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Order of the President of the People's Republic of China No. 60

The Law of the People's Republic of China on the Protection of Minors, revised and adopted at the 25th Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on December 29, 2006, is hereby promulgated and shall go into effect as of June 1, 2007.

Hu Jintao

President of the People's Republic of China

December 29, 2006

## **Law of the People's Republic of China on the Protection of Minors**

( Adopted at the 21st Meeting of the Standing Committee of the Seventh National People's Congress on September 4, 1991, and revised by the Standing Committee of the Tenth National People's Congress at its 25th Meeting on December 29, 2006)

### **Contents**

#### **Chapter I General Provisions**

#### **Chapter II Protection by the Family**

#### **Chapter III Protection by the School**

#### **Chapter IV Protection by the Society**

#### **Chapter V Protection by the Judicial Organ**

#### **Chapter VI Legal Responsibility**

#### **Chapter VII Supplementary Provisions**

#### **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 the minors, safeguarding their lawful rights

and interests, promoting their all-around development--morally, intellectually and physically, and training them to be builders of and successors to the socialist cause with lofty ideals, sound morality, better education and a good sense of discipline.

Article 2 For the purposes of this Law, minors mean citizens under the age of eighteen.

Article 3 Minors shall enjoy the right to life, the right to development, the right to being protected and the right to participation, and the State gives them special and preferential protection in light of the characteristics of their physical and mental development and ensures the inviolability of their lawful rights and interests.

Minors shall enjoy the right to education, and the State, society, schools and families shall respect and protect such right.

Minors shall, regardless of their sex, ethnic status, race, family property background and religious belief, enjoy their rights equally in accordance with law.

Article 4 The State, society, schools and families shall conduct education among minors in ideals, morality, culture, discipline and legal system as well as in patriotism, collectivism and socialism, 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 5 In the protection of minors the following principles shall be followed:

- (1) respecting the personal dignity of minors;
- (2) following the laws which govern the minors' physical and mental development and the characteristics of such development; and
- (3) combining education with protection.

Article 6 To protect minors is the common responsibility of State organs, armed forces, political parties, public organizations, enterprises and institutions, self-governing organizations of a mass character at grass-roots level in urban and rural areas, guardians of minors and other adult citizens.

Any organization or individual shall have the right to discourage a person from infringing upon a minor's lawful rights and interests, stop such infringement, or report or make an accusation against it to the department concerned.

The State, society, schools and families shall teach and help minors to safeguard their lawful rights and interests, enhance their awareness of the need and their ability to protect themselves and their sense of social responsibility.

Article 7 State organs at the central and local levels shall, within the scope of their duties, ensure the protection of minors.

The State Council and local people's governments at various levels shall provide leadership over the successful protection of minors; and they shall include the work of protection of the minors in their national economic and social development plans and annual plans and include the funds needed for the work into their budgets.

The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall adopt organizational measures to coordinate the efforts made by the departments concerned to ensure the protection of minors. The specific organizations in this regard shall be prescribed by the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 8 The Communist Youth League organizations, women's federations, trade unions, youth federations, students' federations, young pioneers' organizations and other public organizations concerned shall assist the people's governments at various levels in ensuring the protection of minors and safeguarding their lawful rights and interests.

Article 9 The people's governments at various levels and the departments concerned shall commend and give awards to organizations and individuals that have achieved outstanding successes in the protection of minors.

## **Chapter II**

### **Protection by the Family**

Article 10 The parents or other guardians of minors shall create a good and harmonious home environment and, according to law, fulfill their responsibility of guardianship and their obligations to bring up the minors.

Domestic violence against minors is prohibited. Maltreating or forsaking of minors is prohibited. Infanticide by drowning, brutally injuring or killing of infants is prohibited. No female or handicapped minors may be discriminated against.

Article 11 The parents or other guardians of minors shall pay close attention to the minors' physiological and psychological conditions and their behavioral habits, cultivate and influence the minors in sound ideology and conduct by appropriate means, give them guidance for their participation in activities that are conducive to their physical and mental health, prevent and stop them from smoking, excessive drinking, leading a vagrant life, being given to internet addiction, gambling, drug-taking or prostitution.

Article 12 The parents or other guardians of minors shall study knowledge about home education and correctly perform their duty of guardianship, in order to bring up and educate the minors.

Relevant State organs and public organizations shall provide guidance to the parents or other guardians of minors in respect of home education.

Article 13 The parents or other guardians of minors shall respect the minors' right to receive an education, must ensure that school-age minors go to school to receive and complete compulsory education, as provided for by law, and shall see that the minors receiving such education do not drop out of school.

Article 14 When making decisions concerning the rights and interests of minors, the parents or other guardians of the minors shall, on the basis of the minors' age and intellectual development, inform the minors of the decisions and hear their opinions.

Article 15 The parents or other guardians of minors may not permit or force the minors to marry, nor may they make marriage contracts on behalf of the minors.

Article 16 Where parents who work in other places and thus cannot perform their duty of guardianship with respect to minors, they shall entrust other adults who have the ability to act as guardians with such duty.

### **Chapter III**

#### **Protection by the School**

Article 17 Schools shall comprehensively implement the State policy on education, conduct education aimed at all-round development, enhance the quality of education, pay special attention to cultivating minor students' ability of independent thinking, innovation and practice, and promote their development in an all-around way.

Article 18 Schools shall respect the minor students' right to receive an education, show concern for and take good care of the students, and give patient education and help to those who have shortcomings in conduct or difficulties in study, and they shall not discriminate against them, or expel any minor student from school in violation of laws or State regulations.

Article 19 Schools shall, in light of the characteristics of minor students' physical and mental development, give them guidance in social life and mental health as well as education in puberty.

Article 20 Schools shall cooperate with the parents or other guardians of the minor students to guarantee the minor students time for sleeping, recreational activities and physical exercises and may not increase their burden of study.

Article 21 Teaching and administrative staff in schools, kindergartens and nurseries shall respect the personal dignity of the minors, and may not subject them to corporal punishment or corporal punishment in disguised form, or commit any other act that humiliates the personal dignity of the minors.

Article 22 Schools, kindergartens and nurseries shall establish a safety system, improve education in safety among the minors and adopt measures to guarantee their personal safety.

Schools, kindergartens and nurseries may not conduct education or teaching among minors in such school buildings or places or with such facilities as are dangerous to their personal safety or health.

Collective activities organized by schools and kindergartens for minors, such as rallies, cultural and recreational activities and social practices, shall be conducive to the healthy growth of minors, and attention shall be paid to preventing accidents endangering their personal safety.

Article 23 Administrative departments in charge of education, and other departments as well as schools, kindergartens and nurseries shall, where necessary, formulate precaution plans against emergencies, such as different kinds of disasters, infectious diseases, food poisoning and accidental injuries, and shall equip themselves with appropriate facilities and carry out the necessary drills, in order to enhance the minors' awareness of the importance, and their ability, to protect themselves.

Article 24 Where personal injuries are inflicted upon minor students in the course of activities inside the school or in the course of after-school activities organized by the schools, the schools shall promptly arrange for first-aid and properly handle the accidents and shall report the matter to the department in charge without delay.

Article 25 With respect to minor students receiving an education at school who display grossly undesirable behavior, the schools and their parents or other guardians shall cooperate to subject them to discipline; if they are unable to do so or such discipline proves ineffective, they may, according to relevant regulations, send the minor students to special schools for continued education.

Local people governments that establish special schools according to law shall guarantee the conditions for running such schools, the administrative departments in charge of education shall improve administration and guidance to special schools, and the relevant departments shall give assistance and cooperation.

Special schools shall conduct among the minor students there ideological and cultural education, education in the importance of observing rules of discipline and laws, education in work skills, and vocational education.

Teaching and administrative staff of special schools shall show concern for, take good care of and respect the students, and they may not discriminate against or detest the students.

Article 26 Nurseries shall do a good job in nursing and education in order to promote the harmonious development of the children physically, intellectually and morally.

## **Chapter IV**

### **Protection by the Society**

Article 27 Sound values shall be fostered among all sectors of the society, whereby the minors are respected, protected and educated, and concern is shown for the minors and the minors are taken care of.

The State encourages public organizations, enterprises, institutions and other organizations and individuals to hold various forms of social activities that are conducive to the healthy growth of minors.

Article 28 People's governments at various levels shall guarantee the minor's right to receive an education and adopt measures to guarantee the minors whose families have financial difficulties or who are disabled or are among the migrant population to receive compulsory education.

Article 29 People's governments at various levels shall establish and improve the places and facilities which are suited to the cultural need of minors, encourage different sectors of society to build places which are suited for minors to take part in activities, and conduct vigorous management of the places.

Article 30 Bases for patriotic education, libraries, youths' and children's palaces and children's activity centers shall be open to the minors free of charge; museums, memorial halls, scientific and technological centers, exhibition halls, art galleries, cultural centers, and cinemas, theatres, stadiums and gymnasiums, zoos, parks, etc. shall be open to the minors free of charge or on a preferential basis in accordance with relevant regulations.

Article 31 People's governments at or above the county level and their administrative departments in charge of education shall adopt measures to encourage and support secondary and primary schools to open their cultural and sports facilities to the minors free of charge or on a preferential basis during festivals and holidays.

Internet service facilities for public welfare in the communities shall be open to the minors free of charge or on a preferential basis and provide them with safe and sound services when they go on the internet.

Article 32 The State encourages the press, publishing, the information industry, the radio, film and television, art and literature, and other units as well as writers, artists, scientists and other citizens to create or provide works conducive to the healthy growth of minors. The State shall give aid to the publishing producing and disseminating of healthy books, periodicals, magazines, audio-visual products, electronic publications and network information specially catering to minors.

The State encourages the institutions of scientific research and the organizations of scientists to disseminate scientific knowledge among minors.

Article 33 The State adopts measures to prevent the minors from internet addiction.

The State encourages research and development of internet products which are conducive to the healthy growth of minors and promotes the use of new technologies for preventing minors from internet addiction.

Article 34 All units and individuals are prohibited from selling, renting, or disseminating by any other means, to minors the books, newspapers, periodicals, audio-visual products, electronic publications and network information of pornography, violence, murder, terrorism, gambling, etc. which are pernicious to minors.

Article 35 Food, medicines, toys, utensils and amusement facilities produced and sold for use by minors shall conform to national or industrial standards and may not be harmful to minors' safety and health; where points for attention need to be indicated, they shall be put up signs of such indication at noticeable places.

Article 36 It is prohibited to establish, on the periphery of secondary and primary schools, commercial song and dance recreation halls or places for commercial internet services which are not appropriate for minors to take part in the activities there.

Minors shall be refused admission to the places, such as commercial song and dance recreation halls and commercial internet service centers which are not appropriate for minors to take part in the activities there, and the operators of such places shall put up the signs of no admittance to minors at noticeable places; where it is difficult to tell whether a person is an adult, the person shall be required to show his identification certificate.

Article 37 Selling of tobacco and alcoholic drinks to minors is prohibited. Operators shall put up the signs of no tobacco or alcoholic drinks to minors at noticeable places; where it is difficult to tell whether a person is an adult, the person shall be required to show his identification certificate.

No person may smoke or drink alcoholic drinks in the classrooms, dormitories and recreation rooms of secondary and primary schools, kindergartens or nurseries, or any other places where gatherings are held for minors.

Article 38 No organization or individual may hire any minor under the age of sixteen, except where otherwise prescribed by the State.

Any organization or individual that, according to the relevant regulations of the State, hires minors who have reached the age of sixteen but not the age of eighteen shall observe State regulations regarding the types of jobs, working hours, intensity of labour and protective measures, and it or he may not assign them to any over strenuous jobs, jobs exposed to toxic or hazardous substances, or other jobs that imperil their physical or mental health, or any dangerous operations.

Article 39 No organization or individual may disclose the privacy of minors.

No organization or individual may conceal, destroy or discard the mail, diaries or e-mail of minors. Except when public security organs or people's procuratorates need to inspect the mail, diaries or e-mail in accordance with law for investigation of criminal offences, or when the parents or other guardians of the minors without the capacity of disposition open and check their mail, diaries or e-mail on their behalf, no organization or individual may open or check the same.

Article 40 Where unexpected incidents occur in schools, kindergartens, nurseries or other public places, first priority shall be given to rescuing of minors.

Article 41 Abducting of, trafficking in, kidnapping or maltreating of minors is prohibited. Sexual harassment against minors is prohibited.

Coercing or luring minors into begging or using them in begging, or organizing them for performances which are harmful to their physical or mental health is prohibited.

Article 42 Public security organs shall adopt effective measures to maintain security and traffic order around the campuses according to law, and guard against and prevent the illegal and criminal activities that infringe upon the lawful rights and interests of minors.

No organization or individual may disrupt teaching order, or illegally occupy or destroy the places, houses or facilities of schools, kindergartens or nurseries.

Article 43 People's governments at or above the county level and their administrative departments of civil affairs shall, in light of need, set up relief agencies that shall give help to the minors who have no means of support and roam about begging and shall bear the responsibility to serve as temporary guardians; public security organs and other relevant departments shall escort the minors who roam about begging or run away from home to the relief agencies, which shall give them relief, take good care of them and, in a timely manner, notify their parents or other guardians to bring them back home.



With respect to orphans and the minors whose parents or other guardians are difficult to find or who have no means of support, the welfare organizations for children established by the administrative departments of civil affairs shall accept and support them.

The relief agencies for minors, the welfare organizations for children and their staff shall perform their duties according to law and may not maltreat or discriminate against the minors; they may not seek benefits in the work of accepting and supporting minors.

Article 44 Departments of health and schools shall give minors hygienic, health-care and nutrition guidance, provide them with the necessary hygienic and health-care conditions and make efforts to prevent diseases.

Departments of health shall make sure to give preventive inoculation to children, and they shall give the children prophylactic vaccination against diseases, which are included in the State immune program, free of charge. They shall make proactive 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 and conduct supervision and inspection in respect of health-care work in kindergartens and nurseries.

Article 45 Local people's government at various levels shall make proactive efforts to develop child-care undertakings and run nurseries and kindergartens successfully, and support public organizations and individuals to establish nursing rooms, nurseries and kindergartens in accordance with law.

People's governments at various levels and the departments concerned shall, through various forms, develop and train child-care and teaching staff for kindergartens and nurseries, and enhance their professional ethnics and competence.

Article 46 The State protects according to law the intellectual achievements and the right of honour of minors from infringement.

Article 47 With respect to minors who have completed the prescribed length of schooling for compulsory education and will not receive education at a higher level, the governmental departments concerned, public organizations, enterprises and institutions shall, in light of the actual conditions, provide them with vocational education and create conditions for their employment.

Article 48 The residents' committees and villagers committees shall assist the relevant departments in educating the minors who violate laws or commit crimes and helping them to redeem themselves, and guard against and prevent illegal and criminal activities of infringement upon the lawful rights and interests of minors.

Article 49 Where the lawful rights and interests of minors are infringed upon, the victims and their guardians or other organizations and individuals shall have the right to make

complains to relevant departments, which shall, in accordance with law, handle the complaints in a timely manner.

## **Chapter V**

### **Protection by the Judicial Organ**

Article 50 Public security organs, people's procuratorates, people's courts and judicial administration departments shall perform their duties in accordance with law and protect the lawful rights and interests of minors in judicial activities.

Article 51 Where a minor whose lawful rights and interests are infringed upon brings a lawsuit before a people's court according to law, the people's court shall, in accordance with law, try the case without delay and, taking into consideration his physical and mental characteristics and the need of his healthy growth, protect the minor's lawful rights and interests.

Where in judicial activities a minor needs legal aid or judicial relief, the legal aid institution or people's court shall help him by providing him with legal aid or judicial relief in accordance with law.

Article 52 In handling cases of inheritance, the people's courts shall, according to law, protect the minors' right to inheritance and bequest.

Where in handling cases of divorce, which involve the support of minor children, the people's courts shall hear the opinions of the minor children who have the ability to express their intentions and shall, according to law, make judgment in accordance with the principle of safeguarding the rights and interests of the children and in light of the specific conditions of the two parties.

Article 53 Where the parents or other guardians of minors, who refuse to perform their duties as guardians or infringe upon the lawful rights and interests of the minors under their guardianship, refuse to mend their ways after education, the people's court may, upon application by the persons or units concerned, disqualify them from being guardians and designate other persons as guardians according to law. The parents who are disqualified from being guardians shall continue to bear the cost of child support according to law.

Article 54 With respect to delinquents, 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.

Delinquents shall be given relatively light or mitigated punishments or be exempted from punishment according to law.

Article 55 In dealing with cases involving crimes committed by minors and cases involving preserving of the rights and interests of minors, public security organs, people's procuratorates and people's courts shall, take the characteristics of their physical and mental development into consideration, respect their personal dignity, safeguard their lawful rights and interests, and may, where necessary, set up special agencies or designate special persons to handle such cases.

Article 56 To interrogate minor criminal suspects, or question minor witnesses or victims, public security organs or people's procuratorates shall notify their guardians to be present.

When public security organs, people's procuratorates or people's courts handle criminal cases involving sexual offenses against minors, they shall protect the victims' reputation.

Article 57 Minors who are under custody or serving sentences shall be detained or imprisoned separately from adults.

The minors under custody or serving sentences who have not finished their compulsory education shall continue to receive such education.

Minors who have been released from custody or have served their sentences shall not be discriminated against when they resume schooling, go to higher schools or look for employment.

Article 58 With respect to cases involving crimes committed by minors, the names, domiciles, photos or pictures of such minors, or other materials from which information about the minors can be deduced may not be disclosed in news reports, films, TV programmes or openly circulated publications, or through the computer network.

Article 59 The provisions of the Law on Prevention of Juvenile Delinquency are applicable to rectification and treatment of serious juvenile misbehavior and to prevention of juvenile criminal behavior.

## **Chapter VI**

### **Legal Responsibility**

Article 60 With respect to infringement upon the lawful rights and interests of minors committed in violation of the provisions of this Law, where administrative punishment is provided for by other laws or regulations, the provisions there shall prevail; if such infringement causes personal injury, loss of property or other damages, the infringer shall bear civil responsibility according to law; and if a crime is constituted, criminal responsibilities shall be investigated according to law.

Article 61 Where a State organ or its staff member fails to perform its or his duties to protect the lawful rights and interests of minors according to law, or infringes upon such rights and interests, or retaliates against the person who makes a complaint, accusation or exposure, the unit where the staff member works or the authority at a higher level shall instruct him or it to rectify, and give administrative sanctions according to law to the person directly in charge of the unit and the other persons directly responsible.

Article 62 Where the father or mother or another guardian fails to fulfill his or her duty of guardianship, or infringes upon the lawful rights and interests of a minor, he or she shall be admonished or dissuaded by the unit where he or she works or by the residents' or villagers committee concerned; if such failure constitutes a violation against the administration of public security, the public security organ shall give him or her an administrative penalty according to law.

Article 63 Where a school, kindergarten or nursery infringes upon the lawful rights and interests of a minor, it shall be instructed to rectify by the administrative department in charge of education or another department concerned; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given sanctions according to law.

Where a teaching or administrative staff member of a school, kindergarten or nursery subjects a minor to corporal punishment or corporal punishment in disguised form, or to any other act that humiliates the personal dignity of the minor, the unit where the staff member works or the department at a higher level shall instruct him to rectify; and if the circumstances are serious, he shall be given a sanction according to law.

Article 64 A unit or individual that produces or sells, rents or disseminates by any other means to minors the books, newspapers, periodicals, audio-visual products, electronic publications or network information of pornography, violence, murder, terrorism, gambling, etc. shall be instructed to rectify by the department in charge and be given an administrative penalty according to law.

Article 65 A unit or individual that produces or sells food, medicines, toys, utensils and amusement facilities designed for use by minors which do not conform to national or industrial standards, or that fails to put up points for attention at noticeable places, shall be instructed to rectify by the department in charge and be given an administrative penalty according to law.

Article 66 A unit or individual that establishes, on the periphery of secondary or primary schools, commercial song and dance recreation halls or places for commercial internet services, which are not appropriate for minors to take part in the activities there, such places shall be closed down by the department in charge, and it or he shall be given an administrative penalty according to law.

Where the operator of a commercial song and dance recreation hall, a place for commercial internet services or of any other place which is not appropriate for minors to take part in the activities there gives admittance to a minor or fails to put up the sign of no admittance to minors at noticeable places, the department in charge shall instruct the operator to rectify and give him an administrative penalty according to law.

Article 67 An operator that sells tobacco or alcoholic drinks to minors, or fails to put up signs of no tobacco or alcoholic drinks to minors at noticeable places, shall be instructed by the department in charge to rectify and shall be given an administrative penalty according to law.

Article 68 An organization or individual that illegally hires minors who have not reached the age of sixteen or minors who have reached the age of sixteen to do over strenuous jobs, jobs exposed to toxic or hazardous substances or other jobs that imperil their physical or mental health, or to engage in dangerous operations, shall be instructed by the department in charge of labour and social security to rectify and shall be fined; and if the circumstances are serious, its or his business license shall be revoked by the administrative department for industry and commerce.

Article 69 An organization or individual that violates the privacy of a minor, which constitutes an act against the administration of public security, the public security organ shall give it or him an administrative penalty according to law.

Article 70 A relief agency for minors, a welfare organization for children or its staff member that fails to perform its or his duties of helping and protecting minors, or maltreats or discriminates against minors, or seeks benefits in the work of accepting and supporting minors shall be instructed by the department in charge to rectify and be given an administrative penalty according to law.

Article 71 An organization or individual that coerces or lures minors into begging, uses them in begging, or organizes them for performances that are harmful to their physical or mental health shall be given an administrative penalty by a public security organ according to law.

## **Chapter VII**

### **Supplementary Provisions**

Article 72 This Law shall go into effect as of June 1, 2007.