

CECC talk: The End of Reeducation Through Labor? Recent Developments and Prospects for Reform

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Thank you, Senator Brown and CECC staff, for this opportunity to discuss this serious matter involving horrifying human rights abuses in China.

The push for abolishing “reeducation through labor” (RTL) has gained momentum in recent months. This should be largely credited to Chinese citizens who have spoken publicly criticizing the system. Over the past two decades, Chinese intellectuals and civil society activists have called for reform or abolition of RTL, a form of administrative detention managed by police committees within the public security bureaus, where detainees are locked up for up to four years without a trial or little chance to appeal, and forced to perform hard labor in abhorrent conditions.¹

Hopefully, 2013 may mark a turning point in building momentum for RTL reform, as several high-profile individual cases prompted public outrage, there have been unprecedented public discussions about RTL’s problems and impressive efforts by Chinese citizens to push for an end to RTL in China today. This has prompted several officials in the government, which is ever mindful of instability, to finally begin to echo longstanding criticisms about the system. In October 2012, the head of a government judicial reform committee noted a consensus in favor of addressing RTL’s shortcomings. And the *People’s Daily*, the CCP’s principal mouthpiece, stated in November that RTL had become “a tool of retaliation” for local officials.² The government announced in October that RTL “reform” was being piloted in four cities.³ More optimism was felt in early January of 2013, when a high-ranking official was reported as saying that the government would halt the use of RTL by the end of the year, upon approval of the Standing Committee of the National People’s Congress. However, official Chinese news sources did not corroborate the report and the official’s remarks were immediately erased from CCTV and other government-run websites.⁴ In February, the *Southern Metropolitan Daily* has **reported** that Yunnan Province is immediately phasing out the use of RTL in what an official has declared an “historical step” in RTL reform. The paper quotes Meng Sutie (孟苏铁), a member of the CCP Standing Committee in Yunnan and head of the Yunnan Politics and Law Committee, as saying that, from now on, provincial authorities will stop approving orders to send to RTL those who are suspected of three types of behavior—endangering state security, disruptive petitioning, and smearing the images of state leaders—and also suspend granting all other RTL cases involving violations of the law, which will instead be “handled according to relevant laws.” Meng also reportedly stated that all RTL detainees will serve out the remainder of their terms and that no one will be sent RTL in 2013 in Yunnan. In March, the new Chinese premier Li Keqiang vaguely referred to a time table for phasing out RTL by the end of this year.

While mostly holding what authorities refer to as “petty criminals”, RTL has been a convenient way to punish Chinese citizens who exercise constitutionally-protected civil liberties, including the rights to free expression when criticizing the government, and freedom of religion. Typically, rights activists, members of the banned spiritual sect Falun Gong and underground churches, and petitioners who seek redress for injustice, have been incarcerated in RTL.

How many people have been locked up in RTL and forced to perform hard labor in recent years? The exact numbers are difficult to come by, while Chinese officials have recently provided several inconsistent estimates. According to government data, approximately 170,000 individuals were held in 320 RTL camps at the February 2009 Universal Periodic Review of China’s human rights record by the UN Human Rights Council.⁵ However, Chinese officials reportedly stated that just over 60,000 detainees were being held in RTL camps in 2012.⁶ The changing numbers could be a sign that, under domestic and international pressure, RTL detainees may have been transferred to other detention facilities, or that more people are being sent to “black jails”, make-shift illegal holding cells on government property or officially designated facilities, or transferred to “illegal behavior correction” centers, another form of administrative detention.

Although perhaps using RTL less than in the past, Chinese authorities still sent many activists to labor camps in recent months.

For instance, Inner Mongolia petitioner **Song Cuirong** (宋翠荣) was sent to RTL in March for 18 months—reportedly for “undermining the harmony and stability of the Two Meetings” in Beijing⁷—after she was found to be sending instant messages to others to seek help in getting freed from a black jail. Before the Party Congress, Shanghai HRDs **Cui Fufang** (崔福芳) and **Tong Guojing** (童国菁) were each issued one-year RTL punishments in October on charges of “gathering a crowd to disrupt public order.” **Mao Hengfeng** (毛恒凤), a reproductive rights and housing activist from Shanghai, was sent to RTL for 18 months in October after being taken into custody in Beijing, on a charge of “gathering a crowd to disrupt public order.” (Based on CHR D’s reporting about Mao’s detention, international NGOs submitted an appeal for urgent intervention in her case to high-ranking Chinese officials. Mao was subsequently released from RTL in February 2013, reportedly due to her poor health, and ordered to “serve out” her punishment at home.)⁸

Among the most prominent HRDs sent to RTL was **Xiao Yong** (肖勇) of Hunan, who was issued 18 months of RTL in July. In March, Xiao was among several activists detained in Guangzhou for “illegal assembly, procession, or demonstration” for marching and holding signs calling for official transparency and political reforms, and he was later placed under soft detention for questioning the death of **Li Wangyang**. Around the same time that Xiao was punished, Beijing-based artist **Hua Yong** (华涌) was sent to RTL on a charge of “causing a disturbance” for performing an art piece memorializing the Tiananmen Massacre. Reflecting the often nebulous nature of RTL, the precise charges against Xiao and Hua were at first not disclosed to their families or lawyers, neither detainee was given ready access to attorneys, and even the lengths of the punishments

were not made immediately clear. (In February 2013, Xiao was released from an RTL facility and required to “serve out” his term at home, though the reason for his release remains unknown.)⁹

As in years past, some officials used RTL to punish some of the most vulnerable members of Chinese civil society: petitioners seeking to lodge grievances or demand compensation to alleviate devastating hardships. In February, **Li Zhongying (李忠英)** of Yunnan Province was given a 21-month RTL detention for “disturbing work order” for seeking compensation for severe injuries caused by a forced birth control surgery ordered by officials in 1994. After she was intercepted in Beijing, **Zhao Guixiang (赵桂香)** of Jilin Province was given 18 months of RTL in March for pursuing justice over a disabling traffic accident. **Liu Li (刘丽)**, from Liaoning Province, was given a one-year RTL punishment in May after seeking relief from overwhelming debts. In June, **Dai Yuequan (戴月权)** of Chongqing was sent to serve a 15-month RTL punishment for “disrupting social order” after trying to get compensated for a debilitating work injury. (Dai was released from RTL in December 2012, when his punishment was dismissed.)¹⁰

Two petitioners whose persecution by authorities dates back to the Cultural Revolution were sent to RTL camps in 2012. **Li Huiyin (李辉银)** of Hunan was given a one-year punishment in January on a charge of “disrupting public order” after petitioning in Beijing. Li had previously served other RTL stints and also a five-year spell in a Reform through Labor camp in the 1970s for allegedly expressing political views. During that lengthy past punishment, Li’s leg became disabled in a mine accident and, after he was released, he began petitioning over what had happened to him. In addition, **Zhao Zhenjia (赵振甲)** of Liaoning was issued an 18-month RTL punishment in February, reportedly for organizing a Chinese New Year gathering for fellow petitioners. Zhao was handed a death sentence with reprieve for “counterrevolution” in 1974—for his writings—and went to prison. In 1981, a court declared him innocent of any crime and he was released. Ever since, Zhao has unsuccessfully sought compensation for his unjust imprisonment.¹¹

HRDs sent to RTL as part of the Jasmine Crackdown in 2011 remained in labor camps in 2012. **Yu Yunfeng (于云峰)** of Heilongjiang was still serving a two-year term that began in the summer of 2011, on an “inciting subversion” charge for allegedly “spreading rumors against the Party and against socialism.” Activist **Yang Qiuyu (杨秋雨)** has been serving a two-year RTL term in Beijing since April 2011. It was learned in 2012 that his wife, **Wang Yuqin (王玉琴)**, was given a 21-month RTL punishment in July 2011, for allegedly “disturbing social order” after organizing others to petition and seeking an explanation for Yang’s detention. **Huang Chengcheng (黄成诚)** of Chongqing also continued serving a two-year punishment for “inciting subversion,” and even had seven days added to it in May on the purported grounds of “poor performance” in forced labor. Huang reportedly had been unable to complete work tasks due to worsening hand injury suffered during his detention. (Huang was eventually released in December—a few months early—after the RTL decision against him was dismissed.)¹²

Public outrage reached a crescendo with the exposure of the plight of a woman, **Tang Hui** (唐慧), who was sent to RTL in August 2012 after petitioning about the abduction and rape of her young daughter. Once news about Yang's experience spread online, widespread outrage quickly led to her release. Tang's story inspired a group of Chinese human rights lawyers to send a letter to China's Ministry of Justice and Ministry of Public Security calling for "adjustments" to RTL. Notably, the lawyers' action was reported in official government media, which up to then had largely avoided coverage of RTL. In their letter, the lawyers recommended procedural improvements for hearings, increased openness about secretive decisions, more accountability for RTL authorities, and greater involvement of lawyers in RTL cases, including the right to meet with clients.¹³

Another RTL case that went viral on Chinese cyberspace and was picked up by the Chinese media was that of **Ren Jianyu** (任建宇), an elected village committee director from Chongqing, who was sent to RTL for two years in September 2011 for "inciting subversion" after using a QQ group and his weibo account to share others' opinions about political reforms. Following the media exposure and pressure generated by public opinion, Ren was released early—in November 2012—in a case that showcased how RTL can be used to punish Chinese citizens who exercise their free speech rights online, especially if they criticize local officials.¹⁴

Despite even some officials' questioning of RTL's legitimacy and future, Chinese authorities stifled grassroots activism that pushed for an end to the system. Just as one example, in December, police in Hunan issued a death threat to a retired teacher and long-time rights activist, **Luo Hongzhong** (罗洪中), who was urging petitioners to support an online campaign calling for RTL's abolition. Police reportedly pressured Luo, who himself has served five years in RTL, to cease his advocacy work and to not cause trouble for the local government, warning that they would "find some thugs to get rid of him" if he continued.¹⁵

In April, disclosures of appalling mistreatment at a Re-education through Labor camp for women in Liaoning Province have triggered reports in Chinese media and heated online discussions, forcing officials to promise an investigation into the revelations. The source of the information—a diary secretly taken out of the Masanjia Women's RTL by a petitioner released from the camp in February—shows how police arbitrarily detained petitioners under the pretext of "maintaining stability" and committed a wide range of horrible abuses in the camp. Interviews with the recently released detainees from Masanjia are documented in a documentary film "The Women of Masanjia Labor Camp" (小鬼头上的女人), made by the director Du Bin. Part of the film, which came out on May 1, is now available on YouTube:

<http://www.youtube.com/watch?v=sFEI7oophB0>. Another documentary film, "Juvenile Laborers Confined in Dabao" (大堡小勞教), released at the same time, provides an overview of RTL and features interviews with people who were put in RTL in their teens in the late 1950's. This movie is also available on YouTube: <http://www.youtube.com/watch?v=JeDMpLjITJs>.

According to the diary, the Masanjia Women’s RTL accepted pregnant women and disabled individuals, a violation of RTL rules. All detainees there were forced to do strenuous labor for up to 10 or more hours a day, or risked being beaten or given other punishments. Guards chained detainees to chairs or beds and tortured them in hideous ways. The diary said that women were ordered to closely monitor each other while being held under very unsanitary conditions. Detainees were not provided basic nourishment or medical care even after becoming physically and mentally ill, and cancer sufferers were not given medical treatment. The original online story that appeared in official media has been blocked, but other state sites have posted the report. In light of the diary’s details, the provincial government has indicated that an investigation would soon be conducted and that the findings would be published.¹⁶ However, Masanjia is not alone: Similar abuses have also been documented in RTL camps across the country.

It is too early to celebrate the end to RTL. One must remain cautiously optimistic about the prospect of RTL’s demise, what would take its place, and how effectively it could be phased out. The few officials’ comments on reforming RTL so far were either censored or lacked any specifics. The snippets of hints and suggestions leave observers to only speculate about what, if any, solid plans were afoot to alter or do away with RTL. Rather than introducing substantive judicial or legislative changes, the main “reform” referred to by officials disappointingly has appeared to be cosmetic—i.e., renaming RTL as “Illegal Behavior Correction” centers or relocating RTL detainees to “drug rehabilitation facilities,” which may mean that extralegal detention would continue as before only under different names. A more solid assurance requires a concrete plans for RTL’s demise and no plans for keeping extralegal detention active under any new label.

Let us be reminded that in 2003 the “Custody Station” (收容站) replaced the outlawed “Custody and Repatriation” (收容审查所), which had been used by police to detain migrants, the homeless, petitioners, and dissidents. The abolition of Custody and Repatriation by the State Council followed a national outcry over the beating to death of a migrant, Sun Zhigang (孙志刚), inside a Custody and Repatriation center in Guangdong. Since then, black jails have mushroomed in number, and RTL camps have been put to extensive use to perform the same function of arbitrary detention by police without a trial or access to a lawyer.

Here are a few suggestions for US lawmakers:

US congress should strongly urge the Chinese government to abolish RTL, to steer clear from replacing RTL camps with any other extralegal detention facilities, and to free all of the thousands of detainees from forced labor camps and allow them access to justice in holding their abusers accountable and seeking redress for damage. Such concerns should be raised by the Obama administration at its scheduled annual human rights dialogue and legal expert dialogues with China this year.

Congress should consider impose visa bans and assets freezes on Chinese officials involved in serious human rights abuses, including torture and arbitrary detention in RTL

camps, similar to the Magnitsky Act, passed by Congress in December 2012, which places visa bans and freezes assets of Russian officials who committed abuses of human rights.

Congress should urge China to revive its rule of law reform. There can be no meaningful end to RTL and all other forms of arbitrary detention in a country where there is little respect for rule of law.

Thank you!

¹ For more about RTL, see: CHRDR, [Re-education through Labor Abuses Continue Unabated: Overhaul Long Overdue](#), February 4, 2009.

² *The New York Times*, [“Opposition to Labor Camps Widens in China,”](#) December 14, 2012.

³ *China Daily*, [“Reforming the system of rehabilitation through labor is necessary,”](#) October 11, 2012.

⁴ See [news report](#) (in Chinese).

⁵ For more information about China’s first UPR, see: CHRDR, [“UN Human Rights Council Universal Periodic Review of China: Summary, Analysis, and Suggestions for Follow-up.”](#) February 11, 2009.

⁶ See [news report](#) (in Chinese).

⁷ The “Two Meetings,” which take place annually in Beijing during March, refer to the meetings of the National People’s Congress and the Chinese People’s Political Consultative Conference.

⁸ CHRDR, “Inner Mongolia Petitioner Sent to RTL for “Undermining Harmony and Stability of Two Meetings,”” [China Human Rights Briefing March 13-19, 2012](#); CHRDR, “Shanghai Authorities Detain, Punish Activists Around Party Congress,”” [China Human Rights Briefing November 3-8, 2012](#); CHRDR, **“Early Releases of Prominent RTL Detainees May Be Sign of Reform,”** [China Human Rights Briefing February 8-15, 2013](#); CHRDR, “Shanghai Activist Mao Hengfeng Criminally Detained After Being Seized in Beijing,”” [China Human Rights Briefing October 18-24, 2012](#); World Organisation Against Torture, [“China: Ongoing arbitrary detention of Ms. Mao Hengfeng.”](#) October 29, 2012.

⁹ CHRDR, **“Early Releases of Prominent RTL Detainees May Be Sign of Reform,”** [China Human Rights Briefing February 8-15, 2013](#); CHRDR, “Hunan Activist Xiao Yong Given 18-Month RTL Punishment,”” [China Human Rights Briefing July 20-26, 2012](#); CHRDR, “Artist Hua Yong Sent to RTL Over Tiananmen Massacre Performance Piece,”” [China Human Rights Briefing July 13-19, 2012](#).

¹⁰ CHRDR, “Yunnan Petitioner Sent to 21 Months of RTL, Had Been Disabled by Forced Birth Control Surgery,”” [China Human Rights Briefing February 14-20, 2012](#); CHRDR, “Disabled Woman Sent to 18 Months of Re-education through Labor for Petitioning,”” [China Human Rights Briefing April 11-17, 2012](#); CHRDR, “Liaoning Woman Sent to RTL for One Year After Pursuing Relief From Extreme Poverty,”” [China Human Rights Briefing May 23-28, 2012](#); CHRDR, “Disabled Chongqing Petitioner Sent to RTL for 15 Months,”” [China Human Rights Briefing June 20-26, 2012](#); CHRDR, **“Early Releases of Prominent RTL Detainees May Be Sign of Reform,”** [China Human Rights Briefing February 8-15, 2013](#).

¹¹ CHRDR, “Henan Petitioner Sent to RTL for Third Time, Punishments Date to Cultural Revolution,”” [China Human Rights Briefing January 17-23, 2012](#); CHRDR, “Man Given 18 Months of RTL After Organizing Spring Festival Gathering for Fellow Petitioners,”” [China Human Rights Briefing February 21-27, 2012](#).

¹² CHRDR, **“Early Releases of Prominent RTL Detainees May Be Sign of Reform,”** [China Human Rights Briefing February 8-15, 2013](#); CHRDR, “‘Jasmine Crackdown’ Detainee Languishes in Labor Camp,”” [China Human Rights Briefing July 7-12, 2012](#); CHRDR, “Beijing Activist Wang Yuqin Reportedly Serving 21-Month RTL Sentence,”” [China Human Rights Briefing February 14-20, 2012](#).

¹³ CHRDR, “Lawyers’ Call for “Adjustments” to RTL Covered in Official Media,”” [China Human Rights Briefing August 10-16, 2012](#); *Caijing*, [“Re-education Through Labor Reform Hits Critical Point,”](#) August 28, 2012.

¹⁴ For more on Ren Jianyu’s case, see: CHRDR, “Chongqing Official Serving RTL for Online Posts, Lawyer’s Visit Blocked,”” [China Human Rights Briefing August 17-23, 2012](#); CHRDR, “Media Coverage of RTL Case Adds to Public Debates on Extralegal System & Violations of Speech Rights,”” [China Human Rights Briefing September 6-12, 2012](#); *The Telegraph*, [“Chinese official speaks out after being jailed for](#)

[criticising Bo Xilai](#),” November 22, 2012.

¹⁵ CHR, “Hunan Police Makes Death Threat to Activist for Campaigning to Abolish RTL,” [China Human Rights Briefing December 6-13, 2012](#).

¹⁶ “Witnesses Of Punishments in Masanjia Women’s Re-education through Labor Camp” (马三家女子劳教所的肉刑证人——写在口述纪录片《小鬼头上的女人》完成之际), April 10, 2013, Boxun; “Liaoning Government Organizes Group to Investigate Masanjia Women’s Re-education through Labor Camp” (辽宁组成调查组调查马三家劳教所一事), April 8, 2013, People’s Daily; “Revealing Masanjia Women’s Re-education through Labor Camp” (揭秘辽宁马三家女子劳教所：坐老虎凳绑死人床), April 8, 2013, Beijing Times; “Revealing Masanjia Women’s Re-education through Labor Camp” (揭秘辽宁马三家女子劳教所：坐老虎凳绑死人床), April 7, 2013, Sina.com