

Research on the Implementation Mechanism of China's Mandatory Reporting System for Assault Against Minors



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Abstract: The mandatory reporting system for assaults against minors is an effective measure to timely detect and intervene in cases of assault. It has long been used by countries as an important means to protect minors. In 2020, China formally established the mandatory reporting system when nine ministries and commissions issued the "Opinions on Establishing a Mandatory Reporting System for Cases of Assault on Minors (for Trial Implementation)" and specified it in the Law on the Protection of Minors. However, there are currently problems in the concrete implementation of this system. These include innovative reporting methods, unclear receiving agencies, lack of departmental collaboration, and the need for an improved reward and punishment mechanism. By drawing on the legislation and practices of mandatory reporting systems in foreign countries, China can further improve the implementation mechanism of the mandatory reporting system. This will help to form a mechanism for the protection of minors with prevention at the source, timely detection, efficient emergency response, and punishment according to the law.

Keywords: violations of minors mandatory reporting implementation mechanism

1. Overview of the mandatory reporting system

1.1 The concept and value of the mandatory reporting system

The compulsory reporting system refers to the legal obligation for a designated person to immediately report to the authorized agency when they discover or suspect that a minor is or has been subjected to unlawful abuse and is in danger. Failure to fulfill this obligation can result in corresponding responsibility and prescribed punishment. The system includes several key elements such as the responsible reporter, reporting circumstances, reporting methods, accepting authority, disposal process, protection for the reporter, and punishment for those who fail to report. This system is specific and mandatory. Its specificity is reflected in the content of the report and the responsible reporter. The system limits the type of infringement that must be reported to minors, and the designated reporter is clearly defined. Based on the specificity of the system, individuals concerned are legally required to fulfill their reporting obligations and report to specific authorities when they discover statutory infringements. Failure to do so will result in corresponding responsibility and punishment. The mandatory reporting system is a comprehensive mechanism for the protection of minors, with multiple

values as follows.

Firstly, the system enables timely detection and effective intervention in cases of assault against minors. Such cases often have high levels of criminal activity, as they can be difficult to detect, investigate and prosecute due to factors such as lack of evidence and young victims who may be reluctant to report. For instance, in Beijing, more than half of the sexual assault cases against minors handled by the Municipal Procuratorate from 2018-2020 were not reported on time, leading to the loss of valuable evidence and making convictions difficult. Data reveals that out of the 286 cases reported to the police, only 47% were reported on the day of the crime. The mandatory reporting system helps to mitigate this problem by requiring designated individuals to report suspected or actual cases of abuse, thus ensuring that such cases are detected and acted upon promptly. This not only ensures justice for the victims but also serves as a deterrent to potential offenders. Therefore, the mandatory reporting system plays a crucial role in the protection of minors and serves to safeguard their well-being. (Yue, 2021) ¹The mandatory reporting system stipulates the designated reporters and the circumstances that must be reported, encouraging relevant parties to report as much as possible, broadening the channels for gathering information,

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detecting issues early, intervening as quickly as possible, and preventing situations from further deteriorating. Since the system was formally established, the procuratorial authorities have handled 1,657 cases of infringement against minors through mandatory reporting in 2021 alone. In addition, 459 cases of failure to fulfill reporting obligations were prosecuted or rectified as a result of the system's implementation. This highlights the effectiveness of the mandatory reporting system in protecting minors from abuse and ensuring that designated individuals fulfill their reporting obligations. It is crucial to continue to strengthen and refine the system to ensure that it functions effectively and serves as an essential tool in the protection of minors.² (Supreme People's Procuratorate, 2022)

Secondly, the mandatory reporting system is an essential component of the child protection mechanism in China, connecting family, school, social, network, government, and judicial protection. It effectively integrates the resources and strengths of various departments, creating a platform for the comprehensive protection of minors. With the establishment of the system, reporting and responsible subjects are clearly defined, and the receiving, investigating, and disposal agencies each have specific duties, allowing for effective collaboration in the protection of minors. As the system is implemented, the judiciary, civil affairs departments, and other organizations gain a deeper understanding of cases involving minors, increasing their awareness of protection. The joint meeting system and notification mechanism facilitate communication and information sharing among various departments, linking them to form a comprehensive network of protection for minors. This strengthens the collaboration and coordination among departments, ensuring that the protection of minors is not limited to a single department, but is the responsibility of society as a whole.

In addition, the establishment of this system at the legislative level can effectively increase society's attention to the protection of minors and the willingness to report. The promotion and implementation of the mandatory reporting system can raise public awareness that protecting minors is a collective responsibility of the entire society. To some extent, it can also change the outdated concepts of "family shame cannot be disclosed" and "sweeping things under the rug", so that reporting becomes a right and a duty to protect minors.

1.2 The current status of the legislation of China's mandatory reporting system for the abuse of minors

The development of China's mandatory reporting system at the legislative level is characterized by several key features, including the gradual expansion of the reporting subject and situations that require reporting, the increasing clarity of the receiving authority, the emergence of a recourse mechanism, and the gradual establishment of a supporting system. This will be further discussed below:

(1) Subjects of reporting. In terms of the regulations of reporting subjects, from the Law on the Protection of Minors (1991), which stipulates that any organization or individual has the right to report, to the Opinions on Punishing Crimes of Sexual Assault against Minors under Law³ Opinions on Several Issues Concerning the Handling of Guardians' Acts against the Rights and Interests of Minors under the Law⁴ Opinions on Handling Criminal Cases of Domestic Violence under the Law⁵ Three documents and the Anti-Domestic Violence Law Specifically, schools, kindergartens, hospitals and other welfare facility institutions, social work service agencies and their staff who are in close contact with minors should report, and the scope of the subject is gradually becoming clearer. In terms of specific wording, the shift from "having the right to report" to "being obligated to report" reflects the transition from voluntary reporting to mandatory reporting. The 2020 Opinions on Compulsory Reporting expanded the scope of the system by including state organs and their staff, as well as hotels and guesthouses, as subjects of compulsory reporting responsibility. Furthermore, the Law on the Protection of Minors, which was amended in the same year, provides specific circumstances under which parents or guardians of minors and network service providers are also obligated to report.

(2) Reporting circumstances. Regarding the circumstances that require reporting, the three aforementioned documents - Opinions on Establishing a Mandatory Reporting System for Cases of Assault on Minors, the Anti-Domestic Violence Law, and the Custody Law - cover sexual assault, domestic violence, and custodial assault, respectively. However, the provisions are relatively scattered and not comprehensive. The Law on the Protection of Minors expands the reporting circumstances to include situations that require reporting by network service providers under the mandatory reporting system, thereby further improving the system's scope and effectiveness.

(3) Acceptance organs. With regards to the receiving authorities, the three documents mentioned earlier and the Anti-Domestic Violence Law primarily designate the public security organs as the receiving authorities, while some of the provisions also include people's

procuratorates and people's courts. The Opinions on Compulsory Reporting also specify the public security organs as the receiving agency, while the Law on the Protection of Minors extends the list of receiving agencies to include civil affairs, education, and other departments.

(4) Supporting mechanism. The supporting mechanisms for mandatory reporting include disciplinary measures for responsible subjects who fail to fulfill their reporting obligations, as well as provisions for the confidentiality of reporters' information. The Anti-Domestic Violence Law focuses on domestic violence cases, while the Opinions on Strengthening the Care and Protection of Children Left Behind in Rural Areas, issued by the State Council in February 2016, explicitly proposes the establishment of a mandatory reporting mechanism and holds accountable those who fail to fulfill their reporting obligations. This opinion also provides for rewards for active reporting units and individuals. Similarly, the Opinions on Mandatory Reporting stipulate sanctions for those who fail to fulfill their reporting responsibilities, as well as recourse for public officials who neglect to fulfill their reporting obligations for a long period and punishment for those who obstruct mandatory reporting. These opinions also require the confidentiality of reporters' information. However, the provisions are rather principled and not specific enough. Although the Law on the Protection of Minors provides for further penalties for parents, guardians, and network service providers who fail to fulfill their reporting obligations, the reward and punishment mechanisms for other responsible subjects are still not clear.

(5) Disposal process. In the process of disposition after reporting, although the "mandatory report opinion" initially provides for the acceptance of cases, protection and rescue, supervision, and pursuit of responsibility, the specific operation of each link and their interfaces lack clear provisions, which is not conducive to practical operation.

2.The implementation status and the dilemma of China's mandatory reporting system against minors

2.1 Reporting Method

Currently, the primary method of mandatory reporting in China is through hotlines. While there have been innovations in reporting methods in many places, the lack of an overall unified reporting channel hinders the collection of clues and the promotion of channels. The hotlines that can be used for mandatory reporting in China include the 110 police hotline, the

12309 procuratorial service hotline of the Supreme Procuratorate, the 12345 minors' protection hotline in many provinces, the 12349 children's rescue and protection hotline piloted by the Ministry of Civil Affairs, and the 12338 women's and children's rights hotline opened by the All-China Women's Federation, as well as the 12355 youth service hotline of the Youth League Committee. In addition, localities also receive reports by launching relevant apps and developing Alipay and WeChat mini-programs.

However, besides hotlines, other reporting methods mostly take the form of sub-platforms, and the connection of various procedures and platforms is not sufficient to improve the efficiency of handling cases. Furthermore, small programs and other independent sub-programs are less known and involved, making it difficult to broaden reporting channels and increase the number of reported leads.

2.2 Collaboration between receiving institutions and departments

At present, the primary organization responsible for receiving mandatory reports is the public security organs, which is relatively limited. The public security organs have the additional responsibility of maintaining social security and investigating criminal cases, which requires them to handle a variety of matters and limits their police resources. Due to their duties, the public security organs may also have limitations in understanding the situations of infringement against minors. Therefore, designating only the public security organs as the receiving agency may not be conducive to prompt response and effective disposal of cases. Although the Law on the Protection of Minors includes civil affairs and education departments as receiving agencies, which can play a triage role to some extent, it may also lead to confusion among the responsible subjects on whom to report to. Moreover, the different reporting channels and varying levels of knowledge among different departments can make reporting more difficult. It is worth noting that although the Supreme People's Procuratorate has stated that the 12309 procuratorial service hotline can be used as a channel for mandatory reporting, the Law on the Protection of Minors does not explicitly include the procuratorial authorities as a lead receiving agency.

In addition to the receiving agencies, although departmental collaboration is provided for in laws and normative documents, collaboration among relevant departments is currently lacking. The Opinions on Compulsory Reporting and the Law on the Protection of Minors stipulate that the following departments should collaborate: public security organs, people's procuratorates, supervisory committees at all levels,

judicial administrative organs, education, civil affairs, health and health departments, and women's federations and organizations of the Communist Youth League. The collaboration involves case acceptance, referral, investigation, response, disposal, as well as economic relief, medical treatment, and psychological intervention for minors who are victims of abuse. However, due to the lack of a unified department responsible for the overall arrangement of all aspects of the mandatory reporting system, and the unclear scope of responsibilities of the collaborating departments, each department finds it challenging to effectively assume relevant responsibilities in the collaboration. This situation may result in mutual shirking of responsibilities, lack of initiative between departments, and difficulties in interdepartmental communication and exchange, making it difficult to achieve smooth information and timely intervention. If departmental collaboration is not effectively implemented, it will greatly affect the effective implementation of the mandatory reporting system and make it difficult to improve the efficiency of detecting and intervening in cases of abuse against minors. Moreover, the subsequent response and disposal process will also be difficult to carry out smoothly.

At the same time, although the Opinions on Compulsory Reporting clearly stipulate that the people's procuratorates can supervise the implementation and supervision of the compulsory reporting system by issuing procuratorial recommendations, the effectiveness of the procuratorial recommendations is not clear. Many local procuratorial organs have urged departments to carry out compulsory reporting by issuing procuratorial recommendations, but the rectification effect brought about is difficult to guarantee and depends on the area where the procuratorial authorities perform their duties.

2.3 Disposal process after reporting

Currently, China's compulsory reporting system lacks clear regulations for certain links, such as case acceptance, service placement, and follow-up services. Several areas require improvement:

(1) Notification procedures: In cases of abuse of minors, multiple departments and organizations must participate. However, China lacks regulations on notification procedures, including clear regulations on how case information should be notified and how various departments should handle the information to ensure the reporter's confidentiality.

(2) Grading or classification mechanism: Foreign compulsory reporting systems typically classify cases according to the different circumstances of

infringement against minors. Although the Opinions on Compulsory Reporting provide for the handling of cases after acceptance by public security organs, such as receiving and examining the case, filing and investigating the case, and referring the case to the competent department, China's grading or classification mechanism could be improved.

(3) Mechanism for evaluating the situation of minors: The lack of such a mechanism means that protection and assistance for minors who have been infringed upon may not align with the specific circumstances of their situation and actual needs.

(4) Referral system: After receiving cases, different organizations are required to provide legal, psychological, and medical assistance for different types of abuse. Currently, there is no specific procedure for referral in China. Addressing these gaps would help strengthen China's compulsory reporting system and ensure that protection and assistance are provided to minors who have been infringed upon in a timely and appropriate manner.

3. Suggestions for refining the implementation mechanism of China's mandatory reporting system for infringement against minors

3.1 Integration, clear reporting, and technical innovation

In response to the aforementioned problems of scattered reporting methods and lack of a unified platform, the integration of clear reporting methods helps to collect leads and promote publicity.

First of all, To improve the efficiency and effectiveness of reporting clues, we can learn from foreign experiences and establish a nationwide unified special reporting hotline, along with a nationwide unified clue collection platform. This platform would automatically transfer the clues to the relevant departments of specific provinces and cities for processing based on their source. The benefits of this approach are twofold. First, it would facilitate publicizing the reporting method, making it easier for more people to know and remember. Second, it would ensure timely and comprehensive collection of clues, thereby improving the efficiency of receiving them. When setting up hotlines, it may be useful to consider setting up a dedicated line for minors' assistance in the 110 police hotline. Alternatively, one could promote the use of the 12345 minors' protection hotline that is currently available in many provinces, or the 12349 children's assistance and protection hotline being piloted in many places by the Ministry of Civil Affairs. In addition to reporting hotlines, WeChat and the Alipay applet can also be fully utilized. In Hangzhou, for example, Alipay jointly

developed a reporting supervision applet with an online national unified clues reporting platform. After unifying and integrating the information, the applet would shift the cases to the corresponding jurisdictional departments based on the reporters' location. Compared to the hotline, the applet allows for more complete and prompt reporting of content, including fixed evidence. Additionally, the subject of the report can monitor the progress of their cases through the small program. The applet is also more convenient as it can be attached to daily use of social and payment software without requiring a separate download.

Another important aspect of improving the reporting and processing of clues is the establishment of a unified platform for relevant responsible subjects. This platform can serve two purposes: first, it can require responsible subjects to register and bind to the platform for reporting purposes; second, it can connect personnel from various departments and organizations to facilitate the convergence of case flow and information sharing. For instance, the Zhejiang Pingyang County Procuratorate utilizes the "Kid's Shield" system, which unifies the collected data and employs automatic screening and manual assignment to triage different cases to corresponding departments based on keywords. This platform also includes the functions of collecting information and reporting leads, evidence flow, supervision, and forensic guidelines, all of which can enhance the effectiveness of juvenile protection. By establishing a unified platform, it is possible to improve the coordination and collaboration among various departments and organizations, streamline the reporting and processing of clues, and promote more effective protection of minors. It is essential to ensure that this platform is user-friendly, accessible, and secure to protect the privacy and confidentiality of the individuals involved.⁶ (Wang & Hua, 2021) In addition to national-level reporting platforms and hotlines, local-level reporting methods have also been implemented effectively in many places. One such example is the grid WeChat groups, which are managed by community grid members and include corresponding responsible personnel from schools, hospitals, public security organs, prosecutors, and civil affairs departments in the district. These groups enable the exchange of relevant clues in a timely manner and can be used to publicize relevant legal policies and other information. In addition to grid WeChat groups, localities can also refer to the liaison system proposed in Wuxi, Jiangsu Province in 2018. This system involves establishing a liaison officer within the relevant department who receives reports

from other personnel and judges the content to decide whether to report it further. These local-level reporting methods can supplement national-level reporting platforms, allowing for a more comprehensive and efficient reporting system. By combining both national and local methods, we can improve the overall effectiveness of reporting and make it easier for people to report relevant information in a timely and appropriate manner. (Chen, 2018)⁷ Implementing a local-level liaison system can play a crucial role in both pooling and screening relevant information and ensuring the responsible handling of reported cases. In particular, the liaison officer should receive appropriate training to effectively carry out their duties. Additionally, such a system can help ensure accountability, as any failure to report relevant information resulting in serious consequences can be traced back to the liaison officer and other personnel who neglected their duties. Similarly, the "Implementation Measures on Compulsory Reporting and Disposal Intervention of Cases of Infringement on the Rights and Interests of Minors (for Trial Implementation)" issued by Minhang District of Shanghai also emphasizes the importance of receiving and verifying clues through the establishment of child protection commissioners in relevant units. These commissioners are responsible for the consent reception and prior verification and evaluation of clues to ensure the effective handling of cases involving minors. By establishing such local-level mechanisms, we can ensure a more comprehensive and effective reporting system that appropriately handles cases of infringement on the rights and interests of minors. This can improve overall social welfare and promote a safer and more just society for all.⁸

3.2 Standardize the reporting and disposal process

According to foreign practical experience, the process of mandatory reporting includes the receipt of reports - preliminary screening - investigation and evaluation - services and placement, and other important aspects. However, at present, China's compulsory report acceptance agency is unclear, and a series of response mechanisms after acceptance is missing, which can be regulated and improved from the following aspects.

(1) Reception link. Countries such as the United States, Australia, and Canada have special intake authorities to receive tips and coordinate the subsequent response. First of all, it is necessary to set a main responsible department as the receiving authority for mandatory reports of infringement against minors. Although the Law on the Protection of Minors stipulates that the people's government at or

above the county level shall be responsible for the coordination mechanism for the protection of minors, there is no specific department in charge. In the author's view, the State Council's Leading Group for the Protection of Minors established in April 2021 and the leading groups or committees for the protection of minors at local levels may be more appropriate as the main responsible authority for the mandatory reporting system.⁹ On the one hand, this group unites relevant departments such as civil affairs, education, public security, justice, health, etc., and has a high degree of overlap with the departments that collaborate in the compulsory reporting system, and its functions are more comprehensive; on the other hand, the main responsibilities of this group include supervising cases of infringement of minors' rights and interests, as well as statistics, commendation, and rewards for related cases. The unified department is responsible for receiving clues and then triaging cases, which can improve the efficiency of receiving and handling. For example, Nanjing has set up a minors' protection committee, involving 27 units, each with its own responsibilities to combat crime, and guarantee minors' schooling and placement. A comprehensive service platform for the protection of minors was also established to unify the acceptance of mandatory reporting leads. Through this service platform, special operators are equipped to receive reports of clues around the clock. It also provides for a problematic work order dispatch mechanism to receive reports and dispose of them more efficiently.¹⁰

(2) Initial response link. Referring to the regulations of Taiwan and foreign countries in this regard, the department in charge can receive the relevant clues and firstly conduct a preliminary screening of the report content, including whether the reported situation is an infringement of minors, whether the source is credible, whether the current situation of minors is critical and whether emergency assistance is needed. Then we screen out the cases that meet the requirements and create work orders to provide emergency assistance to minors in need. In the receiving department, according to the infringement situation of minors, we connect to the judicial system and the welfare system of minors respectively, and carry out preliminary case triage: if the case belongs to a suspected violation of public security management or suspected crime, we will refer it to the public security authorities for examination or investigation, and at the same time notify the civil affairs department for protection and rescue; for other infringement situations of minors, we also need to refer them to the civil affairs department in time, such as In the case of temporary guardianship under the

Protection of Minors Act, the civil affairs department will be notified for temporary guardianship.¹¹In this process, it is also necessary to do a good job of information categorization and track the process for all accepted cases. If the case enters the formal judicial process, it is necessary to track the public security case and the subsequent assistance; if the case enters the welfare protection process directly, it is necessary to track the relevant services, communicate, exchange, and coordinate with the responsible department promptly, and adjust the service plan according to the implementation and the needs of the infringed minors.

Investigation and assessment and service placement. After the initial triage of the case, the minor's situation and family status need to be further evaluated, and the services and placements need to be provided. For those who meet a long-term guardianship situation, the civil affairs department will promptly contact the relevant rescue and protection center for minors, child protection agencies, child welfare agencies, etc. for guardianship, or consider finding an eligible adopter for the minor.¹²For those in need of further treatment, referrals are made to the health and wellness department to arrange for a hospital within their jurisdiction to receive medical treatment. For those who need legal aid services, refer to the legal aid agency within the jurisdiction. For those who need to solve the problem of schooling, refer to the education department to provide security. For those who have special difficulties in life, the main department should work together with the civil affairs department as well as the judiciary to solve the problem, and if necessary, the judiciary should provide judicial assistance. For those in need of family education guidance, referrals are made to the relevant social service agencies for handling. Those who need psychological counseling will be referred to psychological counseling service centers for processing. For those who suffer from domestic violence, the People's Procuratorate and the People's Court will apply for personal protection orders on their behalf of them. In the subsequent disposal process, cases entering the judicial process, should be under the legal procedures, a timely and comprehensive collection of fixed evidence, can rely on one-stop evidence collection places to carry out interviews and other evidence collection work, to avoid secondary harm to minors. For example, Shapingba District in Chongqing City has set up a "one-stop" case assistance platform for juvenile victims to complete the judicial inquiry, personal examination, evidence extraction, and other aspects at one time. (Cheng , 2021)¹³For difficult and complex

and major, sensitive cases, the Procuratorate can send officers to intervene in the investigation activities. For the lack of guardianship and other cases of abuse against minors, through the implementation of mandatory family education to urge guardians to fulfill their guardianship obligations, for the intentional implementation of the crime of guardianship, can recommend and support the prosecution of the revocation of guardianship. (Liu & Guo, 2022)¹⁴For reporters who need treatment and psychological counseling due to the fulfillment of reporting obligations, the responsible department shall promptly refer them to hospitals and psychological counseling service centers; for reporters who are disciplined or retaliated against for reporting, the responsible department shall contact the judicial authorities to provide legal counseling services to them, while providing them with personal protection and contacting the competent department of the disciplined unit to solve the problem.

(3) Follow up and return visit. Finally, for the end of the follow-up service, the responsible department should do a good job of follow-up visits, summarize the relevant experience and practice, and communicate and exchange through the joint meeting system, to protect the healthy growth of minors.¹⁵

3.3 Active promotion and education work

At present, China's mandatory reporting system is not sufficiently publicized, and the public and the responsible subjects concerned are less aware of it. Therefore, it is necessary to carry out extensive publicity and education work as well as training for the responsible subjects to promote the promotion and implementation of the mandatory reporting system in China. For example, the Supreme People's Procuratorate has filmed a series of short films entitled "Guarding Tomorrow", and the prosecution teams in many places, in addition to consulting and promoting the law in communities and public places, also promote the law through new media such as WeChat, official microblogs and official Tiktok numbers. The prosecutor's office, through the "cooperation between prosecution and school" model and the "rule of law vice-principal" system, has been reaching out to schools to popularize legal knowledge among minors and raise their awareness of prevention and timely reporting, etc. The forms are rich. However, there is still a need to further strengthen the publicity, and to add rewards and recognition for effective reporting in the process, so that more people can understand the mandatory reporting system, realize the effectiveness of timely reporting, form an atmosphere of timely reporting when minors are found to be infringed, and build a more solid barrier

for the healthy growth of minors.

At the same time, it is necessary to carry out relevant training work for the responsible subjects of mandatory reporting. In addition to organizing personnel from various departments and organizations to study the Opinions on Compulsory Reporting and the relevant provisions of the Law on the Protection of Minors, a section on the compulsory reporting system can be added to the content of pre-service training to make responsible subjects aware of the compulsory and necessary nature of reporting on the one hand, and to popularize the reward and punishment mechanisms for reporting and the relevant exemptions on the other hand, so that reporting subjects can reduce their worries and Report with confidence and boldness. In addition to the initial education and training, inspection and supervision should also be actively carried out, so that those who fail to fulfill their mandatory reporting obligations are punished, those who actively fulfill their mandatory reporting obligations are rewarded and commended, and those units and organizations that do not perform well are required to seriously rectify their situation.¹⁶(Zhuang, 2021)

Concluding remarks

In the retrial verdict of the Guangxi "Passion Fruit Girl Murder Case", the court wrote: "Protecting minors from abuse and safeguarding their healthy growth is a matter of happiness and peace for thousands of families, social harmony and stability, and the future of the country and national revitalization. ". The defendant in the case, Yang Guangyi, had committed several acts of harassment and indecent assault on young girls just before the crime, and had he been detected in time and intervened early, he might have been able to prevent the tragedy from happening. When minors are being violated, they may not dare or be able to speak up, and this is the time when someone needs to stand up for their legitimate rights and interests. This is the significance of the mandatory reporting system for the abuse of minors. This article is limited by the limited knowledge, the discussion of the implementation mechanism is not comprehensive enough, and from the perspective of the whole mandatory reporting system, there is still a need to expand and improve the reporting subjects and reporting circumstances. It is believed that through the efforts of the state and the people, it will be possible to make active reporting conscious, expose cases of assault on minors to the sunlight, and better guard the healthy growth of minors.

Conflict of Interest

The authors declare that they have no conflicts of interest to this work.

Notes:

- 1 See Yue Huiqing, Zhou Zigou, Zhai Yayong, and Pang Zhenhuan, "Research on the Processing of Criminal Cases of Sexual Assault on Minors and the Whole Chain Governance Mechanism - Analysis Report on the Handling of Cases of Sexual Assault on Minors by Beijing Municipal Procuratorial Organs from 2018 to 2020," *Research on Youth Crime Prevention*, No. 6, 2021, pp. 48-58, 47.
- 2 Supreme People's Procuratorate: "Key Case Handling Data of National Procuratorial Organs in 2021 (with Q&A)," in "Supreme People's Procuratorate Public Website," <https://mp.weixin.qq.com/s/6tp1gEbkfxkp77NBu2SIfA> (last visited: 2023-02-25).
- 3 Opinions on punishing crimes of sexual assault against minors under the law, point 9: "the minors have special duties such as guardianship, education, training, assistance, care, medical treatment (hereinafter referred to as persons with special duties), as well as other citizens and units, found that minors are sexually abused, have the right and obligation to the public security organs, people's procuratorates, people's courts Report or report the case."
- 4 Opinions on several issues concerning the treatment of guardianship infringement of the rights and interests of minors under the law, point 6: "schools, hospitals, village (neighborhood) committees, social work services and other units and their staff, found minors under guardianship infringement, should promptly report to the public security organs or report. Other units and their staff, individuals found minors under guardianship infringement, should also promptly report to the public security organs or report."
- 5 Point 5 of the Opinions on Handling Domestic Violence Crimes under the Law: "Actively report cases, accusations and reports. under Article 108, Paragraph 1 of the Criminal Procedure Law, "Any unit or individual who finds a crime or a suspect has the right and obligation to report to the public security organ, the people's procuratorate or the people's court", victims of domestic violence and their relatives, friends, neighbors, colleagues, as well as village (neighborhood) committees, people's mediation committees, women's federations, youth leagues, disability federations, hospitals, schools, kindergartens and other units and organizations that find domestic violence. People's Mediation Committee, Women's Federation, Communist Youth League, Disabled Persons' Federation, hospitals, schools, kindergartens and other units and organizations, found domestic violence, have the right and obligation to report to the public security organs, people's procuratorates, people's courts, or report."
- 6 See Wang Chun and Hua Xuan, "Zhejiang Pingyang: Delivering the 'Protecting the Un' Integration Answer Sheet," in "Official Website of the Supreme People's Procuratorate," https://www.spp.gov.cn/zd gz/202108/t20210808_526069.shtml (last visited: 2023-02-25).
- 7 See Chen Xiyuan, "Jiangsu Wuxi: Mandatory Reporting Required for Cases of Infringement of Minors' Rights and Interests," in *China Courts*, Jiangsu Wuxi: Mandatory Reporting Required for Cases of Infringement of Minors' Rights and Interests (last visited 2023-02-25)
- 8 See Shanghai Minhang District Education Bureau: "Notice of Minhang District Education Bureau on Forwarding the Implementation Measures of Ten Departments of Minhang District on Compulsory Reporting and Disposal Intervention in Cases of Infringement on the Rights and Interests of Minors (for Trial Implementation)," in "Shanghai Minhang District Government Official Website," http://xxgk.shmh.gov.cn/mhxxgkweb/html/mh_xxgk/xxgk_jyj_bmwj_zcjd_1/2020-09-25/Detail_97270.htm (last accessed 2023-02-25).
- 9 In the long run by the special child protection department is conducive to the implementation of the mandatory reporting system, but at present, the main receiving authority is the public security organs.
- 10 Nanjing Regulations on the Protection of Minors" Article 11: The Office of the Municipal Commission for the Protection of Minors establishes a comprehensive service platform for the protection of minors (hereinafter referred to as the comprehensive service platform), sets up a special telephone number and publishes it to the public to receive and handle requests for help, complaints, suggestions and consultations on the protection of the rights and interests of minors. Integrated service platform in the receipt of help, complaints, and suggestions, should be transferred to the relevant administrative departments within one working day to deal with the urgent situation should be transferred immediately. The competent administrative departments shall promptly handle the matters transferred and report in writing to the integrated service platform within five working

days after the transfer, and report the results in writing within two working days after the end of processing. The situation is urgent should be reported on time. The integrated service platform shall handle the situation and the results of the processing of timely feedback to the help, complaints, and suggestions, the relevant administrative departments and personnel should be confidential.

- 11 "Protection of Minors Law" Article 92 The civil affairs department shall exercise temporary guardianship of minors under one of the following circumstances: (a) minors wandering and begging or unknown, temporarily unable to find parents or other guardians; (b) the whereabouts of the guardian is unknown and no other person can act as guardian; (c) the guardian for their objective reasons or due to natural disasters, accidents, and disasters, public health events, etc. (d) the guardian refuses or neglects to perform his or her guardianship duties, leaving the minor unattended; (e) the guardian abets or uses the minor to commit a crime, and the minor needs to be taken away for placement; (f) the minor suffers serious injury or faces threats to his or her personal safety from the guardian and needs to be placed in an emergency; (g) Need to be placed in an emergency; (vii) other circumstances provided by law.
- 12 Article 94 of the "Protection of Minors Law" has one of the following circumstances, the civil affairs departments shall be long-term guardianship of minors: (a) the parents or other guardians of minors can not be found; (b) the guardian died or was declared dead and no other person can act as guardian; (c) the guardian lost guardianship ability and no other person can act as guardian; (d) the people's court ruling to revoke (d) the people's court ruling to revoke the guardianship and appointed by the civil affairs department as guardian; (e) other circumstances provided by law.
- 13 See Cheng Quan, "Doing a better job of comprehensive judicial protection for minors," on the official website of the Supreme People's Procuratorate, https://www.spp.gov.cn/llyj/202112/t20211223_539486.shtml (last visited: 2023-02-25).
- 14 See Liu Man and Guo Ruomei, "Interview with the Director of the Ninth Prosecutor's Office of the Supreme Prosecutor: Strictly punish guardianship infringement crimes and support prosecution for revocation of guardianship", on the official website of the Supreme People's Procuratorate,

https://www.spp.gov.cn/zdgz/202203/t20220308_548325.shtml (last visited: 2023-02-25).

- 15 At present, the main reporting channel in China is still the 110 police line, but in the long run, a more ideal situation would be to carry out a mandatory reporting process under the main responsibility of an agency dedicated to the protection of minors, and this flow chart is also envisioned in an ideal state.
- 16 See Yong lian Zhuang, Yinghui Song, Weizhong Shi, Chunmei Luo, and Feng Chang, "The Function and Advancement of the Mandatory Reporting System for Assault on Minors," pp. 37-44.

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