

# £CHINA

## @Trade unionists in China; A ban on pluralism

There is one official trade union in China. Activists who wish to set up alternatives are the principal targets of human rights violations within the labour movement in China. Those who have attempted to organize free trade unions have been arrested or detained without charge. Some have been tried and received heavy prison sentences whilst others have been detained under forms of administrative detention and sentenced without charge or trial. Some labour activists have reportedly been ill-treated in detention. Many have been held for several months without charges being brought against them.

### **Recent developments in the labour movement in China**

The All China Federation of Trade Union (ACTFU) is the only body allowed to represent workers in China. During the pro-democracy demonstrations in 1989 which culminated in a massacre in Beijing on 4 June, an alternative organization, the Workers' Autonomous Federation (WAF), was formed. Following the 4 June 1989 crackdown, the Chinese government arrested and prosecuted the organizers of WAF. Following a complaint to the International Labour Organisation (ILO), China responded that the WAF was not a trade union because it was not properly registered and as such, was an illegal organization. Although the ILO Freedom of Association Sub-Committee ruled that WAF must be considered a legitimate workers' association, China did not offer any further comment.

Since then there have been other attempts to form independent trade unions, but these have met with failure, as those attempting to organize any autonomous trade union structure have been detained. In the case of the League for the Protection of the Rights of the Working People (LPRWP, see below), the organizers attempted to register it legally. Shortly after submitting their request in early 1994, key members of the League were arrested.

One of the possible reasons for the Chinese government's tougher approach on dissent since 1994 is the fear of social unrest due to various political and economic factors. In 1994 Chinese government leaders have made it clear that maintaining political stability is a major concern and that the "leading role" of the Communist Party is essential to ensure stability. The official media have stressed the need to intensify the struggle against any threats to stability and unity and the authorities have acted swiftly to repress all potential sources of dissent. In addition new legislation passed in mid-1994 increased restrictions on fundamental freedoms, confirming the trend in the recent crackdown on dissent.

### **The Free Labour Union of China - Arrests in 1992**

Set up in late 1991, the Preparatory Committee of the Free Labour Union of China (FLUC, *Zhongguo Ziyou Gonghui*) distributed leaflets publicising its existence and encouraging workers to form free labour unions in January 1992. The organizers were secretly arrested in 1992 during large-scale arrests of pro-democracy activists and people suspected of having formed or joined underground dissident groups.

After the arrests, the group sent a letter of appeal to the International Labour Organisation (ILO) in Geneva, to publicise the grievances of workers in China. It documented the way in which workers were deprived of their rights of speech, assembly, strike and employment in China. It also spoke of the deterioration of workers' rights since the start of the economic reforms in the late 1970s, including the lack of provisions to defend the rights of workers in the new private sector. It included a commitment to "building an economic and political system of justice and human rights".

The FLUC organizers were among 16 people arrested in mid-1992 who were issued with a joint indictment for "counter revolutionary" crimes by the Beijing Procuratorate on 29 July 1993. After more than two years in detention, 15 of them were brought to trial in July 1994 and the verdict against them was announced on 16 December 1994. The sentences against 10 of them ranged between 20 years imprisonment and 2 years' supervision. Five others were found guilty but "exempted from criminal punishment".

**Hu Shigen** (also known as Hu Shengjun), 39, a lecturer at the Beijing Foreign Languages Institute was detained on 27 May 1992. No formal arrest, detention or search warrants were issued at the time and, like most of the other accused, he was not formally "arrested" (charged) until 27 September 1992. Hu Shigen, who is married and has one child, was held in incommunicado detention for months after his detention.

In the December 1994 court verdict, Hu Shigen was accused of having established the Liberal Democratic Party of China (LDPC) in January 1991, of recruiting members into the party and drafting the LDPC "political principles" and other documents. He was also accused of having planned with Liu Jingsheng and others, in December 1991, the establishment of the Preparatory Committee of the FLUC, and of drafting documents about it and the issue of free trade unions. The documents allegedly drafted by Hu Shigen included the "Proposal for the Preparatory Committee of the Free Labour Union of China", which, according to the court verdict, made "slanderous" accusations that the Chinese Communist Party had "stripped workers of their right to organize free trade unions during its rule of more than 40 years". According to the court verdict he also "plotted" with others to distribute "counter-revolutionary" leaflets in various cities prior to 4 June 1992 and also joined the China Progressive Alliance (CPA) formed by other defendants. He was charged with "organizing and leading a counter-revolutionary group" and "carrying out

counter-revolutionary propaganda and incitement". Hu Shigen was sentenced to 20 years' imprisonment with an additional 5 years' deprivation of political rights on these two charges.

**Liu Jingsheng**, 40, a worker at the Tongyi Chemical Plant in Tong county, outside Beijing, was detained on 28 May 1992. A veteran pro-democracy campaigner, Liu Jingsheng had taken part in the "Democracy Wall" movement of the late 1970s and co-edited the dissident journal *Explorations* with Wei Jingsheng, who was arrested in 1979 and subsequently spent fourteen and a half years in prison.<sup>1</sup> Liu Jingsheng was also detained in 1979 but released after a few months. At the time of his arrest in May 1992, pro-democracy leaflets were reportedly seized at his home by police. Liu Jingsheng is married and has an 11-year-old daughter.

Liu Jingsheng was accused of having had a leading role in the LDPC and in forming the Preparatory Committee of the FLUC. He was alleged to have drafted materials of the Preparatory Committee of the FLUC in January 1992 which, according to the court verdict, made the "slandorous" accusation that the Chinese Communist Party "had practised the rule of a dictator". He was also alleged to have "plotted", together with Hu Shigen (see above) and others the distribution of pro-democracy leaflets around 4 June 1992. He allegedly wrote some of the leaflets, printed more than 6000 copies of them and prepared with others to distribute them. He was charged with "organizing and leading a counter-revolutionary group" and "carrying out counter-revolutionary propaganda and incitement". Liu Jingsheng was sentenced to 15 years imprisonment plus an additional 4 years of deprivation of political rights, on these two charges.

**Lu Zhigang**, 26, a law student at Beijing University, originally from Shanghai. He was detained on 28 May 1992. He was accused of having joined the CPA, and of being involved in the production of the CPA magazine, "Freedom Forum", and of documents concerning the FLUC Preparatory Committee. He also allegedly took part in plans to distribute pro-democracy leaflets prior to 4 June 1992, "went to Shenzhen for this purpose and secretly contacted people from abroad" from whom he allegedly received financial support. He was charged with "actively joining a counter-revolutionary group" and "carrying out counter-revolutionary propaganda and incitement". Lu Zhigang was sentenced to 5 years imprisonment and an additional 1 year of deprivation of political rights, on these two charges.

**Wang Tiancheng**, 30, a law lecturer at Beijing University Law Department, was detained on 30 October 1992 and formally arrested (charged) on 14 December 1992. He was accused primarily of having been a member of the LDPC, but also of involvement in the

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<sup>1</sup> Released on parole in September 1993, Wei Jingsheng was re-arrested in April 1994 and, as of early 1995, was still detained without charge.

revision of material concerning the FLUC Preparatory Committee and of leaflets for distribution around 4 June 1992. Wang Tiancheng was charged with "actively taking part in a counter-revolutionary group" and "carrying out counter-revolutionary propaganda and incitement". He was sentenced to 5 years' imprisonment and an additional 2 years of deprivation of political rights on these two charges.

**Li Quanli**, 43, a worker at the Beijing Car Factory's Electric Appliance Branch. He is believed to have been detained in June 1992 but was bailed a few months later. The December 1994 verdict does not specify the date at which he was formally arrested (charged), but indicates he was "released on bail pending trial" on 24 November 1992. He was primarily accused of having joined the LDPC, but also of involvement in the planning of the FLUC Preparatory Committee. He was charged with "actively taking part in a counter-revolutionary group". Li Quanli was sentenced to 2 years' supervision, which includes having to report regularly to the police, and an additional 2 years of deprivation of political rights.

#### **The League for the Protection of the Rights of Working People - Arrests in 1994**

The setting up of the League for the Protection of the Rights of Working People (LPRWP) in 1994 was the most recent attempt to form an independent labour union. At least seven sponsors of the League were detained in 1994, five of whom are still detained.

According to its provisional charter, the LPRWP was intended to be a "corporate social body established according to the law" to unite people devoted to the protection of the rights of the working people. The League's founders intended, among other things, to establish a nationwide information network to promote the protection of labour rights, and a popular mediation organization to help settle labour dispute. The League's sponsors had intended to submit the League's Charter on 9 March 1994 to the Ministry of Civil Administration to seek legal registration. However, several members of the League were secretly arrested by police a few days before that date.

**Yuan Hongbing**, a law lecturer at Beijing University and a principal sponsor of the LPRWP, was secretly detained on 2 March 1994. **Zhou Guoqiang**, another sponsor of the LPRWP and a lawyer, was taken in to police custody on 3 March 1994. Yuan Hongbing was one of three people named as principal sponsors of the LPRWP in the request to register the LPRWP which was presented in March 1994 to the authorities by **Liu Nianchun**, another founder of the preparatory committee for the LPRWP. Liu Nianchun was arrested by plain clothes police on 28 May 1994 in Beijing and detained for four months without charge before being released. The detention of Yuan Hongbing and Zhou Guoqiang was confirmed by the Chinese authorities some time after their arrest, although no charges against them were made public. In September 1994, Zhou Guoqiang was sentenced to

three years of "reeducation through labour", a form of administrative detention imposed without charge or trial.

**Zhang Lin**, a labour activist and key member of the LPRWP in Anhui Province, was arrested in May 1994. In late August 1994 he was sentenced, without charge or trial, to three years of "reeducation through labour". He was reportedly told by police that he was being sentenced because he was living with his wife without being officially married and because he had too many contacts with foreign journalists. In a letter smuggled out of the labour camp to which he was subsequently transferred, he reported that he had been punched and kicked by a guard and subjected to electric shocks. He is reportedly in poor health and has been refused medical treatment. Zhang Lin had been detained several times before for his political activities.

**Sha Yuguang**, who also participated in the attempt to register the LPRWP, was arrested on 9 July 1994 in Beijing by the police. He has not been charged or tried and his whereabouts are not known. Sha Yuguang is an accountant with the Beijing Wireless Factory, he has been involved in dissident activities since 1978. He has been arrested before, suspended without pay from his work and ordered to report regularly to the police.

**Xiao Biguang**, another sponsor of the LPRWP, was taken from his home on 12 April 1994 by six security officers and detained for "shelter and investigation" which is a form of administrative detention. The police frequently use "shelter and investigation" in violation of Chinese law, to arbitrarily detain dissidents without charge. The police have not given a reason for his detention but reportedly said that he had engaged in "illegal activities". According to his wife he was weak and in poor health before his arrest, suffering from various ailments including a serious eye problem. He has not been permitted family visits.

**Liu Huanwen** was arrested on 10 July 1994, reportedly for his association with dissidents involved in unofficial labour activities, and sentenced in August, without charge or trial, to 2 years of "reeducation through labour" for "hooliganism".

**Liu Nianchun, Wang Zhongqiu, Wang Jiaqi, and Gao Feng** were also among those who have been arrested for their involvement in trying to register the LPRWP. All were detained and then later released.

**Amnesty International is calling on the Chinese government to:**

- Immediately and unconditionally release the prisoners named above who are believed to be detained solely for the peaceful exercise of their fundamental right to freedom of expression and association, including their involvement in independent labour rights groups;

- End the use of arbitrary detention as a means of suppressing labour rights activity or attempts to form independent trade unions.

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