



ISSUES AND FACTS

# FAIR TRIALS FOR ALL CHINA'S CHOICE

LEGACY OF THE  
BEIJING OLYMPICS

**AMNESTY  
INTERNATIONAL**



# FAIR TRIALS FOR ALL!

## ISSUES AND FACTS

When Beijing was chosen as the host city for the 2008 Olympics, in 2001, Chinese officials made assurances that the human rights situation would improve in the run-up to the Games. These statements were echoed by the President of the International Olympic Committee and reflected in spirit by the Olympic Charter.

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WE DO NOT RULE OUT THE  
POSSIBILITY OF COMPELLING  
ALL DRUG ABUSERS IN THE  
CAPITAL TO GIVE UP THEIR  
ADDICTIONS BEFORE THE  
OLYMPICS

Fu Zhenghua, deputy director of the  
Beijing Public Security Bureau

And yet, the police have used Beijing's hosting of the Olympics as a pretext to extend the use of abusive forms of administrative detention. Such systems of punitive, administrative detention, imposed by the police without charge, trial or judicial review, violate international fair trial standards and have been on China's reform agenda for many years.

Amnesty International has long called on the Chinese authorities to abolish Re-education Through Labour and other forms of punitive administrative detention. Pending their abolition, the authorities should take urgent measures to ensure that the Beijing police do not resort to such forms of detention without trial as a method of cleaning up the city in the run up to and during the Beijing Olympics.

### WORK HARD, THINK DIFFERENT

Re-education Through Labour has been used in China since the mid-1950s as a system of punishment imposed on those who are deemed to have committed minor offences but are not legally considered to be criminals. It was once described in an official legal newspaper as punishment for actions which fall somewhere between crime and error. Under the current system, people can be detained in a Re-education Through Labour facility for up to three years, which can be extended by a further year when necessary.

In May 2006, the Beijing city authorities announced their intention to extend the use of Re-education Through Labour as a way to “clean up” the city's image ahead of the Olympics.

This is the first time since mid-2003 that officials have invoked the use of measures such as Re-education Through Labour at the local level in order to address public order issues in the cities.

The offending behaviour referred to by the Beijing authorities as subject to Re-education Through Labour prior to the Beijing Games includes serious cases of unlawful advertising or leafleting, unlicensed taxis, unlicensed businesses, vagrancy and begging. However, the vague language defining types of offending behaviour also enables the authorities to detain those engaged in peaceful acts of protest or dissent.

A lack of effective constraints on police powers to impose Re-education Through Labour and a lack of safeguards to prevent abuses against those held in

Re-education Through Labour facilities continue to result in a range of human rights violations. For example, police often avoid pressing formal criminal charges if they think there is not enough evidence to secure a conviction of suspects but send them to Re-education Through Labour instead. Some people found innocent of a crime and acquitted by the courts have reportedly been immediately detained by the police and sent to Re-education Through Labour. Although a person can in theory appeal against a decision to send them to Re-education Through Labour, it is common for their period of detention to then be extended, often because the authorities consider such appeals demonstrate a poor attitude to reform. For the same reasons, those who appeal may also put themselves at risk of beatings or other forms of torture or ill-treatment.



Bu Dongwei, also known as David Bu, was assigned to two-and-a-half years' "Re-education through Labour" on 19 June in connection with his activities as a member of the Falun Gong spiritual movement.

Chinese policeman instruct drug rehab patients to practice exercises in a compound at the Kunming Municipal Compulsory Rehabilitation Centre on 8 July 2005 in Kunming, Yunnan Province, China.





Police patrol Tiananmen Square on China's National Day, 1 October 2005. The banner behind them reads: "socialist, harmonious society".

Cover: Drug rehab patients are received an anti-drug education by a Chinese policewoman in a compound at the Kunming Municipal Compulsory Rehabilitation Centre on 8 July 2005.

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Attempts to substantially reform or abolish Re-education Through Labour now appear to be back on the legislative agenda after being stalled within the legislature for over two years. A new law, the Illegal Behaviour Correction Law, designed as a replacement to Re-education Through Labour, remains at a draft stage and has not yet been passed. While it is believed to contain some improvements, Chinese legal commentary suggests that certain provisions are still likely to violate international fair trial standards.

#### PROSTITUTES AND DRUG USERS AT RISK

In addition to Re-education Through Labour, Chinese officials continue to use two other forms of punitive administrative detention. Custody and Education is used to punish alleged prostitutes and their clients with between six months and two years' detention, and Enforced Drug Rehabilitation enables the police to detain suspected drug addicts.

On 7 February 2007, the Beijing Public Security Bureau announced that during the coming year the police would shift the focus of its anti-drugs efforts from public entertainment venues towards targeting individual users and extend terms of Enforced Drug Rehabilitation from six months to one year. This move heightens the concerns of the use of the Olympics as a pretext to expand the use of abusive administrative detention.

#### FACTS

- Hundreds of thousands of people are believed to be held in Re-education Through Labour facilities across China, many in harsh conditions. These include petty criminals, critics of the government or followers of 'banned beliefs'.

- Those assigned to Re-education Through Labour are forced to work for long hours as part of their "re-education" in a manner similar to compulsory labour in prisons.

- Detainees are at high risk of torture or ill-treatment, particularly if they refuse to recant their "offending behaviour" or attempt to appeal against their sentence.

- China's application of administrative detention is incompatible with the provisions of the International Covenant on Civil and Political Rights, such as those on the rights of detainees to be brought promptly before a judge; the right to fair trial; and the prohibition of forced or compulsory labour. China has signed the International Covenant on Civil and Political Rights and has stated its desire to ratify it.

- According to Chinese media, the Standing Committee of the National People's Congress were due to discuss the new law the draft new law proposed to replace Re-education Through Labour, the Illegal Behaviour Correction Law, in October 2007. However, the law has still not been passed. The reform process has already been stalled for two years because of disagreements.

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**Amnesty International** is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

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