

**STATUTE ON LABOR RE-EDUCATION IN THE CHINESE PEOPLE'S REPUBLIC**  
**CHAPTER 1**  
**GENERAL STATUTE**  
**ARTICLE 1**

This Statute has been specifically worked out on the basis of Article 7 of the Common Program of the People's Political Consultative Council of China for the purpose of punishing counter-revolutionaries and other criminal offenders and re-educating them into new persons in the process of work.

**ARTICLE 2**

Corrective labor institutions of the Chinese People's Republic are one of the instruments of the people's democratic dictatorship, being institutions carrying out the punishment and re-education of counterrevolutionaries and other criminal offenders.

**ARTICLE 3**

Criminals already convicted shall, depending on the character and gravity of their offenses, be imprisoned in jails or corrective labor camps for labor re-education.

Prisoners awaiting sentence shall be held in places of preliminary detention.

**ARTICLE 4**

Corrective labor institutions in regard to labor reeducation imposed on counter-revolutionaries and other criminal offenders, shall apply successively methods combining punishment and ideological re-education, productive labor activity and political education.

**ARTICLE 5**

Corrective labor institutions shall without weakening or loss of alertness maintain close supervision over convicted counter-revolutionaries and other criminal offenders for their entire prison term. Cruel treatment of the prisoners or use of physical measures is strictly prohibited.

**ARTICLE 6**

Corrective labor institutions shall be maintained by the organs of public security and under the control of the people's prosecutor. They shall receive instructions from the People's courts on questions relating to legal action.

**ARTICLE 7**

The work of corrective labor institutions in supervising and educating prisoners under judicial examination or trial shall be subordinate to the interests of the examination and trial.

**CHAPTER 2**  
**CORRECTIVE LABOR INSTITUTIONS**

**Section 1**  
**PLACES OF PRELIMINARY DETENTION**  
**ARTICLE 8**

Places of preliminary detention are used chiefly for prisoners awaiting sentence.

Criminals sentenced to loss of freedom for a term of up to 2 years whose guidance would be unsuitable in corrective labor camps may be transferred to preliminary detention places to serve their terms.

**ARTICLE 9**

The administration of preliminary detention places is obligated to familiarize itself with all the information concerning the prisoners awaiting sentence; prisoners who have committed a serious crime must be kept in strict isolation, accomplices in a crime or prisoners who are connected with the matter are to be kept apart so that the investigative and judicial organs may be able more effectively to conclude the inquiry.

Appropriate work activity must be organized for prisoners awaiting sentence, provided that it does not hinder the inquiry and trial. Convicted prisoners held in preliminary detention places must be kept apart from prisoners still awaiting sentence. They must be compelled

to engage in production work and given political-educational assignments as well.

**ARTICLE 10**

In the event that persons being kept in preliminary detention places are sentenced to corrective labor work without loss of freedom or it is decided to impose only surveillance, they are to be returned to their former place of dwelling or work when the sentence of the people's court comes into effect; the sentence shall be executed by the local people's government or institution where the convicted person was formerly working.

**ARTICLE 11**

Places of preliminary detention are divided into central, provincial, municipal, county, and district; they are under the supervision of the people's security organs at the corresponding level.

Preliminary detention places of various levels that are located at one point may, depending on the conditions, be combined.

In case of necessity, preliminary detention places supervised by branches of the bureau of public security in municipal regions of cities under central jurisdiction and cities that are provincial centers may be built.

**ARTICLE 12**

Preliminary detention places shall have but one chief, one or two deputy chiefs, and several clerks and guards.

**Section 2**  
**PRISONS**  
**ARTICLE 13**

Prisons are chiefly for counter-revolutionaries and other criminal elements who have committed serious offenses and been given the death sentence, the execution of which has been delayed or life imprisonment and whom it would not be practical to use for hard labor outside of prison.

**ARTICLE 14**

In prison the strictest supervision and careful watch is to be maintained over the prisoners; in case of necessity, solitary confinement may be used. Educating the prisoners and putting them to work shall be effected while observing the strictest of supervision and employing a varied approach.

**ARTICLE 15**

Prisons built in the provinces and cities in accordance with actual need shall be under the jurisdiction of the people's provincial and municipal public security organs.

**ARTICLE 16**

Prisons shall have one chief, two or three deputy chiefs, and sections dealing with questions of supervision, education, production, etc.

**Section 3**  
**CORRECTIVE LABOR CAMPS**  
**ARTICLE 17**

Convicted counterrevolutionaries and other criminal offenders whom it is practical to put to work outside of prisons shall be placed in corrective labor camps.

**ARTICLE 18**

Corrective labor camps are to organize the prisoners for the planned execution of agricultural, industrial, and construction work. Political education is to be combined with the work.

**ARTICLE 19**

Corrective labor camps built in accordance with actual need in the provinces and cities shall be under the jurisdiction of the people's provincial and municipal public security organs.

**ARTICLE 20**

Small, medium-size, and large brigades, individual and combined detachments, each of which is to be headed by a chief and several deputies, may be set up in the corrective labor camps, depending on the number of prisoners and industrial requirements.

**Section 4**  
**CORRECTIVE SETTLEMENTS FOR JUVENILE OFFENDERS**  
**ARTICLE 21**

Juvenile offenders 13-18 years of age shall be kept in corrective settlements for juvenile offenders.

**ARTICLE 22**

Corrective settlements for juvenile offenders shall lay emphasis on the political education of the juvenile offenders, on educating them in the spirit of the new morality, on instilling them with the basic concepts of culture and industrial technology; they shall be set to light work with due regard for their physical development.

**ARTICLE 23**

Corrective labor settlements for juvenile offenders shall be established in the provinces and cities in accordance with actual need. They shall be under the jurisdiction of the people's provincial and municipal public security organs.

**ARTICLE 24**

Corrective settlements for juvenile offenders shall have one settlement chief, one or two deputy chiefs, and perhaps several teachers, depending on work requirements.

**CHAPTER 3**  
**LABOR AND IDEOLOGICAL RE-EDUCATION**  
**ARTICLE 25**

Labor re-education must be conducted in conjunction with ideological and political education so that the compulsory work may gradually approximate voluntary work, thereby attaining the goal of transforming criminals into new persons.

**ARTICLE 26**

It is necessary to conduct constant and systematic group instruction as well as individual conversations with the prisoners, to show them literature for reading, to organize discussions and resort to other forms of work, to explain what a criminal offense is and how necessary it is to obey the law, to set up courses on modern politics, to carry out industrial-labor training, and to develop cultural and educational programs so as to reveal the essence of the crime and persuade them to renounce the thought of crime and create a new conception of morality. It is possible to organize appropriate sports activities and cultural attractions as well as talks involving their living conditions, work, and studies.

**ARTICLE 27**

It is necessary to pay attention to the education of criminals who possess industrial skills and work habits. In the case of prisoners with technical qualifications efforts should be made to use them fully during the course of their corrective labor work.

## **ARTICLE 28**

It is possible to organize production competitions among the prisoners in order to increase the work output and promote a greater labor activity on the part of the prisoners.

## **ARTICLE 29**

In order to observe the re-education process of prisoners, it is necessary to start a card file for them and to designate a special coworker to enter on the cards information relevant to the way the prisoners maintain discipline, their attitude toward work and study. These entries must be regularly checked.

## **CHAPTER 4**

### **THE INDUSTRIAL ACTIVITY OF CORRECTIVE LABOR INSTITUTIONS**

## **ARTICLE 30**

The industrial activity of corrective labor institutions must serve the cause of state economic construction and be included in the overall national plan for production and construction.

## **ARTICLE 31**

The industrial activity of corrective labor institutions shall be under the sole direction of the financial and economic committees of the appropriate people's governments and be specifically managed by the corresponding agriculture, forestry, industrial, financial, communications, water supply, trade, and other interested agencies.

## **ARTICLE 32**

It is necessary to set up centrally, in the provinces and cities commissions for administration of the industrial activity of corrective labor institutions in order to guide and supervise implementation of the industrial plans of corrective labor institutions. The commissions shall be made up of responsible workers in the appropriate financial and economic agencies, organs of public security and justice.

## **ARTICLE 33**

The basic policy for the industrial activity of corrective labor institutions shall be determined in accordance with the following principles: administration concentrated in the provinces and cities; rounded development of agricultural production under the centralized guidance of the provinces and cities; development of the production potential in the fields of manufacturing, mining of ores and coal, organization of irrigation, road, and other construction.

In districts and chief towns of the district the work shall be organized in principle directly in the places of preliminary detention. It is also possible to conduct the work on a district or municipal scale outside of the places of preliminary detention.

## **ARTICLE 34**

In connection with the organization of the prisoners' work, it is necessary to make the arrangements in conformity with safety rules and to draw up accident prevention rules. If it

happens that due to industrial courses or a natural calamity a prisoner is maimed or killed, he or his family must, depending on the circumstances, be given suitable care.

## **ARTICLE 35**

The Ministry of Public Security of the Central People's Government may, depending on the number of prisoners in a given region, the production situation, and the needs of the state construction program work out plans for shifting the prison labor force, and to submit them to the State Administrative Council for confirmation, after which this shift will be effected through the central channels. However, if the number of prisoners is comparatively small, temporary and minor transfers may be made with the permission of Ministry of Public Security of the Central People's Government.

## **CHAPTER 5**

### **ARRANGEMENTS FOR KEEPING PRISONERS**

#### **Section 1**

#### **COMMITMENT**

#### **ARTICLE 36**

The commitment must be carried out on the basis of a court sentence, writ or order for arrest. Should any of the above-mentioned documents be lacking, the commitment may not be carried out. If it is discovered that the material set forth in any of the abovementioned documents does not reflect with the actual situation, or does so incompletely, the organs which originated these documents must submit an explanation or an addendum.

#### **ARTICLE 37**

A prisoner must be given a medical examination at the time he is committed. If one of the following is present, commitment (except for prisoners who have perpetrated major counterrevolutionary or other serious crimes) is not permitted;

1. Mental illness or serious infectious disease;
2. Mental disease, when commitment would endanger the life of the prisoner;
3. Pregnancy or a period of less than 6 months since childbirth.

Persons in the above categories who are not subject to commitment must, depending on the specific circumstances, be placed in a hospital by the agencies at whose disposal they are, transferred under custody, or placed in another suitable place.

#### **ARTICLE 38**

Upon commitment prisoners must, depending on the actual circumstances of the case, be kept in common rooms or solitary confinement. Women must be kept in separate rooms, ill persons in isolation wards; women prisoners must be in the custody of women guards.

#### **ARTICLE 39**

Women sent to detention places may not take their children with them; in the event that a woman is actually unable to place the children in a school, divisions of the civil administration of the state administrative agencies shall arrange locally for the education of these children by private persons, orphan asylums, or nurseries, with all the necessary expenses to be borne by social security.

#### **ARTICLE 40**

Upon admittance a prisoner is to be searched carefully. Prohibited objects shall be surrendered to a people's court for confiscation. Objects that are not daily necessities must be taken away by the administration for safekeeping, in which case an appropriate receipt shall be furnished the prisoner, the objects to be returned when he is freed. However, a prisoner may be allowed to use these things if there are valid reasons. If materials are found that may assist the court and inquiry, they must be turned over to the appropriate judicial or investigating agencies. Women must be searched by women guards.

#### **ARTICLE 41**

Upon admittance the following information concerning a prisoner must be entered in a register: surname and given name, sex, age, nationality, birthplace, address, parentage, occupation, cultural level, distinctive marks, reason for conviction, term of imprisonment, condition of health, family status, name of people's court that passed sentence; in case of need a photograph may be affixed.

#### **ARTICLE 42**

In the event that the legally established term of commitment of persons awaiting sentence has already expired and the inquiry or trial is still continuing, the preliminary detention chamber must make timely transmission of this fact to the agency that committed the prisoner to this chamber for the swiftest decision possible.

#### **ARTICLE 43**

If a corrective labor institution discovers reliable material about a condemned prisoner while he is there and the material shows the case in another light, it must immediately forward a request for review either by the judicial body which tried the case or to the local people's court, accompanied by adequate justification for its action.

### **Section 2**

#### **CUSTODY**

#### **ARTICLE 44**

Armed custody of prisoners shall be carried out by the people's public security troops. Corrective labor institutions must exercise operational management in effecting the execution of custody of its charges.

#### **ARTICLE 45**

The areas around the places of confinement, work, and recreation of the prisoners as well as their movements must be carefully guarded. No one entering the places of confinement or recreation of the prisoners, except for the guards and inspectors, shall be authorized to have weapons in his possession.

#### **ARTICLE 46**

In the event of a threat of escape, mutiny, or other dangerous actions on the part of the prisoners, shackles may be used if there are specific instructions by investigating agencies or the permission of responsible officials of the corrective labor institution. However, the shackles must be removed as soon as the abovementioned circumstances pass.

#### **ARTICLE 47**

In any of the circumstances mentioned below, when accepted measures do not produce the proper result, corrective labor institutions and guard soldiers may use arms:

1. Mass meeting of the prisoners;
2. Flight of a prisoner when he fails to obey a command to stop or offers resistance when detained;
3. The presence in the hand of a prisoner of an object which may cause bodily harm or other dangerous objects at the time he is committing some crime or act of destruction and fails to obey a command to stop or offers resistance;
4. Kidnaping a prisoner or while helping a prisoner to escape, when the persons kidnaping the prisoner or helping him to escape fail to obey a command to stop;
5. Seizure of arms from a guard by a prisoner.

A detailed report on each case of arms use must be prepared and forwarded to the appropriate agencies of the people's public security and the people's prosecutor for verification.

Workers in corrective labor institutions and the guards shall be held criminally responsible for any improper use of arms ending in a criminal offense.

#### **ARTICLE 48**

In the case of a natural disaster or other unexpected events corrective labor institutions and the guard troops must employ all measures to rescue the prisoners, but must also strengthen the guard.

#### **ARTICLE 49**

Corrective labor institutions must check the prisoners and place of incarceration every year; a general inspection must be carried out once a week or every other week.

### **Section 3**

#### **MODE OF LIFE**

#### **ARTICLE 50**

Clothing and food must be distributed according to a single standard. It is categorically forbidden to decrease the norms or to use them in other than the prescribed ways. Persons charged with the feeding of prisoners must try to improve the food in every way possible within the established norms, taking necessary cognizance of the customs of prisoners from the national minorities.

#### **ARTICLE 51**

Supply points may be set up within corrective labor institutions to provide the prisoners with additional foods and objects of daily use in accordance with actual need.

#### **ARTICLE 52**

The prisoners daily work schedule should be 9-10 hours in duration; for seasonal work it may not exceed 12 hours. Time for sleep should normally be 8 hours a day. Time for study is to be determined in accordance with the specific situation, but it must not average less than 1 hour a day. Time for sleep and study must be increased in the case of juvenile offenders. Walks of 1-

2 hours a day outside the living quarters must be arranged for prisoners who do not take part in the work. One day every fortnight shall be set aside for rest, one day a week for juvenile offenders.

#### **ARTICLE 53**

Depending on their size, corrective labor institutions must set up first aid points, hospitals or other surgicalmedical facilities equipped with the necessary medical supplies. However, in district (municipal) places of preliminary detention where there are few prisoners surgical and medical aid may be entrusted to district hospitals.

Steps must be taken to provide prisoners with bathing, hair cutting, and laundry facilities together with disinfectants, anti-epidemic and other hygienic necessities.

#### **ARTICLE 54**

In case a prisoner dies, a legal-medical inquest and investigation must be conducted by the local people's court. Moreover, the members of the prisoners family and the agency that committed the prisoner to the corrective labor institution must be notified.

#### **ARTICLE 55**

Funds for the medical and sanitation needs of the prisoner, for their instruction and physical education, as well as cultural and popular measures shall be provided by the corrective labor institutions in accordance with established standards and actual requirements.

#### **Section 4**

#### **MEETINGS AND CORRESPONDENCE**

#### **ARTICLE 56**

Prisoners may meet with members of their families no more than twice a month. Each meeting lasting no more than 30 minutes. Under special circumstances and with the permission of a responsible person from the corrective labor institution, the meeting period may be extended. At the meetings speaking in sign language or in foreign languages is prohibited. At meetings of foreign prisoners with their relatives someone must be present who knows their language. Meetings with members of the family in the case of prisoners awaiting sentence shall take place with the permission of the court or agency that committed the prisoner to the given corrective labor institution.

#### **ARTICLE 57**

Daily necessities and money sent to a prisoner by his relatives must be carefully inspected at the corrective labor institution. The sending of unneeded articles is prohibited.

The money sent to a prisoner by his relatives shall be taken by the corrective labor institution for his account and safekeeping and a receipt issued to the prisoner. When required, it may be given to him provided that he has valid reasons for spending it.

#### **ARTICLE 58**

Letters addressed to and received by prisoners must be examined by the corrective labor institution. Letters of prisoners under judicial examination shall be checked by the agency that sent the prisoner to the corrective labor institution, by a legal organ, or by the corrective labor institution at their instruction. Any materials discovered whereby an attempt is made to prompt a prisoner as to how to present the circumstances of the case or materials hindering his re-education must be removed.

## **ARTICLE 59**

Under special circumstances the meetings of a prisoner with his relatives, the reception of broadcasts by him as well as the receiving and dispatching of letters may be restricted or suspended.

### **Section 5**

#### **RELEASE ON BAIL**

## **ARTICLE 60**

If one of the circumstances mentioned below obtains, the release of a prisoner on bail beyond the place of confinement may be authorized. However, it is necessary that appropriate people's security agencies review and authorize the request. It is also necessary to inform the people's public security agencies in the locality where the prisoner resides to this effect so that they may be able to keep him under surveillance. The time for which a criminal is released on bail shall be reckoned in the term of punishment. A prisoner may be released on bail:

1. In case of serious illness requiring treatment beyond the confines of the detention place; however, this does not apply to major offenders who have committed serious crimes;
2. If he is 55 years or older or is an invalid serving a term of less than 5 years and he is no longer a danger to society.

Point 1 is also applicable to a prisoner under judicial examination. However, in this case it is necessary first to obtain the authorization of the agency that committed the prisoner and to notify the people's security agency in the locality where the prisoner resides of the need to place him under surveillance.

### **Section 6**

#### **DISCHARGE**

## **ARTICLE 61**

A prisoner shall be set free under one of the following circumstances:

1. Expiration of the term of punishment;
2. Receipt of notification from an investigative or judicial agency concerning the necessity for discharge;
3. Pre-term discharge.

Prisoners subject to discharge shall obtain a certificate of discharge from the corrective labor institution. The discharge must be effected in time. A description of the prisoners behavior shall be entered on the certificate of discharge prior to his release. Funds for the prisoner's return to his home shall be provided by the corrective labor institution. If he is seriously ill, his relatives must be notified so that they may come for him.

## **ARTICLE 62**

If a prisoner whose term has expired prior to release has the desire to remain in the camp for work, or he has no home and trade, or there is no possibility of achieving them locally in sparsely-populated regions, the corrective labor camp must make work arrangements. The regulations for such work arrangements shall be separately defined.

**Section 7**  
**CONTROL AND OBSERVATION COMMITTEES**  
**ARTICLE 63**

Control and observation committees must be appointed in corrective labor camps located in regions that are comparatively remote from the provincial center and have a prison population of 3,000 men or more.

**ARTICLE 64**

The task of the control and observation committees shall include the supervision, inspection, and direction of the work of corrective labor camps with respect to the work, education, and methods of maintaining the prisoners as well as the use of a system of incentives and penalties.

**ARTICLE 65**

The control and observation committee shall consist of 5-7 members, including 1 or 2 representatives of the provincial people's public security agency and of the people's court as well as responsible officials from the given corrective labor camp.

**ARTICLE 66**

Control and observation committees shall report periodically on their work to the provincial organs of the people's public security. The people's court, and the people's prosecutor and to obtain instructions from them.

**Section 8**  
**INCENTIVES AND PENALTIES**  
**ARTICLE 67**

A system of incentives and penalties, with clear-cut demarcation between the incentive and penalty measures shall be worked out for the prisoners so as to enable them to atone for their guilt by services.

**ARTICLE 68**

Given one of the following circumstances, a prisoner may, depending on the specific facts in each individual case, be cited as an example, be granted a material reward, receive an expression of appreciation, have his term shortened, be discharged before the term has expired, or be favored in some other way:

1. Constant maintenance of discipline, persistent study, and manifestation of sincere repentance for his offense;
2. Inducing other prisoners to terminate illegal actions, uncovering without or within the places of confinement counterrevolutionary organizations and counterrevolutionary activity, the authenticity of which is confirmed by an investigation;
3. Industrious work, fulfillment and overfulfillment of production quotas;
4. Special service in economizing on raw material and protecting public property;

5. Diligent study of technology, discoveries and inventions, special services in communicating technical knowledge and skills to others;
6. Prevention of injury by warding off disaster or accident;
7. Performing other acts useful to the state and people.

#### **ARTICLE 69**

Given one of the following circumstances, a prisoner may, depending on the specific facts, be rebuked, reprimanded, locked up, punished in other ways:

- Actions hindering the re-education of other prisoners;
- Careless attitude toward tools or damaging them;
- Evasion of work and sabotage;
- Other actions disturbing the system of maintaining the prisoners.

#### **ARTICLE 70**

All the incentives and penalties set forth in Article 68 and 69 may be announced and executed after consideration and confirmation by responsible officials of the corrective labor institutions. With respect to a lessening of punishment or pre-term discharge, it is necessary to communicate with the appropriate people's public security agency for consideration and confirmation and to obtain the approval of the local provincial, municipal people's court, after which an announcement shall be made and the measures executed.

#### **ARTICLE 71**

In the event that a prisoner commits one of the following crimes while serving his sentence, the corrective labor institution must, depending on the gravity of the crime in each specific case, report the matter to the local court with a request for punishment according to the law:

1. Riot, crimes, and instigating others to commit crimes;
2. Participation in an escape or organization of an escape;
3. Damaging construction installations or major public property;
4. Open resistance to measures conducting to work and continuing resistance even after repeated rebukes;
5. (5) Other actions seriously violating the law.

#### **ARTICLE 72**

In the event that important counterrevolutionary criminals, bandit-recidivists, thief-recidivists and others, while in corrective labor institutions, refuse to work diligently, repeatedly violate regulations, and show thereby that they still have not become re-educated and that after discharge they will surely continue to endanger public order, the corrective labor institutions shall present their views to the appropriate people's public security agencies and request consideration before expiration of the sentences. The additional labor re-education of these criminals will be effected after the local people's court pronounces sentence.

#### **ARTICLE 73**

If the behavior of a prisoner indicates genuine repentance after the imposition of a penalty, it is possible, depending on the degree of repentance, to lighten or completely cancel the penalty imposed on him.

### **Section 9**

#### **FINANCIAL RESOURCES**

#### **ARTICLE 74**

The sources of funds of corrective labor institutions are:

1. Allocations from the state budget;
2. Income from the products manufactured at corrective labor institutions.

**ARTICLE 75**

The expenditure of the funds of corrective labor institutions is to be made in accordance with the standards and regulations jointly established by the Ministry of Public Security and the Ministry of Finance of the Central People's Government. The specific system of receiving and disbursing the funds of corrective labor institutions shall be defined in a special decree.

**Section 10**

**APPENDIX**

**ARTICLE 76**

Detailed instructions for implementing this Statute will be drawn up separately.

**ARTICLE 77**

This Statute is to come into force after its adoption and publication by the State Administrative Council of the Central People's Government.