

New Ideas on Constructing the Legal Protection System of Minors' Sexual Rights in China

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Abstract: *At present, although the legal research results on the protection of sexual rights of minors in China are fruitful, they lack foresight, systematization and theoreticality. In the context of social transition, it should be a realistic demand for the current protection of minors' sexual rights to study the legal protection of minors' sexual rights, establish the civil rights status of sexual rights as a specific personality right, and establish a legal system for the protection of sexual rights specifically for minors. The current legal system in China is not yet in place, and there are problems such as ineffective laws, unbalanced structures of recourse and responsibility, inverted legislative logic, and an emphasis on post-event remedies rather than pre-event prevention. It is recommended that, based on the basic principle of maximising the interests of the child, relevant laws should be enacted and amended, and specialised institutions should be established to build a legal system that places equal emphasis on prevention and remedy after the fact, the main systems of which include, but are not limited to, a system of sex education for minors, a system of notification and registration of sexual assault offenders, and a system of assistance and support for victims of underage sexual assault.*

Keywords: Minors, Sexual rights, Legal protection, Institutional development.

1. Introduction

From the end of the twentieth century to the present, jurisprudence on the legal protection of sexual rights has gone through four stages: from arguing for the human right to "sexuality", to studying the criminal protection of female sexual assault, to exploring male sexual assault, and then to exploring the sexual assault of minors. Of course, these four stages are not strictly divided and may overlap in time and content. In terms of content, they mainly include studies on the legal attributes of sexual rights, the *Criminal Law* protection of sexual assault against minors, and the *Civil Law* protection of sexual assault against minors. From the perspective of research, there are positive studies on the "sexual rights" of minors and negative studies on the "sexual abuse" of minors. The former focuses on substantive rights, while the latter focuses on the grasp of procedural rights. In December 2017, Zou, a master tutor in Beijing, was convicted of rape and forced indecent assault after repeatedly molesting and raping underage female students while working as a tutor. (Beijing tutor sexual assault case, hereinafter referred to as the "Beijing tutor case"). The case attracted much attention due to the victim's status as a minor, the assailant's particular occupation and the fact that the assailant was ordered to be prohibited from practising his profession. The fact that Zou used his position as a teacher to assault an underage girl was deeply offensive. However, this is not an isolated case. In recent years, cases of sexual abuse of minors have become commonplace and have been of great concern to the community. Chinese academics have also been paying close attention to the protection of minors' sexual rights. Research areas have mainly focused on psychology and education.

Firstly, in terms of the breadth of research, past studies have mostly focused on the legal argumentation of cases that have already occurred and the evaluation of legal systems that have come into effect, while lacking prospective research on the future legal protection of minors' sexual rights. Secondly, in

terms of research depth, the current research focuses more on judicial practice, neglecting the exploration of legal theory on the sexual rights of minors, especially the lack of research on sexual rights in the sense of *Civil Law*. Finally, in terms of the breadth of research, most of the existing studies are limited to a certain legal sector, without considering the coordination of protection between various legal sectors, i.e. there are few systematic and systemic studies. Based on the above-mentioned problems, this article carries out a research work-aiming to combine the development trend of the new era with an eye on the future; analyse the inherent needs of the protection of minors' sexual rights, and dig deeper into the legal attributes of minors' sexual rights from legal theory, especially from the theory of civil law and minors' law. The concept of systemic protection is applied to grasp the synergistic protection mechanism of *Criminal Law*, *Civil Law* and administrative law from a macro perspective, with a view to helping the construction of a legal protection system for the sexual rights of minors. The analysis suggests that the study of minors' sexual rights in the legal profession can be said to be a mirror image of the legal construction of minors' sexual rights in China. By analyzing the literature in the Chinese Academic Journals Database (online version), the author found that from 1992 to the present, 116 articles with the keyword "sexual abuse" were included in the Chinese Social Science Citation Index or the General Catalogue of Chinese Core Journals. Among them, 2014 was the year with the highest number of articles. The peak of research in this year was due to the implementation of the newly revised Law of the People's Republic of China on the Protection of Minors on 1 January 2013, and the joint release of the Opinions on Punishing Crimes of Sexual Abuse against Minors in accordance with the Law (Fafa [2013] No. 12) by the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice in October of the same year. Objectively, these two major legal events gave a strong impetus to the development of relevant research and enabled the jurisprudential theory of the protection of minors' sexual rights to take a major step forward.

2. Legal Demands for the Protection of Minors' Sexual Rights

2.1 The Implementation of Systematic Legal Protection in the Context of Social Transformation is a Realistic Requirement

In the context of globalisation and the post-industrial era, Chinese society is transforming from traditional to modern; people's behaviour, lifestyles and value systems have changed significantly as a result. These new changes mean historical progress, but they also increase the risk of sexual abuse of minors. In recent years, due to the popularity of computer networks, the number of cases of criminals using the internet to abuse minors has increased year on year. According to the "Statistics on Child Sexual Abuse Cases in 2021 and Survey Report on Child Sexual Abuse Prevention Education" released by the China Children and Youth Culture and Arts Foundation Girls' Protection Fund in March 2022, "six of the child sexual abuse cases that came to light in 2021 were closely related to the internet and contained three main types, sexually abusing children after meeting them on the internet, taking nude videos of children through internet chatting or coaxing children to take pornographic videos and then uploading them to the internet for profit, etc." Sexual assault via the internet has become a pattern of crime that we need to be particularly vigilant about these days. Not only that, but due to the changing urban-rural structure, there has been an influx of young and middle-aged rural labourers into the cities, leaving behind a large number of children and children on the move. The lack of supervision, combined with the negative consequences of uncomfortable living and learning environments, has increased the risk of sexual abuse of these minors. In addition, increased social competition has led to an increase in family investment in education, which has led to tutors and extracurricular tutors being active in the education market. However, due to the lack of legal constraints and effective regulation in this area, sexual assaults on minors by tutors and staff occur repeatedly. The case of sexual assault by tutors in Beijing mentioned at the beginning of the article is a typical example. It is also important to note that the new media has brought the spread of subcultures to life. Subcultures related to underage sexuality are widespread and often permeate mainstream culture, with pornographic and harmful content eating into the minds of both aggressors and victims. Many aggressors commit offences after viewing and identifying with such content. Minors are more vulnerable to these risk factors than adults. As incapacitated or restricted persons, they lack the capacity to recognise the consequences of their actions but are curious about new things, so they are more likely to be seduced, deceived and threatened, even if they are oblivious to the abuse. Faced with the new risks of social transition, we should build an open legal protection system for the sexual rights of minors as soon as possible, adapted to the development of the new era, so that minors can truly grow up in a safe and healthy environment.

2.2 The Establishment of a Legal Protection System Specifically for Minors is a Fundamental Requirement

From a developmental psychology perspective, the sexual rights of minors are more of a health interest, with a distinct

vulnerability and permanence compared to the sexual interests of adults. Sexual abuse is more likely to cause harm to minors as their bodies, minds, bones and organs are in the process of development. This damage is both physical and emotional, and is long-term and difficult to recover from. Most minors who are sexually assaulted experience symptoms of post-traumatic stress disorder, which can last for years or even a lifetime. Sexual assault cases inflict not only physical and psychological pain on the minor victim, but also the mental shackles of "shame". In some cases, the victim has experienced sexual abuse as a child and has acquired some negative psychological experiences, which have turned him into a victim of sexual abuse against other minors. The negative effects of sexual assault are not only felt by the victims and their families, but also by the aggressors and their families. After being held legally responsible, the aggressor also faces the problem of "stigmatization" with close relatives, while most of the aggressors face family disintegration and secondary social adjustment after their release from prison. These phenomena can have a destabilising effect on society and have a negative impact.

From a sociological perspective of law, the protection of the sexual rights of minors is not only a preventive and remedial measure for individual cases, but also a concern for the stability and virtuous development of society as a whole. In traditional societies, people have relied primarily on *Criminal Law*, adopting a model of ex post facto remedies. However, traditional *Criminal Law* alone is not sufficient to prevent risks and reduce crime rates, let alone solve the social problems posed by individual cases. Therefore, a dual governance model of ex ante prevention and ex post relief is the solution to the new problem. It is therefore necessary to establish a special legal protection system for the sexual rights of minors, based on the principle of "the best interests of the child" and focusing on both specific cases and the abstract as a whole.

2.3 The Establishment of Sexual Rights as Specific Personality Rights is an Important Proposition

Sexuality is a natural biological instinct of human beings, but if it is a right, it should be defined in terms of the social nature of human beings. Sexual rights are the rights of people to express their sexual will and to engage in sexual acts in accordance with the law. Minors can enjoy the same sexual rights as adults. However, for reasons of age, psychology and physicality, the sexual rights enjoyed by minors are clearly exclusive and passive compared to those of adults who can freely express their sexual will and actively engage in sexual behaviour. In accordance with the Declaration on Sexual Rights adopted by the World Sexuality Institute in 1999, the author believes that the sexual rights of minors mainly include the right to sexual integrity and personal safety, the right to sexual privacy, the right to comprehensive sexual education and the right to sexual health care. The main task of protecting the sexual rights of minors is to prevent the violation of their sexual rights beforehand, actively punish the violators afterwards, and try to repair the physical and psychological damage caused to minors by sexual abuse.

To protect minors from sexual abuse, the first step is to recognise the legal status of their sexual rights. Although

sexual rights have not yet been explicitly defined as a specific personality right by Chinese law, the recognition of the legal status of sexual rights has been the general consensus of countries around the world. In the constitutional sense, sexual rights are a human right. In the sense of *Civil Law*, sexual rights are personal rights that belong exclusively to natural persons. When the sexual rights of minors are violated, the victims suffer not only in terms of physical and health losses, but also in terms of mental harm, as their human dignity is trampled upon. The right to sexuality is therefore a personality right that combines material and spirituality. As a fundamental human right and an important personality right, the sexual rights of minors should be clearly defined in the legal norms and receive the corresponding legal protection.

3. Legal Status and Issues in the Protection of the Sexual Rights of Minors

3.1 Current Sources of Law and Composition of the System

At present, China's legal provisions on the protection of minors' sexual rights are scattered in various laws and regulations and relevant normative documents, including the Law on the Protection of Minors, the Civil Code, the *Criminal Law*, the *Education Law* and many administrative laws.

China's Law on the Protection of Minors expressly prohibits the sexual abuse of minors; when handling criminal cases of sexual abuse of minors, public, prosecutorial and legal authorities shall protect the honour of the victim. This is considered to be the basic legal norm for the protection of the sexual rights of minors. China's civil law does not specifically provide for the "sexual rights" of natural persons, and the most direct regulation of the "sexual rights" of minors is found in the Civil Code, which specifies a special statute of limitations for the right to sue for damages for sexual assault against minors. The most direct provision on the "sexual rights" of minors is found in the Civil Code, which specifies a special statute of limitations on the right to sue for damages for sexual abuse of minors. The protection of the sexual rights of minors in Chinese administrative law is mainly found in the Law on Public Security Administration Punishments. This law provides for administrative penalties for indecent assault on minors. In addition, the Law against Domestic Violence sets out to protect the legitimate rights and interests of minors as family members from the perspective of preventing and stopping domestic violence. This law will be applied when minors are subjected to violent sexual abuse by other members of the family. Compared to the above-mentioned sectoral laws, China's criminal law is the most specific and comprehensive law on the protection of minors' sexual rights. The current crimes involving sexual abuse of minors include rape, indecent assault, organising prostitution, forcing prostitution, inducing, tolerating or introducing prostitution, and inducing young girls into prostitution. The special protection system established by the *Criminal Law* for cases of sexual assault of minors is mainly reflected in two aspects. On the one hand, from the perspective of punishing crime, it provides for a system that severely punishes various types of circumstances and prohibited practices for offenders who sexually assault minors. On the other hand, from the perspective of giving priority to the protection of minor

victims, the mechanisms for the discovery of evidence, one-stop evidence collection (reducing the operation of transcripts) and court appearance support for crimes of sexual assault against minors, as well as the mechanisms for the redress of the rights of minor victims of sexual assault, are provided for. For crimes of sexual assault committed by minors, the *Criminal Law* provides for the principle of two-way protection, protecting both the lawful rights and interests of the victim and the lawful rights and interests of the minor assailant in accordance with the law. Its provisions are mainly reflected in the *Criminal Law*, the Amendment (IX) to the *Criminal Law*, the Law on the Prevention of Juvenile Crimes, the Opinions on Punishing Crimes of Sexual Assault against Minors in accordance with the Law and the Opinions of the Central Comprehensive Governance Commission, the Supreme People's Court and the Supreme People's Procuratorate on Further Establishing and Improving the Supporting Work System for Handling Criminal Cases against Minors (Comprehensive Governance Commission Pre-Youth Leading Group [2010] No. 1) and other laws No. 1) and other laws, regulations, judicial interpretations and other normative documents. In addition, the Supreme People's Procuratorate issued a circular on 1 December 2017, requesting procuratorial organs at all levels nationwide to fully perform their procuratorial functions, severely punish crimes against kindergarten children in accordance with the law, and make every effort to safeguard the legitimate rights and interests of children.

In addition, the legal norm most closely related to the protection of minors' rights is the Education Law. The *Education Law*, the *Compulsory Education Law* and the *Teachers Law* all indirectly provide for the protection of the sexual rights of minors. The regulation that directly reflects the protection of the sexual rights of minors is the Opinions on the Prevention of Sexual Abuse of Children and Adolescents issued by the Ministry of Education, the Ministry of Public Security, the Central Committee of the Communist Youth League and the All-China Women's Federation (Education Fundamental I [2013] No. 8). The Opinions provide for the prevention of sexual abuse of minors in nine areas. In addition to this, the Guideline on Health Education for Primary and Secondary Schools (Education, Sports and Arts [2008] No. 12) issued by the Ministry of Education provides corresponding sex education for junior and senior high school students. In addition to the above-mentioned legal norms, other normative documents also provide for the protection of the sexual rights of minors. Among them is the Outline for the Development of Children (2011-2020), which proposes to protect the personal rights of children and to crack down on rape and other illegal and criminal acts that violate the personal rights of children. The programme mainly protects the sexual rights of minors in terms of safeguarding children's sexual health, implementing sex education and establishing a cultural environment conducive to children's physical and mental health. The Medium-and Long-term Youth Development Plan (2016-2025) proposes to protect the sexual rights of young people in terms of implementing sex education, preventing sexual assault and purifying the internet environment.

3.2 Problems with the Existing Legal System

From the current legal sources, it can be seen that the legal system for the protection of the sexual rights of minors in China has not yet been formed, and the main protection system has been constructed on the basis of criminal legislation. In terms of legal discourse, the term “sexual assault” is the main term, and there is no expression of “sexual rights”; in terms of the mode of governance, post-event relief is the main term, and there is no pre-emptive prevention. This is not in line with the logic of the legislation and is not conducive to the protection of the legitimate rights and interests of minors.

3.2.1 Lower level of legal effect

An effective system of legal protection should be a balanced distribution of legal effects from the top down. The basic principles and basic institutions are set out at the legal level to establish the basis of the legal system; the main institutions are set out at the regulatory level to form the framework of the legal system; and the details are set out in other normative documents to ensure the practical operation of the legal system. Reflecting on the legal system for the protection of the sexual rights of minors in China, although there are provisions at the legal level, the content is not comprehensive and lacks professionalism. The system that truly reflects the special and priority protection of minors’ sexual rights is mainly found in normative documents at a lower legal level, such as the Opinions on Punishing Crimes of Sexual Assault against Minors in accordance with the Law, the Opinions on Punishing Crimes against Kindergarten Children in accordance with the Law and Comprehensively Safeguarding Children’s Rights and Interests, and the Opinions on Preventing Sexual Abuse by Children and Adolescents. These documents have little legal force and have very limited effect on the protection of the sexual rights of minors.

3.2.2 Imbalance of accountability structure

Legal liability for sexual assault includes criminal liability, administrative liability and civil liability. In the current legislation, criminal recourse is relatively complete. Comparatively speaking, the mechanism for pursuing civil liability is weak. In addition, according to the Provisions of the Supreme People’s Court on the Scope of Incidental Civil Litigation in Criminal Cases (Fa Shi [2000] No. 47) and the Reply of the Supreme People’s Court on Whether the People’s Courts Accept Civil Lawsuits for Compensation for Moral Damage Filed by Victims in Criminal Cases (Fa Shi [2002] No. 17), civil lawsuits incidental to criminal cases of sexual assault or civil lawsuits for sexual assault filed separately, the courts do not support civil lawsuits for compensation for moral damage brought by victims of sexual assault. Legislatively, this provision is contrary to the spirit of the *Tort Liability Law* and the Interpretation of the Supreme People’s Court on Certain Issues Concerning the Determination of Liability for Moral Damage in Civil Tort Cases. In practice, sexual rights are a combination of material and spiritual personality rights, and neither the punishment of those who sexually assault minors nor the compensation for material damage to victims can offset the spiritual damage suffered by minors and their families. This unbalanced accountability mechanism is, on the one hand, insufficient to deter the aggressor and, on the other hand, does not help the

victim to recover her psychological well-being and to lead a normal life and work in the future.

3.2.3 Partial abandonment of protection mode

Among the normative roles of the law, the guidance, education and anticipation of the law have an ex ante preventive role, while the evaluation and enforcement of the law have an ex post remedial nature. A legal system designed to protect the sexual rights of minors needs to balance ex ante prevention and ex post remedies. The main systems for the protection of minors’ sexual rights in China—from the civil statute of limitations system, to the system of priority and special protection for minors in the process of criminal liability, to the legal system that severely punishes sexual offenders—all reflect a strong overtone of ex post remedies. Although these systems have to some extent a guiding, predictive and educational function, their main function is still reflected in legal evaluation and legal coercion. As a result, the current Chinese law places emphasis on ex post relief rather than ex ante prevention. In fact, the ex ante prevention system protects the sexual rights of minors at source - it not only promotes the establishment of a safe living environment and helps minors to exercise self-protection, but also helps to reduce the occurrence of sexual assault cases.

3.2.4 Legislative logic inversion

Statutory law requires legislative logic, sound legal judgement and scientific legal reasoning in line with legal thinking, based on a clear legal concept. Specifically, it first establishes the legal status of sexual rights in *Civil Law*, and then stipulates the civil, administrative and criminal responsibilities that infringers should bear after violating natural human rights. However, China’s current law is characterised by an inversion of legislative logic. The current law does not clearly define the concept of “sexual rights”; nor does it include sexual rights as a specific legal personality right. However, due to the practical need to protect the sexual rights of minors, the law cannot turn a blind eye to actual infringements, and therefore legal norms such as the Law on the Protection of Minors, administrative law and criminal law have to temporarily use the expression “sexual abuse” to regulate sexual abuse. Strictly speaking, “sexual assault” is not a legal concept. In civil lawsuits, the courts can only hear cases on the grounds of the “right to life, health and body” or “general personality rights”. As China’s current criminal law provides for sexual assault in a comprehensive manner, it is even wrongly believed that *Criminal Law* is the only source of law for sexual assault. Others have used the *Criminal Law* relating to sexuality as a standard to infer the connotation and extension of natural human rights. This prioritisation of legal reasoning and legal judgement over legal concepts is putting the cart before the horse. The confusion in legislative logic results in laws that do not cover all sexual assaults to the extent possible (e.g. some sexual harassment of minors cannot be regulated by law), nor do they protect all victims (e.g. rape of male minors cannot currently be punished as rape), nor do they compensate victims for their losses to the extent possible (e.g. civil actions accompanying the criminalisation of sexual assaults on minors cannot compensate for moral damages).

4. Ideas on the Construction of a Legal Protection System for the Sexual Rights of Minors

In the last decade, an increasing number of international organisations and countries have adopted a systemic approach to the establishment and improvement of child protection systems. As a model for the legal protection of minors' sexual rights, it should also be a systemic model. Laws from several sectors join together to create a more comprehensive and effective legal protection system, so that minors can grow up in a safe and healthy social environment. A sound legal protection system should have unified basic principles, complete legal norms and an effective operating mechanism.

4.1 Improve the Relevant Legal Norms as Soon as Possible

The establishment of a sound legal system is the key to building a system for the protection of the sexual rights of minors. In light of practical needs, the following issues need to be addressed in legislation. The sexual rights of minors should be clearly defined in the law; A system for the prevention of sexual abuse of minors should be established in the legislation; The relevant legal provisions should be revised, and the principle of "maximising the interests of the child" should be adopted to strengthen the coordination between the various sources of law. Amend the relevant legal provisions to take the principle of "maximizing the interests of the child" as the basis for strengthening the coordination between various sources of law. Specifically, the relevant provisions of the Law on the Protection of Minors should be amended as soon as possible to positively stipulate that minors have "sexual rights" and to clarify the content of the sexual rights of minors; to replace the temporary protection of the right to privacy of minors with permanent protection; to add provisions to protect the right to information and the right to reputation of minor victims; and to add provisions to provide assistance and support for minor victims. The principle of two-way protection for minor sex offenders has been added. At the same time, the Civil Code adds a legal provision establishing "sexual rights" as a specific personality right. In other words, specific personality rights include not only the right to body, life, health, freedom, privacy, name, portrait, honour and reputation, but also sexual rights. Amend the *Education Law*, the *Compulsory Education Law* and the *Teachers Law*, and enact the *Pre-school Education Law* and the *Family Education Law*, so as to clearly stipulate the protection of minors' sexual rights in the aforementioned laws, establish a compulsory system of sexual education for minors, and establish a system of supervision and evaluation of the protection of sexual rights in kindergartens, primary and secondary schools, and extracurricular tutoring institutions from a legal level. Amend the Criminal Code, the Code of Criminal Procedure and other legal provisions to include underage males as targets of the crime of rape and rationalise the relevant criminal relationships; specifically regulate the publication of child pornography; and provide for a system of registration and notification of sexual offences at the legal level. Abolish the provision that civil lawsuits incidental to criminal proceedings or civil lawsuits filed separately afterwards in cases of sexual abuse of minors do not support compensation for moral damage; further relax the

procedures in terms of procedures, further relax the criteria for criminal filing in cases of sexual abuse of minors, allow legal aid to intervene in the investigation stage, and establish complete rules of evidence for sexual abuse of minors. While improving the above-mentioned major sectoral laws, it is recommended that the existing industrial and commercial registration system be amended to provide clear regulations on the conditions for the establishment of extracurricular tutoring institutions and the regulation of the industry. It is worth emphasising that in building a legal protection system for the sexual rights of minors, in addition to the construction at the level of laws and regulations, supplements and amendments to relevant sectoral normative documents are needed as a logical continuation and practical supplement to the construction of the legal system. All localities must take into account local realities and formulate local rules and regulations in accordance with the law to provide detailed provisions on the protection of the sexual rights of minors.

4.2 Maximising the Interests of the Child as a Fundamental Principle

In order to harmonise the sources of law, which have different objectives and value judgements, and to make them serve the same purpose, it is necessary to establish uniform basic principles in these systems and to incorporate them into legislation, law enforcement, justice and compliance. The basic principle of the legal system for the protection of the sexual rights of minors should be "the best interests of the child". This principle is one of the four basic principles established by the UN Convention on the Rights of the Child, namely that in all actions concerning children, the best interests of the child shall be a primary consideration, that the fundamental rights of the child shall be respected, and that the survival and development of the child shall be ensured to the maximum extent possible. The term "children" here is equivalent to "minors". According to the criteria of priority, specificity and appropriateness proposed by Professor Yao Jianlong, the principle of maximising the interests of children in the protection of the sexual rights of minors should be manifested in the following points. Firstly, when formulating and amending relevant laws and regulations and their normative documents, priority should be given to the interests and special needs of minors, and a system of priority and special protection should be constructed; secondly, priority should be given to the institutional system for the protection of minors. Secondly, when dealing with matters relating to the protection of minors' sexual rights or handling cases of sexual assault, the interests of minors should be safeguarded to the maximum extent possible in accordance with their physical and mental development characteristics and interests.

4.3 Establishing a Long-Term System for the Prevention and Control of Both Diseases

4.3.1 Government departments set up special agencies

The protection of the sexual rights of minors is characterised by the cross-border nature of juvenile matters. The protection of the sexual rights of minors requires the "concerted action" of various sectors of law. Even if there is a complete legal code, the rigidity of the law may eventually become an obstacle to the protection of the sexual rights of minors in the

face of the new problems and risks that are constantly emerging in society. In order to resolve these contradictions, it is necessary to set up a special body with the flexibility and coordination required by law to manage the protection of the sexual rights of minors in a unified manner. The responsibilities of this body include: promoting legislation on the sexual rights of minors, coordinating and supervising the work of the various line ministries, publicising the protection of the sexual rights of minors, organising and arranging sex education for minors, regularly monitoring and evaluating the protection of sexual rights, supervising the establishment and operation of schools and other educational institutions, and supervising the qualifications and educational activities of extra-curricular tutors working in their personal capacity, etc. The Ministry of Education and Science shall, inter alia, organise and arrange sex education for minors and receive reports and denunciations from minors and their legal representatives or persons with special responsibilities.

4.3.2 Establish a prevention system in advance

Due to the professional and specific nature of sex education, sex education for minors includes not only various educational activities for minors, but also teacher training for sex education teachers and sex education training for parents of minors. Under the coordination of specialised agencies, the relevant government departments should conduct regular training on the subject, so that teachers and parents can learn about sex education for minors on a compulsory basis. It must be acknowledged: sex education in China is relatively backward, although sex education for minors is mentioned in all relevant normative documents. However, the laws are of low rank in terms of validity, general in content, incomplete in terms of educational targets and lacking in compulsion. It is the lack of education on gender awareness and personal safety for minors in China that leads to underage victims of sexual assault not only remaining silent, but even going against the grain, which emboldens criminals. In contrast, the European sex education system is a world model in this regard. It is therefore recommended to draw on their experience and establish a compulsory education system at the legal level, with a special department responsible for setting national guidelines or minimum standards for sex education for minors. On the basis of the guidelines or standards, specific implementation plans can be drawn up in each region, taking into account local conditions, including the age at which sex education can be received, the curriculum for sex education, the qualifications of sex education teachers, and the criteria for the selection of sex education materials. In terms of scope, sex education includes both social education, school education and family education.

The so-called ex ante prevention system refers to a legal system that actively protects the sexual rights of minors or effectively prevents the violation of the sexual rights of minors. At present, Chinese law is weak in the area of ex ante prevention, which is an area that requires special attention. In the author's view, the preventive system for the protection of the sexual rights of minors should mainly include a system for the protection of the civil rights of minor victims, such as the right to privacy, the right to reputation and the right to information, a system of sex education for minors, a system of publicity for the protection of the sexual rights of minors, a

system for the supervision of education in schools and other institutions, especially a system for extracurricular tutoring institutions and extracurricular tutors practising in their personal capacity, a system for the special regulation of child pornography publications system, the system for the protection of the sexual rights of minors, the system for the protection of the sexual rights of minors. The system of education and supervision of schools and other institutions, especially extracurricular tutoring institutions and teachers practising in their personal capacity, the system of special regulation of child pornography publications, and the system of establishment and management of extracurricular tutoring institutions. Of these, the system of sex education for minors is the most important. The sex education system has both an educational function and a guidance and anticipation function. For the group receiving sex education, it is both a learning experience and good publicity.

4.3.3 Improve the post-event relief system

Many countries and regions around the world have established relevant systems in their laws, such as the *Megan's Law* in the United States, the *Sarah's Law* in the United Kingdom, the "Sex Offender Bulletin Board" system in South Korea, and the Sexual Offender Record Checking Mechanism in Hong Kong. In Hong Kong, there is a mechanism for checking the records of sexual offences. China should learn from the above-mentioned experiences and establish a system of information registration and notification that is in line with national conditions, provide for the registration of personal information of sexual offenders against minors at the legal level, establish evaluation criteria, provide information notification for some serious crimes and possible repeat offenders, and conduct regular checks in conjunction with the prohibition system and special industry entry regulations.

The so-called post-event relief system refers to the legal system for pursuing the legal responsibility of the aggressor and protecting the relevant legal rights and interests of the victim after the occurrence of sexual abuse of minors. Although China's current legal system is mainly embodied in ex post facto remedies, there are still imperfections. The author suggests that an information registration and announcement system for sexual assault offenders as well as a relief and assistance system for victims should be formulated at the legal level as soon as possible. The purpose of the information registration and announcement system for sexual assault offenders is to deter sexual assault offenders and to guarantee the public's right to know about potential sexual assault offenders around them, thus strengthening the prevention of special crimes. At present, the system is mentioned in lower-level normative documents such as the Opinions on Punishing Crimes of Sexual Assault against Minors in accordance with the Law and the Opinions on Comprehensively Safeguarding the Rights and Interests of Children by Punishing Crimes against Kindergarten Children in accordance with the Law, but because the publication of information on sexual assault offenders involves a series of issues such as restrictions on civil rights and the supervision and management of special persons after publication, the makers of these documents are unable to go beyond their legislative powers to directly. However, since the publication

of information on sexual assault offenders involves restrictions on the rights of citizens and the post-publication supervision and management of special persons, the authors of these documents could not go beyond their legislative powers and directly provide for this system. The system of assistance and support for victims. Some victims of sexual assault come from rural or urban families in difficulty, and their families are in a relatively poor financial situation, and some of them are left-behind children. After being assaulted, victims and their families may fall into deeper hardship as a result. In response to this situation, it is recommended that a victim assistance and support system be established. On the one hand, emergency assistance should be provided to victims after the occurrence of a crime, including the provision of physical and psychological health treatment, temporary living and housing conditions while the case is being handled, and the relevant authorities should provide the victim with appropriate assistance subsidies. On the other hand, long-term and precise assistance should be provided to victims. As the negative effects of sexual assault are long-term and persistent, it is difficult to change the non-mainstream behaviour that victims exhibit after being assaulted, and someone must stay with them and not leave. Therefore, a professional social work team is needed to provide long-term life support, learning support and employment support for victims.

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