

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

Dr Anthea Hucklesby

Wednesday, 2 March 2011, 12 – 2 pm

Board Room

Faculty of Law

Teaching Complex at Western Campus

The Chinese University of Hong Kong

Shatin, NT, Hong Kong

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 wide spread 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

undertaken research and published in a range of areas in the criminal justice process including electronic monitoring, police and court bail, drug misuse in prison, pre-trial drugs intervention, prisoners' resettlement, pre-trial accommodation needs of young people and community sentences. She has received research funding from a range of organisations in the UK including Ministry of Justice, Home Office, Youth Justice Board, HM Prison Service, West Mercia Probation Service, G4S and voluntary sector organisations. She is currently doing a study of pre-charge bail with West Yorkshire Police and working on a project which aims to increase compliance with electronic monitoring with G4S. Her recent publications include: Hucklesby, A. and Hagley-Dickinson, L. (eds.) (2007) *Prisoners' Resettlement: policy and practice*, Cullompton: Willan Publishing; Hucklesby, A. and Wahidin, A. (eds) (2009) *Criminal Justice*, Oxford: Oxford University Press; Hucklesby, A. and Wincup, E. (eds) (2010) *Drug Interventions in Criminal Justice*, Open University Press; Hucklesby, A. (2008) 'Vehicles of Desistance: the impact of electronically monitored curfew orders', *Criminology and Criminal Justice*, 8(1): 51-71; Hucklesby, A. (2009) 'Understanding offenders' compliance: a case study of electronically monitored curfew orders', *Journal of Law and Society*, 36(2): 248-71 and most recently, Hucklesby, A. (2011) 'The Nightlife of Electronic Monitoring Officers', *Criminal Justice*, 11(1): 1-18. Bail Support Schemes for Adults is due to be published by Policy Press in June 2011.