



LAWYERS COMMITTEE  
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**Zhang Zuoji Buzhang**

Minister of Labor and Social Security  
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People's Republic of China

Your Excellency,

The Lawyers Committee for Human Rights wishes to express its deep concern over the continuing imprisonment of **Liu Jingsheng**, a former worker at the Tongyi Chemical Plant in Tong County. Mr. Liu is serving a 15 year sentence of imprisonment in Beijing City Prison no. 2 for his activities promoting workers' rights, and seeking to found a free trade union. The Lawyers Committee, an independent non-governmental human rights organization that works to develop stronger models of accountability for enforcing workers' rights in the global market place, calls for his immediate and unconditional release.

Liu Jingsheng was arrested on May 28, 1992 and charged with "organizing and leading a counter-revolutionary group" and "carrying out counter-revolutionary propaganda and incitement." These charges related to his alleged participation in the Preparatory Committee of the Free Labor Union of China (FLUC) and involvement in the printing and distribution of its political charter. In December 1994, over two and a half years after his arrest, Mr. Liu was sentenced to 15 years' imprisonment and four years' deprivation of political rights.

The Lawyers Committee welcomes the news that Liu Jingsheng's sentence was recently reduced by thirteen months for "good behavior" while in detention. Nevertheless, he has, at this time, been imprisoned for over nine years on charges that the Lawyers Committee believes contravene China's international obligations. The Lawyers Committee considers his conviction and imprisonment on these charges to be a violation of his rights to freedom of expression and association, rights protected under international human rights law. Furthermore, the Lawyers

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Committee is concerned that Liu Jingsheng's health has suffered and seeks assurances that while he remains in detention he will be given adequate access to medical attention.

Article 19 of the *International Covenant on Civil and Political Rights* (ICCPR), which China signed in 1998, guarantees the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds, orally or in print. The right to express oneself freely is widely considered to be one of the most fundamental of human rights, upon which the rule of law and the functioning of democratic society are dependent.

Additionally, Article 22 of the ICCPR specifically protects the right to freedom of association, including the right to form and join trade unions. Article 8 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), ratified by China in March of this year, also stipulates that States parties must ensure the right of everyone to form trade unions and join the trade union of his choice. While China made a reservation to Article 8(1) upon ratification, declaring that application of the Covenant shall be carried out in a manner consistent with domestic law, under international law a reservation to a treaty cannot be incompatible with the object and purpose of that treaty. The purpose of the ICESCR is to safeguard fundamental economic, social and cultural rights, including the right to freedom of association, and China's reservation cannot, therefore, be used to prevent the full enjoyment of this right by everyone.

Confirming its recognition of the right to freedom of association as a fundamental human right, under the ILO's *Declaration on Fundamental Principles and Rights at Work* (1998), China has agreed to respect and ensure workers' right to freedom of association and the effective right to collective bargaining. This Declaration states that ILO members, even if they have not ratified more specific ILO Conventions, have an obligation to respect "in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subjects of those Conventions." The rights of workers to associate freely and engage in collective bargaining is specifically recognized in the Declaration as a fundamental right.

Finally, Article 1 of the UN *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (1999) provides that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." The Declaration further emphasizes the right of individuals to express themselves, to obtain and impart information and to associate freely in pursuit of the promotion of human rights.

In light of these and other internationally recognized provisions of human rights law, the Lawyers Committee calls upon the Chinese Government to end the continuing violation of Liu Jingsheng's fundamental rights by instigating the appropriate procedures for his prompt release. We also urge you to ensure that Liu Jingsheng immediately receives appropriate medical treatment in accordance with the UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* (Principle 24) and the *Standard Minimum Rules for the Treatment of Prisoners* (Rules 22-25).

The Lawyers Committee will continue to monitor the case of Liu Jingsheng and we would appreciate any timely information concerning measures taken by you to address our concerns in this matter. We thank you for your attention.

Very truly yours,

**Justine Nolan**

Director, Workers Rights Program

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