

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON PREVENTION OF JUVENILE DELINQUENCY

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Chapter I General Provisions

Article 1 This Law is enacted for the purpose of ensuring that juveniles are physically and mentally healthy, helping juveniles cultivate good conduct and effectively preventing juvenile delinquency.

Article 2 The prevention of juvenile delinquency shall be based on education and protection, the work shall be started with school children and efforts shall be made to prevent, rectify and treat juvenile misbehavior before it is too late.

Article 3 Juvenile delinquency shall be prevented in a comprehensive way under the organization and leadership of the people's governments at all levels.

The government departments concerned, judicial organs, people's organizations, relevant public organizations, schools, families, neighborhood committees in cities and villagers committees in the countryside, etc. shall join efforts and take their respective responsibilities in preventing juvenile delinquency, and creating a good social environment for the cultivation of physical and mental health of juveniles.

Article 4 People's governments at all levels shall perform the following functions and duties in preventing juvenile delinquency:

(1) to formulate plans for prevention of juvenile delinquency;

(2) to organize and coordinate efforts of the relevant government departments for public security, education, culture, the press, publishing, radio, film and television, industry and

commerce, civil affairs, and judicial administration, and other public organizations in preventing juvenile delinquency;

(3) to inspect the implementation of this Law and work plans; and

(4) to analyze and disseminate the experience gained in prevention of juvenile delinquency, and set up and commend advanced units and individuals.

Article 5 For prevention of juvenile delinquency, research on education in puberty, psychological corrections and measures for prevention of crimes shall be improved in light of the physiological and psychological characteristics of juveniles at different ages.

Chapter II Education for Prevention of Juvenile Delinquency

Article 6 Juveniles shall be educated in ideals, morality, the legal system as well as in patriotism, collectivism and socialism. Juveniles who have reached the age of receiving compulsory education shall, while receiving the education mentioned above, be educated for prevention of crimes.

Education for prevention of juvenile delinquency is for the purpose of enhancing juveniles' legal conceptions, helping them heed the harm done to themselves, their families and the community by their violations of law and criminal actions and become aware of the legal responsibilities incurred by such violations and actions and of the importance of obeying rules of discipline and laws and preventing themselves from breaking laws and committing crimes.

Article 7 The administrative departments for education and schools shall incorporate the education for prevention of crimes into school plans for education and teaching as the content of legal education, and shall, in combination with the common and frequently-occurring cases of juvenile delinquency, educate juveniles of different ages in prevention of delinquency respectively.

Article 8 Judicial administration departments, administrative departments for education and the Communist Youth League and Young Pioneers organizations shall, in light of specific conditions, arrange and hold exhibitions, give reports and lectures, and arrange other forms of activities to disseminate the legal system with emphasis on prevention of juvenile delinquency.

Schools shall, in light of specific conditions, hold activities with education for prevention of juvenile delinquency as the main content. The administrative departments for education shall take the results of education for prevention of juvenile delinquency as an important part of assessment of school work.

Article 9 Schools shall engage full-time or part-time teachers for legal education. Schools may engage after-school legal counselors, where conditions permit.

Article 10 Parents and other guardians of juveniles shall take direct responsibility for giving legal education to juveniles. Schools that conduct education among students in prevention of crimes, shall make their plans for such education known to the parents and other guardians of the juveniles, who shall carry out the education in combination with the school plans and according to specific conditions.

Article 11 Authorities of Children's Palaces, recreation centers for juveniles and other places for out-of-school activities shall take education for prevention of juvenile delinquency as an important part of their work and carry out various forms of publicity and education activities in this respect.

Article 12 For juveniles who have reached the age of 16 but are under the age of 18 and who are preparing for employment, vocational education and training institutions and employers shall include legal knowledge and education for prevention of crimes in vocational training.

Article 13 The neighborhood committees in cities and villagers' committees in the countryside shall carry out activities for the publicity of the legal system with stress on prevention of juvenile delinquency.

Chapter III Prevention of Juvenile Misbehavior

Article 14 The parents and other guardians of juveniles and schools shall advise juveniles to keep from the following kinds of misbehavior:

- (1)) playing truant, staying out at night;
- (2) carrying controlled knives;
- (3) fighting, or abusing people;
- (4) forcibly demanding money or things of value from others;
- (5) stealing, or deliberately damaging property;
- (6) taking part in gambling or gambling in disguised form;
- (7) watching or listening in to pornographic or obscene audio-video products, or reading such stuff;
- (8) going to commercial singing and dancing halls and other such places that are not suitable for juveniles as prescribed by laws and regulations; and
- (9) other kinds of misbehavior that seriously run counter to social morality.

Article 15 The parents and other guardians of juveniles and schools shall advise juveniles to keep from smoking and getting drunk. No business places may sell cigarettes or alcoholic drinks to juveniles.

Article 16 where middle or primary school students play truant, the school shall get in touch with their parents or other guardians without delay.

Where juveniles stay out at night without permission, their parents or other guardians, or the boarding school concerned shall look for them without delay, or approach a public security organ for help. Whoever allows a juvenile to stay at his or her place at night shall obtain permission of the juvenile's parents or other guardians in advance, or inform them or the school concerned of the matter within 24 hours, or report to a public security organ without delay.

Article 17 When parents or other guardians of juveniles and schools find that juveniles organize or join gangs that perpetrate misbehavior, they shall stop the juveniles promptly. When they find that the gangs have violated laws or committed criminal offences, they shall report the matter to public security organs.

Article 18 When parents or other guardians of juveniles and schools find that juveniles are instigated or coerced to perpetrate or lured into illegal or criminal actions, they shall report the matter to public security organs. When the public security organs receive the reports, they shall immediately investigate and deal with the cases in accordance with law and, where the personal safety of juveniles is endangered, they shall promptly take effective measures to protect them.

Article 19 Parents or other guardians of juveniles may not allow juveniles under the age of 16 to be free from their guardianship and live alone.

Article 20 Parents or other guardians of juveniles may not give a free rein the juveniles, compel them to run away from home, or discard their duty of guardianship.

Where juveniles run away from home, their parents and other guardians shall look for them without delay, or approach public security organs for help.

Article 21 Where the parents of juveniles are divorced, both parties shall have the duty to educate their children, and neither party may fail to perform such duty on the pretext of divorce.

Article 22 The stepparents and adoptive parents shall perform the same duty for the adolescent children they are supporting and educating as the duty performed by parents to their adolescent children in prevention of crimes, as prescribed by this Law.

Article 23 Schools shall enforce education and administration among juveniles who are involved in misbehavior and may not discriminate against them.

Article 24 The administrative departments for education and schools shall hold various forms of activities like lectures, informal discussions and training programs to make known to the participants good, effective educational methods in light of the physiological and psychological characteristics of juveniles in different stages of growth and to show the teachers, the parents of juveniles and other guardians how to effectively prevent, and rectify and treat juveniles' misbehavior.

Article 25 Where teachers, administrators or workers instigate or coerce juveniles to perpetrate or lure them into misbehavior, or where these people are ill-behaved, have a baneful influence on and are not suitable for school work, the administrative departments for education and the school authorities shall dismiss or discharge them; where a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Article 26 It is prohibited to set up commercial singing and dancing halls, commercial electronic games centers and other places that are not suitable for juveniles in the neighborhood of middle or primary schools. The kinds of halls, centers and places mentioned above shall be specified by people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

The halls, centers and places set up before this Law goes into effect shall to be moved to other areas or closed down within a time limit.

Article 27 Public security organs shall tighten control for public security around middle and primary schools, promptly stop and deal with illegal or criminal actions that are committed around such schools. The neighborhood committees in cities and villagers' committees in the countryside shall assist public security organs in successfully maintaining public security around middle and primary schools.

Article 28 Public security stations, neighborhood committees in cities and villagers' committees in the countryside shall keep tabs on the schooling and employment of juveniles among temporary resident populations in their administrative areas. With regard to juveniles among temporary resident populations who perpetrate misbehavior, they shall urge the parents and other guardians of the juveniles to educate the juveniles effectively and to stop their misbehavior.

Article 29 No one may instigate or coerce juvenile to perpetrate or lure them into misbehavior prescribed by this Law, or provide conditions for them to perpetrate misbehavior.

Article 30 Publications meant for juveniles may not contain such contents as may induce juveniles to violate law or commit criminal offenses, or such contents as may impair the physical and mental health of juveniles' contents that exaggerate violence, pornography, gambling, terror, etc.

Article 31 No unit or individual may sell or loan to juveniles publications, audio-video products or electronic publications which contain such contents as may induce juveniles to violate laws or commit criminal offenses, and such contents as may impair the physical and mental health of juveniles, contents that exaggerate violence, pornography, gambling, terror, etc.

No unit or individual may, by means of telecommunications, computer network, etc., provide such contents and information about such contents that may impair the physical and mental health of juveniles as prescribed by the preceding paragraph.

Article 32 No programs of radio, film, TV and drama may contain such contents as may impair the physical and mental health of juveniles, contents that exaggerate violence, pornography, gambling, terror, etc.

The administrative departments for radio, film and television and the administrative departments for culture shall strengthen administration of the programs of radio, film, TV and drama and the various showplaces.

Article 33 Around commercial singing and dancing halls and other places that are not suitable for juveniles, conspicuous no-admittance signs for juveniles shall be put up, and no juveniles may be admitted into such places.

Juveniles may not be admitted into commercial electronic games centers except during festivals and holidays specified by the State, and conspicuous no-admittance signs for juveniles shall be put up there.

Where it is difficult to judge whether a person is juvenile or not, the worker of such a center may ask person to show his identity card.

Chapter IV Rectification and Treatment of Serious Juvenile Misbehavior

Article 34 " Serious misbehavior " as used in this Law refers to the following illegal actions that do serious harm to the community but are not serious enough for criminal punishment:

- (1) gathering people to create disturbance, and disrupting public order;
- (2) carrying controlled knives and refusing to stop doing so after repeated criticisms;
- (3) holding up and beating people many times or forcibly demanding money or things of value from others;
- (4) spreading obscene publications or audio-video products, etc.;
- (5) engaging in licentious or pornographic activities or harlotry;
- (6) committing theft many times;
- (7) taking part in gambling and refusing to stop doing so after repeated criticisms;
- (8) ingesting or injecting drugs; and
- (9) other actions that do serious harm to the community.

Article 35 When juveniles are found to perpetrate the serious misbehavior as prescribed by this Law, they shall be stopped doing so without delay.

When juveniles are found to perpetrate serious misbehavior as prescribed by this Law, their parents or other guardians and the schools concerned shall coordinate their efforts and take measures to subject them to strict discipline, or may send them to work-study schools for rectification or treatment, and for education.

To send juveniles to work-study schools for rectification or treatment, and for education, their parents or other guardians or their former schools shall submit applications for approval to the administrative departments for education.

Article 36 Work-study schools shall impose strict control on and enforce education among the juveniles who study there. They shall, in addition to the same courses offered by ordinary schools, as required by the Law on Compulsory Education, put emphasis on education in the legal system and help the juveniles to rectify or treat their serious misbehavior in light of the causes for such misbehavior and the psychological characteristics of the juveniles.

Families and schools shall show concern for and take good care of the juveniles who study in work-study schools and respect their personality and dignity, and may not impose physical punishment on, maltreat, or discriminate against them. Juveniles who graduate from work-study schools shall enjoy equal rights with students who graduate from ordinary schools in entering schools of a higher grade and in employment, and no unit or individual may discriminate against them.

Article 37 Juveniles who perpetrate serious misbehaviors, as specified in this Law, that constitute violations of the regulations governing public security shall be punished for public security by public security organs according to law. Juveniles who are exempted from punishment because they have not reached the age of 14 or the circumstances are especially minor may be subjected to reprimand.

Article 38 Where Juveniles are not given criminal punishment because they have not reached the age of 16, their parents or other guardians shall be ordered to subject them to strict discipline; when necessary, they may also be sheltered for correction by governments in accordance with law.

Article 39 During the period when juveniles are sheltered for correction, the executing organs shall make sure that they continue to receive education in cultural and legal knowledge or vocational techniques; for those who have not finished compulsory education, the executing organs shall make sure that they continue to receive such education.

Juveniles who are released from sheltering for correction or from reeducation through labor shall enjoy equal rights with other juveniles in going back to school and entering schools of a higher grade and in employment, and no unit or individual may discriminate against them.

Chapter V Juveniles' Self-protection Against Crimes

Article 40 Juveniles shall observe laws and regulations and live up to the standards of public morality, be aware of the importance of self-esteem, self-discipline and self-improvement, increase their ability to distinguish between right and wrong and protect themselves, and resist of their own volition any inducement to and corrosive influence by various misbehavior and illegal and criminal actions.

Article 41 Juveniles who are abandoned or maltreated by their parents or other guardians shall have the right to request public security organs, administrative departments for civil affairs, organizations of the Communist Youth League, women's federations, organizations for protection of juveniles or schools, neighborhood committee in cities, or villagers' committees in the countryside to furnish them protection. The departments or organizations mentioned above that are request for help shall accept the request and take measures to help the juveniles immediately where necessary.

Article 42 When juveniles find that anyone perpetuates actions prohibited by the provisions in Chapter III of this Law or commits criminal offenses against themselves or other juveniles, they may report to public security organs or competent government departments through their schools, their parents or other guardians, and they themselves may do so too. The organs or departments that receive the reports shall promptly investigate and deal with the cases according to law.

Article 43 Judicial organs, schools and the community shall give especial protection to juveniles who fight and report against criminal offenses and ensure that they are free from retaliation.

Chapter VI Prevention of Juveniles From Committing Criminal Offenses Again

Article 44 In investigating juveniles who have committed criminal offenses investigating for criminal responsibility, the guidelines of enlightenment, persuasion and reformation and the

principle of taking enlightenment as the dominant factor while making punishment subsidiary shall be adhered to.

When handling cases involving juvenile delinquency, judicial organs shall guarantee that juveniles exercise their litigation rights and get legal assistance, and enlighten them on the legal system in accordance with the physiological and psychological characteristics of juveniles and the circumstances under which they commit the criminal offenses.

Juvenile students against whom mandatory penal measures are taken may not be struck off the school roll before the verdicts of the People's Courts go into effect.

Article 45 Trials of criminal cases involving juvenile delinquency in a People's Court shall be conducted by a juvenile court formed, in accordance with law, by judges who are familiar with the physical and mental characteristics of juveniles or of such judges and people's assessors.

No cases involving criminal offenses committed by juveniles who have reached the age of 14 but are under the age of 16 shall be heard in public. Generally, no cases involving criminal offenses committed by juveniles who have reached the age of 16 but are under the age of 18 shall be heard in public either.

For cases involving criminal offenses committed by juveniles, no names, dwelling places, photos nor materials from which people can tell who the juveniles are may be disclosed in news reports, film and television programs and publications.

Article 46 Juveniles who are detained or arrested or who are serving their sentences shall be jailed, administered and educated separately from adults. During the period when juvenile delinquents are serving their sentences, the executing organ shall enforce legal education and conduct vocational and technical training among them. For juvenile delinquents who have not finished compulsory education, the executing organ shall ensure that they continue to receive such education.

Article 47 Parents and other guardians of juveniles, schools, neighborhood committees in cities and villagers' committees in the countryside shall take effective measures to help educate juveniles who are not given or are exempted from criminal punishment because they have not reached the age of 16 and juveniles who are sentenced to criminal punishment of non-imprisonment or to criminal punishment with a suspension of execution or who are released on parole, in order to assist judicial organs in a successful educating and reforming the juveniles.

The neighborhood committees in cities or villagers' committees in the countryside may engage retired persons or other persons who are exemplary in their ideology and moral character, honest and upright and enthusiastic about educational work among juveniles, to assist them in doing a good job of educating and reform the juveniles mentioned in the preceding paragraph.

Article 48 Juveniles who, in accordance with law, are exempted from criminal punishment, sentenced to criminal punishment of non-imprisonment, sentenced to criminal punishment with a suspension of execution, or released on parole, or for whom criminal punishment have executed shall enjoy equal rights with other juveniles in going back to school and entering schools of a higher grade and in employment; no unit or individual may discriminate against them.

Chapter VII Legal Responsibility

Article 49 Where parents or other guardians of juveniles fail to perform their duties of guardianship and let juveniles perpetrate, as they like, misbehavior or serious misbehavior specified in this Law, public security organs shall reprimand the parents or other guardians of the juveniles and order them to subject the juveniles to strict discipline.

Article 50 Where parents or other guardians of juveniles, in violation of the provisions in Article 19 of this Law, allow juveniles under the age of 16 to be free from their guardianship and live alone, public security organs shall reprimand the parents and other guardians of the juveniles and order them to set it right immediately.

Article 51 Where a member of a public security organ, in violation of the provisions in Article 18 of this Law, fails to investigate and deal with a case or take effective measures immediately after receiving the report and thus grossly neglects his duty, he shall be given administrative sanctions; if serious consequences are caused and a crime is constituted, he shall be investigated for criminal responsibility in accordance with law.

Article 52 If anyone, in violation of the provisions in Article 30 of this Law, publishes publications which contain such contents as may induce juveniles to violate laws or commit criminal offenses, or such contents as may impair the physical and mental health of juveniles, contents that exaggerate violence, pornography, gambling, terror, etc., the publications and his illegal gains shall be confiscated by the administrative department for publishing, and he shall also be fined not less than 3 times but not more than 10 times his illegal gains; if the circumstances are serious, the publications and his illegal gains shall be confiscated, he shall be ordered to suspend business for rectification or his license shall be revoked. The persons who are directly in charge and the other persons who are directly responsible shall be fined.

Whoever produces or reproduces publications for juveniles which propagate obscenity or sells, loans or spreads such publications shall be punished for public security in accordance with law; if the violation constitutes a crime, he shall be investigated for criminal responsibility in accordance with law.

Article 53 If anyone, in violation of the provisions in Article 31 of this Law, sells or loans to juveniles publications, audio-video products or electronic publications which contain such contents as may induce juveniles to violate laws or commit criminal offenses, and such contents as may impair the physical and mental health of juveniles, contents that exaggerate violence, pornography, gambling, terror, etc., or, by means of telecommunications, computer network, etc., provides such contents and information about such contents that may impair the physical and mental health of juveniles, the said publications, audio-video products, electronic publications and his illegal gains shall be confiscated and he shall be fined by the competent government department.

If any unit commits any action mentioned in the preceding paragraph, the publications, audio-video products, electronic publications and its illegal gains shall be confiscated, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible shall also be fined.

Article 54 If any cinema, theatre, video-tapes show hall and other show place shows or plays such programs as may impair the physical and mental health of juveniles, programs that exaggerate violence, pornography, gambling, terror, etc., the audio-video products which it

illegally shows or plays and its illegal gains shall be confiscated by the competent government department, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible shall also be fined; if the circumstances are serious, it shall be ordered to suspend business for rectification or its business license shall be revoked by the administrative department for industry and commerce.

Article 55 If commercial singing and dancing halls, other places that are not suitable for juveniles, and commercial TV games centers, in violation of the provisions in Article 33 of this Law, fail to put up conspicuous no-admittance signs or allow juveniles to go there, they shall be ordered to set it right, given administrative warning, ordered to suspend business for rectification, their illegal gains shall be confiscated, and they shall be fined by the administrative department for culture, and the persons who are directly in charge and the other persons who are directly responsible shall also be fined; if the circumstances are serious, the administrative department for industry and commerce shall revoke their business licences.

Article 56 Whoever instigates or coerces juveniles to perpetrate or lures them into misbehavior or serious misbehavior as prescribed by this Law, or provides conditions for juveniles to perpetrate the said misbehavior, if his action constitutes a violation of the regulations governing public security, shall be punished for public security by a public security organ in accordance with law; if a crime is constituted, he shall be investigated for criminal responsibility in accordance with law.

Chapter VIII Supplementary Provisions

Article 57 This Law shall go into effect as of November 1, 1999.