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International Centre for Trade Union Rights

*Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux*

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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

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CC:

Zhang Jinan, Minister of Human Resources and Social Security.
Fu Zhenghua, Minister of Justice
Clément Nyaletsossi Voule, United Nations Special Rapporteur on the
rights to freedom of peaceful assembly and of association

September 2018

Dear President,

The International Centre for Trade Union Rights is writing to express serious concerns about the arrest and detention of workers in the Pingshan district of Shenzhen.

ICTUR understands that in July, around thirty workers at the Shenzhen Jasic Technology Corporation were arrested and detained. The workers at the electronics manufacturer have been campaigning to organise a union, to address workers' complaints, including illegal fines, overtime and harassment from management. It is understood that the workers sought authorisation in May from the Pingshan District branch of the All-China Federation of Trade Unions (ACFTU), which gave them instruction on the establishment of an enterprise-level union. During their organising campaign, the company set up its own union.

On July 12, as nearly ninety employees had signed up to the workers' union, the organisers - Liu Penghua and Mi Jiuping - were reportedly prevented from returning to work by security guards and police officers, who beat them. The two organisers were denounced for organising an illegal union by company management and the Pingshan branch union, and were arrested. In response to these attacks on the trade unionists, the workers began a demonstration outside the Yanziling Police Station. On 20 July, police officers also arrested the protesting workers. All were released the next day. Workers continued to protest their treatment and demand

their right to organise a union. On 27 July, some thirty demonstrators were again arrested - including Jasic employees, former employees and workers from other workplaces. At the time of writing, it is understood that they remain in detention, charged with disorderly behaviour and trespass. A further fifteen protestors demanding their release were arrested in 30 July, but released the same day. It is understood that seven workers have also been sacked for their union activities.

ICTUR wishes to remind the government that the ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998, commits all ILO members to respect and promote the principles of freedom of association and the effective recognition of the right to collective bargaining, as enshrined in ILO Conventions 87 and 98. The arrest and detention of trade unionists constitutes a serious violation of the principles of freedom of association. According to the ILO's Committee on Freedom of Association, it is 'incumbent upon the government' to show that the arrest, detention and sentencing of a trade union official are 'in no way occasioned by the trade union activities of the individual concerned' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, para. 94).

ICTUR calls on the government to secure the immediate release of all of those arrested in relation to the union organising campaign at Jasic, and to drop the charges against them. ICTUR further calls on the authorities to undertake all necessary measures to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director