

Country File

CHINA



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Region	Asia and Pacific
Legal system	Civil law
UNCAT Ratification/ Accession (a)/ Succession (d)	4 October 1988
Relevant Laws	<ul style="list-style-type: none">• Criminal Law of 1 July 1979 (amended on 14 March 1997)• Criminal Procedure Law of 1979
Relevant Articles	<ul style="list-style-type: none">• Prohibition of Torture:• Definition of Torture:• Penalties: Article 247 in conjunction with Articles 94, 232, 234 Criminal Law• Others:<ol style="list-style-type: none">1. Prohibition of coerced confession: Article 43 of the Criminal Procedure Law
Languages Available	<ul style="list-style-type: none">• Chinese (official language)• English
Other Relevant Information	

Relevant Articles – CHINA

CHINESE

中华人民共和国刑法（1979年7月1日第五届全国人民代表大会第二次会议通过1997年3月14日第八届全国人民代表大会第五次会议修订）

第九十四条本法所称司法工作人员，是指有侦查、检察、审判、监管职责的工作人员。

第二百三十二条故意杀人的，处死刑、无期徒刑或者十年以上有期徒刑；情节较轻的，处三年以上十年以下有期徒刑。

第二百三十四条故意伤害他人身体的，处三年以下有期徒刑、拘役或者管制。

第二百四十七条司法工作人员对犯罪嫌疑人、被告人实行刑讯逼供或者使用暴力逼取证人证言的，处三年以下有期徒刑或者拘役。致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪从重处罚。

ENGLISH (Translation)

Criminal Law of 1 July 1979 (amended on 14 March 1997)

Article 94

"Judicial officers" as mentioned in this Law refers to persons who exercise the functions of investigation, prosecution, adjudication and supervision and control.

Article 232

Whoever intentionally commits homicide shall be sentenced to death, life imprisonment or fixed-term imprisonment of not less than 10 years; if the

circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 234

Whoever intentionally inflicts injury upon another person shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Article 247

Any judicial officer who extorts confession from a criminal suspect or defendant by torture or extorts testimony from a witness by violence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. If he causes injury, disability or death to the victim, he shall be convicted and given a heavier punishment in accordance with the provisions of Article 234 or 232 of this Law.

Criminal Procedure Law of 1979

Article 43

Judges, procurators and investigators must, in accordance with the legally prescribed process, collect various kinds of evidence that can prove the criminal suspect's or defendant's guilt or innocence and the gravity of his crime. It shall be strictly forbidden to extort confessions by torture and to collect evidence by threat, enticement, deceit or other unlawful means. Conditions must be guaranteed for all citizens who are involved in a case or who have information about the circumstances of a case to objectively and fully furnish evidence and, except in special circumstances, they may be brought in to help the investigation.