



CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

## **PROSPECTS FOR REFORMING CHINA’S REEDUCATION THROUGH LABOR SYSTEM<sup>1</sup>**

*“After years of appeals from all corners of society, China’s highly disputed reeducation through labor system has finally been put on the reform agenda. The reeducation through labor system’s abuses have become increasingly prominent ... reform is inevitable; it is a historical necessity.”*

*- Xinhua Commentary, October 12, 2012<sup>2</sup>*

*“This system is contrary to a society governed by law. It is very arbitrary—the reeducation through labor committee can arbitrarily strip people’s freedom, for however long, with no basis. It causes people so much pain.”*

*- Former Detainee Ren Jianyu, November 21, 2012<sup>3</sup>*

### **Executive Summary**

Since its establishment in 2001, the Congressional-Executive Commission on China has monitored China’s reeducation through labor (RTL) system, an arbitrary system of administrative detention without judicial review. The Commission has observed, through media coverage and first-hand accounts, reports of rights abuses—from the unlawful imposition of labor sentences to the harsh treatment of detainees—and has noted the system’s lack of transparency and its extra-judicial structure. It is recommended that the Chinese government abolish the reeducation through labor system as an important step in its development of rule of law.

Amid recent public calls for and official statements on reforming the system, Commission staff members have prepared this issue paper to provide an overview of current reform debates and to discuss prospects for reforming the RTL system. Commission staff members have also prepared a series of recommendations on abolishing the RTL system and addressing the needs of current and former detainees.

## Introduction

On March 17, 2013, China's Premier Li Keqiang told a press conference in Beijing that plans to reform China's system of reeducation through labor (*laodong jiaoyang* or *laojiao* in Mandarin Chinese; hereafter RTL) might be unveiled by the end of the year.<sup>4</sup> Premier Li's comments followed national outrage over a series of controversial cases and growing public resentment over the arbitrary detention system.<sup>5</sup> With a reported 350 RTL detention centers nationwide and estimates of more than 100,000 detainees,<sup>6</sup> the RTL system has become a tool for public security agencies to silence petitioners seeking redress for official abuses, to brutalize practitioners of the Falun Gong spiritual movement, and to exploit minor offenders whose offenses do not fall under the Criminal Law. For many in China, the RTL system has become a symbol of unchecked administrative powers and rampant official abuses.

Premier Li Keqiang's comments in March 2013 were not the first official statements on RTL reform this past year. They echo similar reform-leaning statements from central- and provincial-level officials over the past several months. Pronouncements have varied, from boldly predicting an imminent end to RTL penalties to suggesting a shift away from punishing some offenses. While such statements may signal that China's new leaders may have the political will to overhaul the unpopular system, such reforms have been in discussion for decades. Over the past 30 years, there have been multiple rounds of policy debate over abolishing or reforming the RTL system.<sup>7</sup> Unfortunately, little has changed.

The RTL reform debate may be changing, however, as more Chinese citizens participate. Chinese citizens have increasingly taken to the Internet to criticize the RTL system and controversial RTL cases. With the absence of a free media, Chinese citizens have readily embraced the Internet—particularly new social media tools—to share information and express discontent over official abuses. The widespread use of social media forums has magnified attention on unfair RTL detentions. Stories of harmless tweets and emotional displays leading to forced labor camp sentences have sparked outrage, as well as spurring requests for compassion and reform online.

With a growing backlash from China's citizens and the new leadership's vocal commitments to maintain stability, it appears China's top leaders are now considering abandoning the unpopular RTL system in an effort to preserve "social harmony." But, even with reform-minded statements from China's newly minted leadership, various political and practical obstacles remain. Will China's powerful public security apparatus willingly surrender its unchecked decisionmaking authority over "minor offenders" and troublemakers? Will there be a gradual reform of the RTL review procedures or a complete end to the RTL system? Will similar administrative systems or new punishments—like those associated with China's notorious and unofficial "black jails"<sup>8</sup>—replace the current extra-judicial detention system? The challenges to reforming the decades-old system will not be easy for China's leadership to overcome; however, the new leaders seem to understand that reform or abolition of the RTL system is now necessary. As one popular Chinese news magazine put it, the RTL system has "reached a critical point in which reform or abolition must occur; the status quo can no longer be accepted."<sup>9</sup>

## Historical Background

China's reeducation through labor system has been in existence for nearly 60 years.<sup>10</sup> Established in the mid-1950s, the RTL system was initially used to target the Chinese Communist Party's political enemies, such as "counter-revolutionaries," "landlords," and "rightists."<sup>11</sup> The RTL system was officially established in August 1957 when the National People's Congress (NPC) Standing Committee approved the State Council's "Decision of the State Council Regarding the Question of Reeducation Through Labor" (Decision).<sup>12</sup> Under the Decision, the NPC Standing Committee authorized the State Council to

administer the RTL system, which, in practice, placed implementation under the authority of the Ministry of Public Security, the principal police authority in China.<sup>13</sup> By the late 1970s and early 1980s, the Ministry of Public Security adopted detailed provisions to cover the implementation of RTL punishments and to define the scope of offenses. In November 1979, the State Council issued a second supplementary decision on RTL that fixed the length of RTL penalties at between one and three years with a possible extension of up to one year.<sup>14</sup> In January 1982, the Ministry of Public Security issued its first set of comprehensive regulations on RTL, which detailed the categories of people eligible for RTL penalties and allocated responsibilities for the administration of RTL detention centers.<sup>15</sup> With the implementation of the regulations the following year, the management of RTL facilities was transferred to the Ministry of Justice, while the RTL decisionmaking process remained under the authority of the Ministry of Public Security.<sup>16</sup>

Over the past two decades, the reeducation through labor system has continued to undergo changes and to expand the scope of “minor offenses” eligible for RTL penalties. While there have been attempts to address long-standing procedural issues, these attempts have failed to resolve fundamental problems within the RTL system. In 1996, for instance, the NPC passed the PRC Administrative Punishment Law, which introduced new procedures allowing suspects the right to defend themselves or allowing challenges to administrative detention decisions.<sup>17</sup> In 2002, the Ministry of Public Security passed its own “Provisions on the Handling of Reeducation Through Labor Cases by Public Security Organs,” which allowed certain types of suspects the right to request a hearing while cementing the decisionmaking powers within the public security apparatus.<sup>18</sup> In 2005, the Ministry of Public Security introduced new internal RTL policies that attempted to limit the length of RTL decisions and loosen restrictions on pre-trial hearings. The Dui Hua Foundation, a San Francisco-based non-governmental organization that monitors political imprisonment, however, has pointed out that the 2005 regulations were “exhortatory in nature” and that implementation of the policies appeared “inconsistent” because it remained under the authority of the public security agencies.<sup>19</sup>

More notably, however, local and central authorities have continued to expand the scope of the RTL system to envelop an ever-growing number of minor crimes or offenses eligible for RTL punishments. In 2005, for instance, Chinese authorities added minor offenses related to gambling and “pornographic materials-related behavior.”<sup>20</sup> In 2009, the Central Politics and Law Commission of the Communist Party of China added “illegal petitioning” to the list of RTL-eligible offenses.<sup>21</sup> As the spectrum has expanded, public security officials have turned RTL into what one legal expert considers a “crime control mechanism,”<sup>22</sup> which is used as a “means to avoid the procedural requirements or supervisory mechanisms presented under the Criminal Procedure Law.”<sup>23</sup> As University of Hong Kong Professor Fu Hualing noted in 2009, “Although there have been different estimates of the number of offences that are eligible for *laojiao*, the consensus among police researchers and officers is that *laojiao* is elastic enough to include most, if not all, offences. Given the lack of external accountability, nothing stops the police from imposing *laojiao* for an offence ...”<sup>24</sup>

## **The RTL System and Structure**

Reeducation through labor refers to the system of extra-judicial “detention and punishment administratively imposed on those who are deemed to commit minor offenses but are not legally considered criminals.”<sup>25</sup> While the Bureau of Reeducation Through Labor Administration claims that the RTL system was established “to maintain public order, to prevent and reduce crime, and to provide compulsory educational reform to minor offenders,”<sup>26</sup> authorities frequently use RTL to punish, among others, petitioners, dissidents, drug users, sex workers, Falun Gong practitioners, and individuals who belong to religious groups not approved by the government.<sup>27</sup> Although RTL decisions were initially

supposed to be under the direction of an RTL management committee (*laodong jiaoyang guanli weiyuanhui*) jointly comprised of officials from the bureaus of civil affairs, public security, and labor, public security agencies today have the sole authority to review and approve RTL cases and to carry out the functions of the RTL management committees.<sup>28</sup> The RTL management committees are able to order citizens, without legal proceedings or due process, to serve a period of up to three years of forced labor with the possibility of up to a one-year extension.<sup>29</sup>

International organizations and human rights experts have long criticized the harsh conditions within RTL centers and the degrading treatment of RTL detainees. In 2009, Chinese Human Rights Defenders, a non-governmental organization that monitors Chinese human rights developments, released a report documenting RTL abuses, including information that detainees sometimes worked 20-hour days to meet production quotas and sometimes worked in unsafe environments.<sup>30</sup> According to a February 2012 National Public Radio (NPR) report, former detainees described long hours of “making everything from circuit boards and uniforms to wire and blue jeans for little or no pay.”<sup>31</sup> In addition to severe RTL labor conditions, RTL detainees are subject to physical and mental abuse from camp officials and other RTL detainees, who are instructed by camp officials to carry out beatings and torture.<sup>32</sup> In early April 2013, an investigative report in China’s *Lens* magazine exposed the long hours and brutal conditions suffered at an RTL detention center for women in Liaoning province. According to an Associated Press article on the *Lens* report, female detainees were “locked in tiny punishment cells, shocked with electric batons, handcuffed to two bunk beds with arms stretched wide and bound to a bench with their backs hunched over and hands and feet cuffed.”<sup>33</sup> The February 2012 NPR article reported on the story of former RTL detainee Shen Lixiu, a business owner from Nanjing city, Jiangsu province, who was beaten by fellow prisoners seeking reduced sentences.<sup>34</sup> Officials reportedly sent Shen to RTL after she petitioned the central government about an unfair compensation offered by local officials in exchange for the demolition of her karaoke parlor.<sup>35</sup>

The Chinese government does not currently release annual statistics on the number of RTL detainees and their crimes.<sup>36</sup> In October 2012, Wang Gongyi, former director of a research institute under the Ministry of Justice, told the Procuratorial Daily that approximately 60,000 Chinese citizens were then being held in the RTL system.<sup>37</sup> Wang explained that the system had previously held as many as 300,000 individuals.<sup>38</sup> The stark decrease in the number detained (as compared with earlier official estimates) may coincide with the fact that it excludes more than 200,000 drug-related offenders held in compulsory drug treatment centers, which are often housed within RTL detention centers.<sup>39</sup> The figures, if aggregated, are comparable to the Ministry of Justice’s 2008 estimates of 160,000 individuals in the RTL system. Unofficial estimates on the number of RTL detainees range from 190,000<sup>40</sup> to 2 million individuals.<sup>41</sup> Although the Chinese government has not released aggregate statistics on the total number of RTL detentions throughout the history of the system, the Beijing Daily reported in October 2012 that the system had reeducated or reformed close to 4 million individuals by the end of October 2010.<sup>42</sup>

International organizations and domestic critics have long argued that the RTL system and its underlying regulations violate the most fundamental protections of China’s Constitution and other primary laws. According to Article 37 of the PRC Constitution, Chinese citizens, in principle, possess inviolable rights of freedom of the person.<sup>43</sup> In particular, Article 37 states that any detention or deprivation or restriction of a citizen’s freedom of the person must be made with the approval or by decision of a people’s procuratorate or by decision of a people’s court.<sup>44</sup> The RTL detention orders—made by the RTL management committees under the authority of the police—therefore, violate the Constitution’s prohibition against detention or deprivation of freedom unless approved by the country’s judicial agencies or prosecutorial arms. Some have cited the fact that the RTL system was established through regulations under the State Council—and not directly legislated by a lawmaking body—to argue RTL is inconsistent

with China's current legislative framework.<sup>45</sup> Article 9 of the PRC Administrative Punishment Law states that an "[a]dministrative penalty involving restriction of freedom of person shall only be created by law."<sup>46</sup> Furthermore, Article 10 of the same law prohibits administrative rules or regulations from restricting freedom of the person.<sup>47</sup> Additionally, critics have claimed that the administrative regulations behind RTL are unlawful because of similar inconsistencies with the 2000 PRC Legislation Law, which requires specific legislation before an individual can be deprived of liberty or political rights.<sup>48</sup> In November 2012, prominent "rights defense" (*weiquan*) attorney Pu Zhiqiang criticized the system's purported legal basis in a media interview. He said, "...the regulations violate the PRC Constitution, the PRC Legislation Law, the PRC Criminal Procedure Law, and have no legal basis. Some may say these regulations were approved by the State Council, but the documents approved by the State Council are, after all, documents—they are not laws."<sup>49</sup>

### **RTL Cases and Outcry: From the "Petitioning Mother" to a "Poisonous Thorn"**

Over the past year, however, high profile cases and investigative reports have fueled growing public calls within China for an end to the RTL system. And, while the RTL system and its abuses have existed for decades, new technologies and new social media Web sites have allowed Internet users to discuss prominent RTL abuses with a level of openness and freedom previously unavailable. Since last summer, the following three cases, in particular, have garnered support for abolishing the RTL system and prompted official statements about potential reform. The cases have not only struck a chord with many ordinary Chinese citizens who resent local abuses, but also elicited sympathy from officials and journalists at state-run media who often are reluctant to publicly challenge the administrative punishment system.

- **Ren Jianyu RTL Case:** In August 2011, a Chongqing RTL management committee ordered Ren Jianyu, then a 24-year-old village official in Chongqing municipality's Pengshui county, to serve two years of RTL for "spreading negative comments and information online."<sup>50</sup> Ren was initially charged with subverting the government for reposting online comments criticizing policies of former Chongqing Party chief and Politburo member Bo Xilai, but was sent to RTL after the criminal charges were dropped.<sup>51</sup> Authorities reportedly used Ren's t-shirt with the words "Give me liberty or give me death!" on it as evidence against him.<sup>52</sup> In August 2012, Ren sued the Chongqing RTL management committee, seeking state compensation for his detention.<sup>53</sup> Authorities granted Ren early release on November 19, 2012.<sup>54</sup> His administrative lawsuit was rejected on November 20, 2012, and again on appeal on December 28.<sup>55</sup> Amid the online outcry over Ren's treatment, state-run media organizations pointed to Ren's case as an example of overly restricted freedom of expression in China.<sup>56</sup>

- **Tang Hui RTL Case:** In August 2012, the Yongzhou RTL management committee in Hunan province ordered Tang Hui to serve 18 months of RTL after she repeatedly petitioned in front of government buildings.<sup>57</sup> Tang—whose 11-year old daughter was kidnapped, raped, and forced into prostitution—asserted that local law enforcement officials falsified evidence to protect the perpetrators and that the court sentences were too lenient.<sup>58</sup> Tang's case created a national backlash against the RTL system and local officials, and even state-run media outlets called for a reversal of her RTL order.<sup>59</sup> Tang was released a week into her detention and her RTL decision was annulled by the Hunan provincial RTL management committee.<sup>60</sup> In April 2013, a local court, however, rejected Tang's lawsuit requesting compensation and a public apology for the RTL order.<sup>61</sup>

- **Masanjia RTL Investigative Report:** In April 2013, *Lens* magazine released an investigative report on labor abuses at the Masanjia RTL detention center for women in Shenyang city, Liaoning province.<sup>62</sup> Based on interviews with former detainees, officials, and prosecutors, the report detailed a range of

abuses, including harsh restraints, electric shocks, extended solitary confinement, and forced labor.<sup>63</sup> Some former detainees reported suffering from the effects of overwork, forced feeding, and denial of medical treatment.<sup>64</sup> After the report was released online, it was later removed from all but one Chinese news Web site.<sup>65</sup>

RTL reform calls have reached a fever pitch in recent months as public outrage has grown over these and other cases.<sup>66</sup> In the fall of 2012, Internet users, rights activists, journalists, and others took various measures to voice opposition to the arbitrary system of forced labor. Following the Tang Hui RTL case, for instance, Internet users posted more than 700,000 microblog (*weibo*) comments about the controversial case on China's most popular microblog site, Sina Weibo.<sup>67</sup> According to the China Daily, most of the *weibo* posts "expressed sympathy for her and called for justice to be served."<sup>68</sup> Yu Jianrong, a prominent scholar at the Chinese Academy of Social Sciences, reportedly took to the Internet around the same period to voice his opposition to the RTL system: "It goes against the legal system, undermines the law and harms social justice. ... It serves as the local authorities' tool of reprisal in the name of maintaining stability. It has to be abolished immediately."<sup>69</sup>

In late 2012 and early 2013, prominent human rights lawyers, likewise, publicly advocated reforming or abolishing the RTL system. In August 2012, 10 lawyers from across China—including prominent "rights defense" (*weiquan*) lawyer Li Fangping—sent a proposal to the Ministry of Public Security and the Ministry of Justice calling for broad reforms to the RTL system.<sup>70</sup> The proposal included calls for allowing lawyers to hold unmonitored meetings with their clients serving RTL and for making public RTL review procedures.<sup>71</sup> Also, in August 2012, Wang Cheng, a lawyer from Hangzhou city, Zhejiang province, initiated a public petition calling for authorities to end RTL.<sup>72</sup> In January 2013, Wang told the *Global Times*, a publication that operates under the *People's Daily* (the official mouthpiece of the Chinese Communist Party), the appeal letter sent to the National People's Congress and the State Council with 100,000 signatures received no response.<sup>73</sup> In November 2012, prominent attorney Pu Zhiqiang criticized the RTL system in a *Chinese Business Gazette* interview. Pu, who has previously attempted to defend RTL inmates in various high profile cases, told the newspaper the RTL system represented an illegal and unnecessary redundancy: "The convergence between the 'Public Security Regulations on Public Order' and the PRC Criminal Law is very close. There is no need behind the existence of these types of administrative regulations, which serve to deprive citizens of their right to personal freedom."<sup>74</sup>

Despite a lack of press freedoms and official controls on journalistic content, some Chinese reporters and editors operating within China's state-run media also appeared to take a more public stance on the reform proposals—even, at times, criticizing RTL policies and the detention system outright.<sup>75</sup> Following the case of Ren Jianyu, the *People's Daily* ran an editorial that said RTL was "now in the awkward position of being in violation of the law" since its legal basis contradicts China's 2000 Legislation Law.<sup>76</sup> On October 12, 2012, the *Global Times* published an article criticizing Ren's detention, saying, "Many have voiced their support for Ren and are optimistic that he will find justice. It's worrying that people can still be punished for expressing or writing critical thoughts in modern China."<sup>77</sup> In January 2013, a Xi'an newspaper commentary took a bolder approach in denouncing the RTL system and demanding that officials act deliberately and immediately to end it:

"The existence of the RTL system is like a poisonous thorn within China's legal system, bringing disgrace and serious harm to China's various efforts along the path toward rule of law. There is no way to [deal with] the odious stench and clearly wicked nature of a draconian law, but to abolish it in one stroke."<sup>78</sup>

Some denunciations of the RTL system have even extended beyond administrative punishments alone, tackling more fundamental concerns over the unchecked powers of police officials and China's rule of law developments. In January 2013, a Caixin editorial likened the abusive RTL system to a "malignant tumor," and claimed "it is not enough to demand a stop to re-education through labor; the police's wings must be clipped and the rule of law must function effectively."<sup>79</sup> In April 2013, China University of Politics and Law Professor Ma Huaide, said, "Regardless of whether it is outright abolishing the RTL system or replacing the system with the [Law on] 'Rehabilitation of Illegal Activities,' the exercise of powers must be incorporated into the legal system—and we must eliminate situations in which the public security agencies alone have the final say."<sup>80</sup>

### **Officials' Statements on Reform**

Following the public outcry over the Tang Hui case in August 2012, some Chinese officials publicly addressed the controversial case, acknowledged weaknesses in the RTL system, or called for systemic reforms. In one of the first official signals of openness to RTL reform, Jiang Wei, an official in charge of the Central Leading Group for Judicial Reform, reportedly told an October 2012 press conference on the release of China's first White Paper on Judicial Reform that China's leaders had placed RTL reform under consideration.<sup>81</sup> He expressed that "[China's] government [had] found widespread agreement among legal scholars and lawmakers on the need to reform the labor camp detention system, and an overhaul is being devised based on that consensus."<sup>82</sup>

In January 2013, domestic and foreign media speculation over potential reforms sharply increased after a leading Chinese law enforcement official and Politburo member suggested that an end to the RTL system could be expected within the year.<sup>83</sup> On January 7, Meng Jianzhu, the Secretary of the Central Politics and Law Commission of the People's Republic of China (and the former Minister of Public Security), told a national political and legal affairs work conference that the RTL system would end in 2013, pending approval by the National People's Congress Standing Committee. In the interim, Meng reportedly cautioned that "[RTL] penalties should be strictly controlled, and the system shouldn't be applied to petitioners."<sup>84</sup> Within hours of the announcement, however, Chinese state-run media outlets and online censors removed related news coverage and official *weibo* postings on Meng's comments from the Internet.<sup>85</sup>

In late January and early February 2013, provincial officials appeared to signal another shift toward ending, or suspending, the RTL system. On January 29, 2013, the Southern Metropolitan Daily reported that Yan Zhichan, the Director of Guangdong province's Department of Justice, claimed that Guangdong had already made preparations to end the RTL system within the year, once a national reform was passed by the National People's Congress Standing Committee in March 2013.<sup>86</sup> On February 5, 2013, the head of Yunnan province's Political and Legislative Affairs Committee, Meng Sutie, announced that Yunnan would immediately "stop sending people to reeducation through labor" for various offenses, including "causing unrest by petitioning" and "threatening national security."<sup>87</sup> Within days, Xinhua reported that a Yunnan official claimed the Chinese media had "read too much" into the announcement and that, instead, provincial authorities would "strictly control" the use of RTL measures.<sup>88</sup>

The calls for reform have not only come from high-level officials. Throughout the past few months, various news reports have highlighted a range of RTL criticisms from lower level officials and representatives ready for reform. In April 2013, Deng Hui, an NPC deputy and the Dean of Jiangxi University of Finance and Economics Law School, told the Beijing Review that the current system needed reform: "The drawbacks of the re-education through labor system become more and more

apparent as society progresses. Even if the system cannot be abolished immediately, it should at least be reformed.”<sup>89</sup>

While reform-leaning statements have come from high-level officials to lower level representatives, Premier Li Keqiang’s comments, following the meetings of the National People’s Congress and the Chinese People’s Political Consultative Conference in March 2013, heightened expectations that RTL reform could come before the end of the year. In reporting on Li’s remarks, the People’s Daily noted that RTL reforms “were hotly debated by lawmakers” during the annual session of the National People’s Congress. Still, despite all of the reform-leaning statements, it remains unclear whether such remarks will propel institutional reform beyond the realm of political rhetoric.

## **Conclusion**

The calls from government officials, leading lawyers, respected academics, and journalists from state-run media demonstrate a growing consensus over reforming, or abolishing, the RTL system. While the Chinese government continues to punish its targets under the guise of “stability maintenance,” the RTL system, like other abuses, undermines this social stability. The Tang Hui case and others should serve as a reminder to China’s new leadership: Detaining a “petitioning mother,” perceived “troublemakers,” or innocent citizens does not safeguard stability and maintain order; rather, it perpetuates unease among an increasingly vocal citizenry seeking to ensure that its grievances are acknowledged and its rights protected. Abolishing the RTL system and advancing judicial reform will provide greater stability than arbitrarily detaining thousands of “minor offenders” or than allowing police officials to continue to detain citizens without supervision or due process.

The path to reform or abolish the RTL system will not be easy. Any changes to the decades-old system of administrative detention will require new institutional arrangements and will require significant political commitment. China’s recent history, however, may offer parallels for similar administrative reform. In 2003, the Chinese government abolished its unpopular administrative custody and repatriation system, after public outrage erupted over the detention death of Sun Zhigang, a 27-year old man living in Guangdong province.<sup>90</sup> Authorities had detained Sun for not carrying proper identification, and he was later beaten to death while in detention on March 20, 2003. The subsequent public controversy and advocacy campaign contributed to the end of the abusive and extra-legal repatriation system, under which thousands of migrant workers were detained in holding centers across China.

The official statements calling for RTL reforms require concrete steps to abolish the RTL system and to ensure that all individuals have the right to legal counsel, due process, and a fair trial. The Commission recommends that the Chinese government take the following substantive steps to end the RTL detention system and to protect the interests of current and former RTL detainees.

The Commission recommends that the Chinese government:

- Set a clear timeline to abolish the RTL system: China’s leadership should announce a clear timeline for ending RTL detentions, for abolishing the RTL system, and for transitioning related administrative structures;
- Ensure that all detainees receive public hearings with due process and judicial review;
- Assist current and former RTL detainees in seeking redress for abuses suffered in RTL detention centers;



- Work with human rights advocates, criminal defense lawyers, and RTL detainees to reform the current penalty system for minor offenders, including juvenile delinquents, sex workers, and drug users; and
- Ensure that no citizens are detained for exercising rights under Article 41 of the PRC Constitution, which protects “the right to petition the state,” and Article 35 of the PRC Constitution, which protects “freedom of speech, of the press, of assembly, of association, of procession and of demonstration.”

The Chinese government now has the opportunity to end a flawed system that not only violates China’s international human rights obligations, but also violates its own laws and constitutional protections. By abolishing the RTL structure, the Chinese government will not only give meaning to its recent Criminal Procedure Law reforms, but may also increase public confidence in its administrative and law enforcement practices. The revised Criminal Procedure Law, which entered into effect on January 1, 2013, includes the phrase “respect and protect human rights” as a general principle.<sup>91</sup> By ending the RTL system—and by protecting and respecting the rights of criminal suspects—the Chinese government will give some measure of validity, and force, to this principle.

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- <sup>1</sup> This publication is available on the Congressional-Executive Commission on China Web site at [www.cecc.gov](http://www.cecc.gov); the publication date is May 9, 2013.
- <sup>2</sup> Ren Ke and Cheng Zhiliang, "Commentary: China's RTL System Reform is Inevitable" [Pingleun: zhongguo lao jiao zhidu gaige buke bimian], Xinhua, 12 October 12.
- <sup>3</sup> "Ren Jianyu: Reeducation Through Labor Not a Lesson, but an Experience" [Ren jianyu: lao jiao bing fei jiao xun, ershi jingli], Beijing News, 21 November 12; Translation provided in Hannah, "Freed Chongqing Prisoner Talks Reeducation-Through-Labor," Seeing Red in China, 5 December 12.
- <sup>4</sup> "Li Keqiang: China's Reeducation Through Labor System Reform Program Expected Within the Year" [Li keqiang: zhongguo lao jiao zhidu gaige fang'an youwang niannei chutai], Xinhua, 17 March 13.
- <sup>5</sup> Clarissa Sebag-Montefiore, "Notes on Camps," New York Times, 22 January 13; Zhao Yanan, "Lawyers Calling for Reform of Laojiao System," China Daily, 16 August 12.
- <sup>6</sup> Ren Ke, "Commentary: Reform of Labor Re-Education System Inevitable," 11 October 12.
- <sup>7</sup> Human Rights in China, "Reform of the Reeducation Through Labor System," China Rights Forum, No. 2, 2005, 31-33; Jerome Cohen, "Is This Really the End of Re-Education Through Labour?" South China Morning Post, 16 January 13; Zhao Yanan, "Lawyers Calling for Reform of Laojiao System," China Daily, 16 August 12; Li Li, "Controversial Correction," Beijing Review, 3 September 12; Purnell Murdock, "Activists Skeptical of China's Announced Labor Camp Reforms," Voice of America, 10 January 13.
- <sup>8</sup> Human Rights Watch, "An Alleyway in Hell: China's Abusive 'Black Jails,'" 12 November 09.
- <sup>9</sup> Xu Kai and Zhang Youyi, "Re-education Through Labor Reform Hits Critical Point," Caijing, 28 August 12.
- <sup>10</sup> Fu Hualing, "Re-Education Through Labour in Historical Perspective," 184 China Quarterly 811, 813 (2005).
- <sup>11</sup> Chinese Human Rights Defenders, "Re-Education Through Labor Abuses Continue Unabated: Overhaul Long Overdue," 4 February 09.
- <sup>12</sup> NPC Standing Committee, Resolution on Approving the Decision of the State Council Regarding the Question of Reeducation Through Labor [Quanguo renmin daibiao dahui changwu weiyuanhui pizhun guowuyuan guanyu laodong jiaoyang wenti de jue ding de jueyi], 1 August 57; Human Rights in China, "Reform of the Reeducation Through Labor System," China Rights Forum, No. 2, 2005, 31-33.
- <sup>13</sup> Human Rights in China, "Reeducation Through Labor: A Summary of Regulatory Issues and Concerns," February 2001.
- <sup>14</sup> State Council, "Supplementary Decision of the State Council Regarding Reeducation Through Labor" [Guowuyuan guanyu laodong jiaoyang wenti de buchong jue ding], issued 29 November 79, art. 3.
- <sup>15</sup> Human Rights in China, "Reeducation Through Labor: A Summary of Regulatory Issues and Concerns," February 2001; See also, Veron Mei-Ying Hung, "Improving Human Rights in China: Should Re-Education Through Labor Be Abolished?" Columbia Journal of Transnational Law, Vol. 41, No. 303 (2003), 315.
- <sup>16</sup> Human Rights in China, "Reeducation Through Labor: A Summary of Regulatory Issues and Concerns," February 2001.
- <sup>17</sup> PRC Administrative Punishment Law [Zhonghua renmin gongheguo xingzheng chufa fa], adopted 17 March 96, effective 1 October 96, art. 10.
- <sup>18</sup> Dui Hua Foundation, "RTL Regulations: Police Authority in Procedural Dress," 23 October 12.
- <sup>19</sup> Dui Hua Foundation, "Police Updated RTL Rules in 2005, but Have They Complied?" 3 January 2013. [
- <sup>20</sup> Xu Kai and Zhang Youyi, "Re-education Through Labor Reform Hits Critical Point," Caijing, 28 August 12.
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- <sup>22</sup> Protection of Human Rights in the Context of Punishment of Minor Crimes in China, Hearing of the Congressional-Executive Commission on China, 26 July 02, Testimony of Dr. Veron Mei-ying Hung, Associate (China Program), Carnegie Endowment for International Peace.
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