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Detention of Workers Following Legitimate Collective Protest Action

Dear Mayor Zhang Guangning,

I am writing to express the International Trade Union Confederation's condemnation of the arrest and subsequent detention of thirteen manufacturing workers in Panyu district.

According to recently released Chinese media reports, on 13 February 2008 five workers from a shoe making factory in Panyu district, Guangdong Province, were detained and sentenced to administrative detention on charges of illegal assembly and demonstration. It was also recently announced that three workers from a handbag factory and a further five workers from an undisclosed factory were also detained and sentenced to various terms of administrative detention on charges of disturbing public order.

According to the Panyu Daily 29 February those arrested include shoe factory workers: Shi X, Peng X Cui (female), Shi X Zhi, Wang X and Zhang X Yin; Handbag factory workers: Yin X Ming, Li X Zheng, Hu X Kuan and five workers from another factory; Wu X Yong, Wang X Jun (sentenced to ten days detention), Zou X Hua, Ma X (female), Hu X Xing (sentenced to seven days detention).

As regards the shoe workers, according to the media reports, on 13 February, the seventh day of the Chinese New Year, some 700 shoe producing workers returned from their New Year holiday and found that they were locked outside the factory premises - the factory owner had closed down the factory and sold the equipment during the New Year holiday.

The workers had previously been told that after the New Year they would be paid their missing wages – estimated to be around 2,000 Yuan per worker. In addition dozens of long term workers also discovered that social insurance and other insurance payments had not



been paid into their accounts for around ten years while others found that payments had not been made for the last nine months despite being deducted from their monthly wage.

Some 400 plus workers - then began to walk from the factory, to the Guangzhou Municipal government offices in an attempt to publicize their plight. They were stopped by police who detained around 50 workers. Five of those were then formally arrested and detained on criminal charges. As of now the ITUC has been unable to obtain the full names of any of the workers.

While we appreciate the fact that the local Panyu District's Labour and Social Security Bureau reimbursed the workers their missing wages out of its own funds, we are concerned that the workers have been ordered to vacate – within 24 hours – their living quarters at the factory, leaving them with no place to sleep. We are further concerned that they have not received adequate assistance regarding the missing social insurance payments.

Information regarding the three workers at a handbag factory in Panyu and the other unnamed Panyu factory remains scant but the ITUC understands that the three handbag factory workers were charged with “seriously disturbing” production at the factor after they and others organized a protest outside the factory gates demanding pay rise and an end to unfair working hour computations.

The remaining five workers from an unnamed factory were detained and arrested in connection with a peaceful demonstration of some 90 workers which blocked traffic in Panyu.

The ITUC requests your government to provide full information as to the names and whereabouts of the thirteen detained workers along with clear details of their alleged crimes.

We believe that these thirteen workers have been arrested and detained solely for their peaceful exercise of their right to freedom of expression and association and as such we urge their immediate and unconditional release. Failing that, the ITUC would have to seriously consider lodging a formal complaint against the People's Republic of China under the relevant procedures of the International Labour Organisation (ILO) of which China is a Member State.

According to the report in the Panyu Daily, a public rally was held on 28 February at a main square in Panyu town where the sentences were announced. Jian Xi Bo, the district standing committee and secretary of the politics and law committee was reported to have said that workers who use road or bridge blockades to express their discontent will not be protected by law, even if their demands are reasonable and legal. While we respect the need for the Chinese authorities to maintain public order we note once more with regret the absence of the All China Federation of Trade unions in these three disputes and believe that if your government observed the right to freedom of association and allowed workers easier access to redress in labour disputes then the intractability and scale of industrial unrest currently observed in China would be greatly lessened.

We wish to point out that the pursuit of a harmonious society and in particular the pursuit of harmonious relations in the workplace is impossible in a climate which sees the arrest of ordinary workers claiming their lawful rights and dues – instead what is needed is a society

which allows for freedom of association and a voice for all stakeholders in Chinese society.

In addition the ITUC would like to express its long held concern over the use of administrative detention in China and its role in repressing the rights of ordinary Chinese citizens to exercise their right to freedom of expression and association. We express our sincere wish that such administrative methods of deprivation of liberty - which have also been widely criticized by international bodies such as the United Nations, including its Specialised Agency for labour matters, the ILO - be abolished or at the very least subject to greater judicial oversight.

Yours sincerely,

A rectangular box containing a handwritten signature in cursive script that reads "Guy Ryde".

General Secretary

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