

## **The Constitution of the People's Republic of China (2018)**

(Adopted at the Fifth Session of the Fifth National People's Congress and promulgated by the Announcement of the National People's Congress on December 4, 1982; amended in accordance with the Amendment to the Constitution of the People's Republic of China adopted at the First Session of the Seventh National People's Congress on April 12, 1988, the Amendment to the Constitution of the People's Republic of China adopted at the First Session of the Eighth National People's Congress on March 29, 1993, the Amendment to the Constitution of the People's Republic of China adopted at the Second Session of the Ninth National People's Congress on March 15, 1999, the Amendment to the Constitution of the People's Republic of China adopted at the Second Session of the Tenth National People's Congress on March 14, 2004, and the Amendment to the Constitution of the People's Republic of China adopted at the First Session of the Thirteenth National People's Congress on March 11, 2018)

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### **Preamble**

China is one of the countries with the longest histories in the world. The Chinese people of all ethnic groups have jointly created a splendid culture and have a glorious revolutionary tradition.

After 1840, feudal China gradually became a semi-colonial, semi-feudal country. The Chinese people, wave upon wave, waged heroic struggles for national independence and liberation and for democracy and freedom.

In the 20th century, China underwent earth-shaking historic transformations.

The Revolution of 1911, led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. However, the historic mission of the Chinese people to oppose imperialism and feudalism remained unfulfilled.

In 1949, after enduring prolonged, arduous, and tortuous struggles—both armed and otherwise—the Chinese people of all ethnic groups, under the leadership of the Communist Party of China with Chairman Mao Zedong as its leader, finally overthrew the rule of imperialism, feudalism, and bureaucrat-capitalism, achieved a great victory in the New Democratic Revolution, and established the People's Republic of China. The Chinese people thus secured state power and became the masters of the country.

After the founding of the People's Republic of China, our country gradually achieved the transition from a new democratic society to a socialist society. The socialist transformation of the private ownership of the means of production was completed, the system of exploitation of man by man abolished, and the socialist system established. The people's democratic dictatorship under the leadership of the working class based on an alliance of workers and farmers—in essence a dictatorship of the proletariat—was consolidated and developed. The Chinese people and the Chinese People's Liberation Army defeated imperialist and hegemonic aggression, sabotage, and armed provocations, safeguarded national independence and security, and strengthened national defense. Significant achievements were made in economic development, with an independent and relatively complete socialist industrial system generally established and agricultural output markedly increased. Substantial advancements

were achieved in education, science, culture, and other fields, and education about socialist values and ethics produced notable outcomes. The lives of the people improved significantly.

Both the victory in China's New Democratic Revolution and the successes in its socialist cause have been achieved by the Chinese people of all ethnic groups under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought by upholding truth, correcting errors, and overcoming numerous difficulties and obstacles. Our country will long remain in the primary stage of socialism. The fundamental mission of the state is to concentrate its strength on achieving socialist modernization along the road of socialism with Chinese characteristics. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong

Thought, Deng Xiaoping Theory, the Theory of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, the Chinese people of all ethnic groups will continue to uphold the people's democratic dictatorship, follow the socialist road, and remain committed to reform and opening up; steadily improve various systems under socialism, develop the socialist market economy, advance socialist democracy,

strengthen the socialist rule of law, and implement the new development philosophy; and, through self-reliance and hard work, modernize step by step industry, agriculture, national defense, and science and technology and promote coordinated material, political, cultural ethical, social, and ecological advancement. These efforts are dedicated to building China into a great modern socialist country that is prosperous, strong, democratic, culturally advanced, harmonious, and beautiful and to realizing the rejuvenation of the Chinese nation.

In our country, the exploiting class, as a class, was eliminated, but class struggle will continue to exist within a certain scope for a long time to come. The people of China must fight against domestic and foreign forces and elements that are hostile to and seek to undermine our country's socialist system.

Taiwan is part of the sacred territory of the People's Republic of China. To complete the great cause of reunifying the motherland is the sacred duty of all the Chinese people, including our fellow Chinese in Taiwan.

The cause of building socialism must rely on workers, farmers, and intellectuals and unite all forces that can be united. Through the prolonged process of revolution, development, and reform, a broad

patriotic united front was formed under the leadership of the Communist Party of China, with the participation of other political parties and people's organizations. This united front includes all socialist working people, people engaged in building socialism, patriots who support socialism, and patriots who support the reunification of the motherland and are dedicated to the rejuvenation of the Chinese nation. This united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference is a broadly representative organization of the united front, and it has played a significant historical role in the past. In the future, it will continue to play an important role in the country's political and social activities and its friendly foreign activities, in socialist modernization, and in the struggles of safeguarding national unity and solidarity. The system of multiparty cooperation and political consultation led by the Communist Party of China will continue to exist and develop long into the future.

The People's Republic of China is a unified multiethnic state collectively created by its people of all ethnic groups. Socialist ethnic relations of equality, solidarity, mutual assistance, and harmony have been established and will continue to be strengthened. In the struggle to safeguard ethnic solidarity, it is imperative to oppose ethnic chauvinism, primarily Han chauvinism, as well as local ethnic

chauvinism. The state makes every effort to promote the common prosperity of all ethnic groups in China.

The achievements of China's revolution, development, and reform are inseparable from the support of the people of the world. The future of China is closely connected with the future of the world. China pursues an independent foreign policy and adheres to the five principles of mutual respect for sovereignty and territorial integrity, mutual nonaggression, noninterference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence. China is committed to pursuing a path of peaceful development, follows a mutually beneficial strategy of opening up, works to develop diplomatic relations and economic and cultural exchanges with other countries, and promotes the building of a community with a shared future for humanity. China consistently opposes imperialism, hegemonism, and colonialism, works to strengthen solidarity with the people of all countries, supports oppressed peoples and developing countries in their just struggles to win and safeguard their independence and grow their economies, and strives to safeguard world peace and promote the cause of human progress.

This Constitution affirms, in legal form, the achievements of the endeavors of the Chinese people of all ethnic groups and stipulates the



fundamental system and the fundamental mission of the state. It is the fundamental law of the state and has the supreme legal force. The people of all ethnic groups, all state organs and the armed forces, all political parties and social organizations, and all enterprises and public institutions in the country must take the Constitution as the fundamental standard of conduct and bear the duty of upholding the sanctity of the Constitution and ensuring its implementation.

## **Chapter I General Principles**

Article 1 The People's Republic of China is a socialist state of people's democratic dictatorship under the leadership of the working class based on an alliance of workers and farmers.

The socialist system is the fundamental system of the People's Republic of China. Leadership by the Communist Party of China is the defining feature of socialism with Chinese characteristics. It is prohibited for any organization or individual to undermine the socialist system.

Article 2 All power in the People's Republic of China belongs to the people.

The organs through which the people exercise state power are the National People's Congress and local people's congresses at all levels.

The people shall, in accordance with the law, manage state affairs, economic and cultural undertakings, and social affairs through various channels and forms.

Article 3 The state institutions of the People's Republic of China shall practice the principle of democratic centralism.

The National People's Congress and local people's congresses at all levels shall be created through democratic election, responsible to the people, and subject to their oversight.

All administrative, supervisory, adjudicatory, and procuratorial organs of the state shall be created by the people's congresses, responsible to them, and subject to their oversight.

The division of functions and powers between central and local state institutions shall be guided by the principle of fully leveraging local initiative and motivation under unified central leadership.

Article 4 All ethnic groups of the People's Republic of China are equal.

The state shall safeguard the lawful rights and interests of all ethnic minorities and uphold and develop relations of equality, solidarity, mutual assistance, and harmony among all ethnic groups. Discrimination against and oppression of any ethnic group are prohibited; any act that undermines ethnic solidarity or creates ethnic division is prohibited.

The state shall, in line with the characteristics and needs of ethnic minorities, assist ethnic minority areas in accelerating their economic and cultural development.

All areas with large concentrations of ethnic minorities shall practice regional autonomy, establish organs of autonomy, and exercise the power of autonomy. All ethnic autonomous areas are inalienable parts of the People's Republic of China.

All ethnic groups shall have the freedom to use and develop their own spoken and written languages and to preserve or reform their own traditions and customs.

Article 5 The People's Republic of China shall practice law-based governance to build itself into a socialist country under the rule of law.

The state shall uphold the unity and sanctity of the socialist legal system.

No law, administrative regulation, or local regulation shall contravene the Constitution.

All state organs and the armed forces, all political parties and social organizations, and all enterprises and public institutions must abide by the Constitution and the law. Any act that violates the Constitution or laws must be subject to accountability.

No organization or individual shall have any privilege beyond the Constitution or the law.

Article 6 The foundation of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, that is, ownership by the whole people and collective

ownership by the working people. Under socialist public ownership, the system of exploitation of man by man is eradicated, and the principle of "from each according to his ability, to each according to his work" is practiced.

In the primary stage of socialism, the state shall practice a fundamental economic system under which public ownership is the mainstay and diverse forms of ownership develop together, and the state shall practice an income distribution system under which distribution according to work is the mainstay while multiple forms of distribution exist alongside it.

Article 7 The state-owned sector of the economy, that is, the socialist economy under ownership by the whole people, is the leading force in the national economy. The state shall ensure the consolidation and development of the state-owned sector of the economy.

Article 8 Rural collective economic organizations shall practice a two-tiered management system that combines unified and separate operations, with household contract management as its basis. The various forms of cooperative economies in rural areas, such as production, supply and marketing, credit, and consumption, are part of the socialist economy under collective ownership by the working people. People who

participate in rural collective economic organizations shall have the right, within the scope prescribed by law, to cultivate cropland and hillsides allotted to them for private use, engage in household sideline production, and raise privately owned livestock.

The various forms of cooperative economies in urban areas, such as those in handicrafts, industry, construction, transportation, commerce, and service sectors, are part of the socialist economy under collective ownership by the working people.

The state shall protect the lawful rights and interests of urban and rural collective economic organizations and encourage, guide, and assist in the development of the collective sector of the economy.

Article 9 Mineral resources, waters, forests, mountains, grasslands, unreclaimed land, mudflats, and all other natural resources shall be owned by the state, that is, by the whole people, except for the forests, mountains, grasslands, unreclaimed land, and mudflats that are owned by collectives as prescribed by law.

The state shall ensure the rational use of natural resources and protect rare animals and plants. It is prohibited for any organization or individual to seize or damage natural resources by any means.

Article 10 Land in cities shall be owned by the state.

Land in rural and suburban areas shall be owned by collectives unless prescribed as state-owned by law; residential plots and cropland and hillsides allotted for private use shall be owned by collectives.

The state may, in order to meet public interest needs, expropriate or requisition land and make compensation in accordance with the law.

No organization or individual shall illegally transfer land through seizure, sale and purchase, or in any other form. Land-use rights may be transferred in accordance with the law.

All organizations and individuals using land must use it appropriately.

Article 11 Non-public economic sectors that are within the scope prescribed by law, such as individually owned and private businesses, are an important component of the socialist market economy.

The state shall protect the lawful rights and interests of non-public economic sectors such as individually owned and private businesses. The state shall encourage, support, and guide the development of non-public economic sectors and exercise oversight and regulation over non-public economic sectors in accordance with the law.

Article 12 Socialist public property is sacred and inviolable.

The state shall protect socialist public property. It is prohibited for any organization or individual to seize or damage state or collective property by any means.

Article 13 The lawful private property of citizens is inviolable.

The state shall protect citizens' rights to private property and inheritance in accordance with the law.

The state may, in order to meet public interest needs, expropriate or requisition citizens' private property and make compensation in accordance with the law.

Article 14 The state shall continually raise labor productivity, improve economic performance, and develop social productive forces by



enhancing the motivation and technical skills of working people,  
promoting advanced science and technology, improving the systems of  
economic management and enterprise operation and management,  
practicing diverse forms of socialist responsibility system, and improving  
the organization of work.

The state shall practice strict economy and combat waste.

The state shall appropriately handle accumulation and consumption, give  
due consideration to the interests of the state, collectives, and individuals  
and, based on the development of production, gradually improve the  
material and cultural wellbeing of the people.

The state shall establish a sound social security system commensurate  
with the level of economic development.

Article 15 The state shall practice a socialist market economy.

The state shall strengthen economic legislation and improve  
macro-regulation.

The state shall, in accordance with the law, prohibit any organization or  
individual from disrupting social and economic order.

Article 16 State-owned enterprises, within the scope prescribed by law, shall have the right to manage their businesses.

State-owned enterprises shall, in accordance with the law, practice democratic management through employees' congresses and other means.

Article 17 Collective economic organizations shall, on condition that they comply with relevant laws, have the right to conduct economic activities independently.

Collective economic organizations shall practice democratic management and, in accordance with the law, elect or remove their management personnel and decide on major issues concerning their operations and management.

Article 18 The People's Republic of China shall permit foreign enterprises and other economic organizations, or foreign individuals to invest in China and to conduct various forms of economic cooperation with Chinese enterprises or other economic organizations in accordance with the law of the People's Republic of China.

All foreign enterprises, other foreign economic organizations, and Chinese-foreign joint ventures in the territory of China shall abide by the law of the People's Republic of China. Their lawful rights and interests shall be protected by the law of the People's Republic of China.

Article 19 The state shall develop socialist educational undertakings to raise the scientific and cultural level of the entire nation.

The state shall run educational institutions of all types, provide universal access to compulsory primary education, develop secondary, vocational, and higher education, and also develop preschool education.

The state shall develop various educational facilities to eliminate illiteracy and provide political, cultural, scientific, technical, and field-specific education for workers, farmers, state employees, and other working people, while encouraging people to become educated through self-study.

The state shall encourage collective economic organizations, state enterprises, public institutions, and other social actors to run educational programs of various types in accordance with the law.

The state shall promote the standard spoken Chinese (Putonghua) used nationwide.

Article 20 The state shall develop the natural and social sciences, disseminate scientific and technological knowledge, and reward research achievements and technological discoveries and inventions.

Article 21 The state shall develop medical and health care, develop modern medicine and traditional Chinese medicine, encourage and support the running of various medical and health facilities by rural collective economic organizations, state enterprises, public institutions, and subdistrict organizations, and promote public health activities in order to protect the people's health.

The state shall develop sports and organize public sports activities to improve the people's physical fitness.

Article 22 The state shall develop arts, literature, the press, radio and television broadcasting, publishing, libraries, museums, cultural centers, and other cultural undertakings that serve the people and socialism and promote public cultural activities.

The state shall protect places of scenic beauty and historical interest, valuable cultural relics, and other forms of important historical and cultural heritage.

Article 23 The state shall train specialized personnel of various types to serve socialism, expand the ranks of intellectuals, and create conditions necessary for fully leveraging their role in socialist modernization.

Article 24 The state shall promote socialist cultural-ethical advancement through widely accessible education on ideals, moral values, culture, discipline, and law and through the formulation and observance of various forms of rules of conduct and public pledges among different urban and rural populations.

The state shall champion the core socialist values; advocate the civic virtues of love for the motherland, for the people, for work, for science, and for socialism; educate the people in patriotism and collectivism, in internationalism and communism, and in dialectical and historical materialism; and oppose capitalist, feudal, and other forms of decadent thought.

Article 25 The state shall implement family planning to ensure that population growth is in keeping with economic and social development plans.

Article 26 The state shall protect and improve living environments and the ecological environment and prevent and control pollution and other public hazards.

The state shall organize and encourage afforestation and protect trees and forests.

Article 27 All state organs shall practice the principle of lean and efficient administration, work responsibility systems, and employee training and evaluation systems to keep improving work quality and efficiency and combat bureaucratism.

All state organs and state employees must rely on the support of the people, maintain close ties with them, heed their opinions and suggestions, accept their oversight, and work hard to serve them.

State employees shall, upon assuming office, take a public oath of allegiance to the Constitution in accordance with the law.

Article 28 The state shall maintain public order, suppress treason and other criminal activities that endanger national security, punish criminal activities including those that endanger public security or harm the socialist economy, and punish and reform criminals.

Article 29 The armed forces of the People's Republic of China belong to the people. Their mission shall be to strengthen national defense, resist aggression, defend the motherland, safeguard the people's peaceful work, participate in national development, and work hard to serve the people.

The state shall make the armed forces more revolutionary, more modernized, and better regulated to strengthen national defense capabilities.

Article 30 The administrative divisions of the People's Republic of China shall be as follows:

- (1) The country consists of provinces, autonomous regions, and cities directly under the Central Government;
- (2) Provinces and autonomous regions consist of autonomous prefectures, counties, autonomous counties, and cities; and

(3) Counties and autonomous counties consist of townships, ethnic townships, and towns.

Cities directly under the Central Government and other large cities consist of districts and counties. Autonomous prefectures consist of counties, autonomous counties, and cities.

All autonomous regions, autonomous prefectures, and autonomous counties are ethnic autonomous areas.

Article 31 The state may establish a special administrative region when necessary. The systems to be instituted in a special administrative region shall, in light of its specific circumstances, be prescribed by law enacted by the National People's Congress.

Article 32 The People's Republic of China shall protect the lawful rights and interests of foreigners in the territory of China; foreigners in the territory of China must abide by the law of the People's Republic of China.

The People's Republic of China may grant asylum to foreigners who seek refuge on political grounds.



## **Chapter II Fundamental Rights and Obligations of Citizens**

Article 33 All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.

All citizens of the People's Republic of China are equal before the law.

The state shall respect and protect human rights.

Every citizen shall enjoy the rights prescribed by the Constitution and the law and must fulfill the obligations prescribed by the Constitution and the law.

Article 34 All citizens of the People's Republic of China who have reached the age of 18, regardless of ethnicity, race, gender, occupation, family background, religious belief, level of education, property status, or length of residence, shall have the right to vote and stand for election; however, persons who are deprived of political rights in accordance with the law are an exception.

Article 35 Citizens of the People's Republic of China shall have freedom of speech, the press, assembly, association, procession, and demonstration.

Article 36 Citizens of the People's Republic of China shall have freedom of religious belief.

No state organ, social organization, or individual shall compel citizens to believe in or not to believe in any religion, nor shall they discriminate against citizens who believe in or do not believe in any religion.

The state shall protect normal religious activities. No one shall use religion to engage in activities that disrupt public order, harm citizens' health, or interfere with the state's education system.

Religious groups and religious affairs shall not be subject to control by foreign forces.

Article 37 The personal freedom of citizens of the People's Republic of China is inviolable.

No citizen shall be arrested unless with the approval or by the decision of a people's procuratorate or by the decision of a people's court, and arrests must be carried out by a public security organ.

Unlawful detention or any other unlawful deprivation or restriction of a citizen's personal freedom is prohibited; the unlawful search of a citizen's person is prohibited.

Article 38 The personal dignity of citizens of the People's Republic of China is inviolable. It is prohibited to use any means to insult, defame, or falsely accuse any citizen.

Article 39 The homes of citizens of the People's Republic of China are inviolable. Unlawful search of or unlawful intrusion into a citizen's home is prohibited.

Article 40 The freedom and confidentiality of correspondence of citizens of the People's Republic of China shall be protected by law. No organization or individual shall infringe upon a citizen's freedom and confidentiality of correspondence for any reason, except for national security or criminal investigation needs, in which cases public security

organs or procuratorial organs shall examine correspondence in accordance with procedures prescribed by law.

Article 41 Citizens of the People's Republic of China shall have the right to criticize and make suggestions regarding any state organ or state employee; they shall have the right to file with relevant state organs complaints, charges, or reports against any state organ or state employee for violations of the law or negligence of duty, but they shall not fabricate or distort facts to make false accusations.

Relevant state organs must investigate the facts concerning citizens' complaints, charges, or reports and take responsibility for dealing with them. No one shall suppress such complaints, charges, or reports or take retaliatory action.

Persons who have suffered losses resulting from infringement of their civil rights by any state organ or state employee shall have the right to receive compensation in accordance with the law.

Article 42 Citizens of the People's Republic of China shall have the right and the obligation to work.

The state shall, through various means, create employment opportunities, strengthen labor protections, improve working conditions and, based on the development of production, increase remuneration for work and related benefits.

Work is an honorable duty for every citizen who is able to work. All workers in state-owned enterprises and in urban and rural collective economic organizations shall approach their own work as the country's masters. The state shall promote socialist work contests and reward model workers and exemplary employees. The state shall encourage citizens to participate in voluntary work.

The state shall provide its citizens with necessary pre-employment vocational training.

Article 43 Workers in the People's Republic of China shall have the right to rest.

The state shall develop rest and recuperation facilities for workers and establish systems for employee working hours and leave entitlements.

Article 44 The state shall practice a retirement system for employees of enterprises, public institutions, and state organs in accordance with the law. The livelihood of retirees shall be ensured by the state and society.

Article 45 Citizens of the People's Republic of China shall have the right to material assistance from the state and society when they are aged, ill, or have lost the capacity to work. The state shall develop the social insurance, social relief, and medical and health services necessary for citizens to enjoy this right.

The state and society shall ensure the livelihood of military personnel with disabilities, provide pensions to families of martyrs, and give preferential treatment to family members of military personnel.

The state and society shall assist in arranging the work, livelihood, and education of citizens with visual, hearing, speech, or other disabilities.

Article 46 Citizens of the People's Republic of China shall have the right and the obligation to receive education.

The state shall foster the all-around moral, intellectual, and physical development of young adults, youths, and children.

Article 47 Citizens of the People's Republic of China shall have the freedom to engage in scientific research, literary and artistic creation, and other cultural pursuits. The state shall encourage and assist in creative work that is beneficial to the people of citizens engaged in education, science, technology, literature, arts, and other cultural activities.

Article 48 Women in the People's Republic of China shall enjoy equal rights with men in all spheres of life—political, economic, cultural, social, and familial.

The state shall protect the rights and interests of women, practice equal pay for equal work for men and women, and enhance the competence of and select women officials.

Article 49 Marriage, families, mothers, and children shall be protected by the state.

Both husband and wife shall have the obligation to practice family planning.

Parents shall have the obligation to raise and educate their minor children; adult children shall have the obligation to support and assist their parents.

Infringement of the freedom of marriage is prohibited; abuse of older persons, women, and children is prohibited.

Article 50 The People's Republic of China shall protect the legitimate rights and interests of Chinese nationals residing overseas, as well as the lawful rights and interests of Chinese nationals residing overseas who have returned to China and the family members in China of Chinese nationals residing overseas.

Article 51 When exercising their freedoms and rights, citizens of the People's Republic of China shall not harm the interests of the state, society, or collectives, or infringe upon the lawful freedoms and rights of other citizens.

Article 52 Citizens of the People's Republic of China shall have the obligation to safeguard national unity and the solidarity of all ethnic groups in the country.

Article 53 Citizens of the People's Republic of China must abide by the Constitution and the law, keep state secrets, protect public property, observe workplace discipline, observe public order, and respect public morality.



Article 54 Citizens of the People's Republic of China shall have the obligation to safeguard the security, honor, and interests of the motherland; they shall not act in any way that endangers the motherland's security, honor, or interests.

Article 55 It is the sacred duty of every citizen of the People's Republic of China to defend the motherland and resist aggression.

It is the honorable obligation of citizens of the People's Republic of China to perform military service or join the militia in accordance with the law.

Article 56 Citizens of the People's Republic of China shall have the obligation to pay taxes in accordance with the law.

### **Chapter III State Institutions**

#### **Section 1 The National People's Congress**

Article 57 The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent organ is the Standing Committee of the National People's Congress.

Article 58 The National People's Congress and the Standing Committee of the National People's Congress shall exercise the legislative power of the state.

Article 59 The National People's Congress shall be composed of deputies elected from provinces, autonomous regions, cities directly under the Central Government, special administrative regions, and the armed forces. All ethnic minorities shall have an appropriate number of deputies.

The election of deputies to the National People's Congress shall be presided over by the Standing Committee of the National People's Congress.

The number of deputies to the National People's Congress and the procedures for their election shall be prescribed by law.

Article 60 The term of each National People's Congress shall be five years.

The Standing Committee of the National People's Congress must complete the election of deputies to the next National People's Congress two months prior to the expiration of the term of the current National

People's Congress. If extraordinary circumstances prevent the election from being held, the election may be postponed and the term of the current National People's Congress may be extended by a vote of at least two-thirds of the component members of the Standing Committee of the current National People's Congress. The election of deputies to the next National People's Congress must be completed within one year after the cessation of extraordinary circumstances.

Article 61 A session of the National People's Congress shall be held once every year and convened by the Standing Committee of the National People's Congress. If the Standing Committee of the National People's Congress deems it necessary, or one-fifth or more of deputies to the National People's Congress so propose, a session of the National People's Congress may be convened in the interim.

When the National People's Congress holds a session, it shall elect a presidium to preside over the session.

Article 62 The National People's Congress shall exercise the following functions and powers:

- (1) To amend the Constitution;

- (2) To oversee the implementation of the Constitution;
- (3) To enact and revise basic laws governing criminal offenses, civil affairs, state institutions, and other matters;
- (4) To elect the President and the Vice President of the People's Republic of China;
- (5) To decide, based on nomination by the President of the People's Republic of China, on the person for the office of the Premier of the State Council; decide, based on nominations by the Premier of the State Council, on the persons for the offices of Vice Premiers, State Councilors, Ministers of ministries, Ministers of commissions, the Auditor-General, and the Secretary-General of the State Council;
- (6) To elect the Chairperson of the Central Military Commission and decide, based on nominations by the Chairperson of the Central Military Commission, on other members of the Central Military Commission;
- (7) To elect the Chairperson of the National Commission of Supervision;
- (8) To elect the President of the Supreme People's Court;

(9) To elect the Procurator-General of the Supreme People's Procuratorate;

(10) To examine and approve reports on national economic and social development plans and their implementation;

(11) To examine and approve reports on state budgets and their execution;

(12) To change or revoke inappropriate decisions of the Standing Committee of the National People's Congress;

(13) To approve the establishment of provinces, autonomous regions, and cities directly under the Central Government;

(14) To decide on the establishment of special administrative regions and the systems to be instituted in such regions;

(15) To decide on matters of war and peace; and

(16) To exercise other functions and powers that shall be exercised by the highest organ of state power.

Article 63 The National People's Congress shall have power to remove from office the following personnel:

- (1) The President and the Vice President of the People's Republic of China;
- (2) The Premier, Vice Premiers, State Councilors, Ministers of ministries, Ministers of commissions, the Auditor-General, and the Secretary-General of the State Council;
- (3) The Chairperson of the Central Military Commission and other members of the Central Military Commission;
- (4) The Chairperson of the National Commission of Supervision;
- (5) The President of the Supreme People's Court; and
- (6) The Procurator-General of the Supreme People's Procuratorate.

Article 64 Amendments to the Constitution shall be proposed by the Standing Committee of the National People's Congress or by one-fifth or more of deputies to the National People's Congress and shall be adopted

by a vote of at least two-thirds of deputies to the National People's Congress.

Laws and other proposals shall be adopted by a majority vote of all deputies to the National People's Congress.

Article 65 The Standing Committee of the National People's Congress shall be composed of the following personnel:

A Chairperson,

Vice Chairpersons,

A Secretary-General, and

Members.

There shall be an appropriate number of ethnic minority deputies who sit as component members on the Standing Committee of the National People's Congress.

The National People's Congress shall elect, and have power to remove from office, component members of the Standing Committee of the National People's Congress.

No component member of the Standing Committee of the National People's Congress shall hold office in any administrative, supervisory, adjudicatory, or procuratorial organ of the state.

Article 66 The term of the Standing Committee of each National People's Congress shall be the same as that of the National People's Congress. The Standing Committee shall exercise its functions and powers until a new Standing Committee is elected by the next National People's Congress.

The Chairperson and Vice Chairpersons of the Standing Committee shall not serve more than two consecutive terms.

Article 67 The Standing Committee of the National People's Congress shall exercise the following functions and powers:

- (1) To interpret the Constitution and oversee its implementation;
- (2) To enact and revise laws other than those that shall be enacted by the National People's Congress;



(3) To partially supplement and amend laws enacted by the National People's Congress when the National People's Congress is not in session, provided such changes do not contravene the basic principles of those laws;

(4) To interpret laws;

(5) To examine and approve necessary partial adjustments to national economic and social development plans and state budgets during their implementation when the National People's Congress is not in session;

(6) To oversee the work of the State Council, the Central Military Commission, the National Commission of Supervision, the Supreme People's Court, and the Supreme People's Procuratorate;

(7) To revoke administrative regulations, decisions, and orders enacted by the State Council that contravene the Constitution or laws;

(8) To revoke local regulations and resolutions adopted by organs of state power in provinces, autonomous regions, and cities directly under the Central Government that contravene the Constitution, laws, or administrative regulations;

(9) To decide, based on nominations by the Premier of the State Council, on the persons for the offices of Ministers of ministries, Ministers of commissions, the Auditor-General, and the Secretary-General of the State Council when the National People's Congress is not in session;

(10) To decide, based on nominations by the Chairperson of the Central Military Commission, on other members of the Central Military Commission when the National People's Congress is not in session;

(11) To appoint or remove, based on recommendations by the Chairperson of the National Commission of Supervision, Vice Chairpersons, and members of the National Commission of Supervision;

(12) To appoint or remove, based on recommendations by the President of the Supreme People's Court, Vice Presidents, judges, and members of the Adjudicatory Committee of the Supreme People's Court and the President of the Military Court;

(13) To appoint or remove, based on recommendations by the Procurator-General of the Supreme People's Procuratorate, Deputy Procurators-General, procurators, and members of the Procuratorial Committee of the Supreme People's Procuratorate and the Chief

Procurator of the Military Procuratorate; and to approve the appointment or removal of Chief Procurators of the people's procuratorates of provinces, autonomous regions, and cities directly under the Central Government;

(14) To decide on the appointment or removal of plenipotentiaries;

(15) To decide on the ratification or abrogation of treaties and important agreements concluded with foreign states;

(16) To establish systems of titles and ranks for military and diplomatic personnel and other field-specific title and ranking systems;

(17) To create national medals and honorary titles and decide on their conferment;

(18) To decide on the granting of special pardon;

(19) To decide on the declaration of a state of war in the event of armed aggression against the country or in fulfillment of international treaty obligations concerning common defense against aggression when the National People's Congress is not in session;

(20) To decide on national or local mobilization;

(21) To decide on entering a state of emergency nationwide or in a particular province, autonomous region, or city directly under the Central Government; and

(22) To exercise other functions and powers accorded to it by the National People's Congress.

Article 68 The Chairperson of the Standing Committee of the National People's Congress shall preside over the work of the Standing Committee of the National People's Congress and convene meetings of the Standing Committee of the National People's Congress. The Vice Chairpersons and the Secretary-General shall assist in the work of the Chairperson.

The Chairperson, Vice Chairpersons, and the Secretary-General constitute the Council of Chairpersons, which shall handle important day-to-day work of the Standing Committee of the National People's Congress.

Article 69 The Standing Committee of the National People's Congress shall be responsible to the National People's Congress and report to the National People's Congress on its work.

Article 70 The National People's Congress shall establish an Ethnic Affairs Committee, a Constitution and Law Committee, a Financial and Economic Committee, an Education, Science, Culture, and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Affairs Committee, and other special committees as necessary. When the National People's Congress is not in session, all special committees shall be under the leadership of the Standing Committee of the National People's Congress.

The special committees shall research, deliberate, and draw up relevant proposals under the leadership of the National People's Congress and the Standing Committee of the National People's Congress.

Article 71 When the National People's Congress or its Standing Committee deems it necessary, it may set up an investigation committee on a specific issue and, based on the report of the investigation committee, adopt an appropriate resolution.

When an investigation committee conducts an investigation, all state organs, social organizations, and citizens concerned shall have the obligation to provide it with necessary information.

Article 72 Deputies to the National People's Congress and component members of the Standing Committee of the National People's Congress shall have power, in accordance with procedures prescribed by law, to submit proposals within the scope of the respective functions and powers of the National People's Congress and its Standing Committee.

Article 73 Deputies to the National People's Congress, when the National People's Congress is in session, and component members of its Standing Committee, when the Standing Committee meets, shall have power, in accordance with procedures prescribed by law, to raise inquiries to the State Council or its ministries and commissions. The State Council, the ministries, or the commissions under inquiry must take responsibility for answering.

Article 74 No deputy to the National People's Congress shall be arrested or placed on criminal trial without the consent of the Presidium of the current session of the National People's Congress or, when the National

People's Congress is not in session, the consent of its Standing Committee.

Article 75 Deputies to the National People's Congress shall not be subject to legal liability for their statements and votes at meetings of the National People's Congress.

Article 76 Deputies to the National People's Congress must play an exemplary role in abiding by the Constitution and the law and keeping state secrets and assist in the implementation of the Constitution and the law in the production, work, and public activities they participate in.

Deputies to the National People's Congress shall maintain close contact with their electoral units and the people who elected them, heed and convey the opinions and demands of the people, and work hard to serve the people.

Article 77 Deputies to the National People's Congress shall be subject to the oversight of the electoral units. Their electoral units shall have power to remove them from office in accordance with procedures prescribed by law.

Article 78 The organization and working procedures of the National People's Congress and its Standing Committee shall be prescribed by law.

## **Section 2 The President of the People's Republic of China**

Article 79 The President and the Vice President of the People's Republic of China shall be elected by the National People's Congress.

Citizens of the People's Republic of China who have the right to vote and stand for election and who have reached the age of 45 are eligible for election as President or Vice President of the People's Republic of China.

The term of office of the President and the term of office of the Vice President of the People's Republic of China shall be the same as the term of the National People's Congress.

Article 80 The President of the People's Republic of China shall, pursuant to decisions of the National People's Congress and its Standing Committee, promulgate laws; appoint or remove the Premier, Vice Premiers, State Councilors, Ministers of ministries, Ministers of commissions, the Auditor-General, and the Secretary-General of the State



Council; confer national medals and honorary titles; issue orders of special pardon; declare a state of emergency; declare a state of war; and issue mobilization orders.

Article 81 The President of the People's Republic of China shall conduct affairs of state and receive foreign diplomatic envoys on behalf of the People's Republic of China and, pursuant to decisions of the Standing Committee of the National People's Congress, appoint or recall plenipotentiaries and ratify or abrogate treaties and important agreements concluded with foreign states.

Article 82 The Vice President of the People's Republic of China shall assist in the work of the President.

The Vice President of the People's Republic of China may, when so entrusted by the President, exercise part of the functions and powers of the President on the President's behalf.

Article 83 The President and the Vice President of the People's Republic of China shall exercise their functions and powers until the President and the Vice President elected by the next National People's Congress assume office.

Article 84 If the office of the President of the People's Republic of China becomes vacant, the Vice President shall succeed to the office of the President.

If the office of the Vice President of the People's Republic of China becomes vacant, the National People's Congress shall elect a new Vice President to fill the vacancy.

If the offices of both the President and the Vice President of the People's Republic of China become vacant, the National People's Congress shall elect a new President and a new Vice President; prior to their election, the Chairperson of the Standing Committee of the National People's Congress shall temporarily act as the President.

### **Section 3 The State Council**

Article 85 The State Council of the People's Republic of China, namely, the Central People's Government, is the executive organ of the highest organ of state power; it is the highest state administrative organ.

Article 86 The State Council shall be composed of the following personnel:

A Premier,

Vice Premiers,

State Councilors,

Ministers of ministries,

Ministers of commissions,

An Auditor-General, and

A Secretary-General.

The State Council shall practice a Premier responsibility system. The ministries and commissions shall practice a Minister responsibility system.

The organization of the State Council shall be prescribed by law.

Article 87 The term of the State Council shall be the same as that of the National People's Congress.

The Premier, Vice Premiers, and State Councilors shall not serve more than two consecutive terms.

Article 88 The Premier shall direct the work of the State Council. The Vice Premiers and State Councilors shall assist in the work of the Premier.

The Premier, Vice Premiers, State Councilors, and the Secretary-General constitute the executive meeting of the State Council.

The Premier shall convene and preside over executive meetings of the State Council and plenary meetings of the State Council.

Article 89 The State Council shall exercise the following functions and powers:

(1) To stipulate administrative measures, enact administrative regulations, and issue decisions and orders in accordance with the Constitution and the law;

(2) To submit proposals to the National People's Congress or its Standing Committee;

(3) To stipulate the missions and responsibilities of the ministries and commissions, exercise unified leadership over their work, and direct national-level administrative work that does not fall within the responsibilities of the ministries and commissions;

(4) To exercise unified leadership over the work of local state administrative organs at all levels nationwide and stipulate the division of functions and powers between the Central Government and the state administrative organs in provinces, autonomous regions, and cities directly under the Central Government;

(5) To draw up and implement national economic and social development plans and state budgets;

(6) To direct and manage economic work, urban and rural development, and ecological conservation;

(7) To direct and manage work concerning education, science, culture, health, sports, and family planning;

(8) To direct and manage work such as civil affairs, public security, and judicial administration;

(9) To manage foreign affairs and conclude treaties and agreements with foreign states;

(10) To direct and manage the development of national defense;

(11) To direct and manage ethnic affairs and safeguard the equal rights of ethnic minorities and the right to autonomy of ethnic autonomous areas;

(12) To protect the legitimate rights and interests of Chinese nationals residing overseas, as well as the lawful rights and interests of Chinese nationals residing overseas who have returned to China and of the family members in China of Chinese nationals residing overseas;

(13) To change or revoke inappropriate orders, directives, and regulations issued by ministries or commissions;

(14) To change or revoke inappropriate decisions and orders issued by local state administrative organs at all levels;

(15) To approve the geographic division of provinces, autonomous regions, and cities directly under the Central Government and approve the establishment and geographic division of autonomous prefectures, counties, autonomous counties, and cities;

(16) To decide, in accordance with the law, on the entering of a state of emergency in a part of a province, an autonomous region, and a city directly under the Central Government;

(17) To examine and decide on the staff size of administrative institutions and, in accordance with the law, appoint or remove, train, evaluate, and award or punish administrative personnel; and

(18) To exercise other functions and powers accorded to it by the National People's Congress and its Standing Committee.

Article 90 Ministers of ministries and Ministers of commissions of the State Council shall be responsible for the work of their departments and convene and preside over executive meetings of ministries or commissions to discuss and decide on major issues in their work.

Ministries and commissions, in accordance with the laws and the administrative regulations, decisions, and orders of the State Council, issue orders, directives, and regulations within the scope of their authority.

Article 91 The State Council shall establish an audit office to oversee through auditing the revenue and expenditure of all State Council departments and local governments at all levels and the revenue and expenditure of all state financial institutions, enterprises, and public institutions.

The audit office shall, under the leadership of the Premier of the State Council, independently exercise the power of oversight through auditing in accordance with the law, and it shall not be subject to interference from other administrative organs, social organizations, or individuals.

Article 92 The State Council shall be responsible to the National People's Congress and report to the National People's Congress on its work; when the National People's Congress is not in session, the State Council shall be responsible to the Standing Committee of the National People's Congress and report to the Standing Committee of the National People's Congress on its work.



## **Section 4 The Central Military Commission**

Article 93 The Central Military Commission of the People's Republic of China shall exercise leadership over the armed forces of the country.

The Central Military Commission shall be composed of the following personnel:

A Chairperson,

Vice Chairpersons, and

Members.

The Central Military Commission shall practice a Chairperson responsibility system.

The term of the Central Military Commission shall be the same as that of the National People's Congress.

Article 94 The Chairperson of the Central Military Commission shall be responsible to the National People's Congress and the Standing Committee of the National People's Congress.

## **Section 5 Local People's Congresses at All levels and Local People's Governments at All Levels**

Article 95 The people's congresses and people's governments shall be established in provinces, cities directly under the Central Government, counties, cities, municipal districts, townships, ethnic townships, and towns.

The organization of local people's congresses at all levels and local people's governments at all levels shall be prescribed by law.

Autonomous regions, autonomous prefectures, and autonomous counties shall establish organs of autonomy. The organization and work of organs of autonomy shall be prescribed by law in accordance with the basic principles laid down in Chapter III Sections 5 and 6 of this Constitution.

Article 96 Local people's congresses at all levels are local organs of state power.

Local people's congresses at and above the county level shall establish their standing committees.

Article 97 Deputies to the people's congresses of provinces, cities directly under the Central Government, and cities divided into districts shall be elected by the people's congresses at the next lower level; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, ethnic townships, and towns shall be directly elected by their constituencies.

The number of deputies to local people's congresses at all levels and the procedures of their election shall be prescribed by law.

Article 98 The term of local people's congresses at all levels shall be five years.

Article 99 Local people's congresses at all levels shall, in their own administrative areas, ensure compliance with and implementation of the Constitution, laws, and administrative regulations; they shall, according

to the authority as prescribed by law, adopt and issue resolutions and examine and decide on local economic, cultural, and public service development plans.

Local people's congresses at and above the county level shall examine and approve reports on national economic and social development plans and budgets of their administrative areas and on their implementation. They shall have power to change or revoke inappropriate decisions made by their standing committees.

The people's congresses of ethnic townships may, according to the authority as prescribed by law, adopt specific measures suited to their ethnic characteristics.

Article 100 The people's congresses of provinces and cities directly under the Central Government and their standing committees may, provided there is no conflict with the Constitution, laws, or administrative regulations, enact local regulations, which shall be submitted to the Standing Committee of the National People's Congress for the record.

The people's congresses of cities divided into districts and their standing committees may, provided there is no conflict with the Constitution, laws,

or administrative regulations, or with the local regulations of their respective provinces or autonomous regions, enact local regulations in accordance with the law, which shall be submitted to the standing committees of the people's congresses of their provinces or autonomous regions and take effect upon approval.

Article 101 Local people's congresses shall, at their respective levels, elect, and have power to remove from office, provincial governors and deputy provincial governors, city mayors and deputy city mayors, county mayors and deputy county mayors, municipal district mayors and deputy municipal district mayors, township mayors and deputy township mayors, and town mayors and deputy town mayors.

Local people's congresses at and above the county level shall elect, and have power to remove from office, chairpersons of the commissions of supervision, presidents of the people's courts, and chief procurators of the people's procuratorates at their respective levels. The election or removal of the chief procurator of a people's procuratorate must be reported to the chief procurator of the people's procuratorate at the next higher level for submission to the standing committee of the people's congress at that level for approval.

Article 102 Deputies to the people's congresses of provinces, cities directly under the Central Government, and cities divided into districts shall be subject to oversight by electoral units that elected them; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, ethnic townships, and towns shall be subject to oversight by their constituencies.

Electoral units and constituencies that elect deputies to local people's congresses at all levels shall have power to remove them from office in accordance with procedures prescribed by law.

Article 103 The standing committees of local people's congresses at and above the county level shall be composed of a chairperson, vice chairpersons, and members; they shall be responsible to the people's congresses at their respective levels and report to these people's congresses on their work.

Local people's congresses at and above the county level shall elect, and have power to remove from office, component members of their standing committees.

No component member of the standing committees of local people's congresses at or above the county level shall hold office in any administrative, supervisory, adjudicatory, or procuratorial organ of the state.

Article 104 The standing committees of local people's congresses at and above the county level shall discuss and decide on major issues in all areas of work in their administrative areas; oversee the work of the people's government, the commission of supervision, the people's court, and the people's procuratorate at their respective levels; revoke inappropriate decisions and orders made by the people's government at the same level; revoke inappropriate resolutions adopted by the people's congress at the next lower level; decide on the appointment or removal of employees of state organs according to the authority as prescribed by law; and, when the people's congresses at their levels are not in session, remove from office and elect to fill vacancies deputies to the people's congress at the next higher level.

Article 105 Local people's governments at all levels are the executive organs of the local organs of state power at their respective levels; they are the local state administrative organs at their respective levels.

Local people's governments at all levels shall practice a system of responsibility assumed by their respective provincial governors, city mayors, county mayors, municipal district mayors, township mayors, or town mayors.

Article 106 The term of local people's governments at all levels shall be the same as that of the people's congresses at their respective levels.

Article 107 Local people's governments at and above the county level shall, according to the authority as prescribed by law, manage economic, educational, scientific, cultural, health, sports, and urban and rural development undertakings, and finance, civil affairs, public security, ethnic affairs, judicial administration, family planning, and other administrative work, in their administrative areas; issue decisions and orders; and appoint or remove, train, evaluate, and award or punish government employees.

The people's governments of townships, ethnic townships, and towns shall implement the resolutions of the people's congresses at their levels and the decisions and orders of higher-level state administrative organs and manage administrative affairs in their respective administrative areas.



The people's governments of provinces and cities directly under the Central Government shall decide on the establishment and geographic division of townships, ethnic townships, and towns.

Article 108 Local people's governments at and above the county level shall direct the work of their subordinate departments and of lower-level people's governments and shall have power to change or revoke inappropriate decisions of their subordinate departments and lower-level people's governments.

Article 109 Local people's governments at and above the county level shall establish audit offices. Local audit offices at all levels shall, in accordance with the law, independently exercise the power of oversight through auditing; they shall be responsible to the people's governments at their levels and to the audit offices at the next higher level.

Article 110 Local people's governments at all levels shall be responsible to the people's congresses at their levels and report to these people's congresses on their work. Local people's governments at and above the county level shall, when the people's congresses at their levels are not in session, be responsible to the standing committees of the people's

congresses at their levels and report to the standing committees on their work.

Local people's governments at all levels shall be responsible to state administrative organs at the next higher level and report to such state administrative organs on their work. Local people's governments at all levels nationwide are state administrative organs under the unified leadership of the State Council; they shall all be subordinate to the State Council.

Article 111 Residents committees and villagers committees, established among urban and rural residents on the basis of their place of residence, are primary-level people's organizations for self-governance.

Chairpersons, vice chairpersons, and members of residents committees and villagers committees shall be elected by residents. The relations between residents committees and villagers committees and primary-level organs of state power shall be prescribed by law.

Residents committees and villagers committees shall establish people's mediation, public security, public health, and other subcommittees to handle public affairs, provide public services, mediate civil disputes, and assist in maintaining public security in their residential areas; they shall

convey residents' opinions and demands and make proposals to the people's government.

## **Section 6 Organs of Autonomy of Ethnic Autonomous Areas**

Article 112 The organs of autonomy of ethnic autonomous areas are the people's congresses and the people's governments of autonomous regions, autonomous prefectures, and autonomous counties.

Article 113 In the people's congresses of autonomous regions, autonomous prefectures, and autonomous counties, in addition to deputies from the ethnic group that exercises regional autonomy, there shall also be an appropriate number of deputies from other ethnic groups residing in that administrative area.

On the standing committees of the people's congresses of autonomous regions, autonomous prefectures, and autonomous counties, there shall be citizens of the ethnic group that exercises regional autonomy serving as chairperson or vice chairperson.

Article 114 The office of governor of an autonomous region, prefect of an autonomous prefecture, and mayor of an autonomous county shall be held by a citizen from the ethnic group that exercises regional autonomy in that area.

Article 115 The organs of autonomy of autonomous regions, autonomous prefectures, and autonomous counties shall exercise the functions and powers of local state organs as stipulated in Chapter III Section 5 of this Constitution; they shall also exercise the power of autonomy in accordance with the authority as prescribed by this Constitution, the Law on Regional Ethnic Autonomy, and other laws and implement state laws and policies based on local circumstances.

Article 116 The people's congresses of ethnic autonomous areas shall have power to enact autonomous regulations and separate regulations in accordance with the political, economic, and cultural characteristics of the ethnic groups in their areas. The autonomous regulations and separate regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress and take effect upon approval. The autonomous regulations and separate regulations of autonomous prefectures and autonomous counties shall be submitted to standing committees of the people's congresses of their provinces or

autonomous regions and take effect upon approval and shall be submitted to the Standing Committee of the National People's Congress for the record.

Article 117 Organs of autonomy of ethnic autonomous areas shall have the autonomy to manage their local finances. All fiscal revenue which belongs to an ethnic autonomous area under the state financial system shall be autonomously allocated and used by the organ of autonomy of that ethnic autonomous area.

Article 118 Organs of autonomy of ethnic autonomous areas shall, under the guidance of state plans, autonomously plan for and manage local economic development.

When developing resources or enterprises in an ethnic autonomous area, the state shall give due consideration to the interests of that area.

Article 119 Organs of autonomy of ethnic autonomous areas shall autonomously manage the educational, scientific, cultural, health, and sports undertakings of their areas, protect and preserve the cultural heritage of their ethnic groups, and promote the development and flourishing of ethnic cultures.

Article 120 Organs of autonomy of ethnic autonomous areas may, in accordance with the military system of the state and actual local needs, and with the approval of the State Council, organize local public security units to maintain public security.

Article 121 When performing official duties, organs of autonomy of ethnic autonomous areas shall, in accordance with the autonomous regulations of that ethnic autonomous area, use the spoken and written language or languages commonly used in that area.

Article 122 The state shall provide financial, material, and technical assistance to ethnic minorities to accelerate their economic and cultural development.

The state shall assist ethnic autonomous areas in training a large number of officials at all levels, various specialized personnel, and technical workers from among the ethnic groups in that area.

## **Section 7 Commissions of Supervision**

Article 123 Commissions of supervision of the People's Republic of China at all levels are the supervisory organs of the state.

Article 124 The People's Republic of China shall establish a National Commission of Supervision and local commissions of supervision at all levels.

A commission of supervision shall be composed of the following personnel:

A chairperson,

Vice chairpersons, and

Members.

The term of office of the chairperson of a commission of supervision shall be the same as the term of the people's congress at the same level.

The Chairperson of the National Commission of Supervision shall not serve more than two consecutive terms.

The organization, functions, and powers of the commissions of supervision shall be prescribed by law.

Article 125 The National Commission of Supervision of the People's Republic of China is the highest supervisory organ.

The National Commission of Supervision shall direct the work of local commissions of supervision at all levels; higher-level commissions of supervision shall direct the work of lower-level commissions of supervision.

Article 126 The National Commission of Supervision shall be responsible to the National People's Congress and the Standing Committee of the National People's Congress. Local commissions of supervision at all levels shall be responsible to the organs of state power that created them and to the commissions of supervision at the next higher level.

Article 127 Commissions of supervision shall, in accordance with the law, independently exercise supervisory power and shall not be subject to interference from any administrative organ, social organization, or individual.

The supervisory organs shall, in handling cases of duty-related malfeasance or crime, work in coordination with adjudicatory organs,



procuratorial organs, and law enforcement departments, and they shall act as mutual checks on each other.

## **Section 8 People's Courts and People's Procuratorates**

Article 128 The people's courts of the People's Republic of China are the adjudicatory organs of the state.

Article 129 The People's Republic of China shall establish a Supreme People's Court, local people's courts at all levels, military courts, and other specialized people's courts.

The term of office of the President of the Supreme People's Court shall be the same as the term of the National People's Congress, and the President shall not serve more than two consecutive terms.

The organization of the people's courts shall be prescribed by law.

Article 130 All cases in the people's courts shall be tried in public, except in special circumstances as prescribed by law. The defendant shall have the right to defense.

Article 131 The people's courts shall, in accordance with the law, independently exercise the adjudicatory power and shall not be subject to interference from any administrative organ, social organization, or individual.

Article 132 The Supreme People's Court is the highest adjudicatory organ.

The Supreme People's Court shall oversee the adjudicative work of local people's courts at all levels and of specialized people's courts; higher-level people's courts shall oversee the adjudicative work of lower-level people's courts.

Article 133 The Supreme People's Court shall be responsible to the National People's Congress and the Standing Committee of the National People's Congress. Local people's courts at all levels shall be responsible to the organs of state power that created them.

Article 134 The people's procuratorates of the People's Republic of China are the legal oversight organs of the state.

Article 135 The People's Republic of China shall establish a Supreme People's Procuratorate, local people's procuratorates at all levels, military procuratorates, and other specialized people's procuratorates.

The term of office of the Procurator-General of the Supreme People's Procuratorate shall be the same as the term of the National People's Congress, and the Procurator-General shall not serve more than two consecutive terms.

The organization of the people's procuratorates shall be prescribed by law.

Article 136 The people's procuratorates shall, in accordance with the law, independently exercise the procuratorial power and shall not be subject to interference from any administrative organ, social organization, or individual.

Article 137 The Supreme People's Procuratorate is the highest procuratorial organ.

The Supreme People's Procuratorate shall direct the work of local people's procuratorates at all levels and specialized people's

procuratorates; higher-level people's procuratorates shall direct the work of lower-level people's procuratorates.

Article 138 The Supreme People's Procuratorate shall be responsible to the National People's Congress and the Standing Committee of the National People's Congress. Local people's procuratorates at all levels shall be responsible to the organs of state power that created them and to the higher-level people's procuratorates.

Article 139 Citizens of all ethnic groups shall have the right to use their own ethnic languages, spoken and written, in court proceedings. The people's courts and the people's procuratorates shall provide translation services for a party to court proceedings, who is not proficient in commonly used spoken or written languages in that locality.

In areas with large concentrations of ethnic minorities or where a number of ethnic groups live together, court trials shall be conducted in the language or languages commonly used in that locality; indictments, judgments, notices, and other documents shall be written in the language or languages commonly used in that locality according to actual needs.

Article 140 In handling criminal cases, the people's courts, the people's procuratorates, and public security organs shall be responsible for their respective functions, work in coordination with each other, and act as checks on each other to ensure the faithful and effective enforcement of the law.

#### **Chapter IV The National Flag, the National Anthem, the National Emblem, and the Capital**

Article 141 The national flag of the People's Republic of China is the Five-Star Red Flag.

The national anthem of the People's Republic of China is the March of the Volunteers.

Article 142 The national emblem of the People's Republic of China consists of an image of Tiananmen Gate in the center illuminated by five stars and encircled by spikes of grain and a cogwheel.

Article 143 The capital of the People's Republic of China is Beijing.

