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China: Economic, social and cultural rights treaty must become a reality

Reports of China's ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) is a welcome step that will bring China more fully into the UN human rights system, Amnesty International said. "However the reservation which appears to have been placed on Article 8, the right to freely form trade unions, is very disappointing."

The official Xinhua news agency reported that the right to form or join trade unions of one's choice would be subject to existing Chinese labour laws.

"The spotlight must now be on the impact of the covenant on the ground; how far individuals and groups in China are able to enjoy the rights guaranteed in the covenant or have the freedom to express their opinions on their government's compliance."

Many individuals are currently imprisoned solely for exercising and promoting the economic, social and cultural rights enshrined in the covenant. These include the right to organize free trade unions, the right to strike, or simply for speaking out and organizing around livelihood issues. Some have been sent to re-education through labour camps or forcibly detained in psychiatric hospitals. Several examples are listed below.

"As a gesture of goodwill, the government should release persons imprisoned solely for exercising the rights set out in the covenant," Amnesty International said.

The Chinese authorities should also ratify the companion covenant on civil and political rights, the International Covenant on Civil and Political Rights, without delay.

Cases - economic, social and cultural rights:

Zhang Shanguang, a former teacher and labour activist in his late 40s. Detained on 21 July 1998 and sentenced to 10 years imprisonment in a closed trial on 27 December 1998 for "illegally supplying intelligence to hostile organizations and people in external territory". Evidence cited against him included an interview he gave to Radio Free Asia when he spoke, among other things, about peasant demonstrations in Hunan Province. Zhang was the founder of the local "Shu Pu Association to Protect the Rights and Interests of Laid-off Workers" which he was working to register at the time of his arrest. Zhang Shanguang is held in Hunan no 1 Prison. He has reportedly been held for several months in solitary confinement and is suffering from a serious lung illness. In 2000 he was forced to do heavy physical work in fetters despite his poor health.

Zhou Wei, a 69 year old Communist Party cadre from Shenyang, Liaoning Province, who was apprehended by police on 6 May 1999 and assigned to 2 years' Re-education through labour without being formally charged or tried by a judicial authority. He had been involved in protests and petition campaigns against the local government since 1995, denouncing its corrupt practices and failure to look after farmers, workers and retirees.

Xu Jian, a 40 year old lawyer from Baotou City, Inner Mongolia. Currently serving a four year sentence in Chifeng Prison. Xu was arrested in December 1999 and sentenced by Baotou City Intermediate People's Court on July 18 2000 for "incitement to overthrow state power"

after attempting to establish an independent labour organization and contacts with overseas labour activists.

Before his arrest, Xun Jian had been assisting laid-off workers in seeking redress from two major state-owned companies, by providing them with legal assistance in filing cases and by encouraging them to use China's labour and trade union law.

He Chaohui, a 40 years old labour activist from Chenzhou City, Hunan province, sentenced to ten years imprisonment on 24 August 1999. He was apprehended in October 1998 and charged with "endangering state security" by "illegally providing intelligence to foreign organizations". A former worker at the Chenzhou Railway Bureau. He reportedly took part in several strikes and demonstrations by laid-off workers in Chenzhou in 1997 and 1998, reporting details to overseas organizations. He Chaohui had been imprisoned for two years in 1989 for his involvement with the Hunan WAF (Workers' Autonomous Federation).

Cao Maobing, a 47 years old electrician at the Funing County Silk Mill in Jiangsu province, detained since 15 December 2000 at the Yancheng No 4 Psychiatric Hospital following his activities on behalf of fellow workers in a year long industrial dispute over unpaid redundancy and pension payments, including the disappearance of state subsidies. Cao had reportedly been warned several times by the authorities that he risked such detention if he continued his advocacy and organizing for fellow workers.

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