

## **The Continuation of Slavery in the Modern World: The People's Republic of China and Forced Labor Practices**

By Jasmine Koehn

The age-old scourge of slavery has returned to plague the modern world. Though updated to match societal advances, the basic premise remains: human beings degraded to the point of becoming a mere commodity. Today's world calls modern day slavery human trafficking, and it can take many forms, including forced labor. In the People's Republic of China (PRC), two distinct forms of forced labor exist. One form is the more traditional master-slave system, wherein people are bought and sold, or kidnapped, and subsequently forced to work, often in intense and dangerous manual labor. The second form exists legally under the Chinese penal system. Both situations involve denying human beings their rights to freedom of movement and freedom to work. In discussions of human trafficking and forced labor, many inaccuracies exist. People often equate sweatshops (where workers are exploited, but are paid and allowed freedom of movement) with cases of forced labor and slavery. In the modern abolitionist movement, the defining element for slavery and trafficking is restricted movement. As such, sweatshops and other forms of labor exploitation will not be discussed.

### **Legal Framework**

Human trafficking, in theory, was outlawed in the late 1800s worldwide when the last vestiges of the original slave and serf systems were abolished. In reality, the laws simply pushed the practice underground. The end of the Cold War had to occur before people recognized the continuation of human slavery. In 2000, the world convened and passed the Palermo Protocols, which defined human trafficking and outlawed it internationally. That same year, the United States passed the Trafficking Victims Protection Act (TVPA). In addition, many organizations, including the International Labor Organization (ILO), have passed conventions banning slavery. In conjunction with the international legal framework against trafficking, there are several domestic laws in place guaranteeing basic freedoms, which by nature exclude enslavement.

The Chinese Constitution supposedly provides citizens with the right to work, rest, and freedom. The legal framework provides protection for the victims and grounds for prosecutors to establish illegal activity. Unfortunately, as will be shown through case studies of trafficking in China, all too often the national government plays some role in the trafficking of its citizens. The implications of such actions range from crimes of omission to crimes against humanity.

### **Forced Labor**

As is the case for most of the world, in-depth academic research does not exist regarding forced labor trafficking in China. As a result, most of the information available comes in the form of anecdotes, or unofficial data. The two forced labor cases that follow exemplify common forms of slavery and highlight human trafficking as a global phenomenon, rather than a practice unique to China. In 2007, the world's eyes were opened to slave labor practices in China. What has become known as the "Black Brick Kiln" incident came to light as a result of the efforts of a determined Chinese reporter. In the Shanxi province, thousands of slaves were discovered after a reporter began looking into the growing number of missing children. Brick kiln owners in the rural areas of Shanxi

had been using mainly children and mentally handicapped individuals to work the kilns for no pay and under horrendous conditions. As more investigation occurred, it became apparent that the local government officials and police forces were aware of the abuses of the kiln owners and were ignoring the slavery situation because of bribes. The government in Beijing pledged to investigate and prosecute the slave masters. Based on another slave kiln bust in 2009, it appears that Chinese efforts have not significantly changed the situation yet. In addition to the kilns, a footwear company was using forced labor to work the factories. The company employed the bonded labor system, whereby the laborers were indebted to the company and could not pay back the debt. Freedom of movement was nonexistent for many of these workers and, in many cases, the slaves' documents had been confiscated, thus making them vulnerable to arrest by the police forces. In China, all citizens must carry travel documentation and can be stopped and searched without warning. Not having the proper documentation is grounds for immediate detention and often results in time spent in the Chinese penal system.

### **Penal system**

The Chinese penal system employs an extensive network of forced labor camps in order to reform criminals through labor. Known as Labor Reform Camps (LRCs), these institutions are divided into two subsets to deal with different levels of crime: Reeducation through Labor and *Laogai*. Reeducation through Labor camps (RTL) hold petty criminals and less outspoken political dissidents. RTL camps are distinct from *Laogai* in that they lack due process; those detained by police forces have no trial and are often sentenced by the same police force that initially performed the arrest. The other subset, Criminal Labor Reform camps, or *Laogai*, hold those convicted of major crimes as well as more active political dissidents. Although the ways in which people find themselves in the two camps differ, the treatment in both camps is essentially the same. Both RTL and *Laogai* camps require the prisoners to perform strenuous work for more than twelve hours a day, with little or no pay. In addition to the labor aspect, prisoners are often subjected to political pressures and torture. The penal system was created for the purposes of removing political opposition and simultaneously improving the economy. Every camp produces goods for the domestic or international markets, or participates in public works projects. According to international law and treaties, the items produced by penal labor cannot be exported; however, accounts exist of such goods being sold in America. The fact that the Chinese penal system is used to quell political opposition and exploit the criminal population in order to help the economy undermines the value of the system as a form of domestic security and justice.

### **Moving Forward**

Despite legislation banning forced labor and human trafficking, this is a particularly acute problem in China, as well as other areas of the world. The kinds of slavery cases discussed are not unique to China, but the Chinese cases do require a different approach than similar cases in Africa. National idiosyncrasies do not justify slavery, but they do force non-governmental organizations (NGOs) and national legislative bodies to find answers that fit different national cultures and societies. China presents a uniquely difficult situation to NGOs monitoring human trafficking. China has historically been wary of perceived Western intrusion on its domestic policies and problems. Despite the opening of China to the global market and easier access for international visitors, NGOs still struggle to gain access to those in need of international assistance. China refuses to acknowledge domestic trafficking and labels the LRCs as State secrets. The result of China's resistance is a lack of

international knowledge about the real situation inside the country. In order for any change to occur, NGOs must be allowed access to data and victims, so that assistance can be provided and information can be gathered.

### **Annotated Bibliography**

#### **Legal and Governmental Sources**

Government of the People's Republic of China. 1982. The Constitution of the People's Republic of China. Available online: [http://english.gov.cn/2005-08/05/content\\_20813.htm](http://english.gov.cn/2005-08/05/content_20813.htm).

Annotation: The Constitution of China is an invaluable source for understanding the legal protections that the Chinese government claims to provide its citizens. The second chapter of the Constitution delineates these rights. Although slavery, forced labor, and trafficking are not specified in the Constitution, the rights to freedom, work, and rest are listed. The Chinese Constitution also claims to protect gender equality and religious freedom, yet these rights are repeatedly violated by the State. The Chinese Constitution may list rights, but the government does not always protect those rights. Despite the disconnect between law and enforcement, the Constitution does provide prosecutors a legal foundation on which to build cases against slavers.

———. 1994. Labor Law of the People's Republic of China. Available online: <http://www.jus.uio.no/lm/china.labor.law.1994/doc.html>.

Annotation: In 1994, the People's Republic of China (PRC) passed the nation's first labor law, to become effective in 1995. Chapter four of the law is dedicated to rest, leave time, and hours. The PRC limits hours to a maximum of forty-four per week and requires that all laborers have one day off per week. The national law concerning wages comes in chapter five and requires that employers not pay their laborers less than the local minimum wage. Despite the existence of this law, slavery persists in China, as evidenced by the Black Brick Kiln incidents.

———. 1997. Criminal Law of the People's Republic of China. Available online: <http://www.cecc.gov/pages/newLaws/criminalLawENG.php>.

Annotation: This law modifies and updates the penal system of China. It codifies and enumerates the crimes for which one can be arrested and the expected sentences. The enumerated acts reveal the ease with which the Chinese government can falsify charges. Several charges are ambiguous by nature, allowing for a broad application of the charge and, thus, the ability to use the law and the penal system as a means to eliminate political opposition—specifically articles 105, 111, 278, 291, and 292.

International Labour Organization (ILO). 1930. Forced Labor Convention. Available online: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>.

Annotation: This Convention lays out the definitions of forced labor and requires the signatory states to abolish the defined forms of forced labor. China is not a signatory of this convention; as such, the laws do not necessarily apply to its workforce. However, the definitions and international assessment of forced labor continue to build the legal framework concerning labor trafficking.

———. 1957. Abolition of Forced Labor Convention. Available online: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C105>.

Annotation: This convention consolidated all the previous conventions on slavery, forced labor, and wages into one concise document requiring the abolition of any and all forms of forced labor. China is not a signatory of this convention either but, again, the convention further builds upon international law regarding forced labor. It should be noted that China is a member state of the ILO.

———. 2009. The Cost of Coercion: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. Available online: [http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS\\_106268/index.htm](http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS_106268/index.htm).

Annotation: This report provides information on different projects handled by the International Labor Organization (ILO), and specifically addresses actions that have been taken by the ILO in China. It outlines different types of forced labor that persist in China, and includes a small report on trends in Asian trafficking. The report focuses heavily on actions taken by the ILO and on policy and private options that are available to combat forced labor.

United Nations. 2000. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Available online: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.

Annotation: This protocol, also known as the Palermo protocols, provides the current working international definition of human trafficking, as well as setting forth the correct punishment of traffickers and protection of victims. Unlike other United Nations documents, which provide the foundation for basic human rights, the Palermo documents specifically mandate how nations are to handle victims and perpetrators of trafficking. As a source, the Palermo protocols define trafficking as well as providing information on the legal framework for prosecutors and researchers.

United States Congress. 2000. Victims of Trafficking and Violence Protection Act of 2000. Available online: <http://www.thomas.gov/cgi-bin/query/F?c106:52:./temp/~mdbs2VF8mC:e7368>.

Annotation: The Trafficking Victims Protection Act (TVPA) and its subsequent reauthorizations created the Trafficking in Persons (TIP) office, as well as a domestic approach to trafficking and international requirements for combating trafficking. Depending on their compliance with those requirements, nations can be placed on tiers; the lower the tier, the worse the compliance. The TVPA also mandates an annual TIP Report, which researches and analyzes the efforts of different nations worldwide to comply with international requirements.

United States Congress. 2005. Congressional-Executive Commission on China Annual Report. Available online: <http://www.cecc.gov/pages/annualRpt/annualRpt05/CECCannRpt2005.pdf>.

Annotation: This 2005 report addresses the multiple alleged human rights violations in China. The report includes basic information on forced labor issues in China. The value of the report is the background information and an appendix listing the actions of the commission from 2004-2005.

United States Department of State. 2009. Office to Monitor and Combat the Trafficking in Persons, TIP Report. Available online: <http://www.state.gov/g/tip/>.

Annotation: This report is mandated by the Trafficking Victims Protection Act (TVPA) and analyzes trafficking in nations around the world. Each report has a specific section on the different nations researched. The Chinese section gives an overview of the different types of trafficking observed, including forced labor practices within the penal and school systems. In addition to documenting observed trafficking violations, the report also analyzes the government's efforts to prevent and prosecute trafficking while protecting victims, as required by the TVPA and the Palermo protocol. The 2009 report lists China as a Tier 2 Watch List country for the fifth year in a row. Although not very detailed, the report provides a concise starting point for further research.

### **Slave Labor Sources**

Anonymous. 2007. "China 'will catch slave owners.'" *BBC News* (June 16). Available online: <http://news.bbc.co.uk/2/hi/asia-pacific/6759399.stm>.

Annotation: This BBC article reports on the Shanxi Black Brick Kiln scandal involving slave labor and kidnappings. The article relies on statistics and firsthand accounts, including an

interview with the wife of one of the kiln owners. The interview allows the reader to glimpse the mindset of the kiln owners and the larger problem involving police complicity.

Bales, Kevin. 1999. Disposable People: New Slavery in the Global Economy. Berkley: California University Press.

Annotation: Kevin Bales founded the organization “Free the Slaves,” a well-known trafficking research and advocacy institution that gave him the opportunity to do research on this subject. In this book, Bales seeks to shatter the public perception that slavery no longer exists. He argues that slavery has reemerged, but in a modern form in which violence and control over disadvantaged people occur in the absence of formal slave ownership. The book offers detailed and often heart-wrenching insights into the new slavery and explicitly seeks to encourage grassroots pressure for change.

Chan, Anita. 1998. “Labor Standards and Human Rights: The Case of Chinese Workers under Market Socialism.” *Human Rights Quarterly* 20 (4): 886-904.

Annotation: Chan researched the migrant worker population in China, numbering over one hundred million. In her research, she discovered forced labor being perpetrated by the Guangdong’s Zhaojie Footwear Company. Twenty slaves wrote a letter detailing their treatment, which Chan found and used as a case study for labor rights in China. A section of the article is focused on the issues of forced and bonded labor. Bonded labor is a common form of modern day slavery, whereby the slaver creates unnecessary debt that the laborer can never pay back.

Datong, Li. 2007. “The Root of Slave Labor in China.” *Open Democracy* (June 26). Available online: [http://www.opendemocracy.net/democracy\\_power/china\\_inside/slave\\_labour\\_china](http://www.opendemocracy.net/democracy_power/china_inside/slave_labour_china).

Annotation: This article was written by Li Datong, a former Chinese journalist, who was fired for his criticisms of the Chinese government. In this article, Li reflects on the Shanxi slave scandal, most notably the issues of governmental involvement or at least knowledge of slave labor systems. Li informs readers that the Black Brick Kiln case is only one of many forms of slave labor being utilized throughout China and overlooked by the Chinese government.

French, Howard W. 2007. “Reports of Forced Labor Unsettle China.” *New York Times* (June 16).

Available online:

<http://www.nytimes.com/2007/06/16/world/asia/16china.html?pagewanted=2& r=2&ref=world>

Annotation: Following reports of a slave labor scandal in the Shanxi province in China, international media outlets provided their own reports. This article uses the stories of several

families whose children were kidnapped and enslaved to set the emotional tone of the article. The author does not include government or legal reports, but provides firsthand accounts of the slave sites from rescuers. Since it can be difficult to find government or legal information coming out of China, first person reports from respected news sources have to suffice.

Lam, Willy. 2007. "China's Slavery Scandal Reveals Weaknesses in Governance." *Association for Asian Research*. Available online: <http://www.asianresearch.org/articles/3082.html>.

Annotation: This article looks more closely at the actions of the Chinese government to ignore, cover up, or support the Black Brick Kilns in Shanxi. According to Lam, the horror of the slave scandals exposes the inaction of the government to proactively prevent such labor violations. Although not focused on forced labor specifically, this article extends the scope of labor violations from the realm of slaveholders to government officials.

Quanlin, Qiu. 2009. "32 Freed as Second Slave Labor Racket Busted." *China Daily* (May 23). Available online: [http://www.chinadaily.com.cn/china/2009-05/23/content\\_7934675.htm](http://www.chinadaily.com.cn/china/2009-05/23/content_7934675.htm).

Annotation: Following the Black Brick Kiln scandal in Shanxi in 2007, another case was reported in 2009. More slave workers were located in an unauthorized brick kiln. The slaves were mentally disabled and the owner was arrested. The author describes the rescues and arrest conducted by the local police. Although the article is not an investigative piece, it reflects China's continuing struggles with slave labor and the exploitation of the disabled and weak.

Solidarity Center. 2004. Justice for All: The Struggle for Worker Rights in China. Washington, DC: The Solidarity Center. Available online: <http://www.solidaritycenter.org/files/JusticeforAllChinaFrontMatter.pdf>.

Annotation: This report comes from the Solidarity Center and has a chapter dealing specifically with the issue of forced labor in China. The report deals with issues of migrant and emigrant workers and how China is exporting workers to other Asian nations and the Middle East. In addition to the treatment of migrant workers, the report focuses heavily on the penal system in China.

### **China's Labor Reform Camps Sources**

Carlton, Richard K. 1955. Forced Labor in the "People's Democracies." New York: Mid-European Studies Center, Free Europe Committee.

Annotation: Although this book was written in 1955, it is still useful as a modern source. The appendix provides the reader with a copy of the Chinese Regulations on Reform through Labor, the original legal document allowing for forced labor within the penal system. The document lays out the rules for whom to arrest and what “crimes” qualify an individual for reform through labor. The author examines the policies of both the Soviets and the People’s Republic of China regarding forced labor in their respective penal systems.

Human Rights in China. 2005. “Petitioner Wang Qiaojuan Sentenced to RTL.” Available online: [http://www.hrichina.org/public/contents/press?revision\\_id=24481&item\\_id=24478](http://www.hrichina.org/public/contents/press?revision_id=24481&item_id=24478).

Annotation: The NGO, Human Rights in China (HRIC) focuses on informing the world about human rights violations being perpetrated by the Chinese government. The organization has press releases, which provide accounts of the arrests and treatment of alleged Chinese criminals. In this case, a young woman was sentenced to Reeducation through Labor after she participated in a political rally. HRIC provides the conflicting police and eye-witness reports regarding the incident. This report allows the reader to see the degree to which the Chinese penal system can be abused for political purposes and how these abuses can lead to forced labor violations.

———. 2010. “Reeducation through Labor (RTL): A Summary of Regulatory Issues and Concerns.” Available online: [http://www.hrichina.org/fs/banners/REEDUCATION\\_THROUGH\\_LABOR.pdf?revision\\_id=14199](http://www.hrichina.org/fs/banners/REEDUCATION_THROUGH_LABOR.pdf?revision_id=14199).

Annotation: Human Rights in China (HRIC) prepared several evaluations of the Reeducation through Labor (RTL) system in China. HRIC goes through the human rights issues within the RTL, ranging from the lack of judicial process to abuses in the RTL camps. In addition to a basic assessment of the RTL itself, HRIC also analyzes larger legal implications based on additional legislation passed at the end of the 1990s. The end of the report lists recommendations from the organization, the most stringent being the abolition of the RTL. This article is clear and concise in its approach to both the legislation and violations.

Hung, Veron. 2003. “Reassessing Reeducation Through Labor.” *China Rights Forum* 2 (35): 35-41. Available online: [http://www.hrichina.org/fs/downloadables/video/vhung.pdf?revision\\_id=9045](http://www.hrichina.org/fs/downloadables/video/vhung.pdf?revision_id=9045)

Annotation: The Reeducation through Labor (RTL) system employed by China is used to punish lower-level criminal activity and some political dissidents. Hung examines the evolution of RTL legislation and discusses the human rights violations inherent in the system. Hung discusses possible reform options but concludes that RTL should be abolished based on China’s inability to reform the system. The article is well-written and easy to follow. It provides a historical background of the RTL and its use as a political weapon.



Laogai Research Foundation. 2008. Laogai Handbook 2007-2008. Washington DC: Laogai Research Foundation.

Annotation: The Laogai Research Foundation focuses specifically on the penal system (Labor Reform Camps) in China, which use forced labor as part of the rehabilitation of offenders. The introduction section gives a basic history of the Labor Reform Camps (LRCs) as well as the Reeducation through Labor (RTL) sub-system. The Foundation clearly does not support the Laogai System, and provides comprehensive historical information as evidence that the system is more about politics than rehabilitation or justice. The report provides an overview of different elements of the system, from forced labor to the economic and political benefits. In addition to the basic overview, the report goes into detail concerning the known Laogai camps in specific provinces. A caveat is given to all readers by the Foundation that there may be factual errors in the report based on the Chinese government labeling the LRCs a State secret and thus keeping information from researchers.

United States Congress. 2005. "Forced Labor in China." Roundtable before the Congressional-Executive Commission on China, One Hundred-Ninth Congress, First Session, June 22. Washington DC: US Government Printing Office.

Annotation: The Congressional-Executive Commission on China met with three experts on forced labor violations in China, most notably Gregory Xu, who has done research on the treatment of Falun Gong practitioners under the Laogai penal system. Xu provided the commission with evidence concerning the treatment of practitioners and answered questions from commission members. Even though the report provides factual evidence concerning the penal system, the subjectivity of the report must be acknowledged.

Whyte, Martin King. 1973. "Corrective Labor Camps in China." *Asian Survey* 13 (3): 253-269.

Annotation: This article is dated, but provides information on China that is still relevant. The value of this piece is the background information provided concerning development and implementation of the Laogai and Reeducation through Labor systems within China. In addition, the article uses interviews with former laborers to inform readers of the conditions within the camps.

Williams, Philip F., and Yenna Wu. 2004. *The Great Wall of Confinement: the Chinese Prison Camp through Contemporary Fiction and Reportage*. Berkeley: University of California Press.

Annotation: This book includes real and fictional accounts of the camps in order to express the horrors from a firsthand perspective. In addition to the stories, the book reports on the

camps' day-to-day structure. The authors explain the processes by which individuals may be detained, transported, and treated in the camps. The book is not as detailed in terms of the different types of camps as is Laogai: The Chinese Gulag (Wu, 1992), but does have additional insights regarding events outside the camp walls. This book is one of the most up-to-date sources on forced labor, taking into account new legislation that has passed since 1992.

Wu, Hongda Harry. 1992. Laogai: the Chinese Gulag. Boulder, CO; Oxford: Westview Press, Inc.

Annotation: Harry Wu was imprisoned in the Labor Reform Camps (LRCs) of China for almost two decades. After he left the camps and fled to the United States, Wu chose to dedicate himself to researching the LRCs. This book is a comprehensive look at the make-up of the penal system. Wu addresses the theoretical, historical, and political background of the camps. The book is broken up into chapters, with one chapter per type of camp and a detailed introduction. The information is dated, since the book was written in 1992; however, it is the most extensive work available on this particular subject. Legal changes in China have occurred since the book's release; thus, additional research is required to understand the information provided in Wu's book in the context of the current legal system.

Wu, Hongda Harry, and Carolyn Wakeman. 1994. Bitter Winds: a memoir of my years in China's Gulag. New York: J. Wiley.

Annotation: Harry Wu, founder of the Laogai Research Foundation and author of Laogai: The Chinese Gulag, uses this book to recall his time in the Chinese penal system. The book chronicles Wu's experiences, starting with his early years and continuing until the final realization of his freedom by fleeing to America. The book ends with an epilogue pointing towards his next book, Troublemaker. This book provides one of the few comprehensive first-person reports of the terrors of the Chinese labor camps.