

Regulations of the People's Republic of China on Labor Reform

(Adopted by the 222nd Political Affairs Conference of the GAC on August 26, 1954 and promulgated by the GAC on September 7, 1954)

Chapter One General Provisions

Article 1 These Regulations are formulated in accordance with Article 7 of the Common Program of the Chinese Political Consultative Conference, in order to punish all counter-revolutionary and other criminal offenders and force them to reform themselves in their labour and become new persons.

Article 2 The labor reform organ of the People's Republic of China is one of the tools of the people's democratic dictatorship and the organ that punishes and reforms all counter-revolutionary and other criminal offenders.

Article 3 In the case of the labor reform of prisoners, the sentenced prisoners shall be given different supervision according to the seriousness of the crimes of a criminal nature, divided into prisons and given different supervision by the labor reform and correctional teams.

Prisoners who have not been sentenced shall be placed under the supervision of a detention centre.

Juvenile offenders shall be placed in juvenile correctional institutions for educational reform.

Article 4 For all counter-revolutionary and other criminal offenders, the labor reform organ shall carry out the policy of combining punishment control with ideological reform, labor production with political education.

Article 5 For all counter-revolutionary and other criminal offenders, the labor reform organ shall exercise strict control during the period of supervision and shall not allow paralysis to be lax;

Article 6 In the past, the reform organs were under the leadership of the people's public security organs, under the supervision of the people's procuratorates at all levels, and under the guidance of the people's courts at all levels in the relevant judicial operations.

Article 7 The labor reform organ shall submit to the investigation and trial work on the supervision and education of the prisoners who are being investigated and tried.

Article 7 reform through labor agencies for under investigation, supervision, education trial prisoners should be subject to an investigation or trial work.

Chapter II Labor Reform Authority

Section 1 Detention Center

Article 8 The detention centre mainly detains outstanding prisoners.

Offenders sentenced to imprisonment of less than two years and who are not easily sent to the Labour Rehabilitation Correctional Service for execution may be referred to the custody of a detention centre.

Article 9 A detention center shall be responsible for understanding the situation of outstanding offenders, and for outstanding offenders of a serious nature, they shall be held in solitary confinement, and the outstanding offenders in the same case or whose case is related to the case shall be segregated in order to cooperate with the investigation and the judicial organs in the prompt conclusion of the case. Under the conditions of not hindering investigation and trial, outstanding criminals shall be organized to carry out appropriate work.

Convicted persons under the supervision of detention centres shall be held separately from the outstanding prisoners and forced to work productively and to be given political education.

Article 10 If a convicted person in custody in a detention center has been sentenced to control or sentenced to hard labour and exempted from imprisonment, he shall, in accordance with the judgment determined by the people's court, be returned to his place of origin or the original work department, which shall be executed by the local people's government or the original work department.

Article 11 The central, provincial, municipal, special district and county units of the guards shall be under the jurisdiction of the people's public security organs at all levels.

Unit detention centres at the same location may be combined, as appropriate.

Public security bureaus in municipalities directly under the Central Government and in the municipal districts where provincial capitals are located may also set up detention centers when it is necessary.

Article 12 One director and one or two deputy directors of a detention centre shall have an officer and a number of guards.

Section II Prisons

Article 13 Prisons shall mainly supervise anti-revolutionary prisoners and other important criminals who have been sentenced to suspended execution and life imprisonment who are not fit to work outside prison.

Article 14 Prisons shall exercise strict control and vigilance over prisoners, may be held incommunicado, when necessary, under the principle of strict control, and shall carry out forced labour and education in different circumstances.

Article 15 Provinces and municipalities shall set up prisons in accordance with actual needs and shall be under the jurisdiction of the public security organs of the people of the provinces and municipalities.

Article 16 A prison shall have one director and one or two deputy prison directors, under the institutions of discipline, production, general services, etc.

Section III Labor Reform Correctional Team

Article 17 The Labour Reform and Correctional Services Team shall supervise the anti-revolutionary and other criminal offenders who have been sentenced to be suitable for work outside prison.

Article 18 The labor reform and correctional teams shall organize prisoners to engage in the production of agriculture, industry, construction projects and so on in a planned manner, and shall conduct political education in conjunction with labor production.

Article 19 Provinces and municipalities shall, in accordance with actual needs, set up labor reform and correctional teams, which shall be under the jurisdiction of the provincial and municipal people's public security organs.

Article 20 The labour reform and correctional teams may set up small teams, squadrons, brigades, detachments and brigades according to the number of prisoners and the production needs.

The team has a captain and a number of vice-captains, who can set up work institutions according to the actual needs of discipline and production work.

Section IV Juvenile Correctional Institution

Article 21 Juvenile correctional institutions for juvenile offenders over the age of 13 and under the age of 18.

Article 22 Juvenile correctional institutions shall focus on political education, new moral education and basic cultural and productive technical education for juvenile offenders, and, while taking care of their physical development, enable them to engage in minor labour.

Article 23 Juvenile correctional institutions shall be set up as required by the provinces and municipalities and shall be under the jurisdiction of the public security organs of the people of the provinces and municipalities.

Article 24 A juvenile correctional institution shall have one director and one or two deputy directors, and may be staffed with a number of correctional officers according to the needs of the work.

Chapter III Labor Reform and Education Reform

Article 25 Labour reform must be combined with political and ideological education so that forced labour is gradually approaching voluntary labour, so as to achieve the goal of rehabilitation of prisoners as new persons.

Article 26 Prisoners shall, on a regular and systematic basis, adopt collective classes, individual talks, designated study documents and organize discussions to carry out law-abiding education, political and current affairs education, labour production education and cultural education in order to expose the nature of crime, eliminate criminal ideas and establish new moral concepts.

Prisoners can be organized to carry out appropriate sports and cultural recreational activities, and to organize them to conduct a review of their lives, work and studies.

Article 27 Prisoners shall pay attention to the cultivation of their productive skills and working habits. For skilled prisoners, care should be taken to make full use of their skills in labour rehabilitation.

Article 28 Production competitions may be held among prisoners in order to improve production efficiency and promote the motivation of prisoners for labour rehabilitation.

Article 29 In order to examine the rehabilitation of prisoners, a system of prisoner file cards shall be established, and a special management shall be set up to keep prisoners in compliance with discipline, and the performance of labor and study shall be recorded and regularly assessed.

Chapter Four Labor Reform Production

Article 30 Labor reform and production shall serve the national economic construction and shall be included in the general plan of state production and construction.

Article 31 Labor reform and production shall be under the unified leadership of the financial and economic committees of the people's governments at all levels concerned, and shall receive specific guidance from the relevant departments of agriculture, forestry, industry, finance, transportation, water conservancy and commerce respectively.

Article 32 The central government and provinces and municipalities shall set up a labor reform production management committee to lead and supervise the implementation of the labor reform production plan. The Committee is composed of the heads of the financial and economic committees at all levels, the relevant financial and economic departments and the departments of public security and justice.

Article 33 The development direction of labor transformation and production is: centralized operation by provinces and municipalities, vigorously promoting agricultural production;

The main organizations at the county (city) level are the institutions of detention centers, and can be produced outside the special, county (city) areas.

Article 34 In organizing the production of prisoners, the necessary safety equipment and systems shall be established in accordance with the principle of safe production, and if a prisoner is disabled or killed as a result of a disaster caused by production or elimination, he or her family members shall be given due care in other circumstances.

Article 35 The Ministry of Public Security of the Central People's Government may, in accordance with the number of prisoners in each region, the production situation and the needs of state construction, draw up a plan for the transfer of prisoners' labor force and, after submitting it to the Council of State for approval, make a unified transfer;

Chapter V Manages the Prisoner System

Section 1 Take in custody

Article 36 An inmate shall be taken into custody without the above-mentioned documents on the basis of a judgment, an execution letter or a ticket. If it is found that the records and facts of the above-mentioned documents do not match or are incomplete, they shall be explained or supplemented by the original escort authority.

Article 37 A prisoner shall be subjected to a health check and shall not be taken into custody in any of the following circumstances, except for a major counter-revolutionary prisoner and other prisoners who have committed a major crime:

- (1) having a mental illness or suffering from acute or malignant infectious diseases;
- (2) There may be life-threatening illness in custody;
- (3) If the delivery is not more than six months old or pregnant.

The prisoner who is not allowed to be admitted in the preceding item shall be sent to the hospital at the discretion of the original escorting organ, or handed over to a guardian or placed in another appropriate place.

Article 38 Prisoners shall, in accordance with the actual situation, be supervised separately by mixed, single, female and sick prisoners.

Female offenders are supervised by female guards.

Article 39 A female offender shall not bring a young child into prison, and she shall be brought up by the civil affairs department of the local state administrative organ on behalf of the residents or the orphanage or nursery, and the financial requirements shall be spent under social assistance expenses.

Article 40 When a prisoner is taken into custody, strict examination shall be carried out. Contraband shall be sent to the people's court for confiscation. Non-daily items shall be kept in safekeeping and shall be issued with receipts, which shall be returned upon release, but may be allowed to be used by me when they are for legitimate purposes. If reference materials for investigation and trial are found, they shall be sent to the competent investigation and sentencing organ.

Female offenders are examined by female guards.

Article 41 The names, sex, age, national origin, place of origin, origin, occupation, educational level, specialty, crime, sentence, health condition, family situation, and the people's court that determines the sentence shall be recorded in the prisoner's identity book on a case-by-case basis and, if necessary, attached to the photograph.

Article 42 When an outstanding offender is taken into custody beyond the legal time limit and the investigation and trial have not been concluded, the detention center shall promptly notify the escorting organ to deal with it promptly.

Article 43 When a labor reform organ discovers conclusive material sufficient to change the case in the course of supervision, it shall immediately send the original judicial organ or the local people's court as the basis for a retrial.

Section II Vigilance

Article 44 Armed vigilance of prisoners shall be unified by the People's Public Security Force, and the labor reform organ shall exercise operational leadership over the armed forces carrying out the task of vigilance.

Article 45 On the periphery of a prison room, on the periphery of a prisoner's place of rest and on the way to reconciliation, a close guard shall be exercised, and no one shall be allowed to carry weapons except the guard troops and correctional personnel, who enter the prison and the place where the prisoners work.

Article 46 When an inmate may have escape, commit an act of violence or other dangerous sexual acts, he may use a restraint upon special instructions from the investigating organ or with the approval of the head of the labour reform organ. However, when the above situation is eliminated, it should be lifted immediately.

Article 47 In one of the following cases, a labour reform organ or a guard force may use a weapon when other means cannot be exhausted:

- (1) Prisoners gather in public to riot;
- (2) The prisoner escapes without hearing to stop or resist arrest;
- (3) The prisoner is in possession of a murder weapon or dangerous object and is committing an act of murder or destruction without listening to stop or disobey;
- (4) Robbing prisoners or helping them escape without hearing or stopping them;
- (v) The prisoner snatched the guard's weapon.

With regard to each use of weapons, it shall be reported in detail to the competent people's public security organs and the people's procuratorial organs for examination.

The labor reform organs and the guard forces shall be held criminally responsible if they misuse the use of weapons and commit criminal acts.

Article 48 In the event of a natural disaster or accident, the labor reform organ and the guard force shall make efforts to rescue the prisoners and strengthen the vigilance.

Article 49 The labor reform organ shall conduct daily inspections of prisoners and prisons, and shall conduct a major inspection once a week or every half month.

Section III Life

Article 50 The standards of food and clothing for prisoners shall be enforced in accordance with uniform provisions, and withholding or misappropriation shall be strictly prohibited.

The management of prisoners' meals shall be within the standard of supply, and efforts shall be made to improve the adjustment, and the living habits of prisoners of ethnic minorities shall be taken care of.

Article 51 In order to provide prisoners with side food and daily necessities, supply stations may be set up in labour rehabilitation facilities according to actual needs.

Article 52 The actual working hours of prisoners shall generally be nine to ten hours, seasonal production shall not exceed twelve hours, and sleep time shall generally be eight hours. Study time can be specified on a case-by-case basis, but on average not less than one hour per day. The sleep and study time of juvenile offenders should be extended appropriately! Prisoners who take part in labour have one to two hours of outdoor activities per day.

The rest days of prisoners are generally set at once every half-month and once a week for juvenile offenders.

Article 53 The labor reform organ shall set up medical clinics, hospitals and other medical institutions in accordance with the size of the unit, and shall have the necessary medical equipment;

Prisoners must always pay attention to bathing, haircuts, laundry, disinfection, epidemic prevention and other hygiene matters.

Article 54 If an offender dies, he shall make a medical examination, go through the inspection of the local people's court, and notify the family members of the prisoner and the institutions in custody.

Article 55 The expenses of medical and health care, education, sports and cultural and recreational tools for prisoners shall be supplied by the labour reform organs in accordance with the prescribed standards and actual needs.

Section IV Interviews and Newsletters

Article 56 Prisoners may not meet their families more than twice a month, not more than 30 minutes at a time; in exceptional circumstances, with the approval of the head of the labor reform organ, they may be appropriately extended. It is forbidden to use cryptic or foreign Chinese conversation during an interview. When foreign prisoners receive their families, they should be accompanied by translators.

The family members of the outstanding offenders shall be approved by the original escort organ or the judicial organ.

Article 57 Daily necessities or RMB given to prisoners by the families of prisoners shall be subject to detailed examination by the labor reform organ, and all non-essential items shall be prohibited from being sent into the prison;

Article 58 When a prisoner sends a letter, he shall go through the inspection by the labor reform organ. If a pending criminal sends a letter of letter, he or she shall be examined by the original escort organ or judicial organ, or entrusted to the labor reform organ for examination. If any collusion is found or obstruction of the educational rehabilitation of the prisoner, it shall be detained.

Article 59 Prisoners may be restricted or stopped in case of special circumstances when they receive their families, accept items sent by their families and send letters.

Section 5 Release of Guarantee

Article 60 When an inmate has one of the following circumstances, he may be allowed to take bail out of prison for execution, but he must go through the examination and approval of the competent people's public security organ in advance and notify the people's public security organ where the prisoner is located to supervise it. Prisoners are included in their sentences while outside prison.

(1) If the serious illness requires medical treatment outside the home, except for the most seriously guilty prisoners.

(2) If he is over 55 years of age or physically disabled and has a sentence of not more than five years, he has lost the possibility of social harm. The provisions of the preceding paragraph (i) also apply to outstanding offenders, but must be submitted to the escort authority for approval in advance and the people's public security organ of the place of residence shall be notified to supervise them.

Section 6 Release

Article 61 The release of a prisoner shall be based on the following circumstances:

(1) The sentence is full;

(2) The notice of the reconnaissance and judicial organ shall be released;

(3) Parole.

The prisoners who should be released shall be issued with a Certificate of Release by the Labour Reform Authority and released on schedule. Identification should be made prior to release and conclusions recorded in the Certificate of Release.

The travel expenses for the return of the released prisoner shall be paid by the labour reform organ, and if he is seriously ill, his family shall be informed in advance to pick him up.

Article 62 Where a prisoner voluntarily remains in employment at the end of his sentence, or is homeless and unemployed, or may be placed in a sparsely populated area, the labour reform organ shall organize them to work and work for employment, and its methods shall be separately stipulated.

Chapter 6 Supervisory and Regulatory Commission

Article 63 Where there are labor reform and correctional teams in remote areas, far from provincial capitals and with a total number of prisoners of more than 3,000, a supervision and administration committee shall be set up.

Article 64 The task of the Supervisory and Administrative Commission is to supervise, inspect and guide the implementation of the labor, educational work, management methods and reward and punishment system for prisoners by the Labour Reform and Correctional Services Team.

Article 65 The Supervisory and Regulatory Commission shall have five to seven members, and shall be composed of one or two representatives of the provincial people's public security organs and the people's courts, as the heads of the labour reform and correctional teams.

Article 66 The Supervisory and Administrative Commission shall report and request the work to the provincial people's public security organs, the people's court and the people's procuratorate on a regular basis.

Chapter 7 Rewards and Punishments

Article 67 Prisoners shall be subject to a system of rewards and punishments for atonement and reward and punishment.

Article 68 An inmate may, in one of the following circumstances, be rewarded with praise, material reward, credit, commutation of sentence or parole, depending on his performance.

- (1) Always abide by discipline, study hard, and show remorse for the crimes committed;
- (2) Advising other prisoners of wrongdoing or reporting the activities of anti-revolutionary organizations and activities in prison or outside the prison, which shall be found to be true;
- (3) Active labor, able to complete or exceed the production tasks;
- (4) Saving raw materials and caring for public property with special achievements;
- (5) to study technology, to invent and create or to teach oneself technology to others to have special performance;

- (6) eliminating disasters or major accidents to avoid losses;
- (7) There are other acts in favour of the people of the country.

Article 69 An inmate may, depending on the circumstances, be punished with a warning, a note or a confinement, if he has one of the circumstances:

- (1) Acts that prevent the rehabilitation of other prisoners;
- (2) Not loving or damaging the means of production;
- (3) Lazy and idle in labor;
- (4) Any other violation of the administrative rules.

Article 70 For the rewards and punishments stipulated in Articles 68 and 69, they shall be declared for implementation after examination and approval by the person in charge of the labor reform organ. However, the commutation of sentence or parole must be reported to the competent people's public security organ for examination and approval, and sent to the local provincial and municipal people's courts for approval, announced the implementation.

Article 71 If an inmate commits one of the following crimes in supervision, he shall, in accordance with the seriousness of the circumstances, report to the local people's court for sentencing according to law:

- (1) carrying out a riot or committing an act of murder or instigating another person to commit an act of murder;
- (2) to escape or organize escape;
- (3) destroying construction projects or important public property;
- (4) Publicly resisting labor and repeatedly teaching without change;
- (5) Any other serious illegal act.

Article 72 When an important counter-revolutionary criminal and a habitual thief or a habitual thief, etc., do not actively work during the period of labor reform, repeatedly violate the rules of supervision, and it turns out that there is no reform, and there is a possibility of continuing to endanger public security after release, the labor reform organ may, before the expiration of the sentence, submit an opinion to the competent people's public security organ for examination and approval, and continue the labor reform after being sentenced by the people's court in accordance with the law.

Article 73 After a prisoner has been punished, he has indeed shown a remarkable expression of repentance, and his punishment may be reduced or revoked according to the degree of repentance he has shown.

Chapter 8 Funding

Article 74 The source of funds for labor reform organs:

- (1) Allocations within the State budget;
- (2) Production income of labor reform organs.

Article 75 The expenditure of the labor reform organ shall be carried out in accordance with the standards and systems jointly stipulated by the Ministry of Public Security and the Ministry of Finance of the Central People's Government.

The specific management measures for the income and expenditure of labor reform funds shall be stipulated separately.

Chapter 9 By-laws

Article 76 The rules governing the implementation of these Regulations shall be provided separately.

Article 77 These Regulations shall be promulgated and put into effect after they have been adopted by the Council of State of the Central People's Government.