

Analysis of the Status of Juvenile Female Offenders in the Chinese Prison System, Using Beijing as an Example

He Xianbing and Feng Lei^{*}

Abstract: Data from judicial statistics related to the custody of juvenile female offenders in the Beijing prison system show that the absolute number of juvenile female prisoners is low; most are between 16 and 18 years old; the percentage of those who committed violent crime is high; many grew up in single-parent households; and many are in a state of social idleness. Research on juvenile female prisoners in custody shows that their psychological states present characteristics of vanity, competitiveness, susceptibility to jealousy, prominent egocentrism, and intense perseverance. The Chinese prison system has achieved some results in the corrections of juvenile female prisoners, but there are still flaws, including that juvenile female prisoners are not yet granted special judicial treatment and are held together with adult female prisoners. Therefore, drawing on the Bangkok Rules is essential for granting juvenile female prisoners special judicial treatment; promoting open [prisons and more contact with the community]; gradually downsizing and socializing prisons; and whenever possible, holding juvenile delinquents in their place of household registration or where they regularly live in order to facilitate community corrections.

Key words: China, prison system, juvenile female prisoner; analysis

With changes to China's social structure, opportunities for women to participate in social activities are increasing, and the traditional image of the delicate and gentle Chinese woman has gradually become a thing of the past. Along with an increase in China's overall crime rate, the crime rate among women has gradually increased, and the number of female offenders incarcerated in the prison system continues to rise. Because of the differences in the sex and roles of men and women, the prison system should grant woman offenders special treatment.

Juvenile female offenders comprise a unique population among female offenders. Over the last 10 years, Chinese academics and practitioners have paid particular attention to the judicial treatment of juvenile offenders. However, since the total number of juvenile female offenders is low, few scholars have conducted special research on them. Using research data from the Beijing prison system as an example, this paper investigates the basic situation and judicial treatment of juvenile female prisoners in the prison system and attempts to attract special attention towards juvenile female prisoners among all sectors.

^{*}He Xianbing: Professor at Southwest University of Science and Technology Law School, Doctor of Law, Researcher at the Center for Restorative Justice at China University of Political Science and Law, Deputy Director of the Academic Committee of the Research Center of Sichuan Province on Preventing and Controlling Crime, and Deputy Director of the Legal Committee of the Sichuan Committee of the China Zhi Gong Party; Feng Lei: Police Officer at Beijing Women's Prison, Master of Law. Mailing Address: 59 Qinglong Avenue Middle, Fucheng District, Mianyang, Sichuan, China Postal Code: 621010. E-mail: hexianbing1103@163.com.

I. Basic Situation of Juvenile Female Offenders in the Beijing Prison System over the Last Five Years

This paper focuses on juvenile female offenders held in juvenile reformatories and in women’s prisons controlled by the Beijing Bureau of Prison Administration between 2009–2011 and 2011–2013, respectively, and aggregates statistics on their basic situations over the last five years.¹

A. Quantitative Structure of Juvenile Female Prisoners

Correctional institutions mainly concentrate on the incarceration of female offenders who are not yet 18 years old and have remaining sentences of less than two years (see Table 1).

	Admitted	Average Population	Released	Total Incarcerated
2009	3	5	7	15
2010	4	3	5	12
2011	6	5	2	13
2012	5	4	7 (6 released, 1 reclassified as adult)	16
2013	2	1	8 (4 released, 4 reclassified as adults)	11

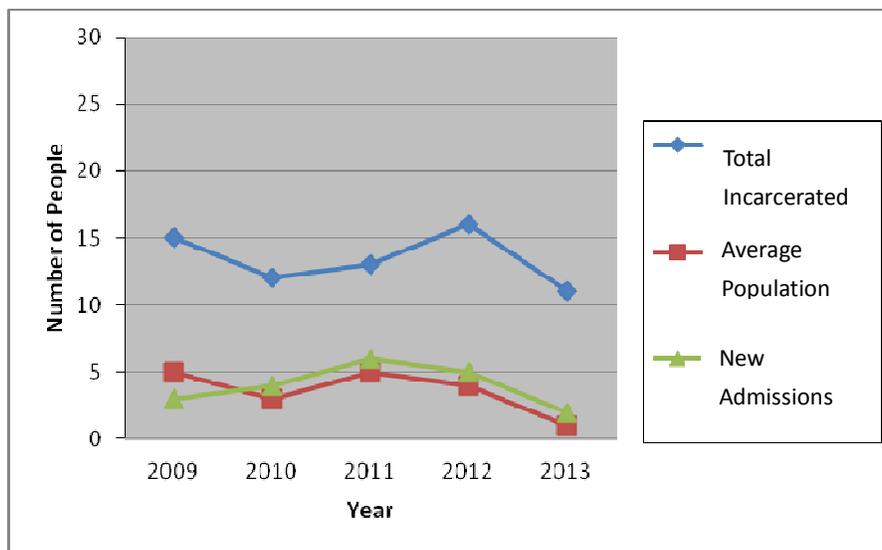


Figure 1 Changes in Prisoner Structure

¹In accordance with the unified plan of the Beijing Bureau of Prison Administration, the juvenile female prisoners held in Beijing’s juvenile reformatories were transferred to the women’s prison in 2011. Since the women’s prison was responsible for taking juvenile offenders into custody, this paper tracks statistics from the two institutions during different time periods. For the purposes of simplification, “women’s prison” and “juvenile reformatory” will hereinafter be referred to as “correctional institutions.”

Table 1 tracks changes in the number of people being admitted to and released from the correctional institutions over a five-year period between 2009 and 2013, as well as the average prisoner population. As seen in Figure 1, apart from a slight increase in the numbers admitted, released, and total incarcerated in 2012, the total number of juvenile female offenders is trended downward every year, and the average prisoner population is gradually leveling off towards zero. As of December 31, 2013, the women’s prison had only one juvenile female prisoner. The rest had either been released after completing their sentences or, because they had turned 18 and still had more than two years left to serve, were transferred to the regular cellblock for adult female offenders.

B. Types of Crimes Committed by Juvenile Female Offenders

	No. of People	Violent Crime	Property Crime	Sex Crime	Other
2009	15	9	3	1	0
Percentage		60%	20%	10%	10%
2010	12	8	2	2	0
Percentage		70%	15%	15%	0
2011	13	9	2	0	2
Percentage		70%	15%	0	15%
2012	16	13	2	1	0
Percentage		80%	13%	7%	0
2013	11	10	1	0	0
Percentage		91%	9%	0	0

Table 2 Types of Crime Committed by Juvenile Female Offenders

As can be observed in the table above, on average 60% of female juvenile offenders are incarcerated for violent crimes every year, topping the list of crimes committed by juvenile female offenders. In second place is property crime, representing 15–20%. Ranking third is sex crime, representing 10–15%. As we can see, of the crimes being committed by juvenile females, the proportion of violent crime seems quite high. However, the facts are altogether different, and China’s criminal policies must also be considered. Juvenile females who commit non-violent crime are mostly given suspended sentences. In general, juvenile female offenders are only incarcerated for serious violent crimes, which makes violent crime the primary type of crime committed by imprisoned juvenile female offenders.

C. Educational Attainment of Juvenile Female Offenders at Prison Admission

	Primary	Junior High	Technical Secondary	Senior High	Total No. of People
2009	1	11	0	2	15
2010	0	10	1	1	12
2011	1	9	2	0	13
2012	0	13	2	1	16
2013	0	10	-	1	11

Table 3 Educational Attainment of Juvenile Female Offenders

According to the data in Table 3, we can see that most juvenile female offenders have an educational attainment level of junior high school or below. From concrete statistical data, we can see that even though they have a junior high education, they have not completed nine years of compulsory education (i.e., they have not graduated from junior high school). This segment of female offenders represents more than 80% of the total number of juvenile female offenders for a given year, and this situation did not see any obvious changes in five years. University-level education is not included on this table since juvenile female offenders are under age 18 and thus have generally not yet enrolled in university.

D. Age of Prison Admission for Juvenile Female Offenders

	14–15 years old	15–16 years old	16–17 years old	17–18 years old	Total No. of People
2009	0	3	5	7	15
2010	0	4	5	3	12
2011	1	4	6	2	13
2012	0	3	7	6	16
2013	0	4	4	3	11

Table 4 Ages of Juvenile Female Prisoners

According to the data in Table 4, we can see that the age at which the majority of juvenile female offenders commit crime and are admitted to prison is between 16 and 18 years old. [This age group] largely corresponds to the period before and after junior high school graduation. This is also related to the age of criminal responsibility stipulated in China's Criminal Law. Juveniles between the ages of 14 and 16 can only bear criminal responsibility for committing eight serious crimes, including voluntary manslaughter and intentional, aggravated assault. Therefore, the age bracket for incarcerated juvenile female offenders is concentrated between 16 and 18 years old. However, it should not be ignored that juvenile female offenders between the ages of 14 and 16 account for a certain percentage of incarcerated female offenders, which illustrates that the absolute number of juvenile females committing serious, violent crimes is not by any means low and should draw a high level of attention from the

government.

E. Pre-Custodial Occupations of Juvenile Female Offenders

	Student	School Leaver, Dropout, Unemployed Graduate	Total No. of People
2009	6	9	15
2010	4	8	12
2011	3	10	13
2012	5	11	16
2013	2	9	11

Table 5 Pre-Custodial Occupations of Juvenile Female Offenders

The majority of juvenile female offenders' pre-custodial occupations were either "dropout" or "unemployed graduate," which represent over 60% of the total. This coincides with the conclusions of criminology studies, where scholarly research has shown that socially idle juveniles commit a relatively high percentage of juvenile crimes.¹

F. Family Structure of Juvenile Female Offenders

Family Structure	Nuclear	Single-Parent	Remarried	Total No. of People
2009	8	5	2	15
Percentage	54%	33%	13%	
2010	6	5	1	12
Percentage	50%	42%	8%	
2011	4	9	0	13
Percentage	31%	69%	0	
2012	7	6	3	16
Percentage	44%	38%	18%	
2013	3	7	1	11
Percentage	27%	64%	9%	

Table 4 Family Structure of Juvenile Female Offenders

Over the last five years, the percentage of juvenile female offenders with single-parent homes or homes where at least one parent has remarried was more than 45–73%, far higher than the percentage of juvenile female offenders who come from

¹See "Research Report on Preventing Idle Juvenile Delinquency" by the Office of the Leading Small Group on Preventing Youth Crime of the Central Comprehensive Social Management Commission of the Communist Party of China and the China Youth Research Center, China Archives Press, 2002, p. 10–20.

nuclear families. This clearly shows that lacking care, love, and appropriate guardianship is one of the important factors for juvenile females to commit crime.

II. Analysis of the Basic Characteristics of Offenses of Juvenile Female Offenders

Through the above statistical data on the basic situation of juvenile female offenders, we may observe that the crimes committed by juvenile female offenders have different characteristics than those of adult female offenders.

A. Violent Crime at an All-Time High and Trending Upwards

We collected statistics specifically related to violent crimes committed by juvenile female offenders. The results show that the percentage of incarcerated juvenile female offenders who committed violent crimes is at an all-time high. From 2009 to 2013, the percentage of juvenile female offenders who committed violent crimes out of the total number of juvenile female offenders was 60%, 70%, 70%, 80%, and 91% (see Figure 2), i.e., in the last five years, the percentage of violent juvenile female offenders has been over 60% and has been rising each year.

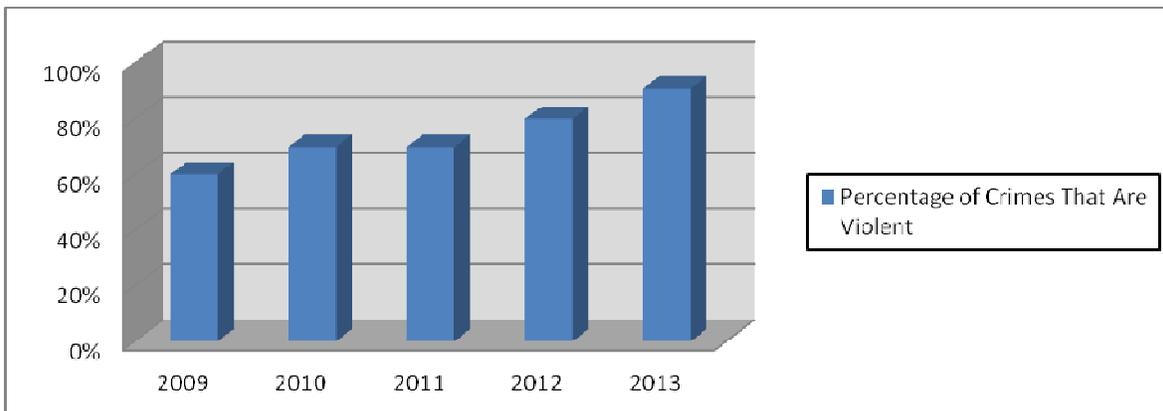


Figure 2 Histogram of Violent Crimes Committed by Juvenile Female Offenders

Moreover, we collected statistics on the 13 juvenile female prisoners who were incarcerated in 2013, and nearly all of them had committed violent crimes; seven, or 54% of those incarcerated, had committed robbery, three (23%) had committed aggravated assault, two (15%) had committed rape, and one (8%) had committed a different crime. This survey of juvenile female offenders illustrates that the types of crimes that are currently being committed by juvenile female offenders have shifted from primarily non-violent theft and property crimes in the past towards violent crimes such as robbery, manslaughter, and rape. Robbery has already become the most pervasive type of crime among juvenile female offenders (see Figure 3). Accordingly, addressing the violent nature and adolescent psychology of juvenile female offenders should be one of the top priorities of carrying out educational corrections.

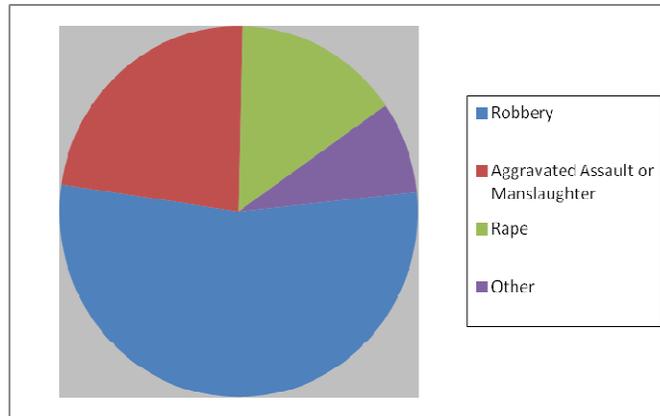
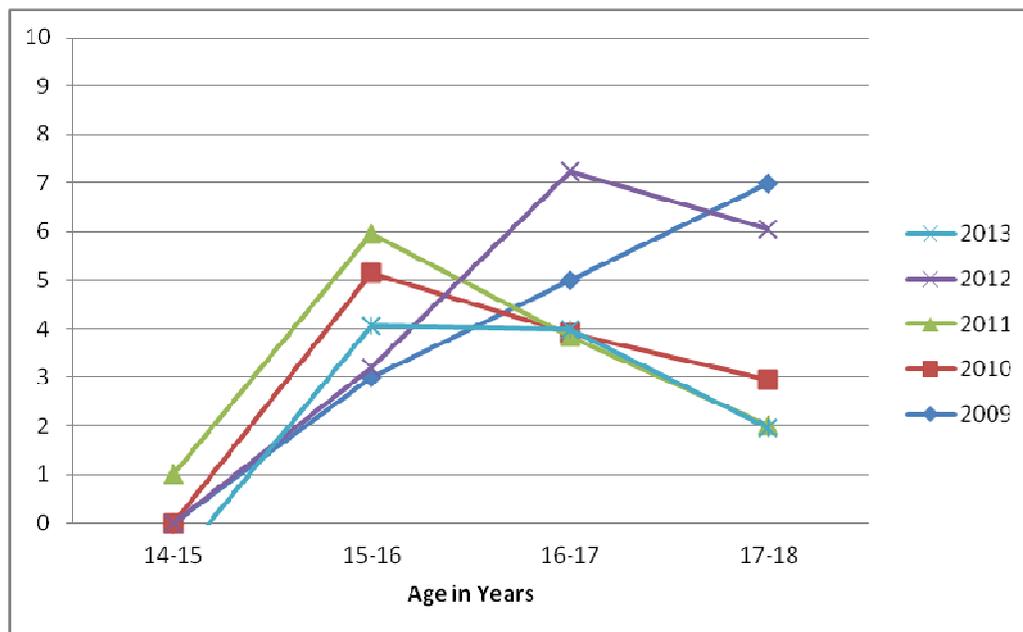


Figure 3 Pie Chart of Types of Violent Crime

B. Age of Juvenile Female Offenders Mostly Concentrated among 16–17 Year Olds



At ages 16 and 17 people undergo a period of transition from adolescence to adulthood, maturing physiologically and psychologically but remaining incomplete and unstable. During this period, the broadening of social interaction, increased knowledge, and the gradual reinforcement of independence come along with physiological and psychological changes to transform our past structural pattern of reliant interpersonal relationships that was characterized by dependence upon parents and teachers. However, juveniles are still relatively young, have poor self-restraint, are imperceptive, have immature ideological development, and have significant emotional fluctuations. Their ability to control their emotions is poor. In practice, we

also discovered that many juvenile female offenders, particularly those who committed robbery, had simple motives. Almost all of them committed unexpected, unpremeditated crimes without a precise goal and without regard for the consequences.

Moreover, the ages of 16 and 17 correspond directly with the period during and after junior high school graduation, which marks the completion of the nine-year compulsory education system. This is a period of self-relaxation beyond the strict control of the school. Juvenile female offenders in this age bracket generally have a low level of education. Even among those who attend school, it is common to muddle through. Quitting school is a common phenomenon, and their so-called junior high education is far below that of a regular student. They have low cultural literacy and either a poor awareness of the law or almost none at all.

C. Household Environment Adverse to Development

The first factor is an incomplete family structure. More than 45% of juvenile female offenders come from single-parent homes or homes where at least one parent has remarried. This kind of incomplete family structure poses great harm for juvenile female offenders. With the huge disparity of a life of decreased affection and attention that originally came from both parents, juveniles feel that they lack familial warmth. Prolonged stays in unsafe environments where they lack the protection and love of both parents make it very easy for them to be influenced by the hostile external environment and be corrupted by bad habits, which increases the probability that they will start exhibiting deviant behaviors. Since girls are more prone to psychological problems, particularly during young adulthood when they are sensitive, impulsive, and susceptible to being hurt, they experience split personalities and exhibit deviant behaviors, making them a high-risk group on the cusp of criminal activity.

The second factor is an unsuitable parenting style. Parents may go to different extremes, spoiling and indulging [their children], being rough with them, or being hands-off. We conducted a survey among 25 incarcerated juvenile female prisoners regarding the parenting methods their parents used. The methods were split into four types: democratic, indulgent, simple and rough, and neglectful. The survey showed that 18% of juvenile female prisoners chose indulgent and thought that their parents spoiled them far too much and were indulgent in every possible way. Thirty-seven percent chose simple and rough and thought that their parents lacked patience and attentiveness and enforced obedience “with an iron fist,” hurting their self-esteem and stimulating an antagonistic and confrontational mentality along with pessimism and self-contempt. Twenty-seven percent chose neglectful and thought that their parents did not pay attention to them, were hands-off, and that their relationship with their parents had deteriorated. Only 18% of juvenile female prisoners chose democratic and thought that they had normal communication and exchanges with their parents.

The third factor is an unsuitable household environment. Through surveys regarding household environment, we discovered that all of the juvenile female

prisoners had deteriorating relationships with their parents and pronounced parent-child separation issues. The parents' had old-fashioned notions of parenting and biased parenting behavior. On one hand, the parents' inappropriate parenting methods presented a phenomenon where knowledge was valued but ethics were neglected. Parenting methods were narrowly understood as intellectual education and everything was replaced by [school] performance. The function of parenting, particularly the disregard for and weakening of the function of moral education, has caused juveniles to encounter obstacles to societal acceptance, the formation of the notion of value, the formation of life goals, the cultivation of one's behavior, the mastering of life skills, and the cultivation of social roles, making them unable to form complete personalities and healthy mentalities. On the other hand, parent-child relations became estranged, either due to parents being busy with work, which causes parents to lack time for parenting or to neglect parenting, or due to parental alienation and hostility causing inharmonious family relations and preventing juveniles from experiencing familial warmth and the love and encouragement of their relatives. When they made a mistake, there was no way to receive timely words of caution, no way to obtain psychological security and gratification or feelings of familial reliance and safety. They easily chose to break free from the constraints of their families and go out into the world sooner, thus greatly increasing their opportunities to commit crime.

III. Analysis of the Psychological Traits of Juvenile Female Prisoners

Juvenile female offenders, while having basic psychological traits similar to those of adult female offenders, also have their own unique psychological traits. While we were collecting statistics on the basic situation of juvenile female prisoners, we were also collecting statistics related to their psychological states. According to results from Cattell's 16PF personality questionnaire and the COPA personality test, the vast majority of offenders' ability to control and discipline themselves was quite poor. A considerable number of offenders' emotions were unstable; they had weak mental constitutions, were susceptible to mood swings when encountering difficult situations, were irritable, rash, emotional, and impulsive, did as they pleased, and lacked self-control. This was concretely shown in the following ways:

A. Pervasive, Strong Feelings of Vanity and Competitiveness

From a psychological standpoint, the ages of 16 and 17 constitute the second rebellion period among the stages of growth and the second important physiological period for self-cognition. During adolescence girls generally tend to use external expression to capture the attention of the opposite sex and engage in unrealistic material comparisons. For juvenile female offenders, the desire for material things and the means to attain them are prominently displayed prior to incarceration. In other words, juvenile female offenders not only have unrealistic requirements for their material desires, but the means that they sought [to satisfy these desires] did not take

cost into account. This point was clearly reflected in the facts surrounding their crimes: when they did not obtain the “things they wanted,” they would resort to theft, robbery, and aggravated assault as means to “easily get them.” While serving their sentences, these kinds of problematic mentalities and specific methods were still very apparent in juvenile female offenders. A portion of juvenile female offenders, having been influenced in the past by factors like abnormal consumer psychology, vanity, etc., pursued material comforts while serving their sentences, ignoring their individual means or their family’s ability to afford them. For example, female offenders from wealthy families may spend frivolously, purchasing things that they do not need, while female offenders with fewer economic means pleaded with their families to deposit more money for them because they worried about being discriminated against or even being humiliated, [thus] burdening their family members.

B. Prominent Egocentrism

Juveniles are in a transitional period from childhood to adulthood, i.e., the so-called “psychological weaning stage.” Most juvenile female offenders have a strong sense of self-awareness, enjoy dominating other people, and place their own self-worth above that of others. Prior to incarceration, their parents’ overindulgence and overprotectiveness caused the children to become self-centered and have little self-control. This kind of problematic mentality is bound to cause them to have a poor awareness of their punishment, a weak sense of guilt, a feeling of superiority at home, and cause them to do whatever they please. In prison, [this mentality] is exhibited by low tolerance towards other people and things, a lack of understanding, difficulty empathizing, and often being hostile and resentful towards the kind advice and suggestions of other people.

C. Sensitivity, Low-Self Esteem, and Jealousy

These three seemingly mutually independent mentalities often simultaneously exist in the minds of juvenile female offenders. Sensitivity is natural for girls and it is even more evident in juvenile female offenders. During this period, they often lack confidence, fear they will not be understood or valued by other people, fear being alienated by those around them, fear not getting what they are looking forward to, and are especially sensitive to other girls’ opinions and attitudes. Their negative feedback towards everything is mechanical. Moreover, they have deep personal experiences and intense reflexes. Extremely low self-esteem and excessive sensitivity trigger an intensely jealous mentality. In the educational corrections process, these kinds of complicated mentalities are often treated as a single entity instead of conducting an isolated, one-sided analysis and explanation of the phenomenon.

D. Impulsiveness, Rebelliousness, and Hostility

Adolescence is fundamentally a period of agitation. It is a common occurrence for juveniles who are serving their sentences in completely sealed, militarized management systems to easily exhibit psychological issues like impulsiveness, resentment, rebelliousness, and hostility. The idleness from their life prior to

incarceration made it so that they lacked necessary parenting and constraints, and they all lack the ability to master their emotions, control their behavior, sublimate their emotions, etc. Thus, all of them experienced some level of difficulty when confronting sudden life changes and adapting to prison. They would often use mental and emotional modes related to committing crime to cope with their current problems. Thus, it stands to reason that they would be impulsive, rebellious, and hostile. For example, we collected discipline statistics on juvenile female offenders. Using data from 2009, when discipline rates were at their highest, there were a total of four people who violated the rules, representing 27% of the total number of prisoners that year. Out of the four, three were written up for serious misconduct and one was written up for misconduct. The main reasons had to do with fighting with other female offenders or disobeying corrections officers.

E. Intense Perseveration, Unstable Feelings and Emotions

Juvenile female prisoners are inherently in a period where their personalities are growing and maturing, often making them feel like there is no way to control them. In daily supervision and educational practice, it was discovered that their thoughts often contradict themselves. They lack the independent ability to accurately judge and explain life events, and they experience routine emotional fluctuations. They are impulsive, irrational when completing tasks, stubborn, and lacking in fundamental stability and security. Individual female offenders have very short tempers, go to extremes when handling problems, and have a poor ability to resist bad influences. Their thoughts are often one-sided and superficial. They often exhibit extreme language and behavior when interacting with others and handling problems, and do not accept fair civilized enforcement of the rules by the corrections officers. They do not cooperate with rehabilitation and feel resentful towards the prison and corrections officers.

F. Cognitive Biases

Because juvenile female prisoners' minds are in a distorted state for a long period of time, their understanding of society is deeply flawed and biased. The lines between "true, good, beautiful" and "false, evil, ugly" are often fuzzy. Even while they are under punishment, they have difficulty correcting their own attitudes and psychological biases, causing them to exhibit "false, evil, and ugly" behaviors during rehabilitation, e.g., behaviors that are adverse to rehabilitation such as pretending to be rehabilitated; falsely confessing; being vain; unrealistically comparing themselves to others; having poor understanding of their punishment; exhibiting major thought fluctuations; worrying about saving face; and being jealous, narrow-minded, impatient, impulsive, etc.

IV. Legal Provisions and Judicial Practices for the Punishment of Juvenile Female Offenders

A. Legal Provisions in Force

For the rehabilitation of juvenile offenders, China has established a legal system with a set of goals and methods that differ from those for rehabilitating adult offenders. The Law of the People's Republic of China on the Protection of Minors, the Law on the Prevention of Juvenile Delinquency, and the Management Regulations for Juvenile Reformatories stipulate that the guiding principles for juveniles who break the law are to "educate, reform, and save" and provide for the implementation of a criminal policy that "prioritizes education and is supplemented by punishment." The core value used for the correction of juvenile offenders is "protection instead of control, correction instead of punishment."¹

According to the provisions of the Prison Law and relevant judicial interpretations and regulations, during the execution of punishment in prison, in addition to the rights granted by law to adult offenders, including the right to personality, the right to physical safety, the right to petition, the right to complaint, the right to defense, and the right to private legal property, there are also several special provisions for the characteristics of juvenile offenders, which are mainly embodied in the following:

1. Guarantee of Basic Material Life

Regarding material life, apart from the living expenses and medical insurance for offenders clearly stipulated in the Prison Law, the Management Regulations for Juvenile Reformatories also have special provisions. For example, Article 47 provides that: For the lives of juvenile offenders, the minimum standard shall be the guarantee of physical health and development. All of the following articles provide detailed provisions: Article 48 on diet, Article 49 on bedding and clothing, Article 51 on free time and rest time, Article 55 on medical insurance, etc.

2. Guaranteeing the Right to Education

In view of the importance that receiving an education has on personal development, the Prison Law clearly stipulates that "the focus in the execution of criminal punishments among juvenile delinquents shall be on education and reform," and "prisons shall coordinate with the State, society and educational institutions such as schools in providing the necessary conditions for juvenile delinquents to receive compulsory education." The Provisions on the Work of Prison Education and Reform released by the Ministry of Justice in 2003 provide that juvenile offenders shall receive no fewer than 1,000 course hours of education per year. Article 28 of the Management Regulations for Juvenile Reformatories deals with education and reform methods for juvenile offenders. Article 30 deals with educational programs. Articles 31 to 35 deal with establishing educational facilities, faculty, classroom

¹According to Article 3 of the Ministry of Justice (MOJ) Management Regulations for Juvenile Reformatories (MOJ Order No. 56, passed on May 6, 1999, at the MOJ Cabinet Meeting, effective December 8): Juvenile reformatories "combine punishment and rehabilitation with the purpose of reform" and are guided by the principles of "educate, reform, and save," to rehabilitate juvenile delinquents into law-abiding citizens with cultural knowledge and labor skills.

instruction periods, and vocational training for juvenile offenders, etc. All have made clear and detailed stipulations.

3. System of Separate Custody and Management

Juveniles who are in custody, under arrest, or whose punishment is being executed shall be incarcerated, managed, and educated separately from adults. In accordance with the provisions of the Prison Law and the Criminal Procedure Law, a juvenile offender's punishment shall be executed in a juvenile reformatory and such facilities are to be "school-like" places for the correction of juvenile delinquency in China. Furthermore, a juvenile offender who becomes an adult during the execution of her punishment may only be transferred to a prison if her remaining term is longer than two years; otherwise, she shall serve out the rest of her sentence at the juvenile reformatory.¹ Meanwhile, juvenile offenders are also held and managed separately based on sex, sentence length, and type of crime.²

4. The Specialization of the Management Structure and Staff

In view of the importance of the staff who manage juvenile offenders, Articles 10 and 11 of the Management Regulations for Juvenile Correctional Facilities provide that during the execution of punishment, the ratio of People's Police assigned shall be higher than that in adult prisons, and there will be specific, clear requirements for police officers' education level and major.³ Currently, in practice, 15 corrections officers shall be assigned.

5. Control Mechanisms and Awards and Punishment Assessments More Lenient Than for Adult Offenders

On one hand, in terms of juvenile offenders' visitation rights, the right to sentence reduction and release on parole, and the right to guarantee of material life, the Management Regulations for Juvenile Correctional Facilities have provisions that are better than those for adult offenders. For example, Article 7 provides that the educational rehabilitation and living expenses of juvenile offenders shall be higher than that of adult offenders; Article 22 provides that the length and frequency of visitations for juvenile offenders may be appropriated relaxed compared with adult offenders. On the other, commutation of punishment and release on parole for juvenile offenders is also more lenient than for adult offenders. A judicial explanation from the Supreme People's Court⁴ and Article 57 of the Management Regulations for Juvenile

1 Article 79 of the Prison Law provides that "when a juvenile delinquent has reached the age of 18 and the remaining term of his sentence does not exceed two years, he may remain in the juvenile reformatory for the execution of the remaining term of his sentence."

2 According to Article 15 of the MOJ Management Regulations for Juvenile Reformatories (MOJ Order No. 56, passed on May 6, 1999, at the MOJ Cabinet Meeting, effective December 8): Male and female juvenile offenders shall be incarcerated and managed in separate groups. Female juvenile offenders shall be managed by female police officers. Where there is a high number of juvenile offenders who are ethnic minorities, they may be formed into a separate group for incarceration and management. Article 16 provides that: Juvenile reformatories shall abide by and implement separate custody and management. Differential treatment in regards to their range of activities, communication, visitation, receipt of goods, family leave, and assessments of awards and punishments shall be determined based on juvenile offenders' attitudes towards reform.

3 According to Article 10 of the MOJ Management Regulations for Juvenile Correctional Facilities (MOJ Order No. 56, passed on May 6, 1999, at the MOJ Cabinet Meeting, effective December 8): The ratio of people's police assigned to juvenile reformatories and divisions shall be greater than that of prisons and divisions for adult offenders. Article 11 provides that: In juvenile correctional facilities, people's police officers must have at least a junior college degree and at least 40% of people's police officers must have degrees related to law, education, psychology, etc.

⁴ The relevant judicial interpretation of the Supreme People's Court provides that: A juvenile offender who has

Correctional Facilities provide that the commutation of punishment and release on parole of a juvenile offender may be appropriately more lenient compared to an adult offender.¹

B. The Practice of Education & Rehabilitation of Juvenile Female Offenders

1. Scientific Classification and Proper Arrangements for the General Education of Juvenile Female Offenders

Since there are relatively few juvenile female offenders, they should be scientifically classified into three stages—prisoner admission, regular corrections, and prisons release—for centralized management and targeted education.

a. Prison Admission Stage

The targets of prison admission education are juvenile female offenders who were admitted to prison within the last three months. The goal of this stage is to classify offenders scientifically and formulate corrections plans for each individual. A comprehensive set of psychological and individualized education records must be created according to the offender's childhood history, her educational attainment, her psychological state, the circumstances surrounding her crime, her tendency towards physical violence, and her level of repentance. A corrections plan for each individual must be created according to these records; the classification must be implemented, and education conducted on environmental awareness and admission of guilt.

b. Regular Corrections Stage

Once prison admission education is complete, the regular corrections stage begins. This mainly involves legal education, cultural education in a classroom setting, and vocational training.

Firstly, this involves strengthening juvenile female offenders' ideological and moral education, legal education, and education regarding admission of guilt and repentance. Juvenile female offenders are in a stage where they are forming their world view and outlook on life. By educating them on patriotism, collectivism, and socialism while strengthening their knowledge of ethics and law, they will form correct world views and outlooks on life and cultivate good social and personal ethics. Organizing legal aid for juvenile female offenders and solving their own legal issues

pleaded guilty and been sentenced, who respects the educational rehabilitation standards and actively studies culture and production skills may be considered as showing true repentance. An offender who has shown true repentance or rendered meritorious service shall be granted a commutation of punishment in a timely manner. The scope of the commutation may be sufficiently lenient and the interval may be shortened accordingly. An offender who has shown true repentance during the service of his sentence, does not pose a threat to society, and has distinguished himself in his educational rehabilitation may be considered a special case and granted release on parole.

1 Article 57 of the Management Regulations for Juvenile Reformatories provides: The commutation of punishment and release on parole of a juvenile offender may be lawfully and appropriately lenient as compared to that of an adult offender. A juvenile offender who has been sentenced to life imprisonment who has shown true repentance and who has generally been serving his sentence for more than one year and six months may file an application for commutation of his sentence. A juvenile offender who has been sentenced to fixed-term imprisonment who has shown true repentance and who has generally been serving his sentence for more than one year may file an application for sentence reduction. The interval between two sentence reductions for juvenile offenders shall be longer than six months. Article 29 of the Prison Law provides that a juvenile offender who renders a major meritorious service may be exempted from the three aforementioned time limits and a recommendation for sentence commutation or reduction may be filed immediately.

will give them an in-depth understanding of the harm their crimes caused to the State, society, their families, and themselves, thereby stimulating their consciousness and initiative regarding the acceptance of their guilt, their feelings of repentance, and their willingness to be rehabilitated. By fully integrating various aspects of community into the educational rehabilitation of juvenile female offenders, their ideological education will be reinforced while they are helped and educated by the community. At the same time, [community integration] actively improves the relationship between juvenile female offenders and their family members, educates through strengthening kinship, shows the affection their family has for them, keeps them from developing feelings of loneliness and abandonment, and strengthens their confidence in restarting their lives.

Secondly, this involves establishing branches of schools inside correctional institutions and relying on those schools' specialized teams of teachers, financial assurance from education committees, and acceptable certificates [to enable juvenile female offenders] to attend standard full-day classes in prison. Meanwhile, this involves providing ideological and legal education to strengthen offenders' sense of responsibility and legal concepts, and improve their inner qualities. Given that it is a common characteristic of juvenile offenders to not have completed nine years of compulsory education, correctional institutions strengthen their basic cultural education and provide them with the opportunity and conditions to study, allowing them to receive a junior high school diploma before leaving prison while also encouraging them to take the higher education equivalency examinations and increase their cultural literacy.

Thirdly, this involves establishing branches of vocational and technical schools inside correctional institutions and relying on their specialized teaching resources to operate. The selection of programs offered should be different from those for juvenile male offenders. Programs must be developed according to the unique characteristics of juvenile female offenders, and strengthen juvenile offenders' education on labor skills. Given that it is common for juvenile offenders to not have any labor skills or have little vocational ability, prisons and relevant departments should take into account the actual needs of juvenile offenders and provide them with labor skills training that is suitable for them, such as tailoring, cosmetology, computer training, etc., and lay a foundation for them to look for work after they have finished their sentences through standardized examinations to obtain socially recognized technical proficiency certificates.

c. Release from Prison Stage

The targets for prison release education are juvenile female offenders who will be released from prison in three months. To meet the requirements for their reintegration into society, mandatory prison-release education, which is different from the standard education of offenders, is conducted in order to lay the foundation for better understanding of society and seeking employment. In their daily lives, juvenile female offenders who are preparing to be released from prison may wear light makeup, grow their hair out, and control the lights in their dormitories. Offenders who are on good behavior may have one to two days per month where they spend time with their parents in order to eliminate feelings of estrangement with their family members.

While they are still institutionalized, outside excursions are organized on a regular basis for them to experience how Beijing has changed and become acclimated to the new social environment in advance in order to reduce their psychological pressure. Meanwhile, depending on her behavior during daily education and her accumulated credits for technical education, each offender is allocated a corresponding employment fund, which, in addition to the work remuneration, establishes an employment and reintegration fund for her release. According to the foundations of technical education learned during regular education, offenders draft objectives for post-prison release and reintegration and coordinate with relevant departments in the community to get the relevant technical departments in the community to accept them.

2. Develop Special Management and Education by Integrating the Physiological and Psychological Characteristics of Juvenile Female Offenders

From the previous analyses of juvenile female offenders' physiological and psychological characteristics, we can see that if we want to resolve issues surrounding the individual shortcomings and rehabilitation and reintegration requirements of juvenile female offenders, we must develop a series of targeted management and education measures. These can be divided into the following types:

a. Compassionate education and responsibility training

Develop courses on compassionate education and responsibility training to target juvenile female offenders' weak sense of guilt, their selfishness, capriciousness, and poor awareness of responsibility. This may be developed through raising animals or taking on work responsibilities.

b. Social communication skills education

This educational program's main goal is to target juvenile female offenders' intolerant treatment of others, their unwillingness to accept criticism, their vain comparisons of themselves to others, and their rebellious behavior in prison. These characteristics collectively reflect problems that juvenile female offenders have with conducting themselves badly due to past experiences in their lives. Thus, this educational program primarily includes three aspects: self-help skills, interpersonal communication skills, and management skills. This kind of targeted education is carried out using small group communication methods and primarily through prison and community education counselors developing specialized coursework combining psychology and education.

c. Meditation training

This mainly targets juvenile female offenders with short tempers who are violent, impulsive, narrow-minded, and sensitive. The institution regularly organizes meditation training for them and through this training gradually calms their tempers, helps them cope with things more calmly, and makes them more open-minded. It also effectively changes female offenders' impulsive behavior patterns and fosters the inner self-restraint of sensitive female offenders.

Installing a health meditation room with a warm, comfortable atmosphere helps those who are inside the room maintain inner balance and stability. In terms of content, in practice, yoga has been found to be a particularly good way to teach juvenile

female offenders. By practicing yoga, juvenile female offenders' minds, bodies, spirits, and morals are cultivated and trained. While doing yoga, physical exertion and the playing of an appropriate kind of soft music allows offenders to release their stressed and irritable emotions effectively.

d. Fine art and aesthetic education

This educational program is mainly conducted to counter juvenile female offenders' vanity and propensity for unrealistic comparisons. Mainly through music appreciation, physical training, etc., training juvenile female offenders in fine art and aesthetics gradually helps them to establish correct aesthetic standards, allowing them to properly know themselves and understand what true beauty is.

e. Vocational education related to interests

Juvenile female offenders have uniquely feminine traits like attentiveness and patience and thus their technical and vocational education programs should clearly be different from those of male offenders. From institutional practice, we can see that the vocational activities organized by corrections officers for juvenile female offenders, like making silk or porcelain flowers by hand and weaving recycled milk bags, plastic bags, and other waste into handicrafts not only help them learn a professional skill as they work, but since these activities are in line with juvenile female offenders' interests, they are also fully putting their imagination into their work. They continue to master their craft, innovate their products, cultivate their tastes, and train their sense of frugality, all with excellent results. Activities [should be] based on juvenile female offenders' characteristics, and more and better vocational projects [should be] diligently explored [in order] to improve the inner qualities of juvenile female offenders while teaching them professional skills.

3. Psychological Corrections for Juvenile Offenders

Psychological corrections are able to help juvenile offenders understand general knowledge about criminal psychology and the psychological causes of crime. The status and level of their psychological health are improved through various useful activities. From many years of practice, we can see that juvenile female offenders are continuously paying more attention to their psychological health. From the day that offenders are admitted, prisons must pay adequate attention to psychological corrections and help offenders to fully recognize the process of how their criminal mentalities were formed, admit their guilt and express repentance, adapt better to rehabilitation, and eliminate their mental tendencies towards committing crime. Moreover, before offenders near their release from prison, psychological counseling [should be] reinforced to help them establish a correct outlook on choosing an occupation after their release and to calmly confront prejudice. Suggest that they build up their self-confidence to overcome their low self-esteem. Teach them how to control their emotions rationally, to strengthen their ability to adapt to society, and to proactively avoid the negative effects of criminal subculture. In the end, it will all help juvenile offenders learn self-control and avoid recidivism.

V. Main Issues Existing in the Treatment of Juvenile Female Offenders

A. System of Separate Custody and Management Not Well Implemented

Even though relevant Chinese laws provide that juvenile offenders must be held and managed separately, this system has not been put into place and, in practice, mixed custody exists. First, juveniles are incarcerated together with adults. For example, juvenile reformatories in some places where there are few juvenile female offenders in custody find it convenient to group and hold juvenile female offenders in women's prisons where they are mixed with adult female prisoners. Second, juvenile offenders who reach the age for transfer [out of juvenile reformatories] are not transferred in a timely manner. According to the spirit of the Prison Law, when a juvenile offender reaches the age of 18, if her remaining term is longer than two years, she shall immediately be transferred to an adult prison to serve the remainder of her sentence. However, several juvenile reformatories have not been diligent in managing themselves accordingly.

B. Juvenile Offender Education Not Well Implemented

The right to education is itself a human right, and it is an indispensable means for realizing other human rights. China's Education Law and Prison Law include provisions related to the special physiological and psychological characteristics of juveniles, but there are still a considerable number of issues regarding juvenile offender education illustrated by: (1) Shortage in educational budgets. According to the Standards for Basic Expenditures in Prisons issued by the Ministry of Finance and Ministry of Justice in January 2003, the expenditures for the educational rehabilitation of offenders are between RMB 180–220 per person annually. When compared to the standard from the 1980s of RMB 60 per person annually, we can see a significant improvement. However, this standard for educational rehabilitation spending is largely unable to meet the requirements of normal education, and it is necessary for funds to be transferred from other prison budgets. (2) Relevant laws also stipulate educational methods for use with offenders, such as jointly using collective and individualized education, which has achieved certain results. However, in practice, there are still issues with individualized education. For example, police officers in some prisons misunderstand individualized education methods and simply equate them with individual discussions. Individualized education is not systematic or in-depth; there is no guaranteed amount of time for educational rehabilitation, and there are huge issues in terms of educational facilities, teachers, systems, and content. To a great extent, this has prevented the completion of two important tasks for juvenile offenders: education and rehabilitation.

C. Length of Cultural Instruction Not Guaranteed

As a result of many factors, some correctional institutions have not been able to strictly implement relevant provisions. In terms of management, the amount of time [that prisoners] spend on labor is too long, the intensity of the type of labor conducted exceeds [regulatory standards], and the purpose of labor is its financial return. [Thus] the normal education plan is disrupted, and the time allocated to education is taken over [by work]. Overtime and excessively intense work are not good for ensuring juveniles' health and, at the same time, affect the right to education.

D. Many Deficiencies in Ex-Offender Support Services

Job placement plays a crucial role in whether or not juveniles who are released after serving their sentences are able to smoothly integrate into society and lead normal lives. A survey found that 73% of juveniles who are released after serving their sentences are either unemployed or waiting for employment because of their low level of education, poor inner qualities, lack of technical specialties, poor self-control, and poor livelihood skills. Most of all, since obtaining a relatively stable job is incredibly difficult, they do not have the ability to support their families. If the relevant departments of the sub-district offices and communities cannot promptly provide good assistance, education, and guidance, [ex-offenders] may have even more difficulty getting a foothold in society. Under these conditions, it is very likely that they will follow the path of recidivism.

VI. Improving Judicial Treatment and Advice for Juvenile Female Offenders

A. Drawing on the Bangkok Rules to Grant Juvenile Female Offenders Special Judicial Treatment

Separating men from women and adult offenders from juvenile offenders are the most basic methods for separate custody in modern prisons. Considering the gender differences between men and women, the judicial treatment they receive in prison and in their corrections plans should be different. Currently, China's prison system has already granted differential judicial treatment to female offenders as compared with male offenders, but there should also be differences between juvenile and adult female offenders and between juvenile female and male offenders. In practice, there are no evident differences in funding granted by the Ministry of Finance to [male and female juvenile offenders]. Even though they are all juveniles, male and female juvenile offenders have huge physical and psychological differences. In some areas, since the number of juvenile female offenders is so small, juvenile female offenders are incarcerated in women's prisons. Notwithstanding the differences between adult offenders and juvenile offenders, there are inappropriate things about incarcerating them in a single institution. The underlying causes for this are that, on the one hand, there is a limited amount of funding from the Ministry of Finance. On the other hand, Chinese prisons are large-scale structures with high numbers of prisoners, each often

holding more than 1,000 people. Prisons that hold several hundred prisoners are generally thought of as relatively small-scale. That said, we believe that in order to modernize the execution of custodial sentences through treatment based on classification and the individual, prisons should gradually consider downsizing. Only by downsizing can diversification be achieved and case-by-case, individualized treatment solutions be provided based on offenders' actual circumstances.

Furthermore, the mixed custody and management situation created by the fact that, in practice, juvenile female offenders are incarcerated in women's prisons should be definitively solved, and treatment by classification implemented. The problem of cross-contamination caused by mixed custody and management situations between adult and juvenile offenders who are serving their sentences—situations that may be due to insufficient police forces or insufficient space—must be avoided and forcefully solved by placing all juvenile female offenders in juvenile reformatories as quickly as possible. Juvenile female offenders should be formed into a separate group and controlled separately. Holding adult offenders in juvenile reformatories must be strictly prohibited. Those who become adults while serving their sentence and whose remaining sentence is longer than two years must be transferred [to a women's prison] as quickly as possible. Meanwhile, classification-based management must also be implemented among juvenile offenders with respect to the crimes they committed, just as separate custody and separate management has been applied to felons/recidivists and first-time offenders. A progressive treatment system with hierarchical management that motivates juvenile offenders' enthusiasm for rehabilitation should be implemented.

B. Working to Advance the Open Treatment System

In the last 10 years, the Chinese criminal justice system has vigorously advanced the community corrections system and applied community sentences to juvenile offenders to the greatest extent possible. In this respect, we have already made obvious progress. However, there are always extremely serious criminal behaviors that make it difficult to apply suspended sentences or other non-custodial penalties to a small number of juvenile offenders for whom prison custody must be considered. In terms of applying community sentences, the Chinese criminal justice system has already made ground-breaking progress, but advancing open treatment during punishment still appears to be at a standstill. As much as this has to do with China's penal tradition, we believe that we should select juvenile offenders to break new ground for open treatment and we are working hard to advance the idea. Not only is this beneficial for promoting the resocialization process of juvenile offenders, it is also beneficial to improving their judicial treatment.

The Chinese criminal justice system currently has fragmented innovation methods. For example, in September 2002, Shanghai's juvenile reformatory started implementing a pilot project for "societal adjustment and reintegration." This "societal adjustment and reintegration" meant sending juvenile offenders with approximately three months remaining on their sentences to social activity camps before their release. At the camps social activities were conducted for 15 days to

provide training on the idea of survival, survival tactics, and survival mentality for adapting to society. After completing the social activities period, juvenile offenders returned to the correctional facility to finish their sentences. The targets of “societal adjustment and reintegration” had to satisfy three conditions: (1) They had to be Shanghai-born offenders with remaining sentences of one month; (2) their households had to have a good guardianship environment and good guardianship conditions; (3) they had to have previously been granted temporary release and been on good behavior.¹ However, this kind of practice only targeted a very small number of juvenile offenders who are about to be released from prison. For the majority of juvenile offenders, there is still no systematic or standardized open treatment.

We think that, on the basis that it does not constitute threat to society, punishment methods should be reformed and open treatment should be promoted on the following levels: (1) Promote prison grading and establish an open prison. So-called open prisons are special prisons where work and study outside the prison are prioritized and are supplemented by serving inside the prison. We may consider granting offenders who are being punished in open prisons the freedom to study or work outside of the prison, under the premise that safety will be ensured. The prison can provide various kinds of support to the offender and help skilled offenders connect to work or schooling outside of the prison. Offenders can work or study outside of the prison during the day and return to live at the prison after leaving work or school, or study outside during the school year and live in the prison during festivals and holidays. (2) Give offenders, particularly juveniles, the opportunity to attend social events to the greatest extent possible. Offenders who do not have the opportunity to work or study outside of the prison should be scheduled to perform community public service under the premise that safety will be ensured. Under appropriate organization, offenders can participate in the maintenance or cleaning of public community facilities (e.g., schools, streets, public welfare facilities, etc.) or can use their skills to render social services (e.g., offenders with art skills organizing art events for community residents, offenders who are skilled at repairing electronics repairing electronics for community residents, or utilizing other skills to service those in the community). Through social services, juvenile offenders have an opportunity to understand society, reestablish their connection with the community, and gain self-esteem and confidence. These are all beneficial to the offender reintegrating into society after their release from prison. (3) Home visitation system. Under the premise that safety will be ensured, prisons can allow offenders to visit their homes during weekends and public holidays. Offenders with good home environments may visit their home on temporary leave one to three days per month or even per week. For homes with bad environments that require the offenders’ support, giving one to three day’s leave per month or even per week could be considered returning home to take care of, raise, and support family members, as well as to handle urgent household business. Where offenders have broken relationships with their families or do not have families to return to, consideration can be given to allowing one to three day’s

¹ Yang Junmin et al.: Practices in “Societal Adaptation and Reintegration” and Their Value—A Report from the Shanghai Juvenile Correctional Facility, in “Issues of Juvenile Crime”, September 2003.

leave per month to visit friends who have not committed any crimes. An improved home visitation system could restore as much as possible the normal social life and emotional bonds between offenders and their family and friends.

C. Drawing on the Bangkok Rules to Gradually Establish Prefecture-Level Juvenile Reformatories

Rule 26 of the Bangkok Rules states: “Women prisoners’ contact with their families, including their children, and their children’s guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.” The objective of this rule is to avoid the various disadvantages that are caused by custodial punishment. Huge disadvantages exist in the distribution of Chinese prisons and in choosing the prison where an offender will serve her sentence. One of the disadvantages is that offenders who are serving sentences are often far from home. This directly causes the long-term isolation of offenders from their communities, and social support also becomes out of the question. Many families that want to visit loved ones who are serving prison sentences have to travel thousands of miles to do so. In our opinion, the locations where offenders serve their sentences should gradually be changed. In clearer terms, to the greatest extent possible, offenders should serve their prison terms where their families live or in their place of household registration—not where their trials were held. This is a huge undertaking, but we could start with juvenile correctional facilities. Wherever possible, we envisage establishing in every prefecture-level city juvenile reformatories that can be separated into two detention areas, one for males and one for females. After a juvenile offender has been convicted and sentenced, she would be sent to the juvenile reformatory in her place of household registration to serve her sentence. In this way, the family members of juvenile offenders would not have to shuttle around an enormous country but could instead make nearby visits, increasing juvenile offenders’ contact with their families and communities and facilitating the completion of the re-socialization process. Meanwhile, juvenile reformatories should create open treatment institutions and develop flexible open treatment methods according to the level of threat posed by each prisoner.

D. Establish an Orderly Community Corrections System

Community correction, where the community participates in juvenile reformatories, has always been a weak point in the execution of sentences. Even though juvenile reformatories in various locations do their best to improve the effectiveness of juvenile corrections by bringing people to the facility for interviews, visits, talks, to give lectures, etc., up until now, the prison system has yet to create normative documents or stable models for community corrections. This is obviously related to China’s carceral traditions and the public’s notions about incarceration, but it is also closely related to the distribution of prisons as described above. In the past, Chinese prisons were located in remote areas. Social participation in corrections lacked realizability and feasibility. Today, incarcerated offenders do not have close

ties with the community where the prison is located and offenders' homes might be a thousand miles away. The community where the prison is located may be more concerned with the safety of the community than the quality of the offenders' rehabilitation. A long period of time may be needed to change prison distribution and where offenders serve their sentences. It will also be difficult to quickly see results in rousing public enthusiasm for participation in corrections in the short term. That said, the traditional notion of pitying elders and sympathizing with youth exists in Chinese culture, [thus] under appropriate public opinion dissemination, there can be a large operable space for juvenile correctional work that encourages the active participation of the communities where prisons are located.

Today, community corrections organized by correctional institutions are being carried out sporadically. They have little to no structure and are not part of regular operations. The reasons for this, in addition to seemingly conservative notions about incarceration, are closely related to the fact that prisons lack close connections with the communities where they are located and the prisons themselves lack specialized mechanisms for promoting community-involved corrections. Since the Chinese prison system is under the vertical management of the provincial-level prison administration bureaus, the connections between local governments (including local judicial organs) are far from close. The community is not concerned with the quality of the corrections at correctional intuitions. These institutions do not conduct stable, long-term tracking of those who are released, and there are no clear statistics on rates of recidivism. Thus, over the long term, changing China's prison distribution and establishing close relationships between correctional facilities and communities are fundamental strategies for improving the quality of corrections. In the short term, we must push for the community to get involved in juvenile corrections. There is only one way to achieve obvious results, i.e., the reentry help and education sections of local judicial administration organs' must intervene before [offenders are released] and while corrections are being carried out at correctional institutions; the help and education sections will be responsible for organizing community resources, cooperating with correctional institutions, and achieving a one-on-one community corrections system between volunteers and offenders to the greatest extent possible. This is an enormous undertaking. However, we believe that if we are able to pilot the idea with juvenile offenders and gradually advance it, we will be able to achieve good judicial and social results.

Conclusion

China lacks a comprehensive system for judicial statistics, thus obtaining information about the basic situation of female offenders in the Chinese prison system was in reality very challenging. Empirical research must have the support of the prison system in order to achieve its predetermined goals. Thankfully, the writing of this paper was supported by the Beijing Bureau of Prison Administration, so we could get a glimpse of the basic situation of female offenders in the Chinese prison system from judicial statistics on juvenile female offenders in Beijing. In China, the level of human rights protection for offenders in prisons in developed areas is generally higher than in under-developed areas. The level of human rights protection for female

offenders is generally higher than that for male offenders, and the human rights protection for juvenile offenders is generally higher than that for adult offenders. Obviously, even though regional differences make it so that the basic situation of juvenile female offenders in the Beijing prison system as described in this paper cannot be entirely regarded as the basic situation of all juvenile female offenders in China's prison system, due to the influence of the traditional Chinese cultural notion of pitying elders and sympathizing with youth, apart from differences in corrections solutions and techniques, the level of human rights protection for juvenile female offenders in Beijing should be considered the general status of human rights protection for juvenile female offenders in China.

Even though little time has passed since international documents called specific attention to human rights protections for women in prison, China has established dedicated women's prisons in order to implement corrections programs that are different from those of male offenders and to accord with female offenders' different physiological and psychological characteristics. Furthermore, the facilities in women's prisons are universally better than those of men's prisons, and at the very least the level of human rights protection for female offenders is not lower than that for male offenders. Juvenile female offenders are a special group of female offenders. In accordance with the provisions of Chinese law, juvenile female offenders shall serve their sentences in juvenile reformatories and male and female offenders shall be held separately. We believe that separating juvenile reformatories into male and female areas and holding both male juvenile offenders and female juvenile offenders would be more appropriate than holding juvenile female offenders in women's prisons.

Prison distribution is a huge problem causing problems in the execution of custodial punishments in China. For a long time, Chinese prisons have mainly been distributed in remote areas where visits from loved ones are extremely inconvenient. The inconvenience of community corrections need not be mentioned. Approximately 10 years ago, the Chinese government started systematically redistributing prisons. A relatively large amount of prisons were moved from remote areas to areas around cities. This greatly strengthened the modernization process of Chinese incarceration and effectively advanced the socialization and humanity of incarceration. However, an issue that the Chinese prison system has yet to solve is that of sentencing jurisdiction. Since China's Criminal Law stipulates that the right of jurisdiction is generally in the place where the criminal act occurred, once the court has convicted an offender, she generally serves her sentence in the province (or autonomous region, municipality) where the crime was committed. The prison in the province in which the sentence will be served must also be determined according to the type of crime. This has its rationale in terms of judicial efficiency, but there are also huge drawbacks: There is no link between the incarcerated offenders and the community in which the prison is located; the offenders are neither members of the community nor were their crimes committed in the community where the prison is located, so apart from being concerned about supervision and security, the community is apathetic towards the prison corrections; this leads to there being no realistic foundation for the

socialization of incarceration. Furthermore, huge difficulties exist for loved ones wanting to visit, where they must sometimes make very arduous journeys and travel thousands of miles in order to visit offenders. This is also extremely detrimental to improving offenders' state of mind and rebuilding their connections with loved ones and society. Changing prison distribution in the short term is relatively difficult, but we can absolutely start trying with juvenile offenders. Gradually implementing prison downsizing and socialization may be strategies worth considering.

He Xianbing

Mailing Address: 59 Qinglong Avenue Middle, Fucheng District, Mianyang,
Sichuan, China Postal Code: 621010

E-mail: hexianbing1103@163.com

Telephone: +86 18190013011