Dui Hua began its work on women in prison by focusing on China. We found little available research on the conditions in China’s women’s prisons—largely due to lacunas in transparency and institutional support—and as a result, endeavored to obtain funding for independent field research. With the support of the Ministry of Foreign Affairs of the Kingdom of the Netherlands, a team at Renmin University of China Law School—led by Professor Cheng Lei, deputy director of the school’s Center for Criminal Procedure and Reform—carried out research in two Chinese prisons and three Chinese detention centers.

Conducted during the second half of 2013, their field work examined the situation of women located across diverse geographic regions with varying levels of economic development. Data were collected through interviews, questionnaires, and on-site observations and supplemented with judicial statistics. During the study, researchers distributed 500 questionnaires and recovered 458. Due to prison approval procedures, random sampling was not conducted.

National Numbers

Women account for about six percent of people serving sentences in Chinese prisons, with 95,770 women in prison in 2012. While the percentage of China’s women prisoners is in the middle of the global range, growth in the number of China’s women prisoners is striking. In 2011, the growth rate of China’s population of women prisoners was five times higher than that of China’s total prisoner population. Between 2004 and 2011, the population of women prisoners grew 31 percent, compared with just 7 percent growth for all prisoners.

The Issues

Excessive focus on numbers … has resulted in a neglect of all those qualitative factors relating to locking up people that leads to the kind of damage that incarceration does...
most of all to women in prison. Women prisoners are persons first and prisoners second. (Shankardass 1)

Painting a picture of basic quality of life issues, Professor Cheng’s team focused on four issues: physical health and hygiene, marriage and family rights, mental health, and dignity and privacy protection. Presenting his paper on February 26, 2014, he noted that there has been a general improvement in the treatment of women prisoners over the past few years but highlighted several areas requiring additional progress in gender-sensitive treatment.

He began with water and food. The provision of hot water is sufficient for hydration, he said, but not for hygiene, especially for menstruating women. Similarly, the hot meals served in canteens provide adequate sustenance, but are not commonly designed to meet women’s unique nutritional requirements. (For example, menstruating women need more iron in their diet than men.)

Contact with family was the issue most raised by interviewed prisoners. (The topic relates to both women and men but is often more significant for women, since they are more likely to be the primary caretaker of children.) Women complained that they were not allowed enough time for phone calls, and that the number and quality of visits were less than ideal. In particular, they drew attention to the use of glass barriers in visitation rooms, which prevent direct physical contact.

In comparison with the situation for women in prisons, women in detention centers face more stringent limitations: people in pre-trial detention are not allowed any visitors until after they are sentenced. As part of the government’s five-year work plan issued in October 2013, Chinese lawmakers are currently drafting a detention center law to increase the visitation rights of detainees. Current rules state that persons incarcerated in detention centers “may” receive visitors, but visits are not required nor guaranteed and, in practice, are routinely denied.

Related to visitation were considerations for human dignity. Professor Cheng touched specifically on the desire among prisoners to wear their own clothes—a common practice in Norwegian prisons—and makeup. Women are commonly allowed to do so on public holidays, but Professor Cheng suggested that these freedoms be extended to visitation days, enabling women to retain their sense of personal dignity in the presence of their family members.

The obstacles to family contact and assaults on human dignity that are often part of the carceral experience contribute to psychological stress. This is especially problematic for women prisoners since they are likely to have these stressors compounded by histories of mental illness, domestic violence, and substance abuse, which they experience more commonly than incarcerated men.

Touching on mental health, Professor Cheng noted that Chinese prisons commonly rely on prison police to provide prisoners with psychological counseling. Citing financial constraints as the main barrier, he suggested that prisons follow Shenzhen’s example and hire professional and independent psychologists to work with prisoners.

(Continued on p. 6)
Dui Hua contacted Hong Kong Correctional Services Department (CSD) in October 2012 to explore the possibility of visiting a women’s prison during our symposium on women in prison. In early 2013, the department undertook an internal review of its prison system with an eye towards the Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), a focus of the symposium. On February 27, 2014, symposium participants visited Hong Kong’s largest and newest women’s prison, Lo Wu Correctional Institution (LWCI), to learn about the steps CSD has taken to implement gender-responsive treatment.

Built in 2010 on the site of a former military base, LWCI boasts clean and modern facilities with concrete and linoleum floors and white walls. Large, opaque and barred windows allow light to enter its long hallways. Participants toured one of the medium-security wings, visiting its canteen, workshops, cell blocks, and mother and child units as well as the “psychological gymnasium” and medical facilities. In line with the Bangkok Rules, all guards were women, while some supervisors and other staff were men.

**Daily Grind**

Beginning in the canteen we learned that staff dieticians determine each person’s meal type and serving size during intake and registration. Meals are served at 7 am, noon, and 4:30 pm, with a snack served at 6:30 pm. Three types of special meals are designed to accommodate vegetarian, Islamic, and Hindi diets, and pregnant women are given additional portions in light of their unique nutritional requirements.

Women incarcerated at LWCI work six to ten hour days, six days a week in workshops for bookbinding, shoemaking, sewing, and preparing medical face masks. CSD staff explained that in an effort to minimize economic incentive or exploitation, all products are supplied to the Hong Kong government—books go...
to public libraries, while clothing and masks go to local hospitals.

Prisoners worked silently as we observed them handling face masks and hospital gowns. In response to a participant’s question, CSD staff said that women are allowed to talk while they work. Inside their cell blocks, women share 10-bed dormitories with those in their work groups. In addition to dormitories, cell blocks feature a common room with two television sets (one for Chinese programming and one for English) and a small library. CCTV cameras are conspicuously installed in the dormitories. To avoid being recorded, prisoners are advised to change in the bathrooms. The cell blocks had high ceilings and large windows, but no air-conditioning units to moderate temperatures during Hong Kong’s hot and humid summer months.

In addition to their daily routine, some prisoners are given the opportunity to enroll in vocational certification programs of three months or more. A review board determines eligibility, usually selecting prisoners nearing release. Courses include computer science and sales for electronics or beauty supplies. These courses have high passing rates of 100 or, in the case of computer science, 90 percent. The certificates given upon completion are the same as those offered in training programs to free persons throughout Hong Kong, minimizing stigmatization.

Children in Prison

In Hong Kong, mothers are allowed to keep their babies with them in prison until the children reach age three. Mother and child units have up to six cots, each coupled with a crib, in a sterile, white room. As is the case with prisoners, children are only allowed outside for fresh air for one hour each day. CSD staff noted that the prison’s nurseries were still under renovation.

Globally, prison administrators and prisoner rights advocates debate whether and under what circumstances it is appropriate for children to live in prison. (For example, children are not allowed to live in prisons in mainland China or in Norway.) According to Rule 49 of the Bangkok Rules, “decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners.” Rule 51.2 states that “the environment provided for such children’s upbringing shall be as close as possible to that of a child outside prison.”

Symposium participants were moved by the mother and child units, rekindling the debate on whether children should be raised in prisons. One participant opined that all mothers should be paroled prior to or upon giving birth. Another questioned the importance society places on motherhood and asked if grandparents or other family members outside prison could raise children of incarcerated mothers well enough to outweigh the negative impact of separating mother and child.

Young children are afforded special visitation rights at LWCI. Up until age six, they may visit their mothers for two hours, twice a week in a playroom with toys, play structures, and books. Visiting children are not permitted to play outside with their mothers. Visitors over age six are restricted to 30-minute visits twice a month. All visitors, including children, are searched prior to their visit. There are no facilities for overnight or conjugal visits.

Mental Health

The psychological gymnasium, or “Psy Gym,” is run by two full-time clinical psychologists who facilitate one-on-one and group sessions with prisoners. The name “psychological gymnasium” comes from the emphasis on prisoners taking agency in working out their mental health issues and emotional habits. Psychologists use drawing and storytelling, and a music therapist works in the prison one day each week.

In the event of self-harm, prisoners are not punished through placement in isolation or solitary confinement. Instead, they are given more attention—staff members check on them every 15 minutes and ensure that they are never alone, especially at night. Where serious injuries result, inmates are transferred to local hospitals or clinics for treatment at the government’s expense. Transfer outside the prison is also necessary for prisoners who develop serious illnesses.

Prisons and criminal justice systems should primarily serve to rehabilitate and reintegrate people at odds with
Clemency, Death for Militia Members

Armed rebellion is one of 12 crimes under the category of endangering state security. In 1999, the Luzhou Intermediate People’s Court applied this crime to a dozen individuals who participated in an antigovernment militia called the Southwest Buddha League (西南佛联盟). Guizhou native Chen Faqing (陈发清) founded the militia in Yongxu County, Sichuan, in the early 1990s. Official sentencing records report that Chen aimed to overthrow the Communist regime and save the Chinese people from an apocalypse that he said would occur between 1997 and 2000. The militia issued its own work permits, organized an independent household registration system, and established more than 30 bureaucratic divisions and a military academy. At its peak, the Southwest Buddha League had 1,120 registered members, according to provincial statistics.

The militia attempted to stage an armed rebellion in April 1998 after two members were detained. On June 5, armed police surrounded the group’s stronghold in Gulin County, detaining 48 core leaders and confiscating more than 400 pounds of explosives. The most lenient sentence in the case was three years in prison. However, Chen and three others were sentenced to death. Another three were sentenced to 15 years’ imprisonment: two of them were released early, while the third died in custody. Chen Yunhua (陈云华) was released on November 7, 2011, after receiving a 19-month sentence reduction. Zeng Xiangui (曾显桂) received four sentence reductions totaling 60 months between 2002 and 2008. Zeng was released on June 7, 2008. Luo Tiangui (罗天贵) died from an unspecified illness on October 28, 2005. He was not reported to have received any sentence reductions.

June 4 Protester Deceased

After the suppression of the Beijing pro-democracy protests in the spring of 1989, Ni Erfu (倪耳福) joined the “riots” that befall Chengdu. As a result, he was sentenced to life imprisonment for “hooliganism.” Three years later, the Sichuan High People’s Court commuted his sentenced to 18.5 years’ imprisonment, and in 1995, Ni’s sentence was reduced by another 18 months. Despite early instances of clemency, Ni died...
of acute myocarditis on October 23, 1997. His age and background are unknown. Hooliganism was removed as a crime from China’s Criminal Law in 1997.

Party Tightens Controls on Sentence Reduction

An application to commute the life sentence of Guangdong prisoner Wang Ruikuan (王瑞泉) was submitted to higher authorities in April 2013, but a decision has yet to be issued. Wang is a former air force logistics officer and one of only five individuals known to have been convicted of Taiwanese espionage since Ma Ying-jeou became Taiwan’s president in 2008.

Prison officers review applications for sentence reduction before submitting them to wardens and finally to people’s courts for review. Judicial review has historically been a rubber stamp process, but in 2010 Chinese media reported that some courts began holding public hearings to check against favoritism or other improprieties.

In February 2014, the Central Politico-Legal Committee issued a guiding opinion tightening controls on sentence reduction and parole. The Guangdong High People’s Court suspended review of 135 sentence reduction and parole applications the same day. Focusing on occupational crimes, disrupting financial administrative order and financial fraud, and organized crime, the opinion is likely to have implications for former party officials like Chongqing’s Bo Xilai.

Tibetan Incarcerated 300 Miles from Residence

Donkho (容科) was one of the three Tibetan writers sentenced in December 2010 for writing articles related to the Tibetan protests that occurred in March 2008. He has not received any sentence reductions and is scheduled to complete a four-year sentence for inciting splittism on June 20, 2014. Donkho is incarcerated in Mianyang Prison, located more than 300 miles from Hongyuan, his home county. No information was provided in response to inquiries regarding Phurdan (布旦), another defendant in the case who received a four-year sentence. Kelsang Jinpa (格桑珍柏), the third defendant in the case, completed his three-year sentence in July 2013.

Chinese Women’s Prisons (Continued from p. 2)

Requiring prison police to perform specialized tasks like counseling speaks to another problem in Chinese corrections: a lack of talent and practical training. Prison police are classified as civil servants in China. That means they earn the same salary as other civil servants in their locality. This reality coupled with few opportunities for advancement, long hours, and little prestige has made it difficult to attract talent to work inside prisons. For those who are recruited, training generally focuses on legal knowledge rather than the interactive, practical skills necessary to deal with prison life. This is particularly problematic for women’s prisons since laws and regulations on the treatment of female detainees are “scattered and overly simplistic,” and deal mostly with sex segregation and special procedures for pregnant and breastfeeding women.

Prioritize Women, Implement the Bangkok Rules

In the world’s most populous country, prioritizing policies to serve the people is no easy task. Looking only at the number of women in prison (as a percentage of the population) and informed by crime-related stigmatization and gender stereotypes, the needs of women at odds with the law may not seem paramount. This dismissal is evidenced by the many policymakers inside and outside China who are not familiar with the Bangkok Rules. However, women prisoners are women first and prisoners second. They are often survivors of gender-based violence. By committing to implement the Bangkok Rules, states prioritize the rights of women, families, and communities, and provide hope for brighter futures.

Works Cited
Visiting California’s Largest Women’s Prison

Executive Director John Kamm and Programs & Publications Associate Rene Kamm joined Judge Lillian Sing on a visit to Central California Women’s Facility (CCWF) in Chowchilla in January. Spurred by headlines on the forced sterilization and shackling of women, Judge Sing sought to gather information on pregnant prisoners. From 2006 to 2010, doctors contracted by California’s corrections department sterilized nearly 150 women prisoners without required state approvals, raising questions about coercion. California banned the shackling of pregnant prisoners two years ago. Shackling during childbirth was prohibited by the state of California in 2005, but 32 states continue to allow this practice.

Judge Sing was the first judge to visit CCWF in more than three years. She presented her findings at Women in Prison: An International Symposium on the Bangkok Rules. Several participants opined that routine visits to prisons by judges, lawyers, and other criminal justice practitioners and students would significantly impact decisions on the necessity and length of incarceration, especially those that affect parents with minor children and people convicted of non-violent crimes.

Reaching Audiences, Rights Defenders

In November, Executive Director Kamm spoke about the reform resolution adopted by the Communist Party at its Third Plenum at the American Chamber of Commerce in Hong Kong. The same month, Director Thomas Gorman hosted a Friends of Dui Hua luncheon at the Foreign Correspondents’ Club, attended by Kamm and Director William McCahill, to thank supporters and brief them on Dui Hua activities.

Returning to Hong Kong in February, Kamm lectured students in Professor Frank Ching’s course, “China’s External Relations and Their Economic Impact,” at Hong Kong University of Science and Technology.
Kamm spoke on China’s past, present, and future relationship with the United States and how it has played a role in China’s human rights situation.

In California, Kamm gave a speech titled “Xi Jinping’s China: Prospects for Economic and Political Reform” at the Stanford Park Hotel. Director Magdalen Yum hosted the event to reach out to Silicon Valley entrepreneurs who do business in China. Kamm also spoke at the historic Francesca Club in San Francisco.

In January, Chinese activist Teng Biao (滕彪) visited Dui Hua’s San Francisco headquarters. He discussed his teaching in Hong Kong and the current situation in China with regard to rule of law and civil society.

**Beijing: Official Meetings, Research**

In November, Executive Director Kamm visited Beijing and Hong Kong to carry out advocacy efforts on behalf of political and religious prisoners. Among the Chinese officials he met was Vice Minister Li Baodong, China’s senior diplomat in charge of multilateral affairs. The Ministry of Foreign Affairs featured the meeting on its English and Chinese websites, stating that Kamm and Li shared views on human rights in the United States and China.

Then US Ambassador Gary Locke met with Kamm the day before he announced his resignation. Kamm and Locke routinely met in Beijing and together advocated on behalf of US citizens detained in China, including Xue Feng (薛峰). America’s incoming ambassador to China is former Montana Senator Max Baucus, who worked closely with Kamm to maintain China’s trade status with the United States in the 1990s and early 2000s. In a 2000 Senate hearing, Baucus called Kamm “the single most effective American in promoting the release of political prisoners and uncovering the names of previously unknown prisoners.”

Kamm and Dui Hua Programs & Publications Manager Megan Ko conducted research at the National Library of China in Beijing and uncovered the names of dozens of individuals imprisoned for participation in banned religious groups such as Falun Gong, Mentu Hui, and Eastern Lightning.