Children's Rights and Juvenile Correctional Institutions in the People's Republic of China

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The systematic exploitation and abuse of children is an international concern, the seriousness of which compels continued worldwide attention. Starvation, malnourishment, physical and sexual abuse, lack of basic educational opportunity, exploitative labor practice, female enslavement, and infanticide are some of the more graphic examples that illustrate the degree to which the rights and interests of children have been denigrated on an international basis during the past decade.[1] This paper will examine the topic from a slightly different perspective, chronicling common institutional abuses of children's rights within the juvenile reformatory setting in the People's Republic of China (PRC).

It is important to note at the outset that there are a number of generally shared assumptions concerning procedural norms involving institutional treatment. The Declaration of the Rights of the Child, adopted by the United Nations General Assembly in 1959, reaffirms the principles set forth in the Geneva Declaration of the Rights of the Child in 1924 and the United Nations' Universal Declaration of Human Rights of 1948. Although the Declaration of the Rights of the Child does not specifically refer to offender institutionalization process, procedure, and environment, Principle 6 does make passing reference to the desirability of using restraint when deciding whether or not to institutionalize the child. The child "shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security . . . ," and "a child of tender years shall not save in exceptional circumstances be separated from his mother. . . ."[2] Principle 2 of the declaration argues that whenever laws are enacted to ostensibly protect the child or facilitate his growth, "The best interests of the child shall be the paramount consideration."[3] Principles 4 and 7 affirm the right of the child to receive basic health care and education, while Principle 9 states that children should be protected from cruelty and exploitative labor practices.[4]

[1] Elise Boulding, *Children's Rights and the Wheel of Life* (New Brunswick, N.J.: Transaction, 1979).
[2] Ibid., pp. 142–43.
[3] Ibid., p. 142.
[4] Ibid., pp. 142–43.

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Organizations such as Defence for Children International have sought to determine the extent to which children are incarcerated with adults (usually parents) in the same prison setting and have additionally attempted to ascertain whether or not basic amenities including food, shelter, dress, and health care are provided to the incarcerated youth. The International Association of Juvenile and Family Court Magistrates has specifically called for the prohibition of capital punishment, life imprisonment, and physical punishment as responses to juvenile offenses. The organization has argued that "where a sentence involving deprivation of liberty is to be absolutely necessary, this should be imposed only on an adolescent, and then only for a fixed period which shall be as short as possible."[5] Others have argued that parents and children should be granted separate and independent legal representation; that children be granted counsel for all delinquency proceedings, not simply those involving the commission of a criminal offense; and that the sealed records of juvenile offenders be expunged so as to prevent the continuation of social stigma.[6]

Stanislaw Tomkiewicz has written about institutional violence as a theoretical construct. The author argues that although the act of institutionalization implicitly may perpetuate a type of violence in the broadest sense, for the existence of social and psychological scars are presumably inherent in the process, such "sociological violence" "has little chance of being replaced unless the entire [social] system is replaced," for "its legitimacy is at least publicly assumed."[7] Institutional violence that the author labels illegitimate is called "super violence," and it "covers those forms of violence which are condemned by the majority of public opinion and by the law, and which are concealed by the perpetrators themselves."[8] It can be assumed that instances that fall under the "super violence" category would be easier to ameliorate than those that would be included under the "sociological violence" label.

Within the PRC, there are four institutional types that directly deal with juvenile offenders: the labor camp, reformatory, work-study school, and work-study class. Labor camps are divided into two types: reform through labor and reeducation through labor—the difference being length of incarceration. Reeducation through labor typically lasts 1–3 years, whereas reform through labor is of a longer duration. Although both kinds of labor camps were designed primarily for adult offenders, some reeducation through labor camps now cater only to the needs of adults

[5] "The International Association of Juvenile and Family Court Magistrates' Association News," *International Child Welfare Review,* no. 63 (December 1984), p. 47.

[6] Anna Mamalakis Pappas, "Introduction," *Columbia Human Rights Law Review* 13, no. 1 (Spring–Summer 1981): xxvii–lv.

[7] Stanislaw Tomkiewicz, "Institutional Violence," *International Child Welfare Review,* no. 60 (March 1984), pp. 28–31.

[8] Ibid., pp. 31–32.

and older juveniles, aged 16–18, who are guilty of relatively minor offenses. Provincial reformatories house younger youth (usually 14–18) guilty of serious offenses, while work-study schools and classes treat youth guilty of minor and noncriminal offenses on a municipal or local basis. The length of stay is usually shorter for those youth housed in the work-study schools and classes.[9] Forms of behavior that are categorized as being deviant typically include criminal offenses such as homicide, rape, hooliganism, robbery, serious assault, and theft and status offenses such as excessive drinking, smoking, school truancy, and sexually promiscuous behavior, particularly on the part of females. Juveniles are more likely to be guilty of theft, hooliganism, and minor assault rather than violent crimes such as homicide and rape. They are also likely to commit offenses in groups rather than individually.[10] The growth of property crime and technologically more sophisticated criminal activity among all segments of the population has been explained by the increasing degree of affluence achieved during the Four Modernizations Era and the corresponding end to the disorder that plagued the Cultural Revolution, when violent crime, particularly between family members, was encouraged.[11]

Due to the particular demographic characteristics of the Chinese population, the average criminal age of all offenders is young, and a sizable portion are juveniles. In 1983, for example, 336,000 juvenile delinquency and youth cases were handled by the people's courts, 50,000 of which involved crimes committed by youth under the age of 18.[12] Mass-scale anticrime campaigns, such as that which was initiated in the summer of 1983 and lasted through 1984, effectively round up and incarcerate suspects frequently on an ad hoc basis. Loopholes in the criminal code allow for lengthy administrative detention without trial.[13] It should be reiterated that many of those who are incarcerated are juveniles who, after being picked up, are summarily sent to one of the four institutions previously mentioned. No juvenile court system exists in China, although some have discussed its possible initiation.[14] In any event, once one is officially charged with having committed an offense, his guilt is in fact presumed. I visited

[9] Wei Jiuming, "The People's Republic of China" in *Justice and Troubled Children around the World, Volume IV*, ed. V. Stewart (New York: New York University Press, 1981), pp. 140–41.

[10] See Gao Shuqiao, "Lun gingshaonian fanzui de shehui jiyin," *Xuexi yu tansuo* (January 1982), pp. 63–71; Zhao Wang, "Yi yuanyu Heilongjiang sheng gongdu xuexiao gingkuang diaocha baogao," *Zhongguo renmin daxue shubao ziliao she*, no. 2 (1982), pp. 73–80.

[11] "Qingshaonian Fanzui tuanhuo de xinqushi," *Baokan wenshai* (June 5, 1984), p. 4; Guo Xiang and Ma Jingmiao, "Lun qingshaonian tuanhuo fanzui de tedian," *Beijing zhengfa xueyuan xuebao*, no. 3 (1981), pp. 41–49.

[12] "Youth Crime Rate Is Plummeting," *China Daily* (May 16, 1984).

[13] See Amnesty International, *China: Violations of Human Rights* (London: Amnesty International, 1984).

[14] Feng Rui, "Tantan moucheng nianren fanzui de xingshi ziren," *Faxue yanjiu*, no. 1 (1983), pp. 47–48; Ceng Wenhui, "Qingshaonian fanzui bu shi falu guanpian," *Faxue yanjiu*, no. 5 (1982), pp. 39–40.

two of the four institutional types previously noted, the reformatory and the work-study class, in the spring of 1983. The following observations are based on those visitations.[15]

Reformatory at Shijing

The Guangdong Provincial Youth Reformatory at Shijing was the only reformatory operating at the provincial level in 1983, serving a population of 55 million people. At that time, the reformatory housed 520 juvenile offenders aged 14–18, 20 of whom were female. Although briefly closed during the early years of the Cultural Revolution and turned into a factory, the reformatory was reopened in 1972 and has continued to operate steadily since then.

The institution was divided into four administrative divisions: a general administrative division (*guanlichu*), a teaching division, a production division (responsible for the supervision of the factory, agricultural fields, and other forms of manual labor), and a clinic, supervised by nine nurses and doctors. The general staff of the institution included 116 cadres and teachers, 16 of whom were designated as full-time teachers. Their educational background varied but often included teacher training (without necessarily having completed a clinical experience) and/or party cadre school experience.

Physical plant facilities included classrooms, dormitories, live-in rooms for full-time staff, a kitchen, an automotive shop, a fishing pond, agricultural plots, a new bus, a library/reading room, a store, and a dirt basketball court. All facilities appeared to be new and in relatively good condition; two distinctive characteristics of the site were the proximity between the boys' and girls' dormitories and the lack of guards, sentries, watchtowers or high-level walls on the premises. Classrooms included wooden desks and chairs, two chairs to a desk, placed in rows, accommodating 40–50 students per room. Blackboards were in place at the front of the classrooms.

Offenders were allotted Y 15 per month for food plus a Y 3 per month theoretical allowance; girls were allotted an extra Y 3 per month for specific personal needs. Allowance allocation was theoretical insofar as the money was handled by cadres at all times; they would purchase the requested items when the need for their acquisition was deemed legitimate. Meals consisted of soup, rice, and one main dish; meat was served five times per week. Not only was the weekly food schedule publicly posted, but some youth also helped with food preparation. The servings as described appeared to be above average in terms of quantity. Offenders supposedly were issued uniforms, but dress code compliance was not

[15] Irving Epstein, "Juvenile Delinquency and Reformatory Education in Chinese Society" (Ph.D. diss., University of California, Los Angeles, 1984).

strictly enforced during my visit. Haircuts were given either monthly or biweekly in groups of 150 at a time.

It was repeatedly stressed that important institutional goals included providing for delinquents' education and reformation while preserving general safety and social order. The biggest change in policy within the past 5 years, it was claimed, was a renewed emphasis on educating delinquents properly, a task in which responsibility was also shared by other social institutions and sectors. To this end, political education was deemed especially important. Inadequate knowledge of the country's legal system, socialist morality, and one's future prospects was said to contribute to delinquency occurrence as well as block rehabilitation efforts. Part of one's political education included remonstrations to confess to one's crimes. In addition, juveniles were taken to public courts and trials and given lectures by court officers and public security officials.

The academic component of the daily schedule, which included four 45-minute classes per day with a curricular emphasis in Chinese, mathematics, history, and music (communal singing), was noteworthy in two respects. First, the "watered down" nature of the subject matter belied any attempt to achieve comparability with normal classroom interaction for children of similar ages. The lack of individualized instruction in an environment with an uncharacteristically wide range of ability levels, where offenders enter and exit irregularly, would tend to make effective learning extremely difficult. Also, the language of instruction was *putonghua* or Mandarin Chinese, which was not the native language of the offenders. Authorities claimed that most of their Cantonese students could at least understand Mandarin, but their abilities to fully converse and express themselves must be considered suspect given their admittedly poor previous educational background. Official compliance with the use of Mandarin, a politically sensitive issue even for ordinary school officials in Guangdong, is a necessity for those cadres who operate a large, visible institution at the provincial level.

In addition to the academic component, much of the offender's day was spent engaging in manual labor activity: automotive repair, pond fishing, growing beans and peanuts, gardening and flower cultivation, and construction work. Females' labor was less arduous than that of their male counterparts and was restricted to gardening, to flower cultivation, and occasionally to sweeping floors. Most of the tasks allotted to offenders of both sexes were monotechnical, requiring a limited mastery of complex tasks. Projects were often collectively rather than individually pursued. Their relevance to urban job requirements in cities such as Guangzhou (where 50 percent of the offenders originally resided) was questionable.[16]

[16] Guo and Ma, p. 42.

Perhaps of equal or greater importance than the reformatory's formal curriculum was its hidden curriculum, or those characteristics that created a distinctive institutional culture. When delinquents originally arrived at the reformatory, they were fingerprinted and photographed. All of their records including school and public security documents were kept in the administration office until their release.

Of obvious interest to the foreign observer was the degree of militaristic ritual practiced on reformatory premises. On entering the site, one saw offenders marching to work, lined up in double file, arms swaying, marching in step to military songs and slogans, with a guard in the back of the group to watch for misbehavior. Offender behavior appeared to be neither spontaneous nor unsupervised, at least within official view.

Informal behavior patterns were extremely important. The offenders were initially divided into four groups, each consisting of 150 individuals. While 12 cadres and teachers were assigned responsibility for watching over each of the groups, within the groups there was a further subdivision into small groups, each consisting of more than 10 offenders. Two leaders were elected within each group of 10; their jobs included leading political study sessions and reporting to their teacher and large-group cadre supervisors as to the behavior of their peers. This practice of informal hierarchical grouping is known as *jiti jiaoyu* (collective education) and is also common at adult labor camps. It should be pointed out that group leaders whose behavior is judged acceptable can be rewarded with a reduced sentence from half a year to a year's time. In interviewing Hong Kong refugees who had had labor camp experiences, Martin Whyte determined that group leaders were rarely selected for specific reasons that related to the nature of their individual crimes.[17]

It should be noted that informal surveillance is not uncommon in Chinese society. It occurs within ordinary middle schools as Youth League members report to their teachers and leaders concerning the behavior of peers; it occurs within street committees as residence committee members report disturbances to higher-level cadres and public security officials. The stakes involved within the reformatory setting are, of course, higher than might normally be the case.

There was a three-step system of punishment used at the reformatory. When regulations were initially broken, offenders were expected to offer self-criticism. When the offense was more serious, it was officially recorded and written down. An extremely serious offense required a lengthening of the original sentence. It was admitted that juveniles were beaten by cadres before the fall of the Gang of Four in 1976, but it was also claimed

[17] See Martin King Whyte, "Corrective Labor Camps in China," *Asian Survey* 13, no. 3 (March 1973): 253–69.

that corporal punishment was no longer allowed. The use of solitary confinement was acknowledged, the length of time depending on the nature of the offense; time limits of a half day, full day, and 2 and 3 days were offered as being representative. In 1982, there were 12 escapes; after the first 3 months of 1983, there had not been any escapes.

The biggest institutional reward a delinquent could receive was, of course, a reduction in sentence or length of stay. Supposedly 5 percent of the offenders left early because of good behavior while 2–3 percent were forced to stay longer because of continued misbehavior. It should be noted though that there were offenders guilty of extremely serious offenses who were incarcerated for life. In these cases, they would be summarily sent at age 18 to a reform through labor camp, where the remaining portion of the life sentence would be completed.[18]

Other possible rewards included the allocation of extra holiday time to visit family members or taking an extra number of excursions and visits to areas outside of the reformatory setting. Sometimes such visits included politically visible activities such as sweeping streets or completing needed construction work. The offenders' rehabilitation is thus conveniently advertised.

The quality of external relations between reformatory officials, offender relatives, family members, and representatives of other influential social units is of crucial importance in evaluating the efficacy of institutional rehabilitation efforts. The Guangdong reformatory at Shijing allowed parents to visit their children once a month if they lived in Guangzhou; no visiting limitation was placed on family members who resided in rural areas. Parents could visit their children's dormitory room. In addition to conversing with staff members about their children's progress, they often brought food during their visits.

For the most part, contacts between reformatory cadres and local public security bureaus, residence committees, and work units were nonsystematic and informal. Occasional visits were made to these areas to both facilitate offender readjustment on their release and obtain follow-up information, although these communications usually occurred on an ad hoc basis. Once released, offenders obtained employment through the direct help of local public security officials rather than through more normal but informal channels such as the residence committee, family ties, and so on. In return, released offenders were expected to periodically report to public security officials and inform them of gang activity and local conflict.

Authorities have admitted that unofficial discrimination exists toward released offenders with respect to employment and general reintegration

[18] See also *Amnesty International Report: Political Imprisonment in the People's Republic of China* (London: Amnesty International, 1978).

processes.[19] The fact that the reformatory serves a large, divergent population base that is geographically diverse would appear to make successful rehabilitation efforts difficult even under optimal conditions. Informal, nonsystematic methods utilized to facilitate these efforts must be viewed within this context. Shijing reformatory authorities informed the author that the yearly recidivism rate was 5.3 percent, an uncommonly low statistic and probably inaccurate. The statistic is suspect when compared with a reported average recidivism rate of 33 percent for correctional institutions of all types and with the Beijing Juvenile Reformatory's admitted recidivism rate of 8.4 percent in 1982.[20]

Work-Study Factory Class at Fangcun

While the work-study school (*gongdu xuexiao*) has been nationally promoted as an important institutional alternative for treating juvenile delinquents, the work-study factory class in Guangzhou is itself a counterpart to the work-study school concept, differing principally in organizational structure rather than institutional purpose. Work-study schools are usually operated under the auspices of the local education bureau. The two work-study factory classes in Guangzhou, as outgrowths of the political and work-study classes created by the Public Security Bureau during the early 1970s, have been operated under a tripartite governing structure. The Fangcun facility initiated this approach in 1975. In these cases, the public-order section (*zhibaoke*) of the Public Security Bureau has undertaken responsibility for sending offenders to the respective institutions and maintaining contacts with them on their release; the city government at the district level has been responsible for funding the institutions; and factory management has provided housing, food, staff, and instructional facilities while operating the institutions on a day-to-day basis. During 1975–80, the facility at Fangcun was called the juvenile work-study school. In 1980, the municipal government enacted a regulation increasing the number of courses to be taught so as to strengthen the institution's educational program. During 1980–83, new subjects were purportedly added.

The other work-study factory class in Guangzhou was located at a factory site in the eastern part of the city near the southern bank of the Pearl River. The only information made available to me about this facility was that there were fewer females attending the institution than the 200 males residing at Fangcun. Those females who were sent to the work-study factory class were commonly thought to be prostitutes or were guilty of engaging in prostitution. The males who attended the work-study

[19] Xu Jian, "Qingshaoian fanzui wenti yanjiu," *Shehui kexue*, no. 11 (1980), pp. 83–84.

[20] *Xinhua News Agency*, no. 120422 (December 5, 1981), pp. 12–13; *China Daily* (July 17, 1982), p. 5.

factory class at Fangcun were guilty of theft (over 75 percent), while other offenses included hooliganism, minor gang activity, and some gambling. None of these offenders were formally sentenced because their offenses were considered to be too minor for prosecution. Thus, the typical length of stay was for 6 months, although consideration was being given for extending that time frame for up to a year. Ten percent of the offenders were released within 4 months of entrance; 6 percent stayed longer because of poor behavior and attitude. A 15 percent yearly recidivism rate was admitted.

With the exception of three part-time teachers sent to the Fangcun facility by the local bureau of education, the staff was selected from factory operatives. The three permanent teachers were formerly primary-level instructors who had taught at the factory's primary school, although other factory workers and cadres participated in the supervision and instruction of resident youth. In 1982, the city of Guangzhou gave the facility Y 90,000 (approximately US$45,000 at that time) for operating expenses and teacher salaries, a relatively substantial sum, indicative of the institution's perceived importance. Additional income, it was claimed, was derived specifically from offender production efforts.

All of the work-study factory class utilities were located on factory premises; the student dormitory was formerly the factory nursery. Dormitory space was cramped (officials admitted to an overcrowding problem). However, general facilities appeared to be adequate. There were no visible locks on the dormitory doors; students were allowed to bring some personal possessions into their rooms; and each room did contain an electric fan.

A general attempt was made to treat the youth as regular factory workers. If they were ill, they could attend the factory clinic for free, and if they became severely ill, they would be sent to a city hospital. Juveniles were given the same clothing issued to every factory worker. Their food allotment was Y 25 per month per person, with daily meals including at least one vegetable and one meat dish. Soup was given twice a week, fruit at least once a week. Haircuts were given by teachers or taken care of by the juveniles' parents during home visitations on Sundays. The procedure here appeared less systematic than was the case at the reformatory.

Most of the offenders' parents were workers. The juveniles themselves ranged in age between 15 and 25. Some of the offenders were sent to the facility from regular schools, whereas others were factory workers or were employed. All of the offenders had a primary or junior middle school background; there were no senior middle school students in attendance. It was pointed out that the ability of the work-study factory class to easily accommodate students and workers within a considerable age range was advantageous, particularly in comparison with the work-study school, which, in operating under the direct auspices of the municipal district

education bureau, would be required to have a more narrow focus. It was argued that in that instance, factory worker recalcitrance and other undesirable behavior occurring out of school would be more difficult to identify and ultimately rectify.

Political study, as implemented within the work-study class setting, varied little from its reformatory counterpart. Legal education was considered to be important and included defining criminal activity in the legal sense, promoting respect for law in the general sense, and then determining differing criminal motivations. As was true of reformatory offenders, work-study youth were expected to help public security officials solve criminal cases, report to these officials repeatedly after their release, and provide information as well as return stolen goods and property. While under work-study jurisdiction, youth visited courts and observed the sentencing of hardened criminals, ostensibly for deterrence purposes.

Students would typically attend 4 hours of academic classes per week, their major subject areas including Chinese and mathematics. Singing was arranged once a week, and 4 hours of vocational classes were held each week. A class period would normally last for half an hour. The course in Chinese would include rudimentary training in history and geography with a heavy emphasis on teaching reading and literacy skills. Cantonese was the language of instruction for all course work, officials explaining that since everyone at the institution was in fact Cantonese, such a policy was logical.

The Fangcun instructional program was divided into three levels corresponding to primary, lower-middle, and upper-middle school age segments. Within each of these levels, students were tested and placed into remedial, average, and above-average ability groups. Attempts were made to correlate textbooks, testing procedures, and curricular content with that used in regular schools.

Each class contained approximately 50 students for every one teacher. Within the class, students were divided into six groups, and within each group, a leader was appointed to tell teachers if someone misbehaved. The three permanent teachers divided administrative responsibilities among themselves, each taking charge of either academic and vocational study, legal and political education, or manual labor activity. One of the three served as the *banzhuren,* or overall class master. Other part-time teachers, cadres, and workers occasionally taught vocational classes. Vocational training was offered in five areas: arc welding, model making, wine making, electrical repair, and photography. However, the majority of the offenders' time was spent engaging in manual labor and general factory work, often of a menial nature.

As was the case with the Shijing reformatory, Fangcun youth were taken to the city park and cultural palace and were helping with the

construction of a new cultural palace. Extracurricular activities were numerous and varied. Of particular importance were intramural football matches, the results of which were publicly displayed.

It was stressed that the purpose of the work-study factory class was to educate offenders, not to punish them. As a means of accomplishing that end, a points system was developed, whereby offenders were assessed marks on a scale of 1 to 10 for their behavioral and academic performance. When they received 1,800 points, offenders could leave; until that time, they had to stay. An individual's progress in obtaining his release was publicly posted on a blackboard outside of the classroom so that his performance could be easily scrutinized by peers. Self-criticism sessions occurred on a regular basis; corporal punishment was no longer used, although it was admitted that such practices previously occurred, before 1980, after which institutional purpose became more clearly defined.

Unlike those at Shijing reformatory, offenders at Fangcun regularly returned home to visit family and parents on Sundays. This, plus the fact that the location of the facility increased the physical proximity of offender and home environment, seemed to lessen institutional fears of escape. During 1975–83, inclusive, there were only seven acknowledged escapes, and in these instances, public security officials brought the offenders back to the institution. If a juvenile failed to return to the facility after completing his leave home on Sunday, his teacher would visit the home to ascertain the reasons for the truant behavior.

A principal aim of the institution is to treat offenders as factory workers. Since offenders wear factory clothing, they are not readily distinguishable from normal workers. Since the factory site consisted of several city blocks with a major street running through the entire premises, one noticed, as a matter of course, offenders walking unsupervised on public streets, going to and from the physical plant and their own residence. There was no overt attempt to control their movements or their behavior.

The options open to offenders who left the work-study factory class included factory work, finding other work through their respective residence committees, or returning to school. In fact, it was admitted that 70 percent of the graduates were unemployed on their release, a figure that is not surprising given the general unemployment problem that faces urban youth. The only other potential avenue for career advancement was joining the People's Liberation Army, and offenders were able to do so without being subjected to discrimination.

Summary

On analyzing the institutional treatments of the reformatory and work-study factory class within the international context of the children's rights

literature previously mentioned, one comes up with a mixed bag. Certainly the reformatory and work-study factory class represent normative coercive and remunerative coercive institutional types with respect to the degree of coercion utilized, varying according to initial perceptions concerning the seriousness of the juvenile's crime. Institutional treatments within the PRC are neither uniformly heavy-handed nor completely unresponsive to juveniles' needs. It should be reiterated that no evidence was uncovered to suggest that the health care, food, clothing, or shelter provided was inadequate. Offenders' movements were generally less restricted than was the case in Taiwan's largest reformatory, where during a 1982 visit, the author observed that some of the offenders were forced into wearing leg irons.[21] Finally, in both of the mainland institutions that were visited, attempts were made to provide offenders with an educational and vocational program of some type.

Nonetheless, one can convincingly argue that the interests of juveniles are continually compromised throughout the institutionalization process. Juveniles are often incarcerated without official (or unofficial) recourse, and their length of stay can be of an indeterminate nature. One remembers that even factory workers in their early twenties were sent to the Fangcun facility. The use of corporal punishment was admitted by officials from both of the institutions analyzed, but it was consistently claimed that such techniques were no longer practiced. Yet, in each case, the officials responsible for disciplining offenders held similar positions during the period when corporal punishment was practiced. The current use of solitary confinement was admitted by reformatory officials, and peer surveillance occurred in varying degrees at both institutions. Specific institutional treatments that effectively stigmatized youth differed in degree; the compulsory use of fingerprinting, haircuts, uniform assignment, and militaristic ritual and drill were more obviously in evidence at the Shijing reformatory. Both institutions, however, publicly displayed their inmates (so as to show evidence of their reform and rehabilitation) sweeping streets and building the city's new culture palace.

Finally, the educational programs offered at both institutions were not comparable with normal efforts in regular schools in terms of length of classroom instruction, subject matter taught, or teachers' qualifications. Specific problems connected with the use of Mandarin as the language of instruction at the Shijing reformatory were previously mentioned, and skepticism was expressed concerning the relevance of the vocational program designed there.

[21] Epstein, pp. 333–34.

Of perhaps greater importance to the welfare of juvenile offenders is the quality of external relations between them and family, workplace, residence committee, and the institution. Since every major social unit has been delegated responsibility for delinquency prevention, when occurrence is made explicit, the roles of family members, residence committees, Communist Youth League officials, and representatives from the offender's school or workplace are immediately called into question. Traditionally, when a husband has been sent away to a labor camp, his wife feels compelled to divorce her spouse (in the formal sense) so as to insure her own job security.[22] Parents and relatives who wish to maintain contact with their delinquent children face similar dilemmas. At least one youth suicide was reported in 1982, for example, because he had given up hope of seeing his family again.[23] Visitation procedures that are irregular and nonsystematic and that view family visits as offender privileges and rewards, rather than as inherent rights, do little to combat this problem.

Offenders' fears of successfully reintegrating into the society on their release manifest themselves in a number of unhealthy behaviors, one of which is the tendency to rush into a quick marriage before employment is secured and other social connections are secured.[24] The stigmatizing nature of institutionalization is thus thought to severely restrict potential marriage eligibility. For females, it is popularly conceded that rehabilitation is more difficult, given the feeling of hopelessness that accompanies incarceration. To depict such feelings of despair, the Chinese use the term "*poguan po shuai,*" which, translated, refers to the impossibility of reconstructing a pot once it is broken. Public security practices that compel released offenders to repeatedly report their own activities as well as those of their peers may informally serve to maintain social control, but it also further encourages offender stigmatization. The case of the PRC can therefore be categorized as perpetuating Tomkiewicz's twin notions of sociological violence and super violence.

Given the fact that many of the international pronouncements concerning children's rights are at variance with actual delinquency policies in the PRC, what should be the direction of a future agenda? It is crucial that the effort to protect the interests of children globally include Third World participation, especially with respect to the continuing process of defining and then refining basic legal issues and terms. It is perhaps even more important that information be shared concerning alternatives to traditional institutional approaches: work release, foster care, group home

[22] Bao Ruo Wang, *Prisoner of Mao* (New York: Penguin, 1976).

[23] "Shi liusui shaonian wei he li bu ren shi?" *Wen hui bao* (Shanghai) (March 26, 1982).

[24] Shandongsheng Beishu Laogai Zhidui, "Weihaishi jiaoyu anzhi xingshi renyuande jingyan," *Qingshaonian fanzui yanjiu,* no. 1 (1983), p. 28.

care, early probation, and so on. Although few of these alternatives are ever panaceas and appropriate solutions must ultimately evolve from a commitment to seek new solutions expressed by the host country itself, comparative educators have an important responsibility to focus world attention on the plight of children globally. The denigration of juvenile offenders' rights is an issue falling within that responsibility.