

**Criminal Law of the People's Republic of China**

(Adopted by the Second Session of the Fifth National People's Congress on July 1, 1979 and amended by the Fifth Session of the Eighth National People's Congress on March 14, 1997)

**中华人民共和国刑法**

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Chapter IV: Crimes of Infringing Upon the Rights of the Person and the Democratic Rights of Citizens

Article 236- Whoever, by violence, coercion or other means, rapes a woman is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment.

Whoever has sexual relations with a girl under the age of 14 is to be deemed to have committed rape and is to be given a heavier punishment.

Whoever rapes a woman or has sexual relations with a girl involving one of the following circumstances is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death:

- (1) rape a woman or have sexual relations with a girl and when the circumstances are odious;
- (2) rape several women or have sexual relations with several girls;
- (3) rape a woman in a public place and in the public;
- (4) rape a woman in turn with another or more persons;
- (5) cause the victim serious injury, death, or other serious consequences.

第四章 侵犯公民人身权利、民主权利罪第二百三十六条

以暴力、胁迫或者其他手段强奸妇女的，处三年以上十年以下有期徒刑。

奸淫不满十四周岁的幼女的，以强奸论，从重处罚。

强奸妇女、奸淫幼女，有下列情形之一的，处十年以上有期徒刑、无期徒刑或者死刑：

- （一）强奸妇女、奸淫幼女情节恶劣的；
- （二）强奸妇女、奸淫幼女多人的；
- （三）在公共场所当众强奸妇女的；
- （四）二人以上轮奸的；
- （五）致使被害人重伤、死亡或者造成其他严重后果的。

Article 237- Whoever, by violence, coercion or other means, forces, molests, or humiliates a woman is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

Whoever assembles a crowd to commit the crimes described in the preceding paragraph, or commits such crimes in the public is to be sentenced to not less than five years of fixed-term imprisonment.

Whoever molests a child is to be given a heavier punishment according to the stipulations in the two preceding paragraphs.

#### 第二百三十七条

以暴力、胁迫或者其他方法强制猥亵妇女或者侮辱妇女的，处五年以下有期徒刑或者拘役。

聚众或者在公共场所当众犯前款罪的，处五年以上有期徒刑。

猥亵儿童的，依照前两款的规定从重处罚。

Article 238- Whoever unlawfully detains another or deprives him of his freedom of the person by any other means is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights. In circumstances where beating or humiliation are involved, a heavier punishment is to be given.

Whoever commits one of the crimes in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; when he causes a person's death, he is to be sentenced to not less than 10 years of fixed-term imprisonment; when he causes a person disability or death by violent means, he is to be punished in accordance with the stipulations in Article 234 and Article 232 of this law.

Whoever unlawfully detains or takes somebody into custody for the purpose of demanding the payment of a debt is to be given a punishment in accordance with the stipulations stated in the two preceding paragraphs.

Where an employee of a state organ abuses his authority to commit any of the three aforementioned crimes, he is to receive a heavier punishment in accordance with the stipulations stated in the three preceding paragraphs.

#### 第二百三十八条

非法拘禁他人或者以其他方法非法剥夺他人人身自由的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。具有殴打、侮辱情节的，从重处罚。

犯前款罪，致人重伤的，处三年以上十年以下有期徒刑；致人死亡的，处十年以上有期徒刑。使用暴力致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

为索取债务非法扣押、拘禁他人的，依照前两款的规定处罚。

国家机关工作人员利用职权犯前三款罪的，依照前三款的规定从重处罚。

Article 240- Those abducting and trafficking women or children are to be sentenced to 5 to 10 years in prison plus fine. Those falling into one or more of the following cases are to be sentenced to 10 years of more in prison

*[Unofficial English translation, original Chinese] (In case of discrepancy between the English translation and the original Chinese text, the Chinese text shall prevail.)* 2

or to be given life sentences, in addition to fines or confiscation of property. Those committing especially serious crimes are to be sentenced to death in addition to confiscation of property.

- (1) Primary elements of rings engaging in abducting and trafficking women or children;
- (2) those abducting and trafficking more than three women and/or children;
- (3) those raping abducted women;
- (4) those seducing, tricking, or forcing abducted women into prostitution, or those selling abducted women to others who in turn force them into prostitution;
- (5) those kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them;
- (6) those stealing or robbing infants or babies for the purpose of selling them;
- (7) those causing abducted women or children, or their family members, to serious injuries or death, or causing other grave consequences;
- (8) those selling abducted women or children to outside the country.

Abducting and trafficking women or children refers to abducting, kidnapping, buying, selling, transporting, or transshipping women or children.

#### 第二百四十条

拐卖妇女、儿童的，处五年以上十年以下有期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节特别严重的，处死刑，并处没收财产：

- （一）拐卖妇女、儿童集团的首要分子；
- （二）拐卖妇女、儿童三人以上的；
- （三）奸淫被拐卖的妇女的；
- （四）诱骗、强迫被拐卖的妇女卖淫或者将被拐卖的妇女卖给他人迫使其卖淫的；
- （五）以出卖为目的，使用暴力、胁迫或者麻醉方法绑架妇女、儿童的；
- （六）以出卖为目的，偷盗婴幼儿的；
- （七）造成被拐卖的妇女、儿童或者其亲属重伤、死亡或者其他严重后果的；
- （八）将妇女、儿童卖往境外的。

拐卖妇女、儿童是指以出卖为目的，有拐骗、绑架、收买、贩卖、接送、中转妇女、儿童的行为之一的。

Article 241- Those buying abducted women or children are to be sentenced to three years or fewer in prison, or put under criminal detention or surveillance.

Those buying abducted women and forcing them to have sex with them are to be convicted and punished according to stipulations of article 236.

Those buying abducted women or children and illegally depriving them of or restricting their physical freedom, or injuring or insulting them, are to be convicted and punished according to relevant stipulations of this law.

Those buying abducted women or children and committing crimes stipulated in paragraphs two and three of this article are to be punished for committing more than one crime.

Those buying and selling abducted women or children are to be convicted and punished according to article 240 of this law.

Those buying abducted women or children but not obstructing bought women from returning to their original residence in accordance with their wishes, or not abusing bought children and not obstructing efforts to rescue them, may not be investigated for their criminal liability.

#### 第二百四十一条

收买被拐卖的妇女、儿童的，处三年以下有期徒刑、拘役或者管制。

收买被拐卖的妇女，强行与其发生性关系的，依照本法第二百三十六条的规定定罪处罚。

收买被拐卖的妇女、儿童，非法剥夺、限制其人身自由或者有伤害、侮辱等犯罪行为的，依照本法的有关规定定罪处罚。

收买被拐卖的妇女、儿童，并有第二款、第三款规定的犯罪行为的，依照数罪并罚的规定处罚。

收买被拐卖的妇女、儿童又出卖的，依照本法第二百四十条的规定定罪处罚。

收买被拐卖的妇女、儿童，按照被买妇女的意愿，不阻碍其返回原居住地的，对被买儿童没有虐待行为，不阻碍对其进行解救的，可以不追究刑事责任。

**Article 242-** Those using force or coercion to obstruct workers of state organs from rescuing bought women or children are to be convicted and punished according to article 277 of this law.

Primary elements who lead other people to obstruct workers of state organs from rescuing bought women or children are to be sentenced to five years or fewer in prison or put under criminal detention. Other elements who use force or coercion are to be punished according to paragraph one of this article.

#### 第二百四十二条

以暴力、威胁方法阻碍国家机关工作人员解救被收买的妇女、儿童的，依照本法第二百七十七条的规定定罪处罚。

聚众阻碍国家机关工作人员解救被收买的妇女、儿童的首要分子，处五年以下有期徒刑或者拘役；其他参与者使用暴力、威胁方法的，依照前款的规定处罚。

**Article 244-** Persons of employing units who are directly responsible for forcing workers to labor by restricting their physical freedom in violation of labor management laws and regulations are to be sentenced to three years or fewer in prison or put under criminal detention, in addition to fine, or are to be fined.

#### 第二百四十四条

用人单位违反劳动管理法规，以限制人身自由方法强迫职工劳动，情节严重的，对直接责任人员，处三年以下有期徒刑或者拘役，并处或者单处罚金。

### Chapter VI Crimes of Disrupting the Order of Social Administration

#### Section 8. The Crime of Organizing, Forcing, Seducing, Harboring, or Introducing Prostitution

#### 第五章 侵犯财产罪

#### 第八节 组织、强迫、引诱、容留、介绍卖淫罪

**Article 358-** Those organizing others for or forcing others into prostitution are to be sentenced to five to 10 years in prison in addition to having to pay a fine.

Those falling in one or more of the following cases are to be sentenced to 10 years or more in prison or given a life sentence, in addition to a fine or confiscation of property:

- (1) Those committing serious crimes of organizing others for prostitution;
- (2) those forcing young girls under the age of 14 into prostitution;
- (3) those forcing more than one person into prostitution and those repeatedly forcing others into prostitution;
- (4) those forcing others who were raped by them into prostitution;
- (5) those causing severe injuries, death, or other serious consequences to those who are forced into prostitution.

Those committing one or more of the above crimes, if the case is especially serious, are to be given a life sentence or sentenced to death, in addition to confiscation of property.

Those helping others organize people for prostitution are to be sentenced to five years or fewer in prison in addition to a fine. If the case is serious, they are to be sentenced to five to 10 years in prison in addition to being fined.

#### 第三百五十八条

组织他人卖淫或者强迫他人卖淫的，处五年以上十年以下有

期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处

罚金或者没收财产：

- （一）组织他人卖淫，情节严重的；
- （二）强迫不满十四周岁的幼女卖淫的；
- （三）强迫多人卖淫或者多次强迫他人卖淫的；
- （四）强奸后迫使卖淫的；
- （五）造成被强迫卖淫的人重伤、死亡或者其他严重后果的。

有前款所列情形之一，情节特别严重的，处无期徒刑或者死刑，并处没收财产。

协助组织他人卖淫的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上十年以下有期徒刑，并处罚金。

Article 359- Those harboring prostitution or seducing or introducing others into prostitution are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine. If the case is serious, they are to be sentenced to five years or more in prison in addition to a fine.

Those seducing young girls under 14 years of age into prostitution are to be sentenced to five years or more in prison in addition to a fine.

第三百五十九条

引诱、容留、介绍他人卖淫的，处五年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

引诱不满十四周岁的幼女卖淫的，处五年以上有期徒刑，并处罚金。

Article 360- Those engaging in prostitution or visiting a whorehouse knowing that they are suffering from syphilis, clap, or other serious venereal diseases are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance, in addition to having to pay a fine.

Those who visit young girl prostitutes under 14 years of age are to be sentenced to five years or more in prison an addition to paying a fine.

第三百六十条

明知自己患有梅毒、淋病等严重性病卖淫、嫖娼的，处五年以下有期徒刑、拘役或者管制，并处罚金。

嫖宿不满十四周岁的幼女的，处五年以上有期徒刑，并处罚金。