

Prisons in China

Research Paper



25 August 2017
Justice Action

Table of Content

I. Executive Summary

II. Criminal Justice System in China

Latest Trend of Crime in China

Incarceration Rates

Policing

Prison Authorities

Restorative Justice

Prison Conditions

Death Penalty

III. Chinese Society

Civil Liberties

NGOs in China

Media

IV. Rehabilitation Services

Recidivism

Connection with Families

Rehabilitation Services

Counseling Services

Education for Prisoners

Cognitive Behavioral Therapy

V. Resettlement

Support to Released Prisoners

VI. Conclusion

I. Executive Summary

Due to the prominence of Confucianism in Chinese history, its characteristics are embedded in the Restorative Justice system in China, which makes it different from Western countries. To have a deeper understanding of the situation, Justice Action had a meeting with a group of officials from the Bureau of Prison Administration, the People's Republic of China, on 10th August 2017, and discussed the importance of having a comprehensive Restorative Justice system.

From our discussion with the delegation, we have found that China has a considerable investment into Restorative Justice. We made an offer to the delegation that we cooperate to improve the Chinese Restorative Justice system. It includes creating a mentoring support program, creating an ex-prisoner support organisation in China, and setting up a computer system in prisons.

This report aims at understanding the Chinese system and evaluating the possibility of implementing 'Computers in Cells' in China. It provides an evaluation of the Chinese Restorative Justice system. It includes an overview of the Chinese society, a study of the criminal justice system in China and rehabilitation services that assist prisoners to reintegrate into society upon release. We believe that setting up 'Computers in Cells' is able to provide prisoners with the online counseling programs, and reduce the chance of reoffending. The benefit of this is to lower the recidivism and foster reintegration of prisoner with the society.

We have found that the rehabilitation services in Chinese prisons have the intention of assisting prisoners with reintegration. It is concluded that 'Computers in Cells' is a feasible option for China to adopt, so that Chinese prisoners can receive rehabilitation of better quality.

II. Criminal Justice System in China

1. Latest Trend of Crime in China

According to the World Drug Report 2009¹ published by the United Nations on Drugs and Crime, the homicide rate in China was cited as being significantly lower than that of the Western states, including the United States and the United Kingdom. Official figures also show that the number of homicides, robberies, rapes, bombings and gun-related crime in China has gone down drastically the recent fifteen years.

2. Incarceration Rates

Prison population rate in China is relatively low compared to Western countries, such as the United States and the United Kingdom.

Figures (2015):²

- Prison population total (including pre-trial detainees / remand prisoners): 1,649,804
- Prison population rate (per 100,000 of national population): 118
- Pre-trial detainees / remand prisoners: more than 200,000
- Female prisoners (percentage of prison population): 6.5%
- Juveniles / minors / young prisoners incl. definition (percentage of prison population): 0.8%
- Foreign prisoners (percentage of prison population): 0.4%
- Number of establishments / institutions:
 - Prisons under Ministry of Justice: 700 prisons
 - Juvenile Prisons: 30 jails
 - Re-education Through Labour (RETL) camps: 320 (reported to be closed)

Number of pre-trial detention institutions and special administrative detention facilities for drug offenders and prostitutes is not known.

¹ United Nations Office on Drugs and Crime, World Drug Report (2009)
<https://www.unodc.org/documents/wdr/WDR_2009/WDR2009_eng_web.pdf>.

² China Internet Information Centre, China's Judiciary (2017) <<http://www.china.org.cn/english/Judiciary/31277.html>>..

- Prison population trend

Year	Prison Population Total	Prison Population Rate (per 100,000)
2000	1,427,407	111
2002	1,512,194	119
2004	1,583,006	119
2006	1,710,641	118
2008	1,735,822	121
2010	1,650,000	121
2012	1,657,963	120
2014	1,657,812	119

3. Policing

Policing in China has the unique style where law enforcement is closely related to social services. The idea of ‘community policing’ is prominent in China; it suggests that the police, as the law enforcement agent, cannot be effective without the cooperation and active involvement of citizens.³ Therefore, it is important for the police to maintain good relations with the public. They are expected to not only tackle crimes, but also participate in social service oriented activities such as dispute resolution, information provision, lost and found, emergency aid, etc.

This phenomenon exists under that China is an authoritarian regime with a massive population of over 1.3 billion. In such a geographical and political situation, China relies on the cooperation between the authority and the people to maintain a stable social and economic development.

4. Prison Authorities

The Prison Law provides that the State Council judicial administration (Ministry of Justice) supervises all prisons across the country. The Bureau of Prison Administration under the Ministry of Justice supervises all prisons in the country. In the provinces (municipalities directly under the central government and autonomous regions), offices of justice are responsible for managing prisons in their own jurisdiction through their prison administration arms.

The two categories of prisons in China:

- Prisons incarcerating inmates who have been condemned by courts to a fixed-term sentence, life sentence or death penalty with two years reprieve. Male and female inmates are warded separately, with female wards managed by female law enforcement personnel. Prisons may also be divided into wards for felons and criminals of misdemeanor.
- Penitentiaries for juvenile delinquents, criminals of minor age who have been condemned by courts to a fixed-term sentence, life sentence or death penalty with two years reprieve. Special protection is extended to juvenile delinquents, with customized procedures in place to cater to their needs.

³ Xiaohai Wang and Dennis Sing-wing Wong, ‘Police Social Service Work in China: Community Policing with Chinese Characteristics’ (2012) 9 Asia Pacific Journal of Police & Criminal Justice 34.

5. Restorative Justice

Restorative Justice (RJ) is the idea of empowering crime victims, offenders and communities to take an active part in resolving the impacts of crime.⁴ And for China, Confucianism has been embedded in society for centuries, such that its quality has been shown in the RJ system of China. It can be seen in dominant practice of mediation.

The RJ in China includes the variety of measures below:

- Programs for youth delinquents with conditional non-prosecution/suspended sentence
- People's mediation
- Judicial mediation
- Criminal mediation

The positive side of these RJ measures is that they are applied to prevent young offenders from being incarcerated under certain conditions, and offer them with an alternative to provide reparation to the community or their victims. For civil and minor criminal cases, mediation is said to have four benefits, including 'enhancing social harmony', 'resolving disputes completely', 'respecting the will of the involved parties' and 'reducing judicial costs'.⁵ As these objectives come together with the Confucian values embraced in China, it is compulsory for the involved people in a family case in China to go through mediation before any sort of lawsuit. Therefore, it has been widely used to resolve a huge number of disputes, including domestic violence cases and much more. Other than civil cases, criminal cases are also resolved by principles of RJ in China. The cases involved include minor and major offenders, where they are put together with the victims for a resolution.

The potential drawback for mediation practices in these cases, however, is that social justice is left behind for the achievement of social harmony. For criminal cases, RJ measures might allow the escape of criminal responsibility through financial settlement; and for civil cases, these purely monetary solutions might not do justice to the society as it neglects the immaterial needs of victims, offenders and family members, such as women and children involved in domestic violence cases. Also, it is difficult to take into account all the interests of each party involved in a case, often leading to an imbalance of individual rights.

6. Prison Conditions

The prison conditions in China were described as 'ultimate, worst of all prison worlds'.⁶ The torture enforced to prisoners in labor camps includes physical and mental abuse, and poor living conditions.

It was reported that political prisoners in China are under the administration of extreme torture in China.⁷ In Liu Jintao's case, it was reported that he was forced to stand still in a yard for some 18 hours, and he was given no toilet breaks, subjected to electric shocks, medical tests, forced feedings, beatings and sexual assaults and more. Prisoners of similar political charges go through other similar

⁴ Dennis Sing-wing Wong, 'Restorative Justice at Different Levels of the Criminal Justice System in China: Challenges and Paths Forward' (2016) 4(1) *Restorative Justice: An International Journal* 10 26.

⁵ Wang L, 'Characteristics of China's Judicial Mediation System' (2009) 17 *Asia Pacific Law Review* 67 74.

⁶ Vivian Stern, 'A Sin against the Future: Imprisonment in the World' (1998) Penguin Books Ltd.

⁷ Megan Palin, 'Extreme Torture: Inside China's Correctional Facilities', news.com.au (online), 19 Sep 2016 <<http://www.news.com.au/world/asia/extreme-torture-inside-chinas-correctional-facilities/news-story/7e4a796bc1401d593f5cc58d7fd32ecb>>

torture such as sleep deprivation, isolation, electric shocks and forced feedings that cause major physical and mental scars on prisoners.

The prison condition during the great famine of China was especially severe. Sleeping spaces for prisoners in the Huangpu Detention Centre are in very bad condition, according to a released prisoner who served in Shanghai in 1986.⁸ Thirteen to fourteen prisoners are crowded in three squared meters, they are squeezed into two rows of straight bodies, head to head. Guards would beat the prisoners with truncheons and make them squeeze in more people. The dormitory would be soaked with sweat in summer, and prisoners' backs would swell with bedsores because they cannot move around.

In the 'reform through labor' programs in China, prisoners serve in a camp where huge pressure is given to re-mould their personalities. Prisoners have no access to direct natural light in their living area, no access to lavatories and nobody dares speaking to each other in the presence of the delegation.

7. Death Penalty

The foundation of death penalty is deeply entrenched in China, and the notion of "sha ren chang ming", the Mandarin equivalent to "a life for a life", is rife in Chinese literature and tradition. But the use of death penalty is not on the same page with the idea of Restorative Justice.

The crimes punishable by death include murder and terrorism related offences, through to espionage and economic crimes. As recent as 2008, a Chinese medical scientist was executed for leaking state secrets to Taiwan.⁹ The same year a city official of Chengdu was executed for seeking and receiving bribes, and in 2009 a securities trader was executed for embezzlement. The Supreme Court now considers the five main categories of death penalty-eligible crimes to be murder, robbery, abduction, drug trafficking and intentional injury. There remains significant public support for the death penalty. Reasons for this may include religion, traditional values including the communist philosophy.

China is the largest user of the death penalty worldwide. Since 2007, the number of executions has dropped dramatically after the Supreme Court regained the power to review all death sentences.¹⁰ In 2013, China carried out approximately 2400 executions, though the official number remains a state secret. Numbers at any given time are difficult to ascertain as the accused either face immediate injection or receive a two year suspended sentence, after which they get executed or a commuted sentence.

"If the case is deemed to be detrimental to social stability, the government might order the courts to issue death penalty," said Liu Weiguo, a Shandong-based rights lawyer. Even some supporters of the death penalty, like Guangzhou lawyer Cheng Zhunqiang, say that its legitimacy depends on the existence of an "extremely fair and just" judiciary, which China lacks. The current judicial system is unfairly skewed against the disenfranchised, and the application of the law is utterly arbitrary.

The government's propaganda seeks to convince people that killing is appropriate in certain circumstances. Six decades of Communist rule have inculcated the idea that an individual life can be

⁸ Ibid.

⁹ Cornell Law School, Death penalty database (2014) <<https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=China>>.

¹⁰ Dui Hua, Criminal Justice. <http://duihua.org/wp/?page_id=136>.

sacrificed for the greater collective good of the community, and the one-child policy is one good example.

A survey of conducted in Beijing, Hubei and Guangdong in 2008 by the Max Planck Institute¹¹ revealed that almost 60 per cent of respondents supported the death penalty. In such a circumstance, capital punishment is provided with great legitimacy, when it satisfies popular sentiment and public indignation in the execution of corrupt officials. China is one of the very few countries that has the death penalty for economic crime and has shown little mercy with disgraced government officials. To further consolidate the legitimacy of death penalty, arguments against the death penalty are rarely reported in the national media, causing the extraordinary high execution rate.

¹¹ Max Planck Institute, Public Opinion on the Death Penalty in China (2008)
<https://www.mpicc.de/files/pdf2/forschung_aktuell_41.pdf>.

III. Chinese Society

1. Civil Liberties

Human rights in China are protected by the constitution. However, frequent news reports have shown a severe restriction of human rights, especially when they are perceived to conflict with the social stability in the country.

Any demonstrations, parades, or other forms of large-scale assemblies need prior permission from the government, restricting the people's freedom of expression. Furthermore, the 'one-child policy', even in its relaxed form, continues to limit women's rights, as does gender-based discrimination at work.

The tight control continues on the internet. Numerous foreign or local websites are not accessible, most prominent of which are Western social media sites such as Facebook and Twitter. This internet censorship is often referred to as the 'Great Firewall of China'. In the autonomous regions of Tibet and Xinjiang, where ethnic tensions have been particularly high, internet access may even be blocked completely.

In the accessible part of the internet, online activities are closely monitored, and speech against the government in the perceived anonymity of the World Wide Web may bring consequences. In September 2014, for example, blogger Ilam Tohti, an outspoken advocate of freedom of speech and information, was sentenced to life imprisonment. Allegedly, he was working towards the 'separatism' of Xinjiang from China.

Apart from this case, a large number of journalists and human rights activists have been detained and sentenced under dubious charges. Due to these numbers, as well as China's strict press censorship, Reporters Without Borders ranked China 175th out of 180 countries in their World Press Freedom Index in 2014.

2. NGOs in China

A new law targeting foreign NGOs, effective as of 1st January 2007, requires such groups to submit themselves to greater government control if they want to continue working in China. They must find government sponsors, register with the police, and submit annual reports on their financing, among other requirements. Any violations could result in punishment ranging from asset confiscation to deportation.

The crackdown on foreign NGOs is one of the many fronts in Chinese president Xi Jinping's ongoing war against "foreign forces," which Beijing claims are destabilizing the country and undermining China's national interests. At best, foreign NGOs will try to navigate the red tape, adapt, and survive. At worst, groups working in such causes as criminal justice and HIV prevention may simply have to abandon China altogether, whether voluntarily or forcibly.

Despite a lack of official number of foreign NGOs in China, former Vice Foreign Minister of China Fu Ying revealed that there are more than 7000 foreign NGOs operating in China. Among them, only 62 are legally registered in China. Ironically, NGOs in Hong Kong, Macau and Taiwan are also recognized as foreign NGOs.

Number of NGOs registered by sector

	Development	Education/ Culture	Econ/ Trade	Sci/Tech	Think-tank	Total
Beijing	18	2	7		1	28
Guangdong	3	2	5			10
Shanghai	2		11	1		14
Sichuan	2					2
Yunnan	9					9
Jiangsu		1	2			3
Gansu		1				1
Guizhou	1					1
Jiangzi	1					1
Total	37	5	25	1	1	69

By 2016, there are almost 500,000 NGOs registered in China. Most of the NGOs are focusing on education, poverty alleviation, community services, etc. Seldom can we find one that mainly works for criminal justice and human rights, which are regarded as sensitive terms in China.

All NGOs need to register with the government. Otherwise, it will be regarded as an illegal organization in China¹². Generally, most of the NGOs in China are related to development and trades. The central government keeps close eyes on those organizations for the betterment of human rights and justice.

3. Media

Chinese media

It is often reported that media from China constantly holds a biased view when reporting national affairs. They used to report the positive side but neglect the negative side of an affair. So it is necessary to conduct a comparison between Chinese media and foreign media on how they report the environment in the prison and how the inmates are being treated.

This is a summarization of a media release from the Communist Party of China.¹³

- Most of the prisons in China are modernized (incorporated with technologies)
- They are well structured with comprehensive rehabilitation mechanism
- The priority is to remodel inmates to socially accepted, and the recidivism rate can be reduced
- The key is to maintain justice
- The basic rights of inmates are protected and respected
- All the policies and actions in the prison are standardized
- The prison system symbolizes the advancement in judicial system

¹² Panyu Prison of Guangdong (2017) <<http://www.pyjy.gd.gov.cn/index.php?c=article&act=view&id=2146>>.

¹³ Communist Party of China, 'The Ministry of China called for a conference about prison management, Wu Aiying attended' <<http://cpc.people.com.cn/BIG5/n/2015/0718/c117005-27324080.html>>

Overseas media

Violations of human rights ¹⁴

Despite the prosperous image presented by the official media of China, it has been revealed that prisons in China are described as ‘hell on earth’. Prisoners are treated as slaves in an extremely inhumane condition. Though the labor camp was abolished at the end of 2013, which has marked a milestone in the reform of prison management, there is still a long way to go.

It is reported that the trend of human rights violations in prison worsened under the rule of President Xi Jinping. Especially for human rights defenders, many of them are detained and interrogated in secret locations across the country, where most of them are not given access to lawyers and family members, and some of them even subjected to physical assault.

Labor camp

Labor camp, which is known as ‘laojiao’ in Chinese or re-education through labor (RETL), was an administrative punishment system, before its abolishment at the end of 2013 due to its notorious operations.¹⁵ First officially established in 1957, RETL was initially an effective alternative to incarceration, punishing perpetrators of minor or petty crimes. These violators were put to work in a factory or on a farm so that they could be rehabilitated. In modern times, however, the system was largely abused because there was no centralized decision-making body responsible for regulating RETL.

As a result, local police were given the ultimate power to determine when a person could be detained, so individuals were rarely charged or tried before being detained. Sentences under RETL were typically for one to three years, with the possibility of an additional one-year extension. Detainees in labor camps were required to work for little or no pay. And there had been outcries from international human rights organizations as well as domestic groups about long working hours, overcrowded living spaces, low-quality food, and poor or absent medical care at the camps.

For a long time, critics had also accused the authorities of misusing the camps to silence political dissidents, human rights activists, and Falun Gong practitioners. With the change of top leadership in 2012, the government finally scrapped the controversial system.

Detention centres

According to official regulations, police are to refrain from mistreatment when interrogating suspects. Despite this, police essentially flout these regulations and physical abuse of prisoners is quite common.

According to human rights activists, suspects are often beaten with electric batons, deprived of sleep, shackled in painful positions, hung from their wrists, and even being left for two to three days in solitary confinement without food. And it is not always the police who carry out the torture.

¹⁴ Human Rights Watch, China, Events of 2015
<<https://www.hrw.org/world-report/2016/country-chapters/china-and-tibet>>.

¹⁵ Xin Meng, Xpat Nation, What are Prisons in China Like? (2016) <<http://www.xpatnation.com/what-are-prisons-in-china-like>>.

Inmates who act as 'cell bosses' often commit such atrocities on other detainees in exchange for favourable treatment from police.

On a regular day in detention centres, suspects endure bad living conditions and poor quality food. They had to sleep on the concrete floor without blankets or pillows in a crowded room.

IV. Rehabilitation

1. Recidivism in China

Concept of recidivism

Recidivism is defined as the criminal actions of released prisoners who return to prison for a new crime committed within a certain period after release.

The Criminal Law of the People's Republic of China, Article 65 stipulates: "If a criminal commits another crime punishable by fixed-term imprisonment or a heavier penalty within five years after serving his sentence of not less than fixed-term imprisonment or receiving a pardon, he is a recidivist and shall be given a heavier punishment. However, this shall not apply to cases of negligent crime. If a criminal convicted of endangering national security commits the same crime again at any time after serving his sentence or receiving a pardon he shall be dealt with as a recidivist."

There are two types of recidivism according to the law: general recidivism and recidivism of crimes of endangering national security.

General recidivism

When a criminal commits another crime punishable by fixed-term imprisonment or a heavier penalty within five years of serving his sentence of not less than fixed-term imprisonment or receiving a pardon.

Recidivism of crimes of endangering national security

When a criminal convicted of endangering national security commits the same crime again at any time after serving his sentence or receiving a pardon.

Unlike general recidivism, it doesn't require either the first or subsequent crime to be intentional crimes, nor specifies the type of punishment to be imposed or the length of time between the occurrences of the crimes.

Recidivism rate in recent years

In general, the recidivism rate in China is relatively low when compared to other Western countries like the United States. However, it is recorded an acceleration in recent years due to social and economic transition of China. Data of specific provinces is shown as follows.

In 2002, Zhejiang Province Prison Administration Bureau calculated that 13.27% of the total number of prisoners of that province had been sentenced at least twice in the past four years. The details of these four years are as follows: it was 13.2% in 1999, 13.64% in 2000, 14.23% in 2001, and 14.4% in 2002. This information proves that the rate of recidivism in China today has increased to some extent compared to several years ago, and is also indicative of the trend of annual increases in the problem.

Case involved in recidivism

Regarding case characteristics, the types of recidivist crime are relatively concentrated. The majority of cases involve infringing against property, particularly stealing and robbery. The investigation from the Prison Administration Bureau of the Autonomous Region of Guangxi shows that in almost six years, of recidivists of the whole province, 39.7% returned to prison for stealing, and another 23.9% for robbing. The number of cases involving these two types of crime is higher than those of other crimes in China.

At present, the average number of re-offences is increasing; nearly 40% of persons reoffend three or more times, and there has been an emerging tendency for 'professional' crime. Moreover, the phenomenon of repeat offenders facing two or more charges is becoming more and more frequent. An investigation shows that in 8.4% of recidivism cases the offender was simultaneously charged with two or more offences. Those facing three or more charges account for 1.1% of the total number of cases; the highest number of charges faced by a repeat offender was six.

In addition, recidivism in China also appears to have become more sophisticated and technical in recent years. Organized crime committed by released prisoners is rising. More and more criminals make use of modern communications and means of transportation to implement crimes, and plan elaborately and tactically in advance of criminal acts.

With reference to revivalism, like many developing countries, China faces difficult situations and difficult problems, so it seems to be very necessary to strengthen research projects and co-operation with these countries in this respect.

2. Connection with Families

The prison administration would invite families of prisoners to visit them. Instructor of the 'Five Prison Areas' would brief the families about the conditions of the prisons, together with a Q & A session, allowing deeper understanding of life in prison by the families. They are also allowed to leave messages for the prisoners to show their support.

3. Rehabilitation Services

Counseling Services

There is a major difference in the counseling services of Western prisons and Chinese prisons.¹⁶ Zongxian reports on differences in the professional levels of teachers and sources, vocational training methods, the prisoner-teacher ratio and the level of food service.¹⁷ This summary conveys drastic differences in the treatment and focus on counseling services between two very different cultures.

The differences are conveyed in the level of professionalism within the Chinese prison system.

- In Chinese prisons, many lack qualified teachers. Many don't have adequate educational background and very little teaching experiences. In addition, all teachers in prisons are prison staff, and all of them are police officers. Whilst in some remote areas of China, their prison teachers are prisoners with adequate educational levels.

¹⁶ Zongxian, W. (2003). Western Prisons and Chinese Prisons Focusing on Differences. 11 *European Journal of Crime, Criminal Law and Criminal Justice*, 93-113.

¹⁷ Ibid.

- Most Chinese prisons face financial difficulties, leading to most vocational training activities being profitable training. The Chinese prisons system sets primary and secondary goals. Their primary goal is the training prisoners in vocational skills to produce profit, whilst their secondary goal is focused on providing prisoners with up to date marketable skills to gain employment upon their release.
- Whilst in most Western countries there are employed dieticians and service managers to prepare the prisoners food menu, in Chinese prisoners there are no registers dieticians.
- Chinese prisons offer no set of formal written grievance procedures or issues when prisoners feel they have suffered form unjust treatment or disciplinary sanctions.

According to Frederick Allen, the Chinese rehabilitation system focuses on the discipline and future of Chinese prisoners.¹⁸ An analysis conducted in three Chinese prisons found that the prisoners had a high degree of discipline, prisoners were doing constructive work and involved in education with a view for their future. Offenders were also put on stage and criticized by their peers and those who make good rehabilitative progress moves on to leadership roles.

The Beijing Municipal Administration of Prisons states that different types of counseling services are provided to prisoners. Some of which targets those with special needs, for instance, juvenile offenders, women, and mental health services consumers.¹⁹

Below is a list of examples extracted from the Latest News of Beijing prison administration.

Classes for female inmates (17 July 2017)

- Drawing classes are held for 15 female inmates to foster the reintegration of female prisoners upon release.
- Drawing practices is a kind of expressive art therapy that releases prisoners' stress and improves their mental health, reduces anxiety and fear while trying to reintegrate into society.

Juveniles receive counseling services (5 July 2017)

- A psychologist from the Psychology Consultation Centre of the Beijing Polytechnic College was invited to the Beijing Juvenile Correctional Centre to provide juveniles there counseling services.
- The program aims to help juveniles better understand their personal development and psychological needs, and teach them how to eliminate confusions.
- It is reported that the correctional center is going to invite the psychological experts regularly in the coming summer. Mental health seminars and some related activities would be held to ease the tense and nervousness of juveniles.

Cooking class (14 May 2017)

- The Beijing Economic And Trade Senior Technic School in prisons in Beijing teaches pastry workshop, and 46 prisoners were allowed to take part in the classes.
- The content of the course includes selecting ingredients, using flour and inserting fillings. This course is one of the favourites among prisoners. Passing participants receive certificates.

¹⁸ Frederick Allen, G. (2011). Reforming Criminal in China: Implications for Corrections in the West. 11(1-2) *International Journal of Comparative and Applied Criminal Justice* 77-86.

¹⁹ Beijing Municipal Administration of Prisons, Latest News (2017) <<http://www.bjjgj.gov.cn/jyxw/index.htm>>

Automobile repair class (23 May 2017)

- Technicians from ‘New Southern Vocational Technical School’ (translated) held an automobile repair course in jail for 70 participants. Contents of the course include a basic understanding of checks and repairs, models of the generator, the chassis, gas pipes and electric circuits. This course includes two parts – theoretical and practical. After 70 hours of training, participants will receive a recognised certificate – beginner of automobile repair.

Education Services

Confucian education in prison²⁰

China’s first Confucian classroom in prison opened in East China’s Shandong Province in 2015. It aims to educate criminals by using the classic works of Confucius, which helps cultivate prisoners’ own moral character.

The classroom encourages traditional teaching methods focused on moral education, calligraphy, music and reading Chinese classics.

“Criminals can hardly receive the edification of traditional Chinese culture due to their particular circumstances. Apart from receiving legal punishment, they should also receive an education in traditional culture, which encourages them to do good deeds,” an employee of China Confucius Foundation Zhang said.

“Confucianism advocates good qualities such as filial piety and mutual respect, which will have a positive moral impact on criminals,” said Ren Zhong, a Confucian scholar, “Such Confucius classrooms should be promoted in prisons worldwide, and the government should put more effort into such activities.”

Legal and moral education

The legal and moral education of criminals in reform-through-labor institutions emphasizes the need to plead guilty, abide by the law, improve moral values and better one's outlook on life. The purpose is to help criminals know, abide by, and accept the law and to improve their moral standards.

Legal education for prisoners mainly consists of studying the Constitution of the People's Republic of China, Criminal Law, Law of Criminal Procedure, General Provisions of the Civil Law, and "Code of Civil Law Procedures", etc. This enables them to learn the basic rights and obligations of a citizen, the legal consequences for committing a crime and the basic contents of the criminal law, the criminal justice system and the basic civil laws relating to marriage, family, rights of persons and property rights. On this basis, they should be able to make a clear distinction between legal and illegal actions or criminal and non-criminal acts and become fully aware of the danger and legal consequences of criminal actions, so that they may admit their guilt, obey the laws and voluntarily

²⁰ Kou Jie, Global Times, Prisoners Receive Confucian Education (10 May 2016)
<<http://www.globaltimes.cn/content/982205.shtml>>.

accept reform.

Education in morality and outlook on life focuses on issues which are closely related to a prisoner's immediate interests, such as his or her ideals, happiness, conscience, pleasure or sadness, honor or humiliation, future, marriage, family, etc., making them understand proper social morality and sense of value so that a prisoner can clearly distinguish honor from humiliation, civilized from uncivilized behavior, noble from base actions, and beauty from ugliness. At the same time, individual and specific education is provided to suit individual cases and coordinate with the lessons learned from their criminal activities. This has proven effective in reforming the minds of criminals.

It is reported that 98.92% of all prisoners in China took part in legal and moral education in 1991. Elimination of illiteracy and attainment of universal junior secondary education are the main objectives of cultural education in prisons, while criminals with a higher education level are encouraged to attend correspondence colleges, part-time colleges or TV colleges offered by society.

Reform-through-labor institutions²¹

Chinese reform-through-labor institutions regularly test the educational level of prisoners and prison students are divided into different grades and classes similar to the teaching program in schools in society at large. Prisoners whose educational level is below the junior secondary school level are generally required to attend classes.

The overall director of a prison or reform-through-labor institution also serves as the principal of the institution's special school. The school also has a dean and teachers' office plus a teaching program and curriculum prepared each school term and year. Prisoners study about two hours a day or 12 hours a week. Teaching staff is especially selected for the school and some are chosen from among prisoners with a higher educational level. Prisoners who have attended classes and passed the tests given by the local educational department will be given educational certificates equivalent to those issued by educational institutions in society at large.

According to statistics, at the end of 1991, there were over 12,000 classes of various kinds being offered at China's prisons and reform-through-labor institutions.²² Over 518,000 prisoners attended the classes and the 92.35% of those eligible to attend were admitted. There were 5,300 prisoners studying through classes offered in publications, correspondence colleges, part-time colleges, and TV colleges and 4,000 who took higher education examinations for self-study students. Over the last six years, prisoners have been awarded a total of 902,000 certificates or diplomas of various kinds. A three-year regular educational program, which has been instituted for prisoners in the Third Prison of Shandong Province, has brought the illiteracy rate there down from 17.6% to 1.3%. In addition, the number of prisoners with less than a primary school education has dropped from 65% to 5.3% and the number of those who have a junior secondary education or above has increased substantially. Recidivism has dropped to 1.9%. There was once a youth from the city of Shenyang who was sentenced to reform-through-labor because of his involvement in a gang theft. While serving his sentence, he conscientiously accepted reform and actively participated in the classes organized by the reform-through-labor institution. After he was released from prison he passed his college

²¹ Human Rights Watch, Re-education Through Labor in China <<https://www.hrw.org/legacy/campaigns/china-98/laojiao.htm>>

²² Information Office of the State Council Of the People's Republic of China, Criminal reform in China (1992) <<http://www.chinaembassy.lt/eng/zt/zfbps/t125237.htm#5>>

entrance examination and later was even admitted as a postgraduate at Harbin Industrial University, where he obtained an MA degree.

Vocational Education

Vocational education is a major part of the education program for criminals in China. According to statistics, over 561,000 criminals took part in training courses for various skills in 1991, representing 83.18% of the total number of prisoners who were eligible. A total of 546,000 certificates for various levels of technical proficiency were issued to prisoners by the labor departments in society as a result of testing.

To augment vocational training for prisoners, prisons and reform-through-labor institutions feature vocational teaching and research facilities, classrooms, laboratories and experimental plots set up by agricultural work units. Vocational teaching materials and various forms of reference material are provided free for the prisoners. Teachers are generally selected from among engineers, technicians and agricultural experts within the reform-through-labor institutions supplemented by technicians and teachers from schools or other institutions in society. Taking into account the social needs of prisoners who have been released as well as the fact that they go in different directions, short, practical and immediately useful programs are the main focus of vocational and technical training. Courses that are offered include home appliance repair, tailoring and sewing, cooking, hairdressing, home poultry raising, carpentry, bricklaying, electricity and agricultural implement repair. Through such courses prisoners are able to acquire one or more skills during their imprisonment, in preparation for finding employment after their release. A study of 720 former prisoners with technical skills conducted by a reform-through-labor institution in Jinan, Shandong Province revealed that 96% of prisoners found employment soon after returning to society. Some returned to their original work units and some were employed as key technical personnel in ordinary enterprises. Others set up household businesses, construction operations or other service industries, becoming individual business operators who behave themselves and abide by the law. A reform-through-labor institution in Lingyuan, Liaoning Province conducted a study, which revealed that 124 former inmates successfully acquired technical proficiency certificates in prison. The study further revealed that 100% of the participants went on to secure jobs and similarly did not reoffend.

Cognitive Behavioral Therapy

Cognitive behavioral therapy (CBT) is an effective treatment approach for a range of mental and emotional health issues including anxiety and depression. CBT aims to help a person to identify and challenge unhelpful thoughts and to learn practical self-help strategies. These strategies are designed to bring about positive and immediate changes in the person's quality of life. CBT can be beneficial for anyone who needs support to challenge unhelpful thoughts that are preventing them from reaching their goals or living the life they want to live. CBT aims to show people how their thinking affects their mood and to teach them to think in a less negative way about life and themselves. It is based on the understanding that thinking negatively is a habit that, like any other habit, can be broken.

Applications of CBT:

- Mainly designed for adults, and can be modified for adolescents and children
- Requires clients' cognitive sophistication and flexibility to benefit from it
- Follow a rational and logical sequence
- Differentiate irrationality/rationality, logical/illogical thoughts
- Once identified, client should understand the inconsistency

- Discuss the impact of maladaptive or dysfunctional beliefs on behavior

CBT is used to treat a range of psychological problems including:²³

- Anxiety
- Anxiety disorders such as social phobia, obsessive-compulsive disorder or post-traumatic stress disorder
- Depression
- Low self-esteem
- Uncontrollable anger
- Irrational fears
- Hypochondria
- Substance misuse, such as smoking, drinking or other drug use
- Problem gambling
- Eating disorders
- Insomnia
- Marriage or relationship problems
- Certain emotional or behavioral problems in children or teenagers.

Cognitive therapy

The aim of cognitive therapy is to change the way the person thinks about the issue that's causing concern. Negative thoughts cause self-destructive feelings and behaviors. For example, someone who thinks they are unworthy of love or respect may feel withdrawn in social situations and behave shyly. Cognitive therapy challenges those thoughts and provides the person with healthier strategies.

Many techniques are available. One technique involves asking the person to come up with evidence to 'prove' that they are unlovable. This may include prompting the person to acknowledge the family and friends who love and respect them. This evidence helps the person to realise that their belief is false. This is called 'cognitive restructuring'. The person learns to identify and challenge negative thoughts, and replace them with more realistic and positive thoughts.

Behavior therapy

The aim of behavior therapy is to teach the person techniques or skills to alter their behavior. For example, a person who behaves shyly at a party may have negative thoughts and feelings about themselves. They may also lack social skills.

Behavior therapy teaches the person more helpful behaviors. For example, they may be taught conversational skills that they practice in therapy and in social situations. Negative thoughts and feelings reduce as the person discovers they can enjoy themselves in social situations.

Treatment with CBT

²³ Department of Health & Human Services VIC, Better Health Channel, Cognitive Behaviour Therapy (2017) <<https://www.betterhealth.vic.gov.au/health/conditionsandtreatments/cognitive-behaviour-therapy>>.

- Assessment – this may include filling out questionnaires to help you describe your particular problem and pinpoint distressing symptoms. You will be asked to complete forms from time to time so that you and your therapist can plot your progress and identify problems or symptoms that need extra attention
- Personal education – your therapist provides written materials (such as brochures or books) to help you learn more about your particular problem. The saying ‘knowledge is power’ is a cornerstone of CBT. A good understanding of your particular psychological problem will help you to dismiss unfounded fears, which will help to ease your anxiety and other negative feelings
- Goal setting – your therapist helps you to draw up a list of goals you wish to achieve from therapy (for example, you may want to overcome your shyness in social settings). You and your therapist work out practical strategies to help fulfill these goals
- Practice of strategies – you practice your new strategies with the therapist. For example, you may role-play difficult social situations or realistic self-talk (how you talk to yourself in your head) to replace unhealthy or negative self-talk
- Homework – you will be expected to actively participate in your own therapy – for example, the therapist may ask you to keep a diary – and you are encouraged to use the practical strategies during the course of your daily life and report the results to the therapist.

CBT for Offenders

Lipsey, Landenberger and Wilson²⁴ have claimed that the recidivism rate of inmates that receive cognitive behavioral therapy is much lower than inmates that haven’t receive cognitive behavioral therapy.

CBT can be offered in a short-term basis: it often consists of 8-12 sessions, in which client and therapists work together to identify problems and distorted behaviors. Then, the therapist can use troublesome thoughts and behaviors to empower the client with tools and techniques to alter the way their think and behave in a given situation.

Rational Emotive Behavior Therapy (REBT)²⁵ can be adopted. This therapy helps clients to undo self-defeating and painful behavior patterns, to achieve what is necessary to change. Therapists can ask clients for a full, personal and responsible commitment to solving their problems and to bring about own growth and change.

Confidentiality is central to operate a CBT program. However, in some circumstances, videotaping needs to be conducted, so therapists must gain informed consent from clients.

Application of CBT in prisons²⁶

It is reported that prisons in the USA use CBT as one of the rehabilitation programs. Studies have shown that the participants in the CBT initiative showed a 44% reduction in violent-crime arrests. Also, a review of 58 studies assessing the effectiveness of CBT programs around the country found

²⁴ Mark Lipsey, Nana A. Landenberger, Sandra Jo Wilson, *Effects of cognitive-behavioral programs for criminal offenders* (2007) <<https://campbellcollaboration.org/library/criminal-offenders-cognitive-behavioural-programmes.html>>.

²⁵ Bernard, M.E., ‘Using Rational-emotive Therapy Effectively, A Practitioner’s Guide’, *Feedback on Irrational Beliefs, a Structured Homework Series, and Models of Disputation*, 1991, ch.2, ch.3.

²⁶ National Institute of Justice, Practice Profile - Cognitive Behavioral Therapy for Moderate and High Risk Aduly Offenders <<https://www.crimesolutions.gov/PracticeDetails.aspx?ID=57>>.

that they cause re-offense rates to drop by 25%. CBT has since spread to many parts of the criminal-justice system, and has even been recommended by the National Institute of Justice as a particularly effective tool for treating juvenile offenders.

Moderate and high-risk adult offenders are often the targets of CBT interventions. The definition of 'risk' refers to the risk of reoffending, i.e. a low-risk offender has a relatively lower probability of reoffending. CBT programs can target specific risk factors that place offenders at higher risks of reoffending.

V. Resettlement

Background

In China, before 2003, community corrections have reached a certain development, but the level of development is less than the European and other countries. There are some community sanctions such as public surveillance, fines, deprivation of political rights, and confiscation of property besides probation and parole. However there are no special community correctional facilities or systems, and the amount of the public surveillance, probation and parole sentenced to offenders is limited at that moment²⁷.

After 2003, the overcrowding of prisons, a need for cost-effectiveness, and a move toward a more civilized method of reforming offenders has sped up China's use of correctional services. Formalization and professionalization measures have taken place in order to enhance the efficiency of the system. A total of 5 types of sanctions were introduced after the reform, which were public surveillance, probation, parole, temporary execution of a sentence outside a confinement facility, and deprivation of human rights.²⁸

Policy of correction

China firmly believes that people, including most criminals, can be rehabilitated. It is the basic target of China's policy of correction that criminals should become law-abiding citizens who can lead independent lives. Directed by this thought, China's criminal punishment policy is focused on corrections rather than straightforward punishment.

During the process of correction, the focus is on the implementation of the principles of humanism and education, and great attention is paid to the criminals' conscious correction through labor, morality, culture, technology and so forth. By these means, criminals can become law-abiding citizens, giving up the intention to commit crime to fulfill their greed.

China adopts the measure of combining special State penal organizations with civic society organizations. The main task of correction is undertaken by the penal executive organizations in prisons. At the same time, other departments and social strata contribute their efforts to support and co-ordinate criminal correction throughout the whole process, which extends to matters such as living arrangements after release and employment of the released prisoners.

Social education and employment

China has been putting great effort to the task of assisting and educating released prisoners and has taken multichannel and multiform measures to arrange post-release life, and furthermore incorporates this work into the government public security system. In many places, special factories and enterprises were established as the employment bases for released prisoners. These enterprises provide employment for quite a long period.

²⁷ Wu Zongxian, H., 'Western Prisons and Chinese Prisons: *Focusing on Differences*.' (2003) 11(1) *European Journal of Crime, Criminal Law & Criminal Justice* 93-113.

²⁸ Shanhe Jiang, Deping Xiang, Ai Chen, Chengxiang Huang, Shengyong ang, Dawei Zhang, Anna Zhao, 'Community Corrections in China' (2013) 94(1) *The Prison Journal*, 75-96.

It is suggested that residents' committees and village committees can also take part in assisting, supervising, educating and managing the released prisoners at a primary level. In this way, firsthand information about their living conditions and employment can be collected easily which helps reduce recidivism.

Community Corrections with Chinese Characteristics

Chinese social and crime control features the 'total society strategy'. That is, the government 'mobilizes a variety of social forces, such as political, media, educational, to prevent crime and keep social order. Since the Chinese government is centralized, it can extend its control to mass organizations and quasi-official organizations. The CCP agencies and governmental organizations, including criminal justice agencies, youth leagues, employee unions and the media are all required to participate in social and crime control.²⁹

Support to Released Prisoners

Release Education Centers have been established in China. There are numerous forms of equipment that simulate everyday environments outside of prison. For example, there will be a simulator for bus station and subway station, so that the release inmates can get familiar with how society works again.

²⁹ Ibid.

VI. Conclusion

On this research on Chinese prisons, we have found that descriptions about the conditions are of distinct differences. Our meeting with the Bureau of Prison Administration, Ministry of Justice, China has given us an idea of how Restorative Justice is implemented and run effectively for Chinese prisoners to assist reintegration. However, news reports and various sources have shown that the prisoners are under the administration of extreme torture, especially political prisoners.

We have come to a conclusion that the Chinese Restorative Justice system is technically advanced enough for a further improvement. However, it requires the effort of the Chinese government to tackle the underlying problems within the system and the culture of corrective services institutions which cause the situation of torture and inhumane means to correct the behavior of law offenders.

We call for the Chinese government to work with Justice Action, through online counseling services with computers in cells, to assist reintegration of Chinese prisoners. We believe that lower recidivism could then be achieved.