

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

**Research Response Number:** CHN30440  
**Country:** China  
**Date:** 15 August 2006

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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.

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#### Questions

1. Is there any country or media information about worker demonstrations in Tianjin on 30 December 2004 over dismissals in the machine industry?
2. What is the official policy on “independent” unions or workers demonstrating on such issues?
3. What is the length of detention? Are there many reports of detentions in Tianjin?
4. What is the normal sentence for “threatening national security and social stability”?
5. Is it normal for a person to be sentenced to 6 months’ detention without a trial?

#### RESPONSE

##### 1. Is there any country or media information about worker demonstrations in Tianjin on 30 December 2004 over dismissals in the machine industry?

Searches have been conducted in Factiva, Google, CISNET and ISYS for information on a workers’ demonstration held in Tianjin during December 2004. No references have been found to such a rally.

Sources do indicate that there are thousands of such demonstrations in China every year, and that many of them involve workers who have been laid off and are now unemployed. Sources also indicate that there have been arrests of protesters at other times in Tianjin.

Two RRT Research Responses generally examine industrial unrest, demonstrations, laid off workers and unemployment:

- RRT Country Research 2006, *Research Response CHN17741*, 11 January – Attachment 1.
- RRT Country Research 2003, *Research Response CHN16313*, 4 December – Attachment 2.

A December 2005 Human Rights Watch report mentions that a woman from Tianjin was imprisoned in 2004 for trying to organise a protest march in Beijing (Human Rights Watch 2005, *“We Could Disappear At Any Time”*: Retaliation and Abuses Against Chinese Petitioners, Volume 17, No. 11(C), December, pp.58-59 – Attachment 3).

## 2. What is the official policy on “independent” unions or workers demonstrating on such issues?

Sources indicate that there is only one legally permitted Trade Union in China – the government-run All China Federation of Trade Unions (ACFTU) – and all local unions are obliged to be affiliated with it. Workers who try to organise independent unions face a range of problems, including the rejection of their applications and, on some occasions, detention for the leaders. There are also cases of terms of imprisonment or “reform through labour”, for those convicted of a criminal offence.

A 2006 article by Michael Zhang for the *China Labour Bulletin* states:

The All China Federation of Trade Unions (ACFTU), the only legally permitted trade union in China, published its mission statement in early 2001, declaring that “Wherever there are workers, a trade union should be organized,” and it also released the paper “Recommendations on strengthening the establishment of trade unions in new enterprises.” In September 2005, ACFTU issued the “Blue Paper on Chinese Trade Unions safeguarding the rights and interests of all working men and women.” In it, the organisation boasted that 459,000 union branches with a total of 55.463 million members had been set up in privately-held commercial enterprises. On 31 August 2005, the magazine *Business Watch* published an article titled “Trade Unions: Lobbying and Rejection, Persuasion and Resistance,” describing the embarrassing position of the ACFTU in its relationship with private enterprise. The article revealed the hidden failures behind the ‘glorious’ claims made by the ACFTU and exposed the day-to-day difficulties local union officials actually encounter....

... Another unique feature of the trade union in China is the fact that a trade union is organized by the party leaders. Workers can’t organize a union themselves, Ms Long told the magazine. A group of taxi drivers in Beijing received the same response when they applied to form their own union. “A trade union is an organization of the people, but it shouldn’t be organized by the people. Only the Party can organize it,” according to the Beijing Municipal General Trade Union. Leading the taxi drivers was Dong Hao, the second interviewee in the *Business Watch* report. In late 1998, Dong was chosen as the representative of the drivers of the Tianyun Taxi Company and charged with the task of applying for the set up of their trade union at the Tongzhou District Trade Union office. **When the district union discovered that they planned to set a union which was going to do more than “get movie tickets and gloves for its members”, they rejected the application.** Mr Dong and his colleagues then held a Workers’ Congress during which he was formally elected as their workers’ representative. On 2 January and 26 February 1999, Dong applied two more times at the district trade union office but to no avail (Zhang, Michael 2006, ‘Official trade union gets the cold shoulder from private firms’, *China Labour Bulletin*, 3 February, <http://www.china-labour.org.hk/public/contents/article?revision%5fid=35726&item%5fid=35725> – Accessed 14 August 2006 – Attachment 4).

Zhang goes on to point out that the usual aims of a trade union such as protecting workers’ rights are given lower priority by the ACFTU than other agendas such as penetrating the emerging private enterprises in China and making sure that the workers’ interests do not threaten the enterprise’s operations and output; and generally protecting the position of the

ruling Communist Party. Zhang contends that it is this agenda that explains why independent unions cannot be allowed to exist:

We can see that the purpose, procedure, structure and mission of ACFTU units in private enterprises are different from what we would expect from trade unions which really represent and protect workers' interests. By recognising this reality, we can understand why the ACFTU rejects the idea of allowing workers to the right to form their own trade unions, as worker-led unions would not tolerate the restrictions placed on them by the ACFTU. Although it is still uncommon for workers to demand to form their own unions in some parts of China, workers usually raise such a demand when they fight for certain labour rights. When workers apply to local trade union branch to establish their own unit, they always have already set up their trade union structure and elected the main union members. In the Tianyun taxi-drivers' case, the drivers then realized that they needed to have their own organization to negotiate with the company after learning that the company was being sold off and their vehicles would be taken back. Before submitting their application to the Tongzhou District General Trade Union, they had held a workers' congress and elected their representatives. During the workers' congress, they even passed a motion against the company's plan to sell off the enterprise or to merge with other companies and submitted it to the company management. Therefore, although such a trade union is registered in the ACFTU system, its intrinsic confrontational nature and outwardly its active representation and protection of its members' rights are very different from the trade union responsibilities and organizational principles set out by the ACFTU (Zhang, Michael 2006, 'Official trade union gets the cold shoulder from private firms', *China Labour Bulletin*, 3 February, <http://www.china-labour.org.hk/public/contents/article?revision%5fid=35726&item%5fid=35725> – Accessed 14 August 2006 – Attachment 4).

The US Department of State report for 2006 confirms the view of the previous report:

The law provides for the freedom of association, although in practice workers were not free to organize or join unions of their own choosing. The All-China Federation of Trade Unions (ACFTU), which was controlled by the CCP and headed by a high-level party official, was the sole legal workers' organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions. Independent unions are illegal. The ACFTU and its constituent unions influenced and implemented government policies on behalf of workers. The CCP used the ACFTU to communicate with and control workers.

Already established in the state-owned sector, where union representatives frequently held senior management positions, the ACFTU worked throughout the year to establish its unions in the non-state-owned sector...

...Some workers acted outside the ACFTU structure to demand back wages, pension or health insurance contributions or other benefits owed by employers. The government took action against these workers, either because the union refused or was powerless to help them. In May Kong Jun and Li Xintao, employees of the bankrupt state-owned Huamei Garment Company, were convicted of disturbing social order and government institutions after they asked the Shandong provincial government to act against their employer for failure to pay workers' wages and insurance benefits (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – China*, 8 March, Sec. 6a – [Attachment 5](#)).

The *Trade Union Law* of 1992 is of interest as it sets out very specifically the centralised structure of unions in China, stating that local unions are subject to the authority of higher union bodies, and that the ACFTU stands over all. The *Law* lays down rules for setting up local unions and appointing office-holders, for conducting negotiations and resolving

disputes with management, for other actions that can be undertaken such as educating and training workers, and for overall ideology (People's Republic of China 1992, *Trade Union Law of the People's Republic of China*, 3 April, *China Labour Bulletin* website, <http://www.china-labour.org.hk/public/contents/article?revision%5fid=38704&item%5fid=7031> – Accessed 11 August 2006 – Attachment 6).

An April 2005 report from the *China Labour Bulletin* describes a locally organised strike by 10,000 workers at a Japanese-owned electronics factory, who were demanding their right to set up a union. It is compared to a similar incident the previous year where the organisers were detained but released after a short time:

In a similarly large-scale workers' protest action at the Xianyang Huarun Textile Factory in Xianyang city, Shaanxi Province, in September and October last year, about 7,000 workers, mostly women, staged a seven week-long strike against the management's attempts to impose unfair new labour contracts. **In the final days of the strike, more than twenty of the workers' leaders were arrested by the police after the local authorities learned that they were about to elect a factory-level trade union and attempt to register it with the official trade union body, the ACFTU. Apparently in response to a softening of central government policy on the handling of "sudden incidents" in society, as conveyed to the Shaanxi police force by the Minister of Public Security around the same time, the local authorities eventually freed all of the worker detainees.** ('More than 10,000 striking workers at Japanese-invested Wal-Mart supplier firm in Shenzhen demand right to set up their own trade union' 2005, *China Labour Bulletin*, 22 April, <http://www.china-labour.org.hk/public/contents/news?revision%5fid=18360&item%5fid=8309> – Accessed 14 August 2006 – Attachment 7).

A more recent report describes another unofficial strike. A state-owned textile company was restructured, and the workers discovered that they were markedly worse off under their new contracts. The official union had not attempted to "help the employees obtain better benefits" but had secretly signed the contracts between the workers and the company which approved the new conditions. Three to four thousand workers went on strike for four days. In this case, there were no obvious leaders and no arrests. Government officials were called in and persuaded the workers to go back to work, saying that there would be a meeting to decide on compensation (Xiao, Ding 2006, 'Thousands of workers strike, protesting Yunnan Textile's restructuring', *China Labour Bulletin*, 16 March, <http://www.china-labour.org.hk/public/contents/news?revision%5fid=37372&item%5fid=37367> – Accessed 14 August 2006 – Attachment 8).

The 2006 survey of trade union rights in China by the International Confederation of Free Trade Unions (ICFTU) states that the *Trade Union Law* was revised in 2001, but the ACFTU maintains a monopoly over all unions, "local, national or industrial". The report comments that the right to strike was removed from China's Constitution in 1982 "on the grounds that the political system in place had 'eradicated problems between the proletariat and enterprise owners'". The *Trade Union Law* skirts around the issue by avoiding the term "strike", instead referring to "work-stoppages" and "go-slows". Of independent unions the report states:

No independent trade unions are allowed to exist, and all attempts at establishing independent workers' organisations are repressed, sometimes violently. Organisers of worker groups or protests are often arrested. Some are sentenced to terms of imprisonment (officially called reform through labour" or "lao gai") after criminal trials which fall well short of international standards. Others can be assigned to terms of "re-education through labour" ("lao jiao", sometimes called "rehabilitation through labour"), an administrative process which bypasses the few safeguards of

the criminal justice system. The result of such repressive measures is that examples of independent unions are rare and short-lived. Organisers of collective actions operate at great risk. The fear of detention also makes negotiations between workers' representatives and the authorities and employers extremely difficult. However, there has been a marked trend of worker organisers being prepared to take this risk, and a rise in collective action generally ('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 9).

### 3. What is the length of detention? Are there many reports of detentions in Tianjin?

In the sources consulted, the length of detention for those arrested during strikes and demonstrations varies considerably. In some reports of strikes and demonstrations by workers, there is no mention of arrests at all, or the organisers were detained only for a few days and then released. Other reports state that organisers were detained for periods of weeks or months, and in one case, for over a year. There were few references to Tianjin among the sources consulted; one report mentions the imprisonment of a woman from Tianjin who was attempting to organise a protest march in Beijing.

The 2006 ICFTU survey of union rights in China contains a chronological list of the outcomes of strikes and demonstrations during 2005. Some of the main points follow:

- Twenty organisers of a strike by workers from the Xianyang China Resources Textile Factory were arrested and detained in October 2004, and were released without charge in December 2004 and February 2005. The periods of detention were thus from **two to four months**.
- References to a strike by electronics workers in April 2005, and a demonstration by silk workers in June 2006, **do not mention any arrests**.
- Reports of protests at a machinery plant in July and a steel plant in October do not mention arrests, but refer to **violent confrontations with police**, one of which resulted in two deaths.
- One significant case is that of Yang Jianli, a former Tiananmen Square protester who was detained while investigating labour unrest in north-eastern China. He was kept in **solitary confinement for 15 months**, "well beyond the legally permitted maximum period for pre-trial detention ('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 9).

A 2002 report by Human Rights Watch also contains several references to the arrest and detention of protesting workers:

- Protestors are sometimes **detained for short periods** "with release conditional on pledges to forgo further protests, interference with the right to counsel for detained and arrested workers, and threats to dock the pay of employed workers whose family members took part in rallies" (p.2).

- A workers' leader in Liaoning province who was involved in demonstrations by laid-off metal workers "was **detained incommunicado for four days** before his detention was acknowledged by police" (p.3).
- As part of the same series of protests in Liaoning in May 2000, police broke up a protest by "beating workers with truncheons and injuring as many as fifty", and detaining three worker representatives. For two of them, "it was to be the first in a **series of detentions** eventually culminating in their formal arrests on March 21, 2002" (p.18).
- In the course of a months-long series of protests in Daqing, "plainclothes police made 'snatch' detentions of anyone who appeared to play a leading or organizing role. At least sixty and reportedly as many as 300 were held at least briefly at either the Dongfeng Detention Center in Daqing or the Daqing Reeducation through Labor Center in Dong Feng New Village... On March 5, ten worker representatives were taken into custody after they entered the Daqing Oil building at the invitation of officials who had implied a willingness to negotiate... They were **released three days later on condition they would not return to Iron Man Square**... [On] March 5, plainclothes police detained a Mrs. Ma, who had earlier pleaded with the crowd in Iron Man Square to uphold public order and, not to smash any windows or public property... Mrs. Ma was still in custody as of April 1 and had managed to send out a letter saying she was refusing food. The source reported on two other detentions. Li Yan, a retired worker, was in detention as of April 1; as of this writing in mid-July, his whereabouts and condition remained unknown"[the periods of detention mentioned here amount to **one month** and **over three months**] (p.31).
- The whereabouts of several miners who were detained in 1999 during a protest at the closing of their mine, are **unknown** (p.36) (Human Rights Watch 2002, *Paying the Price: Worker unrest in Northeast China*, August, Vol 14, No.6 (C) – Attachment 10).

Little information was found among the sources consulted on protests in Tianjin. A 2005 Human Rights Watch report on abuses against Chinese petitioners mentions that "in August 2004, Ye Guozhu joined with Tianjin-based activist Zheng Mingfang, lawyer Ni Yulan, and others to apply for permission to hold a 10,000-person march". The march itself was to take place in Tiananmen Square in Beijing, but one of the organisers was from Tianjin. They were both arrested and sentenced:

In December 2004, a Beijing court sentenced Ye Guozhu to four years in prison... In July, Zheng Mingfang was also arrested and sentenced to two years' imprisonment in Tianjin on charges of conducting "illegal business." (p.68) (Human Rights Watch 2005, *"We Could Disappear At Any Time": Retaliation and Abuses Against Chinese Petitioners*, Volume 17, No. 11(C), December, pp.68 – Attachment 3).

#### 4. What is the normal sentence for "threatening national security and social stability"?

Sources indicate that the set penalty for holding an illegal march is not more than five years. However, there are a variety of crimes that the organisers of protests may be charged with, such as subversion and "threatening the security of the state", which can result in much longer sentences.

The 2002 Human Rights Watch report on workers' protests quotes directly from the Chinese Criminal Law in a footnote:

“Whoever holds an assembly, parade, demonstration without application in accordance with the law or without authorization after application, or does not carry it out in accordance with the beginning time and ending time, place, and road as permitted by authorities concerned, and refuses to obey an order to dismiss, thereby seriously sabotaging social order, those personnel who are in charge and those who are directly responsible are to be sentenced to **not more than five years of fixed-term imprisonment, criminal detention, control or deprived of political rights.**” “China: Text of Criminal Law,” FBIS, March 25, 1997, from Beijing Xinhua Domestic Service, March 17, 1997. (Human Rights Watch 2002, *Paying the Price: Worker unrest in Northeast China*, August, Vol 14, No.6 (C), p.26 – Attachment 10).

The 2006 survey on China by the ICFTU notes a number of long prison sentences, and also sentences in psychiatric hospitals, for a variety of offences related to union activities:

### **Long term detainees**

Dozens of independent labour activists and leaders jailed in previous years remained in prison in 2004. The following is a partial list. More information about some of these and about earlier cases may be found in previous issues of this survey. They include activists, notably members of the Workers' Autonomous Federations (WAF), arrested in the wake of the Tiananmen Square massacre of 4 June 1989, and the protests that followed. Most of those imprisoned at this time were sentenced to harsh prison terms for crimes such as “**counter-revolution**” or “**hooliganism**”, neither of which exist in present Chinese criminal law (although they have to a large extent been replaced by charges such as “**threatening the security of the State**” and “**disturbing public order**”). Shao Liangshen (Liangchen) was sentenced to death in September 1989 and is now believed to have passed away (see below). Hu Shigen, who helped establish the Free Labour Union of China (FLUC) Preparatory Committee and who was jointly indicted in 1993 with fifteen others, including Liu Jingsheng, on “counter-revolutionary” charges, received a 20 year sentence. He is reported to be suffering from chronic migraines, intestinal illness, malnutrition and a spine problem which could lead to paralysis if not treated. In 2004, the ICFTU, affiliates, GUFs and other bodies called for his release on medical grounds. Several leaders and activists detained at the same time as Hu Shigen are believed to remain in detention; Liu Zhihua and Liu Jian, of whom little is known and Kang Yuchun, sentenced to 17 years, seriously ill with heart problems. Zhu Fangming, a worker at the Hengyang City (Hunan Province) Flour Factory and vice Chairman of the Hengyang City Workers Autonomous Federation, allegedly led workers to the municipal Public Security Bureau after 4 June to demand justice and was sentenced in December 1989 by the Hengyang City Intermediate People's Court to life imprisonment on a charge of “**hooliganism**”. In November 2004, Liu Jingsheng, sentenced to 15 years, was released. Peng Shi was also reportedly released in 2004, but there has been no confirmation.

### **Medical Concerns and deaths**

In addition to concerns over Hu Shigen, fears were heightened over the deteriorating health of Yao Fuxin and Xiao Yunliang, who were sentenced in May 2003 to **four and seven years imprisonment** respectively for their part in the **mass protests** in Liaoyang in March 2002. Since their imprisonment, the health of both men has been deteriorating...

...Shao Liangchen was a leading member of the Ji'nan Workers' Autonomous Federation in Shandong Province during the May 1989 pro-democracy demonstrations. He was detained by police on 15 June 1989, tried in September that year by the Ji'nan Intermediate People's Court on charges of “**sabotaging communications equipment**” and then sentenced to death with a two year reprieve. His sentence was subsequently reduced to life imprisonment, and then in July 1994 to 17 years' imprisonment. He received two further sentence reductions in 1998 and 2000, totalling three years and six months, bringing his date of release to 4 November 2007. He was reportedly



diagnosed with leukaemia in 2004 and, according to credible sources, passed away in late 2004, two months after having been released on medical parole, most probably from Weihu Prison, in Shandong Province.

### **Psychiatric detention – effective and possible releases**

Wang Wanxing and Wang Miaogen, both involved in the Workers' Autonomous Federations (WAF) of 1989 and both incarcerated in psychiatric hospitals for over ten years, are now both believed to be released. After many reports of the ill treatment of Wang Wanxing, including his move to a "secure ward" where he was being held with violent patients, Wang was finally released in August 2005 after 13 years imprisonment. According to reports, Wang is recovering from his ordeal and is not suffering from mental illness. Wang Miaogen is presumed released in 2005 but there has been no confirmation. Another labour activist, Pen Yuzhang, a member of the Changsha Workers' Autonomous Federation in 1989, has also been held in a psychiatric institution. Government reports about his release have not been independently confirmed...

### **Recent cases**

In September 2004, Kong Youping and Nin Xianhua were sentenced to **15 years and 12 years** imprisonment respectively on charges of attempting to "**subvert state power**" after reportedly posting articles on the internet which supported the establishment of independent trade unions, freedom of association and the banned China Democracy party. Other relatively recent cases include Lu Wenbin, a special correspondent for the Textile Daily newspaper, arrested on 22 December 2001 for documenting a strike and interviewing workers at the Huainan Textile Factory in Dafeng.

Yang Jianli is a US-based researcher who participated in the Tiananmen Square pro-democracy movement in 1989; his name was on a 1994 PRC police blacklist of 49 Chinese pro-democracy activists who were barred from re-entering China. Yang Jianli entered China in April 2002 by using a friend's passport, as part of a plan to try and investigate the rapidly growing labour unrest situation in Shenyang City, Liaoyang City and Daqing City in north-eastern China. He was detained on 26 April 2002 and officially arrested by the Beijing State Security Bureau on 28 April 2002. He was then held in solitary detention for the next 15 months, well beyond the legally permitted maximum period for pre-trial detention. On 13 May 2004, Yang was tried in a closed court hearing on charges of "**espionage**" and "**illegal entry**," and was duly pronounced guilty and sentenced to a term of five years' imprisonment.

Hu Mingjun and Wang Sen were leading members of the Sichuan branch of the banned China Democracy Party (CDP). On 18 December 2000, some 1,000 workers from the Dazhou Steel Factory staged a public protest demanding 12 months of unpaid wages. Hu and Wang contacted the demonstrating workers and the CDP then issued a statement in support of the workers. After calling for the **establishment of independent trade unions**, **Hu and Wang were sentenced to 11 and 10 years imprisonment** respectively. A third man, Zheng Yongliang, was believed to have been released. Hu Mingjun is due for release in May 2012 and Wang Sen in April 2011.

Zhang Shanguang, a teacher from Hunan and a veteran independent labour activist and prisoner was sentenced to **ten years** in 1998 under charges of "**threatening the security of the State**" after attempting to set up an independent trade union. There have been repeated reports of the ill treatment and torture of Zhang, which increased after he attempted to improve conditions at the Hunan Provincial Prison N°1 where he is detained. He suffers from tuberculosis and heart disease, but is reportedly forced to work in shackles.

Yue Tianxiang and Guo Xinmin were both drivers at the state-owned Tianshui City Transport Company. In 1995 they were laid off despite being owed three months back pay. When the company refused to negotiate a settlement regarding wage arrears and a legally-entitled living allowance, the two workers decided to take their case to the Tianshui Labour Disputes Arbitration Committee. The Committee's decision stipulated that the company should find new positions for



the two as soon as possible, but the manager refused to abide by the decision. When Yue and Guo realised that many fellow workers faced the same treatment, they set up a journal called China Workers Monitor and used it to publish reports of corruption at their former company. They also wrote an open letter to then-President Jiang Zemin and asked for official intervention from Beijing. When they received no answer they sent the same letter to the international media. Within two weeks they were detained by the police and charged with subversion. On 5 July 1999, Yue was sentenced to **10 years' imprisonment** and is now due for release in January 2009. Guo's situation was unclear at the time of writing.

Du Hongqi was a worker at an artillery factory run by the South China Industries Group. The arms factory was going bankrupt and taken over by another enterprise, which was planning to convert it for civilian production. Due to a much reduced need for labour, 700 out of the 1,500 factory workers were laid off. Husband and wife, Du Hongqi and Li Yanying, two of the laid-off workers, had already founded an underground trade union in September 2003 to fight for better working conditions and had organised several petitions and protests. After the mass lay-offs, their union helped to voice the workers' demands for unemployment compensation and aid to find new jobs. The leaders were subsequently apprehended. Du was detained on 24 November and formally arrested on 8 December 2003 under the charge of **"assembly to disturb social order"** On 18 October 2004, he was tried and sentenced to **three years' imprisonment**, and is due for release in October 2006. His wife is also believed to have been sentenced but her fate was not clear as this issue of the survey went to press.

In April 1999, Gao Hongming and his friends Xu Yonghai and Zha Jianguo established the China Free Workers Union. Shortly after that, Gao was detained and charged with **"incitement to subvert state power"** and sentenced to **eight years' imprisonment**. He is due for release in June 2007. Zha was detained on 29 June 1999 and sentenced to **nine years' imprisonment under charges of "incitement to subvert state power"**.

Other labour activists who remained in detention include Li Bifeng, Zhao Changqing, and He Chaohui. All had tried to protect workers' interests, by protesting, organising or representing 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 9).

A 2002 Human Rights Watch report on workers' unrest also mentions a variety of charges and sentences for labour organisers:

...active involvement in organizing workers led to charges of **subversion**, a three-hour trial, and a **ten-year prison sentence** for one Gansu-based activist, Yue Tianxiang. A former driver, he had undertaken in early 1999 to represent 2,000 workers who like him had lost their jobs and could not collect months of back wages. **Between August 1998 and June 2002 at least twenty-nine workers were detained or sentenced to terms ranging up to ten years for peaceful labor-related activities"** (Human Rights Watch 2002, *Paying the Price: Worker unrest in Northeast China*, August, Vol 14, No.6 (C), p.12 – Attachment 10).

## **5. Is it normal for a person to be sentenced to 6 months' detention without a trial?**

As the material in Question 3 indicates, the length of detention for those arrested during strikes and demonstrations varies considerably, according to reports. In many reports there is no mention of arrests at all, or the organisers were detained only for a few days and then released. But there are some reports stating that organisers were detained for periods of weeks or months, or even more than a year, without trial.

A 2005 article by Dorothy Solinger provides some useful background material on the growth of workers' protests, and the various strategies the Chinese government has used to contain them, including detention. The causes of the protests, says Solinger, are "unpaid wages and pensions; sudden and massive job terminations; corrupt officials held responsible for the bankruptcy of some industrial enterprises; and an end to most socialist privileges and benefits". Solinger goes on:

As workers' consciousness of their rights increases, they are more and more apt to appeal their grievances to courts of law. Indeed from 1995 to 2001, the number of labor disputes adjudicated by the courts rose from 28,000 to 101,000. Admittedly, workers have often found that arbitration has not helped them, owing to graft and the greater clout of the more powerful managers against whom they have filed suit. But legal redress has managed to turn the attention of at least some disaffected workers temporarily from the streets to mediation, and this has tended to reduce the number of confrontational street demonstrations.

Nonetheless, over the past few years, the number of urban protests in China has risen dramatically, and according to police reports, they are ever larger and better organized. So far, the regime has succeeded in maintaining overall stability through control of the media (thereby preventing one protest movement from learning about and linking up with others); by buying off angry unemployed workers with temporary stipends; and by suppressing and imprisoning those it cannot dissuade. But these are temporary measures and when considered in tandem with the waves of peasant protest caused by arbitrary taxation, official corruption and wanton land confiscation, party leaders find themselves confronted with a deeply worrisome situation. For what the party now confronts is a political threat no longer made up of students and intellectuals, as in 1989, but of workers and peasants, paradoxically the very disenfranchised classes on which Mao built his revolution and in whose name the Chinese Communist Party has ruled unilaterally for so long (Solinger, D. 2005, 'Rising worker protests in China', *The Korea Herald*, 12 February – Attachment 11).

## **List of Sources Consulted**

### Internet Sources:

ICFTU International Confederation of Free Trade Unions website; Human Rights Watch website; Amnesty International website; China Labour Bulletin website  
Google search engine <http://www.google.com.au/>

### 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. RRT Country Research 2006, *Research Response CHN17741*, 11 January
2. RRT Country Research 2003, *Research Response CHN16313*, 4 December
3. Human Rights Watch 2005, “*We Could Disappear At Any Time*”: *Retaliation and Abuses Against Chinese Petitioners*, Volume 17, No. 11(C), December, pp.58-59
4. Zhang, Michael 2006, ‘Official trade union gets the cold shoulder from private firms’, *China Labour Bulletin*, 3 February (<http://www.china-labour.org.hk/public/contents/article?revision%5fid=35726&item%5fid=35725> – Accessed 14 August 2006)
5. US Department of State 2006, *Country Reports on Human Rights Practices 2005 - China*, 8 March, Sec. 6a
6. People’s Republic of China 1992, *Trade Union Law of the People’s Republic of China*, 3 April, *China Labour Bulletin* website (<http://www.china-labour.org.hk/public/contents/article?revision%5fid=38704&item%5fid=7031> – Accessed 11 August 2006)
7. ‘More than 10,000 striking workers at Japanese-invested Wal-Mart supplier firm in Shenzhen demand right to set up their own trade union’ 2005, *China Labour Bulletin*, 22 April (<http://www.china-labour.org.hk/public/contents/news?revision%5fid=18360&item%5fid=8309> – Accessed 14 August 2006)
8. Xiao, Ding 2006, ‘Thousands of workers strike, protesting Yunnan Textile’s restructuring’, *China Labour Bulletin*, 16 March (<http://www.china-labour.org.hk/public/contents/news?revision%5fid=37372&item%5fid=37367> – Accessed 14 August 2006)
9. ‘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)
10. Human Rights Watch 2002, *Paying the Price: Worker unrest in Northeast China*, August, Vol 14, No.6 (C)
11. Solinger, D. 2005, ‘Rising worker protests in China’, *The Korea Herald*, 12 February