

Instructions of the Supreme People's Court on Severely Punishing Criminals Who Rape Young Girls

Supreme People's Court

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Recently, this court compiled materials from 12 cities including Tianjin, Beijing, Xi'an, Nanzheng, Shanghai, Nanjing, Chongqing, Wuzhou, Panyu, Xinyang, Guangzhou, and Dihua, proving that cases of rape of young girls (including defiling and sodomizing young children) occurred repeatedly in many places. For example, in Tianjin, from June to September 1952, there were xx cases of rape of young girls, with xxx children as victims. In Beijing, the municipal and district people's courts received xxx cases of rape of young girls in the second half of 1952, with xxx children as victims (including xx cases of sodomy, with xx children as victims). In Xi'an, the number of rape cases of young girls increased year by year: xx cases in 1950, xx cases in 1951, and xx cases from January to May 1952. In Nanjing, from May to August 1952, the people's courts identified as many as xx young girls as victims of rape cases, according to forensic examinations. Judging from the few statistics presented above, the severity of child abuse is intolerable. People's courts at all levels must take this situation very seriously and be highly vigilant.

Preliminary research based on existing materials indicates that perpetrators of child rape generally share the following characteristics: (1) The vast majority of these perpetrators are reactionary military officers, thugs, hooligans, or gang members. (2) Some perpetrators are criminal counter-revolutionaries whose crimes of raping young girls have a politically destructive effect. (3) In many places, there have been repeated incidents of primary school teachers or janitors raping young female students (these perpetrators are also former puppet soldiers, hooligans, or a small number of corrupt elements in the education sector with consistently reactionary ideas and decadent lifestyles). (4) The perpetrators range in age from their twenties and thirties to their fifties and sixties and above.

Criminals who rape young girls used various barbaric and cruel methods, such as rape and sodomy, to inhumanely harm children. For example, Zhao Hancheng, a rapist in Tianjin, raped 10 girls aged 8 to 14. Liu Chengfu, a rapist in Shanghai, sexually assaulted 74 female students aged 5 to 13. The counter-revolutionary Chen Tianfen, after liberation, infiltrated a primary school in Panyu as a teacher, raping 6 girls aged 8 to 12 and sexually assaulting 24 other girls (all of these criminals have been sentenced to death by local people's courts). According to existing materials, the youngest girls (including toddlers) raped or sexually assaulted in various places were only three or four years old, and the oldest were sixteen or seventeen. Some died on the spot from their injuries; some later died from illness; some contracted syphilis and became unable to walk; many girls suffered extremely severe physical and psychological trauma due to this barbaric cruelty.

In order to integrate the campaign to implement the Marriage Law and to correctly enforce the policy of protecting the health of women and children, this court hereby issues the following instructions regarding the handling of cases involving the rape of young girls (including defiling young girls and sodomizing young children):

I. People's courts at all levels must clearly understand that children of the new China are the next generation of the motherland, the new life of the nation. The People's Government and the people are most concerned about and cherish children's health. Article 48 of the Common Program clearly stipulates the protection of children's health. Harming the body and mind of young girls and children is harming the next generation of the motherland; such crimes are extremely heinous and serious. People's courts at all levels must severely punish, according to law, those who rape young girls (including defiling young girls and sodomizing young children), and must not let them off lightly. In particular, those whose crimes are particularly serious should be resolutely punished with severe penalties.

Over the past year, many people's courts across the country have handled such cases, generally implementing policies correctly and severely punishing offenders. However, many courts also lack sufficient understanding of policies protecting the health of women and children, and some are even influenced by outdated legal viewpoints, resulting in lenient sentences. For example, Deng Jixiang, a convicted child rapist in Xi'an, threatened women with shovels and hoes, raping three girls aged 9 to 14 and attempting to rape more than ten others, but failing to achieve his goal. The Xi'an People's Court sentenced him to three years and six months in prison for "inducing the rape of a minor." There are several similar cases of lenient sentencing for serious crimes in this court, and this lenient sentencing has contributed to the year-on-year increase in child rape cases in Xi'an. These biases in sentencing serious crimes leniently must be seriously examined and corrected.

Second, the root cause of the crime of raping young girls lies in the filth and poison of the old society left over from the long-term reactionary rule of the Kuomintang. The soldiers, hooligans, and criminals who rape young girls are dregs of the old society, steeped in the corrupt and decadent ideology of the exploiting class. Although such bad elements are few in number in the new society, their presence in every corner and the harm they cause to the new society are serious. To completely eliminate such criminals, simply handling cases on a case-by-case basis is insufficient. Only by relying on the masses and actively mobilizing them to fight against this crime can we achieve results. People's courts at all levels should, based on local conditions, conduct accurate research and estimation of the nature, type, and quantity of the crime of raping young girls in their localities. In areas where the crime of raping young girls occurs frequently, especially where such cases are serious, local people's courts may, when they deem it necessary, select typical cases and, on the basis of leadership, organization, and preparation, hold public sentencing rallies with the participation of the masses. When necessary, the cases sentenced at these rallies may be publicized through news reports or other oral propaganda methods. The purpose of this propaganda is to solemnly expose the crime of raping young girls and to explain the solemn significance of protecting children's health, in order to universally and deeply educate and mobilize the masses. During public sentencing, the victim and their family should be allowed to file a complaint on the spot, subject to their consent. If the victim and their family do not wish to disclose their names, their names may be withheld during sentencing. The specific details of the rape and humiliation should not be disclosed in the judgment or news reports. People's courts at all levels handling cases of rape of young girls should maintain close contact with relevant agencies and organizations (such as the Marriage Law Implementation Committee, public security, civil affairs, education authorities, women's federations, trade unions, youth leagues, etc.) and should proactively report situations and coordinate work with these organizations. In mobilizing the masses, attention should be paid to inspiring and encouraging the people to assist the people's government and people's courts in exposing and reporting any hidden perpetrators of this type of crime who may still be at large in the local area. People's courts at all levels must, under the unified leadership of the local people's government, focus on the

implementation of the Marriage Law and appropriately arrange the above work based on the local situation regarding rape of young girls.

At that time (1953), many people's courts, in conjunction with the implementation of the Marriage Law and in cooperation with relevant agencies and organizations, handled typical cases of abuse and murder of women and rape of young girls through public sentencing rallies, some of which had achieved significant results. However, in some places, although public sentencing rallies were held, the mobilization of the masses was not widespread or in-depth enough, and the educational significance and impact were limited. In some places, although some criminals who raped young girls were punished, there was still a lack of investigation and research into the overall situation of such cases in the locality, a lack of understanding, and a failure to conduct specific analysis of the causes of the cases. These shortcomings should be carefully examined and overcome in accordance with the spirit of the instructions of this court, so as to continue to improve and advance on the basis of existing achievements.

Third, people's courts at all levels should, in accordance with the instructions of this court and in light of the local situation regarding cases of rape of minors, study and implement the measures. People's courts at the provincial and municipal levels should also prepare a special report on the implementation status and submit it to this court in a timely manner.