

CHINA: NEW ARRESTS LINKED TO WORKER RIGHTS

INTRODUCTION

Since the current crackdown on dissidents began in Beijing, Shanghai and other parts of China some ten days ago, more than fifteen prominent activists have been detained and questioned by the public security authorities. While most have been released after one or two days of questioning, at least three men remain in custody -- labor activist Zhou Guoqiang, law professor Yuan Hongbing and law student Wang Jiaqi. They appear to face serious criminal charges in connection with their pro-democracy and labor-rights advocacy work. Meanwhile, Wei Jingsheng, the acknowledged leader in China's recently revived movement for human rights and political reform, remains in semi-incommunicado isolation somewhere outside the Chinese capital, following a one-day detention on March 4 and subsequent departure on what appears to have been a government-ordered "compulsory vacation."

Developments in the last three days have shed important light on reasons for the current crackdown. Although the crackdown coincided with the visit to China of U.S. Assistant Secretary of State John Shattuck and took place only days prior to the visit of Secretary of State Warren Christopher, it appears to be driven more by domestic developments and fear of a resurgent pro-democracy movement. The actions of the Chinese government, however, are certain to fuel the debate over Most Favored Nation status in the United States; at the very least, they make it impossible for the U.S. government to state that any "significant progress" has occurred in human rights protection that would meet the terms of President Clinton's Executive Order of May 1993.

Two documents released in the last week by the Beijing dissident network highlight major social problems stemming from China's economic reform program. The first document is a petition to the National People's Congress urging greater protection of the rights of rural and urban workers and more attention to the need to root out corruption. The second is the founding charter of a new organization called the League for the Protection of Working People of the People's Republic of China, a group whose known principal sponsors include Yuan Hongbing, one of the men named above who remain in custody. Both documents are reportedly being circulated throughout the country for signatures, and the other two detainees are also believed to have been involved in their production. A third document, released on March 10 and signed by seven prominent intellectuals led by science historian Xu Liangying, appealed to the government to uphold the rights guaranteed in the Universal Declaration of Human Rights and end the practice of detaining people for their ideas.

The two labor documents call for restoration of the right to strike and for the legalization of independent workers' and peasants labor unions. Both point to some of the negative consequences of rapid economic growth, including growing unemployment, rising inflation and an escalating cost of living, together with often dramatic levels of income polarization and official corruption.

The two documents highlight a major dilemma for the Chinese government. Since the inception in 1978 of Deng Xiaoping's "New Deal," the Chinese leadership has been determined to prevent expansion of economic freedom from leading to any change in its monopoly of political power. At the same time, however, economic pluralism has engendered both demands for political pluralism and also serious social dislocations that only the existence of open, lawfully-regulated interest groups may be able to address.

The issuance of the two documents by a reported 120 or so signatories (see Appendices I and II for full translations) appears to signal the decision of the Chinese dissident community to confront this central policy dilemma head-on, regardless of the likely retaliation its members may suffer from the authorities. Seen in this light, the current crackdown appears to be fundamentally a reaction by the Beijing leadership to the frontal challenge by dissidents to the central authoritarian tenet of the reforms. Also appended below is the text of a "Peace Charter" modeled on Charter 77 in Czechoslovakia (see Appendix III) which was issued last October by several dissidents including Liu Nianchun and others involved in the latest signature drive.

China's citizens are explicitly guaranteed the rights to freedom of expression and association both by the country's own Constitution and by all major internationally-agreed legal standards, beginning with the U.N.'s Universal Declaration of Human Rights. Human Rights Watch/Asia therefore calls upon the Chinese authorities to respect fully the rights of all signatories to the documents appended below and those of all persons involved in their dissemination among the general public. Furthermore, we again call upon the authorities to free immediately and without prior conditions all persons currently detained in China for the non-violent expression of their views or peaceful activities in support of civil and political rights.

Those detained, summoned for interrogation or otherwise harassed in the course of the current crackdown, are listed below.

I. DETAINED

1. **Zhou Guoqiang** was picked up by the Public Security Bureau on March 3, 1994 and "detained for investigation." He was accused of "collaborating with hostile organizations and elements both inside and outside the country to carry out anti-government activities." These included "organizing illegal gatherings in October 1993," a reference to his role in drafting the Peace Charter. He also accused of writing anti-government articles and sending them to Hong Kong "by means of an unauthorized fax machine." He was also accused of planning to print up political T-shirts and distribute them during the sessions of the National People's Congress (NPC), which opened in Beijing on March 10. Zhou's current whereabouts are unknown.

A founding member of the outlawed Beijing Worker's Autonomous Federation (BWAf), Zhou has been detained or held for interrogation six times since 1989 for activities related to labor organizing. He also acted as the legal representative for Han Dongfang, the former leader of the BWAf, after Han tried to return to China in August 1993 and was forcibly turned back. Zhou has a B.A. in law and is a published poet.

2-3. **Yuan Hongbing**, a lawyer, and **Wang Jiaqi**, a law student, are being held on suspicion "of being involved in unlawful acts inciting turmoil and disrupting social order" or other unspecified "criminal acts," according to a Public Security Ministry report on March 8, 1994. Both were arrested on March 2 in connection with their leadership role in a petition drive to secure workers' rights.

Yuan has been involved since August in a confrontation with the Public Security Bureau. That month, he helped organized a petition drive to protest the abuse of Yan Zhengxue, a local People's Congress delegate from Heilongjiang Province, who in mid-July had been illegally detained and tortured in Beijing. Yan sued the police in July but as a result, he began to receive threats against himself and his family warning him to drop the suit. In December, his son was run over and killed in Beijing by an unmarked vehicle. At the end of January 1994, Yuan Hongbing's petition on his behalf, with 350 signatures, was made public. Wang Jiaqi was also involved in the attempt to obtain justice for Yan Zhengxue, and he assisted Zhou Guoqiang in providing legal services to exiled labor leader Han Dongfang. No other information about Wang is available.

Yuan was suspended from Beijing University in June 1992 for editing a collection of essays by reformist scholars called *Tides of History*. The book was banned by the university's Party Committee, but the ban was lifted after

Yuan brought a lawsuit against the Committee. In November 1993, Yuan staged a sit-in on campus to protest political interference in academic affairs.

4. **Wang Fuchen**, one of seven Shanghai dissidents who in March 1993 formally applied to register an unofficial human rights group with the city authorities (see Yang Zhou, below), was detained by police on the morning of March 11, 1994. Later that day, he revealed that he was being held in a hotel and would be "unavailable" for the next few days. Wang was twice imprisoned for three years, once after protests in 1978 and again after the 1989 pro-democracy movement. He was also one of several Shanghai intellectuals briefly detained twice in June 1993 (see Bao Ge).

II. BRIEFLY DETAINED AND RELEASED

5. **Wei Jingsheng**, China's best known dissident who was released from prison in September 1993 after serving fourteen and a half years, was escorted from his office in Beijing on March 4, 1994 by three plainclothes police. After being held for thirty hours, Wei called a friend on March 5 to say he had been released and would return home from the Beijing suburb of Changping. He returned but left almost immediately, on March 6, in the company of someone he described as a "friend," probably a police escort, hours before he was to tell reporters about his detention. He called Tong Yi, an associate, that night to say he was safe. She said he departed voluntarily but told her he could not say when he was returning or where he was. Wei resurfaced in Tianjin on March 9, 1994, five days after his initial detention. On February 27, days before being taken into custody, Wei met with U.S. human rights official John Shattuck.

An electrician in the Beijing Zoo and editor of a dissident journal called *Explorations*, Wei was arrested on March 29, 1979 and sentenced that October to fifteen years in prison. He was accused of passing military secrets to a foreigner and engaging in "counterrevolutionary propaganda and incitement." The "secret" was information on China's invasion of Vietnam which had already been published and broadcast, while the propaganda charge referred to Wei's writings on democracy and political change.

6. **Xu Wenli** was picked up by the police in Beijing on or about February 26, 1994 and questioned for some eight hours before being released. Like Wei Jingsheng, Xu was a Democracy Wall activist and editor of another dissident journal called *April Fifth Forum*. He publicly protested the arrests of Wei Jingsheng and fellow activist Liu Qing and was himself arrested in October 1981. He was sentenced nine months later to fifteen years in prison and was released on parole on May 26, 1993 after completing twelve years of that sentence, eleven of them in solitary confinement. In late 1985, he managed to smuggle out a detailed account dated December 1984 of his arrest, trial and general treatment in prison. Following the 1986 publication of that account, Xu's already horrendous prison conditions deteriorated further, and he developed severe medical problems for which he was denied adequate medical treatment.

7. **Qian Yumin**, thirty-four, a signatory of the Peace Charter (Appendix III), was held by police attached to the railway ministry from March 2-5, 1994. In an interview at his home after his release, he said he was warned to put China's national interest above all and that "there were things better left unsaid." He told the police that all his actions, including signing the Peace Charter, were done in the country's interest. **Qian**, a railway worker and leading member of the Beijing Workers Autonomous Federation, has been detained four times since May 1989.

8. **Zhai Weimin**, twenty-three, was picked up on March 6, 1994 while walking in Beijing's university district and was released on March 7 or 8. Four men, two in uniform jumped out of a red Volkswagen Santana, forced Zhai into the car and drove off. Zhai ranked sixth on the Chinese government's list of "21 most wanted" students after the Tiananmen Square crackdown. He was arrested in mid-1990 and served three and a half years in prison on charges of "counterrevolutionary propaganda and incitement" for his role in the 1989 pro-democracy movement and the underground Democratic Front for the Salvation of China, organized in early 1990. He was released on September 13, 1993 just prior to the International Olympic Committee's vote on the site for the 2000 Olympics.

9-15. **Yang Zhou, Yang Qinheng, Gong Xingnan, Bao Ge, Dai Xuezhong, Han Lifa and Ma Wei**, all Shanghai-

based activists, were rounded up by police on March 3-4, 1994 during a visit to Shanghai by John Shattuck, U.S. Assistant Secretary of State for Human Rights and Humanitarian Affairs. With the exception of Bao, who was held for two days, all were released with twenty-four hours. Other dissidents fled the city before Shattuck's arrival. On March 4, just as he was expected at a meeting with Shattuck, Yang Zhou found his home surrounded by plainclothes police. Later that same day, uniformed police entered the house and took Yang to a local police station. He said he was warned that harsher action against him would be taken if he continued his dissident activities.

Now in his fifties, Yang Zhou was a co-founder in late 1992 of the Shanghai-based China Study Group on Human Rights. He also signed the Peace Charter. He was first jailed in 1979 for attempting to set up a human rights organization and served three years in prison. In April 1991, he was held in administrative detention without charge for over a year after sending a registered letter to Party leader Jiang Zemin appealing for political reform and an amnesty for political prisoners. In June 1993, he was twice detained briefly, once for trying to meet a foreign journalist. On November 14, 1993 Yang Zhou was detained after taking part in the meeting in Beijing to discuss the Peace Charter and was held until January 1994. (Another signatory, Qin Yongmin, recently received a two-year "labor re-education" sentence which he is serving in Wuhan, his hometown.)

Yang Qinheng and **Gong Xingnan** were imprisoned for two and four years respectively for activities during the Democracy Wall period (1979-81). In June 1993, along with two others, they went on a hunger strike outside the Shanghai Public Security Bureau to call for the unconditional release of a fellow Shanghai activist. Both were held for a few hours and then released. Both are now engaged in business.

Bao Ge, a teacher and researcher at the Shanghai Medical School, was also held briefly in June 1993 for participating in the hunger strike mentioned above. On October 19, 1993, Bao was informed by his superiors at school that he was being suspended from duties for a three-month period, ostensibly because of a lack of teaching work. Bao, who is leading a battle for compensation from Japan for Japanese atrocities committed in China during World War II, was told he could expect to be detained again during Japanese Prime Minister Morihiro Hosokawa's visit to China starting March 19, 1994.

Dai Xuezhong and **Ma Wei**, were detained in Shanghai on March 4, 1994 and held for about twenty-four hours. Other than that they are local Shanghai activists, there is no information available about them.

Ma Wendu was detained on March 6, 1994 and held for twenty-four hours in Beijing. According to unconfirmed reports, Ma was an associate of Wei Jingsheng during the Democracy Wall period and received a lengthy sentence for his activities at that time.

Han Lifa, a motorcycle mechanic, is also reported to have been briefly detained during John Shattuck's visit to Shanghai. In May 1993, Han was detained for over three months on charges of involvement in a dissident workers' group known as the Mainland Headquarters of the Democratic China Front. Two others involved in the case, Yao Kaiwen and Gao Xiaoliang, later received ten- and nine-year prison terms respectively.

16. **Shao Jiang**, twenty-four, was detained on March 2, 1994 in Beijing and released after twenty-four hours. A member of the Standing Committee of the Beijing Students Autonomous Federation and deputy-general of the Beijing University Self-Rule Preparatory Committee during the 1989 pro-democracy movement, he was detained from September 1989 to February 1991. That October, when he attempted to go to Taiwan for the anniversary of his grandmother's funeral, he was stopped from doing so on the grounds that he was a security risk. As of May 1993, Shao, a mathematics major at Beijing University before his arrest and expulsion, was working as a salesman in a computer company in Guangzhou.

17. **Wang Dan**, twenty-five, was picked up twice for questioning, once on March 2, 1994, for some twenty-four hours, and again on March 8 for one hour. The first time, he was urged to leave Beijing but refused. The second time,

police took him from his home in Beijing and threatened him with re-imprisonment and harsh treatment if he persisted in his pro-democracy activities. An organizer of the Beijing Students Autonomous Federation and first on the list of "most wanted" students, Wang was arrested in July 1989, tried in January 1991 and sentenced to four years in prison. He was released on parole on February 17, 1993. Although required to remain in Beijing under the conditions of his parole, he was ordered out of the city in March 1993 and sent to Hainan for three weeks to avoid press attention during meetings of the National People's Congress and the Chinese People's Political Consultative Conference. When he attempted to return to Beijing prior to the conclusion of the Congress, he was held for two days.

Wang Dan announced on March 10, 1994 that he was starting an open and legal campaign for human rights.

III. SITUATION UNKNOWN

18. **Ma Shaofang**, a native of Jiangdu County, Wujian Township, Jiangsu Province, was picked up by the police in Tianjin on March 6 and transferred to Nanjing, the Jiangsu provincial capital. There is no further word on his whereabouts. A former student at the Beijing Film Academy, Ma has been in custody three times. Tenth on the "most wanted" list after the Tiananmen Square crackdown, he turned himself into authorities in June 1989 and was sentenced in January 1991 to three years. He was released in May 1992. He then began working for a trading company in Beijing. On April 22, 1993, while on his way to Guangzhou, he was detained at the Beijing airport, taken by police to his home town in Jiangsu Province and forbidden to return to Beijing. No reason for the action was ever given. In an open letter, Ma protested the extension of his deprivation of political rights, the loss of his work and his enforced exile.

19-20. **Liu Nianchun** and **Wang Zhongqiu**, who together with Yuan Hongbing are the principal sponsors of the League for the Protection of the Rights of the Working People (Appendix II), may be in imminent danger of arrest. Liu, aged forty-six, is another veteran activist. He participated in the Democracy Wall movement and became one of the six editors of the unofficial literary magazine, *Today*. The magazine was closed down by the authorities at the end of 1979. In 1981, Liu was charged with "counterrevolutionary propaganda and incitement." He had written and published several articles that appeared in Taiwan and Hong Kong discussing the case of his imprisoned brother, Liu Qing. He had also given his brother's prison manuscript to foreign journalists. For these actions, he was sentenced to three years in prison. He served the full term and was released in 1984. During the 1989 Democracy Movement Liu took part in the demonstrations. He was one of the original signatories of the Peace Charter in October 1993.

Wang Zhongqiu is a law student at Beijing University and has studied under Yuan Hongbing.

IV. APPARENTLY UNRELATED ARRESTS

1. **Li Guiren**, aged fifty, an editor and publisher from Xi'an, Shaanxi Province, was re-arrested on February 16, 1994 at his home without explanation or documentation. A dozen plainclothes police officers simply woke him and took him away. Li had been out of prison almost exactly one year. He had been detained in the wake of the June 4, 1989 crackdown for trying to organize a strike at the Hua Yue Publishing House in Xi'an where he was editor-in-chief. Tried on March 1, 1990 by the Xi'an First Criminal Court, for "counterrevolutionary propaganda and incitement," he was sentenced to five years in prison in February 1991. He was released on bail for medical treatment on February 18, 1993, sixteen months before his sentence expired. He had been critically ill for over a year, and at the time of his re-arrest, he could only walk a few steps before getting out of breath. The reason for his re-arrest is not clear, but since his release from prison, he has published articles outside China detailing his prison experiences and clarifying his views about democratization and human rights protection in China.

2. **Zhou Shaowu** (also known as Zhou Yigong), a young worker from Anhui Province who was imprisoned after June 4, 1989 and again for over a month in 1992 for pro-democracy activities, was re-arrested on a train sometime during the past six months and was later sentenced to an unknown term of imprisonment. He is currently being held at the Yangzishan No.2 Labor Reform Unit in the Nanhu district of Xuanzhou Municipality, Anhui.

3. **Lanzhou dissidents trial:** Human Rights Watch/Asia recently learned that the principal defendants in the case of the Gansu Province-based dissident group, the Social-Democratic Party of China (SPDC), were tried by the Lanzhou Intermediate People's Court on July 30, 1993. All are believed to have been convicted, although details of the prison sentences are not yet known. Those tried on various charges of "counterrevolution" in connection with the peaceful dissident party included **Liu Wensheng, Liu Baiyu, Gao Changyun, Ding Mao, Zhang Jian, Lu Yanghua, Li Xing, Shen Zijun, and Yang Jianxi.** Other members of the party also believed to have been tried include **Rao Kezhi, Liu Bo, Du Jiangtao, Xu Zhendong, Li Gewei, Yang Kui, Liu Huixiang, Guo Dansheng, Lu Gang and Li Zhaohui.** Up until now, it was known only that ten members of the SPDC had been arrested in mid-1992; nothing was subsequently heard of their fate.

For more information:

Robin Munro, Hong Kong	852 574-6275
Sidney Jones, New York	212 972-2258
	718 398-4186

Human Rights Watch/Asia (formerly Asia Watch)

Human Rights Watch/Asia is a nongovernmental organization established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is executive director; Mike Jendrzeczyk is the Washington director; Robin Munro is the Hong Kong director; Therese Caouette, Patricia Gossman and Jeannine Guthrie are research associates; Cathy Yai-Wen Lee and Grace Obama-Layat are associates; Mickey Spiegel is a research consultant. Jack Greenberg is the chair of the advisory committee and Orville Schell is vice chair.

Human Rights Watch/Asia also includes HRW/Africa, HRW/Americas, HRW/Helsinki and HRW/Middle East. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Kenneth Roth is Executive Director; Gara LaMarche, Associate Director; Cynthia Brown, Program Director; Holly Burkhalter, Advocacy Director; Juan Méndez, General Counsel; Susan Osnos, Communications Director.

APPENDIX I: FIVE PROPOSALS TO THE NATIONAL PEOPLE'S CONGRESS

In order to protect the rights and interests of the working people and to root out corruption, and in accordance with the citizens' right to make suggestions stipulated in Article 41 of the Constitution, we hereby submit the first batch of five (5) proposals to the National People's Congress.

1. CONCERNING THE QUESTION OF RESTORING THE RIGHT TO STRIKE TO THE CONSTITUTION

The right to strike is an indispensable part of the body of citizens' rights won by mankind only after prolonged and arduous struggle. It played an irreplaceable role in modern history in safeguarding socialism, protecting the rights and interests of the working people, and preventing wealth from alienating into a force for depriving other people of their rights. As history has evolved to the present time, it has become a consensus of social conscience and a basic legal understanding that the right to strike should be the citizens' constitutional right.

At the present time, China is in a difficult process of evolving from a planned economy into a market economy. Individual ownership by private citizens, enterprises owned by foreign capital and joint ventures will constitute an ever-growing proportion in the system of multiple forms of ownership. The mechanism of operation of the state and collective enterprises will also undergo significant changes. The working conditions, wages and health care of the workers and employees will be powerfully impacted whether they work for privately-owned, foreign-owned enterprises or joint ventures or state or collective enterprises.

Confronted with capitalist owners and their managers, workers and employees can only protect their own interests by invoking the specific rights of citizens bestowed on them by law. Absolute power corrupts absolutely. Unrestrained wealth will also alienate into a source of social injustice. And the citizens' rights -- the right to strike included -- constitute a basic factor restricting the unjust use of wealth. Once the working people lose these rights, their fate is dominated by the capitalist owners and their managers. It will be difficult for them to safeguard their rights and interests effectively by legal means. The use of capital will be unrestricted. Under these circumstances, violations of the rights and interests of the working people will become unavoidable, and conditions will worsen. The society will be tragically split into violent non-legal conflicts.

In order to maintain stable development of society, we therefore put forward the following proposal:

Adopt a constitutional amendment to amend Article 35 of the Constitution as follows: "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession, of demonstration, and of strike."

2. CONCERNING THE QUESTION OF ESTABLISHING AGRICULTURAL UNIONS

We suggest that the National People's Congress adopt legislation to protect the specific right of association of 900 million peasants, and allow them to organize, according to law, local and national associations, i.e., agricultural unions to represent their interests.

We base our proposal on the following reasons:

(1) It is a basic requirement for social justice that state power must be just, clean and wise. In order to meet that requirement, state power must be subjected to the control of powerful citizens' rights and activities.

Scattered individual rights behavior is inadequate for the effective supervision of state power. Only collective citizen rights activities can effectively resist the abuse of state power by certain officials. Associations representing the interests of different social strata established according to law constitute a prerequisite for exercising legitimate collective citizen rights activities.

(2) The establishment of relations of justice, harmony and mutual benefit among the various social strata provides the basis for the salutary political, economic and cultural development of society. The establishment of this basis is conditioned on the various social strata enjoying equal and genuine legal rights. Today, the majority of the workers in urban areas enjoy the right to join the various industrial unions, local unions and the All-China Federation of Trade Unions. Intellectual workers and businessmen also have their own social organizations. Therefore, peasants, who constitute the overwhelming majority of the Chinese population, must

also enjoy the right to establish social organizations representing their own interests, i.e., agricultural unions.

(3) The interests of the peasants are subjected to all kinds of unreasonable and illegal violations: the unreasonable exchange system between industrial and agricultural products, remnants of the previous planned economy, led to backward rural economic development and low agricultural income. The practice of reckless apportionment of charges, forced contributions and collection of fees was widespread. Unbearable burdens were forced on the peasants. They often become the direct victims of corruption and bureaucratism, and the most immediate object of exploitation and bullying by certain corrupt and evil officials. It is true the government has made efforts to protect the peasants. Nevertheless, in order to prevent serious violations of the peasants' interests, not only the government's efforts are needed, it is all the more necessary for the peasants to be able to wage legitimate struggles against corrupt officials, who abuse power, through associations representing their own interests, i.e., the agricultural unions.

(4) To ensure the peasants' freedom to form associations by adopting a specific law, will, on the one hand, legalize the peasants activities to form associations, and standardize their collective rights activities in protesting unjust power; on the other hand, it will also help enhance the peasants' social, political and cultural level. It will also help prevent certain officials who abuse power and illegally infringe on the legitimate rights of the peasants.

3. CONCERNING THE QUESTION OF DRAWING UP "THE REGULATIONS GOVERNING THE REPORTING OF PERSONAL PROPERTY BY GOVERNMENT OFFICIALS AND LEADING CADRES OF THE COMMUNIST PARTY"

In order to root out corruption, and ensure the honesty of government officials and leading cadres of the Communist Party, and to convince the people of the determination of the government and the party in power to fight against corruption, we suggest that the National People's Congress draw up and help enforce "The regulations governing the reporting of personal property by government officials and leading cadres of the Communist Party."

In the light of the experience of other countries or regions, making it mandatory for officials to report their personal properties is an effective measure for fighting against corruption. An analysis of China's actual situation also shows the necessity to establish and seriously implement a system for government officials and leading cadres of the Communist Party to report their personal properties. The reason why leading cadres of the Communist Party must be included in the personnel required to report personal property is that the Communist Party is China's only party in power, and, moreover, the salaries of the cadres of the party are paid out of the State Treasury.

Furthermore, some countries and regions of the world have already accumulated rich legislative experience in making it mandatory for officials to report their personal property. By drawing on their experience in the light of China's actual situation, it is entirely possible for us to draw up a strict and scientific law of mandatory property reporting. It is reasonable to believe that through promulgation and implementation of such a law, the phenomenon of corruption will be dealt a telling blow.

4. CONCERNING THE QUESTION OF PROTECTING THE RIGHTS AND INTERESTS OF *MINGONG*

The term *mingong* means laborers who are still registered as rural residents, but who have come to the cities, factories and mines to work.

Since the beginning of the reform, large numbers of *mingong* have come to the cities, factories and mines to do temporary, seasonal work. They have been working very hard and have made irreplaceable contributions to urban construction and national economic development. They often perform the most dangerous and the most strenuous work. Their pay is often the lowest among workers. However, for various reasons, the protection of their rights and interests has been a neglected issue. This neglect must no longer be tolerated.

We therefore suggest that the National People's Congress thoroughly investigate without delay their labor safety, intensity, time and the protection of their personal freedom, and on the basis of that investigation, draw up special laws to effectively protect the rights and interests of these *mingong*.

5. CONCERNING THE QUESTION OF ESTABLISHING AND IMPROVING THE TRADE UNION ORGANIZATIONS

Since the beginning of the '80s, large numbers of foreign-owned enterprises, joint ventures, town and township collective enterprises as well as private enterprises have been established in China. Trade union organizations have not yet been established in quite a number of these enterprises, or there are no well-organized trade union organizations that can really play their role.

We therefore suggest that the National People's Congress work out the relevant specific laws as soon as possible, so that workers and employees in these enterprises may form well-organized trade unions that can represent their interests, and prevent the encroachment on their labor rights and interests, and personal liberty and rights by the capitalist owners and their managers.

APPENDIX II: LEAGUE FOR THE PROTECTION OF THE RIGHTS OF THE WORKING PEOPLE OF THE PEOPLE'S REPUBLIC OF CHINA

Chinese Prodemocracy Campaigners Petition for Permission to Form a League for the Protection of the Rights of the Working People:

On March 9 of this year (1994), Chinese prodemocracy campaigners Liu Nianchun, Yuan Hongbing and Wang Zhongqiu formally petitioned for permission to form the League for the Protection of the Rights of the Working People. The relevant documents were submitted to China's Ministry of Civil Administration by Liu Nianchun.

Yuan Hongbing, Liu Nianchun and Wang Zhongqiu are the principal sponsors for making preparations for the establishment of the League. In addition, there are some 120 other participants throughout the country, who are also making preparations for the founding of the League. Their names cannot be disclosed for the time being, lest there should be large-scale arrests by the Chinese authorities.

As of now, Yuan Hongbing is already under custody; Wang Zhongqiu has left Beijing; only Liu Nianchun remains in Beijing to take care of the matters related to the petition.

1. Since 1989, Chinese prodemocracy campaigners have, from time to time, launched small-scale activities, but without really achieving anything. The emergence of the League means that the Chinese prodemocracy movement is moving toward getting organized, coming into the open, and striving for legitimacy. If it can escape fatal blows, it will surely lay the organizational foundation for the emergence of China's civil political power.

2. In the opinion of the responsible member(s) of the preparatory committee for the founding of the League, all those who have contributed their mental or physical power to the creation of the spiritual and material wealth of society are working people, including workers, peasants, intellectuals, entrepreneurs, and businessmen. Only the corrupt officials and those unscrupulous merchants who collude with them to grab super profits are not working people. The political value orientation of the Chinese intellectual class is pro-democracy, and the working class and peasantry are all the more pro-social justice. The League will integrate these two tendencies and make social justice and political democracy its goal. It will recruit large numbers of members from among the workers, peasants and intellectuals, so as to enhance its strength and make preparations for future social change.

According to its charter, the League is only an interest group. It engages primarily in activities that are within the working people's legitimate rights. It is not a political party. The responsible member of the Preparatory Committee for the Founding of the League also indicated that it will never attack the political principles of the Chinese Communist Party. It only seeks survival and growth as an interest group. Even when society progresses to a point that makes it legal for the people to form political parties, the League does not intend to turn itself into a political party.

3. In China, as officialdom becomes more and more corrupt, there is no safeguard for citizens' rights. Furthermore, inflation, large-scale unemployment, and the worsening of public safety are making the situation increasingly serious. The people are dissatisfied and feel very strongly about it. The statement put out by the League against corruption and for the protection of the rights of the working people should be just what the people want. Provided we properly organize and disseminate our views, quite a large number of people would be willing to join, and we would enjoy widespread support and sympathy.

CHARTER OF THE LEAGUE (for trial implementation)

CHAPTER I: GENERAL PRINCIPLES

Article 1. This organization is named *The League for the Protection of the Rights of the Working People of the People's Republic of China*.

Article 2. This League is a social body organized by citizens of the People's Republic of China. It is a corporate social body established according to law.

Article 3. The purpose of this League is to unite those among the citizens of the People's Republic of China who are devoted to the protection of the rights of the working people, to actively advocate socialism, uphold the legitimate rights and interests of the working people on the basis of respect for the Constitution of the People's Republic of China; and, in the course of upholding the centrality of socialist market economic construction and reform and openness, actively explore the social security system that would fully protect the working people's rights and make them still more complete.

Article 4. This League will engage in the following activities:

- (1) Establish a nationwide information network to promote the protection of the rights and interests of the working people, exchange information, and provide information and consulting services.
- (2) Establish a nationwide popular mediation organization to help settle disputes concerning the working people, thereby assisting the government's work in maintaining social stability.
- (3) Organize scientific research to facilitate the development of the cause of protecting the rights and interests of the working people; exchange the results of scientific research.
- (4) Compile and publish an academic journal to disseminate and popularize the theory and knowledge of the protection of the rights of the working people.
- (5) Promote international co-operation and exchange to facilitate the protection of the rights of the working people.
- (6) Other documentary work relating to the protection of the rights of the working people that government offices, enterprises, institutions, households or individuals might entrust the League to do.

CHAPTER II: MEMBERSHIP

Article 5. All citizens of the People's Republic of China who accept the charter of this League, who are dedicated to the development of the cause of protecting the rights of the working people of the People's Republic of China, who have a certain amount of theoretical grounding and reasonable ability to engage in socialist practice, may become members of the League if they apply personally and are approved by the managing directors of the League's board.

Article 6. Members enjoy the following privileges and assume the following responsibilities:

- (1) the right to vote and the right to be elected to League positions;
- (2) the privilege of accepting training and consulting services and obtaining data kept by the League on a priority basis;
- (3) the privilege of participating in League activities, and the right to make suggestions and offer criticism of the League's work;
- (4) to abide by the charter, carry out resolutions, complete the assignments, and pay membership dues on time.

CHAPTER III: ORGANIZATION

Article 7. The membership congress is the organ of power of this League. It has the following responsibilities:

- (1) to make decisions about the League's work policy and tasks;
- (2) to draw up or amend the charter of the League;
- (3) to elect the board of directors;
- (4) to examine the board's work report.

The membership congress convenes every two years. The number of delegates is determined by the board of directors. Delegates are elected by members through consultation.

Article 8. The Board of Directors is the executive organ of this League. Its responsibilities are to:

- (1) implement the charter and the resolutions of the membership congress;
 - (2) draw up work plans and organize their implementation;
 - (3) provide leadership for subsidiary organizations in their activities;
 - (4) elect the honorary board chairman, board chairman, vice-chairman, managing directors, and secretary-general;
 - (5) hire advisors;
 - (6) convene the next membership congress.
- The board of directors meets once every year.

Article 9. During recess of the board, the managing directors of the board assume its responsibilities. They have the power to decide the following:

- (1) hire a deputy secretary-general;

- (2) set up special or administrative offices and appoint heads of these offices;
- (3) approve the admission of new members;
- (4) make decisions to reward or punish members.

The managing directors of the board will hold a plenary session every year. When necessary, interim meetings may be convened by the board chairman. The managing directors of the board may set up administrative units under the supervision of the secretary-general to handle day-to-day work. The board chairman has the right to nominate the heads of these administrative offices.

CHAPTER IV: RESOURCES

Article 10. The resources of this League include:

- (1) dues paid by members;
- (2) outside support;
- (3) revenues from social services provided by the League.

CHAPTER V: PROCEDURE FOR TERMINATING THE LEAGUE

Article 11. The League may be dissolved voluntarily and reported to the department in charge of its file when more than two-thirds of the members agree on dissolution.

CHAPTER VI: SUPPLEMENTARY ARTICLES

Article 12. The board of directors has the right to interpret the articles of this charter. During its recess, this right is exercised by the managing directors of the board.

ORGANIZATIONAL RULES BASED ON THE CHARTER OF THE LEAGUE (for trial implementation)

The organizational rules have been drawn up as follows:

I. Membership

1. Joining the League

An applicant must submit a written application with recommendations from two full members.

Those who accept the charter of this League and meet the conditions for membership may become members if they are approved by the managing directors and have completed the required formalities.

2. Qualifications for membership:

- (1) Must be a citizen of the People's Republic of China;
- (2) Must be dedicated to the cause of protecting the rights of the working people;
- (3) Must have a certain amount of theoretical grounding and a reasonable ability to engage in social practice;

3. Members may be disqualified or lose their membership for the following reasons:

- (1) Having seriously violated the charter of this League;
- (2) Having neglected paying membership dues for over one year;
- (3) Voluntarily withdrawing from the League.

II. ORGANIZATION

1. Membership Congress

The membership congress has the following responsibilities as specified in Article 7 of the charter of this League. It may determine the number of members of the current board and the list of candidates on the recommendation of the previous board. The board is elected and a member must receive more than half the votes. In determining the number of delegates to the membership congress, the board must fully take the opinions of the members into account.

2. The Board of Directors

The board of directors have the responsibilities as stipulated in Article 8 of the charter of this League. Board meetings are convened by the chairman of the board in case the chairman is absent for some reason, the meeting may be convened by the vice-chairman of the board. Resolutions are adopted by yes votes cast by more than half the board members.

3. Offices may be set up under the board

The League may set up the following working offices in view of the needs of its work:

(1) Office of the Secretariat

The secretariat is the administrative office of the managing directors supervised by the secretary-general. It handles the day-to-day work of the League. It has several staff members hired by the managing directors.

(2) The Dispute Mediation Section

The dispute mediation section has the special duty of mediating all kinds of disputes arising from infringements on the rights of the working people. It must firmly defend the legitimate rights of the working people. It must work to win support of the law and society for those working people whose lawful rights and interests have been infringed upon. At the same time it actively urges the relevant government departments to protect the legal rights and interests of the working people so as to maintain social stability and unity.

(3) The Information Section

The information section specializes in investigation and research into the situation of and developments in the protection of the rights of the working people. It establishes an information network to increase the transparency of society and strengthen social supervision. It provides the society with all-round political, economic, social, legal and cultural information, and provides the basis for government decision-making.

(4) The Section in Charge of Academic Publishing

The section in charge of academic publishing specializes in academic research into the protection of the rights and interests of the working people. It compiles and publishes the relevant academic monographs and the League's publication, *The Rights of the Working People*. It organizes domestic and international academic exchanges regarding the protection of the rights of the working people, and lays the theoretical foundation for upholding socialism and the protection of the rights and interests of the working people.

(5) The Special Affairs Section

The special affairs section handles important cases of gross infringements on the rights of the working people that may have suddenly arisen in any part of the country. It takes special emergency measures and makes it a top priority to ensure the survival of those working people whose legal rights have been encroached upon. It energetically organizes assistance, relief and support activities to safeguard socialism and defend the legal rights of the working people.

III. MEMBERSHIP DUES

1. The amount of League membership dues

Members of the League pay one *yuan* (*renminbi*) per month. In addition to membership dues, members may voluntarily donate to the League fund whatever amount they wish.

2. Time limit for the payment of membership dues

Monthly membership dues must be paid or remitted to the membership dues office of the League secretariat within the same month.

3. The uses to which membership dues may be put

For defraying the expenses involved in carrying out the activities stipulated in Article 4 of this charter.

4. The secretariat must submit a written report every year to the board of directors concerning the expenditures of membership dues and the fund.

These rules will come into effect on the day the establishment of the *League for the Protection of the Rights of the Working Peoples* is formally approved.