



# NZ-CHINA FREE TRADE AGREEMENT

**NZ is the first OECD country to sign a Free Trade Agreement (FTA) with China. Whilst much is made of the economic gains for both countries, the agreement does not adequately address human rights, particularly labour rights concerns.**

## The Agreement

A FTA is an arrangement which establishes unrestricted exchange and flow of goods and services between trading partners. It eases the importing and exporting of goods between the countries creating faster and easier trading.

Negotiations between NZ and China began in July 2004, and the signing took place on 7 April 2008 in Beijing.

The text of the agreement and its accompanying agreements is available at [www.chinafta.govt.nz](http://www.chinafta.govt.nz)

## Labour Rights are Human Rights

MPs have repeatedly attempted to separate trade from human rights. However labour rights are human rights - as proclaimed in the Universal Declaration of Human Rights.

## Amnesty International's concerns

Amnesty International does not oppose this or any other Free Trade Agreement. Rather we call for any such agreements to explicitly incorporate AND endorse relevant international and domestic human rights obligations, including the International Labour Organisation Principles. After reviewing the FTA and its accompanying agreements, in particular the Memorandum of Understanding on Labour Cooperation our concerns are:

### ◆ **Weaker labour rights commitments**

There is a pattern of weaker labour provisions, in comparison with New Zealand's other trade agreements — see our comparison chart at [www.notmadeinchina.org.nz](http://www.notmadeinchina.org.nz)

### ◆ **Transparency and consultation**

There has been a lack of transparency and consultation in the negotiation and post-signing of the FTA. In particular labour rights concerns repeatedly raised by Amnesty International were not addressed substantively until two months after the signing.

### ◆ **Prison and child labour goods in New Zealand**

Despite international and domestic prohibitions, we have not received details on how the government will ensure goods produced by such labour will **not** enter New Zealand. We have recommended an agreement similar to the *Harkin-Engel Protocol* to establish an action plan to stop prison and child labour in an open & transparent way.

## Take Action!

Sign our online petition to the Prime Minister and Minister of Foreign Affairs & Trade at [www.notmadeinchina.org.nz](http://www.notmadeinchina.org.nz)



*Inmates at a Re-education through Labour camp*

## China's International Labour Law (ILO) violations

- ◆ Independent trade unions are illegal under China's Trade Union Law and there is harsh repression of any efforts to establish such unions.
- ◆ Push for rapid economic growth has not been accompanied by adequate government regulation of and investment into workplace health and safety.
- ◆ Coercive methods to physically confine and control workers, such as locking them in their dormitories at night, locking factories during working hours and holding workers financially hostage to their workplace — mostly in enterprises which have higher proportions of women workers.
- ◆ Many goods are produced in 'Re-education through Labour' camps - a system openly based on forced labour and arbitrary detention.

The **Harkin-Engel Protocol (2001)** was signed by chocolate and cocoa industry representatives to eliminate the worst forms of child labour in the growing and processing of cocoa beans. It establishes a **key action plan and steps with time specific commitments** such as -

- \* publicly acknowledging the problem & signing a joint statement
- \* forming multi-sector advisory groups
- \* establishing a binding joint action program & committing significant resources to the problem

## China's Economic Growth

China's economy expanded by 11.4% in 2007, the highest growth rate since 1994. China's economy is amongst the fastest-growing globally — not all citizens have benefited, however. The growth has been accompanied by a widening gap between rich and poor, exacerbating entrenched patterns of discrimination. It has been accompanied by social tensions and increasing impoverishment among some rural populations, and environmental degradation. Vocal protests by farmers did little to prevent forced evictions by the authorities to make way for developments, including those supporting the 2008 Beijing Olympics. The challenge to match unbridled economic expansion with an increase in economic, social and cultural rights for China's poor remains unmet.



*Palden Gyatso, a Tibetan monk who spent 33 years in Chinese prisons and labour camps holds up tools of torture used by the Chinese authorities*

## Re-education through Labour

**Re-education Through Labour (RTL) is a system of arbitrary detention, openly based on forced labour. In 2007 an estimated 500,000 people were subjected to punitive detention without charge or trial through RTL and other forms of administrative detention.**

Amnesty International receives numerous reports of torture and ill-treatment taking place in a wide variety of state institutions across China, including RTL camps. People receiving terms of RTL have no access to a lawyer, and no court hearing. Worryingly there has been an increase in the use of the RTL, particularly in the build-up to the Olympic Games for instance to 'clean' the streets of Beijing of 'undesirables' such as 'drug users,' as well as housing activists whose houses have been demolished for Olympic building.

## Child Labour



*Child forced to labour making Buddhas*

Child labour is reported to be on the rise, particularly in poorer rural areas - despite China's ratification of international treaties against the worst forms of child labour.

Child labour is in demand because children have smaller hands and eyesight undamaged by years of labour, making them more desirable than adults for certain kinds of work.

*"While sewing on the beads, the children's hands are stuck by the needle dozens of times each day and their hands are full of calluses. Because their eyes cannot leave the needle and the bead, the children have all developed "panda eyes" – they cannot open their eyes wide, and are always complaining that their eyes hurt. There is a small first-aid kit in the factory, full of the painkiller analgin."*



## Individual Cost

**Bu Dongwei**, a Falun Gong practitioner, was assigned to two and a half years' RTL in June for "activities relating to a banned organization" after police discovered Falun Gong literature at his home.

**Mao Hengfeng** was reportedly subjected to torture and ill-treatment in a RTL camp. She was suspended from a ceiling and severely beaten, the police at the facility reportedly bound her wrists and ankles with leather straps and then pulled her limbs in different directions demanding she acknowledge her "wrongdoing". This was continued for two days during which she was also denied food.

**Amnesty International New Zealand**

0800 266 378

info@amnesty.org.nz

www.amnesty.org.nz

*Quote from Encountering the lives of child workers in the dark corners of cities Nanfang Ribao (Nanfang Daily), November 14, 2004.*