

>>> "ITUC Press" <press@ituc-csi.org> 18.03.2009 14:58 >>>

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

ITUC OnLine

037/180309

China: Yao Fuxin Released

Brussels, 18 March 2009 (ITUC OnLine): The ITUC, together with the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), welcomes the release of Mr. Yao Fuxin, a labour activist from Liaoning province, after serving his seven years' prison term on conviction of "subversion of State power".

On March 16, 2009, Mr. Yao Fuxin was released from Lingyuan n°2 Prison, Liaoning province, considered as one of the harshest prisons in China and where most detainees are political prisoners.

Before his detention, Mr. Yao was one of China's most outspoken labour activists. In 1998, he joined others to petition the central government against corruption at the Liaoyang Ferro-Alloy Factory. In May 2001, the factory's workers alleged that the robbery of 2,000 tons of iron ore at the factory had been led by local court officials and that the subsequent bankruptcy of the factory had been orchestrated by the factory's leaders in collusion with the local government. Mr. Yao and other workers had demanded a full investigation that was never conducted.

In March 2002, Mr. Yao, then spokesperson of the newly founded All-Liaoyang Bankrupt and Unemployed Workers' Provisional Union, was arrested along with Mr. Xiao Yunliang (who was released in February 2006, three weeks before completing his four-year prison sentence) for having led a peaceful demonstration against corruption and the non-payment of overdue wages and pensions - a demonstration that gathered at least 5,000 workers from six factories in Liaoyang (Liaoning province). According to Human Rights in China (HRIC), Mr. Yao was initially charged with "gathering a crowd to disrupt social order" and then sentenced in May 2003 to seven years in prison for "subversion of State power" for alleged involvement in the banned China Democracy Party.

"We welcome the release of Mr. Yao, but we regret that such release occurred following the completion of his seven years' prison term, and came along with a period of three years of deprivation of political rights, including freedoms of speech, assembly, and association. We further urge the Chinese authorities to release immediately - and without conditions - all human rights defenders in the PRC currently deprived of liberty because of their human rights activities. Such detentions are arbitrary, and contrary to the 1998 United Nations Declaration on Human Rights Defenders

<<http://www2.ohchr.org/english/issues/defenders/translation.htm>> , " said Souhayr Belhassen, FIDH President.

"It is also important to point out that throughout Mr. Yao's detention, the latter was held in precarious conditions, sustained serious acts of ill-treatment and witnessed a deterioration of his health status. We recall that torture and ill-treatment constitute a violation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China is a State party and which triggers individual criminal responsibility. Accordingly, we urge the Chinese authorities to take meaningful action to prevent and punish the use of torture so as to conform with China's international human rights obligations, <http://www2.ohchr.org/english/issues/defenders/translation.htm>" added Eric Sottas, OMCT Secretary General.

Throughout his detention, Mr. Yao sustained two heart attacks and a stroke, and suffered from malnutrition and from cold in winter. Mr. Yao was also obliged to sleep with 19 other inmates on one bed,

and was watched by a guard who ordered two death-row prisoners to step on him every time he was about to sleep.

"We welcome the release of Yao Fuxin," said Guy Ryder, ITUC General Secretary, "but at the same time we have to bear in mind that many other labour rights activists remain in detention in China, often in appalling conditions. The fundamental rights of Chinese workers to freedom of association and collective bargaining are still being denied by the authorities, and we call upon them to respect these rights, enshrined in ILO Conventions, in full."

The ITUC and the Observatory urge the Chinese authorities to release all human rights defenders arbitrarily detained in the People's Republic of China, to put an immediate end to any kind of harassment against them, and to investigate all cases of torture or ill-treatment so that those responsible can be brought to justice and sanctioned according to law.

For further information, please contact:

FIDH: Gael Grilhot / Karine Appy, + 33 1 43 55 25 18

OMCT: Delphine Reculeau, + 41 22 809 49 39

ITUC: Mathieu Debroux, +32 2 224 02 04

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For more information, please contact the ITUC Press Department on: +32 2 224 0204 or +32 476 621 018

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