Law of the PRC on the Protection of Minors

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of protecting the physical and mental health of minors, safeguarding their lawful rights and interests, promoting their all-round development morally, intellectually, physically, aesthetically and in terms of labor skills, and training them into successors to the socialist cause with ideals, moral integrity, culture and discipline, and into builders of socialism.

Article 2 — For the purposes of this Law, minors means citizens under the age of 18.

Article 3 — The state shall guarantee minors' rights to subsistence, development, protection and participation. Minors shall enjoy all rights equally in accordance with the law and shall not be discriminated against on the basis of their nationality, race, sex, household registration, occupation, religious belief, education background, family status, physical and mental condition or any other factor.

Article 4 — The protection of minors shall adhere to the principle that is most beneficial to minors. When handling matters involving minors, the following requirements shall be met:

(1) Giving special and priority protection to minors;

(2) Respecting the personal dignity of minors;

(3) Protecting the right to privacy and personal information of minors;

(4) Accommodating the laws and characteristics of minors' physical and mental development;

(5) Listening to the opinions of minors;

(6) Combining protection with education.

Article 5 — The state, society, schools and families shall educate and assist minors in ideals, morality, science, culture, the rule of law, national security, health, and labor, and in patriotism, collectivism and socialism with Chinese characteristics, shall cultivate among them a love for the motherland, the people, labor, science and socialism, and shall resist the corrosive influence of decadent ideologies.

Article 6 — It is the common responsibility of state organs, armed forces, political parties, people's organizations, enterprises, public institutions, self-governing mass organizations at the grassroots level, guardians of minors and other adult citizens to protect minors. The state, society, schools and families shall educate and assist minors in safeguarding their lawful rights and interests and shall enhance their awareness and ability for self-protection.

Chapter II — Family Protection

Article 7 — The parents or other guardians of minors shall perform their guardianship duties in accordance with the law. Parents or other guardians of minors shall study knowledge about family education, accept guidance on family education, and create a good, harmonious and civilized family environment.

Article 8 — The parents or other guardians of minors shall perform the following guardianship duties:

(1) Providing minors with living, health, safety and other safeguards;

(2) Paying attention to the physical, psychological and emotional needs of minors;

(3) Educating and guiding minors to abide by the law, be diligent and thrifty, and develop good moral character and behavior habits;

(4) Respecting the right of minors to education and ensuring that school-age minors receive and complete compulsory education in accordance with the law;

(5) Taking reasonable measures to prevent and stop minors from engaging in bad behavior or illegal and criminal activities;

(6) Properly managing and protecting minors' property.

Article 9 — The parents or other guardians of minors shall not maltreat, abandon, illegally adopt minors, or commit domestic violence against minors. The parents or other guardians of minors shall not discriminate against female minors or minors with disabilities.

Article 10 — The parents or other guardians of minors shall, in light of the age and intellectual development of minors, inform the minors of the relevant situations and listen to their opinions when making decisions concerning the rights and interests of the minors.

Chapter III — School Protection

Article 11 — Schools shall fully implement the state's educational policy, shall adhere to the principle of educating people first, shall implement competence-oriented education, shall improve the quality of education, and shall foster the all-round development of minor students in terms of moral character, intellectual ability, physical fitness, aesthetic appreciation and labor skills.

Article 12 — Schools shall respect the right of minor students to education, and shall not expel minor students or covertly expel them in violation of laws or state regulations.

Article 13 — Schools shall care for and love minor students. Teaching and administrative staff shall respect the personal dignity of minors and shall not impose corporal punishment on minors, covertly impose corporal punishment or commit other acts that humiliate the personal dignity of minors.

Article 14 — Schools shall establish a work system for the prevention and control of bullying and shall prevent and stop bullying behavior among students. Schools shall establish a work system for the prevention of sexual assault and harassment of minors.

Article 15 — Schools and kindergartens shall provide minors with life safety education, shall help them master the knowledge and skills of self-protection against infringement, traffic accidents, fires and drowning, and shall enhance their awareness and ability for self-protection.

Chapter IV — Social Protection

Article 16 — The whole society shall establish a good social custom of respecting, protecting and educating minors and shall care for and cherish minors. The state shall encourage and support people's organizations, enterprises, public institutions, social organizations and individuals to carry out various forms of social activities conducive to the healthy growth of minors.

Article 17 — No organization or individual may hire minors under the age of 16, except as otherwise provided by the state. Business premises such as commercial entertainment venues, bars, and internet access service business premises may not admit minors. No organization or individual may sell cigarettes, alcohol or lottery tickets to minors.

Article 18 — Enterprises, public institutions and other organizations that closely interact with minors shall regularly conduct internal inspections and shall report to the relevant departments when they discover that minors are being infringed upon.

Chapter V — Network Protection

Article 19 — The state, society, schools and families shall strengthen minors' education on network literacy, shall cultivate and improve minors' network literacy, shall enhance their awareness and ability to use the internet in a scientific, civilized, safe and reasonable manner, and shall protect minors from internet addiction

and online infringement.

Article 20 — Providers of internet services shall establish and improve rules and conventions for the use of the internet by minors, and shall take effective measures to prevent minors from becoming addicted to the internet. Without the consent of schools or parents or other guardians, providers of internet services shall not provide internet access services to minors.

Article 21 — Information processors shall, when processing personal information of minors through the internet, follow the principles of legality, legitimacy, necessity, good faith, openness and transparency, and shall obtain the consent of the parents or other guardians of the minors.

Chapter VI — Government Protection

Article 22 — People's governments at or above the county level shall incorporate the protection of minors into their plans for national economic and social development, and the relevant expenses shall be included in the government budget at the corresponding level.

Article 23 — People's governments at all levels shall develop vocational education, protect the right of minors who have not completed compulsory education to receive vocational education, and shall strengthen the employment guidance for minors who are of age and have the ability to work.

Article 24 — The civil affairs departments of the people's governments at or above the county level shall establish a rescue and protection system for minors. The people's governments at or above the county level shall establish a coordination mechanism for the protection of minors.

Chapter VII — Judicial Protection

Article 25 — Public security organs, people's procuratorates, people's courts and judicial administrative departments shall perform their duties in accordance with the law and shall protect the lawful rights and interests of minors. Judicial organs shall have specialized institutions or designate specialized personnel to handle matters involving minors.

Article 26 — When handling cases involving minors, judicial organs shall apply special procedures suitable for the physical and mental characteristics of minors, shall protect the right to reputation, privacy and other lawful rights and interests of minors, and may set up special tribunals or designate specialized personnel to handle such cases.

Article 27 — Where the parents or other guardians of a minor fail to perform their guardianship duties or infringe upon the lawful rights and interests of the minor under their guardianship, upon the application of the relevant individual or organization, the people's court may revoke their guardianship qualification and designate another guardian in accordance with the law.

Chapter VIII — Legal Liability

Article 28 — Where state organs, social organizations, enterprises, public institutions or other organizations infringe upon the lawful rights and interests of minors, they shall be given a warning by the relevant department, shall be ordered to make corrections, and may be criticized in a circular; where the circumstances are serious, the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with the law.

Article 29 — Where the parents or other guardians of a minor fail to perform their guardianship duties in accordance with the law, the neighborhood office or villagers' committee shall admonish and stop them; where the circumstances are serious, the public security organ shall admonish them and may order them to receive family education guidance.

Source: https://www.danyoungcpa.com/protection-of-minors-law-prc-2020-revision/

Article 30 — Where schools, kindergartens or nursery institutions infringe upon the lawful rights and interests of minor students, the education administrative department or other relevant departments shall order them to make corrections within a prescribed time limit; where the circumstances are serious, the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with the law.

Chapter IX — Supplementary Provisions

Article 31 — The State Council may, in accordance with this Law, formulate implementation regulations.

Article 32 — This Law shall come into force on June 1, 2021.

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