

China: 2018 Constitutional Amendment Adopted

(May 18, 2018) On March 11, 2018, the National People's Congress (NPC) of the People's Republic of China (PRC or China) adopted an amendment to the PRC Constitution. The amendment contains 21 articles numbered 32 to 52 (the numbering of the articles continues from article 31 of the previous constitutional amendment). ([Zhonghua Renmin Gongheguo Xianfa Xiuzheng An](#)[PRC Constitutional Amendment] (adopted by the NPC on Mar. 11, 2018) (2018 Amendment), NPC website; Changhao Wei, [Translation: 2018 Amendment to the P.R.C. Constitution](#), NPC OBSERVER (Mar. 11, 2018).)

The current PRC Constitution was enacted in 1982. Prior to the 2018 amendment, the 1982 Constitution was amended four times—in 1988, 1993, 1999, and 2004. The 1988 amendment contained two articles; the 1993 amendment, nine articles; the 1999 amendment, six articles; and the 2004 amendment, 14 articles. (QIANFAN ZHANG, THE CONSTITUTION OF CHINA 55–57 (2012).)

Highlights of the 2018 Amendment:

- Article 32: Among other things, this article replaces, in the seventh paragraph of the Preamble to the Constitution, “improve the socialist legal system” with “improve the socialist rule of law” (“which is effectively rule *by* law, one could argue” (Wei, *supra*)).
- Article 36: This article inserts a new sentence in paragraph 2 of article 1 of the Constitution after “[t]he socialist system is the basic system of the People’s Republic of China.” The new sentence reads, “The defining feature of socialism with Chinese characteristics is the leadership of the Communist Party of China.”
- Article 37: Among a number of articles in the 2018 Amendment that give the new supervision organ (supervisory commissions) constitutional status, this article adds the phrase “supervision organ” to paragraph 3 of article 3 of the Constitution. Paragraph 3 of article 3 of the Constitution now reads: “All administrative organs, *supervision organs*, adjudicatory organs and procuratorial organs of the State are created by the people’s congresses to which they are responsible and by which they are supervised” (emphasis added).
- Article 40: This article adds a new paragraph 3 to article 27 of the Constitution that reads, “State functionaries shall take a public oath of allegiance to the Constitution when assuming office.”
- Article 44: Among other things, this article revises paragraph 1 of article 70 of the Constitution by renaming the “NPC Law Committee” as “NPC Constitution and Law Committee.”
- Article 45: This article repeals the term limits for the President and Vice President of the PRC. Under article 79 of the Constitution before the amendment, the President and Vice President could not serve more than two consecutive five-year terms.
- Article 46: Among other things, this article adds the protection of the environment to the duties and powers of the State Council under item 6 of article 89, which now reads: “(6) to direct and administer economic affairs and urban and rural development, as well as the *building of an ecological civilization*” (emphasis added).
- Article 47: This article grants cities divided into districts the power to make local regulations by adding a new paragraph 2 of article 100 of the Constitution, which reads as follows:

The people’s congresses of cities divided into districts and their standing committees may adopt local regulations in accordance with the provisions of law, provided that they do not contravene the Constitution, laws, administrative regulations, and the local regulations of the corresponding provinces or autonomous regions, and they shall take effect after being reported to and approved by the standing committees of the people’s congresses of the corresponding provinces or autonomous regions.

- Article 52: This article adds a whole new section of five articles on the state supervision organ as a new section 7, “The Supervision Commissions,” in chapter III of the Constitution, “The Structure of the State.” (2018 Amendment; Wei, *supra*.)

The full text of the PRC Constitution as revised by the 2018 Amendment is available in Chinese on the State Council website. ([XIANFA](#) (1982, as amended in 1988, 1993, 1999, 2004, and 2018), PRC State Council website.)

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