

PRC Minors Protection Law

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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 moral, intellectual, physical, aesthetic, and labor development, and training them into socialist builders and successors with ideals, morality, culture, and discipline.

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

Article 3 — The State shall protect the rights of minors 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 own, their parents' or other guardians' ethnicity, race, sex, household registration, occupation, religious belief, level of education, family status, physical or mental condition, or other factors.

Article 4 — The protection of minors shall adhere to the principle of being most beneficial to minors. In 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 minors' right to privacy and personal information; (4) adapting to 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 safeguarding their lawful rights and interests and enhance their awareness and ability of self-protection.

Article 6 — The protection of minors is the common responsibility of all State organs, armed forces, political parties, people's organizations, enterprises, public institutions, basic-level mass self-governance organizations, guardians of minors, and other adult citizens. Any organization or individual shall have the right to dissuade or stop acts that infringe upon the lawful rights and interests of minors, or to report or file complaints with the relevant departments. The State, society, schools, and families shall educate and assist minors in protecting their lawful rights and interests.

Article 7 — State organs at all levels shall attach importance to the protection of minors and incorporate it into their national economic and social development plans. The people's governments at or above the county level shall establish a coordination mechanism for the protection of minors to coordinate, supervise, and guide relevant departments in their work on the protection of minors. The specific work of the coordination mechanism shall be undertaken by the civil affairs departments of the people's governments at or above the county level.

Chapter II — Family Protection

Article 15 — Parents or other guardians of minors shall create a good and harmonious family environment for minors and perform their guardianship duties in accordance with the law. Parents or other guardians of minors shall learn about family education, accept guidance on family education, and raise minors in a correct and scientific manner.

Article 16 — Parents or other guardians of minors shall perform the following guardianship duties: (1) providing minors with living, health, safety, and other guarantees; (2) paying attention to minors' physiological, psychological, and emotional needs; (3) educating and guiding minors to abide by the law, be diligent and thrifty, and develop good moral character and behavioral habits; (4) carrying out safety education for minors to enhance their awareness and ability of self-protection; (5) respecting minors' right to education and ensuring that school-age minors receive and complete compulsory education; (6) properly managing and protecting minors' property; (7) representing minors in carrying out civil legal acts in accordance with the law; (8) preventing and stopping minors' bad behaviors and illegal and criminal acts, and carrying out reasonable discipline; (9) other guardianship duties that should be performed.

Article 17 — Parents or other guardians of minors shall not commit any of the following acts: (1) maltreating, abandoning, or illegally giving up minors for adoption; (2) condoning, inciting, or forcing minors to commit illegal or criminal acts; (3) allowing or forcing minors to marry or entering into marriage contracts for minors; (4) allowing or forcing minors under the age of 16 to engage in labor or business activities that are harmful to their physical and mental health; (5) allowing or forcing minors to beg; (6) allowing minors to enter commercial entertainment venues, bars, internet access service business premises, or other places unsuitable for minors; (7) allowing or instigating minors to smoke, drink alcohol, gamble, or abuse drugs; (8) allowing minors to drive motor vehicles without obtaining a motor vehicle driving license; (9) other acts that infringe upon the lawful rights and interests of minors.

Chapter III — School Protection

Article 25 — Schools shall fully implement the State's educational policies, adhere to the principle of educating people with moral integrity as the foundation, implement quality education, improve the quality of education, pay attention to cultivating minor students' cognitive ability, cooperative ability, innovation ability, and practical ability, and promote the all-round development of minor students. Schools shall establish a protection system for the rights and interests of minor students.

Article 27 — Teaching and administrative staff in schools and kindergartens shall respect the personal dignity of minors, and shall not impose corporal punishment or corporal punishment in disguised form on minors, nor commit any other act that humiliates the personal dignity of minors.

Article 33 — Schools shall establish a safety management system, strengthen safety education for minor students, and improve the safety management of minor students' accommodation, catering, outings, and practical activities. Schools and kindergartens shall not organize minor students to participate in commercial activities or activities unrelated to education and teaching in commercial celebrations, exhibitions, and other activities.

Article 39 — Schools shall establish a working system for the prevention and control of student bullying, and shall provide education on the prevention and control of student bullying to teaching staff and students. Schools shall stop student bullying immediately upon discovery and shall notify the parents or other guardians of both the bullying and bullied minor students in a timely manner. For bullying or bullied minor students, schools shall provide psychological counseling, education, and guidance in a timely manner.

Article 40 — Schools and kindergartens shall establish a working system for the prevention of sexual assault and harassment of minors. Schools and kindergartens shall not conceal any illegal or criminal acts of sexual assault or harassment of minors discovered, and shall promptly report them to the public security organs and education administrative departments.

Chapter IV — Social Protection

Article 42 — The whole society shall establish a good social custom of respecting, protecting, and educating minors, and care for and cherish minors. The State shall encourage, support, and guide people's organizations, enterprises, public institutions, social organizations, and other organizations and individuals to carry out social activities and services beneficial to the healthy growth of minors.

Article 44 — Patriotic education bases, libraries, youth palaces, children's activity centers, children's homes, museums, memorial halls, science and technology museums, exhibition halls, art galleries, cultural centers, community public cultural facilities, theaters, cinemas, stadiums and gymnasiums, zoos, botanical gardens, parks, and other venues shall, in accordance with relevant regulations, be open to minors free of charge or on a preferential basis.

Article 50 — It is prohibited to produce, reproduce, publish, disseminate, or possess publications, audio and video products, online information, or other items containing obscenity, pornography, violence, terror,

gambling, superstitious content, or other content harmful to minors.

Article 56 — Business premises such as commercial song and dance entertainment venues, internet access service business premises, and game and amusement venues shall not allow minors to enter. No tobacco, alcohol, or lottery tickets shall be sold to minors. Operators shall set up signs prohibiting the sale to minors in prominent positions. Where it is difficult to determine whether a person is a minor, the person shall be required to present his or her identity document.

Article 61 — No organization or individual shall recruit minors under the age of 16, unless otherwise provided by the State. Business entertainment venues, bars, internet access service business premises, and other places unsuitable for minors' activities shall not recruit minors under the age of 18. No organization or individual shall organize minors to engage in performances or other activities harmful to their physical and mental health.

Chapter V — Network Protection

Article 64 — The State, society, schools, and families shall strengthen minors' education on internet literacy, cultivate and enhance minors' awareness and ability of network security and network civility, ensure minors' rights to participate in network life in accordance with the law, and prevent minors from indulging in the internet.

Article 65 — The State encourages and supports the creation and dissemination of online content beneficial to the healthy growth of minors. No organization or individual shall produce, reproduce, publish, or disseminate online content harmful to minors, nor shall they insert links to harmful online content or push information harmful to minors through the network.

Article 68 — News and publishing, education, health, culture, film and television, internet information, and other departments shall regularly carry out publicity and education on preventing minors from indulging in the internet, supervise and inspect the performance of obligations by online product and service providers in preventing minors from becoming addicted to the internet, and guide families, schools, and social organizations in cooperating and taking scientific and reasonable measures to prevent and intervene in the addiction of minors to the internet.

Article 74 — Providers of online game services shall require minors to register and log in using their real identity information. Online game service providers shall not provide online game services to minors between 22:00 and 8:00 on the next day. Online game service providers shall not provide paid services to minors online, except as otherwise provided by the State.

Article 76 — Providers of online live broadcast services shall not provide online live broadcast publisher account registration services for minors under the age of 16. Where online live broadcast services are provided to minors over the age of 16, the identity of the minors shall be authenticated and the consent of their parents or other guardians shall be obtained.

Chapter VI — Government Protection

Article 81 — People's governments at or above the county level shall bear the primary responsibility for the protection of minors. Civil affairs departments of the people's governments at or above the county level shall be responsible for the coordination mechanism for the protection of minors. Education, public security, civil affairs, health, judicial administration, human resources and social security, culture and tourism, market regulation, radio and television, internet information, and other relevant departments shall do a good job of protecting minors within the scope of their respective functions and duties.

Article 83 — People's governments at all levels shall develop vocational education to ensure that minors who have not completed compulsory education receive vocational education and training. People's governments at all levels shall develop special education to ensure that minors with disabilities receive education.

Article 92 — Under any of the following circumstances, the civil affairs department shall carry out temporary guardianship of minors: (1) where minors are left unattended; (2) where the identity of a minor who has been abducted or trafficked cannot be verified after being rescued, or the parents or other guardians of the minor cannot be found; (3) other circumstances as provided for by laws and regulations. The civil affairs department may entrust relevant organizations to carry out the work of temporary guardianship of minors.

Article 94 — Under any of the following circumstances, the civil affairs department shall carry out long-term guardianship of minors: (1) where it is verified that the minor truly has no guardian; (2) where the people's court revokes the guardianship qualifications of the guardian and designates the civil affairs department as the guardian; (3) other circumstances as provided for by laws and regulations.

Chapter VII — Judicial Protection

Article 100 — Public security organs, people's procuratorates, people's courts, and judicial administrative departments shall perform their duties in accordance with the law to protect the lawful rights and interests of minors. When handling cases involving minors, public security organs, people's procuratorates, people's courts, and judicial administrative departments shall take special protective measures suited to the physical and mental characteristics of minors.

Article 101 — Cases involving minors shall be handled in accordance with the principle of the best interests of the minor. When handling cases involving minors, public security organs, people's procuratorates, people's courts, and judicial administrative departments shall consider the physical and mental characteristics and healthy growth of minors, respect their personal dignity, protect their reputation, privacy, and other lawful rights and interests, and use methods and language that minors can understand.

Article 104 — People's courts trying cases involving minors shall protect the minor's right to education. Where the minor has not completed compulsory education, the people's court shall ensure that the minor continues to receive compulsory education. People's courts may, in accordance with the law, adopt measures such as community correction and prohibition orders for minors, and impose criminal penalties only as a last resort.

Article 108 — Where a minor's lawful rights and interests are infringed upon, the relevant organizations and individuals may file a lawsuit with the people's court on behalf of the minor. Where the people's procuratorate discovers during the performance of its duties that a minor's lawful rights and interests have been infringed upon and no relevant organization or individual has filed a lawsuit on behalf of the minor, the people's procuratorate shall urge and support the filing of a lawsuit.

Chapter VIII — Legal Liability

Article 116 — Where a State organ fails to perform its duties in the protection of minors in accordance with the law, the directly responsible person in charge and other directly responsible persons shall be given sanctions by their own unit or the competent authority at a higher level in accordance with the law.

Article 117 — Where a school or kindergarten violates the provisions of this Law by infringing upon the lawful rights and interests of minors, the education administrative department or other relevant department shall order it to correct the situation within a specified period. Where the circumstances are serious, the directly responsible person in charge and other directly responsible persons shall be given sanctions in accordance with the law. Where losses are caused, civil liability shall be borne in accordance with the law.

Article 118 — Where a guardian of a minor fails to perform his or her guardianship duties or infringes upon the lawful rights and interests of the ward, the people's court may, upon the application of the relevant person or unit, revoke his or her guardianship qualifications and arrange necessary temporary guardianship measures in accordance with the law.

Article 119 — Where books, newspapers, periodicals, audio and video products, electronic publications, or network information that are prohibited from being disseminated to minors are produced, reproduced, published, disseminated, or possessed, the relevant competent authorities shall impose penalties in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 122 — Where an employer illegally recruits minors, the labor administrative department shall order it to correct the situation and impose a fine. Where the circumstances are serious, the market regulation department shall revoke its business license. Where losses are caused, civil liability shall be borne in accordance with the law.

Chapter IX — Supplementary Provisions

Article 132 — This Law shall come into force on June 1, 2021.

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