

**NOT WELCOME AT THE PARTY:
BEHIND THE “CLEAN-UP” OF CHINA’S CITIES
—A REPORT ON ADMINISTRATIVE DETENTION
UNDER “CUSTODY AND REPATRIATION”**

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HUMAN RIGHTS IN CHINA

Head office: 350 Fifth Avenue, Room 3309-10, New York, NY 10118

Tel: (212) 239-4495; fax: (212) 2561; e-mail: hrichtina@hrichtina.org

website: <http://www.HRICChina.org/>

Hong Kong office: P.O. Box 71620, Kowloon Central Post Office, Kowloon, Hong Kong

Tel: (852) 2710-8021; fax: (852) 2710-8027

Introduction

As October 1 approaches, Chinese police nationwide are participating in the “clean-up” of cities to prepare for the 50th anniversary of the founding of the PRC by detaining thousands of people considered undesirable by urban authorities. As well as the obvious candidates—beggars, street children, garbage collectors, prostitutes and the homeless—a Human Rights in China investigation has found that people in low status occupations whose household registration (*hukou*) is not located in the city where they are working or doing business are at risk of being detained in such sweeps. Also, people exercising their constitutional right to complain to the authorities about official misbehavior or other concerns are routinely detained in this way.

Most of the people caught up in these sweeps are detained under a form of arbitrary detention called Custody and Repatriation (*shourong qiansong*, below C&R). Although this form of administrative detention now affects upwards of two million people every year, with some five to 20 percent of these being children, it has so far received no attention outside China, and little inside either. One of the reasons for this is that most of those detained under C&R belong to some of the most marginalized groups in society, generally referred to by the city authorities as “three nos personnel” (*sanwu renyuán*), having no papers, no job and no fixed abode. Another is that dissidents have rarely been detained in this way, with some exceptions noted in this report.

Human rights groups and international human rights institutions have consistently expressed strong concern about the various forms of arbitrary detention in the PRC.¹ The principal focus of this concern has been on administrative detention under Reeducation Through Labor (RTL) and Custody and Investigation (C&I),² and on the use of the criminal law, particularly laws on state security and secrets, to imprison people who have done nothing but peacefully exercise their rights.

The elimination of C&I through its incorporation in diminished form into the revised Criminal Procedure Law, passed in 1996, was seen as a significant step forward in curbing arbitrary detention in China. But under the rubric of administrative custody (*shourong*) and other administrative methods,³ the police and other agencies still have the power to detain people at will in much the same way C&I was used in the past. Thus we believe that although the “elimination” of C&I has certainly meant that the authorities have been forced to decide more quickly how to deal with dissidents following their detention, it appears likely that for ordinary people this has made little difference and that the abusive practices which characterized C&I still exist under another name.

¹ See, for example, Amnesty International, *China--Punishment Without Crime: Arbitrary Detention*, September 1991; Lawyers Committee for Human Rights, *Criminal Justice with Chinese Characteristics*, May 1993; Human Rights in China, *Detained at Official Pleasure: Arbitrary Detention in the People's Republic of China*, June 1993; U.N. Working Group on Arbitrary Detention, *Report on the Visit to the People's Republic of China* (E/CN.4/1998/44/Add.2), December 1997; Human Rights Watch/Asia, *Comments on the Report by the Working Group on Arbitrary Detention* (E/CN.4/1998/44/Add.2), April 1998; Human Rights in China, *From Principle to Pragmatism: Can “Dialogue” Improve China's Human Rights Situation?*, June 1998, section critiquing the Working Group on Arbitrary Detention's 1997 report.

² Although this form of detention has generally been referred to as “Shelter and Investigation,” as a direct translation of “*shourong shencha*,” we are using the more appropriate term “custody” to translate “*shourong*” here.

³ As well as those mentioned above, various reports have cited the use by CCP and government disciplinary bodies of “Isolation for Investigation” (*geli shencha*), a measure increasingly used in corruption cases involving officials.

—Routinely abusive system

The detentions associated with “clean-ups” such as the one currently in progress are not only associated with special occasions like October 1, but also continue at varying rates throughout the year.

There is an annual increase in detentions in July, August and September. As well as preparing for National Day and Liberation Army Day on August 1, this yearly peak period is associated with various factors. First is the increased traffic of people and their use of various entertainment “services” associated with the high season for tourism. Second is the fact that following graduation from school, as well as during school holidays, many rural youngsters go to seek work in the cities. Third is the approach of the time for annual reporting of “achievements” by the police and civil affairs departments, which means that they are keen to increase the numbers of detainees to meet targets their leaders have set for numbers of persons to be cleared from the cities.

Administered jointly by the public security agencies and the civil affairs departments, C&R is generally considered as one of the “welfare” functions of the latter, which also runs welfare institutes and orphanages. But as with the latter type of institutions, the available information on conditions in C&R centers gives rise to serious concern. Plagued by the shortage of all elements necessary to run a proper welfare-oriented facility—including funds, proper buildings with appropriate sanitation, trained staff with defined powers, supervision and so on—such centers are often little more than holding pens for all those whose presence on the streets of the city is deemed unseemly or inconvenient, as well as anyone police officers decide to send there.

Unlike welfare institutes and orphanages, however, C&R centers are supposed to “educate” their inmates in a manner analogous to the “education” theoretically provided to those in Custody and Education (*shourong jiaoyu*, targeting persons engaged in prostitution and their clients) and Forced Drug Treatment centers (*qiangzhi jiedu suo*, for drug addicts and those caught using drugs), as well as in Reeducation Through Labor (*laodong jiaoyang*) facilities. The implication of “education” in this context is clearly that the inmates have done something wrong. Although the authorities do not consider C&R as a form of punishment but an administrative measure,⁴ it is clearly used as a penalty. Some of the provincial regulations on C&R explicitly allow for it to be employed as a punishment in certain circumstances.

Although it is targeted at indigent beggars and vagrants, the history of C&R demonstrates that it has consistently been used to clear the cities of those attempting to make a living there, or those people the authorities do not wish to have in a particular city. It has also been the enforcement arm of the state against those who defy the strict segregation imposed by the CCP in the 1950s between urban and rural China, designed to keep poverty out of the cities.

In the 1980s and 1990s, according to official sources, the categories of people who are potentially subject to C&R has been expanding rapidly, as a number of officials have complained in civil affairs journals. Based on incomplete statistics, we believe that in the 1990s, the numbers of people detained have more than doubled. Furthermore, some civil affairs officials complain that the police use the measure to detain people they cannot find legal means for holding in detention centers. C&R is used very flexibly, essentially allowing the police to detain anyone for any reason for as long as they choose.

C&R is now authorized by a national statute passed by the State Council in 1982, as well as by local regulations passed by particular provinces and cities. Under these regulations, the police and officials of the civil affairs departments may detain a person virtually indefinitely. There is no judicial procedure for determining whether this is appropriate, or whether the person in question falls into the

⁴ See section on regulatory regime, below.

category of people subject to such custody according to the regulations. Persons detained may appeal administratively, but as the people responsible for receiving the appeal are generally those in charge of the custodial facility in which they are detained, such appeals may be pointless or may even result in the detainee being subjected to abuse.

The fact that detainees have no rights to due process is only part of the problem. The lack of rights guarantees combines with a lack of supervisory systems, whether public or institutional, to allow abusive conditions inside the C&R centers. Official publications speak of the problem of “cell bosses” and crime within the centers, and some mention that there have been deaths as a result. They describe the mixed population they contain as creating a very “complicated” situation. This is hardly surprising when one facility may hold a mixture of the indigent and the homeless, street children, runaways, the mentally ill, victims of trafficking, unemployed migrants, people suspected of crimes, petitioners whose grievances have not been satisfactorily resolved⁵ and so on.

HRIC has six major areas of concern relating to this system of detention. First, the lack of due process, which makes it inherently arbitrary both because of the nature of the system itself and because of the confused legislative arrangements for it; second, the abusive conditions in the C&R centers and other administrative custody facilities; third, the inappropriate mixing of detainees who should be protected—including children, trafficked women and the mentally ill—with ordinary detainees; fourth, the way the system has become self-perpetuating and has a built-in incentive to maximize the number of detainees, since a significant proportion of the funds used to pay for staff and facilities comes from the labor of detainees and from moneys extorted from them and their families; fifth, this system violates not only international standards, but also Chinese law; and sixth, the lack of transparency within this system, for detainees and their families and for the society as a whole, which contributes to the abusive, discriminatory, rent-seeking nature of the system.

—Sources of information

This report is based on a comprehensive review of documentary sources in Chinese and English, and on interviews with former C&R inmates and their families, as well as with informed individuals, including scholars. We interviewed around 20 people who provided information on over 30 specific cases, a selection of which are presented in Appendix I. Human Rights in China is grateful to all those who contributed to this project. Since the report covers a very broad range of issues and topics, it is necessarily a preliminary, cursory overview. We hope that it will encourage further research on some of these areas of concern.

History

The evolution of the use of C&R indicates that since the founding of the PRC, this measure has been employed to clear the cities of people deemed likely to make trouble and to enforce the system of segregation between urban and rural areas. From these early years, everyone in the PRC was assigned to a particular location, with the main division being between “agricultural” (rural) and “non-agricultural” (urban) residence registration. This formed the basis of a system that systematically favored the cities over the countryside, under which urban residents were provided with jobs, housing, health care and education while rural residents were mainly left to fend for themselves. While rural-

⁵ There are separate national and provincial regulations regarding the detention in C&R of people who refuse to stop petitioning the authorities for redress of grievances, but these are not reviewed in this report, and should be the subject of further research. While accounts from Beijing show that many detainees were petitioners, in Guangdong, few were in this category in the centers we investigated.

urban segregation is not as strictly enforced as before, the policy of concentrating resources on the cities and their population is still in operation.

According to official accounts of the history of C&R, on which the following history is based, it was first used to send former Guomindang troops, “refugees” and the unemployed out of the cities into the countryside. In 1950, over 1.2 million ex-Guomindang servicemen, over 750,000 refugees in the coastal areas and around 1.1 jobless people in seven main cities were subject to C&R.⁶ The system was also employed to get rid of “vagrant beggars,” with 1.12 million being put into custody and “educated” in the first few years after 1949.⁷

As the authorities began to revive and build up urban industry, many peasants started to flow into the cities in search of employment. In 1953, the central government issued a document entitled, “Directive on Persuading the Peasants not to Blindly Enter the Cities.” This ordered that peasants who were not employed in the cities should return to their places of origin.⁸ On July 11, 1956, the Internal Affairs Department⁹ issued a directive on how to deal with vagrants which defined the types of persons who should be classified as vagrants and thus subject to custody and education, and ordered that such people should be sent back to their places of origin.¹⁰ In 1956, over 420,000 vagrants were taken into custody and educated, and 90 “vagrant education farms” had been established to which more than 26,000 people were sent.¹¹

The busiest—and perhaps most ignominious—period for the C&R system was during the 1959-1961 famine, the largest in human history, which followed the disastrous Great Leap Forward. As starving peasants attempted to enter the cities in search of food, many were detained and sent home, where many died of hunger. On November 2, 1960, the Internal Affairs Department issued a circular calling for C&R work to be “stepped up.”¹² In 1959, three million people were subject to C&R, in 1960, six million and in 1961, two million.¹³

In 1961, the Internal Affairs Department issued a document entitled, “Plan for the Work of Urban Custody and Repatriation Centers,” which provides that those persons who may be detained are, first, peasants who enter the cities and become homeless and have no food; and second, city dwellers who have no means of livelihood and are homeless.¹⁴ By 1963, there were 101 Resettlement Farms (*anzhi nongchang*) holding 36,000 such persons who could not be “repatriated” anywhere, and in December of that year, the Internal Affairs Department enacted provisional regulations to govern the work of these farms. During the Cultural Revolution, C&R work came to a virtual standstill as the Internal Affairs Department was disbanded and all “welfare” was discredited as reflecting a “bourgeois” social outlook.¹⁵

⁶ Cui Naifu et al, ed.s, *Civil Affairs in China Today* (Vol. 2) (*Dangdai Zhongguo de minzheng [xia ce]*), China Today Publishing House, 1994.

⁷ Wu Shengwen, Wang Qingshan et al, ed.s, *A Practical Handbook on Civil Affairs Work (Minzheng gongzuo shiyong shouce)*, Chinese Mining University Press, 1989.

⁸ Cui Naifu et al, ed.s, *Civil Affairs in China Today* (Vol. 2) (*Dangdai Zhongguo de minzheng [xia ce]*), China Today Publishing House, 1994.

⁹ The precursor of the Ministry of Civil Affairs.

¹⁰ “Directive on the Work of Repatriation and Education of Urban Vagrants,” cited in Luo Bingzhang, Jin Shuangqiu et al, eds., *Brief Introduction to Laws and Regulations on Civil Affairs Work (Minzheng gongzuo fagui gaiyao)*, China Society Publishing House, 1991.

¹¹ *Ibid.*

¹² “Circular Regarding Further Enhancement of C&R Work,” in *ibid.*

¹³ See *ibid* and Yang Jianhong, Xu Qida, eds., *History of the Development of Civil Affairs Management (Minzheng guanli fazhanshi)*, China Society Publishing House, 1994.

¹⁴ *Ibid.*

¹⁵ Luo Bingzhang, Jin Shuangqiu, eds., *Brief Introduction to Laws and Regulations on Civil Affairs Work (Minzheng gongzuo fagui gaiyao)*, China Society Publishing House, 1991.

Current policy

In 1982 the new regulations governing C&R described below were passed. But since the institution of economic reform policies brought about enormous changes in the labor market and in society, resulting in a vast increase in the number of people moving around the country, the C&R system has been used in new ways. As an unusually frank 1995 article in the journal *Guangdong Civil Affairs* puts it:

In response to this great movement of persons, the public security authorities of some localities began to take ordinary migrant workers who are not among the targets of C&R into custody, based on the requirements of maintaining social order. This caused the total number of people subject to C&R to rise very quickly and the types of C&R detainees to undergo a marked change: ordinary migrant workers became the vast majority. As a result of these changes, some people consider that the work of C&R is no longer in the category of relief work, but in the category of punishment. We think that the detention of migrant workers under C&R has no basis in law.¹⁶

This author goes on to describe the relief functions of the C&R system as still being very necessary in China's new situation, and advocates a return to this core work.

He also points out a host of other problems of the current system apart from the arbitrary expansion of categories of people subject to C&R beyond what is permitted under national regulations. First, "the work situation in C&R centers is rather poor." As an official book on civil affairs work describes it: "The overwhelming majority of C&R centers were built in the 1950s and 1960s, some were formerly ancestral halls and temples, some use dilapidated buildings, and after several decades of wear, many structures are in dangerous condition, dark and damp, with insufficient ventilation."¹⁷ Insufficient government investment means that conditions in some new centers are almost as poor. Second, some of the C&R centers have effectively become another type of C&I center, with barbed wire, high walls and no personal freedom for inmates. Third, at many C&R centers, staff do not want to admit the real targets of this system, those in need of relief. Where they do admit them, often they do not bother to repatriate them, so many people are constantly in and out of the centers, causing their population to rise constantly.

More than just new national legislation is needed, he says, although that would also be helpful. He also prescribes measures including strengthening mechanisms of supervision of the C&R system and more attention from Party leaders, the people's congress system and governments at all levels.¹⁸

Since 1982, the central government has merely responded to queries from provincial governments requesting advice on how to carry out the work of C&R, rather than responding to the new situation with new legislation, or acting to stop the trend of extending the reach of the C&R system. These responses have sometimes served to confirm the ways in which the system is being used, such as implicitly authorizing the C&R detention of migrant workers.¹⁹

¹⁶ Wang Xiansheng, "Strengthen management of C&R to promote social stability and prosperity" (*Jiaqiang shourong qiansong guanli cujin shehui wending fanrong*), *Guangdong Civil Affairs*, No. 5, 1995.

¹⁷ *Conference on Professional Civil Affairs Knowledge (Minzheng yewu zhishi jiangzuo)*, Reform Publishing House, 1993, quoted in *ibid*.

¹⁸ *Ibid*.

¹⁹ Ministry of Civil Affairs, Ministry of Public Security, "Circular on Doing an Even Better Job of Controlling the Blind Movement of Migrant Workers" (*Minzhengbu, Gong'anbu guanyu jinyibu zuohao kongzhi mingong mangmu wailiu de tongzhi*), April 10, 1989.

The central government has also endorsed local policies by praising them in the journal of the Ministry of Civil Affairs (MoCA), *China Civil Affairs*. For example, a 1994 article praises Shanghai for taking the initiative and passing new comprehensive regulations governing C&R; lauds Shandong and Anhui for using disaster-relief funds to repair dilapidated C&R centers; proposes Jilin's network of surveillance of the mentally ill as a model; applauds Sichuan and Fujian for setting up a missing-persons search program which focused on finding and repatriating to their homes young women who had escaped from marriage or school; and highlights Guangdong's practice of raising money for their work by expanding the production of factories and farms attached to C&R centers as worthy of emulation.²⁰

At particular junctures, the central government has also issued circulars on how such work should be conducted, clearly indicating that they approve of the expansion of the scope of the work, and also endorse its political utility. There are many examples of this, but the following are a few of the most significant ones in the last ten years. In July 1989, the MoCA issued a document entitled, "Circular on Doing an Even Better Job of C&R Work":

*In the turmoil and counterrevolutionary rebellion which occurred this time in Beijing, Changsha, Xi'an and other such places, some of the culprits were beggars who roam around on the streets. This notice is issued to do a better job of C&R work in order to rectify social order and to work in concert with the war on criminals being waged by the politico-legal system, so as to deal with those people who have committed minor offenses....*²¹

Then at the time of the 1991 floods the MoCA issued a document about "persuading" people displaced by the disaster to return home;²² and in 1995 and 1996, in the face of a massive movement of people at the time of the Spring Festival the MoCA released similar directives.²³

The central authorities have also taken up particular issues on occasion. For example, in 1995, the year before China was due to have its report on implementation of the Convention on the Rights of the Child heard at the United Nations, the central government held a conference on the need to set up special centers and other services for the protection of indigent children.²⁴ At this meeting, it was decided that China needed to set up 100 such centers by the year 2000, 50 of which were to be "high

²⁰ Shu San, Qi An, "The only way out of a difficult situation" (Zouchu kunjing de biyou zhi lu), *China Civil Affairs*, No.1, 1994.

²¹ Ministry of Civil Affairs, "Circular on Doing an Even Better Job of C&R Work" (Minzhengbu guanyu jinyibu zuohao shourong qiansong gongzuo de tongzhi), July 14, 1989.

²² Ministry of Civil Affairs, "Circular on Improving the Work of Persuading Disaster Victims who Leave Their Homes not to Move and to Return" (Minzhengbu guanyu jinyibu zuohao quanqu quanfan wailiu zaimin gongzuo de tongzhi), October 24, 1991.

²³ Ministry of Civil Affairs, "Circular on Strengthening C&R Work During the 1995 Spring Festival Travel Season" (Minzhengbu guanyu jiaqiang 1995 nian chunyun qijian shourong qiansong gongzuo de tongzhi), November 30, 1995; Ministry of Civil Affairs, "Speech of Vice Minister of Yang Yanyin at the State Council Teleconference Giving Additional Advice on the Work of Ensuring that Migrant Workers Move in an Orderly Manner During the Spring Festival Travel Season" (Minzhengbu fubuzhang Yang Yanyin zai guowuyuan bushu 1996 nian chunyun qijian zuzhi mingong youxu liudong gongzuo dianshi dianhua huiyi shang fayan) November 23, 1996.

²⁴ Ministry of Civil Affairs, "Speech of the Vice Minister of Civil Affairs Yang Yanyin at the National Conference on the Work of Prevention, Relief and Protection of Indigent Young People and Children" (Minzhengbu fubuzhang Yang Yanyin zai quanguo yufang, qiuzhu, baohu liulang shaonian ertong gongzuo yantao hui shang de jianghua), July 13, 1995.

quality, well equipped centers which can function ‘towards the international community, as windows to the world, and towards the domestic society, as model facilities’.”²⁵

However, the central authorities have provided little money for this or other initiatives to improve the C&R system. The civil affairs system as a whole is chronically short of funds, and has been at the forefront among government agencies in engaging in profit-making activities to fund its programs, with C&R being no exception.

Another indication that the central authorities authorize the widespread detention of migrants under C&R is that they have designated this work as one of the priority tasks in “strengthening the management of the migrant population”²⁶ under a national plan for the Comprehensive Management of Society’s Security launched in 1991.²⁷ Leading groups on managing the work of public security relating to the migrant population were subsequently established under the Comprehensive Management committees. In 1997, C&R was cited as one of the major achievements of these leading groups.²⁸

Regulatory regime

An authoritative explanation of different types of “custody” (*shourong*) in *China Civil Affairs* describes C&R as follows:

*Custody and Repatriation is a forcible administrative measure under which the civil affairs departments and the public security bureau may send back to their places of hukou registration persons whose homes are in the rural areas and who have entered the cities to beg; urban residents who are roaming the streets and begging; and other persons who are sleeping rough and have no means of livelihood. This measure is employed by the state to provide relief, education and resettlement to those persons who are indigent and begging in the cities, so as to protect urban social order and stability and unity.*²⁹

Along with C&R, the same article includes brief definitions of four other types of custody: RTL, Custody and Education, Custody and Training (for minors who have committed crimes) and C&I. While it classifies RTL as an “administrative punishment” (*xingzheng chufa*) both Custody and Education (C&E) and C&I are considered to be in a class with C&R, that of “forcible administrative measures” (*xingzheng qiangzhi cuoshi*). Subjects of C&I are supposed to be criminal suspects, while the prostitutes and their clients who are to be held in C&E can be said to have engaged in illegal acts,³⁰ but most of those detained under C&R have merely been in the wrong place at the wrong time.

²⁵ *Ibid.*

²⁶ On September 19, 1995, the Central Committee on the Comprehensive Management of Society’s Security issued a document with this title (*Guanyu jiaqiang liudong renkou guanli gongzuo de yijian*). This called on police to conduct regular sweeps of areas where migrants live and work, ordered that the work of C&R be strengthened and mandated increases in the pay and conditions of civil affairs staff working on “managing” migrants in C&R centers. It stated that such officials should be issued with permits and insignia to facilitate their work. In addition, it called for “centers for the protection of indigent children” to be set up on a trial basis.

²⁷ At the beginning of the 1990s, the CCP ordered that committees on the Comprehensive Management of Society’s Security (*shehui zhi’an zonghe zhili weiyuanhui*) be set up at all levels.

²⁸ See the *China Law Yearbook*, 1998, p.122.

²⁹ Zhou Yun, “All called ‘custody,’ but each has its differences” (Tong wei “shourong” ge you bu tong), *China Society News*, February 23, 1995.

³⁰ For a discussion of prostitution in Chinese law, see *Report on Implementation of CEDAW in the PRC*, Human Rights in China, December 1998.

—National regulations

The national regulatory regime for C&R is seriously out of date, as many writings in official publications on the subject complain.³¹ While all provinces have now enacted their own regulations, as the two national statutes state they may, these, too, are frequently far behind the reality of how the C&R system is being used, and more specifically, which types of people are subject to detention.

The two national statutes governing C&R were both enacted in 1982. The first, “Measures for the Custody and Repatriation of Vagrant Beggars in the Cities” (below, 1982 Measures) was promulgated by the State Council on May 12, 1982, while the second, “Detailed Implementing Regulations for the Measures for the Custody and Repatriation of Vagrant Beggars in the Cities (For Trial Implementation)” (below, 1982 Implementing Regulations) was issued jointly by the MoCA and the Ministry of Public Security in October 1982. The first provides general guidelines for the system, while the second gives more concrete provisions for the functioning of C&R.

The 1982 Measures contain little more than the outlines of the system. Article 1 states that their purpose is to “protect urban social order” through “providing relief to vagrant beggars, educating them and helping them to settle down.” The main means of achieving this is taking them into custody and sending them back to their place of *hukou* registration. This task is to be performed jointly by the civil affairs departments and the public security bureau (Art. 3). Persons subject to C&R are: “(1) Persons whose homes are in the rural areas and who make their way into the cities and beg; (2) City residents who roam around the streets and beg; and (3) Other persons who are sleeping in the streets and have no means of livelihood” (Art. 2). The Measures fail to specify length of detention allowed, stating only that people should be repatriated “promptly” and that the authorities may not extend a person’s stay in the C&R center without “good reason” (Art. 7). The place where the person’s *hukou* is registered is supposed to be “responsible” for their relocation (Art. 9).

The 1982 Implementing Regulations provide a bit more detail, but are still fairly sketchy, explicitly delegating much of the job of fleshing out the details of this work to provincial administrations.³² Article 3 states that provincial governments are to approve the establishment or elimination of C&R Centers; Article 6 authorizes such governments to determine the “specific methods” for carrying out this work; and Article 7 allows them to decide on the personnel requirements for it. Article 21 requires that provinces incorporate funds for C&R work into their annual budgets for civil affairs work.

The 1982 Implementing Regulations define C&R Centers as “a special type of functional institution providing relief, education and custody and repatriation to vagrants begging in the cities” (Art. 2). Except for in “some particular cities,” C&R Centers are to be “led” by the civil affairs departments (Art. 4).³³ Article 5 says that the persons subject to detention under the regulations should be “strictly in accordance with the provisions of Article 2 of the Measures.” Such persons include

³¹ See for example, Li Xin, “Discussion of the problem of legislating on current C&R work” (Tantan dangqian shourong qiansong lifa wenti), *China Society News*, June 4, 1993; Wang Xiansheng, “Strengthen management of C&R to promote social stability and prosperity” (cited above); Da Lianzhan, “My call on behalf of C&R workers” (Wo wei shourong qiansong gongzuozhe yi hu), *China Civil Affairs*, No.8, 1995; and Ministry of Civil Affairs, “Record of National Meeting to Exchange Actual Experiences on the Work of C&R” (Quanguo shourong qiansong gongzuo xianchang jingyan jiaoliuhui huiyi jiyao), *Collection of Documents on Civil Affairs Work* (Minzheng gongzuo wenjian xuanbian), 1996, China Society Publishing House

³² As well as the 22 provinces, province level administrations also include the municipalities of Beijing, Tianjin, Shanghai and Chongqing and the special autonomous regions of Inner Mongolia, Tibet, Xinjiang, Ningxia and Guangxi. Any references to “provinces” below includes all these administrative units, unless otherwise specified.

³³ In Beijing, for example, the Public Security Bureau is solely responsible for C&R work.

“children, the elderly, the sick and the disabled,” for whom “appropriate treatment” is to be provided (Art. 9). Although separation of the sexes is mandated (Art. 11) and female staff are to be assigned to guard women detainees, there is no provision for children, the mentally ill or disabled to be detained separately.

The 1982 Implementing Regulations also require that the general population of C&R centers be well treated, mandating that inmates be provided with proper food and conditions (Art. 9), and that those who are ill are to be given medical treatment or admitted to hospital (Art. 10).

The 1982 Implementing Regulations do not set any limits on the length of detention, but state that people should be repatriated in a “timely fashion,” and suggest that “in general” those subject to intra-provincial repatriation should not be held for more than 15 days and those subject to inter-provincial repatriation should not be held for more than a month (Art. 13). However, in three types of cases the length of detention can be “appropriately extended”: first, when the person is ill; second, when the person’s place of residence registration is in a remote or very cold location; and third, when the person is mentally defective³⁴ and their address needs to be determined. During their time in detention, “political thought education in accordance with the state of their thinking” is to be carried out on all inmates (Art. 8).

For persons from outside the province in question, when it is impossible to repatriate those who are homeless but are able to work to their place of origin, or if their place of origin cannot be determined, they are to be sent to “resettlement farms.” Those in this category whose residence is registered in the city where they have been detained and who are unable to work are to be sent to “welfare functional institutions” (Art.s 19, 20). It is unclear what is supposed to happen to city residents able to work who are detained under C&R, but in 1982 this was hardly a question, since all urban residents were still assigned jobs.

During their time in the C&R centers, detainees are expected to work. According to Article 22, revenue raised from such work should “mostly be used to cover the board and the travel expenses of repatriating the detained persons.”

Article 24 states that C&R staff may not beat, curse or physically punish detainees; may not defraud them or expropriate their possessions; may not confiscate their foodstuffs or daily necessities; may not censor their correspondence; may not employ detainees to “manage” others in custody or require detainees to do private tasks for them; and may not “take liberties with women.”

In an admission that deaths in custody have occurred in this system, Article 10 states: “The occurrence of accidents resulting in abnormal deaths must be prevented. The cause of death of persons during their time awaiting repatriation in the centers must be investigated, and in cases of abnormal death, a forensic doctor must make a determination of the cause and it must be reported to the higher level departments in charge.”

The 1982 Implementing Regulations mandate a national system of specified “counterpart” (*duikou*) C&R centers in each provincial level administration which are responsible for receiving those repatriated from other provinces and for sending out those to be repatriated to other provinces (Art. 14). But whereas these centers are to be set up at the discretion of provincial authorities, there is also a network of “interchange” (*zhongzhuan*) C&R centers which are to coordinate and assist in the inter-provincial movement of people, and are to be approved jointly by the localities and the MoCA.

—Provincial regulations

³⁴ The term used in the Chinese original is “an idiot” (*dai sha*), an appellation in common usage in such official regulations and documents, but having no precise scientific meaning.

The provincial-level regulations available clearly indicate how the scope of persons who can be detained under C&R has been expanded, and also reveal other new features of the system. Interestingly, although the MoCA completed a draft of revisions to the 1982 Measures in 1992 and sent it to the State Council for approval, it has never been passed.³⁵ Evidently the national government prefers to allow the system to remain founded on such a weak legal basis, rather than enacting up-to-date regulations. This approach is reminiscent of that taken regarding other forms of administrative detention, specifically RTL and C&I.

Although national documents³⁶ state that all provinces have now enacted regulations governing C&R, not all have been available to HRIC. The analysis below, which focuses on highlighting features of the provincial regimes which differ from the 1982 Implementing Regulations, covers regulations from the following provinces and cities: Beijing,³⁷ Shanghai,³⁸ Tianjin,³⁹ Chongqing,⁴⁰ Wuhan,⁴¹ Guangdong,⁴² Sichuan⁴³ and Hainan.⁴⁴

These regulations all reflect the expansion of the scope of persons to be subject to C&R. The recently enacted Beijing Regulations can be considered as among the most authoritative statements on the scope of the system. Article 6 reads: “The following persons may be subject to custody and repatriation: i.) vagrant beggars; ii.) street sleepers with no means of livelihood; iii.) those who have no legal residence or no proper work in this city; iv.) mentally-ill or mentally-disabled persons who are wandering in the streets with no one to care for them; and v.) those who should be taken into custody and repatriated according to government regulations.” This final catch-all clause means that internal regulations may add to the list of potential targets of C&R. Both the Shanghai and Wuhan regulations reflect a similar scope, while the 1983 Guangdong Measures also include would-be illegal emigrants who have been returned to China and people who are suspected to have been roaming around committing crimes (Art. 4).

³⁵ Dou Yupei, Li Shushan, ed.s, *China's Civil Affairs Work* (Zhongguo Minzheng Gongzuo), published as part of the book series Social Affairs Administration (Shehui Shiwu Guanli) (Beijing: China Society Publishing House, 1996).

³⁶ See in particular, Ministry of Civil Affairs, “Circular on Several Problems in the Enhancement of C&R Work” (Minzhengbu guanyu jiaqiang shourong qiansong gongzuo ruogan wenti de tongzhi), January 13, 1994.

³⁷ Beijing Public Security Bureau, “Beijing Municipality C&R Management Regulations” (Beijingshi shourong qiansong guanli guiding), promulgated August 7, 1999, effective from September 1, 1999.

³⁸ Shanghai Municipal People’s Congress Standing Committee, “Shanghai Municipality C&R Management Regulations” (Shanghaishi shourong qiansong guanli tiaoli), promulgated December 19, 1991, effective April 15, 1992.

³⁹ Tianjin Municipal People’s Congress Standing Committee, “Tianjin Municipality C&R Management Regulations” (Tianjinshi shourong qiansong guanli tiaoli), promulgated and effective May 15, 1996.

⁴⁰ Chongqing People’s Government, “Chongqing Municipal C&R Measures” (Chongqingshi shourong qiansong banfa), effective December 1, 1995.

⁴¹ Wuhan People’s Government, “Wuhan Municipality C&R Management Measures” (Wuhanshi shourong qiansong guanli banfa), promulgated and effective March 15, 1996.

⁴² Guangdong Provincial People’s Government, “Specific Measures for the Custody and Repatriation of Vagrant Beggars in Urban Areas and Illegal Emigrants” (Chengshi liulang qitao renyuan ji toudou wailiu renyuan shourong qiansong juti banfa), April 2, 1983; Guangzhou Municipal People’s Government, “Measures for Dealing with the Custody of Blind Drifters Including Vagrant Beggars, Unlicensed Prostitutes and the Mentally Ill” (Guanyu dui liulang qitao, anchang, jingshenbing luzhe deng mangliu renyuan de shourong chuli banfa), December 10, 1985; Guangdong Province People’s Congress Standing Committee, “Guangdong Province Regulations on Dealing with the Custody of Vagrant Beggars in Urban Areas” (Guangdongsheng guanyu shourong chuli chengshi liulang qitao renyuan de guiding), promulgated May 15, 1987, effective July 1, 1987.

⁴³ Sichuan Province People’s Congress Standing Committee, “Sichuan Province C&R Regulations” (Sichuansheng shourong qiansong tiaoli), effective December 20, 1995.

⁴⁴ “Hainan Province C&R Regulations” (Hainansheng shourong qiansong guiding), effective July 14, 1997 (issuing agency unclear, but likely to be provincial civil affairs bureau).

According to various articles, administrative documents have added many specific types of persons to the list of those subject to C&R. For example, in 1993, Shenzhen added “flower-selling girls” to a list which already included 30 designated types of people who could be detained in this way. The same report said that in some unspecified parts of the country, more than 100 such categories of persons were listed in administrative documents.⁴⁵ Since none of these are publicly available, people detained have no way of knowing if they fall into a category which has been approved or not.

In an improvement on the 1982 Measures, the Beijing, Shanghai and Wuhan regulations require that staff deal with complaints or appeals by inmates of C&R centers. The 1983 Guangdong Regulations do not contain such provisions, but bar staff from levying fines on inmates. In addition, Shanghai and Wuhan require that minors under 18 be held separately from adults. However, significantly the Beijing Regulations contain no such requirement. (See section on concerns about detention of children, below.) All the regulations replicate the general requirements about conditions of detention in the national regulations.

Tianjin (Art. 8) and Sichuan (Art. 13) require that the PSB transfer C&R subjects to a civil affairs facility within 24 hours after they have been picked up.

Chongqing specifies that C&R detainees are to be held in “closed management” and may be subject to “forcible measures” (Art. 19). The regulations list areas in the urban districts where C&R work is to be concentrated and states that special teams should patrol these areas and conduct raids to pick up detainees on a regular basis (Art. 22). This work is to be done directly by civil affairs officials (Art. 6).

All the regulations require those detainees capable of work to do so, and specify that they or their guardians must pay for their board and deportation expenses. Article 17 of the Shanghai Regulations states that the work of inmates should be “appropriately rewarded,” but presumably any such reward would be used up in paying the detainee’s expenses. None of the other provincial regulations contains such a provision. Work is envisaged as a form of education, but also in some cases as a punishment: the Shanghai Regulations allow for the retention of those who are “repeatedly deported and return” (*lüqian lühui*) to the city; they can be held in the C&R centers for six months before they are sent home (Art. 20). Tianjin permits six months’ detention for these recidivists and for those who disobey the staff and regulations (Art. 17), Chongqing says such people may be subject to “forcible management” (Art. 15). The Beijing Regulations allow for the indefinite extension of detention periods for recidivists, as well as those who “refuse to disclose” their real names and places of residence. According to the Wuhan Measures people of these two types and those who refuse to obey the staff may be educated through labor in an unspecified “enhanced manner” (Art. 14). The 1987 Guangdong Regulations allow for similar types of persons, as well as those who engage in deceptive or “coercive” begging to be retained for “labor reeducation” (*laodong jiaoyu*)⁴⁶ for five months, extendable by a further three months (Art. 6). The Sichuan Regulations state that recidivists and homeless people who can work should be sent to “resettlement farms” for an indefinite period (Art. 29).

Such provisions emphasize the discretionary nature of the basic guidelines set out in the 1982 Measures. While the Beijing Regulations replicate national stipulations for duration of detention, they count the 15 days and one month as beginning from the time the person’s identity and place of residence is “clarified.” They also state in Article 18(4): “When minors and mentally disabled persons

⁴⁵ Shao Jiadan, “C&R: bearing up under great pressure—a report from Shenzhen (first part)” (Shourong qiansong: yingli jizhong heyi kan—lai zi Shenzhen de baodao [shang]), *China Society News*, July 19, 1993.

⁴⁶ This is not the same as Reeducation Through Labor (*laodong jiaoyang*), which is considered a more serious administrative punishment.

from this city whose guardians cannot be found have been held in custody awaiting repatriation for more than a year, the C&R center should transfer them to a social welfare institution.” Sichuan likewise uses the national guidelines as does Chongqing, but Sichuan mandates a limit of 60 days’ detention (Art. 23). Shanghai and Tianjin count the time periods from the first day of detention, but allow seven days for the repatriation of persons from the locality, one month for people from neighboring provinces and three months for those from remote provinces (Art. 20 and Art. 16 respectively). Wuhan allows 15 days for repatriation within the city, one month for places elsewhere in the province and three months for other provinces (Art. 20). The Hainan Regulations require quicker turnover: once their identity has been verified, people are to be repatriated within five days for those within the province, 10 days for those outside, with no more than 20 days in detention (Art. 7). All allow for discretionary extension of detention, subject to approval by the local civil affairs departments, but only the Tianjin Regulations set an upper limit of six months (Art. 17).

Most of the regulations include language which allows for detainees to be released after “education” to return home by themselves, generally after receiving a guarantee (usually money) from the person’s family or work unit. In practice, as described below, a great many of those detained are never sent anywhere at all.

The Beijing Regulations allow for administrative appeals to higher levels of the PSB system (Art. 22), while the Shanghai Regulations specify that any appeals against detention under C&R must be lodged with the city’s civil affairs department within five days of the person’s initial detention (Art. 25). The Chongqing Measure give detainees 15 days from the date of detention to lodge an appeal for administrative review, which the civil affairs bureau must respond to within 10 days. If the person still does not agree, s/he can file suit with a court within 15 days of receiving this response (Art. 20). Wuhan, Tianjin, Sichuan and Hainan allow for administrative appeals and in the case of Wuhan, Tianjin and Sichuan, legal action under “relevant laws and regulations.”

Statistics

The last year for which the civil affairs authorities released statistics on the number of people detained under C&R was 1989, and no further comprehensive national figures are available. The MoCA statistics for years after 1989 list only the number of C&R centers, the number of staff and sometimes the number of “beds” in the centers.

HRIC has also collected a wide range of statistics from various sources: official documents, articles in news media and professional journals and so on. Based on these various figures, which are described below, we calculate that according to a very conservative estimate the current total of detainees is now over two million per year, with a substantial proportion being children under the age of 18.

The 1990 MoCA yearbook, which lists statistics for 1989, records 773,679 “person times” (*ren ci*)⁴⁷ for all C&R centers, 166,350 for those held under C&R regulations outside C&R centers and 15,663 held in “resettlement farms.” Of these figures, the total held in C&R in Guangdong province alone was 245,226, and in Shanghai, 34,127.⁴⁸ Thus adding in an unknown but undoubtedly substantial number for Beijing, by 1989 the total of persons held in C&R must have already been over one million.

⁴⁷ We presume that this measure is used as some persons may have been detained several times in the course of one year, so that each detention would be counted as one “person time” or instance.

⁴⁸ *China Civil Affairs Statistical Yearbook*, 1990, Ministry of Civil Affairs.

Beijing is one of the “exceptional” cases allowed for in the 1982 Implementing Regulations in which C&R centers are not run by the civil affairs departments.⁴⁹ All of Beijing’s C&R facilities are run by the PSB. For this reason, none of the civil affairs statistics include any figures (whether on number of facilities, staff or inmates) for the capital city, which must account for a considerable number.

Indicating the scale of C&R in Beijing, according to the official *China Daily*, in March 1999, the city decided to “greatly reduce” the number of people working there without the proper permits because Beijingers “complained about feeling uneasy with so many migrants in town.” The city planned to expel 300,000 migrants in this campaign. Two thousand officers were added to the 5,000 strong “special administration team” for this purpose.⁵⁰ In some areas, this campaign involved police carrying out three “sweeps” per week.⁵¹ Another source reported that the authorities planned to get rid of half of the three million migrants in Beijing.⁵² One recent report quoted officials as saying that in the previous few weeks, 100,000 undocumented people had been “persuaded” to leave Beijing.⁵³ Undoubtedly a significant proportion of these had been held in C&R.

In 1996, at a MoCA conference on C&R, it was announced that across the country “more than one million” vagrant beggars were taken into custody every year, as well as upwards of 100,000 indigent children, while over 600,000 persons were repatriated or “assisted in returning home.”⁵⁴ Adding these three figures together⁵⁵ creates a total of 1.7 million prior to 1996.

Taking Guangdong and Shanghai as examples, between 1989 and 1997 the number of centers increased by 21 percent and 85 percent respectively and staff by 167 percent and 48 percent. In addition, in Guangdong between 1993 and 1997, the number of spaces in C&R centers increased 16 times, and in Shanghai between 1995 and 1997 seven times. According to a 1997 article, 200,000 “blind drifters” were taken into C&R custody in Shanghai in the four previous years.⁵⁶

In Shenzhen, another major location for C&R work, between 1989 and 1993 the number of people held in C&R increased by 108 percent, from 59,150 to 123,000, although the number of centers, staff and beds increased only marginally. Since the flood of migrant workers going to places like Shenzhen continued to rise, the rate of increase could be even higher in subsequent years. Even assuming the rate of increase remained the same, Shenzhen alone could now be dealing with 255,840 persons per annum.

49 Article 4.

⁵⁰ Tang Min, “Dwellers without Beijing residential cards to be regulated, action taken for security,” *China Daily*, August 7, 1999.

⁵¹ “Sweep targets migrant slums,” *South China Morning Post*, May 6, 1999.

⁵² “Tour groups from other provinces prohibited from visiting Beijing during National Day” (Guoqing jin waisheng luxingtuan jin jing), *Ming Pao*, August 8, 1999.

⁵³ “Prostitutes and gamblers shown the door ahead of 50th anniversary,” *AFP*, August 19, 1999.

⁵⁴ Ministry of Civil Affairs, “Record of National Meeting to Exchange Actual Experiences on the Work of C&R” (Quanguo shourong qiansong gongzuo xianchang jingyan jiaoliuhui huiyi jiyao), *Collection of Documents on Civil Affairs Work* (Minzheng gongzuo wenjian xuanbian), 1996, China Society Publishing House.

⁵⁵ Children are not generally referred to as “vagrant beggars,” and the latter category appears to cover persons without proper documentation who have been sent home or been bailed out of C&R centers by friends or family members after guaranteeing they would return to their native place. Thus it seems unlikely that either of the two latter groups is subsumed in the former, especially given the fact that the total number of C&R detainees was already close to one million in 1989.

⁵⁶ Wang Sigang, “Great success on the frontline in a special war: report from Shanghai C&R centers” (Teshu zhanxian shang chuang huihuang—Shanghai shourong qiansong zhan jishi), *China Society News*, April 17, 1997.

Most official commentators writing on the work of C&R repeatedly stress that the number of people the system is dealing with is increasing much faster than the number of staff and facilities. Many complain that this is putting great strains on undertrained and underpaid civil affairs department staff.⁵⁷ One article that outlines the problems of C&R states that “the number of persons held in custody has been going up year after year” and cites the experience of the Huizhou C&R Center, where the number of detainees was 700 in 1979, 1,812 in 1989, and 2,146 by 1994.⁵⁸ Based on our own investigation, HRIC estimates that this same facility is now holding between 1,500 and 2,000 inmates at any one time.

C&R in practice

—Initial detention

All the individuals we spoke to were initially detained by PSB officers. Most were taken to police detention centers or stations, where they spent a minimum of several hours and a maximum of one day before being transferred in prisoner vehicles or vans to C&R centers. A few were taken by police directly to a C&R center.

Various articles in civil affairs journals complain that C&R facilities are chronically overcrowded and understaffed. One of the reasons for this is that the police do not consult with civil affairs on how many people they send to the centers. As one author writes: “The work of custody is in a passive position, since the public security departments can bring in targets for custody or call on the C&R centers to go to pick up someone to be detained at any time, without regard to whether the C&R center has cell space or sufficient personnel.”⁵⁹

The difficulty civil affairs staff have in carrying out their work in C&R centers without the authority conferred by a police-style uniform is a common complaint.⁶⁰ However, this may have changed somewhat following the order by the Central Committee on Comprehensive Management of Society’s Security that such staff be issued with permits and insignia.⁶¹ Evidently in some cases civil affairs officials are also responsible for actually picking up people on the streets. One article described a man challenging the right of civil affairs officials to detain him saying “It’s like a dog catching

⁵⁷ See for example, He Boyi, Lun Chun, “Reality of beggars in Guangdong” (Guangdong qigai jishi), *Guangdong Civil Affairs*, No.6, 1990; Lu Huanzhu, “Difficulties in current C&R work and ways of addressing them” (Dangqian shourong qiansong gongzuo de nandian he duice), *China Civil Affairs*, No.5, 1991; Wu Kaiyan, “C&R and resettlement on the basis of law—a brief examination of the current situation of C&R work in Macheng City and the way forward” (Yifa shourong qiansong anzhi—qiantan Machengshi shourong qiansong gongzuo de xianzhuang ji chulu), *Civil Affairs Research*, No.1, 1994; Ji Zhuanyong, “C&R work urgently needs strengthening” (Shourong qiansong gongzuo jidai jiaqiang), *China Civil Affairs*, No.8, 1994; and “Real story of the great repatriation army” (Qiansong dajun jishi), *Guangdong Civil Affairs*, No.2, 1996.

⁵⁸ Tan Ziyang, “Problems in the work of C&R and their solutions” (Shourong qiansong gongzuo zhong de wenti yu duice), *Guangdong Civil Affairs*, No.1, 1996.

⁵⁹ *Ibid.*

⁶⁰ Lu Huanzhu, “Difficulties in current C&R work and ways of addressing them” (Dangqian shourong qiansong gongzuo de nandian he duice), *China Civil Affairs*, No.5, 1991; Zeng Zhiping, “The situation of C&R work and measures to address it” (Shourong qiansong gongzuo de xianzhuang he duice), *Guangdong Civil Affairs*, No.3, 1993; and Tan Ziyang, “Problems in the work of C&R and their solutions” (Shourong qiansong gongzuo zhong de wenti yu duice), *Guangdong Civil Affairs*, No.1, 1996.

⁶¹ “Decision on Strengthening the Work of Management of the Migrant Population” (Guanyu jiaqiang liudong renkou guanli gongzuo de jue ding), September 19, 1995.

mice—you're getting involved in matters that don't concern you!"⁶² A source reported that civil affairs staff in Guangzhou occasionally "borrowed" police uniforms for this task.⁶³

In none of the cases we surveyed did police show any detention order. The vast majority were detained purely for not having the proper paperwork to show that they were permitted to live and work in that particular city. In many cases, police were carrying out ID checks in neighborhoods frequented by migrants, sometimes in the course of campaigns to locate fugitive criminal suspects or crack unsolved cases. In a few cases the police claimed that the individuals concerned were suspected of thefts, but never brought any specific charges or provided any alleged facts of these crimes. Sometimes the fact that a person was not from that city appeared to be sufficient grounds for police to allege that their documents or personal possessions were stolen property.

This happened to Ling X, a technician in a Shenzhen factory. Ling actually had all his documents, including a temporary residence permit, a work permit, a driver's license and a technician's certificate, on his person at the time of his July 1999 detention, but when the police saw he was originally from Hubei, they claimed that he had stolen his wallet from someone. Once in the police station, when he continued to protest that he should be released, an officer ripped up his temporary residence permit in front of him and asked, "What do you have now, then?"

Wu XX, the proprietor of a cart selling herb jelly in Xiancun Village, Guangzhou, was similarly accused of theft on the basis of no evidence and despite having all the relevant documents to conduct his business. On the occasion in July 1999 when he was detained for the third time in two months, his stall was beside that of a man whom the police accused of having stolen the bicycle parts he was selling. The police said Wu had colluded with the parts seller, and took him away, ignoring his protestations that all his papers were in order. Wu, who is from Hunan, attributed his detention to his inability to speak fluent Mandarin or Cantonese and the fact that his appearance indicates his rural origin.

In the cases in Beijing detailed in Appendix I, all three individuals were apprehended on the grounds that they did not have residence permits for the city, but in fact were detained for political reasons. Tong Yi, having just arrived in the city, should have been allowed three days to report her temporary stay in Beijing to the police, but she was detained immediately after alighting from the train from her native Wuhan. Huang Xiang and Zhang Ling, both dissident poets, had been previously told that they did not need temporary residence permits to stay in Beijing.

Many migrant factory workers are in constant danger of being picked up in such sweeps, as their employers frequently retain the various permits they need to work legally in the city to prevent them from quitting their jobs. Zhou X and Wang X were detained for this reason during an ID check in Shenzhen's Longgang District in July 1999. Their protestations that they had papers, jobs and a place to live were ignored by police. In the same month, Zhang XX was waiting for a bus to go to his job in a textile factory in the Guangzhou suburbs when police stopped him. When they heard his Hunan accent, they accused him of having stolen a wallet at the bus station, and likewise refused to listen to him when he told them that he had a job and a place to live.

The experience of such individuals indicates that police may have some incentive for detaining people under C&R. One possibility is that police are set quotas of persons to be cleared out of particular cities. Municipal governments in China's largest cities frequently announce that the migrant population in their jurisdiction is to be reduced by a certain number in a set period of time. For example, in recent months officials of the Beijing government have repeatedly stated that the migrant

⁶²Zeng Zhiping, "The situation of C&R work and measures to address it" (Shourong qiansong gongzuo de xianzhuang he duice), *Guangdong Civil Affairs*, No.3, 1993

⁶³Interview.

population of the city is to be reduced to 1.5 million by 2000.⁶⁴ In an August campaign to “clean up ‘three nos’ personnel” in Zhuhai, more than one thousand police were mobilized to pick up all such people in four city districts.⁶⁵ Such campaigns generally target areas where migrant workers live and congregate.

The current system of permits for migrant workers is so complicated that in some cities few workers have all the documentation they need. The permit system also differs quite widely from city to city, which further confuses the issue. This leads to a situation where migrants are constantly at risk of detention by the police, and even if they do have papers, police can claim that their papers are not in order. In Shenzhen’s Longgang District where many migrant workers live, almost everyone had a story about being detained in C&R centers or helping their friends get out of them, and such detention had become a common topic of discussion.⁶⁶ As the *Guangdong Civil Affairs* article cited above states, migrant workers have become the “vast majority” of detainees held in this system.

—Lack of due process

In all of the cases we have documented, the reasons for the detentions of the individuals concerned were not made clear, and in no case was an individual given an official notice stating that s/he had been detained at all. As mentioned above, the people in question could not be considered to be among the categories of persons subject to the 1982 Measures. This is not only a violation of due process rights as laid out in various international human rights instruments, but also means that it is virtually impossible to bring legal action for wrongful detention under Chinese law, as described below in the section analyzing how C&R can be considered as violating Chinese law, both in theory and in practice.

Upon arrival at the first C&R center where they were detained, all the people whose cases we documented were asked some basic information: name, address and a family member to contact. In most cases, they were required to sign a form which they were not given sufficient time to read, thus they were unaware of what they were signing. In some cases, people were forced to admit that they were “three nos personnel” even when they insisted that they had the documents permitting them to stay in the city where they were residing. Complaints that their detention violated relevant regulations were routinely ignored.

Apart from the three political cases in Beijing in which the individuals were sent back to their places of origin under guard, in all of the cases we documented the people were released into the custody of their friends or family members after the payment of a substantial sum of money, ranging from several hundred to several thousand *yuan*. (See finances section, below.)

Since the major avenue for release appears to be payment of a fee by friends and family, it is particularly disturbing to note that according to one informant, in Guangdong there is a network of “secret” C&R centers in which “political” detainees are reportedly likely to be held, as well as persons detained for petitioning the authorities and excess people when other centers are filled beyond capacity.⁶⁷ The names and addresses of these centers are not to be released to the public, and thus the families of detainees held in them are not to be informed of where they are being detained. This would

⁶⁴ See for example, “Tour groups from other provinces prohibited from visiting Beijing during National Day” (Guoqing jin waisheng luxingtuan jin jing), *Ming Pao*, August 8, 1999; and “Prostitutes and gamblers shown the door ahead of 50th anniversary,” AFP, August 19, 1999.

⁶⁵ “All beggars and flower-selling girls to be taken into custody in a clean-up of ‘three nos personnel’ aimed at rectifying Zhuhai’s environment” (Zhuhai zhengzhi shirong huanjing qingli ‘sanwu ren yuan’ qigai maihuanü quan shourong), *Guangzhou Daily*, August 9, 1999.

⁶⁶ Interviews.

⁶⁷ Interview with a well-informed source.

make it extremely difficult to obtain the release of any such person. We have not been able to ascertain whether such “secret” centers also exist in other provinces.

—Abysmal conditions

Although theoretically they are supposed to be a type of welfare institution,⁶⁸ the conditions in almost all the C&R centers on which HRIC has collected information are virtually identical to those in PSB detention centers and labor camps. Some appear to be even worse.

In all but one of the C&R centers for which we have documentation, inmates are held in overcrowded conditions in large cells, sleeping on the floor or on a common platform. Windows are generally small and high up, so there is very little natural light and ventilation is very poor. Access to toilet and washing facilities is usually restricted. As mentioned above in the section on policy, many articles in official journals state that the C&R centers are often in dilapidated, old buildings and that conditions are poor. In the C&R centers we investigated in Guangdong, 30 to 90 inmates share a cell. Many only have two or three communal toilets inside the cell. In most places, water is provided only at certain times of day, and bathing is often restricted by lack of opportunity or lack of time provided.

Inmates often have only tap water to drink. In most Chinese cities, people boil water before drinking it, and in the absence of such precautions, many become sick with intestinal complaints. With such poor living conditions and hygiene, many inmates develop skin complaints and pest infestations. There is little, if any, access to medical attention. Food is routinely of low quality, in terms of nutrition, sufficiency and sanitation.

Many inmates reported beatings and abuse, both by guards and by cell bosses. The system of cell bosses is well-entrenched in many C&R centers, according to a number of official articles, just as it is in detention centers, even though, as mentioned above, most provincial regulations explicitly ban the practice of giving any inmates “management” duties. C&R detainees frequently have no recourse when their possessions or money are stolen by such bullies, as the guards rely on them to maintain “order.” A person detained in the Dajianshan C&R Center reported that in June 1999 an old man was so severely beaten by cell bosses that he died after a few days. Another inmate held in the same center reported that cell bullies hit the children held there with them and forced them to repair uniforms and perform cleaning duties. Huang Xiang saw several bodies being taken out of the Changping C&R Center when he was held there in 1995.

Some articles in official journals speak of the problem of cell bosses and inmates who abuse others, but generally fail to remark that the practice of appointing trustees in C&R facilities is a violation of national law. One piece in *Guangdong Civil Affairs* described how C&R inmates can be abused by the “black authorities” in the centers, but condoned the practice of using trustees in the following way:

The black authorities do have a certain function. To a certain degree, they supplement the insufficiency of guards [guanjiao, literally, those who subject people to discipline]. For example, they assign cleaning tasks, assist the guards in organizing a proper system for labor, maintain order in the cells and so on. Once a “new soldier” went on hunger strike because he couldn’t accept [being detained]. The guards had worked on him for a whole day, but to no avail. After that, he was put into cell No. 2. He went in at lunchtime, and by dinner he came out to get his food.

⁶⁸ As mentioned above, the 1982 Implementing Regulations define C&R centers as a type of functional institution (*shiye danwei*). Official documents and regulations employ this term to designate a category of public institutions which provide services to society, including schools, hospitals and so on.

What had happened was that the “person beside the window” [probably the best position in the cell, thus meaning the cell boss] had threatened him with force, while at the same time educating him with “reason.” Since they share the same fate, the detainees can understand each other. In fact, the level of hygiene and order in the cells is strongly related to the authority of the “person beside the window,” it is directly correlated.⁶⁹

In the same article, the author stated that there were “no regulations” dealing with deaths caused by inter-inmate violence. This view implies that civil affairs officials only regard the “unnatural deaths” mentioned in the national regulations as covering deaths possibly caused by staff members. Thus there may be no accountability for such deaths.

In facilities where inmates are required to work—mostly those in the rural areas to which people are sent after processing in a central urban facility—they frequently have to labor 12 to 14 hours per day, mostly doing farm work. Inmates reported that this was often grueling, subsisting as they were on an inadequate diet and with insufficient water and no protection from the elements. Work-related injuries were reportedly common, as inmates did not have protective clothing or proper tools for their work. In some facilities in Guangdong, inmates were sent out to work in neighboring electronics and shoe factories when these were short of labor power.

Based on the experience and duration of C&R detention of the people interviewed by HRIC, as well as the common practice of extending detention periods under other forms of detention both under the criminal law and in various forms of administrative detention, we believe that many detainees may be held well beyond the time periods specified in national and provincial regulations. While the detainees in Guangdong were in custody for a maximum of ten days, it seems unlikely that those whose families did not come to bail them out would be sent home so quickly. One man from Hunan said that when he was in such a situation a few years ago, he had been forced to work in a C&R center for a year to pay for his board and transport. With no supervision and little possibility of lawsuits, C&R staff may have little incentive to abide by guidelines on length of detention.

—Types of detainees

While the authorities state that the main target of the C&R system is “three nos personnel” who have no means of livelihood, no fixed abode and do not have the papers required to live legally in the cities, in reality, the categories of people who can be detained in this way is much broader than this, as mentioned above. We list concerns about some of the main targets of C&R below.

Children

As mentioned above, large numbers of children are detained together with adults in C&R centers. National legislation on criminal offenses committed by minors requires that children be held separately, but although the authorities have stated that the C&R system should move towards this standard, it is not reflected in the national legislation, nor in most provincial legislation, including the Beijing Regulations enacted this month. The practice is even worse.

According to a 1993 article, the percentage of children in the system is even higher than that cited in the statistics section above. The article says that approximately 20 percent of C&R inmates are minors, citing in particular the Jiamusi C&R Center in Heilongjiang, which took in such a percentage

⁶⁹ Liang Guihong, “Observation and analysis of a kind of black authority over C&R personnel” (Dui shourong ren yuan yizhong heise quanwei de guan cha he qianxi), *Guangdong Civil Affairs*, No. 1, 1991.

of children between 1990 and 1993, with 20 percent of those being under 14. Some 60 percent of the latter had lost their parents and families.⁷⁰

In all the C&R facilities where inmates we interviewed had been held, children were routinely held together with adults. In Huizhou C&R Center, an inmate reported that a two-year old boy who had been separated from his parents was in one cell, and the detainees were taking turns to care for him. At the complex of Dajianshan C&R Center, a commodious building surrounded by a garden with a pond bears a sign stating that it is a Center for the Protection of Indigent Children. However, no children were to be seen either outside or at the windows of the building, and inmates reported that children as young as eight were sharing the regular cells, and being forced to do dirty chores for the cell bullies. Children aged over 12 were sent out to work in the fields with the men. In the Changping C&R Center in Beijing and the Hankou C&R Center in Wuhan, a number of children were encountered who had been held in these facilities for years at a time.

At a 1996 civil affairs conference, it was announced that 21 Centers for the Protection of Indigent Children had been constructed, but not all were yet in operation.⁷¹ If 20 percent of all C&R inmates are minors, this number of new facilities is still a negligible figure, comprising only 2.9 percent of all C&R facilities. The MoCA recently announced that it planned to build 100 such centers for children by the year 2000.⁷² It is not known if this plan is currently on track for completion. But the problem is enormous and growing far beyond the range of this plan for institutional development: According to a 1998 report on children in difficulties published last year, China now has an annual total of between 150,000 and 200,000 indigent children.⁷³

Mentally-ill and mentally-disabled persons

As mentioned above, most provincial regulations now permit the detention of the mentally ill and mentally disabled in such facilities. Needless to say, the conditions in the C&R centers we have documented are hardly appropriate for such individuals, and may only serve to exacerbate their conditions. This is partly an indication of a severe shortage of psychiatric hospitals and beds for psychiatric patients in China, as well as a dearth of outpatient mental health services and care centers of all kinds.⁷⁴

Trafficking victims

Some newspaper reports say that women and children rescued from traffickers or from people who have purchased them are also likely to be held in C&R centers before being sent home. Most C&R facilities would only add to the trauma of a trafficking victim.

⁷⁰ "Care and education together, combining custody and resettlement: Jiamusi sets up a 'delivering warmth school' for indigent children" (Guanhuai jiaoyu bingju, shourong anzhi jiehe, Jiamusi wei liulang ertong chuanganban 'wennuan xuexiao'), *China Society News*, November 23, 1993.

⁷¹ Ministry of Civil Affairs, "Record of National Meeting to Exchange Actual Experiences on the Work of C&R" (Quanguo shourong qiansong gongzuo xianchang jingyan jiaoliuhui huiyi jiyao), *Collection of Documents on Civil Affairs Work* (Minzheng gongzuo wenjian xuanbian), 1996, China Society Publishing House.

⁷² Ministry of Civil Affairs, "Speech of the Vice Minister of Civil Affairs Yang Yanyin at the National Conference on the Work of Prevention, Relief and Protection of Indigent Young People and Children" (Minzhengbu fubuzhang Yang Yanyin zai quanguo yufang, qiuzhu, baohu liulang shaonian ertong gongzuo yantao hui shang de jianghua), July 13, 1995.

⁷³ "Analytical Report on Children in Difficult Conditions in China, Part One" (Zhongguo chujing kunnan ertong zhuangkuang fenxi baogao [1]), *Youth Study*, No.5, 1998. The other parts of this three-part report appeared in the following two issues of this journal.

⁷⁴ Michael R. Phillips, "The transformation of China's mental health services," *The China Journal*, No.39, January 1998.

“Minor” offenders

C&R centers are used to hold people from outside the city in question who have committed “minor” offenses. Thus in reality the C&R system is used as yet another alternative form of detention available to police who do not have sufficient evidence to charge an individual with an offense, or who want to have time to make a case against someone. This is similar to the way C&I was used in the past, and reemphasizes the point that the only result of the supposed “elimination” of C&I appears to have been that no more political detainees were held in this way, while the old system continued.

Another concern about the use of this system for those suspected of committing minor offenses is that this may lead to a situation where vulnerable persons, such as abused children who have run away from home, elderly homeless and trafficking victims, may be detained together with persons who are likely to further abuse or take advantage of them.

—Case studies of particular facilities

The specific conditions in some particular facilities not only highlight the abusive nature of detention conditions and the scope of inmates held in C&R, but also show that little has been done to address concerns raised about these matters in the domestic media and professional journals, or to ensure that regulations on C&R—with all their deficiencies—are actually being enforced.

1. Dajianshan C&R Center

This facility is one of the principal locations to which detainees arrested in Guangzhou are transferred. Located in rural Guancun Village 80km from the city, getting there takes a two hour bus ride.

The C&R center is part of a complex of buildings, and holds about 1,600 male inmates in eight brigades of two hundred each, including children who are held together with adults, with about 100 staff. Located in a large tea plantation, the Center is ringed with two fences, with a number of associated residential buildings outside the perimeter. Inside the first fence are the offices where people seeking the release of someone in the Center go to make inquiries. The two-story cell blocks and an open area where the inmates congregate are inside the inner fence. At the side, there is newly-built Center for the Protection of Indigent Children, which is in a structure about the same size as the buildings which house the C&R inmates.

The children’s center is not the only obviously-recent renovation work which has been done at Dajianshan. The office and residential blocks were of the tiled type so common in south China, and looked quite new. However, according to inmates, little had been done to change the cell blocks, and conditions remained very primitive.

All inmates over the age of around 12 had to work, even when in poor health. Inmates were woken at 5:00 am and often worked 16-hour days. The work is mostly heavy field labor, but some were put to work making neon light tubes. People who did not work fast enough could be beaten by the trusties heading their teams. Detainees in this center were foul-smelling as they were never given enough time to bathe. All were issued with regulation black clothing.

Food was provided three times per day. Doled out from a metal cart, it was dirty and insufficient.

A rare account of conditions in this center published in *China Youth News* in July 1998 paints a horrifying picture of life there. It confirms that inmates wake before first light and work until 9:00pm, with only short breaks for food that is filthy and inadequate. The article gave details about five cases in which named detainees had suffered or witnessed abuse by trusties including people having all their clothes, shoes and money taken; and people being beaten and kicked for not working

hard enough or for other reasons. Even when guards witnessed such behavior or received complaints about it, they did nothing. Staff claimed they had “heard” that trustees were beating other inmates, but no one had complained to them. On leaving the facility, inmates were required to sign a statement saying that they had not been beaten there.⁷⁵

The journalists who wrote this report went to speak to the people in charge at Dajianshan about the cases of abuse they had found, and also to their superiors in the civil affairs department. None of these officials undertook to investigate the cases, or expressed concern about the abuses.

According to our investigation, a year later nothing had changed at Dajianshan. Inmates were still being beaten by trustees, forced to work long hours and the flat fees were still being exacted at the same rate as before: normally 510 *yuan*, and 660 *yuan* if inmates had “violated rules and discipline.” (See account of Wu XX in Appendix I for more information.)

2. Huizhou City C&R Interchange Center

This facility is located in a small city several hours’ bus ride north of Shenzhen. The Center holds 1,500 to 2,000 inmates. As mentioned above in the statistics section, numbers there have been increasing rapidly in recent years.⁷⁶

The two-story cell block buildings, one for men and one for women, were built in the 1950s and 1960s, and are very old and dirty. The C&R center is on the bottom floor, and a forced drug treatment center is upstairs.

Much recent renovation has been done to staff quarters, offices and recreation areas outside the entrance to the cell block area. An attractive garden, with carved stone picnic tables, is located in this part of the grounds.

Most detainees are migrant workers who have been sent there from cities in the Pearl River Delta, including Shenzhen and Zhuhai.

The facility’s 23 cells are in the center of the building, with a corridor on one side and the toilets and washrooms on the other. With this arrangement, none of the windows face directly into the cells so lighting and ventilation are extremely poor. Detainees reported that most people had skin problems.

Each cell, measuring approximately 400 square feet, contained 60 to 90 inmates. This made it so overcrowded that detainees had no space even to lie down. Food was provided twice per day, and consisted of a thin rice porridge with pickled vegetables in it. This was not enough to assuage hunger. Inmates had only tap water to drink.

A 1996 report in *Guangdong Civil Affairs* on the C&R system cites some information from the Huizhou C&R Center to illustrate the problems. It describes an increasing number of people accused of minor crimes being detained there, but even then some 40 percent of detainees were “blind drifters,” in other words, migrants without permits. This mixing of types of detainees, says the author, creates a “complex” situation. Huizhou had failed to set up a separate facility for those detained for C&E, as required by the 1989 Guangdong regulations on the subject. Many beggars and mentally ill individuals evidently ended up being there for a long time, because their places of origin did not want to take them back, as there was “no economic benefit in it.”⁷⁷

⁷⁵ Lin Wei, Dai Zigeng, Zhu Defu, “Shadow behind the sunlight: Report from Dajianshan C&R Center in Guangzhou City,” *China Youth News*, July 24, 1998.

⁷⁶ Tan Ziyang, “Problems in the work of C&R and their solutions” (Shourong qiansong gongzuo zhong de wenti yu duice), *Guangdong Civil Affairs*, No.1, 1996.

⁷⁷ *Ibid.*

Chronic overcrowding is cited as a problem, as well as inadequate sanitation. The funds allocated for the center's operation were not even sufficient to cover construction costs. The center also had a serious problem of understaffing: it had had no increase in staff allocation between 1980 and the time of writing, so temporary "security personnel" had been hired to help out. Inevitably then, trustees are used to maintain order, and violence occurs between inmates. There are no provisions in the C&R system for dealing with deaths caused by such violence, the author writes.⁷⁸

Evidently, little has changed in the Huizhou C&R Center since that time, except the exterior appearance and the staff quarters. (See account of Zhou XX, Appendix I.)

Finances and corruption

The work of the civil affairs departments at all levels suffers from chronic underfunding. As one academic puts it, "The state's expenditure on civil affairs has been miserly," generally making up only around 1.5 percent of state expenditure for all welfare endeavors and other civil affairs tasks.⁷⁹ In such circumstances, civil affairs departments have become among the government agencies most likely to operate for-profit ventures to supplement their meager allocation of funds.

The C&R system is no exception. As mentioned above, the national and provincial regulations require that people pay for their board during detention under C&R, as well as for their repatriation expenses. While some provincial governments are known to have set rates for fees, our investigation demonstrates that these are routinely disregarded as family members or friends of detainees have to pay a variable lump sum to obtain their release. These payments ranged from several hundred to several thousand *yuan*.

Many official documents acknowledge that arbitrary fees and charges are routine in the C&R system. For example, a 1996 Guangdong circular reminded C&R centers that fees for food, "management" and travel were to be set at defined levels.⁸⁰ An article published last year said that regardless of how long they had been held, C&R detainees released from Dajianshan C&R Center were commonly charged 510 *yuan* upon release, and 660 *yuan* if they had "violated rules and discipline." This practice is completely against the above mentioned circular, the report said, which set daily charges for food at eight *yuan*, along with not more than 10 *yuan* and 15 *yuan* for management fees for "three nos personnel" and those who had committed minor offenses respectively.⁸¹ If Dajianshan had levied fees in accordance with these regulations, it would have lost money on many detainees: each time an inmate was transferred there from a city C&R center, Dajianshan had to pay that facility 200 *yuan*.⁸²

In the facilities for which we have information, these "guarantee" fees were not the only charges. At every turn, fees were demanded from family members or friends in search of a detained person at a C&R center.

In the Guangzhou Shahe C&R Interchange Center, people must pay a fee of five *yuan* for the center's personnel to check if the person they are looking for is being held there. While they are waiting, if they wish to sit on one of the stools provided by the facility, they must pay 50 cents, and the

⁷⁸ *Ibid.*

⁷⁹ Linda Wong, *Marginalization and Social Welfare in China*, Routledge, 1998.

⁸⁰ Guangdong Province Civil Affairs Bureau, Prices Department and Finance Department, "Supplementary Notice on Strengthening the Management of Collection of Fees in C&R" (Guanyu jiaqiang shourong qiansong shoufei guanli de buchong tongzhi), June 10, 1996, cited in "Shadow behind the sunlight," see following note.

⁸¹ Lin Wei, Dai Zigeng, Zhu Defu, "Shadow behind the sunlight: Report from Dajianshan C&R Center in Guangzhou City," *China Youth News*, July 24, 1998.

⁸² *Ibid.*

same fee if they need to use the toilet. The Center also runs buses for people wishing to go to bail out their friends and relatives from Huocun C&R Center and Dajianshan C&R Center, at a ticket price of 30 *yuan* and 50 *yuan* respectively. A notice board in the Center lays out the rules of the C&R system, and states that individuals will not be released on bond in order to return home from that facility. However, in practice people who do have temporary residence permits and have been “wrongly detained” can get out of the Center directly after a few days if someone comes to pay 300 *yuan* for their release. But proving that the detention was “wrong” is very difficult.

Freelance operators who claim to be able to make special arrangements with C&R staff also feed on the people desperate to find their imprisoned relatives. People purporting to “have connections” with the Shahe Center staff made the rounds claiming that for one to three thousand *yuan*, they could obtain an immediate release of an imprisoned friend or relative. Similar offers were made by such persons at other facilities.

Facing a shortage of funds and low staff morale, the authorities’ stated priority for the allocation of any additional funds raised through charges or through the labor of detainees is to improve staff pay and conditions.⁸³ We found evidence of this at a number of centers, where staff housing and offices had been renovated or replaced, while cell blocks and other facilities for detainees remained in very poor condition.

Such priorities provide an incentive for the authorities to maximize the number of detainees who will be released after the payment of guarantees, such as migrant workers, and to minimize the numbers of truly indigent persons taken into the system, since they will not be able to pay. This partly explains the fact that, as one author says, “the vast majority” of C&R detainees are now ordinary migrant workers.⁸⁴ Thus a system which is supposed to provide welfare has, in many places, turned into a rent-seeking structure which needlessly detains large numbers of people in order to extort money from them and their families.

Violations of human rights in C&R

Both on paper and in practice, C&R involves a range of violations of human rights contained in international law. These fall into the following categories: the arbitrary and unlawful nature of C&R, including a complete lack of respect for rights of due process; its discriminatory character and effects, which are in conflict with equality before the law; the prevalence of torture and ill-treatment in C&R centers; and the failure to provide proper protections, both for detainees in general and for specific groups of persons, particularly children and the mentally ill, a condition which is intimately related to the lack of supervision of C&R and its facilities. In this section, we will briefly outline the violations of rights involved in C&R under these four headings.

While China has not yet ratified the International Covenant on Civil and Political Rights (ICCPR) following its signature of the pact in October 1998, and thus has only a moral responsibility to abide by the treaty, many of the provisions of the ICCPR covering the areas mentioned above are also incorporated into U.N. documents setting what are supposed to be universal standards of behavior. These include the Standard Minimum Rules for the Treatment of Prisoners⁸⁵ and the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment.⁸⁶ In

⁸³ See note 26.

⁸⁴ Wang Xiansheng, “Strengthen management of C&R to promote social stability and prosperity” (*Jiaqiang shourong qiansong guanli cujin shehui wending fanrong*), *Guangdong Civil Affairs*, No. 5, 1995.

⁸⁵ Hereafter, Standard Minimum Rules, Adopted by the U.N. Congress on the Prevention of Crime and the Treatment of Offenders in 1955.

⁸⁶ Hereafter, Principles on Detention, Adopted by the U.N. General Assembly on December 9, 1990.

addition, China has already acceded to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁸⁷ and the Convention on the Rights of the Child,⁸⁸ and thus has clear legal responsibility to observe the standards set in these treaties.

⁸⁷ Hereafter the Convention Against Torture, ratified by China in 1988.

⁸⁸ Hereafter the Children's Convention, signed by China in 1990, ratified in 1992.

—Arbitrary

International law assumes that people should only be arrested if they are suspected of having committed a criminal offense. Expanding on the provision of the Universal Declaration of Human Rights (UDHR) prohibiting “arbitrary arrest [or] detention,” Article 9(1) of the ICCPR reads:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

According to the Human Rights Committee (HRC), which monitors implementation of the ICCPR, these provisions are applicable to any and all cases in which people are deprived of their liberty, including on grounds of “mental illness, vagrancy, drug addiction, educational purposes, immigration control....”⁸⁹ The HRC has stated that the term “arbitrary” in Article 9(1) should be interpreted broadly to “include elements of inappropriateness, injustice and lack of predictability,” and gives as possible examples cases in which people are kept in detention even after a court has ordered their release and those detained without any criminal charge being brought against them.⁹⁰

The ICCPR and the Principles on Detention lay out the basic steps which guarantee the right to due process for arrested persons. These state, among other requirements, that at the time of arrest, the person should be informed of the reason for his/her detention and of any charges against him/her. In addition, soon after arrest, the person should be brought “promptly” before a “judicial authority” to confirm whether it is necessary and lawful to detain the person. These documents further require that wherever possible, those charged with criminal offenses should not be kept in custody during the pre-trial period.

According to a document outlining human rights principles relating to detention prepared by the U.N. Centre for Human Rights:

If administrative detention must be used, the following safeguards can help diminish the possibility of abuse of detainees’ rights:

The law which authorizes administrative detention should be formulated specifically, with precise guidelines and criteria as to when detention is appropriate. These criteria should limit detention to persons who pose an extreme and imminent danger to security.

*All persons arrested under an administrative detention order should be served with a copy of that order, which should clearly indicate the reason they are being detained. Persons detained should have the right to appear in court, with legal counsel, within days after their arrest in order that the court may determine the necessity of continued detention....*⁹¹

Clearly, C&R does not conform with the above standards, and falls into the category of being inherently arbitrary, based on the HRC’s interpretation of the ICCPR. The U.N. Working Group on Arbitrary Detention’s Report to the 49th session of the Commission on Human Rights in 1993 lends support to this premise, categorizing as arbitrary “the case of an administrative measure where there

⁸⁹ HRC, General Comment 8(1).

⁹⁰ Rulings in various cases before the HRC, cited in “Human Rights and Pre-Trial Detention: A Handbook of International Standards Relating to Pre-Trial Detention,” United Nations, 1994.

⁹¹ *Ibid.*

are alternative safeguards that are clearly of less value than those which guarantee the right to a fair trial.”⁹² Lack of notice or judicial hearing by definition make C&R “of less value” than a measure guaranteeing the right to a fair trial. Moreover, the same report concludes that cases where “the unspecified duration of the [administrative] measure is directly provided for by law” can be considered as having “a totally or partly arbitrary character.”⁹³

Thus the fact that C&R is permitted under current Chinese law does not mean that it can be considered as “lawful” under international law, since it fulfills neither the requirement of notification nor judicial involvement; allows for people to be detained for relatively long periods of time, which can be arbitrarily extended, and which, in most jurisdictions, have no upper limit; and is fundamentally unpredictable in its application, as well as being inappropriate and unjust.

—Discriminatory

Non-discrimination is one of the most fundamental tenets of all the U.N. human rights instruments. As the UDHR states in Article 2:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In addition, the ICCPR mandates equality before the law, and equal protection of the law (Art. 2[1]). Generally, discrimination is measured both by intent and outcome.

In practice, C&R is overwhelmingly applied to people from outside a particular city, especially those who are originally from rural areas. Various government documents clearly indicate the discriminatory intent of this measure, and its discriminatory effects are apparent from the above discussion. This is just one aspect of the long term trend of discrimination against rural residents evident in the Chinese government’s laws and policies.

—Torture and ill-treatment

Prohibitions on torture are contained in the UDHR, the ICCPR and the Convention Against Torture, to which China is a party. The Standard Minimum Rules and the Principles on Detention contain detailed requirements on standards for detention facilities, including food, sanitation, medical care and so on.

International definitions of torture and ill-treatment mean that official responsibility is not confined to prohibiting acts of violence by officials against detainees, but require that detainees also be protected from abuse by others and that all allegations of torture be investigated and, where appropriate, prosecuted.

As Human Rights in China has argued in a previous report,⁹⁴ China has failed to incorporate this broader definition of torture into Chinese law. In the case of C&R, the authorities are failing to prevent torture of detainees by cell bosses and are failing to investigate and prosecute such torture cases. In addition, they are directly responsible for keeping inmates in conditions which certainly constitute ill-treatment, and in extreme cases may even be considered as torture.

⁹² See Report of the Working Group on Arbitrary Detention, 1993, E/CN.4/1993/24.

⁹³ *Ibid.*

⁹⁴ *Words Without Substance: Implementation of the Convention Against Torture in the PRC*, Human Rights in China, 1996.

—Failure to protect

International law envisages a number of supervisory mechanisms which can act in concert to ensure that places of detention meet standards set in national and international documents. One of those, mentioned above, is judicial oversight of all detentions. Another is access to persons outside the place of detention, such as family members and lawyers. A third is regular scrutiny by professional monitors independent of the authority running the place of detention, and confidential access of detained persons to such monitors.⁹⁵ None of these conditions are present in the case of C&R centers.

As mentioned above, the authorities fail to protect inmates from abuse in the C&R centers on which we have information, and they fail to provide proper conditions for detention.

In addition, the authorities are not protecting particular groups of detainees. Under the Children's Convention, minors should be detained separately from adults, and detention should be used only "as a measure of last resort and for the shortest appropriate period of time" (Art. 37). It is ironic that China appears to have established better protections for juveniles charged with and convicted of crimes than for children subject to administrative detention.

A United Nations document, Principles for the Protection of Persons with Mental Illness, states that involuntary commitment may only take place when there is "a serious likelihood" that a person a qualified mental health practitioner has determined to be suffering from mental illness could cause "imminent harm" to him/herself or others. In addition, such commitment should be to a "mental health facility," not to a detention center, and should be in accordance with an established procedure which also respects the person's rights to due process.⁹⁶ Detention of the mentally ill or mentally disabled in C&R centers can hardly be considered to be in compliance with these basic requirements.

Violations of Chinese law

Although C&R is an accepted part of the work of provincial governments in China, it is in clear conflict with a number of laws passed in recent years. C&R, as currently practiced, goes far beyond the scope of what is authorized by the 1982 Measures and their Implementing Regulations. In addition, violations of local and national regulations are occurring on a routine basis in the C&R system, and the existing mechanisms of supervision and redress appear to be almost entirely incapable of dealing with these violations. Some aspects of these points are considered in this section.

The practice of taking persons in for C&R, as well as for other forms of "educational" custody, can be considered a violation of the PRC Administrative Punishments Law of 1996. Article 9 of this Law provides that administrative punishments which restrict personal freedom may only be imposed on the basis of laws, a term which is generally only used to apply to legislative acts of the NPC or its Standing Committee. Articles 10 and 11 explicitly bar the State Council and the provincial people's congresses from enacting regulations creating administrative punishments which restrict the personal freedom of individuals. Article 16 states that such restrictions on personal freedom as provided for in law may only be imposed by the police, yet in most provinces these forms of custody are administered by officials of the civil affairs departments.

Expanding the scope of a punishment through local regulations, as has clearly happened in the case of administrative custody under C&R, is prohibited under the 1996 Administrative Punishments Law (APL). Article 11, Clause 2 states that a local regulation (*difangxing fagui*) which provides details as to how a provision on administrative punishment found in a law or in an administrative regulation

⁹⁵ See Principles on Detention, Article 29.

⁹⁶ Principles for the protection of persons with mental illness and the improvement of mental health care, adopted by the U.N. General Assembly on December 17, 1991.

(*xingzheng fagui*) is to be applied in that locality must do so within the limits of the provision of the national law with respect to the application, the type and the extent of the punishment. While the authorities may argue that C&R is not a “punishment,” as we have shown above both in law and in practice it is frequently used as such. Thus the expansion of the categories of persons who may be subject to C&R also appears to be illegal, as well as local laws which allow for extended detention for various categories of people.

Based on the provisions of APL Articles 10 and 11, some legal scholars in China have argued that RTL should either be abolished or incorporated into the criminal law, since the RTL is not authorized by a law passed by the NPC or its Standing Committee.⁹⁷ C&R presents a very similar case.

In addition, the APL states that local and administrative regulations were to be amended to bring them into compliance with the new law by December 31, 1997 (Art. 24). This means that all administrative punishments which conflict with the provisions of the APL should be nullified after that date.

As we have described above, many of the provisions of national and local regulations on C&R are being routinely violated. For example, the national regulations prohibit the use of cell bosses,⁹⁸ yet such trustees were employed to control other inmates in all the facilities we investigated. Accounts in official journals also acknowledge that this system is in regular use. Guards in C&R centers use the cell bosses to circumvent the requirements that they may not abuse or physically punish detainees. In another clear case, provincial regulations in Guangdong state that C&R centers may not charge flat fees to people who get released on guarantee, but this practice is occurring everywhere.

While detainees can challenge their detention under C&R under the 1990 Administrative Litigation Law (ALL), we have only been able to find one case in which this actually happened, and the plaintiff lost his suit.⁹⁹ This law has been presented as a panacea for citizens with grievances about violations of laws or regulations committed by officials or government bodies and does give courts broad discretion to review administrative decisions, but in reality its scope is severely limited. The ALL provides courts with virtually unlimited discretion to reject suits on procedural grounds. Also, it limits a court’s review to the “lawfulness” of a specific administrative act, which means that unless an agency has violated a written law or regulation, the court may not rule against it.¹⁰⁰

C&R detainees face serious barriers to filing any suit. The obstacles to filing any suit while still in detention are formidable, given the lack of access to the outside world, the lack of lawyers willing to take on this kind of case, the possibility that efforts to file a suit would result in abuse of the complainant and the courts’ general presumption that government agencies know what they are doing. Even those seeking to challenge their detention after the fact face many similar hurdles. First, most do not have any proof of their detention: none of the people interviewed for this report had been given any form of document stating that they had been in custody, let alone been told the reason why they had been detained. Second, since the existing regulatory regime is so expansive and accords so much discretion to officials to bend the rules when this is deemed “necessary,” proving that a wrongful decision was made in a particular case would be extremely difficult.

⁹⁷ See for example, Gen Yan, “Some thoughts on RTL” (Dui laodong jiaoyang ruogan wenti de sikao), *Orient Forum*, No.1, 1999.

⁹⁸ 1982 Implementing Regulations, Article 24.

⁹⁹ Huang Shengrong, “Dong Shaolin’s suit against Hangzhou Civil Affairs Bureau challenging his detention under C&R defeated in court of first instance” (Dong Shaolin bu fu shouqian zhuanggao Hangzhoushi Minzhengju yi shen baisu), *China Society News*, February 24, 1994; .

¹⁰⁰ See Pitman B. Potter, “Administrative Litigation and Political Rights in China,” and Richard Dicker, “A Law for Change... With Loopholes,” both in *Human Rights Tribune* Vol.III, No.2 (Human Rights in China, 1992).

Recommendations

To the Chinese government:

Immediate measures

1. All inmates detained under C&R should be allowed to make phone calls at a minimal charge, including during their time in police facilities.
2. All inquiries from family members or friends seeking detained relatives should be addressed without charge, quickly and in a serious fashion.
3. Relevant regulations should be posted prominently in the C&R centers, and copies should be made available to detainees and their family member on demand.
4. All minors should be immediately removed from C&R centers and returned to their families or transferred to children's welfare institutes or other appropriate facilities where they can receive proper care.
5. Based on the provisions of the APL, the NPC should initiate an urgent review of all administrative and local regulations relating to C&R, and order those which violate the APL repealed.
6. All C&R facilities should be open to visits by journalists, international human rights groups and other concerned parties.
7. In plans and provisions for legal aid, which are currently being worked out, priority should be given to advisory services for all persons in administrative detention, including those held in C&R centers.
8. Procuratorates should be empowered to inspect all C&R facilities on a regular basis, and to receive and investigate complaints regarding the situation in them.
9. The charging of fees for detention in C&R centers should be prohibited.
10. All regulations, administrative orders, documents and statistics on C&R should be made public.

Longer term measures

- I. China should abolish all forms of administrative detention which are in violation of international law, including C&R, and all those detained under C&R should be released.
- II. Shift the focus of national and local policy onto welfare, with the aim of dealing with problems of poverty and indigence on a permanent basis, rather than periodically sweeping them under the carpet.
 - i. Facilities currently used as C&R centers should be transformed into homeless shelters and other types of services for the indigent. However, individuals should be able to decide on an entirely voluntary basis whether they use these services or not.
 - ii. Investment in psychiatric outpatient and inpatient services, and in services for the mentally disabled and their families, should be increased substantially, and no such persons should be detained in a detention center unless suspected of having committed a crime. Proper procedures for the involuntary commitment to mental hospitals of mentally ill persons who are likely to cause harm to themselves or others should be drafted.
 - iii. A concrete program for the development of services for indigent children should be drawn up, with input from international agencies that have experience of providing assistance to street children. National and local governments should commit substantial resources to the rapid development of such services.
 - iv. As China is such a large country, some program of assistance for those who have become stranded far from home and wish to return but lack the funds to do so may be necessary. Such services should be provided at cost on an entirely voluntary basis.

III. Change legislation

- i. All national and local regulations and administrative orders permitting C&R should be repealed.
- ii. Offenses relating to vagrancy or begging should be clearly defined and incorporated into law. Any person accused of such an offense should only be punished following a proper judicial proceeding, and any such punishments should be minimal to reflect the fact that these acts cause little, if any, harm.
- iii. Judicial oversight of all arrests should be expeditiously incorporated into law, so that all persons detained can quickly have the lawfulness of their detention properly reviewed.
- iv. All law enforcement bodies should be prohibited from detaining any person without showing cause, and must be required to communicate the reason for an arrest to the arrested person at the time it is effected, to their family and to the judicial authority responsible for overseeing arrests.

To the international community:

1. The U.N. High Commissioner for Human Rights should express concern about the use of administrative detention in China, including C&R, and should request information on the C&R system from the Chinese government. Reviews of the compatibility of administrative detention such as C&R with international human rights standards should be included in programs of technical assistance the High Commissioner's office is discussing with Beijing.
2. The U.N. Working Group on Arbitrary Detention should conduct a review of C&R related legislation and practice, with a view to making a determination that this form of detention is "inherently arbitrary." Any future visit to China by the Working Group should include visits to some of the facilities named in this report.
3. International agencies and governments funding legal reform programs in China should make review of administrative detention, including C&R, a priority in their projects.
4. Government delegations visiting China for bilateral human rights dialogues should express concern about C&R detention, and should insist on visiting some of the facilities named in this report.

List of abbreviations

APL—Administrative Punishments Law

C&I—Custody and Investigation

C&R—Custody and Repatriation

CCP—Chinese Communist Party

HRC—Human Rights Committee

ICCPR—International Covenant on Civil and Political Rights

PRC—People's Republic of China

PSB—Public Security Bureau

RTL—Reeducation Through Labor

UDHR—Universal Declaration of Human Rights

Appendix I

Interviews with former C&R detainees

The following six interviews were conducted by HRIC with people who have been held in a total of six different C&R centers in Guangdong Province and Beijing. The names of the first three interviewees have been changed to protect them from any retaliation. These three accounts were compiled on the basis of the interviewer's notes, while the final three were transcribed from taped interviews.

I. Wu XX

A self-employed street seller from Hunan, in July 1999, Wu was held in the Shahe C&R Interchange Center for a day and in the Dajianshan C&R Center for 10 days.

Wu XX was detained and sent to C&R centers three times in the space of two months, because, he said, he looks like someone from the countryside and cannot speak fluent Mandarin nor Cantonese. On the last occasion he was selling herb jelly from his cart on the street in Guangzhou. He had set up next to a stall selling bicycle parts. Police on patrol came to check the parts sellers documents, and when they found he had no papers, they said that the parts had been stolen, and took him away. Wu was dragged in to the matter just because he happened to be beside the parts seller, the police said that Wu was in collusion with him and forced him into the prisoner transport vehicle. Wu had all his documents with him, but when he arrived at the police station, the police refused to look at them or to listen to him, and just put him into another van which took him to Shahe C&R Interchange Center.

When he arrived there, the guards asked him to fill in a form with his name, place of origin, names and addresses of family members in Guangzhou and how to contact them. While he was doing this, they were urging him to hurry up, and then they took the form away. He was not told why he had to fill in the form and was not given time to read it all. The guards refused to let him make a telephone call.

After that, he and the people who had arrived with him were gathered in a classroom to be "educated." They were told that they all knew why they had been detained (while in fact many of them did not), that they should cooperate and not try to escape and that they should notify their families to come and get them out. Then they were sent into different cells. The day after, he was sent to Dajianshan C&R Center.

When he arrived there, he was asked to put his finger print on a statement which said that he had stolen bicycle parts and that he had been selling things from an unlicensed, and therefore illegal, stall. He refused, explaining that according to the regulations, after 5:00pm it was legal to set up stalls on the street where he had placed his cart. The guards cursed at him, but he refused to sign, and so they took him to the cells.

There were 55 people in the cell, which was a big room with platforms built of concrete on either side where everyone slept closely packed together. On arrival, detainees were given a black prison uniform to wear. Every cell had a washroom, with toilets and washing facilities. But inmates were only given five to 10 minutes per day to wash, and with all the people, they could hardly manage to get clean. Everyone soon smelled quite bad.

Wu had to work 16 hours a day while in the C&R center. They were woken up at 5:00am and gathered on the exercise ground, where they had to squat with both hands behind their heads. They were divided into a number of small teams, which were then were allocated tasks.

They were engaged in field work or making fluorescent light tubes, which were made for sale. It was very hot, and when they were working in the fields, no water was provided for them to drink. They were not allowed to take water with them into the fields. They got incredibly thirsty working in the hot sun, and many people got sunstroke. If they were sick, they were allowed to go to the clinic to get some medicine, but they were not allowed to rest and still had to work.

They were given three meals a day, with only ten minutes for each. The food was brought in a metal container on a handcart which looked like something for collecting slops for pigs. They were each given a small bowl of rice and vegetables. It was tasteless, had no oil in it, and was not enough to assuage hunger.

The guards did not often beat people themselves, but the “miscellaneous duties” [trusties] who helped with various tasks often beat people for no reason. Since Wu had been labeled “uncooperative,” he was beaten frequently by the trusties. They punched him on the back of the head and kicked and elbowed him in the back. He was beaten so badly that he could not eat.

If someone tried to escape, when they were brought back they would be tied down by the trusties and whipped with a leather belt on the back, the shins, the palms of the hands and the soles of the feet. However, Wu was told that the beatings were not as bad as they had been before, because in June an old man had been beaten to death, and after that they were a bit more careful. The old man had been beaten so much that he was severely injured, but he continued to be forced to work, and after a few days, blood came out of his nose and he died. People said that the old man’s family had come looking for him several times, wanting to bail him out, but the staff did not tell them he had died, they just said someone else had bailed him out, or that he had escaped.

Only after Wu had been in the C&R center for 10 days did his family finally manage to find out where he was. At first the staff told them that Wu’s name was not in the computer. The family only located him after one of them rushed through the gate into the C&R center and saw him in a team of people about to go out to work. Then, after his family paid 330 *yuan* (the reduced rate was because his family had the status to complain about violations of the regulations), he was finally released.

II. Zhou XX

A migrant worker from Sichuan employed as a technician in a Shenzhen factory, Zhou was detained in the Huizhou C&R Center for four days in July-August 1999.

At the end of July 1999, an army of public security police descended on the Longgang District of Shenzhen, a place where many migrant workers live, and went around checking people’s permits. That evening, Zhou and his girlfriend, Wang X, were walking along the street discussing their future. A small vehicle used to transport prisoners stopped beside them, and without any explanation, two police officers manhandled them into it. Zhou asked what he had done wrong, and the response was: “You know very well.” Zhou and his girlfriend were taken to different police stations. When Zhou was put into the cell in the station, he was ordered to squat on the floor like the other detainees. Those who failed to follow this order were beaten.

All the detainees in the cell were asked to show their ID cards and other permits. Many of them didn’t have any papers, because factories often keep the documents of migrant workers. Zhou was also in this situation, he had a temporary residence permit and a work permit, but they were retained by the factory. Thus they become natural targets when the police need to fulfill orders from their superiors about the number of persons to be detained under C&R. On this occasion, the sweep was timed to reach a certain number of detentions prior to the August 1 Liberation Army Day. Zhou and his fellow detainees were asked to write down their names and their home provinces, in case their

friends or family members went to find them. One detainee bravely asked why they had been detained, but got only a beating in response.

Zhou arrived at the police station at 11:30pm and had to stay squatting in the cell without being allowed to stand up until 4:00am, when they were sent to Huizhou C&R center on a bus. He estimated that nearly 300 people were sent to the C&R center with him.

Wang X was sent to another police station. New detainees, both male and female, were constantly arriving. The women were ordered to stand in a line, while the men were ordered to squat. Some young women were afraid and cried. The police ordered them to shut up and some were slapped on the face. Some were beaten with police batons on the backs of their heads and their legs. When Wang was asked to show her documents, she replied that her factory kept her ID card, and since she had just recently arrived in Shenzhen, she had applied for but not yet received a temporary residence permit. Cleverly, she told the police that she had no family in her hometown, and the only person she could rely on was her boyfriend, but he had also been taken in by the police. Since they were both being detained, no one would pay to bail them out,¹⁰¹ she said. Then the police released her and asked her to bring money to bail out her boyfriend.

When Zhou arrived in the C&R center, he was asked to sign a document and put his finger print on it. This document stated that he was a “three nos”¹⁰² person, and thus should be in custody. He felt he had no option but to sign. Then he was asked to fill in a form on which he was asked for information about family members or friends who could bail him out, including how to contact that person. Zhou had to beg for several hours before he was allowed to call his girlfriend for a fee of 15 *yuan*.

According to Zhou, the conditions in the C&R center were terrible. Ninety people were crowded into his cell “like pigs,” there was almost no space left even if everybody stood up. There was no room for them to stretch out to sleep, and people had to sit, or lean against each other standing up when they were tired. It was very hot in the cell, since there was only one small window covered with wire mesh which opened onto the toilet, and they could hardly breathe. With 90 sweaty people and the toilet, it smelled very bad. It was also very damp and dirty, and people quickly developed skin problems.

The toilet facilities for the cell consisted of three squat toilets and few taps for bathing and drinking, but they were only accessible for ten minutes twice a day, when the gate between the washroom and the cell was opened. Obviously this was not enough time for all 90 people to use the facilities. Detainees could ask to use the toilet at other times, but the guards seldom allowed this, unless they were paid some money or happened to be in a good mood. If they were in a bad mood they would beat detainees they considered trouble-makers with a bamboo pole or their key chain. Zhou said he was beaten once on the first day he arrived because he didn't address the guards in the correct way.

Detainees are not allowed to wear shoes in the C&R center, and some of them got cut on the feet by gravel on the floor. Sometimes the guards would punish detainees by making them stand in a yard on one foot in the bright sunshine for some hours, when the concrete was hot enough to scorch their feet. If the person could not stay standing straight, s/he would be further punished by having to stand for a longer time or being beaten.

They were given two meal a day (at 7:00am and 4:00pm). Both consisted of the same food:

¹⁰¹ Technically, in the case of C&R, detainees are released on after a guarantee is received that they will return home. Thus it is not strictly bail, as no further proceedings are envisaged. But we use the term “bail” to mean such a system of release on guarantee.

¹⁰² *Sanwu ren yuan*, having no papers, no proper job and no fixed abode.

pickled vegetables and rice with some hot water added. This was their only chance to drink boiled water. The rest of the time they could only have tap water, and so some people suffered from diarrhea.

Several children were being held in Zhou's cell, aged around 8 to 12. There were also more than 10 elderly people, aged in their 60s and 70s. The latter looked as if they made their living picking garbage. He saw many women in the C&R center, but they were held in another building, and so far as he could tell, some of them were sex workers. He said women were usually kept in the Huizhou C&R Center for longer than men, generally from two weeks to six months, and more money had to be paid to bail them out, from 600 to 1,000 *yuan*, sometimes even more. The night before the day he left the facility, nearly 70 old people were brought in on a bus for transporting prisoners. On the upper floor of the cell block where he was detained is a forced drug treatment center. But he never saw the people in it.

Another detainee HRIC spoke to in the same C&R center said that there were 70 people in his cell, including seven children aged 8 to 12 and a two-year-old boy and a six-month-old baby. People in the cell took turns to take care of the baby. Apparently the two-year old's father was also being held in the C&R center, but in a different cell.

Zhou was kept in Huizhou C&R Center for four days until Wang managed to find him. She brought him a pair of slippers: "I was afraid that he would not be released immediately, also I didn't know whether we would have enough money to get him released on guarantee," she said. She paid 350 *yuan* for Zhou's release, and was told that this included "the three charges" (*san fei*), management, food and transport. Before he left the C&R center Zhou had to sign a document and put his finger print on it. He didn't have a chance to read the document properly since the guards were pushing them to sign quickly. The information he managed to read was as follows: he was being released on guarantee, the name of his guarantor, he promised not to stay without the proper permits, he would return home soon and he agreed to the charges.

When Zhou came out of the C&R center he had a red rash all over his body, including his hands, neck and face. He felt both pain and itching. He said the whole experience had been a nightmare. "I was thinking that if nobody came to bail me out, I would commit suicide if I had to spend one day more in there. It was such a hell in there." Since he had disappeared for four days, Zhou lost his job. He had just been promoted to senior technician before he was detained.

III. Ling X

In July-August this year, Ling was held in C&R centers in Guangdong Province for nine days.

Ling X, a technician from Hubei, was working in a Shenzhen factory training other workers. One afternoon in early August, Ling was sitting in front of the Shaoguan C&R Center. He had his pants rolled up because his knees were badly grazed. Ling said he had just bailed himself out of the C&R center and was still waiting for the release of a friend he had paid the guarantee for.

Ling said his knees had been hurt because he had refused to comply with an order from a guard in the C&R center to kneel on the floor and eat his food like a dog. One guard kicked his legs to force him to kneel, while another kicked him hard in the back so that he slipped forward onto his knees on the cement floor, tearing the skin off his knees. Ling insisted that he had done nothing wrong. "I have all my permits, I have an ID card, I have a technician's certificate and a respectable job, I never committed any crime, I have money, my clothes are all famous brands... What law says they can detain me?"

That is the question Ling repeatedly put to the police and the C&R staff, and as a result, he got beaten many times. As well as the grazes on his knees, he also had bruises on his back and his left arm, and blood on his socks. He said that one beating had given him a nosebleed, and he had used his socks to staunch the blood.

On an evening in late July 1999, a police patrol stopped Ling on the street and asked where he was from. Ling said Hubei Province. In a rude manner, the police asked him to show his ID card. Ling asked what crime he had committed for them to ask to see his ID. The police said that perhaps the wallet he was carrying had actually been stolen from someone else. This made Ling very angry, and he took out his wallet to show the police his credit cards, driver's license, technician's certificate and temporary residence permit. But one police officer took his temporary residence permit and tore it up in front of him, saying: "What do you have now, then?" Then they push him into the prison van, and sent him to the 18th District C&R Center in Shenzhen's Bao'an District.

When they arrived at the C&R center, the police told the C&R staff to "serve Ling with something *good*." Then Ling and a few other people were ordered to take off all their clothes to let the staff to search them. They were asked to line up naked to write down the names of their friends or families on a black board, so the staff could send telegrams to tell them to come and bail out the detainee. Ling was asked why he had been sent there, and he replied: "How should I fucking know?" The C&R staff shouted at him: "You fucking better be honest with us." And then beat him savagely. Ling bled from his nose and the corners of his mouth. After the beating, the guards asked again: "So do you know now? Are you a 'three nos' person?" Ling said: "I don't have any right to say no, whatever you want." Then the staff forced him to put his finger print on a paper acknowledging that he was a "three nos" person.

Ling didn't sleep the whole night. The next day he was transferred to Shaoguan C&R Center. He was held in a cell with other 40 people, with one guard¹⁰³ and several assistants. On the first day Ling was there, he saw a detainee being beaten because the letter sent to his hometown to ask his family to come and bail him out had been returned and the staff thought he had given them a wrong address. The other detainees were warned not to give any wrong addresses. The second day, a 75-year-old detainee had a stomach-ache and got a fever, and requested to go to the center's clinic. But the staff refused and asked other detainees to give him some kicks to see whether he was really ill or just faking. No one would carry out this request, and they all continued asking the guards to send the old man to the clinic. Finally they sent him, but before they did so, they made him kneel on the floor with his hands on the back of his head, and answer a series of questions about the state of his health. After lunch that day, the old man didn't come back. No one knew what happened to him.

A few days later, Ling asked to bail himself out, but he was refused. Then he gave the guard an angry look. As a result, he was again beaten, this time with a bamboo stick and a belt. However, he did not give up; later he tried to talk to more senior officials in the center. He said his family would not believe he was in there, that they would just think the telegram was from somebody wanting money and wouldn't come to get him out. He told the staff he had a bank card and money in his pocket, that he could bail himself out and pay a bit more as well.

The senior official brought him his wallet that had been put in the safe deposit. Ling found that the cash had disappeared. His gave his bank card to the senior official and told him the password.

¹⁰³ The term used in C&R centers for guard is *guanjiao*, which means a person who enforces discipline. For want of a more appropriate translation, here we use "guard."

This man took his card and withdrew 700 *yuan*. The next day Ling was told he would be released. But two hours before he left the C&R center, Ling was again subjected to violence by the staff.

Ling thought he smelled bad as his clothes were dirty, so he took them off to wash them and dry them in the cell. "We didn't have clothes to change into, as we could only wear the one set of clothes we had on at the time we were detained. We worked all day getting sweaty, sometimes we had to clean dirty things or places, and thus we got very dirty. We usually cleaned our clothes during lunch time or at night, then hung them up to dry in the cell and put them on again after lunch or the next morning no matter whether they were dry or not. We never washed our clothes and our underwear at the same time, so as to avoid being totally naked," Ling said. One of the guards noticed that Ling hadn't put his clothes on to have lunch. He ordered Ling to put his clothes on, and Ling said he had washed them. The guard grabbed his lunch bowl and dropped it on the floor, then ordered him to kneel on the floor and put his head down to eat the rice. Ling refused, and one guard kicked his leg so he fell down onto the floor on his knees. Another guard kicked his back so that he slid forward on the cement floor, scraping the skin off his knees.

Although the level of violence in the Shaoguan C&R Center was more serious than in some other centers we investigated, the facilities were comparatively better.

Although each cell in Shaoguan C&R Center has only one window like all other centers, there are fans in the cells. And the cement platform they slept on was covered with tiles. Boiled water, toilets and the shower were accessible to detainees all day. They were allowed to have showers whenever they wanted.

With 40 people in the cell, "Although it was still crowded, when we slept we could lie down and stretch out," Ling said. For the first two or three days, people waiting to be released on guarantee do not need to work. People who were detained for a longer time had to work eight hours per day, mostly doing cleaning or renovation around the C&R center.

They were given two meals per day, lunch and dinner. At lunch, they took their bowls to queue for the rice and pickled vegetables then brought the food back to eat in their cell. Ling said the food was of poor quality, but the quantity was adequate. At dinner all detainees took their bowls outside and ate squatting in the open area. The food was the same as at lunch.

Ling said female detainees were also often subjected to violence if they did anything that the guards didn't like. One time during dinner he saw a female detainee being slapped in the face and then beaten with a bamboo stick and a belt. But the living conditions for women seemed better and their workload was often lighter than that for males.

Ling said most of the female detainees were quite young. He said most were girls who had run away from their families in rural areas to go to big cities to find a job. Some of them were from smaller cities, and had gone to find work in Shenzhen or Zhuhai. "Many girls want to make some money in a summer job to surprise their families or support their families financially. Going to big cities like Shenzhen really means a great deal to those girls from rural areas and small towns. They are easily cheated by traffickers or job agencies. They have to pay those cheats a large sum of money to go to the big cities, but still they want to go. Many of them don't get the job the pay they have been promised. For example, they are told they will work in sales work before they go, but they end up in a "hair salon,"¹⁰⁴ a sauna, or a massage club, and then finally get detained in the C&R center."

Ling said he saw a number of children aged around 12 to 14 in the center, detained together with adults. There were also old people of 60 or 70, mostly male.

¹⁰⁴ Many hair salons in south China are actually brothels.

After bailing himself out of the C&R center, Ling went to the bank to get money to pay the guarantee for a friend he had made in the cell. He took the money to the center and asked to bail out that friend.

He met a guard who had treated him very badly during his detention. This man said that if Ling gave him 500 *yuan*, he could get his friend out sooner, and also Ling would pay less than the normal amount (the guarantee for most detainees is 550 to 680 *yuan* in this center). Ling gave him the money, but he didn't see his friend coming out after waiting for a whole afternoon. He asked the information counter, they told him to come the next day. The next day Ling went to the center again before the office opened, and waited until the afternoon, but his friend was still not released. Around the time when the office closed, the guard who had taken Ling's money rode by on a bicycle. Ling called out to him that he wanted to ask about his friend, but the guard ignored him and disappeared.

Outside the Shaoguan C&R center, an old farmer from Hunan who had come to bail out his grandson showed HRIC the telegram he had received. The message read: "XXX is in custody in Shaoguan C&R Interchange Center. Relative must come and pay a guarantee for him before XXXX date. Those who don't come to pay the guarantee will be responsible for the consequences. Guarantee charge 680 *yuan*. Take a No.3xx bus from the Shaoguan train station to the C&R center." The telegram said nothing about why this person was being detained, or give the full address of the C&R center, neither did it break down the charges to be paid by items.

IV. Tong Yi

From October 15 to 25, 1996, Tong Yi was detained at the Beijing Changping Huilongguan C&R Center (also referred to as the Beijing Public Security Bureau, Thirteenth Section). For several hours on October 26, 1997, she was held at the Hankou Shelter and Repatriation Center. She now lives in New York.

On October 14, 1995, I boarded a train from Wuhan to Beijing. The train arrived in Beijing at about 4:00am the following day. As soon as I got off the train, more than thirty policemen surrounded me. They were waiting for me. They searched my baggage, while videotaping their search. Then they took me to the shelter and repatriation center. I arrived at the center sometime between 5:00am to 6:00am.

The police did not inform me why I had been detained. They did not offer me any explanation throughout the period I was held at the C&R center. I believe they detained me because they thought I had some written material with me that I was going to distribute, or that I planned to meet with journalists. My detention was a preventive measure. My family was later told that I was held because I did not have an identification card. But my ID had been taken away by the Public Security Bureau (PSB) in Beijing when I was arrested in April 1994. When I was released from the RTL camp, I informed Wuhan PSB that I was going to Beijing to get my ID card back. According to law, the PSB in Beijing should have returned my ID card when I was released from prison...

The staff at the repatriation center were uniformed police. Female officers monitor the female detainees and male officers the male detainees.

The center was divided into two courtyards: one for female detainees, and the other for men. The police lived in a small room away from the detainees, and did not seem to care what happened in the courtyard, where people were free to walk around. There were people with mental problems, homeless children, people who came to Beijing to appeal or make claims and beggars all kept together in the same courtyard. The police generally didn't interfere, no matter what's going on in there, even when there were fights. The trusties (*laodonghao*) sometimes broke up fights, but other times they liked to watch them for entertainment.

There was a two-story building to one side of the courtyard. Between 200 and 300 people are kept there in rooms of various sizes. I was placed in a big room with relatively fewer people, maybe nine of us altogether. An nearby room, which was smaller, held nine old women who had come to Beijing to make appeals to the authorities. That room was approximately twelve square meters, or maybe smaller.

The bed was a big elevated wooden board, which all nine people slept on. Each person had one quilt as mattress, and one for a cover. Although the quilts were unimaginably dirty, you have no choice but to use them as it was very cold at night. Everything in the room was dirty, and this was the cleanest of the rooms I saw.

One of the women in my room was a prostitute who was the head trusty for the whole courtyard. She was in charge of distributing food and water, and had special privileges. We were not on good terms, perhaps because the guards treated me relatively well. The day I arrived, she took away the new quilt that had been given to me. Later, she coaxed an insane woman into taking apart the old quilt that I had gotten after she took away my new one. When I first arrived, she had asked me why I was taken there. When I told her I didn't know, that I was arrested as soon as I got off the train without any reason, she said that this was "impossible." No matter why she thought I was there, she saw the police being relatively polite to me, and took a dislike to me.

Meals were provided twice a day. For every meal, you had to go out into the courtyard. There were supposed to be lines, but actually you had to fight to get to the food, so sometimes I didn't get to eat. Usually you got a dry cornmeal bun, sometimes two. Occasionally there was some other dish or soup, but in inadequate amounts. There was no hope, however, of me getting these. There was also a small store where you could buy instant noodles, but of course the prices were much higher than those outside, probably more than 30 percent higher. There was no hot water for noodles, so you had to eat them dry or with cold water.

All the people used the same toilet, which was on the first floor. I can not overstate the dirtiness of that toilet. My room was on the second floor, and I was told that must stay on that floor: if I wanted to use the bathroom, I must use a big pot in my room. However the gate separating the second floor and the ground floor was not locked, so I was able to go down to use the toilet and wash whenever I needed to. Later I heard that the gate separating the second floor from the ground floor used to be locked all the time until the old women who came to Beijing to appeal went on hunger strike for nine days to get it unlocked.

Because the repatriation center is supposed to be an intermediate stop for holding undesirables before they get sent on, there are no real facilities for bathing. There were two faucets in the courtyard outside of the toilets, which is the only place any washing could be done only there.

If anybody became ill, they would be sent to a nearby mental hospital, whether they suffered from a mental condition or not. One middle-aged woman who came to Beijing to appeal had a severe headache and was sent to this hospital. She told me that she was treated better there than in the C&R center: the food was better, and she was allowed to take a bath.

When I argued with the woman who had torn up my quilt, a guard interfered. "You know you will be held responsible for any consequences of fighting with a crazy person," she told me, "a crazy person will not be penalized even if she killed someone in the fight. It is the law. You can only suffer if you fight with her. Go downstairs and 'travel by plane'." Travel by plane means that you stand in a corner of the courtyard, bend forward from the waist, and extend your arms backward. I had not done anything wrong. I did not hit the woman, I only shouted at her and dragged her out of our room because I was very angry. I refused to go. The guard, who was younger than me, did not force me to go. She knew why I was there.

The guards make people travel by plane very often. They ordered the trusties to watch you. How long you had to stay in this position was up to the whims of the guard. Usually it was not for too long, probably no longer than one hour. But standing like that even for a short while is very painful.

Another time, another person with mental problems had a fight with one of the children. The guards ordered a few men from the men's courtyard to tie her up with thick ropes. They tied her down on an iron bed out in the courtyard, without any bedding. Then they forced her to take some medicine, probably a sedative because she quieted down. They let her sleep in the courtyard that night, and sent her to the mental hospital in the morning. This was the only time I saw someone being tied up. Usually, if the insane people do not attack others, they are left alone.

I was told by other frequent visitors that deaths are common in the C&R center. I didn't see this myself, but I believed them. There were absolutely no rules there.

From my observation, people who are detained in the shelter and repatriation center are generally from the bottom level of society. They are usually very poor.

There were people who came to Beijing to appeal to administrative agencies. I frequently visited the room for the women who came to Beijing to appeal. All of them were over 45 years old. Each of them had a shocking story. They were usually sent to the repatriation center by government agencies or the offices of government leaders.

For example, one woman, surnamed Bai from Yingkou, was there because her son had been killed in a traffic accident in 1981, when he was walking to school. The driver whose car killed him was a relative of the Party secretary of the city. As a result, the victim's family was neither compensated financially, nor was the driver penalized in any way. The mother was outraged, and from that point on continuously went to Beijing to make claims. She told me that in 1994 during the "two conferences" [the meetings of the National People's Congress and the Chinese People's Political Consultative Conference], she tried to force her way into the conferences, and was taken away by officers of the People's Armed Police. This event was photographed by Associated Press, and published. She said she went to Jiang Zemin's office very often. She asked me if I had heard of a person who stopped Jiang Zemin's car, and I admitted that I had heard about that event in 1993. She said, "That was me. Those government leaders are not afraid of rioters [*baotu*, the official label put on the 1989 demonstrators], but they fear those of us who come to make appeals." She had been in the repatriation centers many times, probably over one hundred times.

The first time someone is brought to the center, they are usually detained for up to half a month, and then sent home together with other people from the same area. If you've been there several times, and the police have come to know you and know you will come back again to harass the government, they will detain you for longer periods, two to three months, three to four months, or even half a year. I know of one of these women who was held for a total of four or five years. I am not sure who made the decision when to set these people free. I believe it was the police at the C&R center, although the agencies who sent them there probably had a say as well.

Another woman came to Beijing to appeal against the China International Trust and Investment Corporation (CITIC). She worked for CITIC in Baotou. Then CITIC asked her to work in a school in another city in Shanxi province. They promised to raise her salary and give her better apartment if the school performance met certain standards under her management. She agreed, even though it meant living away from her husband while working at the school. At the end of her term, CITIC refused to fulfill its obligations under their contract. When she came to Beijing, she told the people at CITIC, "If you don't solve my problems properly, I'm going to expose you to the Human Rights Committee of the United Nations." CITIC immediately called the police and had her detained. She had been held there for over a month.

Each of the nine people who came to Beijing to appeal had stories full of blood and tears. I told them that they should claim their rights: they didn't commit any crime so the police had no right to imprison them at the C&R center. After this they talked with the guards. The night before I left, all of them were sent home, except for the teacher from Baotou.

The day before I left, the guards called CITIC. Her old employers said, "Order her to write a promise that she will not to talk with the Human Rights Committee. If she doesn't make this promise, don't let her out." They guards forced her to place her fingerprint on a prepared promise. This is a good example of how deeply afraid the Chinese government is of international scrutiny, and how much a Chinese citizen risks if she wants to exercise her rights.

Another woman was from the northeast. In the 1960s her husband had been wrongly accused of murder. He was a professor in a medical school in Shenyang. He was beaten after his arrest, leaving him handicapped, and the whole family was exiled to a rural area in Heilongjiang. She kept coming to Beijing to appeal after her husband died. She insisted that her husband didn't commit the murder; he was framed. Because the person who framed him had escaped overseas, she could not directly depose him. Once tried to force her way into Zhongnanhai naked. She took off the entrance sign at the Ministry of Health during the "two conferences" and carried it to the People's Congress.

Another women from the countryside in Dalian had lost her husband. He died during a sterilization operation. The Health Bureau said he had died of a sudden illness during surgery. The woman claimed he had never been sick, that he was killed by the surgery, so she kept suing the Ministry of Health. She and the other woman took off the entrance sign at the Ministry of Health together. They became good friends while appealing against the Ministry. They were taken to the C&R center at the same time, and were sent home together.

There was another woman from Liyang, Jiangsu. For some reason, the head of the PSB there sent somebody to set fire to the woman's store. This PSB officer was the cousin of Tao Siju, the Minister of Public Security. Probably because of overdue taxes or something, Tao's cousin had a grudge against her family. I'm not very clear about the details of her case. It seems like the PSB sent someone from the Tax Bureau or the Commerce Bureau and set her store on fire. She had sued for two years without any result.

There were also several homeless children in the center. There was a girl named Xiao Qin, who had lost both her parents when she was twelve. She then lived with her grandmother, who was very poor. She left home to stay with a relative in Beijing and try to learn some skills. She came to Beijing by train all by herself. After she got off the train, she asked a policeman whether he could help her find her uncle. The policeman asked for her name and family address. Once he found out that she was an orphan, he sent her to the C&R center. She had been detained there for at least seven or eight months when I was at the center. She had been told she would be kept there until she was eighteen, because her grandmother was unable to take care of her. She had asked to be sent to an orphanage where at least she could go to school. The answer was always, "We are discussing this."

Some of the other children had been there for several years. I think some of them had been there for two to three years. There were also disabled children. One child had one leg and had to crawl around. There were also retarded children. Another child, who was about fourteen, had gone to get an abortion because she was pregnant from having been raped. After she got the abortion, she was sent to the center. It did not seem to me that there were any plans to send these children home. There were ten children there altogether. Their room was the dirtiest, and no one looked after them. The youngest was three years old, the oldest fourteen years old.

There were also prostitutes, as I mentioned earlier. The PSB had a special team for cleaning up prostitution and attacking illegal activities. Although the prostitutes may be prosecuted later, for

now they were being held in the C&R center. I heard that there were drug addicts imprisoned there too, but I did not talk to any.

Some people had been taken in during police checks on residence registration. They do this quite actively before important political events. I met one very well-dressed lady there. She had been living and working in Beijing for a long time, but she lived with her boyfriend in a rented house without proper registration. They were caught when the police checked their registration, and both were sent to the center. They had identification cards, but they didn't have a marriage certificate or residence registration.

Some other people were just walking on the street. The police saw that they were badly dressed, not tidy enough, and so took them in. The police can tell if you are from somewhere else. You don't have to be in Beijing making appeals or claims at an administrative agency to get hauled in. Some people were just in Beijing to visit relatives. They were detained because they did not have an identification card with them. If their relatives come to get the detainees out, they need to pay a "guarantee." Of course, first the detainees need to let their friends or relatives know they are being held there. This means they also have to pay the police to notify their friends or relative. That is why the police like to put people in the center, so they can get paid.

There were several unstable women there who the police had taken off the streets. One woman claimed to be Jiang Zemin's cousin, another to be Deng Xiaoping's daughter. "Deng's daughter" really did look like Deng Xiaoping. She said that her mother was Zhang Zihua, Deng's wife before Zhuo Lin. No one believed her—or nobody recognized her—and she was imprisoned there. She said she wanted to see her father, Deng, before he died. She was sent home later.

The guards treated different groups of detainees differently. The older women who came to appeal and had been there many times were generally treated better than the other detainees. Of course, the trusties were treated better. The children were also. For example, the children and old women sometimes got noodles while everyone else was given cornmeal buns.

I am not sure if political detainees usually get better treatment. I think the guards see people like me very rarely. I was relatively well known in the country, and my case was related with Wei Jingsheng. I guess the policewoman who took me to the center warned the guards to treat me well.

When I was released, the trip home was a nightmare. The center reserved one entire train car for sending back people on the line from Beijing to Wuhan. It was very crowded. There were more than 100 people, both men and women, being sent home from the center. Four people had to squeeze into seats meant to hold three, three people squeezed into seats meant for two. I was made to pay 100 *yuan* for the food I had had at the center and this train ride home.

About ten rows at the front of the car were reserved for the police. There were maybe 20 policemen in the car. One was stationed at each end, and they changed shifts every hour. One person who was not very respectful to the police was kicked by a young policeman. The policemen were very brutal. If you needed to use the bathroom, you had to ask permission.

It took us 20 hours to get from Beijing to Wuhan. Before the train left Beijing, they gave each of us one very hard pancake to eat on the train. There was no room to sleep. The cabin was thick with cigarette smoke. I was exhausted.

At some smaller stops, for example Baoding, people from that town were let go free without being met by local policemen. Maybe those people paid the policemen to let them go, or maybe there was some other reason, I am not sure. At a bigger stop, such as Zhengzhou where all the people from Henan were let off, some of the police accompanied the detainees off the train. In Zhengzhou they were taken to the Zhengzhou C&R Center.

Most people will not have the money to go back to Beijing immediately. I met a couple on the train with three children. They were from Huangmei in Hubei. Their home had been destroyed by someone in their village, so they were homeless. They went to Beijing to report on and sue the person who destroyed their home. All they wanted was a place to live in their village. They didn't have the money to pay for the train tickets, so they walked to Beijing on foot. They begged on their way to Beijing, where they were detained.

When the train finally arrived in Wuhan, all the remaining detainees were sent to Hankou C&R Center. When I arrived, I was shocked by the terrible conditions. It was even worse than the center I had just come from.

The Hankou center was built and managed by the Ministry of Civil Affairs. There were only a few guards in civilian clothes. Only one old man was stationed outside the area for women detainees.

There was no courtyard, it was really just a big shack. The walls were very high, probably two stories. The roof was not connected to the wall. There were no windows, and no matter how sunny it was outside, it was always cold and damp inside. The huge shack was separated by a wall into two areas, one for men and one for women.

There was a smaller room within the big room for women. Through the entrance, I could see there were about ten insane women in there. There was human waste everywhere in that room. The women didn't have any clothes on, and had dirt and human waste smeared on their bodies. The room smelled terrible, and everybody else kept as far away as possible.

In the big room, there were about 50 people, including 20 to 30 people who had arrived from Beijing with me. There were no beds in the room. I was told that every night wooden boards were distributed for sleeping, but that they were taken away the next morning. There was no furniture, so everybody either stood around or sat on the floor. One woman was in charge of distributing food. She had formerly been a detainee there, and had volunteered to stay and work there for 59 *yuan* a month. She lived in the same big room with the rest of us, but had her own wooden board for sleeping and sitting and was free to leave the room.

Meals were provided twice daily. I had rice there, better than the food in Beijing center. There was a thermos, so detainees had hot water to drink, unlike in Beijing. This is the only regard in which the Hankou center was better than the Beijing center.

The toilet was a small separated area within the big room.

I met a tailor there from Huangpi City. She was late in paying her tax, so had been sent there the day before. She said she had contacted her friend and would pay her way out.

There was a homeless orphan, about 12 or 13 years old. She had lived there for two years.

They told me that I could only get out if the political security section gave its permission. Fortunately, my parents called and found people from the that section. My parents and the person from that section all came to the center. My parents had to pay 300 *yuan* for the food and travel costs before they let me go, even though I had already paid 100 *yuan* in Beijing.

V. Huang Xiang

From May 18 to June 20, 1995, Huang Xiang was detained in the C&R Center and the C&I Center in Changping County, Beijing Municipality. He was interviewed in New York where he now lives.

I was detained in the Beijing Changping County from May to June 1995. I stayed at a C&R center for more than ten days, and at a C&I center for more than 20 days.

When they arrested me in the Artists' Village [in Yuanmingyuan] they didn't tell me why. That year, I was going to publish a book. My works had been banned in mainland China for a long

time, but in 1995 I had signed a contract with the Writers' Publishing House to publish a collection of poems and essays. After the book had been printed, the authorities... ordered the publisher not to publish or distribute my book.

I believe their action violated the Chinese Constitution and Chinese law. So, in accordance with the law, I brought a suit against the Writers' Publishing House for breaching of contract...

Beijing's Second Intermediate Court accepted my case. They didn't know who I was. They have to accept complaints. So they happily received my filing fee, according to the legal procedures. At that point the authorities were alerted about the case... So they applied pressure on the court, and the court dragged its feet, and for months the beginning of the hearings were postponed.

After we filed suit, we accepted interviews from both domestic and international media...

In the period before the June 4 anniversary we also signed several open letters, which included requests to reverse the verdict on the June Fourth Incident, to abolish RTL and to celebrate the United Nations Tolerance Year.

Then one day, late at night, many vehicles arrived. The entire Artists' Village at Yuanmingyuan was in chaos. Nobody knew what was going on. No one could imagine that it takes so many people to arrest a poet... At that time of the night we were in bed. Violent knocks on the door woke us up...

I got up and went to open the door. They confiscated the open letter, with many signatures on it, that celebrated the Tolerance Year...

They came and took the public letter with them. I told them that it was personal property, that they had no right to confiscate it. They replied that they were just borrowing it to take a look. I asked when they would return it to me, and they didn't answer. Then they were ready to take me away. My wife, Zhang Ling... asked them why they were taking me away. The policemen said: "Not only must he go, you must go too." Then they forced us into their vehicles.

It was late at night. All the people of the Artists' Village, painters, poets, photographers, rock singers were shocked, but they didn't know what was going on. They took us to the Qinglongqiao police station. I thought that, after questioning us, they would set us free. But they didn't. They sent us to the Beijing Changping County C&R center.

That place was hell on earth. It is much worse than normal prisons. The people detained there were mostly migrants from outside Beijing and they are not treated as human beings. Considering all living conditions, including food, I say that that is not a place for a human being.

When I first arrived, I was starved for two days, and had no water to drink for a whole day. It was very hot. Because I was on the second floor, I could see the other yards. I heard my wife's voice, and knew she was going on a hunger strike. She went on hunger strikes twice, the first time for three days, the second time for two days, refusing to eat and drink. She was simply asking the prison authorities to tell us why we were detained.

They had just locked us up there. They didn't show us any documents or ask us to sign anything, that's why my wife protested.

As I said, living conditions were terrible. There was no bed to sleep on. People just slept on the floor. There was not even a quilt. Only later did they bring us a worn-out and dirty thing. It had probably not been washed since the center had opened. It had a hard shell of dirt and excrement and you wouldn't want to touch it. So I just left it in the corner without using it. Another similar dirty cotton pad was on the floor. I turned it inside out and used it as a mattress. There were no sheets.

As for meals, there was no bowl or chopsticks. It was impossible to eat and we were treated worse than pigs. At first, they let us go downstairs for meals. The so-called meal was no meal at all.

An iron cart was brought in. It had watery stuff in it with yellowish leaves. You couldn't tell what dirty stuff was in that thing. When the cart arrived, the crowd would rush to it. Many people didn't have any utensils and just stuck their head into the bucket and ate like pigs. At my age, how could I get anything in such a fight? Some people used plastic bags to scoop out the food. The heat burned their hands, and they couldn't hold the bags. The soup would spill all over the floor. Those who could grab something in the fight would have something to eat, the others had no other way, and would go hungry. That's why I went hungry for two days.

Later we were locked up upstairs and were not allowed to go down. At meal times someone would come and lead us to where we would be given something to eat. The food was poor in quality and quantity. Everyone was left half-starved. There was no water to drink because there was no boiled water at all. You were treated as an animal, not as a human being. We asked the person in charge for some water. He dragged a hose from the restroom and poured water into our mouths. How could you drink like that? I was starved for two days, and went thirsty for one day.

The guards were cruel brutes. Some of them were detainees, selected to be head of small groups, and they behaved as badly as the guards. When their supervisor came we protested. But he did not respond.

We were upstairs. The migrant people filled up the yard below. There were children, elderly and handicapped people. They were all very poor and desperate, on the borderline between life and death. Every day new people were brought in and some were sent off. I don't know where they were sent. At peak time, there were about 500 or 600 people.

Early one morning, before everybody else got up, from upstairs I saw two people lying on the ground. I thought they were sleeping there, because they were covered with a very dirty sheet. But then I realized they were corpses. Later I heard they were shipped directly to a crematorium. No one knows who they were, where they were from or how they died. Most likely their families did not know that they had died. Lives were wasted like that. It was merciless and cruel.

Now upstairs it was almost empty. As I was considered a special case, I was locked up alone upstairs. Then an old man was put in the same room to watch me. He said he was a friend of Deng Xiaoping and apparently Deng always asked for his opinion on reforms. But he was crazy. A vagabond who had spent his long life wandering, and had now lost his sanity. Such a person lived with me and watched me. But a crazy man might attack you any time. I didn't dare to sleep...

Then Yang Kuanxing was arrested along with another young man who was detained in a peculiar way. He was a friend of Wang Dan's and had been involved in the Democracy Movement. He was going to visit Professor Xu Liangying when he saw the building surrounded by many vehicles. He went up the stairs and someone asked him who he was visiting. He said: "I am visiting Professor Xu Liangying." So he was arrested...

We were locked up in separate rooms and were forbidden to communicate. We could only see each other from the window, and gestured to each other. One day, because we had been protesting against such cruel treatment, a man in charge came. He talked to me from downstairs and said: "Come down!" I went down.

He said: "Didn't you ask for improvements of the conditions? Now we will improve."

I asked: "How?"

"You come with us".

"Where? You must tell me where..."

He said: "You will know once you are there. That place definitely has better conditions than here."

I said: "If you don't tell me where we are going, I won't go."

He said: "If you don't go, you'll have to stay."

I said: "Conditions must be improved here!"

He replied: "You'll have to go whether you want to or not!"

By force they escorted me and Yang Kuanxing to another place... a C&I center. The three of us, Yang Kuanxing, the other young man and myself were locked up in three different cells.

It was even more miserable. We were each put in a different room, crowded with other prisoners. It was impossible to sleep. Every person had to lie on his side. You could not turn over, there was no space for you to lie on your back. You had to lie on your side. We were one against the other, sleeping on the floor. Now there were quilts, bowls and chopsticks to eat. But we were detained like criminals.

We stayed there for about a month. Not once during that month were we allowed outside. The food was the same as in the C&R center. The only improvement was that we each had an iron bowl and a pair of chopsticks. There was no other difference. Because of the extremely bad food, lack of nutrition and all the other tortures, I felt extremely weak. The toilet was not separate, it was a partitioned area in the cell. When I squatted down to use the toilet, for example, I could not stand up again. I don't know how many times I fainted in the toilet...

Both the C&R center and the C&I center were in different yards of the same facility in Changping County. When we were first sent to the C&I center, we were stripped naked to be searched. It was an insult to human dignity. Our belts and shoe laces were all taken away. In addition, the guards were as fierce and brutal as devils. Then we were sent back to our cells. Once you were locked up there, you would never get out. I always asked: why are you detaining us? What is the legal basis? But no one answered.

During all this time, there was no interrogation. No one bothered. Once in there, I felt I had disappeared from the world and no one would remember me. If no one remembered me, I would stay in there forever...

Fortunately, my wife constantly protested in the other yard and forced the man in charge to promise that we would be let out after June 4. After a month of incarceration, we were indeed let out.

Only then, after June 4, someone called me out for an interrogation. Previously they had said that we were detained because we didn't have temporary residence permits. We had applied, I told them, and the police at Qinglongqiao said we didn't need residence permits. But in fact we had been refused the permits.

In the interrogation, they didn't ask us about the temporary residence permits: they asked bluntly: "Why do you want to sue us? Do you want to challenge the socialist system and the proletarian dictatorship? Why did you sign those open letters? Do you want to insist on your reactionary beliefs and oppose us?" They asked about matters which had nothing to do with temporary residence permits. It was clear that if you filed suit against them, if you signed the open letters, they would send you to jail.

Afterwards, four people escorted my wife and me to a vehicle. Two of the four people were office chiefs (*kezhang*) from the thirteenth section of the Beijing Public Security Bureau. The other two were squad chiefs of the People's Armed Police. They told us their titles themselves. The four of them escorted us to Guiyang, in Guizhou Province. On the way they told us that if we were not obedient, they would handcuff us. On our way back, one of the office chiefs hurled insults at me...

I stayed in the C&R center for more than ten days, and in the C&I center for more than 20 days. In that second place, there were about 20 people in one cell, which was about five square meters. People were forbidden from telling other detained people about their cases. Nobody knew why I was there. No one ever asked me. In the C&I center they tortured you with extremely bad living conditions... You also had to sit through the day, literally, every day. *Zuoban* means you must sit straight: you cannot lie down, nor can you stand up, let alone walk around... Starting from the moment when you got up in the morning until lunch time, then again after lunch time, you must sit there without moving. It was a kind of physical punishment... We sat there for more than ten hours a day. One day after another...

If you lay down, they would make the other prisoners force you to sit up again. If you didn't sit up very straight, the jailers would encourage other prisoners to beat you up. Everyone must do *zuoban*. Even the prisoners who beat you up had to do *zuoban*. When a prisoner beats another prisoner, how can you reason with him? The jailer doesn't take any responsibility. He says he didn't beat anybody. They put the "group leaders" in charge, and encourage them to beat you instead.

VI. Zhang Ling

From May 18 to June 20, 1995, Zhang Ling and her husband, Huang Xiang, were detained in the Beijing C&R Center in Changping County, Beijing Municipality. She was interviewed in New York where she now lives.

Officers from the C&R Center and from the Qinglongqiao local police station, in charge of the Artists' Village area where we lived, came to take us away. They came at night with many cars and asked if we had our temporary residence cards. My husband and I had gone to Beijing to bring a lawsuit. (See Huang Xiang's statement). I had a job and normally, as long as you have a job, whether or not you have a temporary residence card does not matter. When we first arrived in Beijing, we went to apply for the cards, but were told that our situation was well-known, that we didn't need to get them. In fact, no one from the Artists' Village was allowed to apply for a card. We didn't know that it was a trap.

At difficult times, such as around June Fourth, they detain people who are not considered "obedient," ostensibly because they do not have residence cards. Our case was getting some attention in Beijing, so in order to prevent trouble they wanted us out of the way around June 4th. They took us to the local police station. They did not give us any reason why we were being held. They just said they were going to send us home. But actually they took us to the C&R Center. We asked why we had been imprisoned there. We were told it was because we didn't have the temporary residence cards. But tens of thousands of people in Beijing do not have these cards. Why just imprison us? If the reason was that we did not have the cards, they could have let us apply. We had signed some open letters. When we were interrogated, they only asked us about signing the letters. But when we asked again why we had been imprisoned, they said it was because we did not have the temporary residence cards.

When I first arrived at the center, I thought they had brought me to a mental hospital. I saw some old women who had obvious mental problems. They crawled on the ground, where there were smelly pools of water that had turned green. I went on a hunger strike to protest. When the center's director came, trying to persuade me to eat, I asked him why we were there. He said: "It will be over after June 4." I had not taken any food or water for three days. After hearing this, I began to eat again. If we are let out after June 4, then I will put up with this for the time being, I thought.

In the women's part of the repatriation center we called our jailers "captain" (*duizhang*). They were all in police uniform, and looked very fierce. Someone told me that they hire them from the rural areas nearby. Soon I told them I was a journalist. They may not have known who I was, but they knew that mine was a special case. So while they treated other people very harshly they were relatively civilized with me. I am not certain how many guards there were, since there were shifts, but I would guess there were more than ten of them.

Among the migrants living downstairs, they picked a few people they trusted. They put them in charge of the migrant people. The people living downstairs were from the lowest level of society. There were prostitutes, thieves, speculators (*toujidaoba*) and people with mental problems. The trusties distributed the food and did other work in exchange for privileges. For example, they got the best food. The trusties were very harsh, and beat the people in their charge. The guards beat the detainees as well, but the trusties beat people at random. They dragged them on the ground. I heard people cry as if they were in hell. The guards beat the people who were not obedient. Some of the people who had come to Beijing to make appeals, for example, were eager to be released and demanded to be let go. The jailers would beat them with aluminum rods and leather belts. The very stubborn ones were tied to an iron bed and beaten with leather belts. I saw them beat one woman. When she first came in, she acted normally. She was in Beijing to make an appeal. After a few days, she became impatient and began to show mental problems. They tied her to the bed and beat her.

I was watching from the second floor, and they shouted harshly at me, forbidding me to watch. I was angry. I opened the window and shouted back: "You can beat people and I cannot watch? She has mental problems. She is not a convict. Why are you beating her like that?" The jailer said: "Wait up there. I will come up and beat you too." I told her: "I am a citizen. We will see if you dare to beat me. I did not violate any law." The guards around her said something quietly to her, probably that I am a journalist. She did not come after me.

I lived upstairs and it was never quiet on the ground floor. The beatings occurred very frequently. There was always crying and shouting down there. An iron gate separated the two floors and it was usually kept locked. In the rooms on the ground floor, which I was able to see into when they brought me in for interrogation, there were big sleeping boards where many people slept.

At first, I was locked up all by myself in a room upstairs. But when I was on the hunger strike, they must have been worried that I was in danger and they let more people into my room. They were awaiting trial and were asked to watch me. The two rooms upstairs were big and when I was there there were very few people, a little over ten persons, but I heard that after a riot in Xinjiang and during the "two conferences," many people had been imprisoned there.

The upstairs rooms were better than those downstairs and less crowded, but still dirty. We had to sleep on the cement floor, and the bedding was very thin. It was impossible to sleep. The bathroom was clogged. It was indescribably dirty. The people living downstairs were free to walk around the courtyard. During the day, they could stay in the courtyard and do whatever they wanted, including fighting. Upstairs we were imprisoned behind locked doors. Sometimes when they felt like it, they would let us go down to clean our nightsoil pots. We kept them in the room, using the pots as toilets. We cleaned them twice everyday, once in the morning, once in the afternoon. It was equivalent to exercise time for us. The rest of the time, we had to stay upstairs.

There were a few hundred people at the center. When there were important events going on, they arrested a large number of migrants. When I was there, it was just before June 4th, so they must have arrested a lot of people. Then many people were sent home, and there were fewer people left in the center for a while, until they made another round of arrests.

We were fed twice a day. The food was extremely bad, like pigs' slop, and it was brought up in a big bucket. There were flies, dirt, yellow vegetable leaves, leftover noodles from the jailers, all put in the soup. There were also cornmeal buns, which had sand in them. When they were cold, they were so hard that you would get a bump on your head if someone threw one at you. The bowls were very dirty. Sometimes, on Saturdays, we were given two, small, dark wheat buns. They were the best food there and when we got them it was like a feast.

After they brought the food upstairs, they asked each person to put her bowl on the floor. Then they would pour the food from the bucket. I protested immediately: "I will not eat food served like that! It is too unsanitary." They did not use a serving spoon. At least we had a bowl, though, and we upstairs were better off than downstairs. There, people had to fight for food, and not everyone had a bowl. Some of the migrant people did not have utensils. They would use plastic package bags for instant noodles to spoon out food out of a big iron cart. They bought them at the center store.

If you had money when you got there, they would ask you to buy a new quilt. But we did not know we were going to be brought there, so we did not have any money with us. If you do not have money, they give you dirty quilts. Very dirty quilts, shining with oil. One as a blanket, the other as a mattress. I had to use my clothes as a pillow. Some people who came later did not get quilts because there were not enough for everybody. The people who had come earlier would give them one of theirs. Fortunately it was warm. I do not know what the winter would be like there. It must be terrible.

There were no towels, no toilet paper. If you had money, you could ask the trusties to buy these items for you at the store. If you did not have any money, you had nothing. I heard that when they had their periods and did not have tampons or pads, some women would tear off the dirty cotton panels of their quilts.

Later, one of my husband's friends was sent there and he gave my husband some money. Knowing that I had no money with me, my husband sent me a few dozen *yuan*. I used some of the money to buy a toothbrush, toothpaste, and these kinds of things. When I went away, I left what was left of the money to my fellow inmates so that they could buy toilet paper. Can you imagine a woman without toilet paper? It is just too horrible. But we were lucky. We had a bunch of meal coupons in our room that someone had left behind. Some of the women who did not have toilet paper used those coupons. The coupons were made of rough paper, but there was no other way.

When I first went in, I said to the guards: "You say these people are not convicts, then you should treat them better. The food and the sanitary conditions are dreadful." And they answered: "There are so many people here and they do not work. The state has to spend money to send them back home and they are just a burden for the country." They thought this justified our treatment. They regarded the detainees as a burden for the country, so they did not treat us well. They think they are doing us a great favor by not letting us die.

There was really no way to bathe. Everyday they only gave us half of a four-gallon bucket of water for drinking and washing. That half bucket was for all the people on the second floor, even though it was hot summer. When more people were brought in later that was still all we got. In my room alone there were four or five people.

For a period, they did not bring us any water. There was no drainage, but we had to wash and had to get our own bottle. We would stand at the door to wash and the water would flow out from the door. The guards got angry because water accumulated in the hallway.

There were a lot of pests. There were spiders and mice. If you were not careful, your food would be eaten by the mice. The mice got upstairs through the holes of the iron gate. From the second floor we could see mice running all over the courtyard.

I did not witness any serious illness when I was there, although some people had stomach ache and fever. They would buy some "Teramycin" (*tumeisu*) from the jailer. There was a doctor there, but he seldom provided medical care. When I was on the hunger strike, for example, the guards told me: "If you do not eat, you will be the only one responsible for your death," and I did not see the doctor for the first two days. On the third day I was very weak, and at one point when I stood up I fainted in the toilet. I heard my cellmates call the guards. It was probably the doctor who woke me up by stimulating my acupuncture points. I heard him say: "It is not serious, she was only too hungry. Give her some milk." But I refused to take it. So they asked the director to talk with me. He told me that I would be let go after June 4th, that there wouldn't be other trouble. I was afraid of that endless imprisonment. From the beginning when I asked them how long they would imprison us no term was given.. They said there was no limit.

I had a job and interview assignments. I was worried about my husband. He was not young and I did not know how many years we would have to spend in jail. That's why I protested. After they told me the date of June 4th, I agreed to start eating again. I heard other people say that if you refused to eat, they would forcibly pry open your mouth and teeth. I did not reach that stage. After I agreed to eat, they gave me some milk powder. There was no hot water to drink with the milk powder. I drank it with cold water.

The C&R Center is also called Beijing Public Security Bureau, the thirteenth section, or Society Security Section (*shehui zhi'an chu*). One girl was put in the same room with me. I think they asked her to watch me. She was a young prostitute, about 13 or 14 years old. She had been there several times. Every guard knew her by name. She would grow up to be a little crook. She had no education and no other options. She lived with those people there who are from the bottom of society, each with various personal problems. She wouldn't learn anything good there.

Shortly after June 4th, they called us out for interrogation. They only asked me about signing the open letter. They asked us about the content of the letter, why we signed it and so on. I told them: "Because it is our constitutional right, the right and freedom of expression. All citizens have the right to send letters to the People's Congress. We did not violate any law, we only exercised our rights under the constitution." But if you argue, they wouldn't answer directly. They only said: "You do not have a temporary residence card." We were at a loss. We really did not have our temporary residence cards.

Then on June 10 they came to book tickets for us. They asked me where I wanted to go. I told them wherever my husband was going. I was afraid that they would separate us. They said that I would certainly be allowed to go with my husband. After several days, they came to let us out. When the people downstairs left, each one was given one piece of dark hard bread. When our turn came, they also gave us one each. I refused to accept it. They said: "Take it even if you do not want it. What will you eat on the train? Do you want to die of hunger?" I requested that I be allowed to return to our home in Beijing, to get the keys. They were sending us to Guizhou, but the keys to our Guizhou home and money were all in our home in Beijing. They did not allow us to go back. They said we had to go to the train station directly. Then they took me to a jeep. It was at that time that, for the first time since we had been there, I saw my husband again.

On June 10 they came to ask us where we wanted to go and on June 18 they escorted us to our home in the Guizhou province. They took us to the train station. There were only the two of us. The two people who accompanied us were two office chiefs (*kezhang*) from the thirteenth section of the Public Security Bureau. When we got to the train station, two squad leaders (*banzhang*) from the People's Armed Police were waiting for us and joined us. We learned about their ranks on the train.

After we got on the train, they said: "Behave yourselves. Otherwise, we will make you wear handcuffs."

The four of them watched us on the train, sitting beside us, escorting us home all the way to Guiyang. Later people from Guiyang told us that the police from Beijing wanted to continue keeping us in jail.... A person from Guiyang's Public Security Bureau, Political Section (*zhengzhichu*), met us at the train station. They probably went through the procedures behind our backs. After handing us over, the officers from Beijing immediately went back. The Guiyang person asked us to report at the Public Security Bureau the next day. When we went there, they also asked us about the matter of the open letter. Then they detailed the three prohibitions:

"First, you can not go to Beijing. Secondly, you can not go to other cities, or if you want to go to other cities, you must inform us first. Thirdly, you cannot carry on any illegal activities. If you violate these three rules, we cannot do anything else but put you in jail again."

...They call it "custody," denying that it is a prison, and they deny that you are a prisoner. They only claim that you violated the Security Administration Punishment Act (*zhi'an guanli tiaoli*), but the scope of this is expansive. They can put you in a center for a violation of it, and you have to endure the inhuman and cruel treatment I described. You have no way to defend yourself.

It the only time that I have been to a C&R center and once is more than enough. I do not think I can come out alive if there is a second time. My husband has been imprisoned six times. I joked with him that each time the treatment he received was worse than the previous one. This last time was the worst. It is worse than the formal prisons because at least those places have more rules. These kind of "centers" are created to shut away the migrants and the officers at the centers do not take any responsibility. The government probably regards these centers as a burden. It has to provide for living and traveling expenses for the inmates, so they lower the standards as much as possible. It is good enough that they do not let you die.

But it's bad luck if you die in there. And I believe that if you die in there, your family will not ever find out what happened to you.

Appendix II

List of C&R centers

According to the most recent figures released by the Ministry of Civil Affairs, at the end of 1997 there were a total of 728 C&R centers in China.¹⁰⁵ The list below contains details, including addresses, of the facilities on which HRIC has collected information, including through interviews with former inmates.

In Guangdong:

Shahe C&R Interchange Center

35 Shuiyin Siheng Road, Shahe District, Guangzhou City

This is the main such facility in Guangzhou, holding about 1,000 persons, male and female, including children and babies. Staff number around 80.

Each cell in the three-story classroom type blocks holds around 60 people, who share an in-cell toilet. They all sleep on a platform in the cell. All detainees are issued with regulation clothing on entry. Women are given a washbowl.

This facility is mainly used as a processing center which quickly sends detainees on to other facilities.

Huocun C&R Interchange Center

Huocun Village, around one hour's bus ride from Guangzhou

This facility, a C&R farm, holds around 1,200 people of both sexes. Most inmates are reportedly indigent. According to former detainees, most are held there for around 40 days, during which time they have to work 12 hours a day doing cleaning or farm work. Occasionally inmates are taken to neighboring electronics and shoe factories to "help out."

Dajianshan C&R Center

Near Guancun Village in a tea plantation, two hours' bus ride from Guangzhou

This facility, a C&R farm holds about 1,600 male inmates in eight brigades of two hundred each. It has about 100 staff. (See report section on particular facilities.)

Huizhou City C&R Interchange Center

Xiexia, Huihuan, Huizhou City

This facility holds 1,500 to 2,000 inmates, primarily migrant workers sent from cities in the Pearl River Delta such as Shenzhen and Zhuhai. (See report section on particular facilities.)

Zhangmutou C&R Center

Hongshan Industrial Park, Zhangmutou

This center has 28 cells, with between 20 and 60 people in each.¹⁰⁶ Inmates of both sexes are held there. Some detainees there have attempted to migrate to Hong Kong, and others have been sent from Shenzhen.

¹⁰⁵ *China Civil Affairs Statistical Yearbook (Zhongguo minzheng tongji nianjian)*, 1998.

¹⁰⁶ Interview and "Zhangmutou C&R Center bursting at the seams," *Ming Pao*, August 9, 1999.

The exterior of this facility has been recently renovated. The civil affairs runs a guest house outside the facility which families seeking detained relatives can stay in. There are some 200 gravel quarries in the area, and detainees are reportedly put to work breaking stones during their stay in the center.

Conghua C&R Center

Gaobu Village, Dawei, Shaying, suburbs of Conghua City

This facility, located in a farm which is in a closed area, holds 600 to 800 detainees. It is difficult to find: there is no transport and it is half an hour's walk down a small road.

The center used to be in the category of "secret" C&R facilities, but changed in 1995. Before that time it contained mostly women, but now the population is mixed. The people there are sent from Shenzhen, Foshan and Dongguan. This center is generally used when other centers are full.

Obtaining the release of a detainee from this center costs 300+ *yuan* for men and 700+ *yuan* for women. Family members there were all seeking the release of female migrant workers.

Shaoguan C&R Interchange Center

Kilometer 3, Furong East Road, Xihe Township, Shaoguan

This facility has 20 cells each containing 40-60 people of both sexes, including children.

It is located on a small hill on the edge of the city, in a PSB compound which contains the HQ of the local police, the detention center and a police training school. There is a Forced Drug Treatment Center in the same section as the C&R center.

The buildings are large and quite new. People there are sent from Guangzhou, with most of them originally coming from Hunan or Hubei (Shaoguan is next to the border between Guangdong and Hunan). The perimeter fence around the C&R center is alarmed so if anyone touches it a siren will go off. (See also account of Ling X, above.)

Renhua Administrative Detention Center

Gaoping New Village, Renhua County

This facility is in a PSB compound which contains Renhua County police HQ, Renhua County Police Station and the PSB detention center. One informant said that the Administrative Detention Center (*xingzheng juliu suo*) here was used to detain people under C&R.

Shenzhen C&R Center

Lane 2, Bus Station Road, Yinhu, Futian District, Shenzhen

This center is newly built, and people who had been inside said it was "like a hotel." Inmates have individual beds and there is air-conditioning.

Many of those detained in this facility have been sent back to China from Hong Kong. Release on guarantee costs two thousand *yuan* or more, thus inmates have to pay for the better treatment they receive.

Processing of detainees is very rapid in this center. According to a notice posted on the wall of the information counter where relatives and friends come to inquire about detainees, those who are not eligible for release on guarantee will be immediately transferred to other C&R centers.

Shenzhen Longgang C&R Center

Huanglong Tang, Nanlian, Longgang District, Shenzhen

This is a very small C&R center with only four cells, labeled A, B, C and D. It does not hold more than 300 people.

Elsewhere in China:

Beijing Changping Huilongguan C&R Center

(also referred to as the Beijing Public Security Bureau, Thirteenth Section)

Changping County, Beijing

Run by the PSB. Population of several hundred male and female inmates in late 1996, including children, petitioners, mentally disturbed and many migrants. (See accounts of Tong Yi, Huang Xiang and Zhang Ling, Appendix I.)

Hankou C&R Center

Hankou, Wuhan

Was holding approximately several hundred detainees of both sexes in late 1996, including children and mentally disturbed people. (See account of Tong Yi, Appendix I.)