

# APR/JUN 2016

## He Xiaobo Released on Bail, Zeng Feiyang's Mother Attempts to Sue Official Media

On 8 April, He Xiaobo, one of the labour activists taken into custody in early December 2015, was released on bail after being charged with embezzlement. A 42-year-old former migrant worker, He is the director of the Nanfeiyang Social Work Service Centre, an NGO based in Foshan, Guangdong, that specialises in providing legal aid to victims of work-related accidents and occupational diseases. Another two labour activists, Zeng Feiyang and Meng Han, of the Panyu Migrant Workers Centre, an NGO based in Guangzhou, currently remain under detention with the charge of 'disrupting social order'. In late December, Chinese state media publicly accused Zeng of having embezzled money from factory workers, having affairs with several female workers, and writing 'vulgar' messages to women online. His mother Chen Wenying later attempted to sue the official Xinhua News Agency and China Central Television, demanding one million yuan in compensation for defamation, but in April she dropped charges due to the unrelenting pressures she and her family had been subjected to in the wake of the lawsuit.

(Sources: **Guardian**, **Quartz**, **South China Morning Post**, **Xinhua**)

## New Foreign NGOs Law Passed

On 28 April, the National People's Congress, China's legislative body, passed the long-awaited Law on the Management of Foreign NGOs' Activities within Mainland China. The new Law, which will come into effect on 1 January 2017, fills a grey area of the Chinese legal system, stipulating that any foreign group wishing to operate in China must register with the public security authorities. This means that the Ministry of Public Security and its local branches down to the county level will formally be in charge of supervising all activities of foreign NGOs in China. The passage of the Law signifies increasing restrictions on the activities of foreign NGOs. Not only will they be barred from engaging in political or religious activities, or acting in a way that damages 'China's national interests' or 'ethnic unity', but criminal measures can also be taken against individuals who are suspected of having engaged in activities that violate these broadly worded principles. As most foreign NGOs operating in China do not have any official registration, no official data are available on their numbers. However, according to one estimate more than 7,000 international organisations are active in the country today. In light of this widespread presence, the Chinese authorities have argued that such regulation is long overdue, with an op-ed published on the *People's Day* on 4 May rhetorically asking: 'If you do not violate the law, what are you afraid about?' Still, critics maintain that the laws amount to a crackdown. To allow our readers to have an informed opinion on the matter, on pp. 34-40 of this issue of *Made in China* you can find a compendium of the Law.

(Sources: **BBC**, **China Law Translate**, **Guardian**, **People's Daily**)



## Henan Local Regulations Forbid Workers from Resorting to Extreme Measures to Pursue Back Pay

On 22 April, the local authorities of Zhengzhou, Henan Province, released a set of ‘Draft Regulations on the Construction Market’, giving the public one month to provide feedback. The Regulations, which aimed at ‘standardising the management of the construction market, protecting the order of the construction market, and guaranteeing the legal rights and interests of the actors involved’, attracted public backlash because in their initial formulation they included provisions calling for punishment against those construction workers who adopted ‘extreme measures’ when fighting to claim unpaid wages. In particular, this early draft explicitly prohibited acts such as climbing on cranes or buildings and threatening to jump—relatively common occurrences in the construction industry in China—saying offenders would be handed over to the judicial system. It also banned workers from using force or money to convince others to join protests. It is not clear how or why, but a draft subsequently released for public comment in May no longer included such provisions.

(Sources: **Caixin English**, **Caixin Chinese**, **People’s Daily**, **Dahe.cn**, **Zhengzhou People’s Congress Website**)



PC: XINHUA, LIU JUNXI

## Walmart Employees Campaigning against Flexible Scheduling

On 16 May, Walmart announced a new flexible scheduling system—the so-called ‘comprehensive work hour calculation system’—to be implemented across its retail stores in China, and asked its employees to sign a written declaration in which they agree to the new system. In contrast to the current standard eight-hour working day for full-time workers, with the new system Walmart will be able to schedule any number of hours, as long as they add up to 174 hours per month. Not only would the new system reduce workers’ overtime payment, but it would also introduce an erratic work schedule. The *Jinan Daily* quoted a Walmart worker as saying: ‘We are comfortable with the eight-hour working day. After switching to the new scheduling system, if management requests us to work twelve hours today and four hours tomorrow and if we sign the agreement, then we cannot refuse. This system will bring extreme uncertainty.’ Walmart has previously attempted to implement this scheduling system but failed due to the resistance of its employees. The current opposition against the new scheduling has been led by an unofficial Walmart Chinese Workers Association (WCWA) founded by several current and former Walmart workers in 2014. With the hope of securing the support of the All-China Federation of Trade Unions (ACFTU), on 28 May the WCWA sent an open letter to the ACFTU co-signed by more than eight hundred Walmart workers. On 14 June, the Guangdong branch of the ACFTU issued a statement in which, without naming Walmart, it reiterated that the use of the comprehensive work hour calculation system in the retail sector is inconsistent with the existing regulations, and any labour dispute caused by the implementation of such system must be reported to the union for timely intervention. For further details, see Anita Chan’s article on pp. 11-14 of this issue of *Made in China*.

(Sources: **Jinan Daily**, **Sixth Tone**, **The Nation**)

## Mine Murders Uncovered in Mongolia

On 31 May, prosecutors in Inner Mongolia announced the indictment of 74 people for the killing of 17 mine workers. The killings were for the purpose of faking mining accidents in order to blackmail mine owners running unlicensed operations into paying compensation. The compensation payments ranged from 500,000 to 800,000 yuan. In a scheme that brings to mind the plot of the movie *Blind Shaft*, directed by Li Yang, these suspects lured victims from poor villages, and paid them a higher than average daily wage to work in the coalmines. The victims were then murdered within days. The actual number of victims is likely to be higher, as corpses were quickly cemented and disposed of. The killing of these 17 people was discovered in January 2015, when the police were investigating a mining accident and found that some of the victims were actually alive. Newspapers have reported on similar schemes in the past. For instance, in 2009 the police discovered that several people from a village in Leibo County, Sichuan Province, were involved in buying or kidnapping people with severe mental problems only to sell them as slaves or to kill them in the mines in order to get compensation.

(Sources: **China News, Caijing, The New York Times**)



PC: TILL MOSLER

## Social Media Archivists of Protests in China Detained

On 16 June, Lu Yuyu and his partner Li Tingyu, chroniclers of protests in China on their website *Wickedonna*, were detained in the southwestern city of Dali, Yunnan Province, where they lived. They are accused of ‘picking quarrels and provoking troubles’, a charge that is often used to silence activists in China. Since 2012, the couple has been gathering and posting text and images from Chinese social media, such as *Weibo* and *Baidu Tieba*, to document protests in China—providing what is arguably the most comprehensive daily updates of social upheavals across the country, including many labour protests. After dropping out of university, Lu became a migrant worker and in 2012. While in Shanghai, he had his first taste of political activism, publicly showing his support for five young people who were arrested in Guangzhou for holding up placards that called for president Hu Jintao to disclose his assets. At the time, Lu held up a similar poster in one of Shanghai’s busiest shopping districts, until the police intervened and expelled him from the city. Over the years, he continued to be harassed by state security for his activism and documentation work. His accounts on Chinese social media have been deleted more than one hundred times. In a profile published by *The Week*, Lu was quoted as saying: ‘As long as I am not in jail, I will continue to do it.’ Amnesty International has called for the couple’s immediate release.

(Sources: **The New York Times, The Week, Amnesty International, Wickedonna**)



PC: VOICE OF AMERICA