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**OPEN-ENDED INTERGOVERNMENTAL GROUP
OF EXPERTS ON THE STANDARD MINIMUM RULES
FOR THE TREATMENT OF PRISONERS
BUENOS AIRES, ARGENTINA, 11 – 13 December 2012**

**RESPONSE OF THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF CHINA¹
TO NOTE CU 2011/26**

¹ This document was received in the Chinese language and has been officially translated.

The Implementation of the United Nations' Standard Minimum Rules for the Treatment of Prisoners

The Chinese government always respects international standards of human rights, and give a high degree of importance to the protection of the human rights people in detention (including criminal suspects held before sentencing and criminals sentenced to punishment following sentencing), takes multiple measures to implement comprehensively and seriously the United Nations' Standard of Minimum Rules for the Treatment of Prisoners, and treat the prisoners with respect for their human dignity, care for their sentiments, concern for their life, protection for their rights and psychological guidance. Attention is given to the living conditions, personal and property safety of the prisoners. Emphasis is also placed on the separation in imprisonment and holding, the education on the rule of law, psychological correction and treatment and the training on vocational skills. The special protection for such vulnerable groupings as female, minor, old, diseased and disabled prisoners is strengthened in practice. The provision of education and training has also been maintained. Over the recent years, the following concrete initiatives have been taken by the Chinese government to implement the United Nations Standard Minimum Rules for the Treatment of Prisoners,

One Specific measures adopted by the public security organs for the protection of the legal rights of people in detention

1. The implementation of the system of transition for newly accepted prisoners

Most institutions of detention operate cells of transition, where newly accepted prisoners are held. During transition, police officers are responsible for guiding the prisoners to learn the relevant rules of the institutions and the code of conduct, explaining to them the solutions for the routine problems often encountered inside the cells. Whenever the legal rights of the people in detention are violated, or they have other requests, they themselves or their defending lawyers or other counsels and relatives can make verbal complaints or in writing or by letter to judicial organs, the procuratory offices operated by the people's procuratorates, the leadership and the police officers at the institutions or the honorary supervisors invited by the institutions.

2. The prevention of investigation by torture or Extraction of Confession by Coercion

The institutions of detention regard the physical check for accepting prisoners as part of the obligatory procedure. All the prisoners accepted by the institutions must receive physical check. Those who are found to have injuries on their bodies will be recorded, and records will be signed by the escorting officers. The detention institutions will report the cases to the agencies responsible for the cases and the procuratory offices at the institutions to be handled in accordance with the law. Those whose injuries are too serious to meet the conditions for detention will be not accepted for detention. The system for interrogation will be strengthened, requiring all interrogations conducted in the interrogation rooms at the institutions. The interrogation rooms at the detention institutions must be physically partitioned, with entrances/exits for the people in detention and the officers responsible for the cases to avoid physical contacts. Whenever the people in detention must be removed from the institutions for recovering stolen goods or money, identification or court hearings, official letters by the agencies for handling the cases must be presented. The detention institution must conduct physical checks for the people in detention before they leave the institution, whose result will be signed and confirmed by the institution, the case officers and the person in detention. Upon return to the institution, another physical check will be carried out, and the detention institution will report immediately to the responsible agency and the procuratory office at the institution any possible action of interrogating by torture or extracting confession by coercion. Those with serious injuries will not be accepted

The supervision on the implementation of the law and the management of the detention institutions will be strengthened. First, the legal supervision by the people's procuratorates will be enhanced. The Ministry of Public Security has introduced the system for appointments by people in detention to meet the procurators stationed at the detention institutions. Whenever a person in detention requests for an appointment to meet the procurators at the institution, the detention institution will record the request, and

make the arrangements in a timely manner. The institutions are also fitted with procurators' letter boxes to enable the people in detention to complain, report and press charges. The letter boxes will be opened by the procurators at the institutions at regular intervals. Second, the supervision by the policing supervision departments at the public security organs will be strengthened. The supervising officers can, upon presenting their relevant documents, enter without any prior notice the detention institutions to conduct checks, making possible on-the-spot real time supervision. This makes it easier to discover problems for immediate resolution. Third, social supervision will be strengthened. The Ministry of Public Security has asked all institutions of detention to appoint honorary supervisors. The honorary supervisors can inspect the institutions at any time. They will check if the detention institutions protect the legal rights of the people in detention according to the law by conducting on site checks and interviews with the people in detention. The delegates to the people's congresses and the members of the political consultative committees are also invited regularly to comment and make suggestions. Starting from 2009, most of the detention institutions are open to the society for wide-ranging supervision by holding discussions with the people in detention, lawyers and interviews by media organisations and visits by people of all walks of life.

Two Specific measures adopted by the administrative justice agencies for the protection of the legal rights of prisoners

1. Revision to the standards for the construction of prisons to improve the living conditions for the prisoners

The Ministry of Justice organised the revision to the Standards for the Construction of Prisons in order to carry out correctly criminal punishments, to raise continuously the quality of the education and reformation of the prisoners, to prevent and reduce criminality and to improve the construction and the scientific management of prisons. The Standards went into force on 1 December 2010, and consists of six chapters, including the General Principle, the Scale of the Construction and the Make-up of the Projects, Site Selection and Lay-out Planning, Standards for Construction, Security and Guarding Facilities, the Land and the Infrastructure Facilities. The revision, while being carried out, followed the thinking of scientific development and made comprehensive study and analysis by reviewing the experiences of prison construction in China and the good practices of other countries in building prisons. The Standards increased, to a suitable extent, the average per capita construction floor space of the buildings to be used by the prisoners, resulting in a substantive improvement to the accommodation and living conditions of the prisoners.

2. Exploration on the good practices for the education for release to help the prisoners to reintegrate successfully into the society

An important solution to resolve social contradictions and to enable the prisoners to return in an more effective way to society after completing their sentences is carry out targeted education for the return to society, training on vocational skills and to provide comprehensive care to the prisoners before they are released from prisons. This is an innovation for society building. The Ministry of Justice gives a large amount importance to the education of prisoners for their release, and has asked for nationwide exploration and promotion of good practices for the education for release.

Currently, provinces (autonomous regions and municipalities) are in the process of putting forward concrete proposals for the education for release and to strengthen the inspection and guidance in order to improve the work for release. The exploration has produced two models for the education for release. One is the model of Xing Cheng Prison in Hunan Province (opening specially designated prisons for release to carry out education for release of the prisoners), the other is that of Qiao Si Prison in Zhe Jiang Province (a section for release is opened for carrying out education for release within the prisons where the prisoners serve their sentence). Both models have yielded remarkable effects.

Xing Cheng Prison in Hunan Province is the only specialised prison for the education for release in the whole country. Since it was opened 9 years ago, Xing Cheng prison has been actively exploring and creating the concepts, mechanisms, methods of work for conducting the education for release by focusing on the improvement of the prisoners' ability to live in society, the reduction of the rate of re-offending by violating the law, and the provision of integrated services covering vocational training, technical assessment, job-seeking guidance, employment introduction and follow-up. The effect and impact of the efforts are growing continuously. The exploration has received praise from the society, and the results are being promoted and copied through out the nation. Since its opening, Xing Cheng Prison has trained 26,000 people, with nearly 90 per cent of them securing employment or going into business, which has greatly reduced the rate of re-offending.

Qiao Si Prison in Zhe Jiang Province was the first prison in China to open a sub-prison for release, providing conditions exclusively to those prisoners who are about to complete their sentences and to be released for vivid imitation of the "life after release". The sub-prison for release implements a system of management consisting the "imprisonment phase, the transition phase and the community phase". The prisoners who are to be released in three months' time will be housed under one roof for the education for release. There are four control sections for release education and a training base and a reintegration centre which is modelled on the society. The sub-prison for release has opened function rooms including simulated centres of transport service, police stations, job markets, administrative licensing centres and banks inside the base for simulation training for the prisoners who are about to be released. The function rooms are fitted with touch-screen computers for information searching. Specialised training is provided to help prisoners to be released gain the basic knowledge and skills to stand up in society and to make a living. As there are no differences between the simulation sites and the real situation in society, the prisoners to be released, following a period of training, can manage to adapt relatively quickly to the reality after returning to the society. Since the model was put into experiment, the rate of employment amongst the people released to society has been substantively raised. 807 of the people released from prison in Zhe Jiang Province have successfully found jobs, with the highest wage surpassing RMB 6,000 yuan.

Three Strengthening the treatment and services for prisoners infected with HIV/AIDS

People serving sentences, and those on programmes of drug rehabilitation in isolation in particular, are highly vulnerable to be infected with HIV/AIDS. The rate of infection amongst such people is higher than the average rate in the society. The administrative justice departments have been implementing the Regulations for the Prevention and Treatment of AIDS and China's Action Plan (2006-2010) for Reducing and Preventing the Spread of HIV/AIDS, and has adopted effective measures to promote strongly the prevention and treatment of AIDS, producing clearly results.

Up to now, the administrative justice departments have opened up special zones with nearly a hundred controlled areas for programmes of drug rehabilitation in isolation. This has helped maintained the security and stability inside the institutions of detention by providing good conditions of treatment for the prisoners infected with HIV/AIDS. Over 20,000 police officers across the whole system of justice administration have gained the state qualification as professional psychological advisors. All detention institutions have offered psychological advice and consultation to people infected with HIV and AIDS patients and started files for psychological health to strengthen the psychological guidance and intervention. This has made positive contribution to the reduction of the negative impact of HIV/AIDS on the people serving sentences and receiving reformation through labour and the people on obligatory programmes of drug rehabilitation in isolation and the prevention of the spread of HIV/AIDS inside the institutions of detention.