

Alternatives to Incarceration in China's Juvenile Justice

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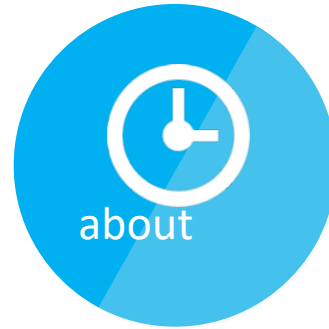
Outline



**General juvenile
crime trends**



**Incarceration
in adult justice**

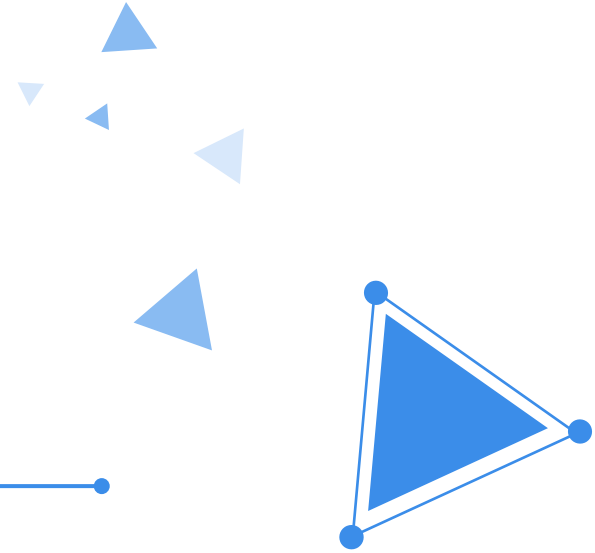


**Incarceration in
juvenile justice**

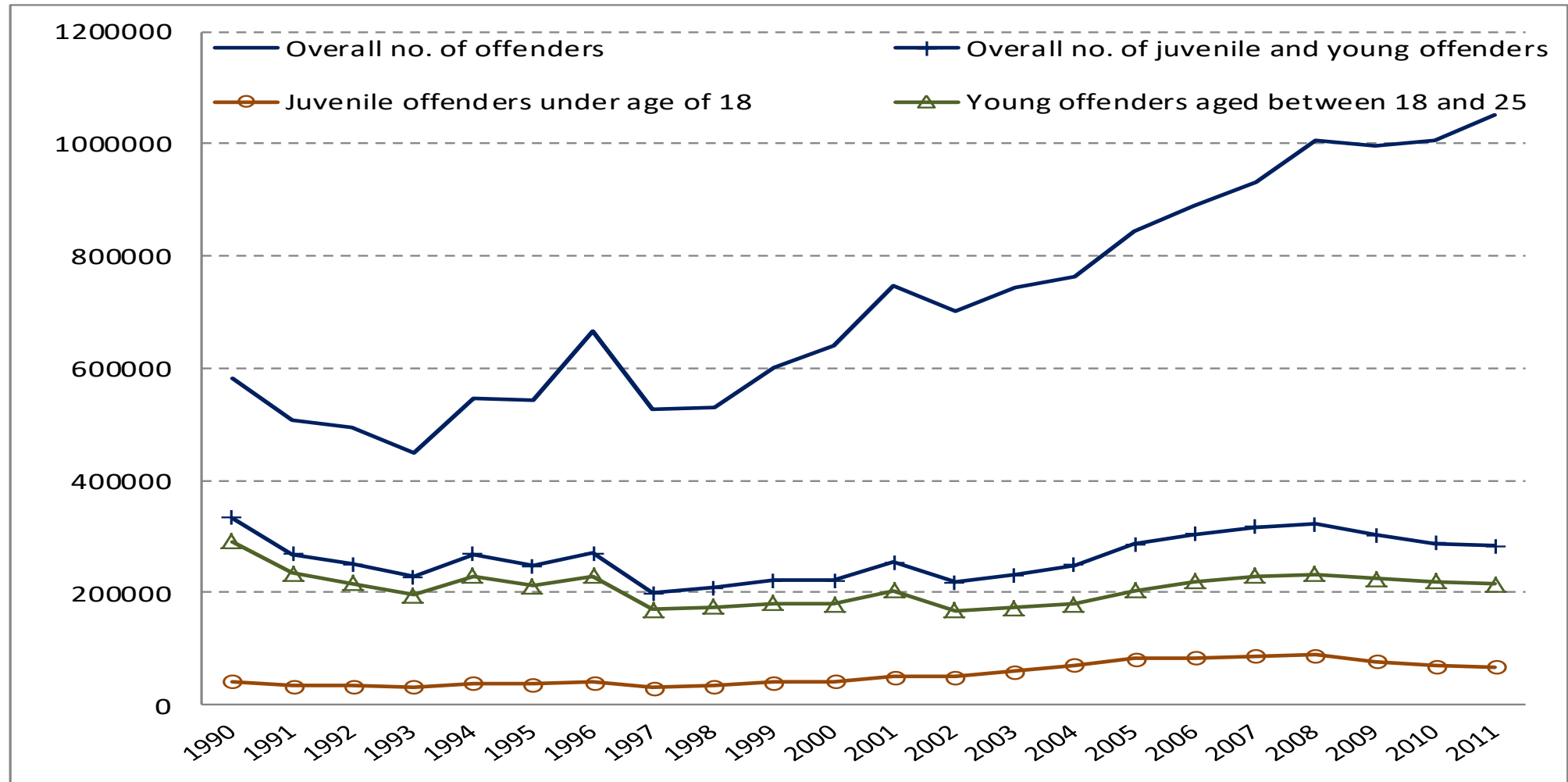


**Alternatives:
specialized education**

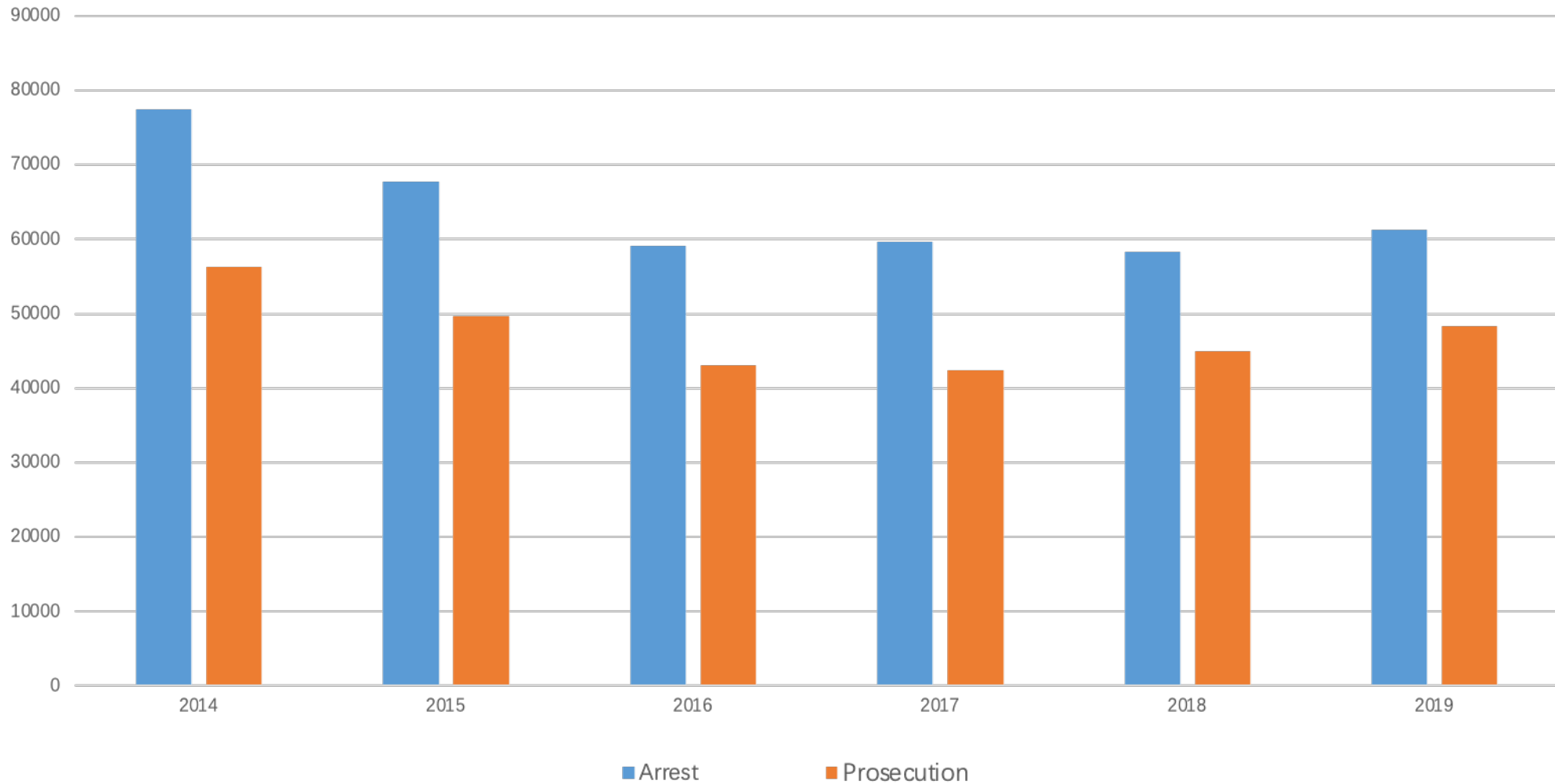
01 *Part One*
**General Juvenile
Crime Trends**



The trend of juvenile crime from 1990 to 2011



The trend of juvenile delinquency from 2014 to 2019



Source: White Papers on China's Juvenile Procuratorial Work (2014-2019)

02 *Part Two* Incarceration in adult justice



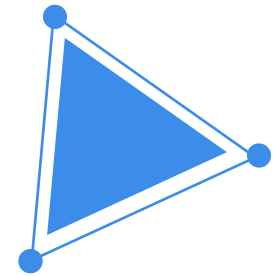
Incarceration in adult justice

	Law	Classification	Maximum Length of Incarceration
Incarceration under administrative law	Public Security Administration and Penalty Law	Administrative detention	Up to 15 days
Incarceration under Criminal Procedure Code/Criminal Code	Criminal Procedure Code	Criminal detention	Up to 37 days
	Criminal Code	Short detention	1 month to 6 months
		Fixed-term imprisonment	6 months to 15 years
		life imprisonment/ death penalty	

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Part Three

Incarceration in juvenile justice



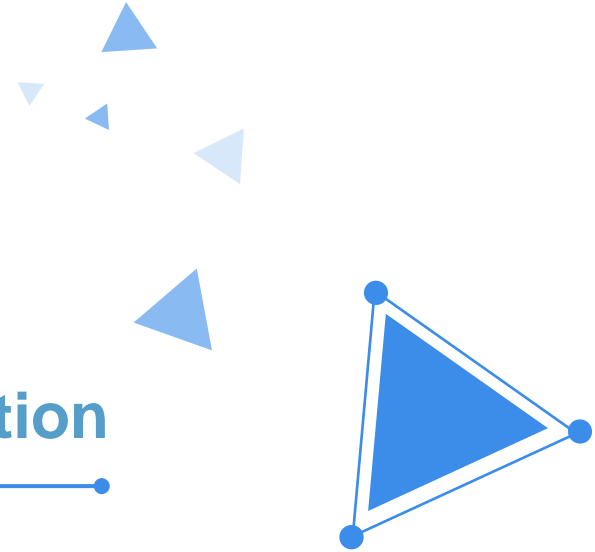
Incarceration in juvenile justice

Classification	Application of incarceration
Administrative detention (under administrative law)	Juvenile aged between 16-17 years
Criminal detention (under Criminal Procedure Code)	1. Juvenile aged between 12-13 years and committed the crimes of intentional homicide or intentional injury, causing death or serious injury by special cruel means, causing serious disability, shall bear criminal responsibility after being approved by the Supreme People's Procuratorate (NEW, <u>Under Criminal Code, Article 17</u>)
Short detention (under Criminal Code)	2. Juvenile aged between 14-15 years and committed the crimes of intentional homicide, intentional injury causing serious injury or death, rape, robbery, drug trafficking, arson, explosion, and dangerous substance throwing, shall bear criminal responsibility.
Fixed-term imprisonment (under Criminal Code)	3. Juvenile aged above 16 years, shall bear criminal responsibility for all crimes prescribed by Criminal Code.
life imprisonment (under Criminal Code)	

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Part Four

Alternatives: specialized education



Specialized education

Items	Contents
The object of specialized education	<p>For juvenile committed serious delinquency, if parents or other guardians, and the school are unable to discipline or the discipline is invalid, an application may be submitted to the education administrative departments. Based on the evaluation and approval of the special education steering committee. the education administrative department shall decide to send the juvenile to the specialized school to receive specialized education (<u>Under Juvenile Delinquency Prevention Law of 2020, Article 43</u>)</p> <p>Behaviors I: The following serious delinquency that seriously endanger social security (<u>Under Juvenile Delinquency Prevention Law of 2020, Article 38</u>) :</p> <ol style="list-style-type: none">(1) Gang fighting, chasing and intercepting others, forcing or arbitrarily damaging or occupying public or private property, etc.;(2) Illegally carrying firearms, ammunition, daggers and other controlled instruments prescribed by the state;(3) Beating, abusing, intimidating, or intentionally injuring another person's body;(4) Stealing, looting, snatching or intentionally damaging public or private property;(5) Disseminating Obscene reading materials, audio-visual products or information, etc.;(6) Prostitution, whoring, or obscene performance;(7) Taking or injecting drugs or providing drugs to others;(8) Large gambling capital;(9) Other behaviors that seriously endanger society. <p>Behaviors II: When a person is not criminally punished because he/she has not reached the age of 16, parents or other guardians are to be ordered to subject him/her to discipline; when necessary, special corrective education shall be conducted according to <u>law (Under Criminal Code, Article 17)</u></p>