

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: CHN34933
Country: China
Date: 21 May 2009

Keywords: China – CHN34933 – Employees being held captive by employers

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Questions

The RRT is seeking information regarding the following question:

- 1. Are there any reports of employers holding employees captive for any period of time following workplace complaints?**
- 2. Do you have any other comments on this subject?**

RESPONSE

- 1. Are you aware of any reports of employers holding employees captive for any period of time following workplace complaints?**
- 2. Do you have any other comments on this subject?**

Professor Jonathan Unger, Head of the Contemporary China Centre, Australia National University was contacted in regard to this matter on 19 May 2009 (RRT Research & Information 2009, Email to Jonathan Unger 'Request for assistance from Refugee Review Tribunal, Sydney (RRT ref: CHN34653)', 19 May – Attachment 1).

On 20 May 2009 Professor Unger responded and provided the following advice:

The account of the applicant does not seem likely. Certainly, there are abuses in parts of Chinese industry, especially in the sweatshops etc. that largely employ migrant workers. But the applicant worked in the type of company that is least likely to attempt to engage in serious abuses: a joint venture that is partly owned by a provincial government. What the applicant claims is prolonged kidnapping, a criminal offense in China, which makes the alleged offense all the less likely. Criminal acts like this have been reported in rough village-based mines etc. in the outback, but it would be very strange indeed for it to be attempted in a big urban joint venture of this type.

Of course, anything under the sun might occur, however implausible. But even if the applicant's story is true, I can't envision how she would be endangered if she returned to China. If a criminal act like this did occur at that company, she obviously would decide not to return to that company's employ and would seek a different job. How, then, would she be in danger if she returns to China? How could that company's purported criminal act possibly place her in danger vis a vis the Chinese government, which is the issue before your Tribunal? Her application simply doesn't make sense to me (Unger, J. 2009, Email 'Re: Request for assistance from Refugee Review Tribunal, Sydney (RRT ref: CHN34653), 20 May – Attachment 2).

List of Attachments

1. RRT Research & Information 2009, Email to Jonathan Unger 'Request for assistance from Refugee Review Tribunal, Sydney (RRT ref: CHN34653)', 19 May.
2. Unger, J. 2009, Email 'Re: Request for assistance from Refugee Review Tribunal, Sydney (RRT ref: CHN34653), 20 May.