

Statement from Hong Kong labour groups on the prosecution of labour activists in Guangdong

Wednesday 20 July 2016, by [Collective / Multiple signers](#) (Date first published: 16 July 2016).

Guangdong labour activists Zeng Feiyang, Meng Han, Zhu Xiaomei and Tang Huanxing, who were arrested by Chinese police on 3rd December, 2015, were charged with “disturbing social order” by the People’s Procuratorate of Panyu District, Guangzhou Municipality in June and will be on trial in the near future.

In the December incident, more than 50 activists were interrogated and seven were detained or went missing. This prosecution is part of President Xi’s crackdown on labour activists and gravely threatens the survival of civil society in China. The detained were denied the right to meet with their lawyers. Relatives of the detained appointed lawyers to meet with the activists in detention, but police turned down their requests, either claiming that the activists had already hired their defense lawyers or without providing any reasons or documentary proof at all. Zeng Feiyang was not allowed to see his lawyer for six months and in the meantime was slandered in government controlled media. Worse yet, relatives of activists have been surveilled in their homes, violently harassed or verbally threatened.

We believe that the Guangdong police’s actions trampled on the judicial principles of fairness and justice, violated the basic rights of the activists, and seriously violated domestic Chinese law. Article 11 of the Universal Declaration of Human Rights states that “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence”; Article 14 of International Covenant on Civil and Political Rights states that arrested persons have the right to “defend himself in person or through legal assistance of his own choosing”. “Own choosing” must be an autonomous decision made by the persons involved without threats, coercion or capitulation. The Principles for the Protection of All Persons under Any Form of Detention or Imprisonment expressly stipulate that any detained person “shall be entitled to have the assistance of a legal counsel” and “communicate and consult with his legal counsel.” The Constitution of People’s Republic of China states that “the accused has the right to defence”. Article 14 of the Criminal Procedure Law of the People’s Republic of China states that “the public security organs shall safeguard the procedural rights to which participants in court proceedings are entitled according to law.” Article 33 states that “he or his close relatives may file an application with the legal aid agency for help.”

International society will not forget the arrested activists. The four labour activists are now going to trial. On account of the violations of the arrested activists’ basic rights and the harassment and surveillance of their families by the Guangdong Police, we make the following public statement:

1. It is legitimate for workers to defend their rights and seek social support when their rights are undermined. Even if this induces losses for a factory, the workers are not guilty of “disturbing public order”. Workers’ have rights to freedom of association and collective bargaining, which should be respected. Their actions to defend their rights should not be considered crimes.

2. The Ministry of Public Security should act on its responsibilities for oversight and ensure Guangdong police protect the four activists' rights in accordance with the abovementioned international covenants and domestic laws, which are recognized by the PRC government. The arrested persons' rights to access effective assistance, to freely choose their own legal counsel, and to have the legal counsel appointed by their relatives fully exercise the right to defend them through to the end of the trial must be protected.

3. The People's Procuratorate of Guangzhou Municipality and the Supreme People's Procuratorate should fulfill their judicial obligations of oversight by refusing to tolerate any illegal behaviour in this case. Anyone abusing their power in this case should be investigated and punished according to law.

4. We, concerned members of civil society, will closely monitor this case. We demand that this politically motivated case be dropped and all labour right activists must be released immediately.

16th July, 2016

Signed:

Asia Monitor Resource Centre

China Labour Bulletin

The editorial committee of Red Balloon Solidarity

Globalization Monitor

Hong Kong Confederation of Trade Unions

Labour Action China

Labour Education and Service Network

Students and Scholars Against Corporate Misbehavior

Workers Empowerment

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