China Plans Major Reforms of Its Juvenile Justice System

**Frank Ching**

*Frank Ching is a journalist. In the following viewpoint, he outlines several proposed reforms to China’s Criminal Procedure Law, concluding that some of them may be double-edged swords. Ching praises proposed reforms to the juvenile justice system, which will exempt certain juvenile offenders from prosecution and incarceration, as well as seal the arrest and incarceration records of most juvenile offenders. He urges policy makers to take seriously the feedback on the proposed reforms and drop objectionable provisions to the new law.*

As you read, consider the following questions:

1. According to Ching, is torture legal in China?
2. When was the first version of China’s Criminal Procedure Law passed, according to Ching?
3. How many ESS (endangering state security) crimes were prosecuted in China in 2010, according to the author?

Reform of the Chinese legal system is desperately needed but the draft of large-scale amendments to the Criminal Procedure Law shows that the current exercise in law reform is potentially a double-edged sword.

Frank Ching, “Chinese Law Reform May Be a Double-Edged Sword,” *Japan Times*, October 20, 2011. Copyright © 2012 by the Japan Times. All rights reserved. Reproduced by permission.
Commendably, the draft law moves much closer toward the accused having a right to silence by recognizing the right against self-incrimination, saying “no person may be forced to prove his or her own guilt.”

**Key Reforms**

Traditionally, China has emphasized confessions and torture is still commonplace. In fact, there have been highly publicized cases where men serving prison terms for murder after confessing under torture were released when the “victims” turned up alive.

_The new emphasis on the prosecution to build a case by gathering evidence and calling witnesses suggests that Chinese courtrooms are going to become livelier places._

As a result, the current draft states: “The use of torture or extortion to obtain a confession and the use of other illegal means to collect evidence shall be strictly prohibited.”

Instead, it declares, “The onus of proof that a defendant is guilty shall be on the public prosecutor.”