

## ANNEX D – List of Relevant Provisions of Chinese Law

### LAW ON PROTECTION OF MINORS

---

#### Definition of “Minors”:

Standing Committee of the Tenth National People’s Congress [全国人民代表大会]. *Law of the People’s Republic of China on the Protection of Minors [未成年人保护法]*. Promulgated September 4, 1991, revised on December 29, 2006 taking effect June 1, 2007.

Full text of official English translation, available at [http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content\\_1383869.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383869.htm); in Chinese, see [http://www.gov.cn/flfg/2006-12/29/content\\_554397.htm](http://www.gov.cn/flfg/2006-12/29/content_554397.htm).

**“Article 2** For the purposes of this Law, **minors mean citizens under the age of eighteen.** [本法所称未成年人是指未满十八周岁的公民。]”

### SELECTED PROVISIONS FROM THE REGULATION ON REGISTRATION AND ADMINISTRATION OF SOCIAL ORGANIZATIONS [社会团体登记管理条例]

---

State Council [中华人民共和国国务院]. *Regulation on Registration and Administration of Social Organizations [社会团体登记管理条例]*. Promulgated October 25, 1998, and effective on October 25, 1998.

Unofficial English translation of the regulation, see <http://www.unhcr.org/refworld/docid/48a9818f2.html>; in Chinese, see [http://www.law-lib.com/law/law\\_view.asp?id=399](http://www.law-lib.com/law/law_view.asp?id=399).

#### Definition of “Social Organization”:

**“Article 2:** In these regulations '**social organization**' means voluntary groups formed by Chinese citizens in order to realize a shared objective, according to their rules and to develop non profit making activities. All groups other than state organs may join social organizations as institutional members. [第二条 本条例所称社会团体，是指中国公民自愿组成，为实现会员共同意愿，按照其章程开展活动的非营利性社会组织。]”

#### Sponsorship requirement for registration:

**“Article 3:** To become established, social organizations **must be approved by the authorized department [zhuguan danwei]** and follow the registration procedure set out in these regulations. [第三条 成立社会团体，应当经其业务主管单位审查同意，并依照本条例的规定进行登记。]

Social organisations must have the status of a legal entity [*faren tiaojian*]. [社会团体应当具备法人条件。]

These regulations do not apply to the following organisations: [下列团体不属于本条例规定登记的范围：]

## ANNEX D – List of Relevant Provisions of Chinese Law

- I. Peoples organisations which participate in the Chinese Peoples Political Consultative Conference. [（一）参加中国人民政治协商会议的人民团体；]
- II. Organs under the administration of the authorised State Council departments.[（二）由国务院机构编制管理机关核定，并经国务院批准免于登记的团体；]
- III. State organs and groups, enterprises and institutional units [*shiye danwei*], and their internal bodies or groups. [（三）机关、团体、企业事业单位内部经本单位批准成立、在本单位内部活动的团体。]

**“Article 6: …… State Council relevant departments and local government relevant departments at county level and above, or organs empowered by the State Council or local government at county level and above, serve as the relevant leading units of social organizations in related trade, scientific or other professional areas (These are below referred to as 'professional leading units'[*yewu zhuguan danwei*]). [第六条……国务院有关部门和县级以上地方各级人民政府有关部门、国务院或者县级以上地方各级人民政府授权的组织，是有关行业、学科或者业务范围内社会团体的业务主管单位（以下简称业务主管单位）。]”**

### REGULATIONS ON THE HANDLING OF REEDUCATION THROUGH LABOR CASES BY PUBLIC SECURITY ORGANS [公安机关办理劳动教养案件规定]

---

Ministry of Public Security [公安部]. *Regulations on the Handling of Reeducation Through Labor Cases by Public Security Organs* [公安机关办理劳动教养案件规定]. Promulgated April 12, 2002 and effective June 1, 2002.

Unofficial English translation, see <http://www.duihuaresearch.org/2012/10/rtl-regulations-police-authority-in.html>; In Chinese see <http://www.mps.gov.cn/n16/n1996048/n2283084/2288628.html>

### Categories of People who could be ordered to serve RTL

**“Article 9: Based upon the *State Council Decision on the Issue of RTL* and the *State Council's Supplementary Regulations on RTL*, both approved by the National People's Congress Standing Committee; the Ministry of Public Security's *Trial Measures for RTL*, reissued by the State Council; and other laws and administrative regulations, **persons aged 16 years or older who committed one of the following acts shall be sent to RTL** in accordance with the law:**

- i. Acts of endangering state security that are clearly minor in nature, wherein criminal punishment is not yet warranted;
- ii. Membership in a criminal gang formed to murder, rob, rape, commit arson, kidnap, set explosions, or traffic women and children, **wherein criminal punishment is not yet warranted**;
- iii. Subsequent commission of one the [following] illegal criminal acts, wherein criminal punishment is not yet warranted, either within five years of completing a criminal penalty, sentenced in accordance with the law, [for the one of following acts] or subsequent commission of one the [following acts] within three years of

## ANNEX D – List of Relevant Provisions of Chinese Law

- being lawfully fined by police or completing administrative detention, custody and education, or RTL issued by police: compulsory indecency; humiliating women; indecency with children; group promiscuity; luring juveniles to engage in group promiscuity; illegal detention; theft; fraud; forgery or resale of invoices; resale of train or boat tickets; forgery of price tags; sale of forged price tags; forcible seizure; group robbery; extortion; swindling; forgery; alteration; trafficking in official documents, credentials, or chops; or the harboring, transfer, purchase, or sale of stolen property;
- iv. Endangering public safety by creating an atmosphere of terror or causing the public to panic; organizing or using a secret society or cult or use of superstition to undermine implementation of national laws; mass brawling; creating a serious disturbance; instigating turmoil; forcing purchases or sales to dominate the market; or disrupting social order through deeply engrained bad habits such as bullying, engaging in mischief, or oppressing the masses, wherein criminal punishment is not yet warranted;
  - v. Deliberate provocations that disrupt the order of production, work, education or research, or daily life, as well as rejection or obstruction of state employees' [efforts] to carry out their duties in accordance with the law but without the use of violence or threats;
  - vi. Instructing others to commit crimes, wherein criminal punishment is not yet warranted;
  - vii. Introducing or allowing others to engage in prostitution or solicit prostitutes; enticing others to engage in prostitution; gambling or providing conditions for gambling; or producing, reproducing, selling, renting, or disseminating pornography, in which the acts are of a rather serious nature but do not yet warrant criminal punishment;
  - viii. Engaging in prostitution or soliciting prostitutes after being lawfully warned, fined, or given administrative detention by the public security authority for engaging in prostitution or soliciting prostitutes;
  - ix. Taking or injecting drugs after having been sent to compulsory drug treatment for addiction to taking or injecting drugs;
  - x. Other circumstances for which there is statutory basis for RTL.
  - xi. Individuals who have committed offenses of endangering state security, endangering public safety, infringement of civil rights, infringement of property, or obstruction of social order management but whom, because the offense was minor in nature, a people's procurate has opted not to prosecute or a people's court has exempted from criminal punishment may be sent to RTL, in accordance with the law, where they meet the conditions for RTL.

第九条、根据全国人民代表大会常务委员会批准的《国务院关于劳动教养问题的决定》、《国务院关于劳动教养的补充规定》和国务院转发的公安部《劳动教养试行办法》等法律、行政法规的规定，对年满十六周岁、具有下列情形之一的，应当依

## ANNEX D – List of Relevant Provisions of Chinese Law

法决定劳动教养：

(一)危害国家安全情节显著轻微，尚不够刑事处罚的；

(二)结伙杀人、抢劫、强奸、放火、绑架、爆炸或者拐卖妇女、儿童的犯罪团伙中，尚不够刑事处罚的；

(三)有强制猥亵、侮辱妇女，猥亵儿童，聚众淫乱，引诱未成年人聚众淫乱，非法拘禁，盗窃，诈骗，伪造、倒卖发票，倒卖车票、船票，伪造有价票证，倒卖伪造的有价票证，抢夺，聚众哄抢，敲诈勒索，招摇撞骗，伪造、变造、买卖国家机关公文、证件、印章，以及窝藏、转移、收购、销售赃物的违法犯罪行为，被依法判处刑罚执行期满后五年内又实施前述行为之一，或者被公安机关依法予以罚款、行政拘留、收容教养、劳动教养执行期满后三年内又实施前述行为之一，尚不够刑事处罚的；

(四)制造恐怖气氛、造成公众心理恐慌、危害公共安全，组织、利用会道门、邪教组织、利用迷信破坏国家法律实施，聚众斗殴，寻衅滋事，煽动闹事，强买强卖、欺行霸市，或者称霸一方、为非作恶、欺压群众、恶习较深、扰乱社会治安秩序，尚不够刑事处罚的；

(五)无理取闹，扰乱生产秩序、工作秩序、教学科研秩序或者生活秩序，且拒绝、阻碍国家机关工作人员依法执行职务，未使用暴力、威胁方法的；

(六)教唆他人违法犯罪，尚不够刑事处罚的；

(七)介绍、容留他人卖淫、嫖娼，引诱他人卖淫，赌博或者为赌博提供条件，制作、复制、出售、出租或者传播淫秽物品，情节较重，尚不够刑事处罚的；

(八)因卖淫、嫖娼被公安机关依法予以警告、罚款或者行政拘留后又卖淫、嫖娼的；

(九)吸食、注射毒品成瘾，经过强制戒除后又吸食、注射毒品的；

(十)有法律规定的其他应当劳动教养情形的。

对实施危害国家安全、危害公共安全、侵犯公民人身权利、侵犯财产、妨害社会管理秩序的犯罪行为的人，因犯罪情节轻微人民检察院不起诉、人民法院免于刑事处罚，符合劳动教养条件的，可以依法决定劳动教养。

### Period of Time of serving RTL

**“Article 44:** In consideration of the facts, nature, circumstances, motive, and degree of social harm of the [suspect’s offense], as well as the legal liability that should be borne, the duration of an RTL decision should be set for one year, one year and three months, one year and six months, one year and nine months, two years, two years and three months, two years and six months, two years and nine months, or three years. Except for those who continue to take or inject drugs after compulsory drug treatment, the duration of RTL decisions for juveniles shall generally be one year or one year and three months, with a maximum length not to exceed one year and six months. [第四十四条、决定劳动教养的期限，应当与违法犯罪嫌疑人的违法犯罪事实、性质、情节、动机、社会危害程度及应当承担的法律责任相适应，确定为一年、一年三个月、一年六个月、一年九个月、二年、二年三个月、二年六个月、二年九个月或者三年。对未成年人决

## ANNEX D – List of Relevant Provisions of Chinese Law

定劳动教养的期限，除强制戒除后又吸食、注射毒品的以外，一般为一年或者一年三个月，最长不得超过一年六个月。]”

### STATE COUNCIL’S SUPPLEMENTARY REGULATIONS ON RTL[国务院关于劳动教养的补充规定]

---

Standing Committee of National People’s Congress[全国人民代表大会常务委员会]. *State Council’s Supplementary Regulations on RTL*[国务院关于劳动教养的补充规定]. Promulgated by the State Council and effective November 29, 1979.

In Chinese see <http://www.mps.gov.cn/n16/n1996048/n2283084/2286577.html>.

“**Article 3** The duration of RTL is from one year to three years. It can be extended for another year if necessary. [三、劳动教养的期限为一年至三年。必要时得延长一年。]”