

Law on the Protection of Minors

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Subject: protection of minors

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Chapter I. General Provisions

Article 1. This Law is enacted in accordance with the Constitution for the purpose of protecting the physical and mental health of minors, safeguarding their lawful rights and interests, promoting their all-round development -- morally, intellectually and physically, and training them into successors to the socialist cause with lofty ideals, sound morality, better education and a good sense of discipline.

Article 2. Minors as used in this Law refer to citizens under the age of eighteen.

Article 3. The State, society, schools and families shall educate minors in ideals, morality, culture, discipline and legal system as well as in patriotism, collectivism, internationalism and communism, foster among them the social ethics of loving the motherland, the people, labour, science and socialism, and fight against the corrosive influences of bourgeois, feudal and other decadent ideologies.

Article 4. The protection of minors shall follow the following principles:

- (1) safeguarding the lawful rights and interests of minors;
- (2) respecting the personal dignity of minors;
- (3) fitting in with the characteristics of minors' physical and mental development;
and
- (4) combining education with protection.

Article 5. The State shall protect the rights of the person and property as well as other

lawful rights and interests of minors from violation.

To protect minors is the common responsibility of State organs, armed forces, political parties, social organizations, enterprises and institutions, self-governing organizations of mass character at grass-roots levels in urban and rural areas, guardians of minors and other adult citizens.

Any organization or individual shall have the right to dissuade or stop any act encroaching upon the lawful rights and interests of minors, or report to or complain before a department concerned there against.

The State, society, schools and families shall educate and help minors to safeguard their lawful rights and interests by legal means.

Article 6. State organs at the central and local levels shall, within the scope of their functions and responsibilities, ensure the protection of minors.

The State Council and the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall adopt organizational measures according to needs to coordinate the departments concerned in their efforts to ensure the protection of minors.

The Communist Youth League organs, women's federations, trade unions, youth federations, students' federations, young pioneers' organizations and other social organizations shall assist the people's governments at various levels in ensuring the protection of minors and safeguarding their lawful rights and interests.

Article 7. The people's governments at various levels and departments concerned shall give awards to organizations and individuals that have made outstanding achievements in the protection of minors.

Chapter II. Protection by the Family

Article 8. The parents or other guardians of minors shall fulfil their responsibility of guardianship and their obligations according to law to bring up the minors. They shall not maltreat or forsake the minors, nor shall they discriminate against female or handicapped minors. Infanticide and infant-abandoning shall be forbidden.

Article 9. The parents or other guardians of minors shall respect the minors' right to receive education, must ensure to the minors of school age the compulsory education as provided by relevant regulations, and shall not make those minors receiving compulsory education at school discontinue their schooling.

Article 10. The parents or other guardians of minors shall cultivate the minors in sound ideology and conduct by appropriate methods, guide them to undertake activities that are conducive to their physical and mental development, prevent and stop them from smoking, excessive drinking, leading a vagrant life, gambling, drug-taking or prostitution.

Article 11. The parents or other guardians of minors may not permit or force the minors to marry, nor may they undertake an engagement for the minors.

Article 12. The parents or other guardians of minors who refuse to perform their duties as guardians or encroach upon the lawful rights and interests of the minors under their guardianship shall bear the responsibility there for according to law.

Where the parents or other guardians of minors commit any act specified in the preceding paragraph and refuse to mend their ways after education, the people's court may, upon application by the person(s) or unit(s) concerned, disqualify them as guardians and designate guardians anew in accordance with the provisions in Article 16 of the General

Principles of the Civil Law.

Chapter III. Protection by the School

Article 13. Schools shall comprehensively implement the State policy for education and conduct moral, intellectual, physical, aesthetic and labour education among the minor students, and give them guidance in social life as well as education in puberty knowledge.

Schools shall show concern for and take good care of the minor students; with respect to those who have shortcomings in conduct or difficulties in study, schools shall give patient education and help, and may not discriminate against them.

Article 14. Schools shall respect the minor students' right to receive education and may not arbitrarily expel any minor students from schools.

Article 15. Teaching and administrative staff in schools and kindergartens shall respect the personal dignity of the minors, and may not enforce corporal punishment or corporal punishment in disguised forms, or any other act that humiliates the personal dignity of the minors.

Article 16. Schools may not let the minor students engage in any activity in school buildings or in any other educational and teaching facilities that are dangerous to their personal safety and health.

No organization or individual may disrupt the order of teaching in schools, occupy or damage school ground, housing and installations.

Article 17. Collective activities organized by schools and kindergartens for minor students and children, such as taking part in rallies, recreational activities and social practices, shall be conducive to the sound growth of minors; accidents endangering personal safety shall be prevented.

Article 18. In respect of minors who are sent to work-and-study schools to receive compulsory education pursuant to relevant regulations of the State, the work-and-study schools shall conduct among such minors ideological, cultural, labour skill and vocational education.

Teaching and administrative staff in work-and-study schools shall show concern for, take good care of and respect the students and may not discriminate against or detest such students.

Article 19. Kindergartens shall do a good job in nursing care and education so as to promote the harmonious development of the children in physique, intellectual ability and moral values.

Chapter IV. Protection by the Society

Article 20. The State shall encourage social organizations, enterprises, institutions and other organizations and citizens to hold various forms of social activities that are conducive to the sound growth of minors.

Article 21. People's governments at various levels shall create conditions to establish and improve places and facilities suited to the needs of minors for cultural life.

Article 22. Museums, memorial halls, scientific and technological centres, cultural centres, cinemas and theatres, stadiums and gymnasiums, zoos, parks and other similar places shall

be open to secondary school students and primary school pupils on preferential basis.

Article 23. In respect of places, such as commercial dancing halls that are not appropriate for minors to take part in the activities therein, the competent departments and business managers shall take measures to ensure that no admission shall be given to minors.

Article 24. The State shall encourage units of the press, publication, broadcasting, film and television, art and literature, as well as writers, scientists, artists and other citizens to create or provide works beneficial to the sound growth of minors. The State shall render support to the publication of books, newspapers, magazines and audio-visual products specially catering to minors.

Article 25. It shall be strictly prohibited for any organization or individual to sell, rent, or disseminate by any other means to minors, books, newspapers, magazines or audio-visual products of pornography, violence, wanton killing and terror that are pernicious to minors.

Article 26. Food, toys, utensils and amusement facilities for children may not be harmful to children's safety and health.

Article 27. No person may smoke in the classrooms, dormitories and recreational rooms of secondary and primary schools, kindergartens, as well as any other indoor places where minors gather for activities.

Article 28. No organization or individual may hire any minor under the age of sixteen, except as otherwise provided by the State.

Any organization or individual that recruits according to relevant regulations of the State minors over the age of sixteen but under eighteen shall, in respect of the types of jobs, duration of time and intensity of labour as well as protective measures, follow the relevant regulations of the State and may not assign them to any over strenuous, poisonous or harmful labour or any dangerous operation.

Article 29. In respect of minors who wander about and go begging or those who flee from their homes, the civil affairs departments or other departments concerned shall take the responsibility to send them back to their parents or other guardians; with regard to those whose parents or guardians cannot be ascertained for the time being, the welfare organizations for children established by the civil affairs departments shall accept and take care of them.

Article 30. No organization or individual may disclose the personal secrets of minors.

Article 31. No organization or individual may conceal, destroy or discard mail of any minor. Except when the inspection of mail in accordance with legal procedures by the public security organs or the people's procuratorates is necessary for the investigation of a criminal offence, or when the opening of mail of a minor without capacity is done on his or her behalf by the parents or other guardians, no organization or individual may open mail of any minor.

Article 32. Departments of public health and schools shall provide minors with necessary sanitary and health-care conditions and make efforts to prevent diseases.

Article 33. Local people's governments at various levels shall make efforts to develop child-care undertakings and strive to run nurseries and kindergartens well, encourage and support State organs, social organizations, enterprises and institutions as well as other sectors of society to establish nursing rooms, nurseries and kindergartens, advocate and support the establishment of household nurseries.

Article 34. Departments of public health shall, in relation to children, establish a preventive inoculation certificate system, make efforts to prevent common and frequently-occurring diseases among children, strengthen supervision and control over the prevention and treatment of infectious diseases and give more effective professional guidance to sanitation and health-care work in nurseries and kindergartens.

Article 35. People's governments at various levels and departments concerned shall, through various forms, foster and train child-care and teaching staff in nurseries and kindergartens, and strengthen political, ideological and professional education thereto.

Article 36. The State shall protect according to law the intellectual achievements and the right of honour of minors from encroachment.

For minors who have shown unusual talent or made outstanding achievements, the State, society, families and schools shall create conditions favourable to their sound development.

Article 37. In respect of minors who have completed the prescribed length of schooling in terms of compulsory education and will not receive education at a higher level, the relevant governmental departments, social organizations, enterprises and institutions shall, in line with the actual conditions, train them in vocational skills and create conditions for their engagement in labour or employment.

Chapter V. Judicial Protection

Article 38. In respect of delinquent minors, the policy of education, persuasion and redemption shall be implemented and the principle of taking education as the main method and punishment as the subsidiary shall be upheld.

Article 39. In respect of minors reaching the age of fourteen who have committed crimes but are not subject to criminal punishment because they have not yet reached the age of sixteen, their parents or other guardians shall be ordered to subject them to discipline; when necessary, such minors may also be taken in for rehabilitation by the government.

Article 40. Public security organs, people's procuratorates and people's courts shall, in dealing with cases involving crimes committed by minors, take their physical and mental characteristics into consideration, and may, in line with needs, set up special organs or designate special persons to handle such cases.

Public security organs, people's procuratorates, people's courts and reformatories for juvenile delinquents shall respect the personal dignity of the delinquent minors and safeguard their lawful rights and interests.

Article 41. Public security organs, people's procuratorates and people's courts shall guard minors under custody, pending trial, separately from adults under custody.

Minors who are sentenced to fixed-term imprisonment by the people's courts shall be housed and guarded separately from adults serving their sentences.

Article 42. All cases involving crimes committed by minors over fourteen years old but under sixteen shall not be tried publicly. Cases involving crimes committed by minors over sixteen years old but under eighteen shall, in general, not be tried publicly.

With regard to cases involving crimes committed by minors, the names, home addresses and photos of such minors as well as other information which can be used to deduce who they are, may not be disclosed, before the judgment, in news reports, films, TV programmes and in any other openly circulated publications.

Article 43. The families, schools and other units concerned shall coordinate, in educating and redeeming the delinquent minors, with the reformatories for juvenile delinquents and other similar units where the delinquent minors are held.

Article 44. Minors who are exempt from prosecution by the people's procuratorates, from criminal punishment by the people's courts, or the execution of whose sentence is announced suspended by the people's court, and minors who have been released from reformatory

custody or have served their terms of imprisonment shall not be discriminated against in respect of resuming schooling, entering a higher school or employment.

Article 45. The people's courts shall, in handling cases concerning inheritance, protect the minors' right of inheritance according to law.

In handling cases of divorce, if disputes arise between the two parties concerned over the support of the minor child or children and no agreement can be reached, the people's courts shall make judgment in accordance with the principle of safeguarding the rights and interests of the child or children and in light of the specific conditions of the two parties concerned.

Chapter VI. Legal Responsibility

Article 46. Where the lawful rights and interests of a minor is infringed, the infringed or his or her guardians shall have the right to request the department concerned to deal with the matter or bring a suit in a people's court according to law.

Article 47. Whoever has encroached upon the lawful rights and interests of a minor and caused him or her losses in property or other losses or harms shall compensate for the losses or bear other civil liabilities according to law.

Article 48. Where teaching and administrative staff in schools, nurseries or kindergartens subject minor students or children to corporal punishment or corporal punishment in disguised forms, and if the circumstances are serious, disciplinary sanctions shall be given by their units or the authorities at higher levels.

Article 49. Where enterprises, institutions or individual industrialists and businessmen illegally hire minors who have not reached the age of sixteen, the relevant labour departments shall order such units or individuals to make corrections and shall impose fines on them; if the circumstances are serious, the relevant administrative departments for industry and commerce shall revoke their business licenses.

Article 50. Where commercial dancing halls or other similar places not appropriate for minors to participate in the activities therein give admission to minors, the competent departments shall order such units to make corrections, and may impose fines on them.

Article 51. Whoever sells, rents or disseminates by any other means to minors pornographic books, newspapers, magazines or audio-visual products shall be given heavier punishment according to law.

Article 52. Where an encroachment upon the right of the person or other lawful rights of a minor constitutes a crime, criminal responsibility shall be investigated according to law.

Whoever maltreats a minor family member in a vicious manner shall be investigated for criminal responsibility in accordance with the provisions in Article 182 of the Criminal Law.

Judicial personnel who, in violation of the rules or regulations on prison management, subject imprisoned minors to corporal punishment or maltreatment, shall be investigated for criminal responsibility in accordance with the provisions in Article 189 of the Criminal Law.

Where a person has the obligation to support a minor but refuses to do so, and if the circumstances are flagrant, criminal responsibility shall be investigated in accordance with the provisions in Article 183 of the Criminal Law.

Whoever commits infanticide shall be investigated for criminal responsibility in accordance with the provisions in Article 132 of the Criminal Law.

Whoever, while fully aware of the school buildings being in danger of collapse, does not take any measures, thus resulting in the collapse of the said buildings and causing injuries or death, shall be investigated for criminal responsibility in accordance with the provisions in Article 187 of the Criminal Law.

Article 53. Whoever instigates a minor to break law or commit criminal offences shall be given heavier punishment according to law.

Whoever lures, instigates or forces a minor to take or inject drugs or engage in prostitution shall be given heavier punishment according to law.

Article 54. A party concerned, if not satisfied with the decision on administrative sanctions made according to this Law, may first apply for reconsideration to an administrative organ at a higher level or to an administrative organ prescribed by relevant laws or regulations. If still not satisfied with the reconsideration decision, the party may bring a suit in a people's court. The party may also directly bring a suit in a people's court. Where the relevant laws or regulations prescribe that the party concerned shall first apply to the administrative organ for reconsideration, and, if not satisfied with the reconsideration decision, then bring a suit in a people's court, such laws or regulations shall be complied with.

If a party, within the prescribed period, neither applies for reconsideration of the decision on administrative sanctions, nor brings a suit in a people's court, nor complies with the decision, the organ which has made the punitive decision may either apply to a people's court for compulsory execution, or enforce the decision according to law.

Chapter VII . Supplementary Provisions

Article 55. Departments concerned under the State Council may formulate on the basis of this Law relevant regulations, which shall be submitted to the State Council for approval before implementation.

The standing committees of the people's congresses of the provinces, autonomous regions and municipalities directly under the Central Government may, on the basis of this Law, formulate measures for implementation.

Article 56. This Law shall enter into force as of January 1, 1992.