

**Testimony of Harry Wu
Executive Director, Laogai Research Foundation**

**Before the Congressional-Executive Commission on China Roundtable on
Forced Labor In China
June 22, 2005**

While economic reforms have been implemented in China, political reforms have not been correspondingly carried out, and the Laogai system remains a critical factor in the Communist Party's ability to maintain political control. Efforts by the Laogai Research Foundation and other human rights groups to focus international attention on this system have resulted in the Chinese government dropping the term "laogai" (*reform through labor*) from its official documents and replacing it with the word "prison". This, as well as other pronouncements by the Chinese government in recent years, was designed to create the impression abroad that the Chinese system is similar to penal systems found in the West. However, as Chinese authorities emphasize, the function of *reform through labor* remains unchanged. Severe violations of human rights continue to take place in the Laogai system. The Laogai, just as the Gulag, is an obstruction to freedom and democracy. The Laogai is incompatible with freedom and democracy.

The Laogai is not a dying institution as some have suggested. It is true that the composition of the camps has changed. In the past, the majority of criminals were jailed for political reasons, and the majority of today's inmates are incarcerated for more common crimes. Nevertheless, this does not indicate a fundamental change in the nature of the Laogai. To the contrary, the Chinese government's dependence on the Laogai as its primary tool of suppression is as strong now as it was in the days of Chairman Mao Zedong's rule.

The Laojiao (*re-education through labor*) component of the Laogai was revived by Deng Xiaoping in the early 1980s, providing the Communist government with the right to arrest and detain dissenters without a formal charge or trial for a period of three years. Laojiao has since developed into one of the most commonly used tools for punishing and suppressing political and religious dissent, and is currently being used to suppress the Falun Gong movement.

In recent years, Chinese authorities have sent thousands of Falun Gong practitioners to the Laogai, where many of them have faced and continue to face torture, beatings, starvation, and forced labor under terrible conditions. Meanwhile, petitioners who have traveled en masse to Beijing and other cities to air their grievances about the destruction of their homes, unemployment, or unfair treatment have been imprisoned in the Laogai. These petitioners have usually done nothing illegal, and the police officers who detain them are often given monetary rewards based on the number of people they detain.

China has used lethal injection in its implementation of the death sentence since the late 1990s. This method of execution often takes place in hospitals. The Chinese government proclaims that this is a "civilized, progressive and humane" way to execute criminals. However, with no checks and no transparency in the legal system, we have enough reason to believe that this method is abused and that lethal injection is often unjustly used toward the end of harvesting prisoners' organs. It is also very difficult for the outside world to learn about and therefore condemn executions that take place quietly in a hospital.

The slogan for the Laogai remains "**Reform first, production second.**" Millions of Chinese in the camps still face the daily "reform" components and political indoctrination, or

brainwashing. Mental and physical abuse is common. The Chinese government, meanwhile, continues to refuse the International Committee of the Red Cross access to the Laogai.

Regarding the “production” aspect of the above slogan, the dual penal and commercial role of the Laogai is affirmed by China’s Ministry of Justice. In its 1988 *Criminal Reform Handbook*, the ministry states that the Laogai “organizes criminals in labor and production, thus creating wealth for society.” It has developed into diverse forms and plays an important role not only in the judicial but also in the economic arena. Our research and analysis shows that, as an institution within the Chinese communist regime, the Laogai has benefited tremendously from the opening of China to international commerce. International trade provides the camps access to hard currency as they export their products— everything from socks to diesel engines, raw cotton to processed graphite. By trafficking its forced labor products in the international marketplace, the Laogai system has grown bigger and stronger. This material reinforcement of the Laogai is happening despite the fact that the nature and scope of the system’s abuses are becoming increasingly apparent to the world community.

Due to strong resistance from Western nations against forced labor products, in 1991 China’s State Council re-emphasized the ban on the export of “forced labor products” and stipulated that no prison is allowed to cooperate or establish joint ventures with foreign investors. However, the State Council’s move was merely a superficial one, and prisoners today still produce forced labor products in great numbers. The Chinese government grants special privileges to enterprises using labor camps and prisons, to encourage and attract foreign investment and export. Prisoners are forced to manufacture products without any payment, and are often forced to work more than 10 hours a day and sometimes even overnight. Those who cannot fulfill their tasks are beaten and tortured. The forced labor products these prisoners produce are exported throughout China and the world.

Dictatorships throughout history have used mechanisms of fear and control to maintain the absolute power of their regime and annihilate political dissent. Hitler built the concentration camps of the twentieth century not only to terminate the Jews but also to destroy his political opposition. Lenin began building labor camps right after the Russian Revolution to punish the anti-Bolshevik “unreliable elements” in 1918. His heir Stalin threw tens of thousands of Russians of different nationalities into the Gulag after the Great Purge that took place in the 1930s. Labor camps also played a significant role in the Soviet Union’s industrialization at that time. Gulag prisoners were used as a source of infinite manpower to excavate the natural resources throughout the vast nation.

The Laogai, modeled after its Soviet counterpart, the Gulag, was established under Mao Zedong to serve as an instrument of political control for the newly empowered Chinese Communist Party. A combination of forced labor and regimented thought reform were to be the methods of reforming “counter-revolutionaries” and “reactionaries” from the former Chiang Kai-shek regime into “new socialist beings.” People were thrown into camps not because they were criminals but because they had been categorized into “bad” classes, as landlords, rich peasants, counterrevolutionaries, “evil” elements, rightists, etc. People were labeled as “criminals” because they or their parents belonged to these classes.

An examination of the Laogai in both theory and practice reveals a system that is fundamentally different than other systems of crime and punishment. Regardless of any reduction of the ratio of political prisoners to other prisoners in recent years or of the claims of the Chinese government regarding improvements in the conditions in the Laogai and in the Chinese judicial system, the theories that form the basis of the Chinese system pre-determine certain conclusions regarding its function, its methodology and its ideology.

In the fifty years since the creation of the Laogai, little of its organizational structure has changed. The Laogai system, despite minor modifications in regulations, is still governed by the same directives that were issued under Mao. These policies have led to three distinct categories of incarceration: Convict Labor-Reform (Laogai), Reeducation through Labor (Laojiao), and Forced Job Placement (Jiuye).

Today, more than a quarter century after Mao’s death, the Laogai system still thrives, and an untold number of prisoners continue to suffer behind the high walls and the barbed wire fences of more than 1,000 Laogai camps. A majority of the inmates currently in the Laogai are incarcerated for reasons that have little to do with politics or class background; however, the Laogai still serves its political purpose. Individuals deemed to be threats to China’s one-party system may be held for “crimes against state or public security” or “revealing state secrets,” or for offenses that have the ring of more common crimes, such as hooliganism or arson, that actually mask politically-motivated incarceration. Additionally, the general lack of due process in the Chinese legal system victimizes countless individuals. Well-documented reports of several human rights organizations have revealed a system where individuals are often convicted and sentenced with no trial at all. Even when an individual is able to secure their right to trial, they are often refused the right to adequately defend themselves, or they are convicted through “evidence” that was extracted through torture.

The Criminal Procedure Law of 1979, along with the Revised Criminal Procedure Law of 1997, have proven inadequate both in content and implementation. The “legal reform” that came about in 1978 and became more agitated in the 1990s did indeed bring some changes to the judicial field. The procuratorate, arbitration, notarization, and attorney systems were revised. Hundreds of laws and regulations were reviewed and reformed, and new laws were promulgated. Theoretically, there are now more managerial mechanisms in the judiciary than before, since the National People’s Congress set up a supervisory organ to carry out supervision in the judicial area. However, everything must still follow the main principle of acting “in favor of the leading

role of the Communist Party". The fact that in the year 2001 China had more judges (130,000) and prosecutors (159,638) than lawyers (100,198) reflects the phenomenon of the unbalanced public and private legal situation in the country.

The recent "legal reform" launched and touted by Chinese authorities has received a wide range of international assistance from European countries and the United States. This assistance has provided many public servants, such as prosecutors, public security officers, and wardens, the opportunity to go abroad to learn from Western countries' legal systems. Yet these better-trained legal servants lack both the ability and the will to help their poor and underprivileged Chinese compatriots when they return to China.

History of the Laogai

The initial conception of the Laogai was not a Chinese innovation, but was actually passed down to China from the Soviet Union, where the Soviet Communists had already formed the Gulag, the predecessor of the Laogai. This cooperation originated in a defense treaty signed by the Soviet Union and China in 1950 whereby the Soviet government agreed to lend aid to China and to assist in the development of certain basic institutions of society, including the Chinese penal system, to be modeled directly after the Gulag. This tutelage led to the early years of the Laogai, and to a blending of the tenets of both the Chinese and the Soviet philosophies of reform through labor to form what is known today as the Laogai.¹

During the early years of the Laogai, many prisons dedicated much of their labor force to massive state-run reconstruction projects that would have been impossible to undertake through the labor of the Chinese people at large. So it was that millions of Chinese prisoners came to labor on the massive irrigation, mining and dam building projects that were carried out during the Great Leap Forward at the end of the 1950s. The most infamous of these projects took place in the more remote provinces, such as Gansu, Guizhou, Xinjiang and Tibet. In numerous camps in these areas, prisoners were forced to work at projects to reclaim wastelands and to unearth dangerous mines. Due to the treacherous conditions and the famine that resulted from the disastrous policies of the Great Leap forward, hundreds of thousands perished in China's prisons during this time.²

During the earlier years of the Laogai's existence, the proportions of political prisoners confined in its facilities were greater than they are today. Due to the massive and unending political campaigns of the 1950s and 1960s, there remained a constant influx of counterrevolutionaries who were forced to join common criminals serving time in the camps. During the 1950s, it is estimated that up to ninety percent of those serving sentences in the Laogai were initially arrested for political reasons. This number declined slowly but steadily during the sixties and seventies, but due to continuing purges and to the horrors of the Cultural Revolution, it was not until the 1980s that the ratio dropped down to approximately ten percent. Public Security Bureau documents state that in 1985, 10 percent of those detained in Labor Reform Prisons (excluding Laojiao and Jiuye) were counterrevolutionaries and 1.8 percent were historical counterrevolutionaries.³ These numbers may have changed slightly since 1985, but it is impossible to calculate a precise estimation with a lack of official documents.

Because the reasoning for China's opening was motivated more by a desire to improve economic development than to achieve any development in the political system, the majority of laws written as a result of the opening related to economics and business and not to crime and

¹ Leong, Albert. *Gulag and Laogai*. Eugene: University of Oregon Press, 1999.

² Jasper Becker. *Hungry Ghosts: Mao's Secret Famine*. New York: Henry Holt and Co. 1996.

³ Hongda Harry Wu, *Laogai: The Chinese Gulag*. Boulder: Westview Press, 1992.

punishment. There were, however, a small number of laws relevant to the prison system that emerged at this time. Among these, the Criminal Law of the PRC was among the most important. Signed into law in 1979, this law included guidelines on Laogai ideology, crime and punishment, the death penalty, and three different categories of political offenses. These categories include the following: crimes of counterrevolution, crimes of endangering public security, and crimes of disrupting the order of social administration. The law defines “counterrevolutionary crimes” as the following:

“All acts endangering the People’s Republic of China committed with the goal of over-throwing the political power of the dictatorship of the proletariat and the socialist system.”

When Deng Xiaoping came to power following Mao’s death and hundreds of thousands of so-called counterrevolutionaries were rehabilitated, many thought the years of horror had passed. Although the era heralded by Deng the pragmatist brought an end to mass purges, statements of Deng Xiaoping also justified the suppression of political dissidents, such as the following:

“Under the present conditions, using the suppressive force of our nation to attack and disintegrate all types of counter-revolutionary bad elements, anti-party anti-socialist elements and serious criminal offenders in order to preserve public security is entirely in accord with the demands of the people and with the demands of socialist modernization construction.⁴

The CCP, to this day, has also proven no more tolerant of dissent. Beginning with the brutal crackdown on those who participated in the Democracy Wall Movement of 1979, Deng set the rules for Chinese political life in the post-Mao era. Eventually, under Deng’s leadership, Chinese authorities amended the Chinese constitution to abolish earlier guarantees of the rights to speak out freely, hold debates and put up wall posters. Authorities often do not think twice about suspending the legal guarantees that remain enshrined in the nation’s constitution and laws. Against a backdrop of modernization and reform in Chinese corporate law, dissidents are still detained illegally, deprived of legal representation, tortured, and forced to labor and have their sentences extended for political reasons. In short, they remain the victims of a regime that does not respect the rule of law.

Thus even as China moves towards further economic integration with the international community, the Chinese prison camp system retains its political function. According to the Chinese government document “Criminal Reform Handbook” (approved by the Laogai Bureau of the Ministry of Justice in 1988):

“The nature of the prison as a tool of the dictatorship of classes is determined by the nature of state power. The nature of our Laogai facilities, which are a tool of the people’s democratic dictatorship for punishing and reforming criminals, is inevitably determined by the nature of our socialist state, which exercises ‘The People’s Democratic Dictatorship.’ The fundamental task of our Laogai facilities is punishing and reforming criminals. To define their functions concretely, they fulfill tasks in the following three fields: 1. Punishing criminals and putting them under surveillance. 2. Reforming criminals. 3. Organizing criminals in labor and production, thus creating wealth for society. Our Laogai facilities are both facilities of dictatorship and special enterprises.”

⁴ *Deng Xiaoping Xuanji (Selected Works of Deng Xiaoping)*. Beijing: People’s Press, March 30, 1979, p. 87, 155, 333.

Several more legal reforms came in the 1990s, the most significant of these being the revised Criminal Code of 1997 and the Criminal Procedure Code of 1997. These two revised codes brought changes to certain provisions from the 1979 versions, although such alterations in language resulted in little progress in practice. For example, in the new law, the section from the 1979 law that was entitled “counterrevolutionary crimes” was renamed “crimes against state security,” and the previously stated definition of counterrevolutionary laws was deleted from the provisions. However, the laundry list of political crimes remains within the law with few changes from its previous version. Far from indicating that activities previously considered “counterrevolutionary crimes” are now legal, this omission expands the scope of punishable acts to all those which fit the vague, undefined notion of “endangering state security.” Additionally, both the 1979 and 1997 versions of the Criminal Procedure Code included provisions for protection of rights to due process and to appeal in what appears on paper to be a law-abiding system of crime and punishment.⁵ Reports of human rights groups, governments and multi-lateral organizations everywhere document China’s continuing failure to protect rights of due process for its citizens. In recent years, many reports have even stated that circumstances have deteriorated during the last few years as China has carried out crackdowns on groups such as Falun Gong, the China Democracy Party, and Internet authors who Communist authorities feel pose a threat to their power. Communist authorities have also recently cracked down on the large numbers of petitioners who have flocked to Beijing to seek justice for the loss of property due to construction projects, as well as for unfair employment practices and other grievances.⁶

Despite recent societal advances in the People’s Republic of China, the most troubling aspects of the Communist Party’s leadership, such as the Laogai, still remain. With its roots in Mao’s leadership, today’s Chinese communist system is characterized by a massive bureaucracy that oversees the public ownership of the principal means of production, despite widely touted economic reforms. The Communist Party economic theory, whether espoused by Mao or Deng, posits that human beings are key instruments of production. While Deng loosened state control over certain aspects of Chinese people’s private lives, he and his successors have continued to deny the Chinese people fundamental political rights such as the freedoms of speech, press, assembly, and association.

The underlying rationale for China’s forced labor camps remains political necessity. The primary purpose of the Laogai is not simply to maintain order in society or to punish criminals in accordance with the law, but to protect and consolidate the dictatorship of the Chinese Communist Party.

Thought Reform

Perhaps the most unique aspect of the Laogai is the focus on thought reform (*sixiang gaizao*). Mirroring the enormous efforts of large-scale thought manipulation of the Chinese population following the Communist takeover, thought reform has been an intrinsic part of the Laogai since its establishment. In October 1951, Premier Zhou Enlai stated at a national conferences to central government officials: “Our thoughts have been either bandaged by feudalism or enslaved by imperialism... in order to serve the demands of our new China, we need to reform our thoughts constantly... thought reform is inevitable, if an intellectual wants to serve the new China and the people.” On September 29 of that same year, Zhou had already given a five hour-long speech at Beijing University (Beida) with the topic “Regarding the reform

⁵ Lawyers Committee for Human Rights. *Opening to Reform? An Analysis of China’s Revised Criminal Procedure Law*. New York: Lawyers Committee for Human Rights, 1996.

⁶ See 2003 and 2004 reports from the U.S. State Department, Amnesty International, Human Rights in China, the Laogai Research Foundation and the *Guancha website*, www.guancha.org in Chinese, www.cicus.org in English, published by the China Information Center.

of the intellectuals”. Premier Zhou used his personal experience to persuade the students and teachers at Beida of the importance of correcting one’s mistakes and reforming one’s thoughts, stating that this was the only way to adjust an intellectual to suit to the socialist new China. After Zhou’s speech, a movement of thought reform spread out among colleges and universities throughout the nation. Mao Zedong praised this campaign as a “new phenomenon, worthy of being celebrated”. Mao emphasized that: “Thought reform, especially the thought reform of the intellectuals, is one of the most important conditions necessary to achieve real democratic reform and the step-by-step industrialization of our nation.”⁷

The tendency of Chinese authorities to emphasize the struggle of the majority to eliminate a tiny minority of enemies of the people remains prominent. The ongoing campaign against Falun Gong practitioners and members of various house churches in China illustrates this pattern. Struggles of this kind will drag on for months with hundreds and sometimes thousands arrested and sent to be re-educated. Meanwhile, the campaign will go on, reporting that while the masses continue their struggle, many individuals among the minority of enemies have been successfully reeducated, but the struggle must continue to eliminate the “tiny, tiny recalcitrant minority” of enemies that threaten the good of the people and the motherland.⁸

Nowhere is this struggle more prominent than in the Laogai. While the intense political study sessions of the Maoist era are a thing of the past, prisoners must still repeatedly confess their crimes and provide self-criticisms, as the Chinese legal system still lacks a presumption of innocence. Prisoners are still stripped of their personal identity and reduced to accepting only the identity they can be offered through the Communist authorities. All criminals must renounce any political and religious beliefs that the state considers subversive. The Catholic priests, Falun Gong followers, and democracy activists trapped in the Laogai today must all confess their “crimes” against the nation, recant their beliefs, and undergo special reeducation classes, which according to recent reports may incorporate torture. Group humiliation is also a well-known tenet of Laogai thought reform patterns. Prisoners are turned against one another and are forced to criticize and sometimes even physically beat one another in struggle sessions. This again reinforces the isolation of the prisoner and the feeling that they will not become part of the group until they submit to the authorities and allow themselves to be “re-educated.”⁹ Even more common in contemporary China, however, is the melding of reform and labor to produce the desired results: the Chinese Communist Party squeezes out every available ounce of labor from its prisoners to prove that they are but tools at the mercy of the state.

Components of the Laogai

The Laogai Research Foundation has gathered evidence on the main components of the Laogai as defined by Chinese law, policies, and practices. The legal definition of the Laogai entails six main components: prisons (*jianyu*), reform-through-labor detachments (*laodong gaizao dui* or *laogaidui*), reeducation-through-labor facilities (*laodong jiaoyangsuo* or *laojiaosuo*), detention centers (*kanshousuo*), juvenile offender facilities (*shaoguansuo*) and the practice of forced-job-placement (*qiangzhi jiuYe* or *liuchang jiuYe*). In general, prisons and laogai detachments house “convicts,” prisoners who have received formal sentencing by the courts (due

⁷ See Xiao Shu, “Tianma de zhongjie— zhishi fenzi sixiang gaizao yundong shuiwei ” (The end of a heavenly horse- Some details about the thought reform movement of the intellectuals), http://www.boxun.com/hero/xiaoshu/4_1.shtml.

⁸ Amnesty International, *No One is Safe: Power, Repression, and Abuse of Power in the 1990s*. New York: Amnesty International, 1996.

⁹ Robert J. Lifton. *Thought Reform and the Psychology of Totalism*. Chapel Hill: University of North Carolina Press, 1989. To read more about thought reform in the Laogai, see also the eight volumes of the Laogai Research Foundation’s *Black Series*, a Chinese-language series of political prisoners’ autobiographies- information on this series can be found on the Foundation’s website, www.laogai.org.

process and judicial independence in China notwithstanding). The distinction in the terms “prison” and “laogaidui” originated in a 1994 Prison Law in which China’s prison system was renamed, altering the term from “Laogai” (reform through labor) to “prison”. An article in the January 7, 1995 edition of the government-sanctioned *Beijing Legal Daily (Fazhi ribao)* revealed the reasoning behind this superficial change:

“Our renaming of the Laogai is what our associating with the international community calls for, and it is favorable in our international human rights struggle. Henceforth, the word “Laogai” will no longer exist, but the function, character and tasks of our prison administration will remain unchanged.”

Reeducation-through-labor facilities, or *laojiaosuo*, house prisoners who receive “administrative discipline” and sentencing of up to three years by police or the courts with no formal trial. Detention centers are for “convicts” sentenced to short-term (usually less than two years’) imprisonment by a court, those awaiting sentencing, and prisoners who are awaiting execution. Juvenile offender facilities are for adolescent “convicts” or reeducation-through-labor detainees. Finally, forced-job-placement personnel are subject to indefinite assigned labor at forced labor facilities as directed by the courts or the Laogai Department following the completion of their sentences. These prisoners are deemed “not fully reformed” and are therefore denied their freedom even after the completion of their sentences. This kind of extended imprisonment was widely practiced through the 1990s.¹⁰ Today *qiangzhi jiuye* has been largely abolished, but is still practiced in some regions.

The Chinese Communist Party utilizes numerous forms of imprisonment under China’s Public Security Bureau (PSB), the Ministry of Justice, and the People’s Liberation Army. However, whether individuals are thrown into a prison (*jianyu*), a reeducation-through-labor camp (*laojiao suo*), a juvenile offender facility (*shaoguan suo*), a county detention center (*kanshou suo*), or are those inmates who have finished their sentences but are forced to remain in the camps as forced job placement (*qiangzhi jiuye* or *liuchang jiuye*) workers, all are equally deprived of their freedom. Whatever the Communist Party may wish to call them, they remain under de-facto imprisonment. Furthermore, it is only with rare exception that these prisoners—regardless of the pretext for their incarceration—are not forced to labor against their will. When it appears in this Handbook, the term Laogai is used to refer to all forms of imprisonment used by the Chinese Communist Party. The CCP maintains control over all of these entities, and depends upon each of them to sustain its power.

Laogai: Reform through Labor

Only criminals who have been arrested and sentenced are confined to the Laogai prisons. All prisons include factories, workshops, mines or farms in which all prisoners are forced to labor. Each prison also has an alternate production unit name. It is very hard to say how many labor reform camps there are in each province or autonomous region with any certainty because of the secrecy with which the Chinese Communist Party enshrouds these camps. Never has the Chinese government allowed the Red Cross or any other international body to inspect conditions in the Laogai.

According to testimony gathered by the Laogai Research Foundation, conditions vary from camp to camp and from year to year depending on the shift of ever-changing political campaigns. Certain basic tenets remain the same, however, as all prisoners are forced to labor, undergo thought reform and submit to prison authorities. Appalling conditions for laborers persist in

¹⁰ See Cheng Zhonghe, *Forty Years in China’s Inferno*. Washington, D.C.: Laogai Research Foundation’s *Black Series*, 2002. The author spent ten years in prison after he had already fully served his 20-year sentence. See also Palden Gyatso, *Fire Under the Snow*, The Harvill Press, 1997. Palden Gyatso, a Tibetan monk, stayed in prison for forced job placement for ten years after he had already fully served his 15-year sentence.

many camps. LRF researchers have confirmed sites where prisoners mine asbestos and other toxic chemicals with no protective gear, work with batteries and battery acid with no protection for their hands, tan hides while standing naked in vats filled three feet deep with chemicals used for the softening of animal skins, and work in improperly run mining facilities where explosions and other accidents are a common occurrence. Political prisoners are commonly housed together with other prisoners, although there are numerous reports of the solitary confinement of political prisoners.

Laogai prisoners are often forced to work extremely long hours, deprived of sleep and forced to take on a highly intensive workload. For instance, in 2001, prisoners at the Beijing Xin'an Female Labor Camp near Beijing were forced to work from 5 a.m. until 2 or 3 a.m. the next day to make toy rabbits.¹¹ In another instance, some 10,000 detainees at the Lanzhou Dashaping Detention Center and the Lanzhou No. 1 Detention Center were forced to use their hands to peel the shells off melon seeds. While working outside, many of these detainees suffered frostbite, cracked and bleeding hands, damage to their teeth and the loss of fingernails. They were forced to squat on their heels to do this work continuously for more than 10 hours, with no pay. In 2001, a Falun Gong practitioner and prisoner at the Lanzhou No. 1 Detention Center was unable to finish his work quota because of the physical ailments he suffered as a result of the work, and was thereby tortured by prison inmates at the orders of a prison official. After suffering severe injury to his abdomen as a result of this torture, he died at the beginning of January 2002.¹²

Reports of torture are common and include beatings with fists and cattle prods, exposure to extreme cold and extreme heat, sleep deprivation, shackling and starvation. Members of China's Uighur minority, among others, are frequent victims of torture in Chinese prisons. A 31-year-old activist from China's Uighur minority was tortured to death in the Chapchal Prison in Xinjiang Province in October 2000.¹³ According to the Tibet Information Network, during the 1990s, nuns imprisoned in the Laogai in Tibet had a one in twenty chance of being raped or killed while in prison.¹⁴

In 1994, the CCP responded to increasing international attention to the Laogai camps by officially changing the name of the camps from Laogai (reform through labor) to "Jianyu", the Chinese term for prison. But as stated previously, this small change in semantics does nothing to change the essential nature of the camps, which continue on, in every other respect, just as they had prior to the change.

"Reeducation-Through-Labor" (*Laodong Jiaoyang*)

Laodong jiaoyang, commonly abbreviated as "Laojiao," serves as one of the most useful tools for the Chinese Communist Party in its constant efforts to silence critics and punish political prisoners without having to bother with legal proceedings. According to the 1957 law which created Laojiao, it is an administrative measure of reform through forced labor designed to "reform idle, able-bodied people who violate law and discipline and who do no decent work into new people, earning their own living; it is also made in order to further strengthen social order and enhance socialist construction"¹⁵. A 1982 Chinese State Council circular to the Public Security Bureau titled "Measures for Reeducation through Labor" similarly refers to Laojiao as an "administrative action for carrying out strict education and reform." This allows the Public

¹¹ "Investigation Reveals Production of Laogai Goods for Export," World Organization to Investigate the Persecution of the Falun Gong, reprinted in the Laogai Research Foundation's *Laogai Report*, 2003 Vol.11 No.4.

¹² Ibid.

¹³ Agence France Presse. "Uighur Tortured to Death in Chinese Prison," October 24, 2000.

¹⁴ Steven Marshall. *Hostile Elements: A Study of Political Imprisonment in Tibet in 1987-1998*, London: Tibet Information Network, 1999.

¹⁵ Law passed by the 78th meeting of the Standing Committee of the People's Congress on August 1, 1957. Promulgated by the State Council on August 3, 1957.

Security Bureau to detain and sentence individuals for up to three years without any legal proceedings. A variety of agencies and individuals, from family members to employers to the police, can recommend, through a petition process, individuals to reeducation. Most often, local police determine a reeducation term.

Laojiao camps are not included in any official accounting of the number of prisoners in the Laogai system. By the same logic, those in Laojiao camps are not considered convicted prisoners and, as such, are not covered under the international treaties for treatment of prisoners, nor are the goods they are forced to manufacture covered by the bilateral agreements between the United States and Chinese governments banning trade in forced labor products.

Reports by several other human rights organizations, including Amnesty International, Human Rights Watch, and LRF also document the continued use of the Laojiao system to arbitrarily detain both penal and political criminals alike.

Evidence indicates a recent increase in the construction of Laojiao facilities, suggesting that the system has proven itself an effective muzzle for many individuals deemed hostile by the Chinese government. According to a 1997 report by the U.N.'s Working Group on Arbitrary Detention, published after the Group's trip to China that year, there are 230,000 persons in 280 Laojiao camps throughout the country. The figure represents more than a 50 percent increase over four years. At the end of 1993, the reeducation through labor population figure was 150,000. A 1996 report issued by the Chinese Ministry of Public Security and obtained by a Taiwanese publication, indicates that as of September 24, 1996, there were a total of 1.78 million persons in Laojiao.¹⁶

Jiuye: Forced Job Placement

One of the most blatant human rights abuses of the CCP is "Jiuye". According to Chinese government regulations and criminal theory, a prisoner who is deemed to be "not well reformed" or a recidivist may be forced to remain indefinitely in the Laogai camp in which they completed their sentence. Chinese law stipulates that the following individuals should be subject to jiuye:

"Criminals who are not well reformed should usually undergo forced job placement in the camp. They include: important counter-revolutionaries... who show no evident signs of repentance during their terms and may revert to crimes after completing their terms, and assaulting the socialist system, vilifying the Party's line, principles, and policies... seriously violate reform regimen... those who consistently refuse to labor, or deliberately sabotage production and do not correct themselves despite repeated admonitions."¹⁷

Forced Job Placement is an applied system without clear judicial regulations. There is no strict definition of the targeted groups or individuals- it is a prolonged laogai system. Hundreds of thousands of "criminals" have been detained indefinitely in laogai farms, mines or factories to produce wealth for the state. Hundreds of accounts of the implementation of these inhumane regulations can be read in the memoirs of Laogai prisoners.¹⁸

Juvenile Offender Camps

¹⁶ Li Zijing, Cheng Ming Monthly, November 1996, pp. 14-16. Excerpted in the January 1997 issue of Inside China Mainland.

¹⁷ "Decisions on handling fugitive and recidivist criminals and reeducation-through-labor personnel" adopted by the 19th session of the 5th Standing Committee of the National People's Congress, June 10, 1981.

¹⁸ Many autobiographies have been written by former Laogai inmates- see the eight-volume *Black Series* of the Laogai Research Foundation, Washington, D.C. 2001-2004.

In accordance with Communist regulations, juvenile offender camps are organized on provincial, municipal, and autonomous regional levels. Statistics show that there are now a total number of approximately 50-80 such camps, with a total prisoner population of approximately 200,000-300,000. These numbers do not include those juveniles who have been sent to Laojiao and prison facilities.

All juvenile offenders are forced to labor like other prisoners and are organized along the same lines as their older counterparts.¹⁹

The Laogai Economy and Forced Labor in China's Laogai System

The Laogai remains the most extensive and secretive network of forced labor camps operated by any country in the world. The slogan for the Laogai remains "Reform first, production second." Millions of Chinese in the camps still face the daily "reform" components and political indoctrination, or brainwashing. Mental and physical abuse is common. The

¹⁹ Hongda Harry Wu. Laogai: The Chinese Gulag.

Chinese government, meanwhile, continues to refuse the International Committee of the Red Cross access to the Laogai.

Regarding the “production” aspect of the above slogan, the dual penal and commercial role of the Laogai is affirmed by China’s Ministry of Justice. In its 1988 *Criminal Reform Handbook*, the ministry states that the Laogai “organizes criminals in labor and production, thus creating wealth for society.” It has developed into diverse forms and plays an important role not only in the judicial but also in the economic arena. Our research and analysis shows that, as an institution within the Chinese communist regime, the Laogai has benefited tremendously from the opening of China to international commerce. International trade provides the camps access to hard currency as they export their products— everything from socks to diesel engines, raw cotton to processed graphite. By trafficking its forced labor products in the international marketplace, the Laogai system has grown bigger and stronger. This material reinforcement of the Laogai is happening despite the fact that the nature and scope of the system’s abuses are becoming increasingly apparent to the world community.

Due to strong resistance from Western nations against forced labor products, in 1991 China’s State Council re-emphasized the ban on the export of “forced labor products” and stipulated that no prison is allowed to cooperate or establish joint ventures with foreign investors. However, the State Council’s move was merely a superficial one, and prisoners today still produce forced labor products in great numbers. The Chinese government grants special privileges to enterprises using labor camps and prisons, to encourage and attract foreign investment and export. Prisoners are forced to manufacture products without any payment, and are often forced to work more than 10 hours a day and sometimes even overnight. Those who cannot fulfill their tasks are beaten and tortured. The forced labor products these prisoners produce are exported throughout China and the world.

Today, more than a quarter century after Mao’s death, the Laogai system still thrives, and an untold number of prisoners continue to suffer behind the high walls and the barbed wire fences of more than 1,000 Laogai camps. A majority of the inmates currently in the Laogai are incarcerated for reasons that have little to do with politics or class background; however, the Laogai still serves its political purpose. Individuals deemed to be threats to China’s one-party system may be held for “crimes against state or public security” or “revealing state secrets,” or for offenses that have the ring of more common crimes, such as hooliganism or arson, that actually mask politically-motivated incarceration. Additionally, the general lack of due process in the Chinese legal system victimizes countless individuals. Well-documented reports of several human rights organizations have revealed a system where individuals are often convicted and sentenced with no trial at all. Even when an individual is able to secure their right to trial, they are often refused the right to adequately defend themselves, or they are convicted through “evidence” that was extracted through torture.

During the early years of the Laogai, many prisons dedicated much of their labor force to massive state-run reconstruction projects that would have been impossible to undertake through the labor of the Chinese people at large. So it was that millions of Chinese prisoners came to labor on the massive irrigation, mining and dam building projects that were carried out during the Great Leap Forward at the end of the 1950s. The most infamous of these projects took place in the more remote provinces, such as Gansu, Guizhou, Xinjiang and Tibet. In numerous camps in these areas, prisoners were forced to work at projects to reclaim wastelands and to unearth dangerous mines. Due to the treacherous conditions and the famine that resulted from the disastrous policies of the Great Leap forward, hundreds of thousands perished in China’s prisons during this time.²⁰

²⁰ Jasper Becker. *Hungry Ghosts: Mao’s Secret Famine*. New York: Henry Holt and Co. 1996.

The Laogai Economy

Besides being an important part of China's public security and a tool of the dictatorship of the proletariat, the Laogai camps are also an integral part of China's national economy. Chinese authorities see the Laogai as a source of endless cost-free labor and are continuously studying the application of forced labor in increasing productivity and profits. Since the establishment of Deng Xiaoping's expansion and reform of China's export economy, the Communist Party has sought to use these state organs of repression to turn a profit. The use of forced labor in China is simply seen as another input into the economic equations of the Communist State. The deliberate application of forced labor by the Chinese government has spawned an entirely new field in China's economy: the economics of slavery.

The millions in the Chinese Laogai constitute the world's largest forced labor population. While those in the Laogai face political indoctrination and physical and mental deprivation as part of the "reform" regimen, they are simultaneously forced to labor and face production quotas in their "labor" evaluation. The universal slogan in the Laogai is "Reform First, Production Second".

However, in recent years, the economic goals of the Laogai have come to supersede even the political aims. Production seems to have taken the place of reform as the ultimate goal. Laogai officials are more concerned with meeting production quotas and turning a profit for the Communist Party and for personal gain than with actually reforming the criminals serving time in the Laogai.

In an opening essay of an official Chinese government document entitled, "On the Present Conditions of Laogai Economics", the integration of the Laogai as one segment of the central government's economic program is laid out accordingly:

"In our nation, the Laogai economy is a branch of the economy of specific nature. Laogai economics has the dual characteristics of the management of economic administration and the study of reform through labor. In viewing the socialist ownership of means of production under the control of the whole people it is a component of the socialist national economy... Among Laogai products, some are indispensable goods in the national plan and the people's lives, some are used in national defense industries; some special products which are made with Laogai characteristics are welcomed by society; some have already been named as national or provincial superior products; [and] some have reached world-class, advanced levels. Some of the products are even exported to various parts of the world, not only earning large amounts of foreign currency, but also winning praise for the state."²¹

Chinese authorities carefully monitor labor production in the Laogai system to reward the most productive facilities and "correct" the poor performance of less productive facilities. Laogai enterprises participate in national evaluations to confirm that forced labor has reached certain standards. As stated in a 1991 Asia Watch report:

"The use of forced labor is a central government policy, not one developed on an ad-hoc basis by labor reform units in the coastal provinces where a large portion of the goods are produced."²²

In a bulletin entitled *The Demands of the Country's Condition- Strength and Realities*, the

²¹ Gu Jianguo, *Laogai Jingji Xue (Laogai Economics)*. China Railways Publishers: 1990.

²² *Prison Labor in China*. News from Asia Watch report. April 19, 1991.

CCP expounded upon the need for the Laogai camps to be productive:

“Due to our national condition and strength, the country cannot provide to the Laogai Departments all the expenses they require. Because of this, it is extremely necessary that Laogai Departments, while not influencing the reform of criminals [i.e. not sacrificing the reform aspect of the Laogai system], strengthen production and management administration, and mobilize and expand prisoners’ enthusiasm to labor and produce, thus creating more wealth for the state through reform-through-labor.”²³

The actual scope of the “Laogai economy” as a component of the overall Chinese economy is difficult to quantify using open sources. As the Laogai became a major issue in world condemnation of the Chinese dictatorship’s disregard for basic human rights, documentation of the Laogai became scarce. The Chinese government considers information relating to the camps to be “state secrets”.

The Chinese government refuses access to the Laogai by the International Committee of the Red Cross to inspect conditions of political prisoners. Authorities also deny the United States Customs and Border Protection the right to inspect Laogai facilities suspected of importing their products to the U.S., despite a binding bilateral agreement to allow visits to the Laogai for such purposes. The Chinese government rebuffs any attempts by foreign organizations or governments to independently inspect or study the dual political and economic role of the Laogai. For instance, in June 2004, China finally agreed to allow the first visit by UN Special Rapporteur on Torture Theo van Boven after about a decade of discussions, but then postponed the visit at the last minute, prompting criticism from human rights groups and others.²⁴

Laogai administrators must adhere to the traditional emphasis on reform of prisoners in order to mold them into “new socialist persons” while reaching certain productivity and profit levels. The removal of direct government support for the Laogai pushes the drive for increased production and income for individual enterprises. This causes, however, a contradiction between the traditional role of the Laogai camps as centers of reform and the necessary role of the Laogai as producer in the “socialist market economy with Chinese characteristics.” In China’s attempts to modernize the Laogai economy and to make products and production suitable for international progress, the aspect of “reform” has often taken a back seat to production, and even more than that, to profit.²⁵

Given that the end result of the emphasis on production is for the Laogai enterprise to look for the greatest source of income available in the marketplace, it follows for those Laogai enterprises that have the highest quality production to make the ensuing move on to international markets through exports. Despite denials by Chinese government officials, Laogai products have time and time again been found to be available on the international market. In reality, the Chinese government constantly encourages the export of Laogai goods, as can be seen in the following excerpts from Chinese government documents:

“Laogai units, which develop foreign-oriented economies, not only create large amounts of foreign currency for the state and increase state revenues; the Laogai units themselves develop.”²⁶

“Laogai units which develop foreign-oriented economics push their products into the international market [where they] not only win praise for the state, but also increase

²³ The Laogai Research Foundation, June 30, 1999.

²⁴ Agence France Presse, “Bush asked to pressure China to allow UN probe on torture”, October 5, 2004.

²⁵ Ibid.

²⁶ Ibid.

the foreign currency revenue of the state and accelerate the economic construction of the state. Because of this, the development of the Laogai economy itself or the development of the national economy as a whole is absolutely essential.”

“To vigorously develop foreign-oriented economics whenever it is possible and permissible is an important path to further strengthening the Laogai economy, to accelerate technological progress, to arm the Laogai management detachments, to fully utilize the initiative and creativity of cadre guards, employees and technical personnel, and to improve qualifications of all categories of personnel to enhance the impact and role of the Laogai economy.”²⁷

As a result of these policies, goods made by Chinese prisoners have time and time again found their way into U.S. and world markets. And countless unknowing consumers have purchased goods produced in China’s forced labor camps.

Most Laogai camps have two names: a public name (usually an enterprise name), and an internal administrative name. Yinying Coal Mine in Shanxi Province, for example, is the public name for the Yangquan No. 1 Prison. In carrying out the dual political and economic functions directed by Chinese Communist forced labor theory, individual Laogai facilities operate under distinct names for each of their identities. Laogai facilities may operate under multiple enterprise names in order to publicize their production and participate in the commercial arena, as well as to avoid detection by international observers. Furthermore, Laogai facilities may also operate under multiple internal names as designated by the Judicial Department in the course of implementing the “reform” of prisoners and central government edicts. For example, the Laogai with the commercial name Qingdao Shengjian Machine Works has two internal names: Lanxi Prison and Prov. No. 2 Prison.

Forced Labor

The grueling, punitive forced labor component of the Laogai, aside from presenting a cruel means of physical punishment for prisoners, also provides a number of financial benefits for the Chinese government. Since the establishment of Deng Xiaoping’s “open” China and the formation of China’s “socialist market economy,” the Chinese government has sought to operate the Laogai at a profit. Goods made in the Laogai have become a part of China’s domestic economy, and to an extent, Laogai-made goods are also filtering into foreign markets, including the United States.

The theoretical basis of the Chinese Communist ideas regarding reform through labor have their roots in the writings of Marx and Engels as they were interpreted by the Soviets and then reinterpreted by Mao Zedong. Fundamentally, these theories promote the idea of criminals as exploiters who do not possess the ideology of the proletariat. In order to be stripped of their “parasitical” ideology, they must be taught to work, like the members of the proletariat, and then therefore take on their revolutionary ideology.²⁸ As the Laogai became an institution of Chinese society, labor and production remained integrally tied to the function of “reforming” criminals. In the following directive, the Chinese Communist Party defends forced labor by prisoners:

“Our Laogai facilities force prisoners to labor. It is determined by the nature of criminal punishment in our country, by the dictatorial functions of our facilities and their aim of reforming prisoners into new, socialist people. Our Laogai facilities are

²⁷ Ibid.

²⁸ Harold Tanner, *China Information*, “China’s Gulag Reconsidered: Labor Reform in the 1980s and 1990s,” Vol. 9, No. 2/3, Winter, 1994-1995.

both special schools for Laogai prisoners and special state-owned enterprises.”²⁹

According to Communist theory, the ultimate goal of forced labor is two-fold, production and reform:

“Laogai production serves as a means for reforming prisoners and bears the political obligation of punishing and reforming prisoners; it also serves as an economic unit producing goods for society and bears the economic obligation set by guidelines of the state. These dual obligations and dual accomplishments (the reforming of prisoners into new men and the production of material goods) must be advanced and practiced throughout the entire process of Laogai production.”³⁰

Mao Zedong explains the role of forced labor in the Laogai in the following statement:

“Towards enemies, the people’s democratic dictatorship uses the method of dictatorship... [that] compels them to engage in labor, and, through such labor, be transformed into new men.”³¹

As a result, the Laogai forces its prisoners to plant, harvest, engineer, manufacture, and process all types of products for sale in the domestic and international markets. The theory behind the Laogai is clear:

“Except for those who must be exterminated physically due to political considerations, human beings must be utilized as a productive force with submissiveness as the prerequisite. Laogai units force prisoners to labor. The Laogai’s fundamental policy is, ‘Forced labor is the means, while thought reform is the basic aim.’”³²

According to Article 74 of the *The Law of Reform through Labor* (zhonghua renmin gongheguo laodong gaizao liaoli, 1954), the financial sources of the labor camps are as follows: 1) the national budget appropriation; and 2) the revenue of reform-through-labor institutions. Article 8 of the Prison Law enacted in 1990 includes a regulation about the structure of prisons:

“The state ensures the necessary structure of reforming the criminals in prison. All of the prison’s budget for the people’s police, the costs of reform, the living costs of the criminals, and establishment and other special costs should be included in the state’s budget plan. The state guarantees the production equipment and cost, which is necessary for the prisoners’ labor.”³³

Since the market economy has largely taken over the planned economy in China, the importance of “labor reform” has shifted. Forced labor is no longer the means but in terms of the economic aspects is now the goal in the Laogai system. The state’s appropriations to the prisons are insufficient, so that local prisons now have to manage their finances on their own. There is a system of self-reliance in place in the Chinese prison system that puts prison authorities under pressure to produce, be self-sufficient and hold the prison compound financially intact. The author Qu Mo wrote an article in which he suggested that prisons and enterprises should be separated. The Beijing author first criticized the current situation in Chinese prisons, and then talked about prison reform:

²⁹ Approved by the Laogai Bureau of the Ministry of Justice. Shaanxi People’s Publishing House, 1988, p. 132-133.

³⁰ Gu Jianguo. *Laogai Jingji Xue (Laogai Economics)*. China Railways Publishers, 1990, p. 31.

³¹ *Mao Zedong Xuanji (Selected Works of Mao Zedong)*, Vol. 4, Beijing, People’s Press, March 30, 1979, p. 371.

³² *Laodong Gaizao Faxue*, Beijing University Press, 1991.

³³ See the *Prison Law of the People’s Republic of China*, <http://www.xsjjy.com/flk/jyf.htm>.

“In the long-term range of implementation, organizing the prison inmates to work becomes a means of production. “Create economic profit” becomes the end goal of labor reform. Even the income and living standard of the warden are directly connected to the prisoners’ productivity. “Reform” has taken a step back and “create and gain” has been pushed to the front. This kind of upside-down management has is greatly in error. Prison authorities exert the greatest efforts in making use of the prisoners’ manpower, instead of caring for their reform and education.

Judicial authorities have also taken notice of this situation. From September 1 (2003) prison reform has been started at six trial locations- in Heilongjiang, Shanxi, Shaanxi, and Hubei provinces, as well as in Shanghai and Chongqing. According to a *People’s Daily* report, the final goal of prison reform is to separate the function of law implementation and enterprise management.”³⁴

Liu Shi’en, a professor at the Central Legal Police Academy, also showed great concern about the unreasonable economic rules in prison in his article “Some Thoughts on Prison Production after the Separation of Prison and Enterprise” (Jianqi fenkai hou jianyu shengcha dingwei de sikao)³⁵ on the website of the Ministry of Justice. In this article, Professor Liu suggested strongly that prisons and enterprises should be separated. He stated that prison enterprises are incompatible with the market economy, as the market competition principles of prison enterprises alienate the principle of reforming and educating the prisoner. Also, he argued that prisoners, who lack professional training and on average have a low degree of education, are not ideal workers in terms of productivity.

After making a case that prisons and enterprises should be separated, Liu offered some thoughts as to how prison production could be better developed, as follows: 1) There should be more investment from the state and other enterprises or financing initiatives from society; 2) prison production should be limited to certain fields of processing, because this does not require much equipment and the management is simpler; 3) the state should offer low interest rate credit to prisons in terms of capital assets and circulating funds; 4) favorable tax regulations should be implemented for prisons; and 5) the government should buy back prison products. According to Liu, with all of these measures and state support, the prison would develop a more healthy system of production and labor.³⁶

³⁴ See Qu Mo, “*Gaobie ‘jianqi heyi’ tizhi*” (*Farewell to the combined system of ‘prison and enterprise’*), original Chinese text, at: http://news.bbc.co.uk/hi/chinese/china_news/newsid_3143000/31434901.stm

³⁵ See Liu Shi’en’s article: http://www.legalinfo.gov.cn/moj/zgsfzz/2004-07/26/content_119995.htm.

³⁶ *Ibid.*