

Testimony of Harry Wu
Founder and Executive Director of the Laogai Research Foundation

The End of Reeducation Through Labor?
Recent Developments and Prospects for Reform
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Introductory Remarks

Thank you for inviting me to speak before the Commission today. As a survivor of China's brutal system of forced labor camps, the issue of laojiao reform is particularly meaningful to me. Ever since arriving in the US in the mid-1980s, I have fought tirelessly to expose the reality of forced labor camps in China. The CECC has also played a valuable role in raising awareness of this pressing issue, and I am tremendously grateful for their work in this regard.

As you are all aware, Chinese government officials have expressed intent to reform the laojiao system. Although I welcome changes to this horrible system, we must place proposed laojiao reforms in context. We must remember that the laojiao has long been an integral component of the Communist Party's efforts to imprison dissidents and maintain political stability. In addition, we need to recognize that the laojiao is only one part of a larger system of arbitrary detention institutions. In light of these realities, we must ask whether proposed reforms represent a genuine attempt to align the Chinese criminal justice system with international norms or just another effort to maintain stability in the face of mounting societal pressure to abolish this repressive system.

History of Forced Labor in China

All authoritarian governments employ repressive tools in an attempt to maintain and project power. The Soviet Union relied on the gulag. Nazi Germany established a vast network of concentration camps. In China, the government has long relied on a system of labor camps to jail dissidents who threaten political stability.

The Chinese government initially established two networks of labor camps: laogai camps and laojiao camps. Although conditions in laogai and laojiao camps were substantially similar, laogai camps were reserved for convicted criminals, whereas laojiao camps served as jails for political dissidents and suspected petty criminals. In 1994, Chinese authorities proclaimed an end to the laogai system when they changed the name of these facilities to "jails." The government continues, however, to openly use laojiao camps.

The origins of Chinese labor camps can be traced to the Soviet gulag. In the early 1950s, Soviet security officials helped their Chinese comrades design a system of labor camps capable of jailing large numbers of dissidents. In addition to isolating troublemakers from the rest of society, these camps functioned to transform class enemies and criminals into "new socialist beings" through a combination of hard labor and thought reform.

Early laojiao camp inmates arrived in three waves: The first wave arrived in 1956 and consisted of an estimated 200,000 counterrevolutionaries. This label was applied to former bureaucratic officials under the Nationalist government and others deemed counterrevolutionaries during the early years of communist rule. The second wave of labor camp inmates took place from 1957 to 1958. These prisoners were mostly “rightists” who were arrested during the “Anti-Rightist Movement.” The third wave occurred a couple of years later and was comprised of millions of peasants who had moved to cities from the countryside in search of food and work. Chinese cities were unable to cope with this influx of peasants, so the government decided to incarcerate these people in labor camps.

Early laogai inmates were issued sentences of indefinite duration. In 1960, however, the government limited laogai sentences to a maximum of three years. Despite the imposition of sentencing limits, many inmates toiled in laogai camps long after the expiration of their sentence.

Although many inmates remained in labor camps throughout the 1960s and 1970s, reliance on the laogai and laojiao as a means to jail criminals and dissidents waned during the madness of the Cultural Revolution. In 1979, however, Deng Xiaoping reinstated the labor camp system in order to deal with increasing social unrest that accompanied economic reforms. At the same time, Deng limited the length of laojiao sentences to four years. Prior to 1979, laojiao sentences were of indefinite duration.

Today, an estimated 300-400 labor camps exist in China. These camps jail an estimated 200,000-300,000 inmates. Although the Chinese government has increasingly used laojiao camps to incarcerate petty criminals, a large number of laojiao inmates are petitioners and political dissidents. In addition, individuals incarcerated in laojiao camps are jailed without trial. Laojiao inmates are forced to perform hard labor for long hours and are often subjected to vicious beatings and other forms of abuse. In addition to laboring, inmates are forced to attend lengthy, daily study sessions during which they are subjected political indoctrination. Food rations at laojiao camps are meager, and inmates are routinely denied timely medical care.

Prospects for Meaningful Reform

Laojiao camps exist in modern China despite the fact that the practice violates protections outlined in the Administrative Punishments Law, the Criminal Procedure Law, and the Law on Legislation, each of which prohibits the arrest and incarceration of an individual in the absence of authorization from the People’s Procurate. Moreover, imprisoning an individual for exercising fundamental human rights undermines protections outlined in the Chinese Constitution. Laojiao inmates, however, are incarcerated at the whim of public security forces without even the pretense of due process protections, often for engaging in constitutionally protected activities. Despite these foundational legal protections, Ministry of Public Security regulations and State Council decisions provide the hollow legal justification for the continued use of laojiao labor camps. This supremacy of patchwork regulations over duly enacted laws and constitutionally protected rights exemplifies the dominant position of public security forces in China’s criminal justice system. It is this

disproportionate power granted to public security forces and their mission of maintaining political stability that serves as the greatest obstacle to rule of law reform in China.

In addition to facing resistance from public security forces, laoiao reform has been hampered by the reluctance of Chinese authorities to formally recognize past oppression perpetrated by the Party. Abolishing laoiao camps would vindicate criticism leveled against the Party for its historical reliance on labor camps as a means to suppress dissent. In addition embarrassing Party leaders, such an admission might prompt an influx of lawsuits seeking compensation for past labor performed and suffering endured. Despite indicating willingness to reform laoiao camps, it is not clear that the Party is prepared to accept the consequences of abolishing the laoiao system.

It is also important to note that the laoiao is only one component of China's vast system of arbitrary detention institutions. In addition to laoiao camps, authorities imprison individuals in facilities such as black jails, psychiatric hospitals, law education classes, military prisons, juvenile detention facilities, and the shuangui system of punishment for Party members. Moreover, Chinese courts sentence political dissidents to lengthy prison sentences in violation of international human rights standards. Although providing a pretext of legality, such sentences are often issued in the absence of meaningful due process protections. Thus, the reform or even abolition of laoiao camps will not alter the arbitrary character of the countless politically motivated detentions imposed by Chinese authorities each year. Meaningful reform to China's criminal justice system would require the creation and empowerment of an independent judicial system committed to upholding substantive rule of law principles.

Instead of signaling an intention to more closely align China's criminal justice system with international rule of law norms, laoiao reform is likely an attempt to maintain stability in the face of mounting societal pressure to end this specific relic of Maoist repression. In the end, laoiao reform proposals represent nothing more than a substitute for meaningful political change.

Recommendations

- 1) The US Congress should pass a resolution condemning the laoiao system and encouraging the Chinese government to completely abolish the use of labor camps to punish non-criminal offenders.
- 2) The US Congress should work to raise awareness of other forms of arbitrary detention still in use by the Chinese Communist Party.
- 3) The US Congress should pass a resolution in solidarity with the growing international movement to urge the Chinese government to ratify the International Covenant on Civil and Political Rights. The ICCPR explicitly forbids the practice of arbitrary detention, and China signed the treaty in 1998.