

China

National Child Protection Legislation

National Legislation

[Criminal Law of the People's Republic of China](#)

- a) **Age of Child:** Child = Under the age of 14 years; Minor = Under the age of 18 years
[Interpretation of the Supreme People's Court on Several Issues concerning the Application of Law in the Trial of Cases regarding Crimes of Trafficking in Women and Children](#) (Chinese version)

Art. 9 (excerpt)

The term “child” used in Article 240 and Article 241 of the Criminal Law refers to a person under the age of 14.

[Provisions on the Cyber Protection of Children's Personal Information](#)

Art. 2

For the purpose of these Provisions, the term “child” means a minor under the age of 14.

[General Provisions of the Civil Law of the People's Republic of China](#)

Art. 17

A natural person attaining the age of eighteen is an adult. A natural person under the age of eighteen is a minor.

- b) **Age of Consent:** 14 years old, regardless of gender

[Criminal Law of the People's Republic of China](#)

Art. 236

Whoever rapes a woman by violence, coercion or any other means shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Whoever has sexual intercourse with a girl under the age of 14 shall be deemed to have committed rape and shall be given a heavier punishment.

Whoever rapes a woman or has sexual intercourse with a girl under the age of 14 shall, in any of the following circumstances, be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death:

- (1) the circumstances being flagrant;
- (2) raping a number of women or girls under the age of 14;
- (3) raping a woman before the public in a public place;
- (4) raping a woman with one or more persons in succession; or
- (5) causing serious injury or death to the victim or any other serious consequences.

(Corresponding legislation concerning sexual intercourse with a male under 14 was not found)

[Amendment \(IX\) to the Criminal Law of the People's Republic of China](#)

13. Article 237 of the Criminal Law is amended to read: Whoever, by violence, coercion or other means, forces or molests any other person or humiliates a woman shall be sentenced to imprisonment of not more than five years or criminal detention.

Whoever assembles a crowd to commit, or commits in a public place, the crime as provided for in the preceding paragraph, or has any other execrable circumstance shall be sentenced to imprisonment of not more than five years.

Whoever molests a child shall be given a heavier penalty according to the provisions of the preceding two paragraphs.

c) ***Age of Criminal Responsibility:***

[Criminal Law of the People's Republic of China](#)

Art. 17

If a person who has reached the age of 16 commits a crime, he shall bear criminal responsibility.

If a person who has reached the age of 14 but not the age of 16 commits intentional homicide, intentionally hurts another person so as to cause serious injury or death of the person, or commits rape, robbery, drug- trafficking, arson, explosion or poisoning, he shall bear criminal responsibility.

If a person who has reached the age of 14 but not the age of 18 commits a crime, he shall be given a lighter or mitigated punishment.

If a person is not given criminal punishment because he has not reached the age of 16, the head of his family or his guardian shall be ordered to discipline him. When necessary, he may be taken in by the government for rehabilitation.

d) ***Age of Marriage:*** 22 for a male and 20 for a female.

[Marriage Law of the People's Republic of China](#)

Art. 6

No marriage may be contracted before the man has reached 22 years of age and the woman 20 years of age. Late marriage and late childbirth shall be encouraged.

- **Extraterritoriality**

Extraterritoriality provisions under the Criminal Law, Chap. 1¹

[Criminal Law of the People's Republic of China](#)

Art. 6

This Law shall be applicable to anyone who commits a crime within the territory and territorial waters and space of the People's republic of China, except as otherwise specifically provided by law.

This Law shall also be applicable to anyone who commits a crime on board a ship or aircraft of the People's Republic of China.

If a criminal act or its consequence takes place within the territory or territorial waters or space of the People's Republic of China, the crime shall be deemed to have been committed within the territory and territorial waters and space of the People's Republic of China.

¹ Congressional-Executive Commission on China, *Criminal Law of the People's Republic China 8th Amendment*, Articles 7-8, at <https://www.cecc.gov/resources/legal-provisions/criminal-law-of-the-peoples-republic-of-china - Chapter I> (last visited Feb. 18, 2020).

Art. 7

This law shall be applicable to any citizen of the People's Republic of China who commits a crime prescribed in this law outside the territory and territorial waters and space of the People's Republic of China; however, if the maximum punishment to be imposed is a fixed-term imprisonment of not more than three years as stipulated in this law, he may be exempted from the investigation for his criminal responsibility.

This law shall be applicable to any state functionary or serviceman who commits a crime prescribed in this law outside the territory and territorial waters and space of the People's Republic of China.

Art. 8

This law may be applicable to any foreigner who commits a crime outside the territory and territorial waters and space of the People's Republic of China against the State or any of its citizens, if for that crime this law prescribes a minimum punishment of fixed-term imprisonment of not less than 3 years; however, this does not apply to a crime that is not punishable according to the laws of the place where it is committed.

Art. 11

The criminal responsibility of foreigners who enjoy diplomatic privileges and immunities shall be solved through diplomatic channels.

- **Dual Criminality**

- [Criminal Law of the People's Republic of China](#)

- Art. 9**

- This Law shall be applicable to crimes which are stipulated in international treaties concluded or acceded to by the People's Republic of China and over which the People's Republic of China exercises criminal jurisdiction within the scope of obligations, prescribed in these treaties, it agrees to perform.

- Art. 10**

- Any person who commits a crime outside the territory and territorial waters and space of the People's Republic of China, for which according to this Law he should bear criminal responsibility, may still be investigated for his criminal responsibility according to this Law, even if he has already been tried in a foreign country. However, if he has already received criminal punishment in the foreign country, he may be exempted from punishment or given a mitigated punishment.

- **Mandatory Reporting Requirements**

- [Law of the People's Republic of China on Protection of Minors](#)

- Art. 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.

[Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice Opinion on Punishing Sexual Violations of Minors in Accordance with Law](#)

Art. 9

Personnel bearing special responsibilities to minors, such as for their supervision, education, training, rescue, care or medical treatment (persons with special duties), as well as other citizens and work-units, discovering that a minor has been sexually violated, have the right and the obligation to make a report or whistleblow to the public security organ or people's procuratorate.

Internet Service Providers

[Measures for Managing Internet Information Services \(2000\)](#)

Art. 15

Internet Information Services (IIS) providers shall not produce, reproduce, release, or disseminate information that contains any of the following:

1. Information that goes against the basic principles set in the constitution;
2. Information that endangers national security, divulges state secrets, subverts the government, or undermines national unity;
3. Information that is detrimental to the honor and interests of the state;
4. Information that instigates ethnic hatred or ethnic discrimination, or that undermines national unity;
5. Information that undermines the state's policy towards religions, or that preaches the teachings of evil cults or that promotes feudalistic and superstitious beliefs;
6. Information that disseminates rumors, disturbs social order, or undermines social stability;
7. Information that spreads pornography or other salacious materials; promotes gambling, violence, homicide, or terrorism; or instigates crimes;
8. Information that insults or slanders other people, or infringes upon other people's legitimate rights and interests; or
9. Other information prohibited by the law or administrative regulations.

Art.16

When an IIS provider discovers that the information its Web site provides is clearly of a type listed under Article 15, it should immediately stop transmission, keep the relevant records, and report the situation to the relevant state authorities.

[Measures for Security Protection Administration of the International Networking of Computer Information Networks](#)

Art. 5

No unit or individual shall use the international networking to produce, duplicate, search and disseminate the following information:

- (1) Information that instigates the resistance and disruption of the implementation of the Constitution, laws and administrative regulations;
- (5) Information that fabricates or distorts facts, spreads rumours and disrupts social order;
- (6) Information that propagates feudalistic superstitions, obscenity, pornography, gambling, violence, murder and terror and instigates crimes;
- (7) Information that openly insults others or fabricates facts to slander others;
- ...

Art. 10

Internetworking units, receiving units and legal persons and other organizations that use the international networking of computer information networks should fulfil the following security protection responsibilities:

- (6) to preserve the relevant original records upon discovery of any of the circumstances listed in Articles 4, 5, 6 and 7 of these Measures and report to the local public security organ within 24 hours;
- ...

[Anti-domestic Violence Law of the People's Republic of China](http://www.lawinfochina.com/display.aspx?id=a21ba6cc42a594fdbdfb&lib=law&EncodingName=gb2312)

<http://www.lawinfochina.com/display.aspx?id=a21ba6cc42a594fdbdfb&lib=law&EncodingName=gb2312> (English translation, need subscription to view full text)

Art. 2

For the purpose of this Law, “domestic violence” means the inflicting of physical, psychological or other harm by a family member on another by beating, trussing, injury, restraint and forcible limits on personal freedom, recurring verbal abuse, threats and other means.

Art. 5

Anti-domestic violence work follows the principle of giving priority to prevention and combining education, correction and punishment.

Anti-domestic violence work should respect the true wishes of the victims and protect the privacy of the parties.

Special protection shall be given to minors, the elderly, the disabled, women during pregnancy and lactation, and patients with serious illnesses who suffer domestic violence.

Chapter III Handling of Domestic Violence

Art. 13

Victims of domestic violence and their legal representatives and close relatives may complain, report or ask for help to the units where the perpetrator or the victim belongs, neighborhood committees, village committees, women’s federations, etc. Relevant units shall provide assistance and deal with it after receiving complaints, reports or requests for help from domestic violence.

Victims of domestic violence and their legal representatives and close relatives can also report to the public security organs or file suits in the people's courts in accordance with the law. Units and individuals have the right to promptly dissuade them when they discover that domestic violence is occurring.

Art. 14

When schools, kindergartens, medical institutions, residents' committees, villagers' committees, social work service institutions, rescue management institutions, welfare institutions and their employees encounter during work a person without capacity for civil conduct or a person with limited capacity for civil conduct who has suffered from domestic violence, or who they suspected has suffered from domestic violence, they shall report the case to the public security bureau in a timely manner. The public security bureau shall keep the information of the reporter confidential.

Art. 15

After receiving a report of domestic violence, public security organs shall promptly dispatch the police to stop domestic violence, investigate and collect evidence in accordance with relevant regulations, and assist victims in medical treatment and identification of injuries.

If a person with no capacity for civil conduct or a person with limited capacity for civil conduct suffers serious bodily injury due to domestic violence, faces personal safety threats, or is in a dangerous state such as unattended, the public security organ shall notify and assist the civil affairs department to place them in temporary shelters and provide assistance Management agency or welfare agency.

Art. 16

If the circumstances of domestic violence are relatively minor and the public security management punishment is not imposed in accordance with the law, the public security organ shall criticize and educate the perpetrator or issue a warning letter.

The warning letter shall include the identity information of the perpetrator, the fact statement of domestic violence, and the prohibition of the perpetrator from committing domestic violence.

Art. 17

The public security organ shall send the warning letter to the perpetrator and the victim, and notify the residents committee and village committee.

Residents' committees, villagers' committees, and police stations shall inspect the perpetrators and victims who have received the warning, and supervise the perpetrators to stop committing domestic violence.

Art. 35

If schools, kindergartens, medical institutions, residents' committees, villagers' committees, social work service institutions, rescue management institutions, welfare institutions and their employees fail to report the case to the public security bureau in accordance with Article 14 of this Law and caused serious consequences, the persons who are directly in charge and the other persons who are directly responsible for the act shall be sanctioned by the competent department at a higher level or the institutions that employed them in accordance with law.

Art. 37

The violent acts committed by other persons who are not family members but live together shall be dealt with by reference to the Provisions in this Law.

[Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Civil Affairs Opinion on Punishing the Guardian's Infringement upon Minors' Rights and Interests in Accordance with Law](#)

Art. 1

The term “guardian’s infringement” used in this Opinion refers to the acts such as sexual assault, selling, abandonment, abuse, harming by violence, of a minor, instigating or using a minor to commit illegal or criminal acts, coercing, enticing, or using a minor to go begging, or failing to perform the duties of guardianship and severely harming the physical and psychological health of a minor, by a parent or other types of guardian (hereinafter referred to as “guardian”).

Art. 3 (excerpt)

Any organization or individual shall have the right to dissuade, stop, or report the guardian’s infringement act.

Art. 6

When institutions such as schools, hospitals, villagers’/residents’ committees, social work service institutions and their employees find that a minor has suffered from the guardian’s infringement acts, they shall report to or inform the public security bureau in a timely manner. When other institutions and their employees and other individuals find that a minor has suffered from the guardian’s infringement acts, they shall report to or inform the public security bureau in a timely manner as well.

- **Statute of Limitations**

[Criminal Law of the People's Republic of China](#)

Art. 87

Crimes shall not be prosecuted if the following periods have elapsed:

- (1) five years, when the maximum punishment prescribed is fixed-term imprisonment of less than five years;
- (2) 10 years, when the maximum punishment prescribed is fixed-term imprisonment of not less than five years but less than 10 years;
- (3) 15 years, when the maximum punishment prescribed is fixed-term imprisonment of not less than 10 years; and
- (4) 20 years, when the maximum punishment prescribed is life imprisonment or death penalty. If after 20 years it is considered necessary to prosecute a crime, the matter shall be submitted to the Supreme People's Procuratorate for examination and approval.

Art. 88

No limitation on the period for prosecution shall be imposed with respect to a criminal who escapes from investigation or trial after a People's Procuratorate, public security organ or national security organ files the case or a People's Court accepts the case.

No limitation on the period for prosecution shall be imposed with respect to a case which should have been but is not filed by a People's Court, People's Procuratorate or public security organ after the victim brings a charge within the period for prosecution.

Art. 89

The limitation period for prosecution shall be counted from the date the crime is committed; if the criminal act is of a continual or continuous nature, it shall be counted from the date the criminal act is terminated.

If further crime is committed during a limitation period for prosecution, the limitation period for prosecution of the old crime shall be counted from the date the new crime is committed.

- **Obligations of Educational Institutions**

[Teachers Law of the People's Republic of China](#)

Art. 8

Teachers shall perform the following obligations:

- (1) to abide by the Constitution, laws and professional ethics, and be paragons of virtue and learning;
- (2) to implement the educational policies of the State, observe relevant rules and regulations, carry out schools' teaching plans, fulfil teaching contracts and accomplish educational and teaching tasks;
- (3) to conduct education among students in the basic principles defined in the Constitution, education in patriotism, national unity and the legal system, and education in ideology, morality, culture, science and technology, and to organize and lead students to engage in beneficial social activities;
- (4) to concern themselves with all students, love them, respect their dignity and promote their all-round development in such aspects as morality, intelligence and physique;
- (5) to stop acts that are harmful to students and other acts that encroach upon students' legitimate rights and interests, criticise and combat the phenomena that impair the sound growth of students; and
- (6) to ceaselessly raise their ideological level and political consciousness and improve their professional competence in education and teaching.

Art. 9

To guarantee that teachers complete their educational and teaching tasks, people's governments at various levels, administrative departments of education, relevant departments, schools and other institutions of education shall perform the following functions and duties;

- (1) to provide educational and teaching facilities and equipment that are up to the safety standards set by the State;
- (2) to provide necessary books, reference materials and other articles for education and teaching;
- (3) to encourage and help teachers in their creative work in education, teaching and scientific research; and
- (4) to back up teachers in their efforts to stop acts that are harmful to students and other acts that encroach upon students' legitimate rights and interests.

[Education Law of the People's Republic of China \(2015 Amendment\)](#)

Art. 27

For the establishment of a school or any other institution of education, the following basic conditions shall be fulfilled:

- (1) Having an organizational structure and rules and regulations;

- (2) Having qualified teachers;
- (3) Having teaching premises, facilities and equipment that are up to the required standards;
and
- (4) Having the necessary funds for running the school as well as a stable source of funding

Art. 30

Schools and other institutions of education shall fulfill the following obligations:

- (1) To observe laws and regulations;
- (2) To implement the State's educational policies, apply the standards set by the State for education and teaching and guarantee the quality of education and teaching;
- (3) To safeguard the lawful rights and interests of the educatees, teachers and other staff and workers;
- (4) To provide convenience in appropriate ways for educatees and their guardians to have access to the educatees' academic performance and other relevant information;
- (5) To collect fees according to the regulations of the State and publicize the individual items of such fees; and
- (6) To be subjected to supervision according to law

[Compulsory Education Law of the People's Republic of China](#)

Art. 29

...Teachers shall respect the personality of students, and they shall not discriminate against students, punish them physically or in disguised form, or humiliate them or strip them of their dignity, nor shall they infringe on the students' legitimate rights and interests.

- **Prohibition to hold certain positions**

[Teachers Law of the People's Republic of China](#)

Art. 14

Those who have been deprived of political rights or subjected to fixed-term imprisonment or even more severe punishment for intentional crime shall not be allowed to obtain qualifications for teachers; and those who have already obtained qualifications for teachers shall forfeit such qualifications.

[Compulsory Education Law of the People's Republic of China](#)

Art. 24

...Schools shall not employ persons who have been deprived of their political rights for intentional crimes or persons who are not suited to compulsory education.

[Amendment \(IX\) to the Criminal Law of the People's Republic of China](#)

1. One article is added after Article 37 of the Criminal Law as Article 37A: Whoever is given a penalty due to a crime committed by taking advantage of his or her profession or a crime committed in violation of the specific obligations required by his or her profession may be prohibited by the people's court from engaging in the relevant profession for three to five years from the date when the penalty ends or the date when the person is released on parole in light of the circumstances of the crime committed and the need for preventing the commission of any other crime.

Where a person who is prohibited from engaging in the relevant profession violates the decision made by a people's court in accordance with the provisions of the preceding paragraph, the person shall be given a penalty by the public security authority in

accordance with the law and, if the circumstances are serious, be convicted and punished in accordance with the provisions of Article 313 of this Law.

Where there are other prohibitive or restrictive provisions in any other law or administrative regulation on the person's engagement in the relevant profession, such provisions shall prevail.

- **Employment Law**

[Labor Law of the People's Republic of China \(2018 Amendment\)](#)

Art. 23

Labor contracts shall terminate upon the expiration of their time limits or the occurrence of the conditions agreed upon in labor contracts by the parties involved for terminating these contracts.

Art. 25

The employer can revoke labor contracts should any one of the following cases occur with its laborers:

- (1) When they are proved during probation periods to be unqualified for employment;
- (2) When they seriously violate labor disciplines or the rules or regulations of the employer;
- (3) When they cause great losses to the employer due to serious dereliction of duties or engagement in malpractices for selfish ends;
- (4) When they are brought to hold criminal responsibilities in accordance with law.

- **Criminal Law - Defamation**

[Criminal Law of the People's Republic of China](#)

Art. 246

Whoever, by violence or other methods, publicly humiliates another person or invents stories to defame him, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

The crime mentioned in the preceding paragraph shall be handled only upon complaint, except where serious harm is done to public order or to the interests of the State.

Art. 243

Whoever invents stories to implicate another person with the intention of having him investigated for criminal responsibility, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Any functionary of a State organ who commits the crime mentioned in the preceding paragraph shall be given a heavier punishment.

The provisions of the preceding two paragraphs shall not be applicable to cases of unintentional false charge, mistaken complaint or unfounded accusation.

- **Private Fostering**

- [Law of the Peoples Republic of China on Protection of Minors](#)

- **Art. 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.

Legislation concerning Sexual Offenses Against Children

Below are laws related to sexual offenses of children in Chinese Criminal Law:

[Criminal Law of the People's Republic of China](#)

Art. 236

Whoever rapes a woman by violence, coercion or any other means shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Whoever has sexual intercourse with a girl under the age of 14 shall be deemed to have committed rape and shall be given a heavier punishment.

Whoever rapes a woman or has sexual intercourse with a girl under the age of 14 shall, in any of the following circumstances, be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death:

- i. the circumstances being flagrant;
- ii. raping a number of women or girls under the age of 14;
- iii. raping a woman before the public in a public place;
- iv. raping a woman with one or more persons in succession; or
- v. causing serious injury or death to the victim or any other serious consequences.

(Corresponding legislation concerning sexual intercourse with a male under 14 was not found)

[Amendment \(IX\) to the Criminal Law of the People's Republic of China](#)

13. Article 237 of the Criminal Law is amended to read: Whoever, by violence, coercion or other means, forces or molests any other person or humiliates a woman shall be sentenced to imprisonment of not more than five years or criminal detention.

Whoever assembles a crowd to commit, or commits in a public place, the crime as provided for in the preceding paragraph, or has any other execrable circumstance shall be sentenced to imprisonment of not more than five years.

Whoever molests a child shall be given a heavier penalty according to the provisions of the preceding two paragraphs.

[Criminal Law of the People's Republic of China](#)

Art. 240

Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property:

(1) being a ringleader of a gang engaged in abducting and trafficking in women and children;

- (2) abducting and trafficking in three or more women and/or children;
- (3) raping the woman who is abducted and trafficked in;
- (4) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution;
- (5) kidnapping a woman or child by means of violence, coercion or anaesthesia for the purpose of selling the victim;
- (6) stealing a baby or an infant for the purpose of selling the victim;
- (7) causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or
- (8) selling a woman or a child out of the territory of China.

By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.

Art. 241

Whoever buys an abducted woman or child shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Whoever buys an abducted woman and forces her to have sexual intercourse with him shall be convicted and punished in accordance with the provisions of Article 236 of this Law.

Whoever buys an abducted woman or child and illegally deprives the victim of his or her personal freedom or restricts his or her personal freedom, or commits any criminal acts such as harming and humiliating the victim, shall be convicted and punished in accordance with the relevant provisions of this Law.

Whoever buys an abducted woman or child and commits the criminal act as specified in the second or third paragraph of this Article shall be punished in accordance with the provisions on combined punishment for several crimes.

Whoever buys an abducted woman or child and sells the victim afterwards shall be convicted and punished in accordance with the provisions of Article 240 of this Law.

Whoever buys an abducted woman or child but does not obstruct the woman from returning to her original place of residence as she wishes or does not maltreat the child nor obstruct his or her rescue may be exempted from being investigated for criminal responsibility.

Art. 262

Whoever abducts a minor under the age of 14, thereby separating the child from his family or guardian, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Art. 262a

Whoever, by means of violence or coercion, organizes disabled persons or minors under the age of 14 to go begging shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall, in addition, be fined; and if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall, in addition, be fined.

Art. 262b

Whoever organizes minors to commit theft, fraud, snatch, extortion or any other activity in violation of the public security administration shall be sentenced to fixed-term imprisonment not more than three years or criminal detention, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Prostitution

[Criminal Law of the People's Republic of China](#)

Art. 358

Whoever arranges for or forces another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; whoever falls under any of the following categories shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property:

- (1) making arrangements for another person to engage in prostitution and the circumstances being serious;
- (2) forcing a girl under the age of 14 to engage in prostitution;
- (3) forcing a number of persons to engage in prostitution or repeatedly forcing another person to engage in prostitution;
- (4) forcing the victim to engage in prostitution after raping her; or
- (5) causing serious injury, death or other serious consequences to the person who is forced to engage in prostitution.

Whoever falls under any of the categories mentioned in the preceding paragraph, if the circumstances are especially serious, shall be sentenced to life imprisonment or death and shall also be sentenced to confiscation of property.

Whoever recruits or transports persons for an organizer of prostitution or otherwise assists in organizing prostitution shall be sentenced to imprisonment of not more than 5 years and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine.

[Amendment \(IX\) to the Criminal Law of the People's Republic of China](#)

42. Article 358 of the Criminal Law is amended to read: Whoever organizes or forces anyone else into prostitution shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property if the circumstances are serious.

Whoever organizes or forces any juvenile into prostitution shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

Whoever commits the crime in the preceding two paragraphs and also commits murder, injuring, rape, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

Whoever recruits or transports persons for an organizer of prostitution or otherwise assists in organizing prostitution shall be sentenced to imprisonment of not more than five years in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine.

Art. 359

Whoever lures other persons into or shelters prostitution or procures other persons to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Whoever lures a girl under the age of 14 to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Pornography

Art. 152

Whoever, for the purpose of making profits or dissemination, smuggles pornographic movies, videotapes, magnetic tapes, pictures, books or periodicals or other pornographic materials shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance, and shall also be fined.

Art. 363 (excerpt)

Whoever, for the purpose of profit, produces, duplicates, publishes, sells or disseminates pornographic materials shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or be sentenced to confiscation of property.

Art. 364

Whoever disseminates pornographic materials including books, periodicals, movies, video-audio tapes and pictures, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance.

Whoever arranges for shows of pornographic audio-video products including movies and video-tapes shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Whoever produces or duplicates pornographic audio-video products including movies and video-tapes and arranges for their show shall be given a heavier punishment in accordance with the provisions of the second paragraph of this Article.

Whoever disseminates pornographic materials to a minor under the age of 18 shall be given a heavier punishment.

Art. 365

Whoever arranges for pornographic performances shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the

circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Art. 366

Where a unit commits any of the crimes mentioned in Articles 363, 364 and 365 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the Articles respectively.

Art. 367

For the purpose of this Law, pornographic materials refer to obscene books, periodicals, movies, video- and audio-tapes, pictures, etc. that explicitly portray sexual behavior or undisguisedly publicize pornographic materials.

Scientific works on human physiology or medical knowledge are not pornographic materials. Literary and art works of artistic value which contain erotic contents shall not be regarded as pornographic materials.

[Amendment \(IX\) to the Criminal Law of the People's Republic of China](#)

29. Two articles are added after Article 287 of the Criminal Law as Article 287A and Article 287B:

Article 287A Whoever commits any of the following conducts by using the information network shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine or be sentenced to a fine only.

- (1) Establishing a website or a communication group mainly for committing fraud, teaching on how to commit a crime, producing or selling any prohibited or controlled article, or committing any other illegal or criminal activity.
- (2) Issuing any information on the production or sale of drugs, guns, obscene articles, or any other prohibited or controlled article or any other illegal or criminal conduct.
- (3) Issuing any information for committing fraud or any other illegal or criminal activity.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 287B Whoever, while obviously aware that any other person is committing a crime by using an information network, provides Internet access, server custody, network storage, communication transmission or any other technical support, or provides advertising, payment settlement or any other assistance for the crime shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or criminal detention in addition to a fine or be sentenced to a fine only.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

[Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice Opinion on Punishing Sexual Violations of Minors in Accordance with Law \(October 2013\)](#)

This opinion is formulated so as to punish sexual violations of minors in accordance with law and protect the lawful rights and interests of minors, and is based upon the Criminal Law, Criminal Procedure Law, Child Protection Law and other laws and judicial interpretations, together with the experience from judicial practice.

II. Procedural Case-handling Requirements

9. Personnel bearing special responsibilities to minors, such as for their supervision, education, training, rescue, care or medical treatment (persons with special duties), as well as other citizens and work-units, discovering that a minor has been sexually violated, have the right and the obligation to make a report or whistleblow to the public security organ or people's procuratorate.
10. Public security authorities receiving a report, accusation or whistleblower report of sexual violations against minors shall promptly accept it and quickly conduct a review. Upon review, those meeting the requirements for case filing shall be immediately filed and investigated.

Where a public security organ discovers that a minor might have been sexually violated or receives a report of relevant leads, regardless of whether the case is within the jurisdiction of that unit, it shall promptly adopt emergency measures including stopping the unlawful or criminal acts, protecting victims, and preserving the crime scene; when necessary, the relevant departments should be alerted to provide temporary placement and rescue for the victim.

III. Correct Application of Law

19. Where one fornicates with or commits other sexual violations against someone he knows or should know is an underage girl less than 14 years-old, the perpetrator shall be found to 'clearly know' that the other party was an underage girl.

Where a victim under the age of twelve years-old is the object of fornication or other sexually violations, the perpetrator shall be found to 'clearly know' that the other party was an underage girl.

Where fornication or other sexual violations are perpetrated against a victim between 12 and 14 years-old, and from the state of her physical development, her speech and deportment, her dress and lifestyle habits it was observed that she might be an underage girl, the perpetrator shall be found to 'clearly know' that the other party was an underage girl.

20. Where money or property is used to entice an underage girl to have sexual relations with oneself; or where one knows or should know that an underage girl was forced into prostitution by another person, but still has sexual relations with her; it will be treated as the crime of rape.
21. Where persons with a special duty towards underage girls have sexual relations with the underage girls, it shall be treated as the crime of rape.

Where a person with a special duty to minor females who are at least 14 years-old exploits his superior status, or the victims' isolated position, to pressure a minor victim to submit, and has sexual relations with them, it is convicted and punished as the crime of rape.

22. Committing the crime of child molestation, and thus causing children to suffer light injuries or more serious consequences, while also meeting the requirements of article 234 or 232 of the Criminal Law, constitutes the crime of intentional harm or intentional homicide, and is convicted and punished according to the provisions of the heavier offense.

Molestation of a minor male who is already 14 years old, which causes light injury or more serious consequences to the victim and meets the requirements of articles 230 or 232 of the Criminal Law, shall be convicted and punished for the crime of intentional harm or intentional homicide.

23. Where rape or molestation is committed against minors at a public venue such as a school campus, a swimming pool or a children's playground, the crime of rape of an underage girl, forced indecency, humiliating women or child molestation, may be found to have been in a public forum 'before the public' as provided for in clause 3 of Criminal Law articles 236 and 237, so long as there were other people present, regardless of whether they actually saw it.

24. Those making introductions or assisting others in fornicating with underage girls or molesting children, are treated as joint offenders in the crime of rape or child molestation.

25. Crimes of rape or molestation targeting minors shall be severely punished, and in any of the following situations, the penalties should be even harsher:

- (1) persons with a special duty to minors, persons who share a common family life with the minors, state workers or persons posing as state workers committed the rape or molestation;
- (2) entered a minor's residence or student dormitories to commit the rape or molestation;
- (3) employed violence, intimidation, anesthetic or other compulsory means to fornicate with an underage girl or molest a child.
- (4) committed rape or molestation of a minor who is a child under 12 year-old, a left-behind child in a rural area, severely disabled or mentally retarded.
- (5) molested multiple minors or committed rape or molestation multiple times;
- (6) caused a minor victim to sustain minor injuries, become pregnant, contract a sexually transmitted diseases, or other such consequences;
- (7) those with a previous record of rape or molestation.

26. Where the organizing, compelling, enticing, accommodating or making introductions for a minor to become prostitutes constitutes a crime, it shall be punished severely. Where underage girls are compelled or enticed into prostitution, conviction and sentencing shall be handled in accordance with clause 1(2) of article 358 and clause 2 of article 359 of the Criminal Law respectively.

Where persons with a special duty to minors, persons who share a common family life with the minor, or state workers organize, compel, entice, accommodate or make introductions for minors to be prostitutes, the punishment shall be even harsher.

27. Where a person who is already 14 years-old, but not yet 16 years-old, occasionally has sexual relations with an underage girl, the circumstances are minor and there are no serious consequences, it shall not be found to be a crime.

IV. Other Matters

28. When adult criminals are given punishments for raping a minor, generally a suspended sentence is not applied.

As to whether suspended sentences should be used for criminals who sexually violate minors, the people's court and people's procuratorate may entrust the community corrections organization at the place of the criminal's residence, to conduct an investigation into whether announcing a suspended sentence would have a major negative impact on the community. A community corrections organization so entrusted shall promptly organize an investigation submit an investigative assessment opinion to the relevant requesting organ within the designated period.

Where a suspended sentence is announced at the same time as sentencing, a restraint order may be announced at the same time, on the basis of the circumstances of the crime, restricting the criminal for engaging in work or activities connected to minors during the probationary period of the suspended sentence, and restricting entry in elementary schools, junior high schools or kindergartens as well as other places where minors congregate; except as upon approval by the enforcement organ due to his own study or residence.

29. Foreigners committing rape or molestation of minors, or other such crimes, within the territory of China, shall be judged in accordance with law; and when giving a punishment, deportation may be used either by itself or as a supplement. As to conduct that does not constitute a crime but constitutes an administrative management violation, or where it is inappropriate for a person to continue living in China's territory because they committed a sexual violation against a minor, the public security organs may lawfully use a short-term expulsion or deportation.
30. In cases of rape or molestation of a minor where the judgment as already taken effect, the people's courts may release relevant judgment documents on the internet, with prerequisite of protecting the victim's privacy in accordance with law, and with the exception of where the crime was by a minor.
31. As to the personal injury done to a minor as a result of being sexually violated, where the victim, his legally-designated representative or close relatives submit a request for compensation for reasonable expenses such as fees spent on conducting rehabilitative therapy, nursing, transportation or lost wages, the people courts shall support it in accordance with law.
32. Where a minor has personal injuries caused by a sexual violation occurring while they were studying or living in a kindergarten, school of other educational organization and the victim, his legally-designated representative or other relative files suit in a people's court requesting that the unit described above bear responsibility for compensation, the people's court shall support in accordance with law.
33. Where minors are sexually violated by their guardians or other persons with guardianship, and the civil administration department or other such relevant unit or organization submits an application to the court requesting that their credentials as a guardian be revoked, and that another guardian be appointed, the people's court will support it.
34. As to personal injuries caused to a minor victim as a result of sexual violation, where compensation cannot be immediately received and there are hardships in their lives, people's

courts, people's procuratorates and public security organs at all levels, together with other relevant departments, may prioritize consideration of providing judicial relief.

[Law of the People's Republic of China on Prevention of Juvenile Delinquency](#)

Chapter III Prevention of Juvenile Misbehavior

Art. 14

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

- (3) fighting, or abusing people;
- (7) watching or listening in to pornographic or obscene audio-video products, or reading such stuff;
- (9) other kinds of misbehavior that seriously run counter to social morality.

...

Art. 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.

Art. 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.

Art. 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.

Art. 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.

Art. 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:

- (4) spreading obscene publications or audio-video products, etc.;
- (5) engaging in licentious or pornographic activities or harlotry;
- (9) other actions that do serious harm to the community.

Art. 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.

Art. 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.

Art. 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.

Art. 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.

Art. 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.

Art. 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.

- **Female Genital Mutilation (FGM)/ Female Genital Circumcision**
No information found.

- **Child/Early/Forced Marriage**
[Marriage Law of the People's Republic of China](#)

Art. 3

Marriage upon arbitrary decision by any third party, mercenary marriage and any other acts of interference in the freedom of marriage shall be prohibited. The exaction of money or gifts in connection with marriage shall be prohibited....

Art. 6

No marriage may be contracted before the man has reached 22 years of age and the woman 20 years of age. Late marriage and late childbirth shall be encouraged.

Art. 10

Marriage shall be invalid under any of the following circumstances:
(4) if the legally marriageable age is not attained.

[Law of the People's Republic of China on Protection of Minors](#)

Art. 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.

- **Protection of Children from Customary, Traditional, or Religious Practice**

[Regulation on Religious Affairs \(2017 Revision\)](#)

Art. 4

...No organization or individual may make advantage of religion to endanger national security, destroy the social order, harm the health of citizens, obstruct the educational system of the state, or carry out other activities that harm the national interest, public benefits, or lawful rights and interests of citizens...

[Law of the People's Republic of China on Regional National Autonomy \(2001 Amendment\)](#)

Art. 10

The organs of self-government of national autonomous areas shall guarantee the freedom of the nationalities in these areas to use and develop their own spoken and written languages and their freedom to preserve or reform their own folkways and customs.

Art. 11

The organs of self-government of national autonomous areas shall guarantee the freedom of religious belief to citizens of the various nationalities.

No State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion, nor may they discriminate against citizens who believe in, or do not believe in, any religion.

The State shall protect normal religious activities.

No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State.

Religious bodies and religious affairs shall not be subject to any foreign domination.

- **Protection of Children's Personal Information Online**

[Provisions on the Cyber Protection of Children's Personal Information](#)

Art. 2

For the purpose of these Provisions, the term "child" means a minor under the age of 14.

Art. 3

These Provisions shall apply to the collection, storage, use, transfer and disclosure of personal information from and about children through the Internet and other related activities within the territory of the People's Republic of China.

Art. 4

No organization or individual may produce, release or disseminate information that infringes upon the security of children's personal information.

Art. 7

A network operator shall follow the principles of legitimacy, necessity, informed consent, clear purpose, security and legal use during the collection, storage, use, transfer or disclosure of any child's personal information.

Art. 9

A network operator collecting, using, transferring or disclosing any child's personal information shall notify the child's guardian in a conspicuous and clear manner, and obtain verified consent from the child's guardian for the collection, use, transfer or disclosure of personal information of the child.

Art. 18

A network operator shall not disclose the personal information of the child, except when the law or the administrative regulation requires it to be disclosed or when it, according to the agreement with the guardian of the child, can be disclosed.