



28th June, 2007

Latest News

Index

The National Standing Committee of the People's Congress Forms a Group to Denounce the Shanxi "Black Brick Kiln" Incident

How Do Americans Search for Missing Children?

In Shanxi a Thorough Search for Trafficked Rural Labourers Requires No One Be Left Out

The General Office of the State Council Relays a Notice to Nine Ministries Concerning the Punishment for Illegal Use of Workers

《反拐新闻文摘》目录

全国人大常委会组成人员抨击山西黑砖窑事件

美国人怎么寻找失踪的孩子？

山西地毯式查找被拐骗农民工要求不漏一人

国务院办公厅转发九部门整治非法用工通知

Article in Brief

The National Standing Committee of the People's Congress Forms a Group to Denounce the Shanxi "Black Brick Kiln" Incident

Source:http://www1.gznet.com/news/national/szyw/200706/t20070624_199511.html

Xinhua, Beijing, 24 June (Reporters: Tian Yu, Zou Shengwen): On the afternoon of the 24th, the National Standing Committee of the People's Congress assembled members into groups to deliberate a draft of the employment contract law. During this meeting they heavily denounced the Shanxi "Black Brick Kiln" incident. They pointed out that the employment contract law should be passed as soon as possible, through this law and the enforcement of other laws, the legal rights and interests of labourers will be effectively protected and strict precautions will be taken to prevent this kind of incident from reoccurring.

According to an explanation from the Vice-Director (provincial level) of Shanxi's Standing Committee of the People's Congress, Fan DuiXiang, a nonvoting delegate, at present Shanxi has more than 3,000,000 rural labourers. There are more than 2,000,000 rural labourers working in mining, construction and manufacturing alone. In traditional industries such as housekeeping 90% of workers are rural workers.

"Many problems concerning the protection of workers' rights and interests need to be solved." He said, "Firstly, the number of labour contracts being signed is relatively low, and

not standardised; secondly, salaries are on the low side, thirdly, employing units extend working hours at their own discretion and they do not pay an overtime rate which is inline with the law; fourthly, investment in labour safety is insufficient; fifthly, the proportion of workers who have social security is low; sixthly, the ratio of people who have vocational training is low; seventhly, rural workers are not brought into the scope of an administrative service at the employment site. There even exists legal problems with restricting the personal freedom of workers, beatings, corporal punishment, harming others etc.

He also explained that, after the “Black Brick Kiln” incident occurred, in order to crack the case Shanxi Province launched an investigation into the situation. At present, Shanxi is investigating a total of 8,760 small brick kilns, mines and smelteries, 3,347 brick kilns are being investigated, involving nearly 100,000 rural labourers. “There are three main problems: owners, illegally use high salaries to lure rural labourers into working in the brick kilns, restricting their freedom and forcing them to work and illegally using child labour. Many brick kiln factories do not have operation licences. “Of the 3,347 brick kilns, which are being investigated at present, 2,346 are not registered and 53,036 rural workers are working illegally in them.

The “Black Brick Kiln” incident is a tragedy which should not take place a socialist country. A member of the National Standing Committee of the People’s Congress, Cong Bin said, “After the draft of the employment contract law has been passed, it will vigorously promote the fervent enforcement of the law, throughout the country to avoid the reoccurrence of incidents similar to the “Black Brick Kiln” incident.

The draft of the employment contract law defines the rights and obligations of both parties; it particularly emphasizes the protection of the legal rights of labourers. Members of the National Legal Committee of the People’s Congress believe that, “Emphasizing the protection of labourers’ legal rights and interests is necessary, this is a regulation which is common to international labour legislation.”

“Emphasizing the protection of the legal rights and interests of labourers is the strongest signal, sent out by the highest legislative organ in recent times.” A member of the National Legal Committee of the People’s Congress, Zheng Gongcheng said, the Shanxi “Black Brick Kiln” incident, which took place recently, made people feel that, there was a strong need for the highest legislative organ to send out this kind of signal.

How Do Americans Search for Missing Children?

Source: <http://www.southcn.com/opinion/soc/200706250074.htm>

Southern Daily News Online Edition, 25 June 2007: Recently the scandal involving the

enslaving of child labourers in Shanxi “Black Brick Kiln” was exposed, illegal coalmines is one of the places where trafficked children go, even more children are trafficked to families in poverty-stricken areas or forced to beg on street corners, some are even smuggled abroad. There are hardly any incidents of children being trafficked in America, firstly because in America there does not exist a trafficking market. Secondly, America has invested a huge amount of police resources as well as social services to search for missing children.

In September 2006, in Texas, two year old Kevin Brown went missing, after receiving a report of this the local police began the rescue operation. Subsequently fifty police started searching a large area of a few kilometers, they also mobilized two helicopters, one of the helicopters was equipped with a thermal inductor. Still, the police could not find any traces of Kevin, consequently the National Alarm System for Missing Children issued a missing person’s announcement to 5,000 local families, arousing the concern of the local community. On the third day, the helicopter finally discovered Kevin on the side of a pond.

Apart from, after receiving a report of the case taking action instantly, America has also set up a National Service Centre for Missing and Maltreated Children. Although America’s non-governmental organisations are extremely powerful, their main work is still to help parents contact police, or to provide clues. Even in very developed countries, the solving of missing children cases and other similar incidences depends on the government, the power of individuals and society can only play an auxiliary role.

In Shanxi a Thorough Search for Trafficked Rural Labourers Requires No One Be Left Out

Source: <http://news.cctv.com/china/20070626/100055.shtml>

China Youth Daily, Taiyuan, 25 June: Today journalists learnt from Shanxi Province’s department of public security, that it has demanded that the entire province’s public security organ immediately launches an operation to search for and rescue rural labourers who have been abducted and used as forced labour. They will also assist people in finding relatives, who they have become separated from, not letting any clues slip by, leaving no stone unturned and leaving out nobody.

On 23rd June, some people released information on the internet, hoping for help with finding out the whereabouts of their working relatives, this attracted a great deal of attention from central leaders, the Shanxi Provincial Committee and the provincial government. The Secretary of Shanxi Provincial Committee, Zhang Baoshun, wrote that the Premier’s instructions must be resolutely carried out, criminals must be investigated and prosecuted, and suspected criminals must be dealt with quickly, in accordance with the law.

The General Office of the State Council Relays a Notice to Nine Ministries Concerning the Punishment for Illegal Use of Workers

Source: <http://news.sina.com.cn/c/2007-06-27/101513321465.shtml>

全国人大常委会组成人员抨击山西黑砖窑事件

摘自: http://www1.gznet.com/news/national/szyw/200706/t20070624_19911.html

新华网北京6月24日电（记者田雨 邹声文）全国人大常委会组成人员24日下午在分组审议劳动合同法草案时，强烈抨击山西“黑砖窑”事件，并提出要尽快通过劳动合同法，通过这部法律和其他相关法律法规的实施，切实保护劳动者的合法权益，严防类似事件的发生。

据列席会议的山西省人大常委会副主任范堆相介绍，现在山西有农民工近300万，仅采掘、建筑和制造三个产业的农民工就超过200万，家政等传统行业从业人员90%是农民工。

“保护农民工权益还有不少问题需要解决”。他说，“一是劳动合同签订率比较低、不规范；二是工资水平偏低；三是用人单位随意延长劳动时间，不依法支付加班工资；四是劳动安全经费投入不足；五是参加社会保险率低；六是职业培训率低；七是农民工普遍没有纳入到就业所在地的公共管理服务范围，甚至存在非法限制农民工人身自由和打骂、体罚、伤害等问题”。



他还介绍了“黑砖窑”事件发生后山西省开展排查的情况。山西目前一共排查了小砖窑、小采矿、小冶炼8760户，排查砖窑3347户，涉及农民工近10万人。“主要有三个问题：不法窑主以高薪诱骗农民工到砖窑当工人，限制自由，强迫劳动。非法使用童工。大量砖窑厂无照经营。“现在检查的3347户砖窑中，有2346户没有登记，非法使用农民工53036名”。

“黑砖窑”事件是社会主义国家不应发生的悲剧。全国人大常委会委员丛斌说，“劳动合同法草案通过后，应在全国大力宣传、认真贯彻执行，避免再次发生类似‘黑砖窑’这样的事件。

目前的劳动合同法草案在明确劳动合同双方当事人的权利和义务的前提下，特别强调保护劳动者的合法权益。全国人大法律委员会认为，“强调保护劳动者的合法权益是必要的，这是国际上劳动立法的通行规则”。

“强调保护劳动者的合法权益，是最高立法机关在现阶段发出的一个强烈信号”。全国人大常委会委员郑功成表示，“最近发生的山西‘黑砖窑’事件让大家深深地感到，最高立法机关发出这样的信号是非常必要的”。

美国人怎么寻找失踪的孩子？

摘自：<http://www.southcn.com/opinion/soc/200706250074.htm>

南方都市报网络版，2007-06-25：最近，山西黑砖窑奴役童工的丑闻曝光于天下，黑煤窑只是被拐卖儿童的去向之一，更多的孩子被卖到贫困地区家庭，或是被强迫街头乞讨，甚至走私到海外。

拐卖儿童的事件在美国几乎没有，一是因为美国不存在人口贩卖的市场。二是因为美国为寻找失踪儿童投入了巨大的警力资源和社会力量。

2006年9月，得克萨斯州一名两岁男孩凯文·布朗失踪，当地警方接到报案后立即在凯文家附近展开了搜救行动。随后，50名警察开始在数公里范围内大面积搜索，还动用了两架直升飞机，其中一架配备热感应装置。尽管如此，警方还是没有发现凯文的踪迹，于是启动了“全国儿童警报系统”，向当地5000个家庭发布寻人公告，引发当地社区的关切。第三天，直升飞机终于在一个池塘边上发现了凯文。

除了接到报案后紧急行动，美国还设有“全国失踪与受虐儿童服务中心”。美国的非政府组织尽管十分强大，主要工作还是帮助家长联系警方，或是给警方提供更多线索。即使在十分发达的国家，孩子失踪这样的事情也只能依靠政府解决，私人和社会力量只能发挥辅助性的作用。2004年，湖南怀化的五岁男孩戴特株在家门口失踪，其家人随即展开了长达三年、耗资50万元的寻子行动。仅寻人启事戴家就向全国各地散发了500万份之多。可还没有能够找到孩子。戴家已经算是较为殷实的小康之家，倾家荡产尚且如此，普通家庭更是无力寻找孩子。

近年来，随着中国经济快速增长，一部分“先富起来”的中国人已经过上了不亚于美国普通居民的小康生活。美国人不见得就比中国人活得更幸福，但是他们遭遇巨大不幸的可能性的确较小。笔者并不认为中国公安机关目前就能像美国警方那样调动直升飞机漫天遍野找人，但是通过邮局张贴寻人告示，或者在失踪一小时后给予立案，这样的事情我们的警察叔叔总是可以做到的吧？

山西地毯式查找被拐骗农民工要求不漏一人

摘自：<http://news.cctv.com/china/20070626/100055.shtml>

中国青年报太原，6月25日电(记者高山)：记者今天从山西省公安厅获悉，山西省公安厅要求全省公安机关立即展开行动，认真查找、解救被拐骗和强迫劳动的农民工，帮助群众寻找失散亲人，做到不放过一条线索、不留一个死角、不漏一人。

6月23日，一些群众在网上发布信息，希望帮助寻找其打工亲人的下落，引起了中央领导和山西省委、省政府的高度重视。温家宝总理和国务院有关领导指示尽快彻查。山西省委书记张宝顺批示，要坚决贯彻总理指示，认真查处，对涉嫌违法犯罪分子依法

从快作出处理。山西省省长于幼军要求：公安部门立即与发帖子的投诉网民联系，并循线索认真查找网上所反映的失散亲人。省公安厅通令各市、县、乡镇、街道公安机关，凡有投诉、举报或要求帮助寻找失散亲人的，公安机关必须热情接待，记录在案，立即出警，认真查找。查到后，对上门认领的亲属，必须核准其身份后准予其带走亲人，或由公安部门派人送返。公安厅立即在媒体及网上发布公告，公布联系电话、网址及书信联系地址、负责人姓名等，接受省内外群众投诉、举报和要求帮助寻找亲人等事项。查处情况将如实向社会公布。

按照中央和省领导的批示，山西省公安厅连夜作出部署，在省、各市主要媒体及网站上发布接受省内外群众投诉、举报和要求帮助寻找亲人的公告，并指挥组织各级公安部门立即展开行动，认真彻查，全力解救，平安送返。凡对群众举报投诉不认真受理，推诿扯皮，压案不查，配合不力，或对被解救人员不负责任，导致其下落不明的，一经查实，要严肃追究有关领导和直接责任人的责任。

通缉令说，2007年3月以来，山西省连续发生多起黑砖窑主非法限制民工人身自由，非法雇用童工，强迫民工超强度劳动，殴打民工致死、致残案件，在社会上造成恶劣影响。涉嫌参与殴打、强迫民工劳动的陈志明、周秋生、张振江、姚海涛、柯昌江、柯昌富、王自国、王自红等8名犯罪嫌疑人在逃。

警方对提供线索的举报人、缉捕有功的单位或个人，每抓获一名犯罪嫌疑人将给予人民币1万元奖励。

国务院办公厅转发九部门整治非法用工通知

摘自：<http://news.sina.com.cn/c/2007-06-27/101513321465.shtml>

新华网，2007年06月27日：各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

最近，在山西省部分地区发生了无合法证照的小砖窑非法用工和黑恶势力拐骗农民工、限制人身自由、强迫劳动、使用童工、故意伤害甚至致人死命等严重违法犯罪行为，严重侵害了劳动者合法权益，造成了极为恶劣的社会影响。为切实维护广大农民工和未成年人的合法权益，劳动保障部、公安部、监察部、民政部、国土资源部、卫生部、工商总局、安全监管总局和全国总工会制订了《关于开展整治非法用工打击违法犯罪专项行动方案》，集中力量于2007年7月至8月，以乡村小砖窑、小煤矿、小矿山、小作坊为重点，在全国范围内组织开展为期2个月的整治非法用工、打击违法犯罪专项行动。整治非法用工、打击违法犯罪，关系到维护人民群众特别是未成年人的合法权益，关系到维护国家法制权威，关系到社会稳定和社会主义和谐社会建设，关系到国家的形象和声誉。各地区、各部门要充分认识开展专项行动的重要意义，把专项行动作为实践“三个代表”重要思想、落实科学发展观的具体体现，以对人民群众高度负责的政治责任感，精心组织，认真搞好专项行动，依法惩处违法犯罪分子，维护公民的基本权利和社会公平正义。

现将劳动保障部会同有关部门制订的《关于开展整治非法用工打击违法犯罪专项行动方案》转发给你们，请认真贯彻执行，确保取得实效。

国务院办公厅
2007年6月26日

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