



Specialized Education System for Delinquent Juveniles in China

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Abstract

The recent momentum of the increase in the juvenile delinquency and crime rate in China is undoubtedly concerning. This article aims to introduce and discuss the specialized education system in China that has been established for the prevention of juvenile delinquency. It begins by presenting the general trends of juvenile delinquency in recent years and analyzing the reasons and insights hidden in these trends. Then, this article elaborates on the specialized education system, including “(regular) specialized education” in a narrow sense and “specialized correctional education.” In conclusion, the challenges to the practical operation of the specialized education system in the future are discussed.

Keywords: Specialized education system; specialized correctional education; delinquent juveniles; China

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I. Trends of Juvenile Delinquency in China

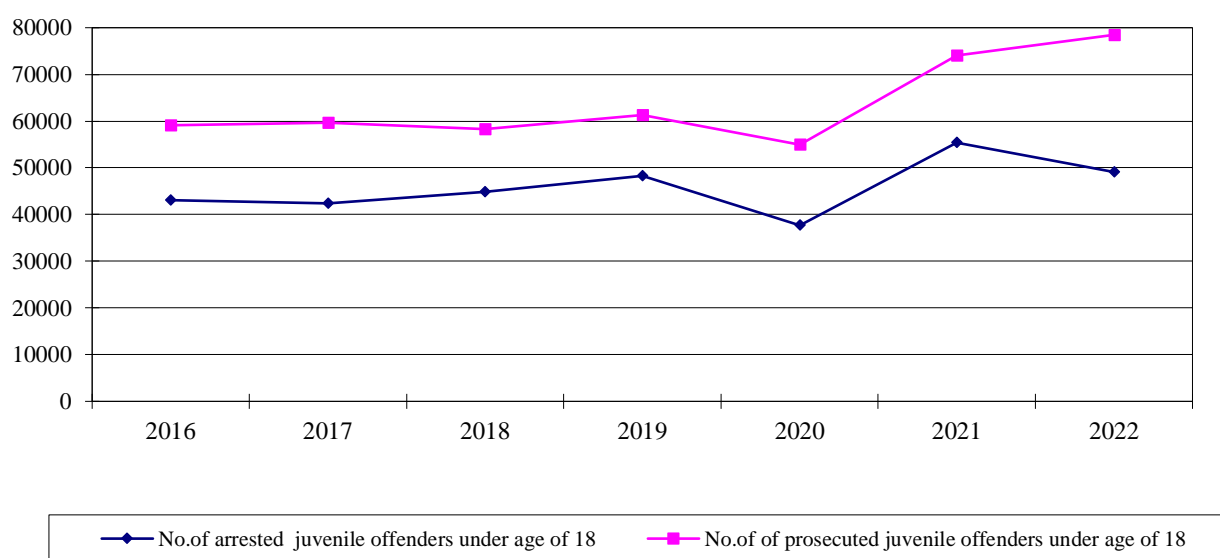
1. National Trend

Among its population of 1.41 billion, there are approximately 29.8 million juveniles under the age of 18 in China (Chinese National Bureau of Statistics, United Nations Children’s Fund, & United Nations Population Fund, 2021). As a serious and emerging problem (e.g., Lu et al., 2013; Weng, 2014; Weng et al., 2016), the issue of juvenile delinquency has drawn considerable attention in China.

According to the latest *White Paper on Juvenile Prosecution 2022* released by the Supreme People’s Procuratorate, the number of juvenile offenders under the age of 18 has trended upward in recent years (Supreme People’s Procuratorate, 2023). Figure 1 presents two broadly similar crime

trends: the numbers of arrested and prosecuted juvenile offenders under the age of 18 at the national level from 2016 to 2022. Arrest numbers in this period were 43,039, 42,413, 44,901, 48,275, 37,681, 55,379, and 49,070, respectively. Except for slight downward fluctuations in 2016, 2020, and 2022, the numbers rose across this seven-year span. Compared to 2016, the number of juvenile offenders arrested in 2022 increased by 14.01% (49,070 vs. 43,039). The general increasing tendency of numbers of prosecuted juvenile offenders has been more significant during the same period. Compared to 2016, prosecution numbers in 2022 had increased by 32.82%. This increase is almost twice the year-over-year increase in the number of juvenile arrests (32.82% vs. 14.01%).

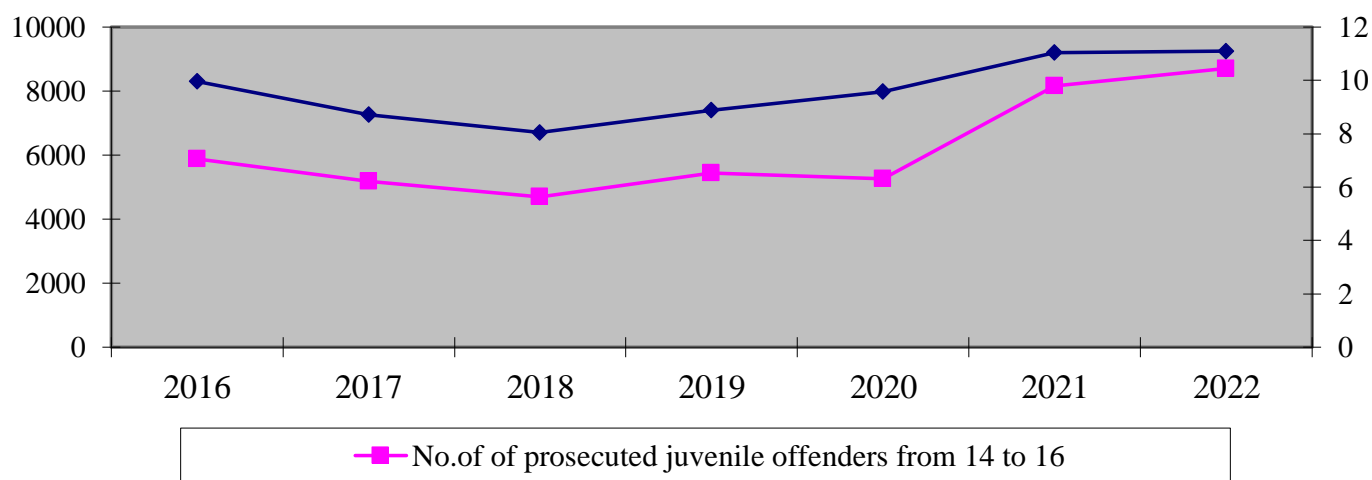
Figure 1 Number of arrested and prosecuted juvenile offenders under age of 18 in China (2016-2022)



More worryingly, the number of juvenile offenders at younger ages and their proportion of the total juvenile offender population in China have also been on the rise in recent years. As Figure 2 demonstrates, the numbers of juvenile offenders aged 14–16 prosecuted in each of the last seven years were 5,890, 5,189, 4,695, 5,445, 5,259, 8,169, and 8,710, respectively. Except for slight fluctuations,

the number of juvenile offenders at younger ages shows an overall upward trend. Compared to 2016, the number of juvenile offenders aged 14–16 prosecuted in 2022 increased by 47.88% (8,710 vs. 5,890). Furthermore, the proportion of juvenile offenders at younger ages among all prosecuted juvenile offenders has also shown an overall increasing trend from 2016 to 2022, which is largely consistent with the direction shown in overall numbers over the same period. While the percentage of juvenile offenders at younger ages prosecuted decreased in 2022, it had still increased by 11.33% over 2016 (11.10% vs. 9.97%).

Figure 2 Number and proportion of prosecuted juvenile offenders from 14



Data source: Supreme People’s Procuratorate (2023), *White Paper on Juvenile Prosecution 2022*

2. Behind the Trend

It is undoubtedly concerning that the juvenile delinquency and crime rate in China has continued to increase in recent years, particularly for the younger age group. Two major reasons might account for the alarm. On the one hand, for the purpose of the special protection of the juvenile population, a new chapter was added to the *Criminal Procedure Law of 2012* to establish special procedures applicable to juvenile offenders, which are generally more lenient than those for adult offenders (Liao, 2015). The most prominent of them is the strict application of arrest and conditional non-prosecution. In theory, the number of arrested and prosecuted juvenile offenders should have declined with the

implementation of the *Criminal Procedure Law of 2012* rather than showing the overall upward trend described above. On the other hand, since its outbreak in December 2019, COVID-19 has spread quickly and become an unprecedented public health crisis in the contemporary history of humanity. Almost every nation on the globe has been deeply affected by this pandemic, including China. In response to attempts to prevent the transmission of COVID-19 in China, the government has implemented strict pandemic control measures by using social distancing and lockdowns, such as closing off nearly all of the country's villages and residential compounds (Wang et al., 2021). Against this backdrop, these control measures restricted the movement of people and deeply affected typical individual-level routine activities. According to routine activity theory (Cohen & Felson, 1979), crime opportunities are considered central (Clarke, 2012), and mobility is seen as a key indicator of that level (Halford, 2020). When suitable targets (including victims), motivated offenders, and a lack of capable guardians converge in the same physical space, crime opportunities arise, resulting in increased crime risk (Cohen & Felson, 1979). However, with the introduction of the social distancing and lockdowns implemented to control the spread of COVID-19, people were compelled to stay at home and reduce their attendance at public places. These changes to mobility were likely to cause a reduction in the likelihood of crime occurring.. A recent empirical study in China has demonstrated the negative impact of the COVID-19 lockdown on the occurrence of crime (Chen, 2021). This finding is also consistent with empirical studies on the corresponding topic in other foreign jurisdictions (e.g., Abrams, 2021; Estévez, 2021; Mohler et al., 2020; Payne et al., 2021; Syamsuddin et al., 2021).

As mentioned above, juvenile delinquency and crime in general, although showing fluctuations in recent years, continues to be unexpectedly high, according to official statistics. As such, the implementation of prevention initiatives for juvenile delinquency in China is a topic that must be on the agenda to reduce the rate of juvenile delinquency. In the process of analyzing the prevention of juvenile delinquency and crime, the precursors of criminal behavior are worthy of special attention because behaviors do not typically start suddenly or worsen (Palermo, 2002). Criminal tendencies and acting-out behaviors (such as oppositional behavior, conduct disorders, antisocial behavior, and

psychopathic behavior) are seen in certain individuals as evolving on a continuum from early infancy to maturity (Palermo, 2002). Reflecting on this, misbehavior (including status offenses and juvenile delinquency) and serious misbehavior are viewed as these criminal tendencies and acting-out behaviors in the *Juvenile Delinquency Prevention Law of 2020* in China. Deeply influenced by Confucianism and socialism, the Chinese legal tradition tends to emphasize the use of informal social control (such as moral education, mediation, persuasion, and the responsibility of social groups for their members) in regulating people's behavior for prevention rather than the formal punishment and imprisonment of offenders in rigid penal codes (Clayre, 1985; Jolley, 1994; Zhang & Liu, 2007). These unique legal characteristics differ significantly from Western jurisdictions, which emphasize “egalitarianism” and “vigilantism” (e.g., Miethe & Lu, 2004; Zimring, 2004). In particular, the Chinese legal system has always preferred protecting all juveniles as “kids” (Dong, 2015), including delinquent juveniles, based on the principle of *parens patriae*. As such, China has explicitly stated that its first method of dealing with delinquent juveniles will be education, followed by punishment (Khan & Tang, 2018). Because of the aforementioned legislation on juvenile justice in China (the *Juvenile Delinquency Prevention Law 2020*), the “specialized education system,” as a unique system reflecting Chinese philosophy and legal thoughts on juvenile delinquency and crime prevention and control, has been created. In essence, specialized education is not only an integral part of the compulsory education system but also a crucial protective disciplinary mechanism in the juvenile justice system, with the characteristics of “intervention in advancement and punishment through education” (You & Wang, 2022). The Chinese model of delinquency control is typically not feasible in Western societies. This article aims to provide readers with a fundamental grasp of the specialized education system in China.

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II. Specialized Education System in China

1. Overview of the Specialized Education System

The “specialized education system” in the real sense was established with the newly revised *Juvenile Delinquency Prevention Law* in 2020, replacing the work–study education system and rehabilitation through the labor system. Since it replaces both systems, the current “specialized

education system” is defined in a broad sense, including both “(regular) specialized education” in a narrow sense and “specialized correctional education”. The former refers to the education provided by specialized schools for juveniles with serious delinquent behavior; the latter refers to the education provided by such schools for juveniles who have committed acts under criminal law but who are not subject to criminal punishment because they are under the legal age of criminal responsibility.

The implementing agency for both (regular) specialized education in the narrow sense and specialized correctional education is the specialized school. Specialized schools, previously known as work–study schools, were first established in the 1950s in China. To avoid the stigma attached to the term “work–study,” such schools was officially renamed as specialized schools when the *Law on the Protection of Juveniles* was amended in 2012. However, due to the customary application of the old name, the term “work–study school” is still occasionally used. As a special subcategory of compulsory education, these specialized schools are administered by the bureaus of education. They are designed specifically for juveniles who have committed serious delinquent behavior or law-violating offenses who are no longer regarded as capable of finishing the nine-year compulsory education in regular schools. Unlike regular schools, specialized schools have a strict management style that requires students to live together communally in a special residence. This management style is thought to have the effect of favoring the rehabilitation norms and values of students’ internalized solidarity (Dong, 2015). As educational institutions, specialized schools provide juveniles with a middle-school level academic education, moral education, and legal education as their counterparts in ordinary schools. Furthermore, to instill social ideals and promote self-discipline, the curricula of specialized schools also include ideological education, vocational training, and light labor (Chen, 2000). In addition, the length of time a student attends such a study school is variable, depending on their performance at the school, and generally ranges from one to two years.

According to official statistics (Chinese Ministry of Education, 2022), 104 specialized schools were on the register (excluding Hong Kong, Macau, and Taiwan) by the end of 2021. This number represents an increase of 25 schools compared to 2012 (Chinese Ministry of Education, 2013). First,

in terms of geographical distribution, specialized schools are now located in 22 provinces, autonomous regions, and municipalities. To date, nine provinces or autonomous regions have not restored or established specialized schools, including Qinghai, Gansu, Tibet, Hainan, Inner Mongolia, Hebei, Fujian, and Shandong (Chinese Ministry of Education, 2022). Most of these provinces or autonomous regions are located in the less developed areas of central and western China. Second, in terms of the types of specialized schools, 94.23% are public specialized schools, and 5.77% are privately run or supported specialized schools (Chinese Ministry of Education, 2022). Third, in terms of student numbers, the number of graduates for all specialized schools nationwide in 2021 was 4,244, while the planned enrollment figure was 5,746, and the actual number of students enrolled was 7,160 (Chinese Ministry of Education, 2022). In terms of initial capacity design, the majority of specialized schools are not at full capacity in terms of the actual number of students enrolled. Last, in terms of the gender structure of students, the majority of students enrolled in specialized schools are male. While males account for 82.72% of the students enrolled nationwide, females account for only 17.28% (Chinese Ministry of Education, 2022). This large gender gap may be related to the fact that the majority of delinquent acts are committed by male juveniles. In addition, according to other available statistics (Lu et al., 2018), in terms of the authorities in charge of specialized schools, 95.7% of specialized schools are under the supervision of education authorities, while a few specialized schools are under the dual management of education and comprehensive governance departments or the management of judicial administration. In some provinces, specialized schools are built by the comprehensive governance department and transferred to the education department for management after completion.

2. (Regular) Specialized Education System (In a Narrow Sense)

As mentioned above, both (regular) specialized education and specialized correctional education rely on specialized schools for their implementation. However, significant differences exist between them in terms of their legal nature, targeted objects, admission procedures, and management models. This section provides a comprehensive and systematic analysis of the specialized education system in these four dimensions.

In terms of its legal nature, special education is an educational type of administrative disposition (Chen & Liu, 2023) that balances protective and coercive attributes (Yuan, 2021). On the one hand, with the principle of the best interests of the child as the conceptual cornerstone, special education focuses on juveniles, not on their deviant behaviors. Its purpose is to correct the deviant behavior of juveniles and promote their return to the right path, not to punish their behavior. Delinquent juveniles continue to receive compulsory education in specialized schools with the same content as the rest of their non-delinquent peers, preserving a pathway that allows them to return to mainstream compulsory education. It is thus clear that specialized education measures have the attribute of protecting juveniles. On the other hand, specialized education is a concrete expression of the principle of parental authority in the state. When traditional schooling and family education cannot deal with juveniles with serious misbehavior, the state must intervene. Specialized education becomes a part of traditional compulsory education. When specific criteria are met, the choice to enroll a juvenile in a specialized school is permissible and enforceable. This shows the compulsory nature of specialized education to a certain extent.

With regard to the targeted objects of specialized education, nine types of serious misbehavior are listed in the *Juvenile Delinquency Prevention Law of 2020*: (1) engaging in gang-fighting, chasing and intercepting others, taking or demanding forcibly or vandalizing or occupying at will public or private property, and committing other acts of picking quarrels and making troubles; (2) illegally carrying guns, ammunition, or crossbows, daggers, and other state-controlled equipment; (3) beating, insulting, intimidating, or intentionally injuring others; (4) stealing, assembling a crowd to seize, and forcibly seizing or deliberately destroying public and private property; (5) disseminating obscene reading materials, audio and video recordings, or information; (6) engaging in prostitution or conducting obscene performance, committing theft many times; (7) taking or injecting drugs or providing drugs for others; (8) participating in gambling with a relatively large amount of funds; and (9) other serious harmful offenses (Article 38). However, the juveniles with those serious misbehaviors will not be sent to specialized school automatically unless they are occurring: (1) committing acts that

seriously endanger society, falling under flagrant circumstances, or having caused serious consequences; (2) repeatedly committing acts that seriously endanger society; (3) refusing to accept or cooperate with the correctional education measures taken by bureaus of public security (police department)s for juveniles with serious delinquent behavior; and (4) other circumstances as prescribed in laws and administrative regulations (Article 44).

The admission procedures for specialized education correspond to the applicability mentioned above, and are divided into the application admission procedure and the compulsory admission procedure. Specifically, the application admission procedure is for the first category of juveniles with serious misbehavior. An application may be submitted to the administrative bureaus of education for a juvenile with serious misbehaviors whose parents or guardians and school are unable to correct them or have done so in an ineffective manner. The administrative bureaus of education will then decide whether to send the juvenile to a specialized school for special education after conducting an assessment and receiving approval from the steering committee for special education (the *Juvenile Delinquency Prevention Law of 2020*, Article 43). The compulsory admission procedure is for the second category of juveniles mentioned above. After the steering committee for special education has conducted and approved an evaluation, the administrative bureaus of education, in collaboration with the bureaus of public security (police department), may decide to send a juvenile who belongs to the second category of juveniles mentioned above to a specialized school for special education (the *Juvenile Delinquency Prevention Law of 2020*, Article 44).

With regard to the management model, specialized education essentially continues the semi-institutionalized correctional measures previously used in work–study education. In the implementation of specialized education, the specialized school manages students differently according to the period. Specifically, during the school day, students are placed in a closed boarding facility. During holidays, students are allowed to go out on regular holidays, which allows them to have some contact with the outside world. It is important to note, however, that the specialized school

still manages students with unstable behavior in a controlled manner during holidays (Liu, 2018), just in case.

3. Specialized Correctional Education System

As an important part of the broad specialized education system, the specialized correctional education system was added with the newly revised *Juvenile Delinquency Prevention Law* in 2020. The specialized correctional education system, which is detached from the rehabilitation through labor system, is more rigid than the (regular) specialized education system, which is detached from work–study education.

With regard to its legal nature, specialized correctional education is essentially a custodial type of judicial treatment, as opposed to (regular) specialized education, which is positioned as an educational type of administrative treatment (Chen & Liu, 2023). Based on the principle of *parens patriae*, the specialized correctional education system is guided by it to properly handle cases involving juveniles to achieve the goal of the “best interests of the child.”

With regard to the targeted objects of specialized correctional education, they overlap with the previous target objects of rehabilitation through the labor system. According to the *Juvenile Delinquency Prevention Law of 2020*, the scope of application of special correctional education measures is limited to those juveniles who commit the acts prescribed by *Chinese Criminal Code* but who are not criminally punishable because they are under the legal age of criminal responsibility (the *Juvenile Delinquency Prevention Law of 2020*, Article 45). According to current criminal code, three categories of non-criminal punishable acts exist: the first category comprises the eight types of felonies (including the crimes of intentionally killing, intentionally injuring causing serious injury or death, and rape, robbery, drug trafficking, arson, explosion, and crime on throwing dangerous substance) other than those committed by juveniles who have reached the age of 14 or less than 16; the second category comprises acts committed by juveniles who have reached the age of 12 or less than 14, except for the crimes of intentional homicide and intentional injury approved by the Supreme People’s

Procuratorate for prosecution; the third category comprises all acts committed by juveniles who have reached the age of 12 that violate the criminal law(*Chinese Criminal Code*, Article 17).

Specialized correctional education adopts compulsory admission procedures—that is, after the assessment and consent of the Specialized Education Steering Committee, the education administration, together with the public security authorities, decides whether to send the juvenile to a specialized school to receive specialized correctional education.

With regard to the management model, specialized correctional education continues the total closed correctional model of institutionalization. To distinguish it from specialized education (in the narrow sense), the *Juvenile Delinquency Prevention Law of 2020* explicitly provides for the closed-loop management of specialized correctional education in specialized places or specific areas (such as branch campuses, divided classes; Article 45). Compared to (regular) specialized education, the closed-loop management model of specialized correctional education allows for stricter daily management and correctional measures, which restrict the personal freedom of juveniles to a greater extent.

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III. Challenges in the Future

From the 1950s to the present, the system of specialized education has developed from a single system of work–study school education to a complete specialized education system consisting of (regular) specialized education in a narrow sense and specialized correctional education. The transformation of the specialized education system reflects the great progress in the concept and implementation path of juvenile delinquency and crime prevention with unique Chinese characteristics. However, certain limitations have arisen that have posed challenges in the subsequent implementation. Among the challenges, the most prominent is the practical operation of a specialized education system.

Specifically, China currently needs help to develop a systematic and scientific assessment mechanism centered on a system of specialized education steering committees. On the one hand, the centrality of specialized education steering committees must be established in a substantive sense. On the surface of the provisions, six of the nine new articles of the *Juvenile Delinquency Prevention Law*

of 2020 that deal with specialized education are related to specialized education steering committees, which establish their central position in specialized education. In essence, the specialized education steering committee is not an independent third-party permanent body but rather a centralized functioning mechanism composed of delegates from many departments or institutions. It has been demonstrated that this operating mechanism requires more planning and efficiency (Zhou, 2022). As a result, it is crucial to clarify further the structure and basis for the specialized education steering committee's work, designate a specific lead department, and set up a specialized function within it with a person responsible for specialized education guidance.

On the other hand, the *Juvenile Delinquency Prevention Law of 2020* fails to provide national guidelines for developing assessment standards for specialized education. Establishing uniform, standardized, and scientific assessment standards, which serve as the foundation for the specialized education steering committee's evaluation activity, is essential. However, the new law does not mention this. In contrast, after four generations of development, risk-needs assessment mechanisms for juveniles in foreign jurisdictions are relatively mature and have been validated by empirical studies (e.g., Andrews & Bonta, 2010; Baird et al., 2013). In conducting specialized educational assessments, China may introduce and develop from representative assessment tools, such as the Youth Level of Service/Case Management Inventory (e.g., Hoge, 2002; Schmidt et al., 2011) and the Structured Assessment of Violence Risk in Youth (e.g., Childs et al., 2013; Gammelgård et al., 2015).

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