

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. I have had a look at the DOS 2005 reports. Is there any more specific information on workers' protests in Fujian province 2005 to date (relating to unpaid wages or other labour matters), and how the authorities have dealt with such protests?
2. Would there be any specific information on this particular protest (National Day, 1 October 2005, Fuzhou City central square)?
3. How would police generally be expected to react to this type of protest? For example, on National Day in the central square would it be usual for them to disperse the crowd immediately or is it possible that they would arrive one hour later?
4. Once demonstrators of this sort have come to the notice of the authorities, does the Public Security Bureau keep them on a blacklist from then on?

RESPONSE

1. I have had a look at the DOS 2005 reports. Is there any more specific information on workers' protests in Fujian province 2005 to date (relating to unpaid wages or other labour matters), and how the authorities have dealt with such protests?

Specific information on workers' protests in Fujian province from January 2005 to date was not found in the sources consulted. However, country information indicates that there are an increasing number of protests and demonstrations in China, with one estimate being over 87,000 during 2005. Many of the protests were labour-related such as unpaid wages and stealing pension funds. In some instances the protest leaders were arrested and detained.

The Congressional-Executive Commission on China reports that:

The growing number of labor protests during 2004 and 2005 is one indication that many Chinese workers are frustrated by the lack of government action to enforce labor regulations and rules. Some workers protested because they did not receive the wages owed them, others because corrupt officials stole their pension funds. The

government often arrests workers who lead peaceful labor protests and detains them without permitting access to a lawyer (Congressional-Executive Commission on China 2005, *Annual Report 2005*, CECC website, 11 October, p.36 <http://www.cecc.gov> – Accessed 13 October 2005 – Attachment 1).

According to government statistics cited by the US State Department over 87,000 “public order disturbances”, which included industrial and labour concerns, were reported during 2005. Most worker protests involved actual or feared job loss, unpaid wages or benefits, allegations of owner/management corruption and dissatisfaction with new contracts offered in enterprise restructuring or discontent over substandard conditions of employment (US Department of State 2006, ‘Freedom of Assembly’, ‘The Right to Organize and Bargain Collectively’ in *Country Reports on Human Rights Practices for 2005 – China*, 8 March – Attachment 2).

The International Confederation of Free Trade Unions (ICFTU) stated that:

While it remains difficult, if not impossible, to estimate the total number of worker protests in China due to media censorship and continuing secrecy regarding statistics, [it] is clear that the trend of increasing protests has continued throughout 2004. In addition to regular collective protests against non-payment of wages, fake and genuine bankruptcies and corruption involved in the privatisation of state-owned industrial assets, there has also been a rise in individual protest. Some media reports have concentrated on workers who have jumped or threatened to jump off buildings to claim unpaid wages. This is a tactic of some workers, aimed at attracting attention, either through physical harm or risk thereof, or through arrest. Hardly ever do people actually jump. The workers who have developed this tactic are almost exclusively migrant workers (‘People’s Republic of China: Annual survey of violations of trade union rights’ 2006, ICFTU International Confederation of Free Trade Unions website <http://www.icftu.org/displaydocument.asp?Index=991223931&Language=EN> – Accessed 15 August 2006 – Attachment 3).

The ICFTU also reports that many of the larger protests in 2005 can be traced back to issues of corruption, non-payment of earmarked funds for workers and the flouting of local or national regulations on pensions, health care and redundancy (‘People’s Republic of China: Annual survey of violations of trade union rights’ 2006, ICFTU International Confederation of Free Trade Unions website <http://www.icftu.org/displaydocument.asp?Index=991223931&Language=EN> – Accessed 15 August 2006 – Attachment 3).

Further information on workers’ protests may be found in:

- Immigration and Refugee Board of Canada 2006, *CHN101063.EX – China: Civil unrest involving farmers, workers, homeowners and tenants, particularly in rural areas of Guangdong; conditions causing the unrest; government response; reports of arrests, beatings and detention (2004 – 2006)*, 24 April <http://www.irb-cisr.gc.ca/en/research/ndp/ref/?action=view&doc=chn101063ex> – Accessed 13 July 2006 – Attachment 4.
- RRT Research Response 2006, *Research Response CHN17741*, 11 January – Attachment 5.

- RRT Research Response 2006, *Research Response CHN30440*, 15 August – Attachment 11.

2. Would there be any specific information on this particular protest (National Day, 1 October 2005, Fuzhou City central square)?

No information was found in the sources consulted on this particular protest.

3. How would police generally be expected to react to this type of protest? For example, on National Day in the central square would it be usual for them to disperse the crowd immediately or is it possible that they would arrive one hour later?

The sources below outline police procedures in dealing with protests.

Murray Tanner, a RAND Corporation senior political scientist, describes police procedures in managing and defusing demonstrations as follows:

Official police directives and training now emphasize containing, managing and defusing demonstrations and trying to avoid enraging crowds with unprofessional violence. Instead of plunging into crowds, police are directed to focus on sealing off protest areas to contain demonstrators and isolate them from onlookers who might be tempted to join in. Management of information and press reports about protests are also a key concern, and among their key tasks, police are instructed to prevent any unauthorized recording, photography, and interviewing of protestors, especially by foreign journalists. For their part, however, police are encouraged to gather videotape evidence about protest leaders for later prosecution, and are urged to be visible in doing so, in order to heighten their deterrent effect. But except in cases of violence, police are usually instructed and wait until after crowds have dispersed before detaining the leaders. Western journalists have meticulously documented police efforts to drive a wedge between protest leaders and rank-and-file, often by attempting to “buy-off” the rank-and-file with back-wages or pensions, while sewing fear and internal dissension among protest leaders (Tanner, M.S. 2005, ‘Chinese Government Responses to Rising Social Unrest’, Prepared Testimony Before the US-China Economic and Security Review Commission Public Hearing on “China’s State Control Mechanisms and Methods”, 14 April
http://www.uscc.gov/hearings/2005hearings/written_testimonies/05_04_14wrt/tanner_murray_wrt.htm – Accessed 11 January 2006 – Attachment 6).

The US State Department reported that:

...While some [worker protests] were tolerated, the government took swift action to halt protests that became large or that officials deemed embarrassing. Police sometimes detained protest leaders and dispersed demonstrations. In some cases workers were offered payments that met at least a portion of their demands (US Department of State 2006, ‘The Right to Organize and Bargain Collectively’ in *Country Reports on Human Rights Practices for 2005 – China*, 8 March – Attachment 2).

According to the *Economist Intelligence Unit*:

The government tends to react to such protests by addressing some of the complaints raised and arresting those identified as the “ringleaders”. It comes down with a particularly heavy hand on any local protest that threatens to develop into a national movement—officials are quick to act against trade unions organised without the

consent of the Chinese Communist Party (CCP). Foreign nationals who witness protest demonstrations are unlikely to be harmed, as it is domestic officialdom, not foreigners, who are the focus of animosity. Identifiably foreign people who take photographs or videos of such events may, however, find themselves the subject of attention from the local public security bureau (the Chinese police), especially if it is suspected that they might be gathering evidence of official misbehaviour. The worst punishment is likely to be confiscation of the film or videotape and expulsion from the country ('China risk: Security risk' 2006, *The Economist Intelligence Unit*, 19 May – Attachment 7).

4. Once demonstrators of this sort have come to the notice of the authorities, does the Public Security Bureau keep them on a blacklist from then on?

No information was found in the sources consulted on whether demonstrators were kept on a blacklist by the Public Security Bureau. However, one source has noted that police have publicly released the names of a protest group thus creating a "de facto blacklist". Tanner also states that leaders may be videotaped for later prosecution.

A report by the Solidarity Center, a group established by the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), referred to workers in Xiangfan City, Hebei, in November 2003 protesting privatisation plans of an auto parts company. It stated that:

...Police detained ten leaders of the movement and released their names publicly, creating a de facto blacklist of workers who can now be shunned as "troublemakers" by all area employers (Solidarity Center 2004, 'Freedom of Association, Right to Organize and Bargain Collectively' in *Justice for All: The Struggle for Worker Rights in China*, p.25 <http://www.solidaritycenter.org/files/JusticeforAllChinaChapter2.pdf> – Accessed 16 August 2006 – Attachment 8; 'Solidarity Center: About Us'(undated), Solidarity Center website <http://www.solidaritycenter.org/content.asp?contentid=409> – Accessed 16 August 2006 – Attachment 9).

Of interest is that the report also noted that, in an incident where 39 workers protested management's actions in dismissing a worker were dismissed themselves. It continued that the company circulated their names to all firms in the region on a blacklist calling them "trouble-makers" and not to be hired (Solidarity Center 2004, 'Freedom of Association, Right to Organize and Bargain Collectively' in *Justice for All: The Struggle for Worker Rights in China*, p.29 <http://www.solidaritycenter.org/files/JusticeforAllChinaChapter2.pdf> – Accessed 16 August 2006 – Attachment 8).

Tanner writes that:

...police are encouraged to gather videotape evidence about protest leaders for later prosecution, and are urged to be visible in doing so, in order to heighten their deterrent effect...(Tanner, M.S. 2005, 'Chinese Government Responses to Rising Social Unrest', Prepared Testimony Before the US-China Economic and Security Review Commission Public Hearing on "China's State Control Mechanisms and Methods", 14 April http://www.uscc.gov/hearings/2005hearings/written_testimonies/05_04_14wrt/tanner_murray_wrt.htm – Accessed 11 January 2006 – Attachment 6).

Reports by the US State Department and DFAT of the arrest and detention of high profile protestors are below.

The US State Department noted that police sometimes detained protest leaders (US Department of State 2006, ‘The Right to Organize and Bargain Collectively’ in *Country Reports on Human Rights Practices for 2005 – China*, 8 March – Attachment 2).

In August 2005 DFAT advised:

We do not know if there were any arrests in the case of particular demonstrations. Authorities often detain, without proceeding to formal arrest, the leaders of public demonstrations and sometimes detain those who are robust in making complaints to the authorities (Department of Foreign Affairs and Trade 2005, *DFAT Report 399 – RRT Information Request: CHN17444*, 19 August – Attachment 10).

The ICFTU notes that the situation of many workers detained during protests is unclear. Although it is assumed that most are usually released after a few days or weeks in administrative detention, no formal notification is given ('People's Republic of China: Annual survey of violations of trade union rights' 2006, ICFTU International Confederation of Free Trade Unions website <http://www.icftu.org/displaydocument.asp?Index=991223931&Language=EN> – Accessed 15 August 2006 – Attachment 3).

List of Sources Consulted

Internet Sources:

Region Specific Links

Human Rights in China <http://www.hrichina.org/public/index>

Radio Free Asia <http://www.rfa.org/english/>

Topic Specific Links

China Labour Bulletin <http://iso.china-labour.org.hk/public/main>

China Labor Watch <http://www.chinalaborwatch.org/en/web/articles.php>

Human Rights for Workers <http://www.senser.com/china.htm>

International Confederation of Free Trade Unions (ICFTU)

<http://www.icftu.org/default.asp?Language=EN>

Labor Rights Now <http://www.laborrightsnow.org/resources.htmlv>

Search Engines

Google search engine <http://www.google.com.au/>

Online Subscription Services

The Economist <http://www.economist.com/index.html>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Congressional-Executive Commission on China 2005, *Annual Report 2005*, CECC website, 11 October, pp.36-40,137 <http://www.cecc.gov> – Accessed 13 October 2005.
2. US Department of State 2006, ‘Freedom of Assembly’, ‘The Right to Organize and Bargain Collectively’ in *Country Reports on Human Rights Practices for 2005 – China*, 8 March.
3. ‘People’s Republic of China: Annual survey of violations of trade union rights’ 2006, ICFTU International Confederation of Free Trade Unions website <http://www.icftu.org/displaydocument.asp?Index=991223931&Language=EN> – Accessed 15 August 2006.
4. Immigration and Refugee Board of Canada 2006, *CHN101063.EX – China: Civil unrest involving farmers, workers, homeowners and tenants, particularly in rural areas of Guangdong; conditions causing the unrest; government response; reports of arrests, beatings and detention (2004 – 2006)*, 24 April <http://www.irb-cisr.gc.ca/en/research/ndp/ref/?action=view&doc=chn101063ex> – Accessed 13 July 2006.
5. RRT Research Response 2006, *Research Response CHN17741*, 11 January
6. Tanner, M.S. 2005, ‘Chinese Government Responses to Rising Social Unrest’, Prepared Testimony Before the US-China Economic and Security Review Commission Public Hearing on “China’s State Control Mechanisms and Methods”, 14 April http://www.uscc.gov/hearings/2005hearings/written_testimonies/05_04_14wrt/tanner_murray_wrts.htm – Accessed 11 January 2006.
7. ‘China risk: Security risk’ 2006, *The Economist Intelligence Unit*, 19 May. (FACTIVA)
8. Solidarity Center 2004, ‘Freedom of Association, Right to Organize and Bargain Collectively’ in *Justice for All: The Struggle for Worker Rights in China*, Chapt. 2/pp.24-29 <http://www.solidaritycenter.org/files/JusticeforAllChinaChapter2.pdf> – Accessed 16 August 2006.
9. ‘Solidarity Center: About Us’(undated), Solidarity Center website <http://www.solidaritycenter.org/content.asp?contentid=409> – Accessed 16 August 2006.
10. Department of Foreign Affairs and Trade 2005, *DFAT Report 399 – RRT Information Request: CHN17444*, 19 August
11. RRT Research Response 2006, *Research Response CHN30440*, 15 August