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The Conservative Party Human Rights Commission

## **“FOREIGN PRISONERS IN CHINA: ABUSE, FORCED LABOUR AND A DENIAL OF HUMAN RIGHTS”**

**A Briefing**

**July 2023**

### **Introduction**

On 26 June, 2023 the Conservative Party Human Rights Commission held a hearing in Committee Room 5 of the House of Commons, at which two courageous individuals – Peter Humphrey, a British citizen, and Marius Balo, a Romanian – provided testimony regarding their experiences in prison in China. The hearing was chaired by Tim Loughton MP, Chairman of the Conservative Party Human Rights Commission, and in attendance were Baroness Hodgson of Abinger, Benedict Rogers and Luke de Pulford, all members of the Commission, and Lord Alton of Liverpool and Baroness D’Souza as invited Parliamentarians.

The hearing was the latest in the Commission’s work on human rights in China, and follows our extensive inquiries in 2016 and 2020, which led to the publication of our reports titled *The Darkest Moment: The Crackdown on Human Rights in China 2013-2016* and *The Darkness Deepens: The Crackdown on Human Rights in China 2016-2020*, as well as our shorter hearings and briefings on forced organ harvesting and Confucius Institutes.

The Conservative Party Human Rights Commission was established in 2005 by The Rt Hon Liam Fox MP, as Shadow Foreign Secretary at the time, and embraced by his successor, The Rt Hon Lord Hague of Richmond. Tim Loughton MP was appointed as the Commission’s sixth Chairman in 2022, following his predecessors Fiona Bruce MP, The Rt Hon Sir Robert Buckland MP, The Rt Hon Sir Tony Baldry, The Rt Hon Stephen Crabb MP and Sir Gary Streeter MP. The Commission’s focus is on international human rights, and serves to highlight human rights situations and causes around the world, and make recommendations for foreign policy. Our work primarily involves holding inquiries, with oral evidence sessions and calls for written evidence, as well as shorter one-off hearings and events.

This briefing is a summary of the hearing held in Parliament on 26 June 2023. It draws only on the testimonies of Mr Humphrey and Mr Balo, and on media articles provided as further background.

## Summary of the two witness testimonies

The two witnesses (detailed biographies available below) both endured several years in China's prisons, for crimes they did not commit. Peter Humphrey, aged 67, a British citizen and a distinguished former foreign correspondent and businessman with 48 years of experience in China, spent two years in prison in China, from 2013-2015, as did his Chinese-born wife, Yu Yingzeng, an American citizen. Marius Balo, a 42 year-old theologian and teacher who had moved to China to teach English, spent a total of eight years in jail in China, from 2014-2022. They are the first and only former foreign prisoners jailed in China to tell their stories publicly.

Their full testimonies are available on the Conservative Party Human Rights Commission's website, [www.conservativepartyhumanrightscommission.co.uk](http://www.conservativepartyhumanrightscommission.co.uk), or from the office of Tim Loughton MP. In summary:

### *Peter Humphrey's case*

At the time of his arrest in 2013, Peter Humphrey was running a very successful private sector due diligence and anti-fraud investigation consultancy business called ChinaWhys, which he had established ten years previously, after working for five years in the same field for Kroll and PwC, following a 20-year career as a Reuters journalist. He had extensive experience of due diligence work in China for many multinational corporations, including large manufacturers with complex supply chains, including such global brands as H&M, BMW, Daimler, Unilever, Rolls-Royce Engines, Dow Chemical and Apple. He had been hired by the global pharmaceutical company GSK to investigate a suspected whistleblower in the company, in a case related to allegations of fraud and bribery. Seemingly the suspected whistleblower had high-level political connections in China and discovered she was under investigation, resulting in the Chinese police breaking down the door of Mr Humphrey's Shanghai apartment and arresting him and his wife. The details of their case can be found in several media reports.<sup>1</sup>

He was the first prominent member of the foreign business community in China to be imprisoned by Xi Jinping's regime, and the first foreigner to be subjected to a forced televised confession, filmed in a cage and broadcast on Chinese state television. He now works to support, advise and mentor the families of other foreign prisoners in China.

### *Marius Balo's case*

Marius Balo is a 42-year-old Romanian theologian and teacher. In 2010 he moved to China as an English teacher. He then started to work for a Chinese financial services company as a part-time employee. In 2014 he was wrongfully arrested along with all the staff of the company, after it was accused of contract frauds which Marius had known nothing about.

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<sup>1</sup> See Financial Times, "I was locked inside a steel cage": Peter Humphrey on his life inside a Chinese prison," 16 February 2018 - <https://www.ft.com/content/db8b9e36-1119-11e8-940e-08320fc2a277?accessToken=> ; as well as The Sunday Times, "Inside the Chinese gulag", by Michael Sheridan, 11 July 2015 - <https://www.thetimes.co.uk/article/inside-the-chinese-gulag-mtnt0ng8jhb>; CNN, "Peter Humphrey was once locked up in China. Now he advises other prisoners and their families how to take on Beijing," 13 December 2020 - <https://edition.cnn.com/2020/12/13/asia/peter-humphrey-china-prisoners-intl-hnk/index.html>

He spent the next two years in pre-trial detention, in a 12-sq meter cage with no way to contact anyone in the outside world, and a further six years in the same Shanghai prison as Peter Humphrey. He was released in March 2022.

### *Prison population*

In his testimony to the Commission, Mr Humphrey noted that while “there are no reliable statistics for the number of prisoners in China because China obfuscates the situation,” nevertheless he estimates the prison population to be approximately 5 million people, in addition to the several million interned in prison camps in Xinjiang and Tibet. He estimates the total number of foreign prisoners in China to be approximately 5,000, a significant proportion of whom are Africans and China-born foreign citizens.

“The UK government has not disclosed how many of our citizens are held in Chinese facilities,” he added – although a subsequent Parliamentary Question tabled by The Rt Hon Sir Iain Duncan Smith MP (191244) on 27 June 2023 resulted in the Minister of State at the Foreign, Commonwealth and Development Office replying as follows: “On the 1st June 2023, the FCDO was providing on-going consular assistance to 17 British citizens detained in China. On the 1st June 2023, the FCDO was providing on-going consular assistance to 20 British citizens detained in Hong Kong. It is not possible to provide further details on individual cases.”

### *China’s legal, judicial and prison system*

China’s legal, judicial and prison system, according to Mr Humphrey, “act as an organic whole to exercise repression, resulting in systematic abuse on a massive scale.” There is no rule of law, but instead rule by law, with no independent judiciary. “Police, prosecutors and judges are all part of the same family – the Communist Party. And lawyers are compelled to obey the Communist Party.”

Crucially, according to Mr Humphrey, “police do not conduct investigations with any real detective work or forensic procedures”. Instead, they rely on extracting confessions from detainees who are “interrogated day by day locked inside a cage”, and by extracting so-called witness statements which are often coerced. No contradictory evidence or cross-examination of witnesses is permitted, prosecution witnesses are only required to provide written testimonials and are not required to appear in person, no defence witnesses are called, no defence evidence is presented and defence counsel are prevented from conducting genuine, vigorous defence. As a result, according to Mr Humphrey, 99.9% of prosecutions result in convictions and sentences, and 99.9% of appeals are rejected.

“Among the millions of prisoners in the system, not a single prisoner has had a fair and transparent trial. Not a single one,” Mr Humphrey told the Commission. “Sentences tend to be reckless, inconsistent and disproportionate to any offence. So the entire system is arbitrary and subject to the whims of Communist Party officials. The system works in favour of anybody with connections to use the law to bash people they dislike.”

Mr Balo agreed. “Justice in China is always based on someone’s whims – the Party’s whims, expressed through its foot soldiers,” he told the Commission.

Televised forced and false confessions are broadcast on the main state-owned outlets, CCTV and CGTN. Mr Humphrey himself was forced to make two televised forced confessions from a steel cage in the detention centre, which were then broadcast worldwide. After his release, he successfully filed a complaint with Ofcom in the UK, resulting in Ofcom imposing a fine on CGTN and withdrawing its UK broadcast licence.<sup>2</sup>

Pre-trial detention centres do not, according to Mr Humphrey, function like pre-trial custody regimes elsewhere. Instead they are “penal regimes from day one, even when a detainee has not been indicted, tried and convicted of any crime”. Conditions are notably harsh, and have grown worse in recent years, according to the evidence Mr Humphrey has gathered from interviews with released prisoners who, he said, have reported “unspeakable woes”. These detention centres, he added, “are designed to crush the human spirit with the result that prisoners sometimes falsely confess to a crime”. In recent years under Xi Jinping’s dictatorship, basic rights to food rations, exercise, family telephone calls, letter writing and the receipt of reading materials have been reduced, and sentence reductions have been impossible to obtain without submitting to coerced labour.

### *Forced prison labour*

Both Mr Humphrey and Mr Balo described first hand experience of forced prison labour. “China’s entire prison system holding many millions of prisoners is in fact a gigantic, self-perpetuating commercial enterprise which brings profits to the state, income to prison officers, and funds prison operations,” Mr Humphrey said. “Every prison imposes forced production labour on its prisoners.”<sup>3</sup>

Crucially, this forced prison labour is used to produce products for global supply chains and global multinational brands. “Prison officers are employed as labour supervisors, marketing and sales managers, and get bonuses and perks for high production output,” according to Mr Humphrey. “Officers go out to win orders and contracts from commercial manufacturers. Every prison has incorporated one or more companies to hold this business.”

Prison campuses contain entire factories, according to Mr Humphrey and Mr Balo, producing a range of goods including sports shoes, apparel and daily hardware items, to electronic products such as keyboards and appliances. Prisoners work up to 12 hours a day, six days a week. “The seventh day is spent on writing thought reports and on ideological study,” Mr Humphrey said. “Accidents are frequent in the factories. I met many Chinese prisoners in the prison hospital with broken bones caused by factory accidents.”

According to Mr Balo, “Chinese inmates would wake up at 6am and soon afterwards be marched out into the factories. The prison compound was gigantic. Only a fraction of it was made up of living quarters. The rest of the space was made up of factories. They got marched out every morning as we watched from our windows, with the sick and the elderly being piled

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<sup>2</sup> BBC, “Chinese TV channel breached rules with ‘forced confession’,” 6 July 2020 - <https://www.bbc.co.uk/news/entertainment-arts-53308057>

<sup>3</sup> The Diplomat, “Forced prison labor in China: hiding in plain sight,” by Peter Humphrey, 25 January 2022 - <https://thediplomat.com/2022/01/forced-prison-labor-in-china-hiding-in-plain-sight>

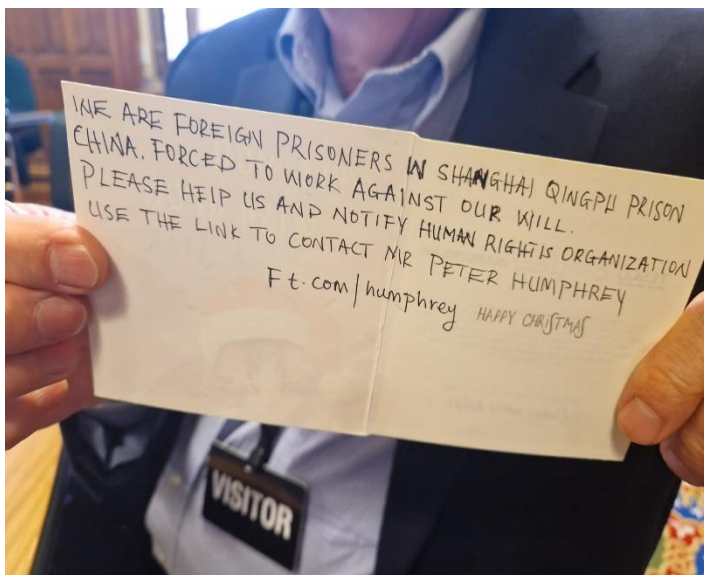
one on top of the other in a rudimentary cart and pulled behind the marchers. Everyone had to go. No one was allowed to stay behind. They had to sing ‘The Chinese Communist Party is my mother’ as they marched.”

Foreign prisoners in most prisons in China do not perform heavy factory labour, according to Mr Humphrey, but instead are required to perform manual tasks requiring no machinery, in a work room in their own cell block. In Shanghai’s Qingpu Prison where Mr Humphrey and Mr Balo were held, foreign prisoners worked five days a week, although in some prisons African prisoners are forced to work the same hours as Chinese prisoners.

“The typical work of foreign prisoners includes making gift bags for retail chains (including China’s biggest duty-free shopping chain), making packaging materials, packing items such as Christmas cards, plastic tags for retail display racks, keyboards, and breakfast oatmeal sachets,” according to Mr Humphrey. “While a prisoner in Qingpu Prison, I personally witnessed items being made or packaged for labels including H&M, C&A and 3M. Other prisoners I have interviewed after release more recently listed many other brands owned by companies in a number of countries being made in Qingpu Prison. These practices are repeated in all Chinese prisons.” In recent years, Mr Humphrey added, he has received reports relating to the prison labour production of pregnancy test kits and personal protective equipment (PPE) such as face-masks sold in Europe during the Covid-19 pandemic.

Mr Balo described being required to glue handles onto gift bags all day. “Your nose was inside that glue all day, with no mask to protect you,” he said. In the hearing, he presented the Commission with an example of a paper gift bag which he had been required to make in prison and had smuggled out of prison when he was released.

“We had to work in the same room that we ate. Chunks of meat were awarded to those who completed their labour quotas in record time, while the rest of us watched,” said Mr Balo. “Food was always used as an instrument of control. If you rat out on your buddies or chose to participate in propaganda, you would receive a piece of meat while the rest of us got grass and rice.”



In 2019 a little 8 year-old girl in London opened a box of Tesco Christmas cards which she had bought, in order to write and send them to her friends. In one card she found a message had already been written. It read: “We are foreign prisoners in Shanghai Qingpu Prison, China. Forced to work against our will. Please help us and notify human rights organisation. Use the link to contact Mr Peter Humphrey – [ft.com/humphrey](https://ft.com/humphrey).” The girl’s father immediately made contact with Mr

Humphrey, who then wrote extensively about the packaging of Tesco Christmas cards and Quaker oats<sup>4</sup> by foreign prisoners in China in *The Sunday Times*.<sup>5</sup> Tesco immediately responded by halting production of these cards in China.<sup>6</sup>

Mr Humphrey presented the original card and message to the Commission during the hearing.

“Within this system, Chinese prisons make huge profits for the government. There is no incentive to release prisoners early. There is every incentive to keep prisoners in prison for as long as possible to squeeze more labour out of them. And there is an incentive to grow the prison population,” said Mr Humphrey.

### *Due diligence*

Corporate due diligence in China has always been challenging, but has been made impossible with the introduction of a new anti-espionage law which took effect on 1 July 2023. That law effectively categorises due diligence investigations as spying. According to Mr Humphrey, “now, many activities that previously might have been treated as privacy matters have been moved under the spying law and could result in life sentences. In these circumstances, multinationals cannot satisfactorily check whether a Chinese company is using prison labour or other illegal unsocial labour. The only way to avoid this risk is not to manufacture in China at all. Anybody who says you can avoid it is either lying or fantasising.”

Multinational corporations, according to Mr Humphrey, very often have no knowledge of what is going on at the bottom of their “complex and opaque supply chain”, including the use of prison labour or child labour. For example, he said, “a fashion company may commission a Chinese factory to make the trimmings for a pair of trousers. But that Chinese factory contracts another factory to do the zippers, and another one to do the buttons, and another one to do packaging. The only way that companies become aware of this prison labour is when a prisoner manages to smuggle out a whistle-blowing message and it gets to the media.”

### *Psychological torture, mistreatment and denial of health care*

When Marius Balo was arrested, he was tied up in what is known as a “tiger chair” and interrogated for 24 hours. In pre-trial detention, for two years he was held in a 12 square metre cage with 10-12 other prisoners, none of whom spoke English. He was never allowed out of the cage, other than for questioning.

“I was never tortured physically – everything was psychological torture,” Mr Balo told the Commission. “I could not contact anyone. I could never see daylight, for the two years that I

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<sup>4</sup> The Sunday Times, “China’s prison slaves forced to pack Quaker oats,” by Peter Humphrey, 19 January 2020 - <https://www.thetimes.co.uk/article/chinas-prison-slaves-forced-to-pack-quaker-oats-mrbc8sgm>

<sup>5</sup> The Sunday Times, “Sawdust, burgers and borscht – Peter Humphrey’s Christmas in a Chinese prison,” by Peter Humphrey, 22 December 2019 - <https://www.thetimes.co.uk/article/sawdust-burgers-and-borscht-peter-humphreys-christmas-in-a-chinese-prison-7q0rnsrnk>

<sup>6</sup> The Sunday Times, “Tesco halts sale of Christmas cards made in China ‘slave’ jail,” 23 December 2019 - <https://www.thetimes.co.uk/article/tesco-halts-sale-of-christmas-cards-made-in-china-slave-jail-znmmp9c6f>

was in the cage. When I went to court, they shoved a bag over my head. Some prisoners endure those conditions for as long as 4-5 years before sentencing.”

Mr Balo described waking up each day at 6am and being forced to observe the other 10-12 prisoners in the same cage defecating in the hole in the corner of the room that was the only toilet available. At the same time, the television above the hole was broadcasting Chinese Communist Party propaganda and patriotic songs which prisoners were required to watch. It was, he said, an “indoctrination programme”.

Calls from the detention centre were not allowed at all, and calls from Qingpu Prison were severely restricted, as was medical care. “It was nearly impossible to receive medical attention if you were sick,” Mr Balo said. “The hardest thing to come by was medical attention. The prison medic would only receive foreign inmates on Tuesdays. It didn’t matter that you were hurting on Wednesday. If you experienced pain, any kind of pain, you had to sign up on a list and wait sometimes for an entire week. I witnessed two men get cancer inside the prison and both were left to die without treatment. When the pain became unbearable, they received palliative medicine. Nothing else.”

One Canadian prisoner of Chinese origin, Mr Steve Lien, suffering from non-Hodgkins Lymphoma, was asked to pay for hospitalisation and chemotherapy, according to Mr Balo. “His family wired tens of thousands of dollars into the prison’s accounts, but he never received any specific cancer treatment except a tube of oxygen when he could hardly breathe anymore. I saw him a few days before he died. Then they took him away. His family was given a small bottle of ashes.”

Another prisoner, a Colombian, had already served 15 years of a life sentence (which was later commuted to 18 years), when he developed cancer. For several months he requested hospital treatment and tests, but was refused. “He finally went on hunger strike and after a week they finally took him to hospital,” Mr Balo told the Commission. “He was diagnosed with multiple cancerous tumours. They told him he could not receive an operation. He received no other cancer treatment except for painkillers. He died nine months later. He repeatedly asked for medical parole. He had only a few years left on his sentence. But he was cynically ignored until the very end. Then they told him he was too sick to be accepted on board the aeroplane. He died alone, a pack of bones, on a cold hospital bed, a few days later. These are only two stories out of countless examples of injustice that I have encountered there.”

According to Mr Humphrey, “the Chinese prison system weaponises prisoners’ health and medical care as an instrument to extort written confessions to crime, refusing to provide needed medical attention to prisoners who refuse to admit guilt.” He knows this from first-hand personal experience.

Prior to his arrest and imprisonment, Mr Humphrey had suspected prostate cancer. “By the time of my release after two years, I had developed advanced prostate cancer and then had to battle it for five years. I am lucky to be still alive,” he told the Commission.

“This practice is the norm in Chinese prisons. Medical treatment is also withheld simply to avoid spending money on it. I learned of several Chinese deaths inside the prison from

untreated cancers. And since my release, a number of prisoners have died soon after their own release, and at least two foreign prisoners in my cell block have died from cancer.”

### **Conclusions and Recommendations**

The Conservative Party Human Rights Commission agrees with Peter Humphrey’s conclusion that “in their aggregate, the harsh conditions in China’s pre-trial detention facilities and prisons add up to torture”.

China’s judicial and prison system violates international norms and treaties, including the United Nations conventions on torture and on minimum standards for the treatment of prisoners.

The evidence that forced prison labour products from China are in our shops and available to consumers without their knowledge is profoundly concerning.

Often we focus on the human rights violations perpetrated against political prisoners and prisoners of conscience: dissidents and religious practitioners from across China, Xinjiang, Tibet and Hong Kong. But as Mr Humphrey noted, in China it is clear that “not only political prisoners are a human rights matter – prisoners held for alleged common crimes are also victims of human rights abuse.”

Based on the evidence presented in this hearing, the Conservative Party Human Rights Commission makes the following recommendations:

1. The United Kingdom government should abandon its practice of non-intervention in judicial cases in China, and in every case of a British citizen being detained in China, His Majesty’s Government should challenge the processes, practices and lack of transparency. It has a duty to do more than simply seek consular access, providing visits, delivering correspondence, books and other support, vital though that undoubtedly is, and instead actively advocate for British citizens in jail in China;
2. The United Kingdom should impose mandatory due diligence requirements for all UK companies, requiring those who manufacture in China to thoroughly and comprehensively investigate their supply chains, on a regular basis, to ensure there is no prison labour in the chain. If they are unable to do so due to the barriers erected to proper due diligence by the Chinese State, UK companies should cease manufacturing in China;
3. The United Kingdom should introduce and enforce a labelling system or ‘health warning’ on products made in China, similar to the labels on cigarettes, informing the consumer that these products might have been made by forced labour.



## **Witness biographies**

### **1. Peter Humphrey**

Peter Humphrey is a 67-year-old British citizen from Surrey with 48 years of experience with China. He holds a first class honours degree in Sinology from Durham University and is an external research associate of Harvard University's Fairbank Center for Chinese Studies. He spent two decades as a foreign correspondent both in communist Eastern Europe (as it was at the time) and the China region, mostly with Reuters. He then spent 15 years as an anti-fraud and due diligence consultant with Kroll, PwC, and, for the final ten years, running his own consultancy, ChinaWhys. In July 2013 he and his wife were arrested and imprisoned on charges of illegal information gathering after conducting an investigation for GSK. They spent two years in Chinese prisons during which time Peter developed advanced prostate cancer as medical treatment was deliberately withheld in a bid to coerce a false confession. He was the first prominent member of the foreign business community in China to be imprisoned by the Xi Jinping regime and the case attracted extensive media coverage. He was also the first foreigner to be paraded in a cage on Chinese television in a notorious broadcast of a false and forced TV confession.

Since his release Peter has fought his cancer and many other non-medical battles. He published a viral, harrowing account of his ordeal in the Financial Times Weekend Magazine in 2018. He won an out of court settlement from his former client in 2022 after six years of litigation. He fought a campaign against Chinese TV which resulted in the regulator Ofcom removing CGTN's UK broadcast licence. He wrote a series of exclusive investigation reports for the Sunday Times around Christmas 2019 exposing the use of forced labour among foreign prisoners in China, centred upon the packaging of Tesco Christmas cards and Quaker oats by foreign prisoners. He filed a complaint to the Chinese government after his release, exposing those responsible for his arbitrary imprisonment, which has been ignored. Peter is today a mentor to many families suffering similar ordeals. He has built his own prisoner support and intelligence network, which includes released prisoners, and Marius Balo has been one of his mentees. Peter has also advised on many documentaries on China in recent years and is often interviewed by the media for his insights into justice and imprisonment in China.

### **2. Marius Balo**

Marius Balo is a 42-year-old Romanian theologian and teacher. He graduated from St. Vladimir's Orthodox Theological Seminary in Yonkers, New York, and holds a Master of Divinity degree. He has worked in the field of peace building and conflict transformation as a project coordinator for PATRIR (Peace Action Training and Research Institute of Romania). He has also taught theology and was a talk-show host in his hometown, Cluj-Napoca. In 2010 he decided to move to China and took up a job as an English teacher. In 2014 he was wrongfully arrested along with all the staff of a Chinese company for whom he worked as a minor part-time employee. The company was accused of contract frauds which Marius had known nothing about.

He spent the next two years in a 12-sq meter cage with no way to contact anyone in the outside world, and a further six years in the same Shanghai prison as Peter Humphrey. He was released in March 2022. Immediately upon his release he set out, on foot, on a 2922-km

pilgrimage around Romania, to spotlight the injustice done to him and to other victims of Communism, by walking 1 km for each day of his wrongful imprisonment. Eight years amounts to 2,922 days. He completed his pilgrimage on December 1, Romania's national day. He has just written a novel about his harrowing experience in China's jails. He is collaborating with Peter on a number of projects to spotlight injustice and prison conditions in China.