



The family and neighbors of Nie Shubin visit his grave in Shijiazhuang, North China's Hebei province, in 2016. Nie was executed in 1995 after being convicted of raping and killing a woman. PROVIDED TO CHINA DAILY

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crimes and rapid improvements in public security.

The developments helped China to better integrate with the outside world and also prompted changes in the use of the death penalty.

Mo, the law professor, said the 2007 decision to give the Supreme People's Court the final say on executions was a major contribution to limiting the use of capital punishment.

"It was a key step in catering to the international trend for the prudent application of capital punishment," she said, adding that the changes were also reflected in legislation.

The changes included amendments to the Criminal Law in 2011, which ensured that 13 nonviolent or economic crimes like negotiable instruments fraud were no longer subject to the death penalty. That reduced the overall number to 55.

Moreover, under the amended law, it was no longer permissible to execute offenders aged 75 and older.

In 2015, the Standing Committee of the National People's Congress, the top legislative body, abolished the death penalty for nine more crimes — including five related to the financial sector, such as illegal fundraising — cutting the number to 46.

"The death penalty for financial misconduct was not equitable to the crime. After all, life is the most precious thing, and capital punishment is irreversible," said Xu Hao, a criminal lawyer at the Jingshi Law Firm in Beijing.



In 2013, at Handan Intermediate People's Court in Hebei, Wang Shujin confessed to the crimes that led to Nie's execution. DING LIXIN / XINHUA

"With China's rapid economic development, more people have better lives. Before, a child might starve to death if its family's savings or grain were stolen. But nowadays few people face such a situation if their property is damaged."

Hu, from the top court, praised the reduction in the use of capital punishment, saying "scientific penalties" better protect human rights. In 2005, for example, the so-called tougher penalties accounted for just 18 percent of all sentences handed down. "It was an improvement in the rule of law," he added.

Zhou, the law professor, was also in favor of greater leniency. "It isn't possible to reverse an execution if

errors are discovered in investigations or trials," he said. "Severe punishments do not act as a deterrent, let alone help to build a safer society."

In Zhou's view, a good judgment consists of a flawless conviction and an appropriate punishment: "In other words, not heavier, but better."

For example, illegal fundraisers could be sentenced to death in the past, but now the heaviest punishment they face is life imprisonment.

"Spending their lives behind bars is enough for such offenders, and they have lost the opportunity to raise funds illegally again so I think the aim of the punishment is effective," Zhou said, dismissing concerns voiced by some legal professionals

who believe that lenient punishments pose a potential risk to public security.

Mo said the Work Report of the Supreme People's Court in 2008 noted that the number of serious offenses, such as intentional homicide and arson, declined noticeably in 2007, the year the court became the final arbiter on executions.

She applauded the judicial system's adherence to the principles of "innocent until proved guilty" and "punishment stipulated by law" because they also contribute to the prudent use of the death penalty.

Hu, from the top court, said highlighting the two principles encourages stricter standards in the examination and judgment of evidence in cases where the death penalty could be imposed, and their adoption across the board plays a role in preventing miscarriages of justice.

"It's pleasing to see quality highlighted in the handling of criminal cases rather than speed," he said, adding that it demonstrates great progress in the rule of law.

Xu, the lawyer in Beijing, said the use of lethal injection for executions is also a sign of progress. "It is more humane compared with execution by firing squad," he added.

All the experts said the control and prudent application of the death penalty will be strengthened further in future, with fewer nonviolent or financial crimes coming under its remit.

"However, the pace of change may slow," Zhou said, adding that it is

Five periods of change in the approach to crime

1978-1981

China's first Criminal and Criminal Procedure laws were enacted in 1979, ensuring that all criminal cases could be handled according to the law.

1982-1996

Twenty-one new laws were enacted to combat economic crime and criminal cases that seriously harmed public security. Moreover, the Criminal Law was revised, while more than 100 new crimes were added to the statute books and penalties were strengthened, including the use of capital punishment.

1997-2005

The Criminal and Criminal Procedure laws were amended to highlight the protection of human rights and the importance of collecting evidence correctly. The death penalty was abolished for a number of crimes including theft and financial speculation.

2006-2012

The Supreme People's Court was given the power to oversee the use of the death penalty. Whenever a lower court passes the death sentence, the nation's highest court reviews the case. If it does not agree with the sentence, the case is reassessed. The death penalty was abolished for 13 nonviolent or economic crimes. People aged 75 and older were no longer subject to the death penalty.

2013-2018

The death penalty was abolished for nine crimes. Strict identification and collection of evidence was adopted in investigations and trials to prevent miscarriages of justice and better protect human rights.

CAO YIN

SOURCE: AN ARTICLE WRITTEN BY HU YUNTENG, A SENIOR JUDGE AT THE SUPREME PEOPLE'S COURT.

currently not practical to abolish the death penalty for all crimes, even though some European countries have already done so.

Xu said: "Complete abolition would require both the country and the people's legal awareness to become more refined, which will take time. There is still a long way to go."

As an example, he said the idea of "a life for a life" is still deeply rooted in many people's minds, especially with regard to violent offenses like rape or intentional homicide, so perceptions would have to develop before far-reaching changes could be enforced.