

China's High Rate of Underage Students' Depression and Related Laws on the Protection of Teenagers

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Abstract: In China, the depression rate among underage students has shown an upward trend in recent years and underage students have gradually become the largest group affected by depression in the country. Depression among underage students can lead to many serious consequences, such as a lack of interest in school and even suicide. Some provisions in China's Minor Protection Law can play a role in protecting minors suffering from depression. In response, the Chinese government also has introduced several measures, such as the "Double Reduction" policy, to improve the situation, but with limited success. This article describes the current state of the Minor Protection Law regarding student depression and analyzes the existing protection laws and related measures to identify the reasons behind the rising depression rates among underage students and the ineffectiveness of new policies. At the same time, revisions to the relevant protection laws and suggested measures are proposed from four perspectives: underage students, schools, families, and society. These recommendations can first help relevant authorities improve the protection laws, and researchers can use these suggestions to propose further revisions.

Keywords: Depression, Underage students, China's Minor Protection Law.

1. Introduction

Depression, also known as depressive disorder, is a common mental illness with a high incidence and high clinical cure rate, but the acceptance rate of treatment is low and the recurrence rate is high. It is mainly manifested by obvious and persistent low mood. Some patients may engage in self-harm or suicidal behavior and even be accompanied by psychotic symptoms such as delusions and hallucinations. According to the number, type, and severity of symptoms, depressive disorders can be divided into mild, moderate, and severe. Depression also has specific classifications for different populations, such as the elderly, children, and pregnant women, such as elderly depression, childhood depression, and postpartum depression. Individuals with depression tend to develop distorted cognitive patterns regarding reality[1]. In terms of mental health, depression can lead to low mood, persistent pessimistic feelings, low self-esteem, and loss of interest in life. It may even result in suicidal thoughts or behaviors. It can also trigger a range of physical symptoms, such as insomnia, loss of appetite, fatigue, and weight changes. Over time, it may increase the risk of cardiovascular diseases and immune system disorders.

In recent years, the frequency of depression and other mental health problems among minors has caused social concern. Depression among minors has led to the emergence of many social issues, such as the problem of minor suicides. Based on census data from China over the years, it was found that the overall suicide mortality rate decreased from 10.8 per 100,000 people in 2010 to 5.25 per 100,000 in 2021. However, the suicide mortality rate for the 5 to 14 age group increased significantly during the same period. For the 15 to 24 age group, the suicide rate initially dropped by 7% annually between 2010 and 2017, but in the following four years, it increased by nearly 20% annually. However, the legal protection for minors suffering from depression is still inadequate at present. In 2019, a 13-year-old girl committed suicide due to depression. As the school did not offer mental health courses or have a psychological counselor, the girl could only try to seek help through social media before her suicide. However, she could not receive timely assistance due to the lack of attention from her parents and friends[2]. This paper is a study of the law on the protection of depressed minors, through the improvement of relevant measures to provide some feasible suggestions and countermeasures for the legal protection of depressed minors. Through this study, the role of the law in the protection of depressed minors can be improved to reduce the rate of depression among underage students.

2. Current application of the law on the protection of depressed minors

The "Law of the People's Republic of China on the Protection of Minors" is a law specifically formulated to protect minors' legitimate rights and interests and promote their healthy development. This law aims to provide minors with comprehensive legal protection. The law mentions that it is formulated to protect minors' physical and mental health, safeguard their legal rights and interests, and promote their all-round development in moral, intellectual, physical, aesthetic, and labor education. The revised version of the "Minors Protection Law" took effect on April 26, 2021, with more detailed and comprehensive provisions covering the protection of minors in family, school, society, and online environments. The Law on the Protection of Minors contains seven major sections: family protection, school protection, social protection, network protection, government protection, judicial protection, and legal responsibility. Among these, the most significant aspects related to students are family protection and school protection.

In family protection, the article 16 of this law stipulates that parents or other guardians of minors shall fulfill the following guardianship duties: Provide minors with living, health, safety, and other necessary protections; provide minors with living, health, safety, and other necessary protections; pay attention to the physical and psychological conditions, as well as the emotional needs of minors; educate and guide minors to observe laws and regulations, practice diligence and thrift, and cultivate good moral character and behavioral habits; provide safety education to minors, enhancing their awareness and ability for self-protection; respect minors' right to education and ensure that minors of school age receive and complete compulsory education by the law; ensure minors have time for rest, entertainment, and physical exercise, and guide them to engage in activities that are beneficial to their physical and mental well-being; properly manage and protect minors' property; legally act on behalf of minors in civil legal matters; prevent and stop minors from engaging in undesirable behaviors or illegal activities, and provide appropriate discipline; fulfill other guardianship responsibilities as required. Article 21 of the law explains that the parents or other guardians of minors are not allowed to leave children under the age of eight, or minors who require special care due to physical or psychological reasons, in an unsupervised state. Nor can they temporarily entrust the care of such minors to individuals who lack legal capacity, have limited legal capacity, suffer from serious infectious diseases, or are otherwise unsuitable for caregiving. At the same time, Article 22 clearly states that parents or other guardians of minors must promptly provide written notification of entrusted care arrangements to the school or kindergarten where the minor is enrolled, as well as to

the residents' committee or villagers' committee in the minor's actual place of residence. They should strengthen communication with the school or kindergarten[3]. Additionally, they must contact and communicate with the minor and the entrusted person at least once weekly to understand the minor's living, study, and psychological conditions, and provide emotional care. When parents or other guardians of minors receive notifications from the entrusted person, residents' committee, villagers' committee, school, or kindergarten about any psychological or behavioral abnormalities in the minor, they must promptly take intervention measures. Article 23 of the law explains that after receiving notifications regarding abnormal psychological or behavioral conditions in minors from entrusted individuals, residential committees, village committees, schools, kindergartens, and other organizations, the parents or other guardians of minors should promptly take intervention measures. The above content clarifies the obligations of family protection under the Law on the Protection of Minors, but it only regulates the minimum requirements for the physical safety of minors and advises parents and family members on the need for attention to minors. However, these family protection laws are difficult to implement. Firstly, minors spend most of their time at school making it hard for parents to focus on their children's mental health. Additionally, many parents work away from home, and grandparents may not have the energy to pay attention to the minors. As a result, many minors do not receive daily attention from their families, making it difficult for the relevant laws to be effective. Furthermore, China lacks regulatory agencies to monitor whether families are fulfilling their responsibilities, making enforcing the laws in some underdeveloped areas challenging. Finally, family warmth is not included within the legal framework in the Law on the Protection of Minors, but the family environment itself also affects depression in minor students. Research results show that the warmth index and depression rates are inversely related, indicating that minor students are more prone to depression in less warm and supportive family environments(Table 1).

Table 1: Relationship between warmth and depression[4]

Degree of warmth	Number of samples	Score of depression
No warmth	252	16.57±10.05
Poor warmth	358	15.32±10.25
General warmth	921	14.12±9.89
Relatively warmth	415	15.65±9.56
Very warmth	306	12.24±9.57

The warmer the family atmosphere, the lower the level of depression among minors. This may be because, in warmer family environments, communication between family members is closer, creating a more favorable environment for the child's growth. This helps children develop good habits and form a healthy mindset, enabling them to maintain a positive attitude, better regulate their emotions, and exercise self-control. In addition, a warm family atmosphere can reduce the depression rate among underage minors[5].

Additionally, the family environment can also affect the mental health of minors through factors such as emotional abuse or domestic violence between family members which may even lead to depression. However, the Law on the Protection of Minors does not include specific provisions regulating this aspect of the family environment.

School protection is also an essential part of minors' protection. The article has mentioned schools should care for and support minor students, and must not discriminate against students based on their family situation, physical or mental health, or learning abilities. For students from disadvantaged families or with physical or mental challenges, schools should provide care and support. Schools should offer patient assistance for students with abnormal behavior or learning difficulties. Schools

should cooperate with relevant government departments to establish information records for left-behind minors and minors in difficult situations and carry out care and support initiatives. However, schools are currently not fully implementing these laws. Some schools lack the infrastructure needed to provide psychological interventions for minors, especially in underdeveloped rural areas. Additionally, there are certain deviations in the implementation of policies during the process. At Sun Yat-sen University in Guangdong, for example, a student named Zhao, supposedly from a financially disadvantaged family, was reported for flaunting wealth and excessive spending[6]. This indicates that the school has mistakenly awarded financial aid and that some students are using the aid for personal gain. Similar issues also occur in the handling of minors' depression problems. Sometimes policies are well-intentioned, but they are difficult to implement effectively and may even be exploited by those with ulterior motives.

At the same time, the 2022 National Depression Blue Book shows that 50% of depression patients in China are students[7]. Among the school-related influencing factors, the most prominent are academic pressure and school bullying[8]. The "Double Reduction" policy refers to reducing the homework burden for students in compulsory education and reducing the burden of off-campus tutoring[9]. These policies have indeed reduced the prevalence of tutoring classes, but the demand from parents still exists. As a result, various forms of tutoring have emerged and often with risky legal consequences. Therefore, the academic pressure on students has not decreased.

Campus bullying is also a major factor contributing to depression among minors. School bullying refers to situations where the victim is intentionally, repeatedly, and continuously subjected to negative behaviors by one or more students, causing physical and psychological harm or discomfort to the victim. The incidence of campus bullying in Chinese schools has reached as high as 32%[10]. However, the issue of bullying has not been effectively addressed through strict punishment under the Law on the Protection of Minors. Many individuals use their status as minors as a shield, receiving only minimal penalties, such as placement in juvenile correctional facilities or small compensations to atone for their crimes. The law also does not strictly require schools to take specific actions[10].

3. Strategies to improve legal protections for students with depression who are minors

Regarding strategies to improve legal protections for students with depression who are minors, four key aspects can be addressed: legal provisions, law enforcement, school regulations, and public education. In the two points mentioned above, legal regulations could incorporate family warmth into the scope of family protection in regular content. For example, a questionnaire could be used to allow underage students to rate the warmth of their family environment. If any family receives a low score, relevant staff should intervene promptly to help improve the family atmosphere. For left-behind children, community committees or the government can assign staff to communicate more frequently with them and organize group activities to foster a sense of belonging.

Schools should strengthen oversight to address unreasonable tutoring practices and bullying incidents. The government can reduce bullying and unauthorized extracurricular tutoring by increasing fines and issuing warnings. In addition, the government should support schools and victims of bullying in taking action to punish perpetrators, ensuring that those who engage in bullying recognize their mistakes and understand the consequences of their actions.

From a social perspective, many Chinese families have high expectations for their children, often linking academic performance directly to the child's future success. This is especially true in one-child families, where children bear the entire family's expectations and struggle to cope with the pressure of failure. Parents' excessive interference and mandatory expectations often leave children feeling a lack of freedom and personal choice. From a legal perspective. Compared to China, Europe, and the United States, minors are regarded as independent rights holders, with legislation placing greater emphasis on protecting their autonomy and decision-making rights. When family issues arise,

such as minors experiencing domestic violence, public welfare organizations can intervene more swiftly. In China, however, due to historical and traditional reasons, families play a significant role in the protection of minors, with parents and guardians holding absolute educational authority, making it difficult for regulatory and protective agencies to intervene promptly in cases of domestic violence. To address this issue, we believe that we should start by strengthening third-party supervision and providing mental health education. Moreover, the deeper underlying cause of this phenomenon is the oversupply of labor and employment issues in society. The intense competition for college entrance examinations has led to increasing pressure on minors. The government should create more job opportunities, encourage people to pursue blue-collar work, and improve the compensation for such jobs to provide minors with more pathways and reduce their stress.

On a social level, the government should focus on developing more public welfare organizations and promoting awareness of the Law on the Protection of Minors. Community organizations and public welfare classes can help parents and minors become aware of issues related to depression and their solutions. Encouraging them to confront these problems actively is essential for effectively addressing and resolving them.

4. Conclusion

In conclusion, this paper begins with the laws related to family protection and school protection under the Law on the Protection of Minors. Through analyzing relevant laws and the current situation, it aims to propose improvements to the existing legal framework. This paper aims to address the high depression rates among minor students by improving the situation through four aspects: legal provisions, law enforcement, school regulations, and social advocacy. The significance of this research lies in improving existing legislation to reduce the high rate of depression among underage students and contribute to the enhancement of the Minor Protection Law.

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