

---

## **PARTICIPANTS' PAPERS**

---

### **THE FRAMEWORK AND CURRENT SITUATION OF CHINA'S CRIME PREVENTION**

*Wang Ping\**

#### **I. INTRODUCTION**

The increase of crimes is a challenge the world faces today. How to prevent and reduce crimes is also an important issue for the Chinese government to tackle. It is also an important issue regarding how to make the offenders, who are under punitive sanction due to their violation of law, completely correct their deviant behavior and conscience, and help them take on the correct ideological and life track to return to society, so as to prevent them from recommitting crimes. This not only requires the government's effort but also the participation of the whole society.

China has 580 million juveniles under the age of 25, accounting for about half of the country's population. The problem with adolescents has always been a focal point in overall control of social public security. Juvenile delinquency has made up 70-80% of all the criminal crimes, which is very serious. Surveys indicate that at the beginning of the 1990s, the age of the subject of crime has tended to become younger. Juveniles aged around 18 have become the main body of offenders, most of whom band together to commit crimes and employ similar means to those of adults. How to take effective measures and prevent juvenile delinquency is an urgent problem the Chinese government should solve. Therefore, this paper shall also discuss the prevention of juvenile delinquency and protection of adolescents in China.

#### **II. THE PREVENTION OF CRIMES AND PUBLIC PARTICIPATION**

China mainly executes the policy of overall control of social public security in the prevention of crimes. That is preventing, controlling and punishing criminal crimes, under the leadership of the government and participated in by all the people of society, by using economic, administrative, legal, cultural and educational means.

To mobilize society to prevent crimes, the most important thing is to have a common understanding. People are prompted to be aware that crimes occur due to extensive social causes. The sole effort of law enforcement is by no means enough to prevent and curb crimes. Only by mobilizing the whole society can this work be done effectively. Second, China has established a complete, systematic and effective mechanism of overall social public security at various levels of the administrative jurisdiction. As a mechanism, it is a macro-social project involving various systems and departments. The departments concerned, which are relatively independent but inter-related, have specific work targets, tasks and methods.

The overall control of social public security is a theory which is promoted by the Chinese government and has been proved correct in practice. An operational framework has been formed on the basis of this theory. Naturally, the great importance attached to this policy by the governments at the central and lower levels, and the extensive participation of

---

\* Judge, No. 1 Criminal Adjudication Division of Beijing Higher People's Court, Peoples' Republic of China.

112TH INTERNATIONAL TRAINING COURSE  
PARTICIPANTS' PAPERS

the people, are the premise and basis for establishing and improving this mechanism.

### III. MOBILIZING SOCIETY

Joint efforts of the police and the masses, China's judicial system is composed of the public security bureaux, procuratorates and courts. The public security bodies are most closely connected with society. The grass-roots organs of the public security bureaux are the local police stations and the police, which are most closely linked with the local people.

Each street community and village have neighbourhood (villagers') committees, which are the grass-roots public order-maintaining organizations joined in by the people. The residents of these organizations co-operate with the police and are jointly responsible for social stability. In case any sign of crime is detected, most of the initial information of it is provided by these residential organizations. At the same time, legal publicity and law promotion education, especially for youngsters, are done by these grass-roots organizations in co-operation with the public security organs, procuratorates and courts. As a result, the efforts of the police and the participation of the whole society are more systemized and legalized in China.

#### A. Strengthening Culture and Ethics

Moral education, strict control of social order and purpose management make an important line of defence to prevent crimes. Various measures should be taken to conduct moral education on the premise that persistent efforts must be put on the reform policy and the building of the socialist market economy, in a bid to overcome the negative effect and factors of the market economy, reduce its

unfavourable impact on society and optimize the social environment. Methods to do this are:

- (i) Intensify control over the cultural market to prevent vulgar, low-taste and pornographic books and journals from flowing into society, while developing and building healthy cultural establishments;
- (ii) Strengthen the management of the artistic market, conduct a clean-up and rectification of the ballrooms, film and video halls, game halls and billiard halls;
- (iii) Mobilize the whole society to show concern for the growth of youngsters; organize outstanding figures in the older-generation to form associations or groups caring for the younger generation; make use of various forms to enhance the moral education of them;
- (iv) Improve the control of over-population. The judicial organs shall obtain information about school dropouts, students with misdeeds, juvenile delinquents and offenders released from labour camps; keep a record about them and determine the key targets who are to be helped and educated on preventing crimes. The transient population shall also be included in this management.

#### B. Strengthen Education and Management of Adolescents

Effective prevention of crime begins with the prevention of juvenile delinquency. The education of adolescents is a matter concerning the country's future and the flourishing or decline of a nation. Everyone bears his/her share of the responsibility for educating adolescents. One's growth cannot occur without the family, schools and society, which affect early education and growth. Good work in these three aspects would result in the effective

prevention of juvenile delinquency.

1. Attach Importance to the Role of the Family

The Chinese government has been attaching great importance to family construction and improving the quality of parents. The family is what a child first encounters and forms the first line of defence for juvenile delinquency. Family background and parents' speech and image exercise invisible and formative influence over the child's psychology, character, hobbies and even morality. Therefore, the parents should undertake their first responsibility to society, i.e. learning how to become good parents and teachers of their children. Family ethical education is of important significance in preventing juvenile delinquency. The specific measures are:

- (i) In the countryside, such activities shall be conducted as to encourage farmers to acquire elementary education, learn technologies and share with each other in performance and contributions. In the urban areas, activities to be carried out such as giving commendation to advanced parents and setting up typical model parents;
- (ii) Social guidance shall be offered to parents' role in the family to encourage a civilized, healthy and scientific way of life;
- (iii) Activities of rich variety are conducted for family ethical education;
- (iv) Spare-time parent schools are built so parents shall receive training and learn the correct ways to educate children and have their sense of family education enhanced.

2. Emphasis on Legal Education in Schools

The function of schools is to educate the

people. The cultural and ethical education in the schools is of especially important significance. Schools are the second line of defence to prevent juvenile delinquency. At present, most of the college and middle schools are devoting much attention to intensifying legal education and increasing the legal awareness of the students. Legal knowledge has become an indispensable part of the moral education and curricula in the colleges and universities. The purpose of spreading legal knowledge is not only to let the youth know what constitutes crime, but to encourage them to fight against crimes and unhealthy habits and practices. The State Education Commission required that the schools should transfer their purposes of education from examination-oriented to quality education. Now schools have begun to stress the students' ethical and moral education in a bid to publicize legal knowledge and prevent and reduce juvenile delinquency.

Through contact with various types of juvenile delinquents, we know that a large number become 'the accused' as a result of their complete ignorance of the law. The people's courts, at various levels, have actively participated in the work of overall control of social public order and publicizing legal knowledge, and exert great efforts in preventing juvenile delinquency in the following two aspects:

- (i) Judicial personnel have gone to the schools and communities to give lectures. In Beijing alone, the adjudication personnel of the juvenile courts have given more than 300 lectures to more than 170,000 people in middle and primary schools in the past decade. Some of them have also gone to the parks and streets during holidays to answer people's questions concerning law.

112TH INTERNATIONAL TRAINING COURSE  
PARTICIPANTS' PAPERS

- (ii) Courts take part in the activities of broadening and enriching the students' legal knowledge in schools. The schools invite judicial functionaries as the judicial propagandists to explain legal knowledge, help and educate the students involved in illegal activities. The courts offer legal consulting on an irregular basis to assist schools in organizing and drafting plans for law publicity work.

**IV. PUBLIC PARTICIPATION IN THE CRIMINAL PROCEEDINGS**

**A. The Improvement and Perfection of China's Criminal Procedure Legislature**

In 1996, China made necessary revision of the Criminal Procedure Law passed in 1979, so as to probe criminal facts more accurately and timely. The revision was made on perfecting enforcement measures, investigative measures, terms of custody and for guaranteeing the rights of participants in proceedings. The revision further clarifies the position and role, division of work and restrictions of public security bodies, procuratorates and courts in the criminal proceedings.

The court hearing methods have been perfected to intensify the defence of the two parties so that the three functions of the procedure - accusing, defending and adjudication - can be better played and ensure that the facts are objectively and fairly judged, and that laws are applied accurately. Let us take a look at the revision of the 1996 Criminal Procedure Law on the system of advocacy. According to Article 33 of the Criminal Procedure law:

*"A criminal suspect in a case of public prosecution shall have the right to entrust persons as his defenders, from the date on which the case is*

*transferred for examination before prosecution. A defendant in a case of private prosecution shall have the right to entrust persons as his defenders at any time. A people's procuratorate shall, within three days from the date of receiving the file record of a case transferred for examination before prosecution, inform the criminal suspect that he has the right to entrust his defenders. A people's court shall, within three days from the date of accepting a case of private prosecution, inform the defendant that he has the right to entrust his defenders."*

Article 96 stipulates:

*"After the criminal suspect is interrogated by an investigation body for the first time or from the day on which enforcement measures are adopted against him, he may appoint a lawyer to provide him legal advice, or to act as his attorney to file complaints or charges. Whenever the criminal suspect is arrested, the appointed lawyer may apply on his behalf for obtaining a guarantor and awaiting trial out of custody."*

In accordance with these stipulations, the lawyer may, in a case of public prosecution, be involved in the procedure as a defender as early as on the date the procuratorate receives the file record of a case transferred by the public security body or its investigation organs. While in a case of private prosecution, the lawyer may be involved in the procedure within three days from the date of the people's court's accepting the case. In addition, the lawyers in a public prosecution can also be appointed by the criminal suspects to be the legal adviser, so that s/he may be involved at the stage of investigation and offer legal aid to the criminal suspects.

This is greatly advanced compared with the 1979 Criminal Procedure Law. These revisions push a great leap forward for China's system of advocacy. From the legislative point of view, we can see the current law has greatly enhanced openness and transparency in the pre-adjudication activities such as crime detection, case review and decision-making for prosecution; and has increased the possibilities for public participation to meet the purpose of punishing criminals and protecting the innocent.

### **B. Mobilizing the Public to Control Crimes**

China's Criminal Procedure Law stipulates that: the governmental departments, organizations, enterprises, institutions and critics have the right and are obliged to find out the criminal facts or criminal suspects and bring charges against them to the public security bodies, people's procuratorates and people's courts. These three bodies should accept the charges, accusations and voluntary surrender of the offenders. In each city, and even each district in China, there are mail boxes for accusation reports and hotlines. Once the public discover criminal phenomena, they can report it to the public security bodies, procuratorates and courts in the most convenient way. Since this measure was adopted, many major cases have been detected and adjudicated thanks to reports from the public. At the same time, the strict policy and measures to protect witnesses have guaranteed the safety of witnesses to a maximum degree.

In China, few cases have been reported concerning witnesses' injury by the clients. The departments have been set up in the public security bodies, people's procuratorates and people's courts to accept the reporting of information from the public. If the information is found true, investigation shall begin right away. The

reporters shall be given an award. In this way, all the people are encouraged to prevent and punish crimes.

### **C. Openness and Impartiality of Administration of Justice**

According to the current Criminal Procedure Law, the people's courts shall review cases in public. What China's criminal adjudication stresses is the principle of impartiality of the administration of justice and a public trial system. All the criminal judicial proceedings and all the processes and details are open to the public. Residents, with their identity cards, can present at the court as an observer to hear any case being trialed (except those which are not heard in the public). This move, placing China's judicial proceedings under the supervision of the public, is beneficial to judicial openness and impartiality. It is also a good way to spread legal knowledge among the public, which plays an indirect role in preventing crimes. The open trial has increased the transparency of trial work, helped enhance the legal awareness of the citizens and helped democratize the country's judicial system. Reporters can also cover the cases being tried in public.

### **D. The Trial Procedure for Juvenile Delinquents**

The prevention of crimes shall now focus on juvenile delinquency, which has been recognized in many countries of the world. Much has been done and good results have been achieved in this regard in China. This part deals with the participation of courts, society and parents in the trial of juvenile delinquents.

The basic principle of China's dealing with juvenile delinquency is "stressing education while making punishment as the subsidiary measure." This principle has been reflected in Chinese law and the special provisions concerning cases of

112TH INTERNATIONAL TRAINING COURSE  
PARTICIPANTS' PAPERS

juvenile delinquency. China's Supreme Peoples Court in its Provisions on Dealing with Juvenile Criminal Cases emphasized that "if the appearance in court of a juvenile defendant's adult relatives is beneficial to the trial work and education of the juvenile defendant, they shall be permitted or invited to the court upon approval of the President of the Adjudication division." These relatives shall participate in the education of the juvenile defendant. The Judicial Interpretation of the Supreme People's Court on the Applicable Laws on Handling Criminal Cases Involving Juveniles stipulates that for juvenile offenders who are sentenced to criminal detention or imprisonment of less than three years, if they: behave and mend their ways after committing crimes; their families have the conditions for guardianship or the social education measures can be carried out; and the offenders are believed not to harm the society after probation, probation shall be applied to these delinquents. It is quite clear that the public is playing a decisive role in the criminal procedure for juvenile delinquents. The specific measures are:

- (i) Set up special adjudication division to handle juvenile criminal cases;
- (ii) The trial of the courts shall reflect the principle of "stressing education while making punishment as the subsidiary measure";
- (iii) Make trials a medium of education, which runs through the trial process;
- (iv) Guarantee to appoint defenders and try to invite the agents *ad litem* to take part in the procedure.

The agents *ad litem* are usually the juvenile defendant's parents, adopted parents or guardians, who bring up or have custody of the juvenile defendants. They mostly have blood relationships or guardianship. They care about the possible punishment the defendants may receive

and are keen on saving and educating the defendants. In the trial of a theft case involving a juvenile, one defender said to the defendant: "You turn around and take a look at your father who has pined away because of you." Hearing this, the defendant sobbed too bitterly to speak. Then, the legal agents educated the defendants with strong affection. The education during the trial achieved good results.

**V. SOCIETY'S PARTICIPATION IN  
THE REHABILITATION OF  
OFFENDERS**

**A. Widening the Way to Their  
Return to Society**

How to help an offender get back on the right track of life mentally and physically when they are released from the prison (after serving the full term of a sentence) is an important aspect for preventing and reducing recommitted crimes. Since China adopted a reform and opening-up policy, the economic and social structure has undergone great changes. This has brought both opportunities and new challenges to the released prisoners. The challenge is mainly reflected in their employment and the form and content of their education. Merely relying on governments to find them jobs can no longer suit the new situation under the market economy. New channels must be found for employment.

It is the experience of China that, in light of the principle of educating, rehabilitating and redeeming the offender, the released personnel's dignity, morality through education and ability to solve their problems in life are improved. Take Beijing for example, the settlement rate of the returned prisoners has reached 84.6%. The rate in Tianjin is 90%, while in Liaoning Province, the rate is more than 90%. The 'education through helping' has greatly reduced the recommitment rate.

1. Perfecting Legislature and Offering Guarantees

Starting from the 1950s, China has worked out clear stipulations on the employment of returned prisoners. In the 1990s, China established very complete legislative provisions in this respect. Not only has the central government worked out a series of regulations in this respect, the provincial and municipal government also have done the same according to their respective situations. Many townships and villages have also formulated their own rules on settling the released prisoners. The State enterprises have also set rules on employing them. All these measures have provided legal guarantees to the settlement and education of the returned prisoners.

2. Leaders Assume Responsibility to Ensure Participation of Departments

The Chinese government regards the settlement and education of the released prisoner as an important part of work evaluation for regional and department leaders. A leaders' responsibility system has been adopted, linking their performance with their promotion, award or punishment. In Liaoning Province alone, more than 2,500 leaders above the county and division level are engaged in this work. So far, 16 provinces in the country have built provincial-level competent departments to settle and educate returned prisoners.

3. Exploring New Ways for Employment

Under great employment pressure, the government is still requiring local governments to explore new ways for the employment of released people. The main measures are:

- (i) Intensifying technical training before they return to society, so that they can acquire one or two practical skills for employment;

- (ii) Build bases for the temporary settlement of returned prisoners. In Shanghai, two transportation companies have been built, settling more than 5,000 returned prisoners;
- (iii) Give proper preferential treatment to these people;
- (iv) Use market fairs to offer employment opportunities. For example, Shenyang has fully employed market fairs as the main channel for offering employment to the returned prisoners. The industrial and commercial administration departments have actively provided convenience and conditions for them to find jobs. In the past three years, the city's various types of markets have employed 2,408 such personnel, who have since then lived a self-reliant and 'getting-rich-through-labour' life.

**B. Relatives' Participation in the Rehabilitation of Offenders**

The offenders' relatives are encouraged to and supported in keeping contact with the offenders serving a sentence; and cooperate with the educators so that those offenders, especially the juveniles, can feel the warmth of the family. Lots of cases indicate that the family factor is an important factor that leads youngsters to commit crimes, and that also reforms the young offenders. As families emerge in the human society, the attachment to the family has become a common psychological characteristics of human beings; the degrees varying among people of different age groups as well as individuals of the same age group. After being imprisoned to serve a sentence, they lose their freedom and are separated from their families, leading to stronger attachment to their families. Whether the family members care about or visit them will, to a great extent, affect their feelings and psychological state. Therefore, to correct

112TH INTERNATIONAL TRAINING COURSE  
PARTICIPANTS' PAPERS

their anti-social psychology, the prisons and reformatories shall try their best to encourage, support and instruct the offenders' relatives to join in the rehabilitation work, to keep close contact with their children, who would feel this concern and warmth from them.

This is greatly beneficial to weakening and eliminating anti-social psychology. Many persistent offenders and recommittees have thus mended their ways and started new lives. Gao, a young farmer, was sentenced to a three-year-and-six-month imprisonment for theft, later eight years imprisonment was imposed on him for the offence of fleeing and theft. His wife divorced him after he was imprisoned, leaving him a one-year old child, and married another man living far away from her native village. At the time of extreme despair, Gao's brother and his wife frequently came to see him, encouraging him to actively reform himself. They also helped him raise his child, although they had already had two children. Later, his brother died in a traffic accident. His sister-in-law, the widow had to foster the three children on her own. She kept on visiting her brother-in-law confined in prison. Moved by the care from the relatives and educators, Gao devoted himself heart and soul to his reform. In the prison, he was awarded as "excellent cook," "excellent stockman" and "reform activist." According to the verdict of the intermediate people's court, he was released on probation and later married his sister-in-law. With the help of the villagers, he was hardworking and became well-off. They said: "Gao has changed to a hardworking, honest and helpful man."

**C. Proper Penalty Methods for Juvenile Offenders.**

1. Penalty is Not the Aim

When conditions permit, probation is more frequently adopted in juvenile

delinquency cases so the juvenile offenders can return to society after serving part of a term of sentence and reduce unfavourable factors. The probation system is a method to execute punishment on the offenders according to the Criminal Law. Probation is applied to the offenders who are sentenced to criminal detention or to a fixed-term imprisonment of less than three years. Probation may be granted to offenders according to the circumstances of their crime and extent of repentance, and the condition that they shall not do any harm to society after they are put under probation.

Probation for juvenile delinquents can yield more positive effects than for adult offenders. First, they are not isolated from society and their families so that they can adapt themselves to society after long-time imprisonment. Second, families, units, enterprises and communities can also be mobilized to educate and help them. Third, they shall be free from "cross-infection" in the prison, which is helpful to their rehabilitation. From 1987 to 1997, the courts at various levels in Beijing sentenced 9,045 juvenile delinquents. A total of 2,014 of them, who were sentenced to criminal detention or a fixed-term imprisonment of less than three years, were put under probation. They accounted for 22% of the sentenced juveniles, which was more than 10 percentage points higher than the adult offenders.

2. Mobilize Society in Follow-up Education of Juvenile Delinquents

During probation, the courts at various levels shall continue to educate juvenile delinquents, although they are not within the jurisdiction of the courts. Most of the courts have set up files for education and regularly hear reports about the progress of their rehabilitation. By way of practice, not a single case of recommitment of crime has occurred if the rehabilitation of juvenile

delinquents is reported to the court monthly.

Before the verdict for probation is given to the juvenile delinquent, the courts shall contact the school and community where the juvenile is to settle in their employment or schooling. At the same time, they shall help the receiving units to build education organizations so that the juveniles under probation can study or work in a good environment. According to the statistics for the past 10 years, of the courts in Beijing, with the help of juvenile courts, 75 of the delinquents under probation were enrolled in colleges or academic schools, and one became a postgraduate student. 207 went to senior high schools, vocational high schools or secondary professional schools.

### 3. Joint Efforts In and Outside Prison to Educate Juvenile Delinquents

In light of the policy of educating and redeeming young offenders and helping them to change, the courts and prisons cooperate with each other to do educational work. The adjudication personnel also pay regular visits to the prisons and award good deeds done by the offenders in the course of their rehabilitation. In 1991, a major flooding occurred in East China. More than 60 juvenile delinquents at Beijing's Qinghe Farm each donated RMB 30 yuan to the victims there. The people's court of Xicheng District in the city of Zhengzhou held a meeting where local leaders had a good talk with the juvenile delinquents and encouraged them to become useful persons in society. The 12 juvenile offenders were moved to tears and said: *"We committed crimes, but the court and people from our hometown have not abandoned us. They cared about us and arranged visits for us. We shall redouble our efforts in reform and try to perform meritorious service so we can get commutation and probation, and return to society as soon as possible, to make our*

*contribution to the four modernizations of our country."* On the occasion of festivals and public holidays, the adjudication personnel send the juveniles stationary and other gifts to help them to change. As a result, the juvenile offenders are more confident about their rehabilitation now that society has not forgotten about them. The crime recommitment rate in the past ten years in Beijing is around 2%.

## V. AID TO VICTIMS AND VICTIMS' PARTICIPATION IN CRIMINAL PROCEEDINGS

China's Criminal Procedure Law regards the victim as a party who is bestowed an independent position in the proceedings. This is to ensure the victim's procedural rights are completely protected. The victim's procedural rights are characterized by independence, transformation, completeness and restriction.

### A. Independence

The right to prosecute is an important procedural right of the victim. This right is relatively independent in the criminal procedure. The public prosecution body exercises the power to prosecute so as to safeguard the interests of the State, society and the victim. But it cannot exclude the right of the victim to independently safeguard their own interest on the basis of their individual stand. This point is of great significance to the judicial bodies intensifying the protection of victim's procedural rights.

### B. Transformation of the Right

In a case of public prosecution, the right of action rests with the people's procuratorate. The victim has the right to request the bringing of an action. This right means that the victim enjoys the right to, over the facts of crime which infringes upon their personal and property rights, bring a charge and request the judicial

organ to investigate the criminal responsibility of the suspect. If the victim has any objection to the judicial body bringing an action in a case, the victim may use their legal capacity to sue for the right of applying for reconsideration; right to supervise the filing of a case; and direct right of bringing an action. This transformation can be regarded as transforming the right of public prosecution to the right of private prosecution.

### **C. Completeness of the Right**

Whether a victim's procedural right is completely bestowed is an important aspect in evaluating the criminal procedure mechanism. China's current Criminal Procedure, Law reflects the procedural right of the victim all through the criminal procedure, and embodies the completeness of the right. For instance, the law has clear stipulations on the victim's reporting of a case, accusing and private prosecution; bringing supplementary civil action; applying for withdrawal; appointing an agent *ad litem*; appearing in court; lodging an appeal and requesting a counterappeal. China adheres to the principle of State prosecution, and the principle of victim's prosecution is concurrently adopted so that the victim's right to prosecute is guaranteed. At the same time, a mechanism was set up for the right of private prosecution to supervise the right of public prosecution. The stipulation on application for withdrawal can ensure the impartiality of the criminal procedure. The agent *ad litem* system not only further improves China's legal system, but also plays an important role in protecting the victim's legal rights.

### **D. Restriction of the Right**

The Criminal Procedure Law has, necessarily, restrictive stipulations over the victim's procedural rights. In a case of public prosecution, if the victim does not

agree with a judgement made at the first instance of the local people's court, s/he has the right to request the people's procuratorate (at the same level) to propose a counterappeal, but has no right to lodge an appeal to the people's court at a higher level.

### **E. Strengthening Protection of the Victim's Procedural Rights**

The victim's independent rights to prosecute are guaranteed in the following aspects. First, in the court hearing, the victim may make a procedural request and proposals different from that of the public prosecutor. The reason is; the victim's independent right make a litigant claim embodies their status as a party in the criminal procedure. Now that the victim is recognized as a party in the procedure and enjoys the independent right to prosecute, therefore s/he shall be permitted to independently make litigant claims favourable or unfavourable to the defendant if s/he believes the public prosecutor makes improper accusations against the crime. This is an important aspect for the victim to completely exercise their power to prosecute. In this way, the victim can join the public prosecution to expose and accuse the crimes more effectively.

Second, an independent seat is arranged for the victims. This not only reflects the victim's procedural position, but also guarantees the victim full exercise of their procedural rights. The victim is seated to the right of the public prosecutor, facing the bar. They are seated on the side of the public prosecutor, not the defendant, to indicate the confrontation between the victim and the accused. Finally, in the private prosecution cases of our country, the victim is responsible for giving evidence. The burden of proof for private prosecution lies with the private prosecutor. This is of positive significance

to increasing the confrontation between accuser and defender, and ensuring that the adjudication body is in the middle.

**F. Right to Obtain Legal Remedy**

In China, the victim can entrust the lawyer to offer legal remedy. The agent of the victim can fully enjoy the right to act as an agent *ad litem*. This is one of the important ways for the victim to obtain legal remedy. In reference to the Criminal Law concerning the rights and duties of the defence lawyer of the accused, the agent of the victim can consult, extract and duplicate the materials concerned at the people's procuratorate. Upon approval of the witness or other units or individuals, s/he can also collect the materials relating to the case from them. They can also apply to the people's procuratorate and people's court for collecting and obtaining evidence, or requesting the people's court to notify a witness to appear before court.

In China, the attorney-in-fact of the victims, especially the attorney at law, attach great importance to the work of an agent *ad litem* for the victim in cases of private prosecution. Their work helps to ensure the realization of the protection of the victim's rights granted by the Criminal Procedure Law and plays an important role in enhancing the activities of the criminal proceedings.

**G. Right of the Victim to Take Part in the Court Hearing**

China's Criminal Procedure Law allows the victim to exercise their procedural right during the court hearing. According to the law, the people's court shall, within at least three days before a court is opened, serve a summons to the victim and a notice of appearance is also served to the attorney-in-fact of the victim. As for the right of the victim to apply for withdrawal, application can be made to the Chief Judge for the withdrawal of members of the collegiate

bench, the clerks, public prosecutor, appraisers and interpreters. As for the victims' right of *locus standi*, statement can be made on the crime accused by the indictment. As for the victims' right to ask, the victim may, upon approval of the Chief Judge, address questions to the accused, the witness and appraisers. As for right of the victim to air their views over evidence, s/he may put forward their views on; the testimony of the witness who fails to appear before the court; conclusion of the appraisal; record of investigation and other evidentiary documents; apply for obtaining new evidence through appearance at the court by a new witness or apply for reappraisal or investigation. In a private prosecution cases, the victim also enjoys the right to reconcile with the accused on their own or to withdraw the private prosecution.

**VI. CONCLUSION**

To sum up, this paper, in four parts - crime prevention, criminal proceedings, rehabilitation of the offenders and guaranteeing the rights of the victim - deals with crime prevention, corrections and protection of the offenders, public participation and the joint effort of the whole society in China. The aim is to inform you of the framework and current situation of crime prevention in China, and to study and discuss issues of common interest with friends from various countries, to improve public security.