Overview on Juvenile Tribunals in China

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Firstly, I will give you an introduction to the organizational systems and structure of the juvenile tribunals in China.

The collegial panel on juvenile cases, which is the first trial organization specialized in trying juvenile criminal cases, was established in Changning District People’s Court, Shanghai, in 1984.

Now, after over 20 year’s exploration and development, there are 2,219 juvenile tribunals in courts across China, with 7018 full-time juvenile judges and part-time juvenile judges. Basically, all juvenile criminal cases are tried in the juvenile tribunals.
Chinese juvenile tribunals are mainly established within local people’s courts. According to the organizational system, there are two kinds of tribunals. One is the collegial panels specially established within the criminal tribunals, and the other is the independent juvenile tribunals that function just like other tribunals, such as criminal tribunals or civil tribunals.
Currently, there are more than 300 such independent juvenile tribunals across China.

Although in a local court in some remote areas, there can be only one judge being designated, whose only duty is to try the juvenile cases, in most courts in China.
The independent juvenile tribunals can be classified three types based on the category of cases received:

- The first one is to exclusively take juvenile-involved criminal cases including criminal cases in which a juvenile is the accused or victim.
- The second one is to take civil and administrative cases in which juveniles are parties, in addition to the juvenile criminal cases.
- The third one is to take the criminal cases and the civil cases of juveniles involved, disregarding the original jurisdictions.
Classification of the tribunals

Some Intermediate Courts and most Local courts

- Tribunals
  It’s to exclusively take Juvenile-involved criminal cases

- Tribunals
  It’s to take civil and administrative cases in which the juveniles are the parties

- Tribunals
  It’s to take criminal cases and civil cases juvenile-involved, disregarding the original jurisdictions.
2. The legal framework of juvenile tribunals in China.

Due to the lack of relatively comprehensive provisions on procedures for juvenile criminal cases in the existing Criminal Procedure Law and Criminal Law in China, in order to regulate the trial activity of all juvenile tribunals and to fully protect the rights of juvenile concerned, the Supreme People’s Court, based on trial experiences, formulated two sets of judicial interpretations on the procedures and substantive guidance on trials for juvenile criminal cases respectively in 1991 and 1995.
3. The features and major experiences of Chinese juvenile tribunals.

- First, the juvenile tribunal upholds the principle that education serves as the main purpose and punishment as a supplement.
- Second, the juvenile tribunals fully consider juvenile’s physical and mental features and emphasize the protection of the juvenile’s rights.
- Third, the juvenile tribunal shall combine education with trial, and emphasize the psychological needs of the juvenile delinquents.
- Fourth, in trying the juvenile delinquency cases, the juvenile tribunal is adhering to coordinating with other relevant functional departments, such as procurator organizations and public security units to maintain close contact with juvenile delinquencies in a comprehensive way.
4. The current situation of juvenile delinquency in China

- Currently the juvenile delinquency is on the rise in China.

- At the end of the 70s of last century, the percentage of juvenile delinquency in all criminal cases was only 1%.

- At the end of the 90s of last century, the percentage rises to 8% to 9%.

- Since 2000, the juvenile delinquency has increased progressively by 12% annually.
5. The main issues facing China in establishing and improving the juvenile justice system

Firstly, only two laws were specially formulated on juveniles, they are the Law of Protection on Minors and the Law of Prevention of Juvenile Delinquency. Due to technical problems, these two laws are hard to be enforced.

- Second, the specialized juvenile trial organization is an important part of a complete juvenile justice system. So far, there is not an independent Juvenile Court in China.

- Third, it is necessary to timely establish coordinating working system with effective functioning quickly, so that all legal and social aspects can be coordinated to protect juveniles and to prevent juvenile delinquency.

- Fourth, it is necessary to timely establish and develop a social supporting system adaptive to the judicial system. It is necessary to timely establish and develop a social supporting system adaptive to the judicial system.

- Fifth, Juvenile tribunals in the Chinese court system need further improvement.
6. The main reforms of the juvenile tribunals in China’s court system at present.

- The first is to designate jurisdiction for juvenile tribunals with juvenile delinquency cases.
- The second is to promote the establishment and perfection of the juvenile justice through specialized agencies.
- The third is to promote other criminal organizations to establish and improve of the juvenile justice system.
A circle sentencing held at a juvenile tribunal in Jiangsu province.
The judge, teacher and schoolmaster had a conversation with a young offender, discussing how to educate and save the minor.
A young offender on probation went to the juvenile tribunal to report his behaviors.
A legal class at a primary school.
A simulative trial proceeding was held by the judge’s guidance, at a middle school in Sichuan province.
A legal course of lectures to the young offenders.
Thank you all for your attention!
Thank you!