

Xi Jinping has called for 依法治国 many times. The term, when directly translated into English is "rule the country by law," or "rule by law," as opposed to the current "rule by the Communist Party." Sometimes people with good-wishes translate it as "rule of law" as they are eager to see China adopt a better philosophy of governance.

The recent developments involving RYB Education, Inc. give people an opportunity to see how Xi, after consolidating his power at the 19th Communist Party National Congress, will rule by law in China.

### **I. The Case: Child Abuse and Molestation Claims Made against RYB**

RYB Education provides private preschool education. It is the largest early childhood education service provider in China, with close to 1,800 centers in over 300 cities. In September, the company went IPO on the New York Stock Exchange under the symbol "RYB."

Recently, a number of parents reported incidents of child abuse and sexual molestation at the RYB Education Inc.'s Beijing Kindergarten. The news broke out on social media a few days before Thanksgiving Day, November 23. Several parents heard from their children that the children had received injections with needles, that their teachers forced them to ingest unknown pills, and that they had been stripped naked and sexually abused while other children were made to stand by and watch. {1}

At first, official news media including CCTV and Xinhua covered the news. On November 24, Shenzhen Satellite TV showed a five-minute YouTube video containing RYB news coverage. In the video, angry and anxious parents gathered outside the kindergarten while the security guards stood outside the kindergarten entrance door. The news showed photos of needle marks on children's bodies and played a recording of a child describing how a teacher forced her to swallow one white tablet every day before her nap. Holding back tears, the mother of a child told the reporter that the teacher threatened her daughter not to report on them because "the teacher has a long telescope, so long that it will reach your home. We can find out anything you say or do at home." {2}

Reports indicated that the child molesters were from the "Tiger Unit," a military unit stationed in Beijing. On November 24, in an interview with [www.81.cn](http://www.81.cn), the People's Liberation Army's (PLA's) official website, Feng Junfeng, the Political Commissar of the "Tiger Unit" confirmed that the director of the RYB center is a family member of one of the retired military officers from that unit and that the "Tiger Unit" had launched an internal investigation to determine whether any

military personnel were involved. {3} This article was deleted from the 81.cn website later, but below is a translation of part of the interview:

Reporter: Rumor on the Internet has it that the director of this RYB center is a family member of someone from your military unit. Is that true?

Feng Junfeng: The correct statement is that the director is a family member of a retired military officer from our unit.

Reporter: What have you done about the rumors?

Feng Junfeng: We cannot conduct an investigation against this civil kindergarten. All we can do is to conduct an internal investigation within the military unit (about the alleged rumors). We cannot investigate claims (or people) outside our military unit.

Reporter: What do you plan to do next?

Feng Junfeng: From the information we have gathered so far, our military unit has nothing to do with what is going on. However this is the preliminary conclusion. We will continue to investigate. If we find any military personnel who are involved in illegal activities, no matter who that person is, we must take action and will not tolerate it! If the local officials require our military to cooperate, we will provide our full support and cooperate closely with them. If we come to the conclusion that the rumors developed from lies and defamation, we will also take legal action and go after the people who viciously spread the rumors.

Feng's interview suggested that the military has not completely ruled out its involvement in the abuse case. Feng sent two worrisome messages:

One, his investigation is limited to internal military personnel only. It does not go after non-military people or officials who could be the real child molesters (there were reports of "grandpa doctor" who examined naked children).

Two, his mention of "going after the people who viciously spread the rumor" hinted that the authorities were considering the option of flatly denying the reports and arresting the victims instead.

## **II. RYB's Official Responses**

Two days after the initial news about RYB's child abuse and molestation case was reported on the Internet, RYB published two notices on its website. The first notice came from the Beijing Police Department stating that one person was arrested for spreading the rumor that the "Tiger

Unit" was involved in the RYB child abuse case. The second notice was from RYB Education Inc., which stated that one teacher who was accused of child abuse has been detained. {4}

The first notice read:

Recently during the investigation of alleged child abuse claims that the parents of RYB Xintiandi Kindergarten Center in Chaoyang District filed, the Chaoyang Police Department found out that some people made up and spread fake information over the Internet and created a negative social impact. On November 23, the police department arrested Liu X (Female, 31, from Beijing). Liu admitted that she made up rumors about the "Tiger Unit" being involved in a group molesting children and she spread the rumor on Wechat. She expressed deep regret about the negative social impact. Currently, the Public Security Bureau is detaining Liu for fabricating fake news to disturb the social order.

The second notice read:

On November 22, 2017, parents from RYB Xintiandi Kindergarten Center in Chaoyang district filed a police report claiming that their children have suffered abuse at the hands of a teacher at the kindergarten. The police department of Chaoyang District took the matter seriously and immediately formed an investigation team. We have launched an investigation with the assistance of other departments. On November 25, caregiver Liu XX, (female, 22, Hebei province) who was allegedly involved in the abuse was detained. The police department is still investigating the incident.

In the two notices, the police admitted the caregiver's child abuse, but claimed the child molestation was a "rumor."

The order of the notices sent a subtle message: RYB cares more about taking on the rumormonger than the child abuser.

Furthermore, these two notices displayed a questionable timeline. The parents filed the initial police report on November 22. The police arrested the person who was allegedly "spreading the rumor" about child molestation on November 23 and then arrested the kindergarten teacher who was allegedly "involved in abuse" on November 25. That means the police somehow were able to determine that the child molestation claim was a rumor only one day after the case was reported, even before gathering more information and arresting the child abuse teacher.

Meanwhile the interview with the Political Commissar of the "Tiger Unit" which was conducted on November 24 indicated that the military was still conducting an investigation as to whether the "Tiger Unit" was involved in the incident. So how could the police conclude child molestation was a rumor when the military claimed that their investigation was still going on?

### **III. The Police Report and the Public Outcry**

On November 29, Xinhua published an article about the Beijing police report on its investigation: "Teacher Liu XX (female, 22, from Hebei province) 'disciplined' the children who did not nap on time by poking them with needles. Liu has been detained.

"The alleged kindergarten has 78 staff members, among whom eight are male. None of them had the opportunity to stay with child without other people being present. A third party conducted a physical check on the girls whose parents requested the check and found nothing abnormal. There are strict rules dealing with the medicine given to the children. Parents must provide the medicine's name, the frequency and time of administration, and the amount of each dosage to the kindergarten's health care doctor.

"The hard disk that contains the video surveillance recording was damaged. According to an expert's investigation, a forced power shutdown caused the damage. Zhao XX (female, 45, from Henan Province) who lived in the video surveillance room frequently shut down the power after school hours because she felt the equipment was too noisy. The police have recovered 113 hours of video recordings and have not found any evidence of assault against the children.

"As to information spread on the Internet about a 'group molesting the children,' the investigation (showed) that Liu X (female, 31, from Beijing) and Li XX (female, 29, from Hebei Province) made it up and distributed it on the Internet. Liu has been under administrative detention for making up fake news to disturb the social order; after the police department educated Li, she published an open apology on her own Weibo page.

"Regarding a TV station report that a child was force-fed some tablets, the verification (showed) that parent Gou (male, 28, from Sichuan Province) admitted that his daughter was not force fed any pills. To create the video, he used medical pills from home and the power of suggestive sentences to lead his daughter (to make that statement) and then posted the video to send to the parent chat group online.

"Regarding the statement that parent Zhao (female, 31, from Heilongjiang Province) made that 'Grandpa Doctor and Uncle Doctor' stripped her daughter in order to examine her body, the verification (showed) that Zhao admitted it was a made-up lie. She said she was willing to clarify to the public and issue a public apology." {5}

The public was outraged by this flat denial of the case. After the Chaoyang Police Department posted this police report on its official Weibo site, the public immediately posted several thousands of comments about the report. The police deleted all of the comments very quickly and even disabled the comment function. Other major news sites were also reportedly being monitored and were under strict control.

Among a few of the undeleted postings, people used emoji symbols to show that they were confused and speechless. People also wrote "you can insult my IQ but you can't sabotage my common sense." "At first, I didn't believe that the incident was true but now I believe it was."

"Something is wrong with these parents. Who would use their daughters' virginity to defame a kindergarten?"

An Internet posting which has since been deleted appeared to come from someone who had knowledge about how the Chaoyang district school board operates. The posting said that the district school board has been managing the surveillance videos for all schools and kindergarten centers within its district for about five years now. If a video recording suddenly stopped, alerts would immediately be sent out and would show on the school board's daily activity log. There are two possibilities: If the school board does not have any record of the disruption of the video recording, it means that the video recording was working all the time and someone (from the police side) deliberately destroyed the evidence. If the school board knew about the disruption of the video recording but didn't do anything to fix it, it means that the school board failed in its major responsibility. {6}

***The authorities have since silenced all discussions on the case on the Internet and on social media. Previous postings were also deleted.***

On November 27, during an interview with VOA, one early child educator who chose to remain anonymous said that the parents of RYB kindergartners became very afraid after they saw that a large number of posted videos on social media had been deleted. They believed that, the more (videos and posting) were deleted and the more strictly the authorities controlled the information on the case, the more likely it was that the real truth was alarming. The parents were also concerned that no one might ever get to see the videos that were in the hands of the police. The end result might just be the arrest of a few scapegoats to close the case. {7}

Reporters from the *Epoch Times*, an overseas Chinese media, tried to reach the parents but no one answered their calls. One anonymous source told the *Epoch Times* that several parents have received death threats. One parent who spoke up was detained. Now no one dares to talk to the media. {8}

## **IV. Why the Cover-up?**

One may ask, for such a simple-as-black-and-white child abuse and molestation case, why did the government choose to cover it up and go against the overwhelming public opinion?

One explanation is that the RYB is linked to high political powers. What is the chance that a privately owned early child education company, with no government backing, would grow so large that it would be listed on the New York Stock Exchange?

The fact that the authorities denied the child molestation on day one, without carrying out much

of an investigation, shows something was fishy.

There have been reports on Meng Liang, the major stockholder of RYB and his political connections. Boxun published an article on November 26 which commented on a rumor that one of the major stock holders of RYB is related to Meng Jianzhu who just retired from the position of Party Secretary of the Central Political and Legal Affairs Commission (PLAC). The report stated that the RYB website posted a photo of Meng Jianzhu visiting the RYB kindergarten in November 2016. Such a picture was a glorious symbol showing the elite status of the center. After the child abuse and molestation claims were reported, that picture was taken off the website. {9} It is hard to explain why Meng Jianzhu would visit the RYB kindergarten. What does a kindergarten have to do with the official business of the head of the PLAC?

An exclusive report from New Tang Dynasty stated that Meng Liang's father was a businessman from Shanghai. Their family is an acquaintance of Meng Jianzhu. Meng Liang's uncle once served in the 38th Army and had a close relationship with retired General Zhang Wentai. Zhang had close ties with Xu Caihou, the deceased army general and Vice-Chairman of the Central Military Commission. {10}

## **V. Child Abuse Cases Reported Elsewhere in the Country**

Some other child abuse cases were reported around the same time, indicating this behavior is not unusual in China. The BBC reported on November 11 that a video tape showed that, in a daycare center in Shanghai, children were pushed, beaten, and forced to eat mustard. That center was later closed. {11}.

A Sina article reported that parents filed a similar child abuse complaint against another kindergarten in Chaoyang district in Beijing. Needle marks were found on the children's bodies. The teachers did that to children who cried, refused to eat their vegetables, or were unable to dress themselves. The children were also given unknown pills to swallow without their parents' consent. {12}.

The Paper published an article that covered a child abuse case in Wuhan. The posted video showed that a teacher kicked children, slapped their faces, and used a stick to beat and discipline them. {13}

## **VI. Where Can Justice Be Sought?**

While China punished the victims (parents who reported the child abuses and molestations), the rest of the world (especially the U.S.) punished RYB, the offender.

On Black Friday, the stock price of RYB on the New York Stock Exchange tumbled 38 percent to US\$16.46. It went below its IPO price of US\$18.50, despite the fact that the Board members of RYB Education had declared they would buy back US\$50 million of its stock in the next 12 months to help maintain the stock price. {14}

On November 27, a class action lawsuit in the United States District Court for the Southern District of New York was filed on behalf of investors who purchased RYB Education, Inc. and suffered losses, alleging that RYB "made materially false and misleading statements and/or failed to disclose that: RYB failed to establish safety policies to prevent sexual abuse from occurring at its schools; RYB's failure to remedy problems within its system exposed children to harm and the unreasonable risk of harm while in the Company's care; and consequently, RYB securities traded at artificially inflated prices during the Class Period, and class members suffered significant losses and damages." {15}

Some Chinese parents even considered filing a class action lawsuit in the U.S. because they thought that the Wall Street legal firm that represented the IPO of this company should also take legal responsibility. {16}

The RYB event timeline seems strikingly familiar to how the Chinese Communist Party (CCP) has handled other social crises in recent years: After the initial news broke out on social media, the official media followed with reports on the incident. They took the stand of the public as the authorities had not yet determined to go against public opinion. As things developed and the CCP felt the news could negatively impact its rule, it turned around and declared that people had reported "rumors and fake news." The authorities then denied key findings, and arrested rumormongers and a few scapegoats. In the meantime the Internet censorship army deleted Internet postings and silenced people who appeared to be knowledgeable of the real facts.

This is the CCP's traditional "rule by the Party" approach. The party has not followed the "rule by law" approach, let alone adhered to the "rule of law."

***It is time for Xi Jinping to show that his "rule by law" is not just talk. Otherwise, the Chinese people may find that any hope they have for justice can only be sought outside of the Communist Party's control.***

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