Faculty of Law
The Chinese University of Hong Kong

Guest Research Seminar

“Pre-trial detention in the People’s Republic of China: challenges for introducing a system of release pending trial”

By

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Abstract: In China the majority of suspects are detained pending trial. Estimates suggest that around 100,000 suspects are detained in China at any one time (Walmsley, 2008). International Human Rights Conventions (for example, ICCPR) stipulate that there should be a presumption of release and an examination of the Criminal Procedure Law 1996 of the PR China would suggest that pre-trial release should be the norm and not the exception. This paper will examine the factors which contribute to the high rate of pre-trial detention in PR China focusing specifically on the gap between the law and practice, a task which is hampered by the limited availability of published information. The paper will go on to explore some of the challenges of introducing widespread pre-trial release in PR China. Finally, suggestions for reforming the system will be critically examined drawing on the experiences of other jurisdictions. The paper will suggest that a common law system of bail is unlikely to be a feasible solution in PR China and that a mechanism for pre-trial release must take account of the specific social, cultural and geographical context of PR China.

About the Speaker: Dr Anthea Hucklesby is Reader in Criminal Justice and Deputy Director of the Centre for Criminal Justice Studies at the University of Leeds, UK. She has previously held lecturing positions at the Universities of Leicester and Hull. She has