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PEOPLE'S REPUBLIC OF CHINA

Labour unrest and the suppression of the rights of association and expression

SUMMARY

AI INDEX: ASA 17/015/2002

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"Workers want to eat - Workers want a job"¹

In recent years the number of labour disputes and protests involving massive numbers of workers has risen dramatically in China. Workers have been protesting about conditions of employment, low or missing wages, corrupt management and other issues. Such protests are generally illegal as are independent trade unions. Workers, activists and labour leaders have been detained, harassed or imprisoned for taking part in such protests or publicizing them. The rights to freedom of expression and association are routinely denied to many groups and individuals in China when the authorities perceive this as a "threat".

Throughout March and April 2002, workers protests, strikes, demonstrations or factory occupations by disgruntled workers in China have been reported nearly every day. News of industrial accidents in which workers are killed or maimed are also frequently reported. In the first six months of 2001, an estimated 1,200 people died in 64 industrial accidents²

In many cases, peaceful protests by workers over pay and benefits have turned into pitched battles between the workers and armed police called to quell the protests, resulting in casualties

¹Slogan reportedly shouted by workers and worker activists during March 2002 demonstrations in Liaoyang city, Liaoning province.

²South China Morning Post 30 November 2001



and arrests. Labour activists have been arrested and often beaten. Some have been sentenced to long terms in prison.

This report gives background information about the context of labour unrest and repression in China, including the framework for trade union activity and the exercise of labour rights in practice. It also describes some of the most notable recent protests and examines recent revisions to the Trade Union Law and China's international obligations. The report contains suggestions for action which trade union activists and officials in the international community can undertake.

Amnesty International calls upon the Chinese authorities to allow workers in China full and free exercise of their right to freedom of expression and association, including the right to form independent trade unions and to hold peaceful protests without fear of imprisonment, detention or torture.

This page paper summarises a 16 page report (7,079 words), "Workers want to Eat : Workers want a job: Labour unrest and the suppression of the rights of association and expression" (AI Index 17/015/2002) issued by Amnesty International in May 2002. Anyone wishing further details or to take action on this document should consult the full document. This report is being published in conjunction with another document, entitled "Detained and Imprisoned Labour Rights Activists" (AI Index: ASA 17/014/2002), which highlights the cases of people imprisoned for attempting to defend labour rights.

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This report summarizes a 16-page document, People's Republic of China: Labour unrest and the suppression of the rights of association and expression (AI Index: ASA 17/015/2002) issued by Amnesty International in . Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.web.amnesty.org/web/news.nsf/thisweek?openview>

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Labour unrest and the suppression of the rights of association and expression



Workers march in protest in Liaoyang city, Liaoning province, 19 March 2002. The red banner reads: The Liaoyang Ferroalloy Factory (copyright: Agence France Presse/Frederic J Brown)



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PEOPLE'S REPUBLIC OF CHINA

Labour unrest and the suppression of the rights to freedom of association and expression

“Workers want to eat - Workers want a job”¹

Work is the glorious duty of every able-bodied citizen. All working people in state enterprises and in urban and rural economic collectives should perform their tasks with an attitude consonant with their status as masters of the country.²

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1. INTRODUCTION

In recent years the number of labour disputes and protests involving massive numbers of workers has risen dramatically in China. Workers have been protesting about conditions of employment, low or missing wages, corrupt management and other issues. Such protests are generally illegal as are independent trade unions. Workers, activists and labour leaders have been detained, harassed or imprisoned for taking part in such protests or publicizing them. The rights to freedom of expression and association are routinely denied to many groups and individuals in China when the authorities perceive this as a “threat”.

Throughout March and April 2002, workers protests, strikes, demonstrations or factory occupations by disgruntled workers in China have been reported nearly every day. News of industrial accidents in which workers are killed or maimed are also frequently reported.

In many cases, peaceful protests by workers over pay and benefits have turned into pitched battles between the workers and armed police called to quell the protests, resulting in casualties

¹Slogan reportedly shouted by workers and worker activists during March 2002 demonstrations in Liaoyang city, Liaoning province.

²Article 42, Constitution of the People's Republic of China, 1982

and arrests. Labour activists have been arrested and often beaten. Some have been sentenced to long terms in prison.

This report is being published in conjunction with another document, entitled "Detained and Imprisoned Labour Rights Activists" (AI Index: ASA 17/014/2002), which highlights the cases of people imprisoned for attempting to defend labour rights. Some of these cases are also mentioned briefly in this report.

This report gives background information about the context of labour unrest and repression in China, including the framework for trade union activity and the exercise of labour rights in practice. It also describes some of the most notable recent protests and examines recent revisions to the Trade Union Law and China's international obligations. The report contains suggestions for action which trade union activists and officials in the international community can undertake.

Amnesty International calls upon the Chinese authorities to allow workers in China full and free exercise of their right to freedom of expression and association, including the right to form independent trade unions and to hold peaceful protests without fear of imprisonment, detention or torture.

2. BACKGROUND

In the past two decades China has been steadily shifting its economy from a predominantly state-run command economy to that of a market-led economy with a flourishing private sector. The private sector was suppressed until the late 1970s but since then has been expanding rapidly. According to recent figures 50 percent of China's GDP comes from the service industry and only 15 percent from agriculture and 35 percent from industry.³ According to some statistics, by the end of 1997, there were 960,000 registered private firms in China employing 13.5 million workers. The share of the non-state sector in the 1996 GDP was 24.2 percent compared to just 0.9 percent in 1978.⁴

The economic reforms have brought changes which are generally regarded as positive, including much greater social freedom, greater choice and quality of consumer goods and a general rise in the standard of living. However, they have also had other consequences.

Large state owned enterprises (SOEs) have been shut down resulting in the underemployment and unemployment of tens of thousands of unskilled and skilled workers. In certain areas where traditional industries such as coal mining or steel making existed there have been widespread closures of major SOEs and a huge increase in the number of locally unemployed people.

According to figures from the Ministry of Labour and Social Security, a total of 21.38 million workers had been laid off from SOEs. In 2001 alone 5.15 million workers at SOEs were laid off, according to Zhu Zhixin, head of the National Bureau of Statistics. However, the real figures are believed to be much higher.

Alongside the rise of worker unemployment, the reforms have also led to a huge rise in income disparity. The gap between rich and poor in China has been compared to that in the United States with the top 20 percent of urban households taking 42 percent of the total urban income

³ See http://www.asiasource.org/profiles/ap_mp_03.cfm?countryid=16

⁴(ANU <http://www.chinaonline.com/features/chinaonline2/research/private.htm>).

and the poorest fifth receiving just six and a half percent.⁵ There is also a growing income gap between those in rural areas and those in urban areas as well as between those in the richer coastal provinces and those in inland provinces which tend to be the ones with the large loss-making state industries. Rural incomes, notably, have been found on average to be only 40 percent of urban incomes and in some cases the gap is much higher.⁶ The ever widening gap between the rich and the poor, in stark contrast with the initial policies of the Chinese Communist party in 1949, is a source of discontent for many ordinary Chinese

Prior to the economic reforms, many workers in China's SOEs were assured of a life time job and salary in their work 'unit' (*Danwei*) which also provided them and their families with accommodation, schools and medical facilities. Now however, many financially impoverished or bankrupt SOEs can no longer afford to keep paying wages and provide such services. Fees may be charged for schooling and housing costs may suddenly be increased by the companies in order to increase their income. Other workers now employed in the private sector have to find accommodation and medical services in the private sector at a high cost. Public services such as health and education are often deteriorating as local governments are being stripped of their subsidies and are made to provide funding themselves.

Laid off workers are often promised redundancy money which never appears. They are entitled to a monthly livelihood allowance from the local or provincial government or from the SOE itself and this allowance may only be paid with huge arrears or not at all. Pensions owed by the companies may not be paid or may be paid only in part. In many cases, the pensions are too low for survival. Some workers are forced to 'retire' due to the economic difficulties of the company and their pensions are minimal. There have also been many publicised cases of company managers or corrupt officials taking funds earmarked for pensions or benefits.

For workers in the private sector the situation is often as harsh. Medical services and accommodation fees may be highly priced and of poor quality because of the lack of infrastructure to cope with the high number of private sector workers, and working conditions are often very poor (see below).

In the cities, urban laid off workers compete with rural migrants for jobs. Over the past decade, tens of millions of farmers have become economic migrants, travelling to the cities in order to find work. Migrant workers are generally considered to be second class citizens in the cities and are often treated harshly by local police and other authorities as well as denied access to education and health care. There is also an increase in the number and range of child labourers, often working to pay for their school fees or to provide an extra income for a poor family.

⁵ Star Tribune, 17 June 2001

⁶China: A shared Poverty to Uneven Wealth?, Taejoon Han, George Washington University, The Elliott School of International Affairs in <http://www.gwu.edu/~econ270/Taejoon.html>

Working conditions and health and safety

Groups which monitor the situation of Chinese workers have reported serious and widespread problems about working conditions which violate international standards and are the cause of serious injuries and deaths. Many workers face extremely poor working conditions, including unsanitary and poorly ventilated work places. They are often exposed to dangerous chemicals or explosive materials or have to carry out other dangerous work without the necessary safeguards. As a result, industrial accidents are common. In the first six months of 2001, an estimated 1,200 people died in 64 industrial accidents.⁷ Other figures show that in the first nine months of 1999, 3,464 miners died in China. In 1998, in the Shenzhen Special Economic Zone (Shenzhen SEZ), one of the few places where official statistics have been released, 12,189 workers were seriously injured and 80 died in industrial accidents in its 9,582 factories, although the real number is believed to be much higher.⁸ Official figures, cited in one report, show that in Shenzhen, an average of 13 factory workers a day lose a finger or an arm and one dies every four and a half days.⁹



Migrant worker collecting discarded string for re-use. (December 2000, copyright: Joseph Mueller)

In privately owned factories, overtime, often unpaid, is frequently compulsory. In one monitored case, a fixed amount was reportedly being paid for overtime regardless of whether the overtime was ten minutes or ten hours.¹⁰ Some factories impose fines on those who refuse to work overtime or are late at work. It is also common for workers to be owed pay. Shifts can be at least ten or 12 hours a day with money debited directly from wages for accommodation and food. In some cases, companies withhold wages for up to two months and keep the workers Identity Cards for several months so that they are unable to leave and look for other work or support. In

⁷South China Morning Post, 30 November 2001

⁸Washington post Foreign Service, 11 January 2000

⁹See South China Morning Post of 29 October 2001, citing regional figures from a report by the Hong Kong based Christian Industrial Committee (HKCIC) investigating conditions in South China's toy factories. See also HKCIC "Change" Bulletin of August 2001 which gives a national figure of 110,000 deaths from industrial accidents each year.

¹⁰ See the report on the working conditions of selected toy production factories in mainland China - "McDonald's Toys: Do they Manufacture Fun or More Exploitation?", by the Hong Kong Christian Industrial Committee (HKCIC), August 2000.

many cases, where workers live at work sites, conditions in the dormitories are overcrowded and lack basic facilities like showers. Often, they have little freedom of movement in and out of the factory compound, even after working hours. Factory employees may be forbidden from getting married and or having children. In some cases, they are forbidden to talk during work hours or even while eating, and may be fined for going to the toilet too often. Penalties for violating these rules include dismissal, fines, and even physical ill-treatment. Migrant workers are particularly vulnerable to abuse.

In cases of accident, workers can have the medical expenses deducted from their salary regardless of the cause of the accident. Many workers will not report minor injuries for fear of stopping the production line and getting into trouble.

If workers protest about poor conditions they are often dismissed or their complaint is ignored. For example female migrant workers at the Baoyang Industrial Corporation in the Shenzhen SEZ were subjected to illegal full body searches on 30 July 2001. Once they had recovered from the shock of the ordeal, they staged a 24-hour protest outside the local court demanding compensation and that the managers involved be punished. Management responded by sacking them. In the court case that followed, Baoyang management was ordered to issue an apology to the workers and pay compensation for the sackings. However, according to reports, although each worker in question received compensation, the women do not appear to have got their jobs back - and the managers who ordered the search seem to remain unpunished.¹¹

The official Trade Union and Workers Rights

Independent trade unions are not permitted in China. The All China Federation of Trade Unions (ACFTU) is the national body which governs trade union activity. It is meant to look after and control the interests of "primary" trade unions throughout China which are either regional official unions or one of 16 official national industrial trade unions. The official website of the ACFTU states that;

*"The fundamental task of the Chinese trade unions is to carry out the various social functions of the trade unions in line with the guiding principle of reflecting and safeguarding concrete interests of the workers and staff members in a better way while safeguarding the overall interests of the people throughout the whole country, and, united with the broad masses of workers and staff members, strive for the realization of China's socialist modernization."*¹²

According to the constitution of the ACFTU;

"Guided by Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping's theory, the Chinese trade unions implement the Party's basic line of centering on the economic construction, upholding the Four Cardinal Principles and adhering to the reform and opening-up... The Chinese

¹¹ For more details on this case please refer to the China Labour Bulletin report: *Industrial Unrest in China, a Labour movement in the making*, (at http://iso.china-labour.org.hk/iso/article.adp?article_id=1956&category_name=Independent%20Trade%20Union%20Movement).

¹² Taken from "About ACFTU", <http://www.acftu.org.cn/about.htm>

trade unions shall safeguard the socialist state power of the people's democratic dictatorship led by the working class and based on the worker-peasant alliance, assist the People's Government to carry out its work and play the role of democratic participation and social supervision when the government exercises the administrative powers of the state."

The extracts above show the lack of independence of the ACFTU and the fundamental principle that the ACFTU and trade unions in China are guided by the Chinese Communist Party. Although the ACFTU does play a role in representing workers' interests and does have officials at the enterprise level who are employed to solve disputes as they occur, it is when disputes begin to push the barriers of what is acceptable to the state that the ACFTU fails to support workers. When protests which are not officially sanctioned by the ACFTU occur, workers have no access to legitimate union support and are forced to create their own "illegal" unions or attempt to lead protests without organization.

While conflicts between workers and management have increased, essential conflict resolution and mechanisms to allow for the hearing of legitimate demands have not; where they exist, they are often ineffective. Although certain channels for discussion such as the courts or Labour Disputes Arbitration Committees (LDAC) have grown in recent years, often decisions made by LDACs in favour of workers are not implemented. When courts and arbitration fail, there is little option left to workers but to hold protests. The official trade union cannot keep control of the disparate range of demands and nor can they, as a state sanctioned body, support many of those demands or support the "illegal" collective expression of those demands. Simultaneously, the lack of meaningful union representation and the use of state repression means that legitimate protest regarding corruption or poor working conditions can turn into major, often violent, standoffs between the workers and the armed police resulting in mass detentions in some cases.

3. THE TRADE UNION LAW

In October 2001 extensive amendments to the Trade Union law of the People's Republic of China were ratified by the National People's Congress. These amendments revised areas of the original law which was first passed in 1951 and later amended in 1992.¹³

One major motive for these amendments was concern at the growing unrest among the industrial and working population and the need for increased security and stability in the face of economic and social upheavals. Although the revisions have been promoted in the Chinese media as an improvement and an advance in the promotion of workers rights, not all of the revisions represent gains for China's workers and many reveal the increased emphasis on attempts to control the ACFTU and, more generally, workers.

Article 4 of the revised law shows clearly the renewed emphasis on the obligations of the ACFTU towards the state. The 1992 version stated that:

¹³For more details on the law please see the law in full at <http://www.acftu.org.cn/unionlaw.htm>

"[T]rade unions shall observe and safeguard the Constitution, take it as the fundamental criterion for their activities and conduct their work in an independent and autonomous way in accordance with the Constitution of Trade Unions",

However the new version expands this definition, which now includes the following principles:

"[Trade Unions] shall take economic construction as the centre, adhere to the socialist road, uphold the people's democratic dictatorship, abide by the leadership of the Chinese Communist Party, adhere to Marxist-Leninism Mao Zedong Thought and Deng Xiaoping Theory, persevere in reform and opening..."¹⁴

The revisions do include several improvements. There are two new sections added to Article 6 which strengthen the role of the union in undertaking consultation, mediation and negotiation of contracts on an equal footing with employers. Other additions include guaranteeing the representation of women in workplaces with a majority female population (Article 10) and allowing for higher level unions to instruct and help workers in the formation of unions as well as protecting trade union officers from dismissal.

Despite these improvements, the revised law still severely restrict workers' rights to freedom of association and expression¹⁵ and some revisions represent a step backwards in the promotion of workers rights. For instance, although the International Labour Organization (ILO) Committee on Freedom of Association recommended that the Chinese Trade Union Law be changed so as to permit independent trade unions, this has not been done. The law still upholds the existing monopoly of the ACFTU and includes the subordination of Chinese Trade Unions to the Chinese Communist Party (CCP).

Workers' rights are now defined in narrow terms of "legal" rights, which precludes any broader definition of rights including those relating to international standards. Other revisions include obligations to restore production in the event of a work stoppage or go-slow and the continuing avoidance of a reference to the right of workers to "strike" (*ba gong*) as opposed to a work-stoppage" (*ting gong*).

While the right to strike is not expressly forbidden in Chinese law, this right was removed from the Constitution in 1982 as it was reported that the political system had "eradicated problems between the proletariat and enterprise owners".

¹⁴ For a comprehensive overview of the revisions, see the website of China labour Bulletin- http://iso.china-labour.org.hk/iso/article.adp?article_id=1976&category_name=Official%20Union%20%2d%20ACFTU As above see China labour Bulletin (<http://iso.china-labour.org.hk>)

¹⁵ According to one prominent labour rights group; "Revisions follow more than 20 years of economic reform that has pluralised Chinese society. Entry into the World Trade Organization (WTO) will add to this process as well as further aggravating disputes between workers and employers. The conflict of interests between workers and other social classes, as well as with the ruling regime will continue to sharpen, reflecting a trend that has been going on for some time. Against this backdrop, the revisions to the trade union law testify to the fact that the Party is not only unwilling to weaken its hold over the unions, but even wants to strengthen it. For more details see China Labour Bulletin at <http://iso.china-labour.org>

The revisions reinforce the primary role of the ACFTU in controlling and leading Chinese trade unions as well as re-prioritising the role of the ACFTU in getting workers back to work and restoring production.¹⁶ They can be seen as an attempt to reaffirm the role of the ACFTU in controlling current unrest and an attempt to restore stability and state control over the expanding private sector and the increasingly militant workforce (both those in employment and those already retired or laid off).

In the words of the International Confederation of Free Trade Unions (ICFTU)

The key to understanding the new amendments to the Trade Union Law lies in the reassertion of role of the ACFTU and the consolidation of its trade union monopoly. One of the main reasons why the ACFTU worked closely with the National People's Congress's Legislative Affairs Commission to amend the Trade Union Law was a growing concern among ACFTU officials that a rapidly declining state sector and expanding private sector threatened to undermine the authority of the ACFTU.

From the point of view of the Government and Party officials this declining relevance meant that the ACFTU's capacity to impose labour discipline was also in decline. This was evident in the massive increase in labour disputes, which surpassed 200,000 in 1999 and reached as high as 270,000 in the year 2000. Among these disputes spontaneous strikes and mass protests by laid-off state sector workers showed that the ACFTU was not able to effectively manage labour discipline and ensure a "harmonious relationship" between employers and employees...

*This is precisely why the revision of the Trade Union Law was discussed in terms of the role of trade unions in maintaining social stability. For this reason the amendments expanded the power of the ACFTU and consolidated its trade union monopoly. ... At the same time, the ACFTU is further empowered to ensure that the ruling Party and state policies on economic reform are supported by workers in the private sector, as well as the state sector.*¹⁷

4. IMPRISONED LABOUR ACTIVISTS AND THE STRUGGLE FOR AN INDEPENDENT TRADE UNION MOVEMENT

There is a long history of labour disputes in China and the existence of an active labour movement is not a new phenomenon. Since the late 1980s there have been several attempts to

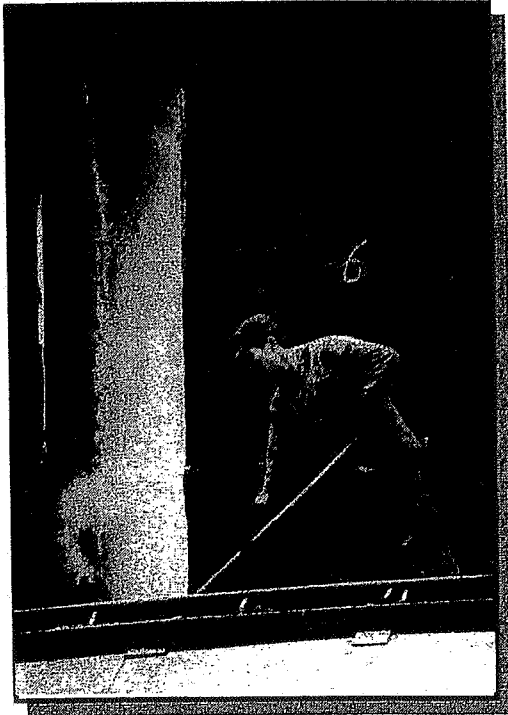
¹⁶Article 27: In case of work-stoppage or slow-down strike in an enterprise or institution, the trade union shall, on behalf of the workers and staff members, hold consultation with the enterprise or institution or the parties concerned, present the opinions and demands of the workers and staff members, and put forth proposals for solutions. With respect to the reasonable demands made by the workers and staff members, the enterprise or institution shall try to satisfy them. The trade union shall assist the enterprise or institution in properly dealing with the matter so as to help restore the normal order of production and other work as soon as possible.

¹⁷ ICFTU report - Worker and Trade Union Rights in China (www.ihlo.org)

create independent trade unions to give an independent voice to the needs and grievances of workers. All of these have been short-lived and repressed, and their leaders imprisoned.¹⁸

In May 1989, during the pro-democracy movement, groups of workers in various cities formed *Workers Autonomous Federations (WAFs)* as an alternative to the ACFTU. The WAFs were short-lived: they were banned by the authorities following the 4 June 1989 crackdown and their organizers arrested and prosecuted on "counter-revolutionary" charges. Many other workers who

had taken part in the protests were also prosecuted on ordinary criminal charges.



Steel mill worker in Guangzhou city (1996, copyright: Joseph Mueller)

Since 1989 there have been other attempts to form independent trade unions or labour rights groups. Again, the organizers have been jailed. For example, in 1992 a group who had formed a *Preparatory Committee of the Free Labour Union of China (PCFLUC)*, distributed leaflets in Beijing encouraging workers to form free trade unions. The group was quickly suppressed in May 1992 with the arrests of its founding members, some of whom remain imprisoned.

In 1994 another group of people who had attempted to set up the *League for the Protection of the Rights of Working People (LPRWP)* were arrested in Beijing. Liu Nianchun, one of the founding members, was assigned three years of "Re-education Through Labour". He has since been released. According to its provisional charter, the LPRWP was to be a "corporate social body established according to law" devoted to protecting the rights of working people.

In 1998 Zhang Shanguang (see below for further details) tried to establish the "*Shu Pu Association*

for the Protection of the Rights of Laid-Off Workers" in Hunan province. He was arrested after applying to the local government for permission to register the association and sentenced to ten years imprisonment.

In 1999 Yue Tianxiang and Guo Xinmin established the "*China Workers Monitor*" in Gansu province, exposing corruption among officials and mis-management of the company that had laid them off. Yue was sentenced to ten years imprisonment and Guo Xinmin two years along with another activist.

¹⁸ For more details of actual cases, see "Detained and Imprisoned Labour Rights Activists", March 2002, AI Index: ASA 17/014/2002.

These and other cases are described in more detail in a document published separately by Amnesty International.¹⁹ These cases include people imprisoned since 1989, veteran activists and others such as lawyers detained for attempting to defend activists, as well as transport, paper, printing and other workers. Some of them have been tortured and are in ill-health.

Legislation and methods under which labour activists are imprisoned, detained or silenced

Many labour activists and supporters have been detained during or immediately after demonstrations or strikes, then released after a short period in detention. Others, usually the organisers, have been formally charged or detained for longer periods.

Some of those imprisoned in the early 1990s were convicted under "counter-revolutionary" provisions of the Criminal Law which were removed from the law when it was revised in 1996. Despite that, their cases and those of other people convicted of "counter-revolutionary crimes" prior to the revision of the law, have never been reviewed.

Others are imprisoned under the Criminal Law on charges of "subversion" or for revealing "state secrets", which may simply refer to reporting labour unrest. For example, Zhang Shanguang, whose case is cited above, is currently serving a ten year sentence for "illegally supplying intelligence to hostile organizations and people abroad". One of the charges against him was based on an interview he gave to a foreign radio station during which he spoke, among other things, about peasant demonstrations in Hunan Province. He was the founder of a local organization, the 'Shu Pu Association to Protect the Rights and Interests of Laid-off workers' and it is believed that his arrest was partly in connection with his plans to register his organization.

Some are imprisoned on criminal charges which appear to have been brought by the authorities in an attempt to discredit the activists - charges such as tax fraud or violence. One example is the case of Li Bifeng, a labour activist from Sichuan province who publicized the violent dispersal by police of massive worker protests in Sichuan over alleged misappropriation of funds in 1997. Li Bifeng was sentenced to seven years imprisonment for alleged fraud, a charge which is reported to have been unfounded. His trial was unfair and his imprisonment is believed to be directly linked to his labour rights activities.

In other cases, the authorities have used administrative punishments which bypass the criminal justice system and allow for detention without trial. One well known example is that of Zhou Guoqiang, a prominent dissident in Beijing who was a founding member of an independent labour union, The League for the Protection of the Rights of the Working People (LPRWP). He was assigned to three years "re-education through labour" as a result in 1994. In July 1995, an extra year was added to his sentence because he allegedly went beyond the boundaries of his labour camp. Zhou Guoqiang went on hunger-strike in May 1997 to protest against another extension to his sentence. He was finally released on 20 January 1998, after completion of sentence. Although released, he remains at risk of detention. He is reportedly often harassed by police and has been detained briefly for his outspoken views.

¹⁹ See ASA17/014/2002, op.cit.

In another case, Cao Maobing, a labour activist at a silk factory in Funing, Jiangsu province, was forcibly detained in a psychiatric hospital. He was released in July 2001 after seven months of forcible detention in Yancheng No.4 Psychiatric Hospital. He alleged that he was forcibly given drugs and electric shock treatment while held at the hospital. He had been detained after he led a strike and tried to form a union group to fight against corrupt factory leaders who had not paid pensions and other monies owed to the workers. Cao Maobing had also talked to journalists about the lack of leadership and support the ACFTU gave to ordinary workers.

5. LABOUR PROTESTS AND REPRESSION

Labour unrest in China continues to be widespread. Workers are demonstrating against layoffs, redundancy terms, wage arrears, illegal working conditions, management corruption and delayed welfare payments. Some protests have been met with excessive use of force by police, and many protesters have been detained. Often such demonstrations go unreported as the local authorities attempt to conceal the severity or extent of the protests.²⁰ Protests are often forcibly repressed by public security personnel, and labour activists, workers' leaders and those who appeared to be outspoken face detention and imprisonment. Journalists and lawyers are also targeted by the authorities and often face intimidation and arrest if they speak out in defence of protesters.

Amnesty International has monitored several demonstrations organized by groups of laid-off workers in different provinces throughout China in the last few months alone. In some cases, workers' leaders and protest organizers have been detained and their whereabouts remain unknown. A few examples of these protests are given below.

Since 11 March 2002 extensive demonstrations by laid-off workers have been taking place in Liaoyang city, Liaoning province. The protests were against alleged corruption, insufficient severance pay and unemployment. According to reports, on 11 March, five thousand laid-off workers from several state-owned factories, which were either bankrupt or on the brink of bankruptcy, including the Liaoyang Ferroalloy plant, gathered outside the local government offices calling for the dismissal of the chairman of the Standing Committee of Liaoyang city's People's Congress. The workers accused the enterprise management of colluding with government officials in order to secure assets from the dismantled enterprises while failing to compensate the workers, some of whom had not been paid for more than 18 months. The protests escalated on 18 March 2002 when up to 30,000 workers from around 20 Liaoyang factories gathered in front of the city government offices, demanding the release of Yao Fuxin, a workers' leader from the Ferroalloy factory who had been detained the day before by the police. On 20 March a large contingent of armed police was reportedly deployed to crackdown on the protesters and three more workers' leaders, Xiao Yunliang, Pang Qingxiang and Wang

²⁰In March and April 2002 for example, mass protests in Liaoyang city, Liaoning province and protests by several thousands in Daqing city, Heilongjiang province, over corruption, wage arrears and benefits have been largely ignored in national media.

Zhaoming, were apprehended. They remain in detention. Several hundreds workers have since been demonstrating almost every day demanding the release of the four labour leaders.

In Heilongjiang province, workers from the Daqing Oilfield, one of China's largest state-owned oil fields, have staged massive demonstrations since 1 March 2002 in front of the Daqing Petroleum Administration Bureau (PAB), to protest over insufficient compensation for lost jobs, inadequate welfare benefits and the increased premiums on their pension insurance. Up to 50,000 workers reportedly joined the protests. Several injuries were reported on 19 March when paramilitary police clashed with the demonstrators. The workers' demands included the setting-up of an independent trade union. It is reported that the "Daqing Laid -Off Workers Trade Union Committee" was set up during the protests and is operating underground.

In Beijing, on 27 March 2002 hundreds of pensioners converged outside the gates of the Beijing Automobile and Motorcycle Works to protest against the lack of medical, housing and other benefits. They continued their protests the following day in an attempt to obtain a meeting to discuss the issue with the management of the company. Many pensioners were elderly and infirm.

In October 2001 several hundred women workers from the Daqing City Blanket Factory staged demonstrations in front of the city mayor's offices, demanding his intervention to solve the issue of unfair redundancy compensation and to launch a thorough investigation into the alleged official corruption during the company's bankruptcy procedures. The demonstrators were among more than 3,000 workers dismissed in 2000 by the Daqing Blanket Factory after its sale to a private owner. The armed police were called to quell the protests and several female protesters were reportedly injured during clashes.

On 13 March 2001 more than one thousand workers went on strike at the Guangyang Textile Factory in Sichuan province, which was on the verge of bankruptcy, demanding that the management negotiate over the terms of their redundancy. The workers were also protesting because neither the government nor their employer had reportedly paid into the workers' pension funds for seven years. During the strike, workers blocked roads for two consecutive days and some were detained after clashes with the police, in which several protesters were injured. On 19 March the strike was formally called off.

On 13 March 2001, some 5,000 taxi drivers surrounded the government offices in Lanzhou city, Gansu province, to protest against the increase of taxi fines and road tax and over regulations requiring taxis to be outfitted with metal bars. They also presented their petitions to local government officials. According to reports, the demonstration was stopped by the intervention of 300 armed police who allegedly beat the protesters. Several were injured and some were taken away by the police.

Many other demonstrations over unpaid wages and redundancy compensations were staged during 2001 throughout China, involving workers from the petrochemical, metallurgical and rail industry, services, teaching and other sectors.



Workers march in protest in Liaoyang city, Liaoning province, 19 March 2002. The red banner reads: The Liaoyang Ferroalloy factory (Agence France Presse/Frederic J Brown)

6. CHINA'S INTERNATIONAL OBLIGATIONS

On 28 February 2001, the Chinese government ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) - a major step towards recognising its obligations to guarantee these rights for the Chinese people. However, the government placed a reservation on its obligations towards Article 8 of the Covenant, which guarantees trade union rights, in particular Article 8.1a which concerns the right to freedom of association.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) *The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;*²¹

²¹International Covenant on Economic, Social and Cultural Rights, Adopted by General Assembly resolution 2200A (XXI) of 16 December 1966

It was reported by officials that signing up to Article 8 was not deemed 'necessary' in the light of existing provisions for these rights in Chinese law.

However, the provisions of the current Trade Union laws and other regulations contravene certain articles of the ICESCR as well as other international standards such as International Labour Organisation (ILO) conventions. China is a member of the ILO and as such should be guided by ILO international conventions, treaties and other agreed regulations such as codes of conduct. However China has not ratified the majority of the fundamental Conventions of the ILO including those relating to freedom of association and to the elimination of forced labour.²²

Convention ratification is a basic first step which every government should take to demonstrate its commitment to the rights enshrined in international standards. However, by itself, ratification does not prevent human rights violations. An even greater commitment on the part of governments is required for such standards to be fully and effectively implemented in order to protect human rights. The Chinese authorities, however, have not yet committed to ratification of these international standards, let alone their implementation.²³

7. ENGAGEMENT WITH THE WORLD AND INTERNATIONAL LABOUR ORGANIZATIONS

Interaction between China and the rest of the world is increasing and contacts between foreign trade unions and the ACFTU have also increased. Official visits and exchange trips to China are common. However, the issue of independent trade unions and the detention of labour activists is rarely discussed openly.

It is important that meaningful dialogue about human rights is encouraged and prisoner cases are raised.²⁴ Several international organizations which have links with Chinese trade unions have a role to play in this respect. The main ones include the ILO and the ICFTU (see below), as well as the World Confederation of Labour (WCL).

The International Labour Organization (ILO)

The ILO was established by the United Nations as a means of promoting the rights and interest of workers as well as the promotion of social justice. It is made up of member states which have certain rights and obligations as members. They must uphold the principles of the ILO, uphold any conventions or treaties they have ratified as well as report back yearly on labour issues and

²² In particular China has not ratified the Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No.87), the Right to Organise and Collective Bargaining Convention, 1949 (No.98), the Forced Labour Convention, 1930 (No.29) and the Abolition of Forced Labour Convention, 1957 (No.105).

²³ For more information on Amnesty International position on the ILO and International Labour Standards please see Amnesty International's *Concerns at the 89th International Labour Conference*, AI-index: IOR 42/004/2001.

²⁴ The ICFTU for example encourages its members to raise prisoner cases with Chinese officials.

answer complaints or enquires directed at it by the ILO. The ILO is allowed to consult and cooperate with any labour organization it sees as useful to the furthering of its work including non-governmental organizations.

In June 1998, the ILO adopted the ILO Declaration on Fundamental Principles and Rights at Work which committed ILO members to uphold the eight core conventions of the ILO regardless of whether or not members had actually signed them individually. These conventions include those safeguarding freedom of association and expression, which China has not yet signed. The Declaration means that China now has the obligation to ensure that its workers have the right to freedom of association as expressed in the Convention Concerning Freedom of Association and Protection of the Right to Organize(1948).

The International Confederation of Free Trade Unions (ICFTU)

The ICFTU was set up in 1949 and has 225 affiliated organizations in 148 countries and territories on all five continents, with a membership of 157 million. It is made up of national trade union centres which link together the trade unions of that particular country. Membership is open to trade union organizations, that are independent of outside influence and have a "democratic structure". As such this excludes the ACFTU. The ICFTU campaigns worldwide for the promotion and protection of trade union rights, as guaranteed by the Conventions of the International Labour Organization. It raises cases of trade unionists when their fundamental human rights are violated as a result of their trade union activities as well as taking action against other labour rights violations. The ICFTU has campaigned for the release of imprisoned labour rights activists in China as well as calling for free trade unions and the promotion of trade union rights in Chinese law.²⁵ They are able to urge their members to raise the cases of imprisoned activists in official dialogues or visits as well as in other fora such as the ILO.

One recent activity was to complain formally to the ILO on 27 March 2002, about the treatment of the recent protests by workers in Liaoning, Sichuan and Heilongjiang provinces which include alleged beatings and detention of peacefully protesting worker activists.²⁶ Such complaints can then be transmitted to the Chinese government who are asked to answer the allegations.

²⁵ For more details of the work of the ICFTU please see their website www.ICFTU.org/

²⁶ <http://www.icftu.org/displaydocument.asp?Index=991215049&Language=EN>

What you Can Do - How you can help

Everyone can have a role in promoting the right of workers and highlighting abuses where they occur. Listed below are some suggestions for action which may make a difference for those who are deprived of their rights in China. These suggestions are addressed in particular to trade union activists and officials, but other readers of this material can take similar action.

- ☐ Ask your union to call upon the Chinese authorities to remove as soon as possible the reservation they have placed on Article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Ask that this recommendation is raised in all contact with Chinese unions or officials;
- ☐ Ask your union to write letters to the Chinese authorities asking for them to abide by international standards and in particular to uphold the eight core Conventions of the ILO;
- ☐ Ask your union to co-operate with other unions or International trade union bodies it may be a member of (such as the ILO, WLO or the ICFTU) in their efforts to promote workers' human rights;
- ☐ Ask the Chinese authorities to respect the freedom of association enshrined in the constitution of the People's Republic of China and to respect the right of workers to organise their own independent trade unions;
- ☐ In particular, in any correspondence or contact with the Chinese authorities, raise the cases of prisoners described in *"People's Republic of China - Detained and Imprisoned Labour Rights Activists"* (AI Index ASA 17/014/2002). This document contains a selected list of cases of labour activists imprisoned in China which can be raised with the Chinese authorities by your union, your national Labour body or by you as an individual. The list includes people from several provinces and several trades and can be "adopted" by your union or as an individual if you feel a link to them geographically or in professional terms;
- ☐ Please ensure that copies of your letters or feedback are passed on to other trade union organizations such as the ICFTU which may also be campaigning on the prisoner case;
- ☐ Email your comments to the ACFTU and raise Amnesty International's concerns : webmaster@acftu.org.cn or acftuild@public3.bta.net.cn