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CC:
United Nations Committee on the Rights of the Child
Office of the United Nations High Commissioner for Human Rights,
OHCHR - Palais Wilson
52 rue des Pâquis
CH-1201 Geneva
Switzerland

Re: Review of third and fourth periodic reports of China

Dear Committee Members,

We write in advance of the Committee on the Rights of the Child's ("the Committee") upcoming review of the third and fourth periodic reports of the People's Republic of China to highlight areas of concern we hope will inform your consideration of the Chinese government's ("the government") compliance with the Convention on the Rights of the Child ("the Convention"). This submission contains information on China's treatment of children that are inconsistent with articles 2, 7, 8, 9, 22, 23, 24, 27, 28, 32, 35, 37, and 39 of the Convention, and highlights concrete steps the Chinese government should be asked to take to address the concerns identified.

Human Rights Watch closely monitors human rights in China, including issues that pertain particularly to children. We have documented violations against children who suffer from lead poisoning; children arbitrarily detained in "black jails"; Uighur teenagers forcibly disappeared following the 2009 Xinjiang protests; Kachin refugee children in China's Yunnan province; as well as children of North Korean women in the northeast. For more detailed analyses, please see the following Human Rights Watch reports: ["My Children Have Been Poisoned": A Public Health Crisis in Four Chinese Provinces](#); ["An Alleyway in Hell": China's Abusive "Black Jails"](#); ["We Are Afraid to Even Look for Them"](#):

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[Enforced Disappearances in the Wake of Xinjiang's Protests; Isolated in Yunnan: Kachin Refugees from Burma in China's Yunnan Province](#) and [Denied Status, Denied Education: Children of North Korean Women in China](#). Human Rights Watch has also monitored the treatment of migrant children and their access to education and child trafficking as well as abuses against a number of individuals, including the Panchen Lama from the Tibetan Autonomous Region and children of dissidents and activists.

1. Child victims of lead poisoning

Hundreds of thousands of children in China are suffering permanent mental and physical disabilities as a result of lead poisoning. Many of them live in poor, polluted villages next to, and surrounded by, lead smelters and battery factories. Often, their parents work in these factories, bringing more lead into their homes on their clothes, boots, and hands. Children suffering from lead poisoning are symptomatic of a wider problem in China—serious environmental pollution has accompanied rapid economic development—currently, 20 of the world's 30 most polluted cities are in China. Pollution from lead is highly toxic and can interrupt the body's critical functions. Children are particularly susceptible, and high levels of lead exposure can cause reduced IQ and attention span, reading and learning disabilities, behavioral problems, hearing loss, and disruption in the development of visual and motor functions.

The Chinese government has developed numerous laws, regulations, and action plans designed to cut emissions, encourage more environmentally friendly industries and decrease pollution. Yet these policies are often perceived by government officials as being in competition with its goals for economic growth. Corruption and conflict of interest has also undermined environmental protection efforts. Local officials, who often have a legal or financial role in local factories, or are under considerable pressure to post increasing economic output rates, may be resistant to implementing environmentally friendly technology.

Human Rights Watch's 2011 report, ["My Children Have Been Poisoned": A Public Health Crisis in Four Chinese Provinces](#), based on research conducted in six provinces and municipalities, finds that local governments have imposed arbitrary limits on children's access to blood lead testing; refused appropriate treatment to children and adults with critically high lead levels; withheld and failed to explain test results showing unaccountable improvements in lead levels; denied the scope and severity of lead poisoning; threatened individuals seeking treatment and information; arrested those trying to protest against polluting factories; and intimidated and threatened journalists who try to report on lead poisoning. Local authorities have so far neither provided remedial solutions for the affected children and families, nor special support for children already experiencing lead-related disabilities.

Human Rights Watch requests that the Committee urge the Chinese government to:

1. Conduct nationwide surveillance to determine the extent of lead poisoning affecting communities. Where surveillance indicates lead poisoning, take immediate actions to

- identify and eliminate sources of lead pollution, to treat those affected and to provide support to children who develop disabilities as a result of poisoning;
2. Provide information on the number and situation of children poisoned by lead across the country, especially their access to effective and medically sound treatment, long-term remedial actions, and adequate compensation;
 3. Ensure that all children receiving treatment are removed from the area of contamination;
 4. Devise a comprehensive public health strategy to tackle chronic lead exposure and its long-term consequences in China;
 5. Investigate and hold accountable government officials who are suspected of failing to uphold environmental regulations or preventing people from accessing information or medical care; and
 6. Invite the UN special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the UN independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, and the newly appointed UN expert on human rights and the environment to lead an independent inquiry into the impact of industrial lead poisoning in China.

2. Children arbitrarily detained in “black jails”

Since 2003, countless Chinese citizens, including children, have been arbitrarily held incommunicado for days or months in secret detention facilities that are unlawful under Chinese law. These facilities, known informally as “black jails” (黑监狱),¹ are created and used primarily by local and provincial officials to detain petitioners who come to Beijing and provincial capitals seeking redress for complaints that are not resolved at lower levels of government. Public security officials in Beijing and other cities have not intervened to close the jails and, in at least some instances, have directly assisted black-jail operators. Detainees are often physically and psychologically abused. Many are deprived of food, sleep, and medical care, and they are subject to theft and extortion by their guards. They have no access to family members or to legal counsel or to courts. The makeshift jails are found in state-owned hostels, hotels, nursing homes, and mental hospitals, among other locations. Some Chinese researchers and civil society activists suggest that the number of individuals detained in black jails each year reaches into the thousands.

Some children are abducted and detained with a parent, while others are abducted and detained in the absence of their parents or official guardians. This abuse was first noted in

¹ The term “black” (黑) in contemporary Chinese language usage denotes illegal or unethical issues or activities.

September 2007 by a Reuters correspondent who reported that “a boy aged about three” was one of the detainees at a Beijing black jail facility in the compound of a hotel operated by Henan province’s Nanyang municipal government.² One former detainee told Human Rights Watch that when she was 15 years old she was abducted from the streets of Beijing while petitioning on behalf of her disabled father. She said she had been locked up in a nursing home in Gansu province for more than two months and subjected to severe beatings. In a number of cases documented by Chinese nongovernmental organizations and the media, infants were reportedly held in black jails together with their mothers.³

Detention of children in black jail facilities entails numerous rights violations, including arbitrary deprivation of liberty, putting children at risk by detaining them with adults who are not their parents or guardians, deprivation of education, denial of adequate nutrition and health care, and risk of ill-treatment and even torture.

The Chinese government denies the existence of black jails. In the “Outcome Report” issued by the UN Human Rights Council at the conclusion of its Universal Period Review of China’s human rights record in June 2009, the Chinese government asserted: “There are no black jails in the country.” Official denials persist despite reports by Chinese media including one report by state-run media *Liaowang Magazine*, which states that there are 73 black jails in Beijing alone.⁴

Human Rights Watch requests that the Committee urge the Chinese government to:

1. Promptly and publicly address the existence of black jails and violations of the rights of detainees including children;
2. Disclose information on these black jails: the location and numbers of these black jails, the number and names of individuals (including children) held in them, and the conditions in these jails;

² Chris Buckley, “Exclusive-Secret Chinese jail makes silencing protest a business,” Reuters, September 11, 2007.

³ Chinese Human Rights Defenders, “Eleven petitioners held in Jiading’s black jail in Shanghai (上海 11 名访民被关押嘉定 “黑监狱”),” March 9, 2012; Chinese Human Rights Defender, “Liu Yuhong: the torture I suffered in Tangshan City’s “black jail” (刘玉红: 我在唐山市 “黑监狱” 遭受的折磨),” November 7, 2009; Boxun, “Liuzhou’s Huang Liuhong and infant held in black jail, Huang Liuping arrested (柳州黄柳红和婴儿关黑监狱, 黄柳萍被逮捕),” November 23, 2008.

⁴ *Nanfang Daily*, “Anyuanding: An investigation into the interception of petitioners and Beijing’s ‘black jails’ (安元鼎: 北京截访 “黑监狱” 调查),” September 26, 2010; Associated Press, “Liaowang, State-Run Magazine, Exposes State-Run ‘Black Jails’ In China,” November 25, 2009.

3. Close the black jails and set detainees at liberty, and punish any person involved in the abduction and arbitrary detention of others, or who operates or facilitates the operation of a black jail;
4. Ensure that current and former black jail detainees are eligible for financial compensation, medical treatment and psychological counseling for the trauma of their detention; and
5. Establish an independent commission to investigate and publicly report on the existence of black jails and steps taken by the government to close them.

3. Teenage boys forcibly disappeared following the Xinjiang protests

In the aftermath of the July 2009 protests in western Xinjiang province, Chinese security forces detained hundreds of ethnic Uighurs, including boys, on suspicion of participation in the unrest. Dozens of these detainees, and possibly many more, have since “disappeared” without a trace.

The protests of July 5-7, 2009, in Urumqi, the capital of Xinjiang, were one of the worst episodes of ethnic violence in China in decades. Information about the Xinjiang protests and their aftermath remains fragmentary. It is believed that the protests, which started peacefully on July 5, turned violent. Human Rights Watch condemned the violence on all sides, which resulted in the deaths of 197 people (the majority of them were ethnic Han Chinese) according to official figures. Immediately after the protests and in the following two months, the government released a number of contradictory statements regarding the number of people detained by the security forces in connection with the unrest, which seemed to have reached well over a thousand.

The Chinese authorities have the duty to thoroughly investigate incidents of violence and to punish the perpetrators in accordance with international law. However, research by Human Rights Watch indicates that instead of launching an impartial investigation in accordance with international and domestic standards, Chinese law enforcement agencies carried out a massive campaign of arbitrary arrests in the Uighur areas of Urumqi, many of which resulted in enforced disappearances of the detainees.

Human Rights Watch’s research conducted in the aftermath of the July protests documents the enforced disappearances of at least 43 Uighur men and teenage boys who were detained by Chinese security forces in the wake of the protests. These individuals were taken away in large-scale sweep operations in two predominantly Uighur areas of Urumqi—Erdaoqiao and Saimachang—as well as smaller operations in which they were taken away from their homes, places of work, hospitals, and the street. The victims of “disappearances” documented by Human Rights Watch were young Uighur men—most in their 20’s, with the youngest victim being 14 years old, although some witnesses reported that the police had detained boys as young as 12 years old during the raids. The authorities have either denied the fact of detention

or refused to provide any information about the detainees' whereabouts or fate despite requests from relatives.

Human Rights Watch requests that the Committee urge the Chinese government to:

1. Provide accurate information on children who were detained, released, and formally arrested in the aftermath of the protests in Xinjiang Uighur Autonomous Region;
2. Release those arrested in the July 2009 protests against whom no charges have been brought;
3. Ensure that any prosecutions against children are held in accordance with international human rights standards on criminal justice applicable to children, which take into account the child's age, and is directed at the rehabilitation and reintegration of the child;
4. Allow all detainees contact with family and unhindered access to legal counsel of their choice;
5. Discipline and prosecute as appropriate security forces responsible for arbitrary arrests, enforced disappearances and ill- treatment of detainees; and
6. Allow independent international investigations into the Urumqi unrest and its aftermath.

4. Kachin refugee children

Since June 2011, renewed fighting between the Burmese military and the Kachin Independence Army (KIA) in northern Burma has driven an estimated 90,000 ethnic Kachin from their homes. Many have fled abuses by the Burmese army, including attacks on Kachin villages, killings and rape, and the use of abusive forced labor. About 7,000-10,000 Kachin, many of them children, sought refuge across the border in Yunnan province in southwestern China.

The Chinese government has failed to recognize the Kachin asylum seekers as refugees, despite the circumstances of their flight in the summer of 2011 that indicate they all fled armed conflict and human rights abuses. Despite being a party to the 1951 Refugee Convention and its 1967 Protocol, China has no law or procedure for determining refugee status and has not fulfilled its obligations to protect these refugees. To the contrary, it breached the fundamental principle of refugee protection, the principle of nonrefoulement, when in August 2012 Chinese authorities forcibly returned almost all of the Kachin refugees in Yunnan to Burma, exposing them to ongoing fighting, hostile Burmese army forces, and landmines.

In violating the most fundamental protection of the Refugee Convention, China also violated its obligations under the Convention on the Rights of the Child. In its General Comment 6 (2005), the Committee on the Rights of the Child stated that the Convention in article 6 establishes an obligation on states party to "not return a child to a country where there are substantial

grounds for believing that there is a real risk of irreparable harm to the child, such as, but by no means limited to, those contemplated under articles 6.”⁵

The Yunnan authorities closed all of the makeshift refugee camps at the time it committed mass refoulement, but we believe some refugees are still living in Yunnan in squalid conditions, fearful that the Chinese government might also forcibly repatriate them. China should allow the United Nations High Commissioner for Refugees (UNHCR) free and unfettered access to Yunnan province to conduct refugee status determinations and to provide refugees there with food and other necessities.

Despite Chinese government claims to the contrary, refugees in Yunnan told Human Rights Watch prior to their expulsion that they had received no humanitarian assistance from the government and major humanitarian agencies had had no access to them. The refugees, scattered across more than a dozen makeshift settlements, lacked adequate shelter, food, potable water, sanitation, and basic health care. Most children had no access to education.

So long as the armed conflict in Kachin State continues, the Kachin refugees in China will be unable to return to their homes, and more refugees might cross into China despite fear of forced repatriation by the Chinese government. The need for temporary protection and humanitarian assistance is urgent.

Human Rights Watch requests that the Committee urge the Chinese government to:

1. Cease violations of the prohibition against refoulement of children under article 6 of the Convention on the Rights of the Child.
2. Institute a temporary protection regime for the residual population of Kachin refugees in Yunnan in view of ongoing armed conflict and widespread human rights violations in northern Burma, taking into account the special protection needs of children in the refugee population;
3. Provide humanitarian assistance to meet the basic needs of the Kachin refugee population in Yunnan province, including adequate shelter, food, potable water, sanitation, basic health care, and education for children;
4. Allow unhindered access to nongovernmental and community-based organizations to provide humanitarian assistance to the refugee population in Yunnan province;
5. Allow the United Nations High Commissioner for Refugees full and unfettered access to all refugees and asylum seekers in Yunnan province.

⁵ General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside Their Country of Origin (CRC/GC/2005/6), Committee on the Rights of the Child, September 1, 2005.

5. Children of North Korean women

In the Yanbian Korean Autonomous Prefecture in eastern Jilin province, northeast China, many North Korean children and children of Chinese fathers and North Korean mothers live in legal limbo. There is no official data estimating the number of such children living in the area, but local residents put the number at anywhere between a few thousand and several tens of thousands.

Some of these children have no access to education, as Chinese schools require verification of identity for admittance and continued schooling. In China, every citizen must be registered under a household registration (*hukou*) system. Chinese law stipulates that a child born in China is entitled to citizenship if either parent is a Chinese citizen. However, since registering a child's *hukou* would mean including details of his or her family members and thus expose the identity of the mother, Chinese men who have had children with North Korean women are faced with an invidious choice: they can register their child at the risk of exposing their mothers, who could be arrested and repatriated to North Korea as "illegal" economic migrants and face high risk of persecution and harsh punishment, or they can decide not to register the child—leaving the child without access to education. When both parents are North Koreans, it is impossible for a child to obtain *hukou*. Under domestic and international law, China has a legal obligation to grant all children in China access to primary education, regardless of their legal status. North Korean or half-North Korean children should not be required to submit copies of *hukou* for admittance to schools or continuing schooling, nor should their parents and guardians be forced to pay bribes to officials to enable the children to receive an education.

Human Rights Watch requests that the Committee urge the Chinese government to:

1. Ensure all children, regardless of their legal status, have access to primary education;
2. Ensure North Koreans in China, including children, have the right to seek asylum in accordance with international law;
3. Allow UNHCR access to North Koreans in China, including children, to make determinations of their refugee status; and
4. Ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

6. Migrant children and access to education

There are between 33 million to 72 million children of migrant workers in China. They include from 22 million⁶ to 60 million⁷ “left behind” children in the rural countryside and an estimated 13 million children who live with their parents in the cities.⁸

China’s Compulsory Education Law, which has been in effect since 2006, states that migrant children be provided with “equal conditions [and] receive compulsory education”⁹ by the local governments in the cities they reside. However, though these children live with their parents – and some of them are born in the cities – their *hukou* are still registered in their parents’ hometown. Since *hukou* forms the basis by which local governments define residents’ access to social services, including education, a lack of an urban *hukou* means these children face discrimination and barriers in accessing education in the cities in which they live.

Although local governments are supposed to provide equal access to compulsory education to these children, administrative and financial hurdles bar most migrant children from enrolling in state-run schools. Under Beijing education bureau regulations, for example, only registered migrants who can produce a list of official documentation, including a temporary residence permit, work permit, proof of residence, certificate from the place of origin, and household registration booklet, can enroll their children in state schools. Most migrant families do not possess all the documents or face severe financial and bureaucratic difficulties in procuring them. Even for those who can obtain the necessary documents, the cost of state schools can be prohibitive for poor migrant families. State schools may charge for transportation, meals, books or activities. Only 69 percent of children of migrant worker attend state-run schools.

Because of difficulties enrolling in state-run schools, migrant children are often enrolled in privately run schools for migrant children. Because many of these schools lack resources—they receive little or no government funding—many of them are unregistered, substandard, lack qualified teachers, have inadequate or dangerous facilities, and fail to comply with hygiene regulations.¹⁰ In Beijing, the municipal government has often cited these reasons to deny registration to these schools, and forcibly closed them down. In August 2011, for example, the Beijing city government ordered the closure of 24 private schools that catered to migrant children. Most found alternate schools, although an estimated 10 to 20 percent had to be

⁶ “China has 12.6 million migrant children,” *China Daily*, September 4, 2012.

⁷ Melinda Liu, “In Rural China, a Generation Left Behind,” *the Daily Beast*, August 1, 2012.

⁸ “China has 12.6 million migrant children,” *China Daily*, September 4, 2012.

⁹ Article 12 of the Compulsory Education Law, amended and adopted by the Standing Committee of the National People’s Congress, has been in effect since September 1, 2006.

¹⁰ Chen Xiaoxuan and Ma Haiyang, “How far could Guangzhou’s school for migrant children go? Government funding seriously lacking (广州打工子弟学校能走多远? 政府财政资助严重不足),” August 30, 2011.

separated from their parents and sent to their *hukou*-linked rural hometowns due to their parents' inability to secure suitable and affordable schooling in Beijing.

Parents of migrant children who send their children to school despite all odds and whose children reach high-school level are faced with yet another challenge in their children's quest for education—the *gaokao*, the all-important university entrance exams taken in the last year of senior high school. Without an urban *hukou*, migrant children cannot take the exams in the city where they reside. They must return to the place where their *hukou* is registered, that is, where one of their parents was from, to take the exams. And since the syllabus for *gaokao* varies from one area to the other, migrant children have to return during their senior high school years to study for the exams. This prompts a difficult choice for parents, as they are forced to decide whether to be separated from their children during these crucial years.¹¹

Human Rights Watch requests that the Committee urge the Chinese government to:

1. Abolish the household registration certificate, or *hukou* system, which imposes unfair and discriminatory limitations on migrant children's right to education;
2. Cease the official harassment and unnecessary closure of privately run schools for migrant children in areas and situations in which those children have little or no access to the state school system;
3. Provide statistics on migrant children and their access to education, including the percentage of children attending state-run schools segregated by their *hukou* status;
4. Provide the number of privately run schools for migrant children across the country, their registration status and their conditions;
5. Remove the multiple barriers that prevent migrant children from enrolling in state-run schools and to monitor the situation of accessing education for migrant children across the country; and
6. Remove the restriction that students must take their *gaokao* exams in the place where their *hukou* is registered and allow migrant students to take the exams in the city where they reside.

7. Child trafficking

According to Chinese media reports, approximately 200,000 children go missing in China every year, it is unclear the proportion of whom that are kidnapped and trafficked, but one estimate

¹¹ *The Economist*, "Fighting for Privileged: Residents clash over plans to let the children of migrants sit exams in the capital," November 3, 2012.

puts the number of trafficked children just for illegal adoption at 20,000 a year.¹² A variety of factors drive the phenomenon. China's coercive reproductive policy (broadly known as the "one-child" policy) pushes some of those who break the government's quota to abandon or sell their children. Traditional beliefs that boys are needed to pass down the family lines and to support aging parents also drive the abduction of boys to families seeking a son. Some children are sold to couples unable to have children and those who want more children, while other children are trafficked and forced into labor or prostitution. Child trafficking is a profitable business, with a boy selling for an estimated US\$11,200 to \$12,800, and a girl selling for about half of that amount.¹³ Migrant children, who live with their parents in cities or are left behind in rural villages and lack parental supervision, are often targets of child traffickers.¹⁴

The Chinese government has promulgated policies to crack down on trafficking of children.¹⁵ However, such policies have been ineffective as child traffickers, buyers, and sellers face few legal consequences. The Chinese police carry out periodic crackdowns on child trafficking rings that result in convictions of some traffickers.¹⁶ However, the possibility of being apprehended by the authorities is low. On average, police are only able to find 5 percent of these children every year and the vast majority of kidnapped children are never found.¹⁷ There is almost no punishment against buyers of children—article 241 of the Chinese Criminal Law waives punishment for these individuals as long as they do not abuse the children or obstruct the rescue effort.¹⁸ Although the Chinese government has promulgated a judicial interpretation to

¹² "More than 200,000 children disappear in China every year (中国每年约有 20 多万儿童失踪)," *Legal System Weekly*, May 23, 2012; US Department of State, "2010 Human Rights Report: China (includes Tibet, Hong Kong, and Macau)," April 8, 2011.

¹³ Associated Press, "Child Trafficking Arrests: China Police Detain Over 800, Rescue 181 Children In Nationwide Sting," June 7, 2012.

¹⁴ Barbara Demick, "In China, family reunited with son kidnapped three years ago," *Los Angeles Times*, February 13, 2011.

¹⁵ Office of the State Council, "China National Plan of Action on Combating Trafficking in Women and Children (2008-2012), December 13, 2007.

¹⁶ See, for example, Ministry of Public Security, "Ministry of Public Security announces ten classic cases in crackdown against kidnapping (公安部公布“打拐”专项行动十大典型案例)," April 1, 2011; "Husband and wife, who work in partnership to traffic children, are sentenced (夫妻合伙贩卖儿童被判刑)," Sichuan News Net, October 12, 2012.

¹⁷ Calum MacLeod, "In China, parents desperately search for missing kids," *USA Today*, October 1, 2012.

¹⁸ Sina.com, "The crime of child kidnapping and trafficking is difficult to be enforced; the purpose of illegal profits hinders law enforcement (刑法定拐賣兒童罪難操作 非法獲利為目的成阻礙)," June 18, 2012.

stipulate punishment for children buyers in light of this loophole, such action continues to fail to effectively deter the buyers of children as punishment remains light.¹⁹

The Chinese government has attributed its inability to control child trafficking to the complexity of the issue, the skillfulness of the kidnapers, and the broad geographical span of these trafficking rings.²⁰ But parents of children have also accused the Chinese police for failing to act quickly and effectively to recover missing children. They have also criticized the police for harassing parents who persist in raising public awareness about the issue and in recovering their children.²¹ Corruption—which enables buyers of children to procure official documentation for the children—is also likely to contribute to the problem, as local officials turn a blind eye towards children who inexplicably appear in villages and towns under their jurisdiction.²²

Human Rights Watch requests that the Committee urge the Chinese government to:

1. Provide statistics on the number of trafficked children and the percentage who are recovered by the authorities each year;
2. Cease their harassment of parents of missing children and ensure that their rights to protest the government's handling of the issue;
3. Amend the Criminal Law so to close the loopholes allowing sellers and buyers of children to escape criminal punishment;
4. Adopt effective measures against corruption by local officials that facilitates trafficking of children and the harboring of trafficked children. ; and
5. Establish a nationwide working group comprising of the Ministry of Public Security and nongovernmental organizations that work on child trafficking to monitor the situation, analyze the causes, and take effective action to address the problem.

8. Political persecution of Panchen Lama and children of dissidents

¹⁹ Sina.com, "The crime of child kidnapping and trafficking is difficult to be enforced; the purpose of illegal profits hinders law enforcement (刑法定拐賣兒童罪難操作 非法獲利為目的成阻礙)," June 18, 2012.

²⁰ China.com.cn, "The Supreme People's Court: more than 60% of child traffickers receive heavy sentences (最高法院: 拐賣兒童罪犯重刑率高于 60%)," November 27, 2009.

²¹ Calum MacLeod, "In China, parents desperately search for missing kids," *USA Today*, October 1, 2012.

²² Andreas Lorenz, "As Profitable as the Drug Trade: China's Child-Trafficking Epidemic," *Der Spiegel*, May 21, 2010,

After the Dalai Lama formally recognized the then six-year-old Gedhun Choekyi Nyima (who resided in Lhari [Jiali in Chinese] County, Nagchu Prefecture of the Tibetan Autonomous Region) as the 11th Panchen Lama in May 1995, Chinese authorities reacted by denouncing him and by taking harsh measures against the child. The Chinese government has kept the boy and his family in effective isolation from the outside world. Foreign government representatives and human rights monitors have not been allowed to meet with them and verify their conditions, in spite of many attempts to do so. The situation regarding the Panchen Lama and his family remains unclear.

The Chinese government has also mistreated and harassed the children of activists and dissidents. Children of activists including well-known human rights lawyers Chen Guangcheng and Gao Zhisheng were held with their fathers under house arrest, witnessing their beatings and mistreatment, while also being subjected police surveillance and to various restrictions on their freedom of movement. Chen's then-six-year-old daughter, Chen Kesi, was barred from attending schools for a period in 2011, and when she was finally allowed to go, guards accompanied, monitored and guarded her at school. The daughter of Gao Zhisheng, Grace Gao, who fled to the United States with her mother and a sibling when she was 16, said she was beaten by the police and barred from going to school when she was 12.²³

The Chinese government also harasses children of dissidents as a way of pressuring these individuals to drop their activism.²⁴ Police have visited dissidents' children at their schools, harassing not only the children but also the teachers and principals, who in turn castigate, pressure, and discriminate the children at school, putting psychological pressure on the children and making it difficult for them to continue attending.²⁵ Police have also threatened to use their power to "destroy" children's access to school, employment and future opportunities because of their parents' activities.²⁶

Human Rights Watch requests that the Committee urge the Chinese government to:

1. Disclose the whereabouts of the 11th Panchen Lama as recognized by the Dalai Lama and immediately cease any restrictions or surveillance on him and his family;

²³ Damian Grammaticas, "Daughter pleads for missing China lawyer Gao Zhisheng," BBC, October 28, 2010.

²⁴ Chinese Human Rights Defenders, "Liu Xianbin's 13-year-old daughter threatened by national security police (刘贤斌 13 岁的女儿受到国保威逼)," June 29, 2010.

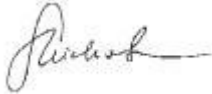
²⁵ Human Rights Campaign in China, "Hunan demobilized soldier Teng Xingqiu goes to Beijing to defend his rights; national security police punishes his child in act of retaliation (湖南军转滕兴球进京维权, 国保到学校对未成年人施诛连)," September 27, 2012.

²⁶ "Daughter threatened that her future will be ruined due to her mother's activism (母亲维权女儿被威吓前途将毁)," Radio Free Asia, May 9, 2012.

2. Allow access to the Panchen Lama by the special rapporteur on freedom of religion, who has been invited to visit China since 2004, but who has not been able to visit because the government has not provided specific dates; and
3. Cease harassing children of dissidents and activists and hold accountable all those responsible for such abuses.

We hope you find these comments useful and would welcome an opportunity to discuss them further. Thank you for your attention to our concerns, and with best wishes for a productive session.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sophie Richardson', with a long horizontal flourish extending to the right.

Sophie Richardson

China Director