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Death Penalty Database

China

Information current as of: April 10, 2014

General

Official Country Name

People's Republic of China (China). [1]

Geographical Region

Asia (Eastern Asia). [2]

Death Penalty Law Status

Retentionist. [3]

Methods of Execution

Lethal Injection. [4]

Shooting. [5]

Comments.

Lethal injection and shooting are the only methods authorized by China's Criminal Procedure Law of 1996. [6] Shooting executions were discontinued in 2010 per a People's Supreme Court ruling of February 2009 which held that lethal injection is a more humane form of execution than shooting. [7] Lethal injection (using a mixture of barbiturates, muscle relaxant, and potassium chloride [8]) was legalized in 1996 and has been used since the late 1990s. [9] In June 2009, the Chinese government announced that it was a long-term objective to replace the firing squad with lethal injection. [10] It is carried out in prisons or in mobile "death vans," where prisoners are reportedly strapped to an electric-powered stretcher and injected with lethal drugs. [11] The use of these vans has been decreasing since the late 2000s due to the expense of maintaining the vans. [12]

At least one source reports that persons convicted of economic or political crimes may be more likely to be executed by lethal injection than persons convicted of general crimes, who may be more likely to be shot; however, that same source indicates that lethal injection in a prison facility is a less expensive form of execution and was initially implemented in high crime-rate areas where it would be more likely that offenders were being executed for general crimes. [13] The cost of a single dose of lethal injection is cheaper—at 300 yuan—than the 700 yuan price tag of a firing squad. [14] Scholars point to this factor, profit, ease of secrecy, and reduction of family complaints (due to massive disfiguration caused by shots to the back of the condemned's head) as factors motivating the switchover to lethal injection, [15] which has progressed at a slow pace. [16]

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Country Details

Language(s)

Mandarin Chinese. [1]

Population

1,350,000,000. [2]

Number of Individuals Currently Under Sentence of Death

Possibly thousands.

We cannot offer an exact number because the number of death sentences is classified as a state secret. [3] It is also difficult to estimate the number of people under sentence of death because many prisoners do not linger on death row: they are either executed immediately, or given a suspended two-year sentence after which they are either executed or have their sentence commuted. [4] The death sentences reported in the media [5] are a fraction of those that are imposed. Human rights organizations estimate that China sentences thousands of people to death each year, more than the rest of the world together. [6]

(This question was last updated on April 26, 2018).

Annual Number of Reported Executions

Executions in 2019 to date (last updated on August 21, 2019)

Human rights organizations estimate that China executes thousands of people a year. The number of executions is a state secret, and the executions reported in the media are a fraction of those that are carried out. [7] It is estimated that China executes more than the rest of the world together. [8]

Executions in 2018

Human rights organizations estimate that China executes thousands of people a year, including women. [9] The number of executions is a state secret, and the executions reported in the media are a fraction of those that are carried out. [10] It is estimated that China executes more than the rest of the world together. [11]

Executions in 2017

The number of executions is a state secret, and the executions reported in the media [12] are a fraction of those that are carried out. Human rights organizations estimate that China carries out thousands of executions a year, more than the rest of the world together. [13]

Executions in 2016

The number of executions is a state secret, and the executions reported in the media [14] are a tiny fraction of those that are carried out. Human rights organizations estimate that China carries out thousands of executions a year, more than the rest of the world together. [15]

Executions in 2015

Approximately 2,400.

The press reports only a tiny proportion of the actual number of executions, which is a state secret. [16] Human rights organizations estimate that China carries out thousands of executions a year, more than the rest of the world together. [17] Amnesty International was able to confirm 1,000 executions in 2015 but believes that more were carried out. [18] We rely on the Dui Hua Foundation's assessment that the number of executions in 2015 would be comparable to the number of executions in 2014 and 2013. [19]

Executions in 2014

2,400.

Information about the number of executions is a state secret. [20] Human rights organizations estimate that China carries out thousands of executions a year, more executions than carried out in the rest of the world. [21] We rely on the Dui Hua Foundation's assessment that the number of executions in 2014 would be comparable to the number of executions in 2013. [22]

Executions in 2013

2,400.

Information about the number of executions is a state secret. [23] Human rights organizations estimate that China carries out thousands of executions a year, more executions than carried out in the rest of the world. [24] We rely on the number provided by the Dui Hua Foundation, which estimated that 2,400 executions were carried out. [25]

Executions in 2012

3,000.

Information about the number of executions is a state secret. [26] Human rights organizations estimate that China carries out thousands of executions a year, more executions than carried out in the rest of the world. [27] We rely on the number provided by the Dui Hua Foundation, which estimated that 3,000 executions were carried out. [28]

Executions in 2011

4,000.

Information about the number of executions is a state secret. [29] Human rights organizations estimate that China carries out thousands of executions a year, more executions than carried out in the rest of the world. [30] The United Kingdom Foreign and Commonwealth Office notes that estimates range from hundreds to over 5,000. [31] Amnesty International estimates that there were thousands of executions in China in 2011. [32] We rely on the number provided by the Dui Hua Foundation, which estimates that China executed approximately 4,000 people in 2011. [33]

Executions in 2010

5,000.

Information about the number of executions is a state secret. [34] Human rights organizations estimate that China carries out thousands of executions a year, more executions than carried out in the rest of the world. [35] The United Kingdom Foreign and Commonwealth office estimated that there could have been up to 10,000 executions. [36] We rely on the number provided by the Dui Hua Foundation, which estimated that 5,000 people were executed in 2010. [37]

Executions in 2009

5,000.

Information about the number of executions is a state secret. [38] Human rights organizations estimate that China carries out thousands of executions a year, more executions than carried out in the rest of the world. [39] 5,000 is the Dui Hua Foundation's estimate, which may have come from leaks from official sources. [40]

Executions in 2008

5,000.

Amnesty International confirmed that 1,718 executions were carried out. [41] We rely on the figure provided by the Dui Hua Foundation, which reported that an estimated 5,000 executions were carried out in 2008. [42]

Executions in 2007

6,500.

470 is the figure reported by Amnesty International. [43] We rely on the Dui Hua Foundation's estimate that in 2007, there were as many as 6,500 executions, [44] a figure which may have been leaked by official sources. [45]

Year of Last Known Execution

2019. [46]

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Crimes and Offenders Punishable By Death

Crimes Punishable by Death

Aggravated Murder.

The death penalty in China is applicable to murder generally, rather than to aggravated murder specifically. [1] However, the gradation of sentencing coupled with the directive for a lighter sentence where circumstances indicate a low level of culpability suggests that whether a murder is committed under aggravating circumstances is considered in sentencing. [2]

Murder.

A person who intentionally commits homicide is punishable by death. [3]

Other Offenses Resulting in Death.

A person who commits arson, breaches a dike, causes explosion, spreads poisonous, radioactive substances or infectious pathogens and causes the death of another person is punishable by death. [4] Violently or forcefully hijacking an aircraft, causing the death of another person, is a death-eligible crime. [5] Producing or selling tainted food or fake medicine is punishable by death when the criminal act results in death. [6] A person who causes the death of another person by intentionally inflicting injury is subject to the death penalty. [7] Causing death from raping a woman or having a sexual intercourse with a girl under the age of 14 is a crime punishable by death. [8] A person who causes the death of another person who is forced to engage in prostitution is subject to the death penalty. [9] Abducting someone for extortion or holding someone hostage, thereby killing or causing the death of the victim, is punishable by death. [10] A person who causes the death of an abducted woman or a child or his or her relatives is punishable by death, if the circumstances are "especially serious." [11] Causing the death of another person in the course of robbery is punishable by death. [12] Causing the death of commanders or military personnel with violence or intimidation, particularly during wartime, is a death-eligible crime. [13]

Terrorism-Related Offenses Resulting in Death.

China's anti-terrorism laws treat those participating in lethal terrorist activities under the laws for murder, kidnapping, and other crimes affecting public safety. [14] A person can be sentenced to death for sabotaging means of transportation, utilities, or certain construction equipment, if the consequences are serious. [15] Setting fire, breaching dikes, causing explosion, spreading poison, or employing other dangerous means that lead to death are punishable by death. [16] Airplane hijacking resulting in death is also punishable by death. [17] Illegal trade, manufacture or transport of nuclear materials or other weapons can be death-eligible if the circumstances are "serious." [18] Additionally, a "serious" case of stealing or forcibly seizing weapons, explosives, poisonous or radioactive substances, infectious disease pathogens or other substances that endanger public security [19] are death-eligible offenses that could be characterized as terrorism-related.

China's anti-terrorism laws treat those participating in non-deadly terrorist activities that lead to serious injury or property loss under the laws for kidnapping and other crimes affecting public safety. [20] Such other crimes could include sabotage of transportation, utilities, or certain construction equipment, [21] setting fire, breaching dikes, causing explosions, spreading poison, or employing other dangerous means that lead to serious injuries or property loss. [22] Additionally, airplane hijacking (resulting in serious injury or damage to the aircraft) [23] or illegal trade, manufacture or transport of nuclear materials or other weapons, ammunition or explosives (with serious consequences) are death-eligible offenses that could be characterized as terrorism-related. [24]

Rape Not Resulting in Death.

Multiple rape, public rape, causing serious injury from rape are all death-eligible offenses. [25] Raping an abducted or trafficked woman is punishable by death, if the circumstances are "especially serious." [26] Forcing someone into prostitution after rape is also punishable by death, if the circumstances are "especially serious." [27]

Rape of Child Not Resulting in Death.

Sexual relations with a girl under the age of 14 is a death-eligible offense if it involves multiple rape, public rape, or serious injury or other "serious" circumstances. [28] Rape of a child is punishable by death when it is rape during an abduction or trafficking. [29] Forcing a child into prostitution after rape is also punishable by death, if the circumstances are "especially serious." [30]

Robbery Not Resulting in Death.

Robbery is punishable by death if it involves intrusion into public transportation, or a bank or a banking institution. [31] Repeatedly committing robbery, stealing a large sum of money, causing serious injury during robbery, impersonating a serviceman or policeman during robbery, or armed robbery are also punishable by death. [32] Stealing or forcibly seizing weapons, equipment or military supplies is death-eligible if the circumstances are "especially serious." [33] Additionally, a "serious" case of stealing or forcibly seizing weapons, explosives, poisonous or radioactive substances, infectious disease pathogens or other substances that endanger public security [34] is a death-eligible offense.

Arson Not Resulting in Death.

A person who commits arson, thereby inflicting serious injury or causing heavy property loss, is subject to the death penalty. [35]

Kidnapping Not Resulting in Death.

A leader of a gang involved in abducting and trafficking women and children is subject to the death penalty, if the circumstances are "especially serious." [36] Aggravated abduction of three or more women or children is a death-eligible offense, as is trafficking three or more women or children and stealing a baby or an infant for the purpose of selling the victim, if the circumstances are "especially serious." [37] Additionally, abduction involving violence, coercion or anaesthesia, or abduction resulting in serious harm is a death-eligible offense if the circumstances are "especially serious." [38]

Burglary Not Resulting in Death.

Intruding into a residence for the purpose of robbery is punishable by death. [39]

Drug Trafficking Not Resulting in Death.

Use of arms or violence to cover up drug trafficking crimes or to resist arrest or detention is punishable by death. [40] A death sentence may also be imposed when opium of not less than 1000 grams, heroin or methylaniline of not less than 50 grams, or other narcotic drugs of large quantities are involved. [41] Participants in international drug smuggling, leaders of trafficking groups, or government officials who divert state-controlled drugs for illegal sale may also be punished by death. [42]

Economic Crimes Not Resulting in Death.

Graft and bribery are punishable by death if particularly large sums of money or property value are involved. [43] A person who embezzles more than 100,000 yuan is subject to the death penalty, "if the circumstances are especially serious." [44] Illegal trade, manufacture or transport of nuclear materials or other weapons can be death-eligible if the circumstances are "serious." [45]

In 2011, 13 other non-violent, economic crimes such as smuggling cultural relics and precious metals, robbing ancient cultural ruins, and engaging in fraudulent activities with financial bills or letters of credit were removed from the list of death-eligible crimes. [46]

Treason.

Crimes harmful to national security are death-eligible, if causing particularly serious harm and under aggravating circumstances. These crimes include "especially serious" cases of plotting with foreign states, organizations, or individuals; organizing or plotting to undermine national unification; involvement in rebellion, rioting; colluding with foreign sources for subversive purposes; defection; supplying arms to enemy during wartime; [47] sabotage of military resources; [48] and supply of faulty equipment to armed units. [49]

Additionally, some death-eligible offenses by military personnel can be classified as treason: violently obstructing commanders or military personnel, causing serious injuries or involving "especially serious" circumstances; [50] fabrication of rumors in collusion with the enemy, under "especially serious" circumstances; [51] and illegal sale or transfer of military weaponry, if there are "especially serious" circumstances or large amount of weapons or equipment involved. [52]

Espionage.

A person who joins an espionage organization, accepts a mission from an espionage organization, or directs an enemy to a bombing or shelling target is punishable by death, "if the circumstances are especially serious" or the crime causes serious harm to the State and the people. [53] Stealing, spying into, buying, or illegally supplying State secrets for an organization or individual outside China is death-eligible, "if the circumstances are especially serious" or the crime causes serious harm to the State and the people. [54] A person who steals, spies into, buys, or illegally supplies military secrets to agencies, organizations or individuals outside of China is subject to the death penalty. [55]

Military Offenses Not Resulting in Death.

A serviceman who cooperates with the enemy after surrender is punishable by death. [56] Obstructing commanders or military personnel with violence or intimidation that involves serious injury or other "especially serious" circumstances, particularly during wartime; [57] desertion or defection while piloting vessels or aircraft that involves "especially serious" circumstances; [58] fabrication of rumors in collusion with the enemy, under "especially serious" circumstances; [59] forcible seizure of weaponry or military supplies, under "especially serious" circumstances; [60] and illegal sale or transfer of military weaponry, under "especially serious" circumstances, [61] are punishable by death. Sabotaging weaponry, military installations or military telecommunications is a death-eligible offense under "especially serious" circumstances. [62] Supplying faulty military equipment to the armed forces is punishable by death if the circumstances are "especially serious." [63]

Some offenses are death-eligible when they result in major losses during battle. Major losses in battle most likely involve the death of military personnel, but arguably could involve only the loss of military equipment. Potentially death-eligible crimes for causing major losses are: defying orders, endangerment of military operations by concealing information or providing false information, or fleeing from battle. [64]

Other Offenses Not Resulting in Death.

- Aggravated assault: A person who intentionally inflicts injury upon another person through especially cruel means, thereby causing severe injury or disability, is punishable by death. [66] Since 2011, the crime of intentionally wounding a person to force him/her to donate an organ is death-eligible under certain circumstances. [67]
- Trafficking and forced prostitution crimes: Arranging for another person to engage in prostitution, forcing a girl under the age of 14 to engage in prostitution, forcing multiple people to engage in prostitution or repeatedly forcing a person to engage in prostitution, or inflicting injury upon a person forced to engage in prostitution is punishable by death, if the circumstances are “especially serious.” [68] Also, a person who entices or forces an abducted or trafficked woman into prostitution, or sells such woman to a person that would force her into prostitution, is punishable by death if the circumstances are “especially serious.” [69] A person who inflicts injury upon an abducted woman or a child or his or her relatives is punishable by death, if the circumstances are “especially serious.” [70] Selling a woman or a child to a territory outside of China, under “especially serious” circumstances, is also a death-eligible crime. [71]
- Producing or selling tainted food or medicine: Producing or selling tainted food or fake medicine is punishable by death when the criminal act results in serious medical injury or involves other “especially serious” circumstances. [72]
- Prison riots: Organizing or actively participating in an armed prison riot or jailbreak is punishable by death if the circumstances are “especially serious.” [73] Some experts note that this provision may have been abolished, [74] but on our reading of the successive amendments to the Criminal Law, this article was never revised or removed.

Comments.

Thirteen death-eligible economic crimes were removed from the Criminal Law in 2011. [75] It was the first time China had reduced the number of crimes subject to the death penalty since the law took effect in 1979. [76] The crimes that are no longer death-eligible include: smuggling cultural relics, gold, silver, and other precious metals and rare animals and their products; engaging in fraud with financial bills or letters of credit; the false issuance of exclusive value-added tax invoices to defraud export tax refunds or to offset taxes; forging or selling forged exclusive value-added tax invoices; teaching crime-committing methods; and robbing ancient cultural ruins. [77] At the same time, the government increased the number of death-eligible crimes, adding the offense of forced organ donation and expanding the circumstances under which death can be imposed for producing or selling harmful food and medicine. [78]

Articles in the Criminal Law that authorize the death penalty for crimes other than murder often do so ambiguously, providing for lengthy imprisonment or death under crimes involving death, serious injury or some other aggravating circumstance. [79] Articles 5 and 48 of the Criminal Law imply that courts in China should interpret such language narrowly; [80] however, statements by the Supreme People's Court indicate that currently courts in China probably apply the death penalty broadly. [81] Because China's courts do not release information that would allow a narrower interpretation [82] (though there are plans to publish key death penalty judgments in the near future for this reason), [83] it is possible that the courts interpret statutory language providing for the death penalty expansively. This is consistent with reports based on leaks from official sources indicating that China's execution rate exceeded 10,000 per year by the 1980's and has only recently dropped to 5,000 to 7,000 executions per year. [84]

Does the country have a mandatory death penalty?

No. While Roger Hood indicates that the death penalty is mandatory for hijacking causing death and kidnapping causing death, [85] Article 63 of China's Criminal Law provides when the law does not specifically authorize a lesser punishment for a crime, the Supreme People's Court may mitigate any punishment under special circumstances. [86]

For Which Offenses, If Any, Is a Mandatory Death Sentence Imposed?

None, there is no mandatory death penalty (see answer above on the mandatory death penalty).

Crimes For Which Individuals Have Been Executed Since January 2008:Aggravated Murder.

- Police killings. A 28-year-old man was executed in November 2008 for killing six policemen. [87] Xia Junfeng, an unlicensed street vendor, was executed in September 2013 for stabbing two officers to death. [88]
- Gang-related murder. Three mob leaders and four criminal gang members were executed in January 2010 for murder, as well as organizing a criminal gang, intentionally inflicting injury upon others, causing disturbance, extortion, illegal possession and trade of firearms, defamation and theft. [89] Two members of a crime gang were executed in January 2010 for murder, as well as organizing a criminal gang, blackmail, illegal possession of arms, gambling, causing disturbance, and intentionally inflicting injury upon others. [90]
- Serial killings. A serial killer who killed 11 people was executed in January 2013 – the court had found him guilty of intentional homicide, and deemed the circumstances of the case to be “especially serious.” [91]
- Murder furthering another offense. A 21-year-old student was put to death in June 2011 for murdering a young mother to cover up a hit-and-run accident. [92]

Terrorism-Related Offenses Resulting in Death.

A 52-year-old man was put to death in December 2011 for bombing a tax office in Hunan, killing four and injuring 17 others. [93] Fifteen men were executed in December 2011 for carrying out murder, robbery, and an explosion, thereby “seriously endanger[ing] public security.” [94] Three arsonists were executed in March 2012 for a fire that killed 11 and injured 30 others. [95] A 50-year-old man was executed in May 2012 for a stabbing spree that killed two and injured 14 others – he was found guilty of “endangering public security.” [96]

Rape of Child Not Resulting in Death.

A school headmaster in Gansu province was executed in September 2008 for raping and molesting 39 girls between the ages of seven and 14. [97] Former national legislator of Henan province, Wu Tianxi, was executed in August 2009 for seven crimes, including: raping 24 middle school girls (six aged between 12 and 14), organizing gang activities, and compelling others to engage in illegal fundraising. [98] A man was executed in November 2011 for raping 14 schoolgirls. [99] Li Xingpong, a former Communist Party official, was put to death in June 2013 for raping 11 girls under the age of 18. [100]

Kidnapping Not Resulting in Death.

Two men were executed in November 2009 for abducting and selling children. [101]

Drug Trafficking Not Resulting in Death.

Three people were executed in June 2008 for drug trafficking. [102] Twelve people were executed in June 2009 for drug trafficking. [103] A 38-year-old South African woman was put to death in December 2011 for trafficking methamphetamine. [104] Three Taiwanese people were executed in June 2012 for smuggling drugs across the Taiwan Strait. [105] Lau Fat-wai, a Macau resident, was arrested in mainland China for transporting and manufacturing drugs and was executed in February 2013. [106]

Economic Crimes Not Resulting in Death.

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million. [108] Li Peiyong, former chief of the Capital Airports Holding Company, was executed in August 2009 for taking bribes and embezzlement. [109] A businesswoman was executed in August 2009 for “fraudulent raising of public funds.” [110] A former securities trader was executed in December 2009 for embezzlement. [111] A 50-year-old woman was executed in November 2011 for amassing \$23 million in bribes and illicit wealth. [112] A 55-year-old man was executed in July 2013 without his family being notified for illegally raising 3.4 billion yuan. [113]

Espionage.

A Chinese medical scientist was executed in November 2008 for passing state secrets to Taiwan. [114]

Other Offenses Not Resulting in Death.

- Child prostitution. A woman was executed in 2009 for forcing 22 children into prostitution and aiding her husband in the rape of a child. [115]
- Criminal gang activity. The leader and two active members of a criminal gang were put to death in December 2011 – they were involved in drug trafficking and organizing businesses that facilitated prostitution, extortion, racketeering, the sale of drugs and counterfeiting banknotes. [116]
- Selling tainted food. Two men, convicted of “endangering public safety” by selling tainted milk powder that resulted in the death of six children, were executed in November 2009. [117]

Comments.

Thousands are executed every year in China, [118] but information about specific executions is not usually forthcoming. We have listed publicized executions from the last few years, but this list is far from complete, due to the lack of transparency relating to executions. It is, however, indicative of the types of executions that are covered by the Chinese media.

The People's Supreme Court considers the five main categories of death penalty-eligible crimes to be murder, robbery, abduction, drug trafficking and intentional injury. [119] Studies indicate that around 80 percent of unsuspended death sentences may be for crimes involving the death of a victim. [120]

Categories of Offenders Excluded From the Death Penalty:

Individuals Below Age 18 At Time of Crime.

The Criminal Law bans the death penalty against juvenile offenders who were below the age of 18 at the time of the crime. [121]

Pregnant Women.

The Criminal Law prohibits death sentences against women who are pregnant at the time of trial. [122]

Elderly.

The Criminal Law bans the death penalty against individuals over the age 75 at the time of sentencing, with the exception of those who caused the death of another person by especially cruel means. [123]

Mentally Ill.

The Criminal Law provides that no criminal responsibility attaches to a “mental patient” if he “causes harmful consequences at a time when he is unable to recognize or control his own conduct.” However, a mental patient “whose mental illness is of an intermittent nature shall bear criminal responsibility if he commits a crime when he is in a normal mental state.” Similarly, “a mental patient who has not completely lost the ability of recognizing or controlling his own conduct commits a crime” will bear criminal responsibility though he may benefit from a lighter sentence. [124]

We found no legislation prohibiting the execution of prisoners suffering from mental illness at the time of sentencing or execution.

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International Commitments

ICCPR

Party?

No. [1]

Date of Accession

Not Applicable.

Signed?

Yes. [2]

Date of Signature

October 5, 1998. [3]

First Optional Protocol to the ICCPR, Recognizing Jurisdiction of the Human Rights Committee

Party?

No. [4]

Date of Accession

Not Applicable.

Signed?

No. [5]

Date of Signature

Not Applicable.

Second Optional Protocol to the ICCPR, Toward the Abolition of the Death Penalty

Party?

No. [6]

Date of Accession

Not Applicable.

Signed?

No. [7]

Date of Signature

Not Applicable.

American Convention on Human Rights

Party?

Not Applicable.

Date of Accession

Not Applicable.

Signed?

Date of Signature

Not Applicable.

Death Penalty Protocol to the ACHR

Party?

Not Applicable.

Date of Accession

Not Applicable.

Signed?

Not Applicable.

Date of Signature

Not Applicable.

African Charter on Human and Peoples' Rights (ACHPR)

Party?

Not Applicable.

Date of Accession

Not Applicable.

Signed?

Not Applicable.

Date of Signature

Not Applicable.

Protocol to the ACHPR on the Rights of Women in Africa

Party?

Not Applicable.

Date of Accession

Not Applicable.

Signed?

Not Applicable.

Date of Signature

Not Applicable.

African Charter on the Rights and Welfare of the Child

Party?

Not Applicable.

Date of Accession

Not Applicable.

Signed?

Not Applicable.

Date of Signature

Not Applicable.

Arab Charter on Human Rights

Party?

Not Applicable.

Date of Accession

Not Applicable.

Signed?

Not Applicable.

Date of Signature

Not Applicable.

2018 Record of Votes on the UN General Assembly Moratorium Resolution

Cosponsor

No. [8]

Vote

Against. [9]

Signed the Note Verbale of Dissociation

2016 Record of Votes on the UN General Assembly Moratorium Resolution

Cosponsor

No. [10]

Vote

Against. [11]

Signed the Note Verbale of Dissociation

Yes. [12]

2014 Record of Votes on the UN General Assembly Moratorium Resolution

Cosponsor

No. [13]

Vote

Against. [14]

Signed the Note Verbale of Dissociation

Yes. [15]

Cosponsor

No. [16]

Vote

Against. [17]

Signed the Note Verbale of Dissociation

Yes. [18]

2010 Record of Votes on the UN General Assembly Moratorium Resolution

Cosponsor

No. [19]

Vote

Against. [20]

Signed the Note Verbale of Dissociation

Yes. [21]

2008 Record of Votes on the UN General Assembly Moratorium Resolution

Cosponsor

No. [22]

Vote

Against. [23]

Signed the Note Verbale of Dissociation

Yes. [24]

2007 Record of Votes on the UN General Assembly Moratorium Resolution

Cosponsor

No. [25]

Vote

Against. [26]

Signed the Note Verbale of Dissociation

Yes. [27]

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Death Penalty In Law

Does the country's constitution make reference to capital punishment?

No. [1]

Does the country's constitution make reference to international law?

No. While the Chinese Constitution does make reference to defense pacts [2] and asylum, [3] the main references in the Chinese Constitution to the influence of non-Chinese law or custom indicate that foreigners in China are subject to Chinese laws and that no religious body or religious affair is subject to a foreign denomination. [4]

Have there been any significant changes in the application of the death penalty over the last several years?

Despite being the global leader in the number of executions it carries out, there have been signs in recent years that the Chinese government is seeking to reduce its use of capital punishment.

In 1983 Supreme People's Court (SPC) was stripped of the power to review death sentences as part of a crackdown on crime. [5] On January 1st, 2007, the SPC reclaimed the right to review death sentences passed by lower courts and has since reviewed every death sentence. [6] This was considered a major legal reform in China, [7] and was part of a concerted effort throughout the 2000s to reduce the volume of executions. [8] One group that monitors executions in China estimates that the number of executions has reduced by half since the reform in 2007. [9] The so-called "kill fewer, kill cautiously" policy [10] targets crimes with "grave social consequences"—generally economic and national security-related offenses—and applies "extreme caution" in applying the death penalty to ordinary violent crimes. [11] In 2007, the SPC issued guidelines for sentencing and prosecution, [12] and official and unofficial estimates show a 30% reduction in executions since these reforms. [13]

In February 2010, the SPC promulgated new guidelines of "justice tempered with mercy," stressing that death penalty use be limited. [14] Amendments to the Criminal Procedure Law, approved in March 2012, allow the SPC to amend death sentences, require interrogations of suspects facing the death penalty to be recorded or videotaped, and require legal aid offices to be notified to assign a defense attorney to suspects and defendants facing potential death sentences. [15] The 2011 annual work report of the SPC promised a prudent application of capital punishment for cases involving serious violence triggered by civil disputes, especially when defendants were forgiven by their victims. [16] In its 2013 annual work report, the SPC reaffirmed that its death penalty review procedure ensures that capital punishment applies only to a handful of extremely serious criminal offenses. [17] The white paper published by the State Council Information office in 2013 also noted that the amended Criminal Procedure Law includes "respecting and protecting human rights" and that the number of death penalty charges had reduced by 20 percent since 2011 after 13 economic and non-violent crimes were removed from the list of death-eligible crimes. [18]

Other recent reforms have increased the transparency and fairness of the appeals system. Since July 2006, all death sentence appeals are held with the defendants and their lawyers present, [19] and since late 2008, the discovery of new relevant evidence to a death penalty case can trigger suspension of the execution and further review of the case. [20]

Another major change in the application of the death penalty in China was the switch-over from shooting to lethal injection. [21] There were concerns that the switch-over would create an economic motive for executions that fuel China's profitable organs-for-transplant industry. [22] However, the government has announced that organ harvesting from executed prisoners would cease mid-2014. [23]

Another reform—clemency in exchange for compensation to victims' families—is a contentious issue in China because many Chinese people view the practice as fundamentally unfair to the poor. [24] In response, some courts are setting limits on compensation that may be paid or demanded. [25]

The amendment to the Criminal Law in 2011 reduced the number of death-eligible crimes. [26] Thirteen non-violent, economic crimes are no longer subject to the death penalty. [27] However, these changes are not expected to have a significant impact on the total number of executions, as the majority of executions in China are for aggravated murder and drug trafficking. [28] Another revision to the Criminal Law banned the death penalty against those over the age of 75. [29]

Only months after China eliminated a number of death-eligible crimes in 2011, the SPC responded to a wave of food scares and safety issues by ordering the use of the death penalty against those convicted of food safety crimes that lead to "fatalities or any other serious aftermath." [30] A death-eligible offense of forced organ donation was also created the same year. [31] In 2013 courts were given the power to hand down death sentences for the most serious cases of pollution due to protests against severe environmental desecration. [32]

as openness and fairness. [34] According to the director of research for the Supreme People's Court, tighter court procedures had already reduced the number of death sentences overturned due to procedural mistakes, from 10 percent in 2010 to 7 percent in 2011. [35]

Revisions were also made to the rules for procuratorates in 2012. Since 2007, the Supreme People's Procuratorate (SPP), the highest law supervision organ of the state, is authorized to advise the Supreme People's Court during the review of death penalty cases. [36] The new rules provided that the SPP should inform the SPC of any wrong or unacceptable court rulings of death sentences, and when judicial workers handling the case were found to have been involved in bribery or graft. [37] The SPP obtained the authority to check documents forwarded by the SPC and provincial-level procurators' organs as well as written appeals from defendants, their families or lawyers. [38] If necessary, the SPP could also obtain documents concerning the cases, review case files, and check evidence during death sentence review. [39]

Recently, cases of wrongful imprisonment and execution have spurred a debate over the application of the death penalty. A 20-year-old man who was executed in 1995 for rape and murder was found to be innocent in 2005, and a 58-year-old man who was sentenced to death in 2002 for murder was exonerated in 2012. [40] Additional cases have exposed the unequal application of capital punishment to defendants of lower socioeconomic status. For example, a poor villager from the province of Guizhou was refused psychiatric assessment and sentenced to death, whereas the wife of the Politburo member, Bo Xilai, was given a suspended death sentence due to mental illness despite being convicted of murder. [41] Street vendor Xia Junfeng was executed in September 2013 for stabbing two officers to death, despite his claims of self-defence. [42] A defendant of low socioeconomic status cannot afford adequate legal counsel [43] or to financially compensate the victim's family. [44]

Zhao Bingzhi, a professor of criminal law at Beijing Normal University and a "distinguished counsellor" to the SPC, argued for the limited use of the death penalty and abolition before 2049 (100th anniversary of the founding of the People's Republic of China). At a national criminal justice work conference in October 2013, the president of the Supreme People's Court, Zhou Qiang, urged courts to handle cases fairly and hand out fewer death sentences. [45] Zhou has also fought for the rights of defense lawyers and against miscarriages of justice. [46]

But according to Teng Biao, a Chinese lawyer and the co-founder of China Against the Death Penalty, miscarriages of justice in China continue. [47] The judiciary is influenced and sometimes controlled by the local police or the Communist Party, and judges often use evidence obtained through torture. [48] Teng also added that in spite of recent reforms, "law on paper is different to the law in action." [49] Higher courts are reluctant to overturn lower court decisions made because it will negatively affect the reputation of the local judges. [50] Another Chinese human rights lawyer, Liu Weiguo, noted that the government orders courts to use capital punishment in cases that threaten social stability. [51] Not many people are aware of the concept of abolition in China, as the government utilizes extensive propaganda to reinforce the idea of sacrificing individual life for the greater good, thereby justifying its use of the death penalty. [52]

Despite the government's efforts to curb its use of capital punishment, a public survey by China's largest news portal showed that over 75 percent of the respondents supported the death penalty. [53] Still, surveys from previous years indicate the public's diminishing support for the death penalty. A 1995 study found that 95 percent of the respondents approved of capital punishment, and a 2003 survey found that the number had dropped to 83 percent. [54] As recent studies have shown, however, opinion poll results on the death penalty are often misleading and should be reported with great care. [55]

Is there currently an official moratorium on executions within the country?

No. [56]

Have there been any significant published cases concerning the death penalty in national courts?

None published by the state, but the media has reported on several important recent cases:

- Yang Jia, Chinese citizen who attacked a police station and killed six officers, became a cause celebre in China. [57] Amid criticism that Yang's trial was unfair, that he had been motivated by a beating at the hands of police officers, and that courts had rejected his claim against the officers, Yang was executed in November 2008, a few months after his offense. [58]
- Wo Weihai, a Chinese businessman, was executed on November 28, 2008 for passing state secrets to Taiwan. His case triggered the first major international campaign against an impending Chinese execution. [59]
- Akmal Shaikh's sentence and execution for drug trafficking was described in a series of articles in The Guardian. He was a bipolar British citizen and, arguably, too mentally unstable to be culpable for his crime. [60] In addition, his execution in 2009 was the first execution of a foreigner in China since 1951. [61]
- Six Uighurs (a minority ethnicity) were sentenced to death in 2009 for murder, arson, and robbery stemming from the Xinjiang riots. [62]
- The death sentence of a man named Shao, who killed his lover after finding out she was having an affair, was overturned in July 2009 for the following reasons: (1) Shao showed regret and paid compensation to victim's family; (2) the woman was found partly responsible; (3) case did not have a major social impact. [63]
- Shooting executions were discontinued in 2010 per a People's Supreme Court ruling in February 2009, apparently holding that lethal injection is a more humane form of execution than is shooting. [64]
- A 35-year-old Filipino was sentenced to death in 2011 for drug trafficking, which led the Filipino President to send a letter of appeal to the Chinese President. The Philippine government eventually accepted the decision after "exhaust[ing] all efforts." [65]
- Gu Kailai, wife of former Politburo member Bo Xilai and daughter of a revolutionary general, was given a suspended death sentence in August 2012 in one of China's most politically charged trials. [66] She was convicted of poisoning and killing a British businessman but received a death sentence with reprieve due to her mental illness. [67]
- Two Uighers were sentenced to death in 2013 for carrying out an attack in the Muslim region of Xinjiang, which killed 15 members of security forces. Although conflict among Uighers and the Chinese authorities is not uncommon in Xinjiang, this case drew much media attention as the death toll was the highest in months in the region. [68]
- The September 2013 execution of Xia Junfeng, a street vendor convicted of stabbing two officials to death, aroused much public criticism as he had claimed self-defence. Officials are notorious for their violence against illegal vendors. [69]

Where can one locate or access judicial decisions regarding the death penalty?

The Supreme People's Court of the People's Republic of China maintains a website (<http://en.chinacourt.org>) where some developments are available, in addition to regular self-reporting on the Court's activities and activities that the Court believes will impact adjudication. While the source is biased and is not comprehensive, it can potentially be a useful research aid. Judicial decisions are a state secret and not published, although the Supreme People's Court has indicated that it will begin to post selected verdicts online. [70] Moreover, the National Human Rights Action Plan of China (2012-2015), published by China's State Council Information Office in June 2012, stated that key judgments by the Supreme People's Court will be published in order to clarify how the death penalty is applied. [71]

The Supreme People's Procuratorate of the People's Republic of China maintains a website (<http://www.spp.gov.cn/>, in Chinese) that contains major national laws, cases analyses, and the working reports of the National People's Congress from 1987 to 2000.

GlobalLex, published by the Hauser Global Law School Program at New York University School of Law, contains an article (<http://www.nyulawglobal.org/globallex/China.htm>)

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The China law resource page by the Washburn University School of Law Library (<http://www.washlaw.edu/forint/asia/china.html>) provides links to Chinese legislation and resources on the legal system and reform in China.

What is the clemency process?

Immediate executions: Before the Supreme People's Court began reviewing all death sentences in 2007, it was likely that defendants sentenced to immediate execution had no chance of receiving clemency. Now, defendants are not executed prior to Supreme People's Court review, but as per China's Criminal Procedure Law, still must be executed within seven days of SPC approval of their death sentence. [72]

Suspended death sentences: The other type of death sentence is the two-year suspended sentence, [73] which includes an automatic clemency process: the prisoner can escape execution by not committing any crime in prison during the two-year period. [74] His or her sentence will then be commuted to life imprisonment, or 25 years if "meritorious service" is demonstrated. [75] The vast discrepancy between the number of death sentences handed down and the estimated number of executions indicates that about 70% of those sentenced to death escape execution. [76]

We found no laws or regulations describing a clemency procedure whereby death-sentenced prisoners may submit a request to the executive branch for a reprieve or pardon.

Some prisoners may have their sentences commuted in exchange for compensation to victims' families. This is a contentious issue in China because many Chinese people view the practice as fundamentally unfair to the poor. [77] In response, some courts are setting limits on compensation that may be paid or demanded. [78]

Are jury trials provided for defendants charged with capital offenses?

China does not provide jury trials for capital defendants. China does use a system of People's Assessors, which could be misconstrued as a jury system. However, in practice it cannot be considered a jury system. In practice People's Assessors have only become important since 2005, and it is unclear how widespread they are. [79] People's Assessors are composed of a small fraction of Chinese citizens [80] who are not always randomly selected for duty. [81] They serve lengthy paid terms and are college and university graduates. They receive (state-controlled) training prior to hearing cases, [82] in practice defer to professional judges, [83] and cannot be in disfavour with a state agency. [84] People's Assessors have been part of the Chinese trial system since at least 1979, [85] and some Chinese sources claim that People's Assessors have been a part of the trial system since the early 1950's. [86]

Brief Description of Appellate Process

After a death sentence is handed down by a local people's court (the court of first instance in China), the defendant has 3–10 days to appeal to a provincial-level High People's Court. [87] All death sentences are subsequently reviewed by the Supreme People's Court. [88] As part of the review, a justice from the Supreme People's Court visits each condemned prisoner in person. [89] The SPC overturned about 15% of all death sentences in 2007, about 10% of sentences in 2008, [90] and according to the director of research for the SPC, 10% in 2010 and 7% in 2011. [91] Suspended death sentences can also be decided and approved by a Higher People's Court. [92]

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Death Penalty In Practice

Where Are Death-Sentenced Prisoners incarcerated?

There do not seem to be designated facilities for death-sentenced prisoners; in Beijing, for example, prisoners are always taken to the No. 1 Detention Center to be executed, but not necessarily detained there beforehand. [1] As an examples, both Beijing Prison and Guangzhou Prison held Iranian drug smugglers sentenced to death in 2010. [2] Prisoners may also be held in one of a variety of locations before they are executed in a roving "death van." [3]

Description of Prison Conditions

Prison conditions are "harsh and degrading," according to one report, which describes prisons as generally overcrowded and unsanitary. [4] Prisoners do not have access to adequate food or medical care. [5] Human rights abuses include extrajudicial killings, torture and coerced confessions of prisoners, and the use of forced prison labor. [6]

leg-irons and chains. [7] They are kept shackled and chained 24 hours a day, including during meals, visits to the toilet, and at all other times. [8] The UN Special Rapporteur on Torture observed that the continuous restraint of all death row prisoners by shackling and chaining amounts to infliction of additional punishment (beyond the death penalty) without justification, thus constituting torture. [9] There were also reports of organ harvesting from death row inmates even though the government promised to gradually phase out the practice starting in early 2013. [10]

Some prisoners did not have fair access to visitors and were not allowed to engage in religious practice. [11] However, Feng Cangjian, head of the Human Rights in Justice office of the Institute for Crime Prevention under the Ministry of Justice, claimed that death row inmates' rights have been respected and that prisoners are now allowed to see their immediate relatives before being executed. [12]

Are there any known foreign nationals currently under sentence of death?

Yes. [13] It should be noted that many, though not all, of the foreign nationals under sentence of death in China are sentenced under the reprieve, or, suspended sentence system. [14] Two-year suspended death sentences allows the prisoner to escape execution if he or she does not commit any crime in prison during the two-year period. [15] The state does not ordinarily acknowledge sentencing foreigners to death. [16]

What are the nationalities of the known foreign nationals on death row?

Ten Iranian citizens were sentenced to death with no reprieve in January 2010 – they may have since been executed. [17] At least 66 Filipino citizens were given death sentences for drug smuggling in January 2010, nine with no reprieve – the nine may have since been executed. [18] A Russian woman was sentenced to death with a two-year reprieve on November 23, 2011, which brought the number of Russian nationals on China's death row for drug trafficking to seven. [19] According to a media report in 2011, at least 79 Filipinos were on China's death row, mostly for drug trafficking. [20] A 53-year-old South Korean national received the death penalty in 2012 for drug trafficking, becoming the third South Korean to be sentenced to death in China. [21] A media report in September 2012 confirmed that a New Zealand citizen had been arrested in 2009 for a drug offense and sentenced to death with a two-year-reprieve. [22] The prisoner had been trying to get his death penalty commuted to life imprisonment, [23] but he may have since been executed. Mark Warren indicated in January 2013 that there had been reports of 3 Japanese, at least 1 South Korean, 2 Nepali, 10 Iranians, and 1 South African national on death row. [24]

Are there any known women currently under sentence of death?

Yes. According to a media report in 2010, 53 Filipino women, 45 of them with a two-year reprieve, were on death row. [25] A Russian woman was sentenced to death with a two-year reprieve on November 23, 2011. [26] Daughter of a revolutionary general and wife of a former Politburo member, Gu Kailai, was given a suspended death sentence in August 2012. [27] A 39-year-old woman from Wenzhou was sentenced to death in May 2013 for illegal fundraising. [28] We do not know how many of these female prisoners have been executed.

Are there any reports of individuals currently under sentence of death who may have been under the age of 18 at the time the crime was committed?

China's Criminal Law excludes persons under the age of 18 from the death penalty, [29] and since 1992 China has been a party to the Convention on the Rights of the Child, which prohibits the execution of juveniles. [30] However, Amnesty International recorded two juvenile executions which took place in 2003 and 2004. [31] Eighteen-year-old prisoner Zhao Lin was reportedly executed in January 2003 for a murder committed when he was 16 years old. [32] Reports indicate that officials had been unaware of the legal stipulations prohibiting the execution of child offenders. [33] In March 2004, Gao Pan was reportedly executed for murder during an attempted robbery he committed before the age of 18. [34]

Comments regarding the racial/ethnic composition on death row

Although information about the population on death row is unavailable, media reports and at least one expert have confirmed that there are foreign nationals who received death sentences. [35] There are also death row inmates of ethnic minority groups, including Uighurs and Tibetans, [36] some of which were sentenced to death following politically-motivated offenses in the context of sovereignty disputes. [37]

Are there lawyers available for indigent defendants facing capital trials?

All defendants facing the death penalty are entitled to a court-appointed lawyer, whether or not they are indigent. [38] However, more than half of all criminal defendants are unable to obtain lawyers. [39] In 2006, Amnesty International reported that death-eligible defendants do not have prompt access to lawyers. [40] The 2012 Amendments to the Criminal Procedure Law has made it mandatory for authorities to notify legal aid offices to assign a lawyer to suspects and defendants facing the death penalty and without legal counsel. [41] Yet there is no provision requiring the legal aid organizations to respond or stipulating a time frame for compliance. [42] This has sparked criticism from Chinese legal scholars calling for clearer provisions guaranteeing legal aid at all stages of the process in death penalty cases. [43]

Are there lawyers available for indigent prisoners on appeal?

Since July 2006, all death sentence appeals are held with the defendants and their lawyers present. [44] All defendants are entitled to court-appointed legal representation. [45] In practice, capital defendants in courts of first instance often have trouble obtaining a court-appointed lawyer, [46] and it is not clear that the situation is resolved for defendants on appeal. Johnson and Zimring suggest that there is serious difficulty supplying the necessary legal representation in capital cases under mandatory SPC review. [47] The 2012 Amendments to the Criminal Procedure Law required authorities to notify legal aid offices to assign a lawyer to suspects and defendants facing the death penalty and without legal counsel. [48] However, because of the vagueness of the provisions, legal scholars in China have called for a clear stipulation of the role and responsibility of defense attorneys in the appeal process. [49]

Comments on Quality of Legal Representation

Suspects may seek counsel upon initial detention and interrogation, but police often limit such access. [50] Courts can reject defendant's chosen counsel and appoint an attorney. [51] Furthermore, the Chinese government, through the media, physical abuse, malicious prosecution of attorneys and other threats, urges defense attorneys to refuse some capital cases. [52] Suspects may also be denied access to their lawyers in cases that involve terrorism or serious bribery or pose a threat to state security, [53] which may turn out to be capital cases. Reputable news sources have reported that defendants are sometimes denied access to their attorneys and evidence is withheld from defense lawyers. [54] For cases in which the defendants had legal representation but were involved in politically sensitive cases, courts and the government used unlawful detentions, disbarment or harassment against the attorneys. They have also denied attorneys access to evidence and to clients in order to undermine the defense.

religious movements, or government critics. [56] A Ministry of Justice official reported that less than 50% of criminal defendants had legal representation in 2011, and that an estimated 12% of criminal suspects were represented by counsel in some provincial-level administrative regions. [57]

The amended Criminal Procedure Law allows a suspect to retain a defense counsel immediately after an initial police interrogation, and requires the investigators to inform the suspects of this right. [58] Furthermore, the police are required to arrange a meeting between a lawyer and his or her client within 48 hours of a request from the lawyer. [59] However, there is no provision requiring the legal aid organizations to respond or stipulating a time frame for compliance. [60] This has sparked criticism from Chinese legal scholars calling for clearer provisions guaranteeing legal aid at all stages of the process in death penalty cases. [61]

Non-court-appointed legal representation is also very expensive. In 2009, the Chinese Criminal Defense Network set lawyers' fees for death sentence trials at about 50,000 yuan (\$7,313 USD), which is greater than the per capita annual income. [62] China has only about 122,000 attorneys of any sort (for a population of more than 1 billion people), and these attorneys continue to predominantly service the financial industry. [63] As a result, capital defendants may have difficulty procuring competent, devoted counsel at any price.

Other Comments on Criminal Justice System

Persons suspected of a crime in China may be detained for 37 days prior to arrest, and after arrest may be detained for 7 months during investigation and an additional 45 days before charges are filed. [64] After charges are filed, a suspect may be detained for another 45 days until judicial proceedings begin. [65] In practice, suspects are detained beyond those limits permissible at law. [66] And although the law requires that family members be informed within 24 hours of detention, suspects involved in politically sensitive cases are held without notification. [67]

The judicial process in China is at times corrupt, local administration and Chinese Communist Party policy exerts undue influence over judges, and judges do not possess the power of constitutional review. [68] Torture is frequently used to extract confessions, trials are held behind closed doors, and defendants are denied access to their lawyers. [69]

There is no presumption of innocence at trial, and 99.9% of criminal defendants are found guilty. [70] However, death sentences have been regularly overturned since the People's Supreme Court reclaimed the power to review them in 2007. [71]

While China's laws are consistent throughout the nation, each province—which sometimes ignores the directives of the central government—has primary responsibility for administering the criminal law within its borders. As a result, the application of the death penalty varies geographically within China. [72] Restrictive sentencing guidelines issued in 2007 [73] and 2010 [74] combined with SPC review of all capital sentences could help reduce disparities in the application of the death penalty in China. [75] There has been a sharp reduction in the number of executions, and this has been attributed to SPC review. But it could also be related to factors such as a logjam in SPC review and/or the decision of prosecutors to seek and for lower courts to issue suspended death sentences. [76]

China profits from its executions—65% of organ transplants originating from China are harvested from executed prisoners. [77] Human rights organization Dui Hua speculates that the shift from firing squad execution to lethal injection may have been motivated by the ability to better preserve criminals' organs through lethal injection. [78] However, a senior official recently said that the practice of harvesting organs from executed prisoners will be banned by mid-2014. [79]

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Decisions of International Human Rights Bodies

Decisions of Human Rights Committee

As of February 11, 2014, there were no recent decisions or observations of the Human Rights Committee on issues related to the death penalty, as China is not a party to the ICCPR.

Decisions of Other Human Rights Bodies

In 2006, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment identified several problems with capital punishment in China, and recommended that the scope of the death penalty be reduced, particularly by abolishing the death penalty for economic and non-violent crimes. [1] In 2008, when the Committee Against Torture issued its concluding observations regarding China's compliance with the Torture Convention, China had not fully addressed those problems. The Committee requested that China disaggregate sentencing data so that it is possible to determine the actual number of executions in China. The Committee also requested that China cease the practice of shackling capital convicts, observing that the practice amounts to cruel, inhuman or degrading treatment, and could be considered torture. The Committee urged China to continue to address the use of torture in interrogations and the execution of innocent, improperly convicted persons.

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of our research, no information regarding China's reply was available.

The Human Rights Council, in its 2009 Universal Periodic Review of human rights in China, recommended that China reduce the number of crimes carrying the death penalty. [3] A number of delegates urged China to rectify the fact that it is neither transparent in its processes of justice nor proportionate in its use of the death penalty, and these delegates ultimately urged China to abolish the death penalty. [4] China reserved comment until the eleventh session, [5] when the government rejected the recommendation to regularly publish figures on the death penalty, reduce the scope of the death penalty, abolish capital punishment, and ratify the International Covenant on Civil and Political Rights. [6]

During the 2013 Universal Periodic Review, the Human Rights Council recommended more transparency regarding the use of the death penalty, consideration of the moratorium on the death penalty and eventually the abolition of capital punishment, further reduction of the crimes punishable by death, and stricter procedures in death penalty cases. [7] Delegates also welcomed recent death penalty reforms and the reduction in the scope of the application of capital punishment. [8] China rejected all recommendations, but accepted the recommendation to continue to apply and adopt stricter standards on deciding on death penalty cases and to observe national legal safeguards surrounding the application of capital punishment as a tool of criminal justice. [9]

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Additional Sources and Contacts

Direct member(s) of World Coalition Against the Death Penalty

None.

Other non-governmental organizations and individuals engaged in advocacy surrounding the death penalty

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Liu Renwen at the Chinese Academy of Social Science is considered a prominent expert on Chinese death penalty law. [1]

Beijing Death Penalty Defence Lawyers' Network is a network of lawyers devoted to reducing and eliminating application of the death penalty in China. Contact information may be available by request through the World Coalition Against the Death Penalty (<http://www.worldcoalition.org>). A public member of the organization, Sun Zhongwei, has founded a firm that specializes in part in death penalty trial defense and appeal. His firm's website is <http://www.sunzhongwei.com.cn>, and a translation toolbar will translate the site effectively.

Helpful Reports and Publications

Dui Hua publishes numerous short reports estimating death penalty statistics and discussing death penalty issues in China: <http://www.duihua.org/>.

Human Rights in China (HRIC) publishes brief reports on death penalty news items in China: <http://www.hrichina.org/>.

Johnson & Zimring, *The Next Frontier: National Development, Political Change, and the Death Penalty in Asia*, Oxford University Press, 2009. This book devotes significant commentary and analysis to the historical and contemporary death penalty in China, and discusses China's recent reforms.

Bin Liang & Hong Lu (eds.), *The Death Penalty in China: Policy, Practice and Reform*, Columbia University Press, 2016.

Additional notes regarding this country

None.

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