

AMNESTY INTERNATIONAL OPEN LETTER

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Chairman of the Standing Committee of the National People's Congress
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Dear Chairman Wu Bangguo

We are writing on behalf of Amnesty International's worldwide membership to urge you and the National People's Congress (NPC) to ensure that any legislation adopted to replace "Re-education through Labour" (laodong jiaoyang, RTL) complies fully with international human rights standards, including the right to fair trial.

Amnesty International has long raised concerns over the use of RTL in China – as a system of punitive detention imposed by the police for up to four years without charge, trial or judicial review. We share the concerns of numerous Chinese legal scholars that RTL should be abolished and hope that this can be achieved as soon as possible. In particular, we urge that any legislation introduced to replace RTL ensures that decisions on detention are made by the courts and are no longer exclusively in the hands of the police; and that detainees have prompt and regular access to lawyers. Such reforms are essential to bringing detention practice in line with the International Covenant on Civil and Political Rights (ICCPR) which China has declared an intention to ratify in the near future.

We have been alarmed at recent attempts by the police in Beijing to extend the use of RTL and other forms of punitive administrative detention, such as "Enforced Drug Rehabilitation" (qiangzhi jiedu), on the pretext of 'cleaning up' the city in the run-up to the 2008 Olympic Games. We consider that such moves contradict commitments by numerous Chinese officials to improve human rights in the run-up to the Games, and raise serious questions over the legacy of the Olympics for human rights in China. Chinese commentators have also noted that this is the first time since mid-2003 that officials have specifically invoked the use of 'controversial measures' like RTL at the local level in order to address public order issues in the cities.

Recent Chinese media reports indicate that the Standing Committee of the NPC is due to discuss draft legislation proposed to replace RTL - the Illegal Behaviour Correction Law (weifa xingwei jiaozhi fa) – this month. In May 2006, Amnesty International sent a Memorandum to the State Council and the Legislative Committee of the NPC analysing the content of the draft law based on public commentary available (AI Index: ASA 17/016/2006). The Memorandum highlighted areas of the law which appeared to conflict with international human rights standards and listed several recommendations for reform. We hope that this has been a helpful contribution to your deliberations and very much hope that our recommendations will be reflected in any legislation adopted to bring an end to the use of RTL in China.

Yours sincerely

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CC

President of the International Olympic Committee Jacques Rogge

President of the Beijing Organizing Committee for the Olympic Games Liu Qi

Minister of Public Security Zhou Yongkang