaper	Site locations, hours worked, pay, punishment, conditions	Victims	Not specified	Foxconn plant in Kunshan (outside Shanghai)	Forced overtime, forced to stand for long hours, long working hours, financial penalties

FIREWORKS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
CHILD LABOR											
Interview	FI.I.1	No evidence: Interviewee flatly denied CL in his factory	Citing high risk of accident by younger workers (age<20)	11/7/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, safety, work hour, facility management	Factory owner manager	N/A	N/A	N/A
	FI.I.2	No evidence: Interviewee flatly denied CL in his factory	Indicated only hire age 18-55.	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, safety, work hour, export production	Manager/employee	N/A	N/A	N/A
	FI.I.3	Evidence: Interviewee's son is CL in fireworks factory	Age 15 CL cited as a single case in this factory	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring contract, wage, hours, job type	Employee	1 CL, 1 site	Guankou District, Liuyang City, Hunan Province	Age 15, low wage, wage withhold (upon worker request), 12 hours/day but flexible
	FI.I.4	No evidence: No info on age of hiring	No info on age specifics	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, safety, work hour	Manager/employee	N/A	N/A	Wage withhold
	FI.I.5	Evidence: Interviewee said a few CLs age 16-17 in factory	Applies to under age 18 condition (d): Work safety	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	1 adult employee	1 CL, 1 site	Guankou District, Liuyang City, Hunan Province	Age 16-17, low wage, wage withhold (upon worker request)

FIREWORKS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	FI.I.6	Evidence: Interviewee himself is CL in factory	Age 15 CL in this factory	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	CL and his father	1 CL, 1 site	Guankou District, Liuyang City, Hunan Province	Age 15, low wage, wage withhold (upon worker request)
	FI.I.7	No evidence: Interviewee flatly denied CL in his factory	Repeated stated no CL as factory rule	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	Adult employee	N/A	N/A	N/A
	FI.I.8	No current evidence: Interviewees implied CL 2 years ago in factory	2 years ago, at age 17 and 18 started work	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	3 adult employees	2 former CLs, 1 site	Guankou District, Liuyang City, Hunan Province	Age 17, low wage, wage withhold (upon worker request), 10 hours/day
	FI.I.9	No evidence: Interview did not relate to CL	No CL discussed	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	Adult employee	N/A	N/A	N/A
	FI.I.10	No evidence: Interview did not mention CL	No CL mentioned	11/9/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	Adult employee	N/A	N/A	N/A
	FI.I.11	No evidence: Interviewee denied CL	Reported no CL	11/9/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	Factory manager/ employees	N/A	N/A	N/A
	FI.I.12	No evidence: Interviewee denied CL	Reported no CL	10/24/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	Community member/employee	N/A	N/A	N/A

FIREWORKS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	FI.I.13	No evidence: Interviewee denied CL	Reported no CL	10/24/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	Employee	N/A	N/A	N/A
	FI.I.14	No evidence: Interviewee denied CL	Reported no CL	11/25/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	Employee	N/A	N/A	N/A
	FI.I.15	No evidence: Interview did not relate to CL	Factory shut down, no CL discussed	11/27/2008	Personal interview on site of factory	Designated researcher	Shutdown process, complaint about government policy	Owner	N/A	N/A	N/A
	FI.I.16	No evidence: Interviewee said no current CL	Factory shut down, CL existed 3-5 years ago in home workshops	11/28/2008	Personal interview on site of factory	Designated researcher	Shutdown process, complaint about government policy	Manager	N/A	N/A	N/A
	FI.I.17	No evidence: Interviewee indicated CL no longer an issue in fireworks sector	Mentioned CL was an issues several years ago in family operation	11/12/2008	Personal interview	Designated researcher	Government law and enforcement on CL, broad CL situation changes	International NGO staff	N/A	N/A	N/A
	FI.I.18	Evidence: Interviewee emphasized CL involved in home workshop	Citing the 2007 Chongqing explosion case and another report	11/10/2008	Personal interview	Designated researcher	CL in fireworks and other sectors	International NGO staff citing news media	Assert that CL involved in rural home fireworks production	Chongqing	N/A

FIREWORKS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Article	FI.A.1	Evidence: News report about child killed in fireworks explosion	Clearly identified CL victims	11/30/07 (reported event of 11/19/07)	Interview, site visit	Major news media	Site location, names of CL and families, incident recounts, casualties	Local witness, government information, site observation	12 CL deaths, a village workshop	Xiushan, Chongqing	Children age 8-15, illegal recruitment/operation, deaths and injuries
	FI.A.2	Evidence: Analysis of broad CL issues included fireworks sector	A 2004 policy analysis of CL cases in various industries, including fireworks	6/4/2009	Information synthesis, analysis	Professional journal	Only listing fireworks as a high-risk sector for CL practice	News reports, government documents, research	Not specific for fireworks	Not specific for fireworks	Not specific for fireworks
	FI.A.3	Evidence: News report about child killed in fireworks explosion	Clearly identified CL victims	10/25/2003 (reported event of 10/19/03)	News report	Industry newspaper	Site location, names of CL and families, incident recounts, casualties	Local witness, government information	1 CL death, 9 injuries, 1 village workshop	Linzhou, Hunan Province	Child killed age 14, illegal recruitment/operation, deaths and injuries
FORCED LABOR						FIREWORKS SECTOR					
Interview	FI.I.3	Unclear evidence: Interviewee's son is CL in fireworks factory	Age 15 CL, implicating highly hazardous work and not attending school, but no coercion	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring contract, wage, hours, job type	Employee	1 CL, 1 site	Guankou District, Liuyang City, Hunan Province	Age 15, low wage, wage withhold (upon worker request), 12 hours/day but flexible

FIREWORKS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	FI.I.5	Unclear evidence: Interviewee said a few CLs age 16-17 in factory	Under age 18, implicating highly hazardous work and not attending schools, but no coercion	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	1 adult employee	1 CL, 1 site	Guankou District, Liuyang City, Hunan Province	Age 16-17, low wage, wage withhold (upon worker request)
	FI.I.6	Unclear evidence: Interviewee himself is CL in factory	Age 15, implicating highly hazardous work and not attending schools, but no coercion	11/8/2008	Personal interview on site of factory	Designated researcher	Location, hiring, wage, work hour	CL and his father	1 CL, 1 site	Guankou District, Liuyang City, Hunan Province	Age 15, low wage, wage withhold (upon worker request)
	FI.I.18	Evidence: Interviewee emphasized CL involved in home workshop	Citing the 2007 Chongqing explosion case and another report, both illegal CL use	11/10/2008	Personal interview	Designated researcher	CL in fireworks and other sectors	International NGO staff citing news media	Asserting that CL involved in rural home fireworks production	Chongqing	N/A
Article	FI.A.1	Evidence: News report about child killed in fireworks explosion	Age 8-15, highly hazardous work and not attending schools, illegal recruitment	11/30/07 (reported event of 11/19/07)	Interview, site visit	Major news media	Site location, names of CL and families, incident recounts, casualties	Local witness, government information, site observation	12 CL deaths, a village workshop	Xiushan, Chongqing	Children age 8-15, illegal recruitment/operation, deaths and injuries

FIREWORKS SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	FI.A.3	Evidence: News report about child killed in fireworks explosion	Age 14, highly hazardous work and not attending schools, illegal recruitment	10/25/2003 (reported event of 10/19/03)	News report	Industry newspaper	Site location, names of CL and families, incident recounts, casualties	Local witness, government information	1 CL death, 9 injuries, 1 village workshop	Linzhou, Hunan Province	Child killed age 14, illegal recruitment/operation, deaths and injuries

FOUNDRY SECTOR											
	Ref. No.	Nature of Information		Date release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Child Labor											
Interviews	F.I.1	Evidence: Interviewee is a member of Panyu Service Center for Peasant Workers in Guangdong Province; cites two cases of child laborers who were injured in metals factories. Also cites many more cases of CL but does not specify industry	Has met and taken cases of 2 children who have been injured at metals factories. Children under age 16	11/25/2008; referenced two injured child laborers from metal factories met in April/May 2008	Personal interview	Designated researcher	Ages, site locations, conditions, conditions under which children leave school to work, injuries	Worker at community group	2 children in a metals factory	Metals factories in Fushan and Dongguan	Children under 16, bad injuries
Articles	F.A.1	Evidence: Investigative news article re: 100 children found in a plastics factory in Dongguan	Children as young as 12, unpaid/withheld wages (involuntary nature of work), long hours, physical abuse (coercion of children and menace of penalty), recruitment by school vice principal	8/5/2005	Investigative news report	Major regional newspaper	Names of various parties involved, ages, location, working conditions, hours, wages, dates of interactions with parties involved	Investigative journalist interviewed child labor victims and their family members, employers, visited the factory, and provided dates	Approximately 100 child workers	Liwu village, Chang'an County, Guangdong Province	Children as young as 12, severe physical abuse of children, long working hours, no/withheld pay, sent there by school

FOUNDRY SECTOR											
	Ref. No.	Nature of Information		Date release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	F.A.2	Evidence: Investigative news article about 300 children who are working in plastics factory and suffered severe illnesses, including one death of a 16-year-old girl	Children under 16, long working hours, hazardous work (coercion of children), deception about terms of work (involuntary nature), withheld wages, physical confinement (menace of penalty)	8/8/2007	Investigative news report	Major Chinese news outlet	Names of various parties involved, wages, hours, working conditions, dates of events (such as girl's death), location	Investigative journalist interviewed child labor victims and their teachers, government officials, girl's family's lawyer, and provided dates	Approximately 300 child workers	Sheng Pu Group Co., Ltd., Dongguan plastics factory	Children under 16, death of 1 girl, severe illnesses suffered by almost all 300 child workers, children not allowed to leave if sick, children promised a certain wage which was not fulfilled, compulsory overtime without wages
	F.A.3	Evidence: News article about child worker whose hand was cut off at plastics factory, evidence that factory employs at least 2 child workers still	Hazardous work, children under 16	5/2/2008	News article	Major Chinese news outlet	Name of victim, location, nature of injury, confirmation of workers under 16	Interviews with various parties involved, site visit, sample list of employees with birthdates, 2 of whom were under 16	3 child workers, 1 child worker seriously injured	Hongsen Plastics Factory in Dongguan	Children under 16, severe injury
	F.A.4	Evidence: News article re. 15-year-old boy whose hand was cut off at plastics factory while working, replaced with another 15-year-old laborer	Same as F.A.3	5/1/2008	News article	Major Chinese news outlet	Ages, names, location, nature of injury	Interview with child laborer, employer	2 child workers	Hongsen Plastics Factory in Dongguan	Children as young as 15, severe injury

FOUNDRY SECTOR											
	Ref. No.	Nature of Information		Date release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	F.A.5	Evidence: News bulletin about Hongsen Plastics Factory in Dongguan using 2 child laborers	Same as F.A.3	7/9/2008	News bulletin	Chinese news outlet	None	None	2 child workers	Hongsen Plastics Factory in Dongguan	Child laborers
	F.A.6	Evidence: News article about death of 15-year old worker in glass factory and several other child laborers in same factory	Child worker age 15, killed by supervisor; other child workers, hazardous conditions (coercion), physical abuse by foremen (menace of penalty)	9/20/2005	News article		Age, details about death and abuses, working conditions	Secondary sources, site visits, interviews with child laborers and foreman	1 child worker died; approximately 20 child laborers	Baocheng Glassware Factory in Qi County, Shanxi Province	Child worker age 15, killed by supervisor (accidental), children under 16, hazardous conditions, getting beaten by foremen
Forced Child Labor											
Articles	F.A.1	Evidence: Investigative news article re: 100 children found in a plastics factory in Dongguan	Children as young as 12, unpaid/withheld wages (involuntary nature of work), long hours, physical abuse (coercion of children and menace of penalty), recruitment by school vice principal	8/5/2005	Investigative news report	Major regional newspaper	Names of various parties involved, ages, location, working conditions, hours, wages, dates of interactions with parties involved	Investigative journalist interviewed child labor victims and their family members, employers, visited the factory, and provided dates	Approximately 100 child workers	Liwu village, Chang'an County, Guangdong Province	Children as young as 12, severe physical abuse of children, long working hours, no/withheld pay, sent there by school

FOUNDRY SECTOR											
	Ref. No.	Nature of Information		Date release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	F.A.2	Evidence: Investigative news article about 300 children who are working in plastics factory and suffered severe illnesses, including one death of a 16-year-old girl	Children under the age of 16, long working hours, hazardous work (coercion of children), deception about terms of work (involuntary nature), withheld wages, physical confinement (menace of penalty)	8/8/2007	Investigative news report	Major Chinese news outlet	Names of various parties involved, wages, hours, working conditions, dates of events (such as girl's death), location	Investigative journalist interviewed child labor victims and their teachers, government officials, girl's family's lawyer, and provided dates	Approximately 300 child workers	Sheng Pu Group Co., Ltd., Dongguan plastics factory	Children under 16, death of 1 girl, severe illnesses suffered by almost all 300 child workers, children not allowed to leave if sick, children promised a certain wage which was not fulfilled, compulsory overtime without wages
	F.A.6	Evidence: News article about death of 15-year-old worker in glass factory and several other child laborers in same factory	Child worker age 15, killed by supervisor; other child workers, hazardous conditions (coercion), physical abuse by foremen (menace of penalty)	9/20/2005	News article		Age, details about death and abuses, working conditions	Secondary sources, site visits, interviews with child laborers and foreman	1 child worker died; approximately 20 child laborers	Baocheng Glassware Factory in Qi County, Shanxi Province	Child worker age 15, killed by supervisor (accidental), children under 16, hazardous conditions, getting beaten by foremen

GRAPE SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Child Labor											
Articles	G.A.1	Evidence: News article about CL practices in China generally	Mention of case where 70 girls from rural Henan Province were brought by their teacher to work at a grape processing plant in Ningbo, where their hands bled from working 16-hour shifts	6/21/2007 (cited events in 2006)	News report	Major global newspaper	Number of victims, location, injuries, hours	Secondary sources	70 girls	Ningbo in Zhejiang province	Long hours, hazardous working conditions
	G.A.2	Evidence: News article about CL practices in China generally (same as G.A.1)	Mention of 200 school students working as grape peelers over vacation; deception of work conditions, hazardous work conditions, long work hours (coercion of children), compulsory overtime (menace of penalty), confiscation of identity documents (involuntary nature of work)	8/20/2007 (cited events in 2006)	News report	NGO report	Wages, hours, number of students, working conditions, location	Secondary sources	Approximately 200 child workers	Wuzhouxing canning and food processing factory in Ningbo, Zhejiang Province	Children were told they would only work 8-9 hours a day, but were made to work much longer shifts; many workers sustained injuries to hands and legs; identity documents were confiscated upon arrival
	G.A.3	Evidence: Investigative news article about 80 students working at grape factory (same as G.A.1 and	Hazardous work, children as young as 14, long hours, deception of working conditions (coercion), physical confinement (involuntary nature and menace of	8/10/2006	News article	Regional Chinese newspaper	Names of victims, location, ages, working and living conditions, hours, dates of events	Interviews with various parties involved, including child victims and factory owners, site visit by	84 children	Wuzhouxing canning and food processing factory in Ningbo, Zhejiang province	Children under 16, severe injuries, deceived with regard to working and living conditions, not allowed to leave work site,

GRAPE SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
		G.A.2)	penalty)					reporter			and "captured" if do try to leave
Forced Child Labor											
Articles	G.A.1	Evidence: News article about CL practices in China generally	Mention of case where 70 girls from rural Henan Province were brought by their teacher to work at a grape processing plant in Ningbo, where their hands bled from working 16-hour shifts	6/21/2007 (cited events in 2006)	News report	Major global newspaper	Number of victims, location, injuries, hours	Secondary sources	70 girls	Ningbo in Zhejiang province	Long hours, hazardous working conditions
	G.A.2	Evidence: News article about CL practices in China generally (same as G.A.1)	Mention of 200 school students working as grape peelers over vacation. Deception of work conditions, hazardous work conditions, long work hours (coercion of children), compulsory overtime (menace of penalty), confiscation of identity documents (involuntary nature of work)	8/20/2007 (cited events in 2006)	News report	NGO report	Wages, hours, number of students, working conditions, location	Secondary sources	Approximately 200 child workers	Wuzhouxing canning and food processing factory in Ningbo, Zhejiang Province	Children were told they would only work 8-9 hours a day, but were made to work much longer shifts; many workers sustained injuries to hands and legs; identity documents were confiscated upon arrival

GRAPE SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	G.A.3	Evidence: Investigative news article about 80 students working at grape factory (same as G.A.1 and G.A.2)	Hazardous work, children as young as 14, long hours, deception of working conditions (coercion), physical confinement (involuntary nature and menace of penalty)	8/10/2006	News article	Regional Chinese newspaper	Names of victims, location, ages, working and living conditions, hours, dates of events	Interviews with various parties involved, including child victims and factory owners, site visit by reporter	84 children	Wuzhouxing canning and food processing factory in Ningbo, Zhejiang Province	Children under 16, severe injuries, deceived with regard to working and living conditions, not allowed to leave work site, and "captured" if they did try to leave

TILE SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Child Labor											
Interviews	T.I.1	Unclear evidence: Interview with a laborer mentioning children worked with parents who worked at kilns	Not enough evidence of CL	10/28/2008	Personal interview	Designated researcher	General condition, hiring, pay, laborer age, organization	Interviewee, a local laborer	N/A	1 site (Liuwu Village), Shanxi Province	N/A
	T.I.2	Evidence: Interview with a journalist (see T.A.1), identified CL at tile kilns	Children under 16 working in tile kilns	12/27/2008	Personal interview	Designated researcher	Site location, history, current conditions, different parties involved, social/ policy analysis, photos	An established journalist as interviewee	A village, many kilns, 20-30 children observed	1 site (Liuwu Village), Shanxi Province	As young as 13, coercive/ fraudulent recruitment, tight control, overtime work, harmful work /living conditions, without /withhold wages, secretive operation
Site visit	T.S.1	No evidence: No CL found		10/28/2008	Observation	Designated researcher	Site location, history, working/living conditions	Onsite observation, interview w/ laborers	N/A	1 site (Liuwu Village), Shanxi Province	N/A
Articles	T.A.1	Evidence: A follow-up report on a clearly identified site with CL	Children under 16 working in tile kilns	6/21/2007	Site visits, interview (laborers, foremen, officials)	Major newspaper well-known investigatory journalism	Site location, history, current conditions, some names, different parties involved, social/ policy analysis, photos	A previous 06/15/07 news report (article from same newspaper but on brick industry), personal site	1 village (same village as noted in journalist interview) , 60 tile kilns, 20+ child laborers observed	Laborer sources— Yunnan & Henan Provinces; 1 site (Liuwu Village), Shanxi	As young as 13, coercive/ fraudulent recruitment, tight control, overtime work, harmful work /living

TILE SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
								visit/photo, interviews w/ adult and child laborers, official government investigators, county government documents submitted to central government (research did not locate documents)		Province	conditions, without /withhold wages, secretive operation
	T.A.2	Evidence: A synthesized journalist report on CL, mentioned one case of FCL in a tile factory	Included a case of a 17-year-old forced to work in a tile facility	9/2/2007	Secondary sources	Major newspaper	No location, time, and accurate names, a story of 17-year-old girl worked by a tile company	Cited secondary source (no specific reference)	1 factory and 1 person	The victim from Shanxi Province, the site in Hebei Province	Coercive or slavery-like recruitment and control, prostitution, no pay
Forced Child Labor											
Interviews	T.I.1	Unclear evidence: Interview a laborer mentioning children worked with parents who worked at kilns	Not enough evidence of FCL	10/28/2008	Personal interview	Designated researcher	General condition, hiring, pay, laborer age, organization	Interviewee, a local laborer	N/A	1 site (Liuwu Village), Shanxi Province	N/A

TILE SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Interviews	T.I.2	Evidence: Interview a journalist (see T.A.1) on children worked with parents who worked at kilns	Children under 18 involuntarily working in tile kilns under menace of penalties	12/27/2008	Personal interview	Designated researcher	Site location, history, current conditions, different parties involved, social/ policy analysis, photos	An established journalist as interviewee	1 village, multiple kilns, 20-30 children observed	1 site (Liuwu Village), Shanxi Province	As young as 13, coercive/ fraudulent recruitment, tight control, overtime work, harmful work /living conditions, without /withhold wages, secretive operation
Site visits	T.S.1	No evidence: No FCL found		10/28/2008	Observation	Designated researcher	Site location, history, working/living conditions	Onsite observation, interview w/ laborers	N/A	1 site (Liuwu Village), Shanxi Province	N/A
Articles	T.A.1	Evidence: A follow-up report on a clearly identified site with CL	Children under 18 working in tile kilns under menace of penalties and possible coercion	6/21/2007	Site visits, interview (laborers, foremen, officials)	Major newspaper well known investigatory journalism	Site location, history, current conditions, names of victim parents, different parties involved, social/ policy analysis, photos	A previous 06/15/07 news report (article from same newspaper but on brick industry), personal site visit/photo, interviews w/ adult and child laborers, official government investigators, county government documents submitted to central government (research did not locate these	1 village, 60 tile kilns, 20 + child laborers observed	Laborer sources- Yunnan & Henan Provinces; site in Shanxi Province	As young as 13, coercive/ fraudulent recruitment, tight control, overtime work, harmful work /living conditions, without /withhold wages, secretive operation

TILE SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
								documents			
	T.A.2	Evidence: A synthesized journalist report on CL, mentioned one case of FCL in a tile factory	Included a case of a 17-year-old forced to work in a tile facility	9/2/2007	Secondary sources	Major newspaper	No location, time, and accurate names, a story of 17-year-old girl worked by a tile company	Cited secondary source (no specific reference)	1 factory and 1 person	The victim from Shanxi Province, the site in Hebei Province	Coercive or slavery like recruitment and control, prostitution, no pay
Forced Labor											
Interviews	T.I.1	No evidence: Interview with a laborer mentioning no forced labor	Not meet DOL definition	10/28/2008	Personal interview	Designated researcher	General condition, hiring, pay, laborer age, organization	Interviewee, a local laborer	N/A	1 site (Liuwu Village), Shanxi Province	N/A
Interviews	T.I.2	Unclear evidence: Interview with the author of the news report (T.A.1), apparently mentally disabled adults working at tile kilns	Forced labor as observed mentally disabled persons working on tile facilities	12/27/2008	Personal interview	Designated researcher	Information on FCL (see above) may apply to the adult victims, given the same site.	An established journalist as interviewee	1 village, multiple kilns, 3-5 mentally disabled persons observed working on site	1 site (Liuwu Village), Shanxi Province	Conditions of employment for mentally disabled adults unknown

TILE SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Site visits	T.S.1	Insufficient evidence: No forced labor found among adult workers	Fits "lack of consent to work" (withhold pay) but no menace of penalty	10/28/2008	Observation	Designated researcher	Adults working/ living conditions, overtime without legally required overtime pay, 50% wage withholding	Onsite observation, interview w/ laborers	3 kilns visited	1 site (Liuwu Village), Shanxi Province	Overtime without legally required overtime pay, 50% wage withhold
Articles	T.A.1	No evidence: A report focused only on CL	Forced adult tile laborers were not covered	6/21/2007	Site visits, interview (laborers, foremen, officials)	Major newspaper well-known investigatory journalism	N/A		N/A	N/A	N/A
	T.A.2	No evidence: A synthesis of information only on CL and FCL	Forced adult tile laborers were not covered	9/2/2007	Secondary sources	Major newspaper	N/A	A previous 06/15/07 news report (article from same newspaper but on brick industry), personal site visit/photo, interviews w/ adult and child laborers, official government investigators, county government documents submitted to central government (research did not locate these documents)	N/A	N/A	N/A

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Child Labor											
Interview	To.I.1	Evidence: Interviewee observed "quite a lot" of child laborers ages 14–15 at toy factory	Children under age 16 working in factory	11/25/2008 (observed in 2007)	Personal interview	Designated researcher	Site location, ages	Observation by academic researcher who was conducting investigation of CL practices	Unclear; interviewee cited "quite a lot" of children ages 14–15 observed in factory	Yiwu, Zhejiang Province	Children as young as 14
	To.I.2	Evidence: Interviewee observed "quite many" child laborers in toy factories as young as 14	Children under age 16 working in factories	11/28/2008	Personal interview	Designated researcher	Ages	Observation by NGO worker who participated in investigations of CL; NGO is Cultural Communication Center for Facilitators in Beijing	Unclear; interviewee cited "quite many" children working in toy factories	Unknown location	Children as young as 14
	To.I.3	Evidence: CL found by NGO worker	2 children under age 16 working in Disney factory	11/27/2008 (observed in 2007)	Personal interview	Designated researcher	Site location, ages	Interview with NGO worker; NGO is Student & Scholars against Corporate Misbehavior	2 children observed at Disney factory	Unknown location	2 children under age 16
	To.I.4	Evidence: CL observed by NGO worker	Children working in toy factories	12/4/2008	Personal interview	Designated researcher	Companies (Wal-Mart, Dollar General, Bratz line)	Interview with NGO worker, NGO is China Labor Watch	Unknown	Unknown	Children observed as laborers

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Site visit	To.S. 1	Evidence: CL found	Observation of child working in factory	11/11/2008	Personal interview, observation	Designated researcher	Site location, current condition, appearance of underage worker	Site visit, interview with manager	1 child at factory	Hayidai Toy Company in Liaobu town, Dongguan City, Guangdong Province	1 child present (age unknown)
	To.S. 2	Evidence: Interviews with laborers at Xinda Toy Company	Reports of children under 16	11/10/2008	Personal interview, observation	Designated researcher	Ages, site location	Interviewees were adult employees	Unclear how many workers are children, estimates ranged from 1–10	Factory in Hengli town, Dongguan City, Guangdong Province	Children under age 16 present
	To.S. 3	Evidence: Interviews with adult employees at Huiyida Toy Factory	Reports of children under 16	11/12/2008	Personal interview, observation	Designated researcher	Site location, reports of children under 16, wages, recruitment	Interview with adult employee in Human Resources department and laborer	Unclear; estimates ranged from 40–50 to 300–400. Factory has over 1,000 workers total.	Factory in Changping town, Dongguan City, Guangdong Province	Children under age 16 present
	To.S. 4	Evidence: 5 child laborers in Huiyida Toy Factory	Withheld and unpaid wages (involuntary nature of work), financial penalties (menace of penalty)	11/12/2008	Personal interview, observation	Designated researcher	Site location, wages, recruitment, children under 16, current conditions, hazardous work	Site visit, interviews with children	5 children at factory personally interviewed; knowledge of many other child laborers (number not known)	Factory in Changping town, Dongguan City, Guangdong Province	Children as young as 11, unpaid and withheld wages, hazardous conditions, compulsory overtime
Articles	To.A. 1	Evidence: Report of CL phenomenon generally	Reports of children under age 16 working in toy factories	5/10/2008	Secondary sources, interviews (local residents)	Major newspaper well-known for investigat.. journalism	Ages, recruitment practices, locations	Interviews with local residents, secondary sources	Unknown	Southeastern China	Children as young as age 12

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	To.A. 2	Evidence: Report of CL in toy factories in Guangdong	Children as young as age 10 working in toy factories	12/17/ 2007	Secondary sources, observation	Major newspaper; op-ed by children's rights activists	Ages, conditions	Observation by authors	Unknown	Guangdong	Children as young as age 10, menace of penalty and coercion (threat of physical violence)
	To.A. 3	Evidence: Report on CL ring in toys and other consumer goods	Report from Chinese authorities that 100 children were "rescued" from CL ring; ages 13–15	5/1/ 2008	Interviews (govmt. authorities, professor in China), secondary sources	Major newspaper	Laborer ages, conditions, social/policy analysis, pay, forced recruitment, hours worked	Chinese government authorities, researcher, and secondary sources	Approximat. 100 children	Dongguan in Guangdong Province	As young as age 13, little pay, coercive treatment, menace of penalty, slave-like conditions, sale of children, tricking or kidnapping children
	To.A. 4	Evidence: Report on CL generally in China	Researcher cites presence of children as young as age 12 in toy factories	6/21/ 2007	Interview with researcher	Major newspaper, well known for investigative journalism	Ages, site locations, social/policy analysis, recruitment, use of work-study programs	Researcher	Unknown	Dongguan in Guangdong Province	Children as young as age 12, use of work study programs to skirt labor laws
	To.A. 5	Evidence: NGO report on CL practices generally	Children as young as 11 working in toy factories through work-study programs	9/ 2007	Site visits, interviews, secondary sources	NGO report	Site locations, ages, recruitment practices	Interviews and site visits	Unknown	Hunan, Guangxi, Guangdong Provinces	Children as young as 11, recruitment from schools for summer work

TOY SECTOR											
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		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	To.A. 6	Evidence: NGO report on CL practices in one toy factory	Some children under 16; 100 children age 16; menace of penalty (withheld/lost wages) and involuntary nature of work (compulsory overtime)	7/ 2008	Site visits, interviews	NGO report	Site location, ages, recruitment practices, living/ working conditions, hours, wages	Interviews and site visits	600 workers total; unknown how many children under 16; about 100 children age 16	Kai Da Toy Factory in Shenzhen, Guangdong Province	Withheld/lost wages, compulsory overtime, children under 16, 100 children age 16
	To.A. 7	Evidence: Academic journal article on CL practices in China	Children working in toy factories who looked under 16; in 2004, children ages 13–15 sent to toy factories from private vocation school for summer work under “work-study” program	6/ 2007	Secondary sources	Academic journal report	Site location, ages	Secondary sources	Unknown for Shanghai factory, second-hand knowledge of evidence of CL in toy factories; 80 students for 2004 incident (to electronic and toy factories)	Shanghai Yuanshun Toy Company Limited in Pentagon Square in Shanghai and unknown location	Children under age 16, as young as 13
	To.A. 8	Evidence: News report illegal CL in a toy factory	Website report of law enforcement activity at a toy factory	2004	County law enforcement provided info	Industry website news	Site location, age, number of children, recruitment process, wages	Local Police officer’s account	1 factory, 35 children 11–16 years old	Huidong, Guangdong Province	Children as young as 11 years old, excessively low wages, crowded facility, operation with no license, official shut down for investigation

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	To.A. 9	Evidence: Journalist reports CL, case under government investigation	Website released report of onsite visit of toy factory	2007	Reporter on site visit	Website news	Site location, age, number of children, living/work conditions, wages	Journalist observation and confrontation with the owners	1 factory, approx 30 child laborers	Dongguan, Guangdong Province	Most children ages 14–15, owner cover up by forbidding children from going out and withholding ID
	To.A. 10	Evidence: In-depth investigative report, longitudinal follow-up to the markets and CL cases	Covers multiple industries including the toy industry, but details are not specified by industry	2008	Site visit, interviews, participative observation analysis of the process and structure of CL market	Reputable regional newspaper	Sites of labor markets, people involved, CL living/working conditions, wages, social and physical environment.	Children, labor recruiters, brokers, foremen, employers, and reporter's observation and analysis	Numerous markets, factories, hundreds of children, across Sichuan and Guangdong Provinces	Sichuan and Guangdong Provinces	Children as young as 9, large quantities, forced or fraudulent recruitment, faked IDs, poor living/working conditions, predatory fees and extremely low pay, violence, drug use, criminal activities
	To.A. 11	Evidence: Report on government response to CL and law enforcement activities	2 nd report (after To.A.12) on CL in multiple industries, toy included, but details not by industry	2008	Interview with govt. officers, site visits, observation	Reputable regional newspaper	Sites of labor markets, people involved, CL living/working conditions, wages, social and physical environments	Government officials, local police, child laborers, and parents	Focus on CL hiring counties in Guangdong, also refers to the CL source sites	Sichuan and Guangdong Provinces	Children as young as 12, large quantities, forced or fraudulent recruitment, faked IDs, poor living/working conditions, predatory fees and extremely low pays

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
Forced Child Labor											
Site visits	To.S. 4	Evidence: 5 child laborers in Huiyida Toy Factory	Withheld and unpaid wages and deception about terms of work (involuntary nature of work), financial penalties (menace of penalty), long working hours (coercion of children)	11/12/2008	Personal interview and observation	Designated researcher		Site location, wages, recruitment, children under 16, current conditions, hazardous work	5 children at factory personally interviewed; 2 others observed by researcher; knowledge of many other child laborers (number not known) by children	Changping town, Dongguan City, Guangdong Province	Children as young as 11, unpaid and withheld wages, hazardous conditions, forced overtime, long hours, deception about nature of work
Articles	To.A. 1	Evidence: Report on CL ring in toys and other consumer goods	Report from Chinese authorities that 100 children were "rescued" from CL ring; ages 13–15	5/1/2008	Interviews (govmt. authorities, professor in China), secondary sources	Major newspaper	Laborer ages, conditions, social/policy analysis, pay, forced recruitment, hours worked	Chinese government authorities, researcher, and secondary sources	Unnamed toy factory; approximately 100 children	Dongguan in Guangdong Province	As young as 13, little pay, coercive treatment, menace of penalty, slave-like conditions, sale of children, tricking or kidnapping children
	To.A. 2	Evidence: Report of CL in toy factories in Guangdong	Children as young as 10 working in toy factories	12/17/2007	Secondary sources, observation	Major newspaper; op-ed by children's rights activists	Ages, conditions	Observation by authors	Unknown	Guangdong	Children as young as 10, menace of penalty and coercion (threat of physical violence)
	To.A. 6	Evidence: NGO report on CL practices in one toy factory	Some children under 16; 100 aged 16; menace of penalty (withheld/lost wages) and involuntary nature of work	7/2008	Site visits, interviews	NGO report	Site location, ages, recruitment practices, living/working conditions, hours, wages	Interviews and site visits	600 workers total; some children under 16; 100 aged 16	Kai Da Toy Factory in Shenzhen, Guangdong Province	Withheld/lost wages, compulsory overtime, children ages 16 and under, 100 children age 16

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
			(compulsory overtime)								
	To.A. 8	No evidence: News report of illegal CL in a toy factory	Website report of law enforcement activity at a toy factory, no sign of menace of penalty or coercion	2004	County Law enforcement provided info	Industry website news	Site location, age, number of children, recruitment process, wages	Local police officer's account	1 factory, 35 children 11–16-year-old	Huidong, Guangdong Province	Children as young as 11, excessively low wages, crowded facility, operation with no license, official shut down for investigation
	To.A. 9	Evidence: Journalist reports CL, case is under government investigation	Website released report of on-site visit of toy factory, signs of menace of pen. or coercion	2007	Reporter on site visit	Website news	Site location, age, number of children, living/work conditions, wages	Journalist observation and confrontation with the owners	1 factory, approx 30 CLs	Dongguan, Guangdong Province	Most children age 14–15 years old, owner cover up by forbidding children from going out and withholding ID
	To.A. 10	Evidence: In-depth investigative journalist report, longitudinal follow-up to the markets and CL cases	Cover multiple industries including the toy industry, but details are not specified by industry, menace of penalty, coercion	2008	Site visit, interviews, participative observation analysis of the process, and structure of CL market	Reputable regional newspaper	Sites of labor markets, people involved, CL living/working conditions, wages, social and physical environment	Children, labor recruiters, brokers, foremen, employers, and reporter's observation / analysis	Numerous markets, factories, hundreds of children, across Sichuan and Guangdong Provinces	Sichuan and Guangdong Provinces	Children as young as 9, large quantities, forced or fraudulent recruitment, faked IDs, poor living/working conditions, predatory fees and extremely low pay, violence, drug use, criminal activities
	To.A. 11	No evidence: Report on government response to CL and law enforcement activities	2 nd report (after To.A.12) on CL in multiple industries, toy included, but details not by industry, no mention of menace of	2008	Interview with government officers, site visits, observation	Reputable regional newspaper	Sites of labor markets, people involved, CL living/working conditions, wages, social and physical	Government officials, local police, child laborers, and parents	Focus on CL hiring counties in Guangdong, also refers to the CL source sites	Sichuan and Guangdong Provinces	Children as young as 12, large quantities, forced or fraudulent recruitment, faked IDs, poor living/working conditions, predatory fees

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
			penalty or coercion				environment				and extremely low pay
Forced Labor											
Site visits	To.S. 2	Evidence: Interviews with laborers at Xinda Toy Company	Withholding wages (involuntary nature of work), low wages, financial penalties (menace of pen.)	11/10/2008	Personal interview	Designated researcher	Current conditions, pay and fines, hours worked, site location	6 adult laborers at factory	Unclear how many workers	Hengli town, Dongguan City, Guangdong Province	Withheld wages, financial penalties, hazardous working conditions
	To.S. 3	Evidence: Interview with adult employee at Huiyida Toy Factory	Financial penalties (menace of penalty), involuntary nature of work (withheld wages)	11/12/2008	Personal interview	Designated researcher	Site location, reports of children under 16, wages	Interview with adult employee	Over 1,000 workers total	Changping town, Dongguan City, Guangdong Province	Withheld wages, financial penalties
	To.S. 5	Evidence: Interviews with laborer at Hayidai Toy Company	Involuntary nature of work (withholding wages), denial of resignation (through withheld wages)	11/11/2008	Personal interview	Designated researcher	Current conditions, pay, fines, hours worked, site location	Interview with 1 adult employee at factory	80–90 workers	Liaobu town, Dongguan City, Guangdong Province	Withheld wages, hazardous working conditions
Articles	To.A. 6	Evidence: NGO report on CL practices in one toy factory	Menace of penalty (withheld/lost wages) and involuntary nature of work (compulsory overtime)	7/2008	Site visits, interviews	NGO report	Site location, ages, recruitment practices, living/working conditions, hours, wages	Interviews and site visits	600 workers total	Kai Da Toy Factory in Shenzhen, Guangdong Province	Withheld/lost wages, compulsory overtime

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	To.A. 12	Evidence: NGO report on abusive labor practices at toy factory	Involuntary nature of work (compulsory overtime and withheld wages)	12/21/ 2005	Interviews with workers	NGO report	Site location, wages, conditions, hours worked	Interviews	300 workers	Huangwu No. 2 Toy Factory, Dong Keng Township, Dongguan City in Guangdong Province	Compulsory overtime, withheld/lost wages, hazardous working conditions
	To.A. 13	Evidence: NGO report on abusive labor practices at 5 toy factories which manufactured for Wal-Mart and Dollar General	Involuntary nature of work (compulsory overtime and withheld wages), menace of penalty (financial penalties/fine	6/2007	Interviews with workers and site visits	NGO report	Site locations, wages, conditions, hours worked	Interviews and site visits	9,500–10,500 workers across 5 factories (approx.)	In Shenzhen: Tai Hsing Toys, Xin Tai Xing Toys, Zai Xing Toys, and Tai Qiang Products; in Zhuhai City: Kam Long Industrial. All 5 in Guangdong Province.	Compulsory overtime, withheld wages, financial penalties/fines, hazardous living/working conditions, lack of contracts
	To.A. 14	Evidence: NGO reports on abusive labor practices at 3 Disney toy factories	Involuntary nature of work (blocking resignations, compulsory overtime, and low/withheld wages), menace of penalty (financial penalties/fines	8/18/ 2005 (original report)	Interviews with workers and site visits	NGO report	Site locations, wages, conditions, hours worked	Interviews and site visits	16,000 workers across 3 factories (approx.)	In Dongguan: Nord Race and Lam Sun factories; in Shenzhen: Hung Hing. All 3 in Guangdong Province.	Compulsory overtime, withheld wages, financial penalties/fines, hazardous living/working conditions, lack of contracts, blocking resignations

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
	To.A. 15	Evidence: NGO reports on abusive labor practices at 3 Disney toy factories	Involuntary nature of work (compulsory overtime and low/withheld wages), menace of penalty (financial penalties/fines	12/ 2006 (follow-up to To.A.17)	Interviews with workers and site visits	NGO report	Site locations, wages, conditions, hours worked	Interviews and site visits	2,500–3,500 workers across 3 factories (approx.)	In Shenzhen: Huang Xing and Qi Sheng factories; in Zhuhai: Kam Long Industrial (see To.A.17). All 3 in Guangdong Province.	Compulsory overtime, withheld wages, financial penalties/fines, hazardous living/working conditions, lack of contracts
	To.A. 16	Evidence: NGO report on CL practices in one toy factory	Menace of penalty (withheld/lost wages) and involuntary nature of work (compulsory overtime); denial of resignation	2/2004	Site visits, interviews	NGO report	Site location, recruitment practices, living/working conditions, hours, wages	Interviews and site visits	500–600 workers in slow season; 2,100 in peak	He Yi Electronics and Plastics Products in Dongguan, Guangdong Province	Withheld/lost wages, compulsory overtime, denial of resignation
	To.A. 17	Evidence: NGO report on CL practices in a Bratz toy factory	Menace of penalty (withheld/lost wages) and involuntary nature of work (compulsory overtime)	12/21/ 2006	Site visits, interviews	NGO report	Site location, recruitment practices, living/working conditions, hours, wages	Interviews and site visits	4,000 workers	Hua Tai 4K Factory in Shenzhen, Guangdong Province	Withheld/lost wages, compulsory overtime
	To.A. 18	Evidence: NGO report on CL practices in a Thomas and Friends toy factory	Menace of penalty (withheld/lost wages) and involuntary nature of work (compulsory overtime)	2007	Site visits, interviews	NGO report	Site location, recruitment practices, living/working conditions, hours, wages	Interviews and site visits	1,500 workers, of whom 1,000 were laid off without wages after toy recall	Hansheng Wood Products Factory in Dongguan, Guangdong Province	Withheld/lost wages, compulsory overtime, hazardous working conditions, penalties for talking, firing after toy recall without

TOY SECTOR											
	Ref. No.	Nature of Information		Date Release	Source Reliability				Significance		
		Relevancy	Accuracy		Method	Reputation	Details	Type of info source	Scale	Geographic widespread	Severity
											payment of back wages
	To.A. 19	Evidence: NGO report on CL practices in a toy factory	Menace of penalty (withheld/lost wages, threat of being fired) and involuntary nature of work (compulsory overtime)	11/ 2007	Site visits, interviews	NGO report	Site location, recruitment practices, living/ working conditions, hours, wages	Interviews and site visits	Over 5,000 workers	Xin Yi Plastics Company in Shenzhen, Guangdong Province	Withheld/lost wages, compulsory overtime, hazardous working conditions, threats to being fired for "talking" or "inattentive attitude"