

# Annotated Translation: 2018 Amendment to the P.R.C. Constitution (Version 2.0)

On March 11, 2018, the 1<sup>st</sup> Session of the 13<sup>th</sup> NPC adopted the following **Constitutional Amendment** ([http://www.xinhuanet.com/politics/2018lh/2018-03/11/c\\_1122521235.htm](http://www.xinhuanet.com/politics/2018lh/2018-03/11/c_1122521235.htm)) with 2,958 votes in favor, two against, and three abstentions. Sixteen delegates were absent and one vote cast was declared invalid.

We published the original annotated English translation of this Constitutional Amendment on the day it was adopted. Given the public's unabated interest in this important document ever since, on February 7, 2019, we comprehensively updated our annotations of the amendment—in particular those of the several articles that amended the Preamble. We also updated the translation in accordance with our recent **translation** (<https://npcobserver.files.wordpress.com/2018/12/PRC-Constitution-2018.pdf>) of the entire Constitution as amended. Thanks to Taige Hu's substantial contribution to this project.

We formatted some of the texts below to enhance readability. Our annotations are in brackets.

## 中华人民共和国全国人民代表大会公告 第一号

## Announcement of the National People's Congress of the People's Republic of China No. 1

中华人民共和国宪法修正案已由中华人民共和国第十三届全国人民代表大会第一次会议于2018年3月11日通过，现予公布施行。

The Amendment to the Constitution of the People's Republic of China has been adopted by the 1<sup>st</sup> Session of the 13<sup>th</sup> National People's Congress of the People's Republic of China on March 11, 2018 and is hereby promulgated to take effect.

中华人民共和国第十三届全国人民代表大会第一次会议主席团  
2018年3月11日于北京

Presidium of the 1<sup>st</sup> Session of the 13<sup>th</sup> National People's Congress of the People's Republic of China  
March 11, 2018 in Beijing

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# 中华人民共和国宪法修正案

## Amendment to the Constitution of the People's Republic of China

(2018年3月11日第十三届全国人民代表大会第一次会议通过)

(Adopted by the 1<sup>st</sup> Session of the 13<sup>th</sup> National People's Congress on March 11, 2018)

**第三十二条** 宪法序言第七自然段中“在马克思列宁主义、毛泽东思想、邓小平理论和‘三个代表’重要思想指引下”修改为“在马克思列宁主义、毛泽东思想、邓小平理论和‘三个代表’重要思想、科学发展观、习近平新时代中国特色社会主义思想指引下”；“健全社会主义法制”修改为“健全社会主义法治”；在“自力更生，艰苦奋斗”前增写“贯彻新发展理念”；“推动物质文明、政治文明和精神文明协调发展，把我国建设成为富强、民主、文明的社会主义国家”修改为“推动物质文明、政治文明、精神文明、社会文明、生态文明协调发展，把我国建设成为富强民主文明和谐美丽的社会主义现代化强国，实现中华民族伟大复兴”。这一自然段相应修改为：“中国新民主主义革命的胜利和社会主义事业的成就，是中国共产党领导中国各族人民，在马克思列宁主义、毛泽东思想的指引下，坚持真理，修正错误，战胜许多艰难险阻而取得的。我国将长期处于社会主义初级阶段。国家的根本任务是，沿着中国特色社会主义道路，集中力量进行社会主义现代化建设。中国各族人民将继续在中国共产党领导下，在马克思列宁主义、毛泽东思想、邓小平理论、‘三个代表’重要思想、科学发展观、习近平新时代中国特色社会主义思想指引下，坚持人民民主专政，坚持社会主义道路，坚持改革开放，不断完善社会主义的各项制度，发展社会主义市场经济，发展社会主义民主，健全社会主义法治，贯彻新发展理念，自力更生，艰苦奋斗，逐步实现工业、农业、国防和科学技术的现代化，推动物质文明、政治文明、精神文明、社会文明、生态文明协调发展，把我国建设成为富强民主文明和谐美丽的社会主义现代化强国，实现中华民族伟大复兴。”

**Article 32:** In the seventh paragraph of the Preamble to the Constitution, “the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, and the important thought of Three Represents” is amended to read “the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thought of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era”; “improve the socialist legal system” is amended to read “improve the socialist rule of law”; before “work hard and self-reliantly” is inserted “apply a new vision of development”; and “promote the coordinated development of the material, political, and spiritual civilizations, to turn China into a socialist country that is prosperous, democratic, and culturally advanced” is amended to read “promote the coordinated development of the material, political, spiritual, social, and ecological civilizations, to turn China into a strong modern socialist country that is prosperous, democratic, culturally advanced, harmonious, and beautiful, and to realize the great rejuvenation for the Chinese nation”. This paragraph is accordingly amended to read: “The victory in China’s New-Democratic Revolution and the successes in its socialist cause have been achieved by the Chinese people of all ethnicities, 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 surmounting numerous difficulties and hardships. China will be in the primary stage of socialism for a long time to come. The basic task of the nation is to concentrate its effort on 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 important thought 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 ethnicities will continue to adhere to the people’s democratic dictatorship and the socialist road, persevere in reform and opening to the outside world, steadily improve socialist institutions, develop the socialist market economy, develop socialist democracy, improve the socialist **rule of law**, **apply a new vision of development**, and work hard and self-reliantly to modernize the country’s industry, agriculture, national defense, and science and technology step by step, to promote the coordinated development of the material, political,

spiritual, social, and ecological civilizations, to turn China into a **strong modern socialist country** that is prosperous, democratic, culturally advanced, **harmonious, and beautiful, and to realize the great rejuvenation for the Chinese nation.**”

[This article:

- **Adds two guiding political ideologies:** Hu Jintao’s “Scientific Outlook on Development” [科学发展观] and Xi Jinping’s “Thought on Socialism with Chinese Characteristics for a New Era” [新时代中国特色社会主义思想]. The core content of Hu’s ideology was first articulated in a **speech** (<http://cpc.people.com.cn/GB/64184/64186/66691/4494648.html>) he gave in July 2003 on SARS response, and the term first appeared in the Communist Party’s 2005 **recommendations for the 11<sup>th</sup> Five-Year Plan** (<http://dangshi.people.com.cn/GB/151935/204121/205068/12926232.html>) and was added to the Party’s Constitution at its 17<sup>th</sup> Congress in 2007. Xi’s ideology is a collection of concepts and principles that he articulated during his first term. Its official name first appeared in Xi’s **report** ([http://www.xinhuanet.com/english/special/2017-11/03/c\\_136725942.htm](http://www.xinhuanet.com/english/special/2017-11/03/c_136725942.htm)) to the Party’s 19<sup>th</sup> Congress in 2017 and was added to the Party’s **Constitution** ([http://www.xinhuanet.com/english/special/2017-11/03/c\\_136725945.htm](http://www.xinhuanet.com/english/special/2017-11/03/c_136725945.htm)) at the same Congress.
- **Replaces “legal system” [法制] with “rule of law” [法治].** The new term is derived from the phrase “governing the country in accordance with law” [依法治国], which first appeared in Jiang Zemin’s **report** (<http://cpc.people.com.cn/GB/64162/64168/64568/65445/4526289.html>) to the Party’s 15<sup>th</sup> Congress in 1997 and was **written** ([https://zh.wikisource.org/wiki/%E4%B8%AD%E5%8D%8E%E4%BA%BA%E6%B0%91%E5%85%B1%E5%92%8C%E5%9B%BD%E5%AE%AA%E6%B3%95%E4%BF%AE%E6%AD%A3%E6%A1%88\\_\(1999%E5%B9%B4\)](https://zh.wikisource.org/wiki/%E4%B8%AD%E5%8D%8E%E4%BA%BA%E6%B0%91%E5%85%B1%E5%92%8C%E5%9B%BD%E5%AE%AA%E6%B3%95%E4%BF%AE%E6%AD%A3%E6%A1%88_(1999%E5%B9%B4))) into article 5 of the P.R.C. Constitution in 1999. “Rule of law” has become ubiquitous in official documents since the Party’s 2014 Fourth Plenum, but is closer to “rule by law” in practice.
- **Adds the concept of “new vision of development” [新发展理念].** The concept was first articulated during Xi’s first term in the Party’s 2015 **recommendations for the 13<sup>th</sup> Five-Year Plan** ([http://www.gov.cn/xinwen/2015-11/03/content\\_2959432.htm](http://www.gov.cn/xinwen/2015-11/03/content_2959432.htm)). The expression was later written into the Party’s Constitution at its 19<sup>th</sup> Congress in 2017.
- **Incorporates the Party’s “overall plan for building socialism with Chinese characteristics” [中国特色社会主义事业总体布局]:** the “five-sphere integrated plan” [“五位一体”总体布局] to promote “coordinated material, political, spiritual, social, and ecological” advancement. The two quoted concepts appeared first in Hu’s **report** ([http://www.china-embassy.org/eng/zt/18th\\_CPC\\_National\\_Congress\\_Eng/t992917.htm](http://www.china-embassy.org/eng/zt/18th_CPC_National_Congress_Eng/t992917.htm)) to the Party’s 18<sup>th</sup> Congress in 2012 and were later made a key part of Xi Jinping Thought. The five sub-goals had all emerged much earlier. The building of an “ecological civilization,” for example, was first proposed by Hu in his **report** (<http://www.china.org.cn/english/congress/229611.htm>) to the Party’s 17<sup>th</sup> Congress in 2007.
- **Incorporates the Party’s second centenary goal:** to build China into a “strong modern socialist country that is prosperous, democratic, culturally advanced [or civil], harmonious, and beautiful” by the time the P.R.C. celebrates its centenary in 2049. This goal was first articulated in Xi’s report to the Party’s 19<sup>th</sup> Congress in 2017. (The first centenary goal is to “finish building a moderately prosperous society in all respects” [全面建成小康社会] by the time the Party marks its centenary in 2021.) “Harmony,” “prosperity,” “democracy,” and “civility” are the four “national values” of the Core Socialist Values (see annotation of article 39, *infra*). Among them, “harmony” is linked to the Party’s goal of building a “**Harmonious Socialist Society**” ([https://en.wikipedia.org/wiki/Harmonious\\_Society](https://en.wikipedia.org/wiki/Harmonious_Society)).” [社会主义和谐社会], a concept developed during Hu’s tenure. “Beautiful,” another of the new adjectives, relates to the Party’s vision of a “Beautiful China” [美丽中国]—the ultimate goal of building an ecological civilization—which first appeared in Hu’s report to the Party’s 18<sup>th</sup> Congress in 2012.

- Incorporates the “overarching goal [总目标] of upholding and developing socialism with Chinese characteristics” under Xi Jinping Thought: to realize the “great rejuvenation for the Chinese nation” [中华民族伟大复兴] (and also “socialist modernization,” which the Preamble already reflects). This expression about “rejuvenation” dates back to the **1980s** (<http://cpc.people.com.cn/GB/64162/64168/64566/65447/4526368.html>), but was only elevated to an “overarching goal” at the Party’s 19<sup>th</sup> Congress in 2017.]

第三十三条 宪法序言第十自然段中“在长期的革命和建设过程中”修改为“在长期的革命、建设、改革过程中”；“包括全体社会主义劳动者、社会主义事业的建设者、拥护社会主义的爱国者和拥护祖国统一的爱国者的广泛的爱国统一战线”修改为“包括全体社会主义劳动者、社会主义事业的建设者、拥护社会主义的爱国者、拥护祖国统一和致力于中华民族伟大复兴的爱国者的广泛的爱国统一战线”。这一自然段相应修改为：“社会主义的建设事业必须依靠工人、农民和知识分子，团结一切可以团结的力量。在长期的革命、建设、改革过程中，已经结成由中国共产党领导的，有各民主党派和各人民团体参加的，包括全体社会主义劳动者、社会主义事业的建设者、拥护社会主义的爱国者、拥护祖国统一和致力于中华民族伟大复兴的爱国者的广泛的爱国统一战线，这个统一战线将继续巩固和发展。中国人民政治协商会议是有广泛代表性的统一战线组织，过去发挥了重要的历史作用，今后在国家政治生活、社会生活和对外友好活动中，在进行社会主义现代化建设、维护国家的统一和团结的斗争中，将进一步发挥它的重要作用。中国共产党领导的多党合作和政治协商制度将长期存在和发展。”

**Article 33:** In the tenth paragraph of the Preamble to the Constitution, “In the long years of revolution and construction” is amended to read “In the long years of revolution, construction, and reform”; “that embraces all socialist working people, all builders of socialism, all patriots who support socialism, and all patriots who stand for the reunification of the motherland” is amended to read “that embraces all socialist working people, all builders of socialism, all patriots who support socialism, and all patriots who stand for the reunification of the motherland and endeavor to revitalize the Chinese nation”. This paragraph is accordingly amended to read: “In building socialism it is essential to rely on workers, peasants, and intellectuals and to unite all forces that can be united. In the long years of revolution, construction, **and reform**, there has been formed under the leadership of the Communist Party of China a broad patriotic united front that is composed of the democratic parties and people’s organizations and that embraces all socialist working people, all builders of socialism, all patriots who support socialism, and all patriots who stand for the reunification of the motherland and **endeavor to revitalize the Chinese nation**; this united front will continue to be consolidated and developed. The Chinese People’s Political Consultative Conference, a broadly based representative organization of the united front that has played a significant historical role, will play a still more important role in the country’s political and social life, in promoting friendship with other countries, and in the struggle for socialist modernization and for the reunification and unity of the country. The system of the multi-party cooperation and political consultation led by the Communist Party of China will exist and develop for a long time to come.”

[This article:

- Modifies the stages of the P.R.C.’s development to include “reform” [改革], likely referring to post-**1978 Third Plenum** ([https://en.wikipedia.org/wiki/3rd\\_Plenary\\_Session\\_of\\_the\\_11th\\_Central\\_Committee\\_of\\_the\\_Communist\\_Party\\_of\\_China](https://en.wikipedia.org/wiki/3rd_Plenary_Session_of_the_11th_Central_Committee_of_the_Communist_Party_of_China)) reforms.
- Includes “patriots who endeavor to revitalize the Chinese nation” [致力于中华民族伟大复兴的爱国者] in the United Front. This change was first made in the Party’s 2015 ***Provisional Regulations on United Front Work*** (<http://cpc.people.com.cn/n/2015/0923/c64107-27622040.html>). See also annotation of article 32, *supra*, on “great rejuvenation for the Chinese nation.”]

第三十四条 宪法序言第十一段中“平等、团结、互助的社会主义民族关系已经确立，并将继续加强。”修改为：“平等团结互助和谐的社会主义民族关系已经确立，并将继续加强。”

**Article 34:** In the eleventh paragraph of the Preamble to the Constitution, “Socialist relations of

equality, unity, and mutual assistance have been established among the ethnicities and will continue to be strengthened.” is amended to read: “Socialist relations of equality, unity, mutual assistance, **and harmony** have been established among the ethnicities and will continue to be strengthened.”

[This article modifies the description of “socialist ethnic relations” [社会主义民族关系] to include “harmony.” The new description first appeared in Hu’s **speech** (<http://politics.people.com.cn/GB/1024/3423605.html>) at the Party’s 2005 Conference on Ethnic Work and was later written into the Party’s Constitution at its 17<sup>th</sup> Congress in 2007. See also annotation of article 32, *supra*, on “Harmonious Socialist Society.”]

**第三十五条** 宪法序言第十二自然段中“中国革命和建设的成就是同世界人民的支持分不开的”修改为“中国革命、建设、改革的成就是同世界人民的支持分不开的”；“中国坚持独立自主的对外政策，坚持互相尊重主权和领土完整、互不侵犯、互不干涉内政、平等互利、和平共处的五项原则”后增加“坚持和平发展道路，坚持互利共赢开放战略”；“发展同各国的外交关系和经济、文化的交流”修改为“发展同各国的外交关系和经济、文化交流，推动构建人类命运共同体”。这一自然段相应修改为：“中国革命、建设、改革的成就是同世界人民的支持分不开的。中国的前途是同世界的前途紧密地联系在一起的。中国坚持独立自主的对外政策，坚持互相尊重主权和领土完整、互不侵犯、互不干涉内政、平等互利、和平共处的五项原则，坚持和平发展道路，坚持互利共赢开放战略，发展同各国的外交关系和经济、文化交流，推动构建人类命运共同体；坚持反对帝国主义、霸权主义、殖民主义，加强同世界各国人民的团结，支持被压迫民族和发展中国家争取和维护民族独立、发展民族经济的正义斗争，为维护世界和平和促进人类进步事业而努力。”

**Article 35:** In the twelfth paragraph of the Preamble to the Constitution, “China’s achievements in revolution and construction are inseparable from the support of the people of the world” is amended to read “China’s achievements in revolution, construction, and reform are inseparable from the support of the people of the world”; after “China adheres to an independent foreign policy and adheres to the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other’s internal affairs, equality and mutual benefit, and peaceful coexistence” is inserted “adheres to a path of peaceful development, and adheres a mutually beneficial strategy of opening up”; “in developing diplomatic relations and economic and cultural exchanges with other countries” is amended to read “in developing diplomatic relations and economic and cultural exchanges with other countries and in working to build a community with a shared future for mankind”. This paragraph is accordingly amended to read: “China’s achievements in revolution, construction, **and reform** are inseparable from the support of the people of the world. The future of China is closely linked to the future of the world. China adheres to an independent foreign policy, adheres to the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other’s internal affairs, equality and mutual benefit, and peaceful coexistence, **adheres to a path of peaceful development, and adheres to a mutually beneficial strategy of opening up** in developing diplomatic relations and economic and cultural exchanges with other countries **and in working to build a community with a shared future for mankind**; and consistently opposes imperialism, hegemonism, and colonialism, works to strengthen unity with the people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop their national economies, and strives to safeguard world peace and promote the cause of human progress.”

[This article:

- **Modifies the stages of the P.R.C.’s development.** See annotation of article 33, *supra*.
- **Adds two new foreign policy principles:** adherence to “” [和平发展道路] and to “a mutually beneficial strategy of opening up” [互利共赢开放战略]. The two principles had emerged by the time the Party made its recommendations for the 11<sup>th</sup> Five-Year Plan in 2005, and were then added to the Party’s Constitution at its 17<sup>th</sup> Congress in 2007, both during Hu’s tenure.

- **Adds a new foreign policy goal:** creating “a community with a shared future for mankind” [人类命运共同体]. The concept of such a community first appeared in Hu’s report to the Party’s 18<sup>th</sup> Congress in 2012. The quoted Chinese expression has become the official term since Xi’s 2015 **address** ([http://www.xinhuanet.com/world/2015-09/29/c\\_1116703645.htm](http://www.xinhuanet.com/world/2015-09/29/c_1116703645.htm)) to the U.N. General Assembly and was added to the Party’s Constitution at its 19<sup>th</sup> Congress in 2017.]

**第三十六条** 宪法第一条第二款“社会主义制度是中华人民共和国的根本制度。”后增写一句，内容为：“中国共产党领导是中国特色社会主义最本质的特征。”

**Article 36:** In paragraph 2 of article 1 of the Constitution, after “The socialist system is the basic system of the People’s Republic of China.” is inserted one sentence that reads: “The defining feature of socialism with Chinese characteristics is the leadership of the Communist Party of China.”

[This article for the first time writes the term “Communist Party of China” —and its “leadership” — into the *main body* of the Constitution. Previously the Party was mentioned *only* in the Preamble. Chinese scholars disagree on whether—and if so, to what extent—the Preamble has legal force.[1] If one subscribes to the view that at least part of the Preamble has legal force, then this article may have simply *reaffirmed* the Party’s domination of Chinese politics. If one is of the opinion, however, that the Preamble has no legal force whatsoever, then this article for the first time constitutionalizes China’s status as a de facto one-party state, and will render any competitive multi-party system unconstitutional.

The new sentence first appeared in Xi’s **speech** ([http://www.npc.gov.cn/zgrdw/npc/xinwen/2014-09/06/content\\_1877767.htm](http://www.npc.gov.cn/zgrdw/npc/xinwen/2014-09/06/content_1877767.htm)) at a 2014 ceremony celebrating the NPC’s 60<sup>th</sup> anniversary, and its characterization of the Party’s role is a core part of Xi Jinping Thought, according to Xi’s report to the Party’s 19<sup>th</sup> Congress in 2017.]

**第三十七条** 宪法第三条第三款“国家行政机关、审判机关、检察机关都由人民代表大会产生，对它负责，受它监督。”修改为：“国家行政机关、监察机关、审判机关、检察机关都由人民代表大会产生，对它负责，受它监督。”

**Article 37:** Paragraph 3 of article 3 of the Constitution that reads “All administrative, adjudicatory, and procuratorial organs of the State are created by the people’s congresses, to which they are responsible and by which they are overseen.” is amended to read: “All administrative, **supervisory**, adjudicatory, and procuratorial organs of the State are created by the people’s congresses, to which they are responsible and by which they are overseen.”

[This is the first among many articles in this Constitutional Amendment that seek to accommodate the creation of supervision commissions.]

**第三十八条** 宪法第四条第一款中“国家保障各少数民族的合法的权利和利益，维护和发展各民族的平等、团结、互助关系。”修改为：“国家保障各少数民族的合法的权利和利益，维护和发展各民族的平等团结互助和谐关系。”

**Article 38:** In paragraph 1 of article 4 of the Constitution, “The State protects the lawful rights and interests of the minority ethnicities and upholds and develops a relationship of equality, unity, and mutual assistance among all of China’s ethnicities.” is amended to read: “The State protects the lawful rights and interests of the minority ethnicities and upholds and develops a relationship of equality, unity, mutual assistance, **and harmony** among all of China’s nationalities.”

[See annotation of article 34, *supra*.]

**第三十九条** 宪法第二十四条第二款中“国家提倡爱祖国、爱人民、爱劳动、爱科学、爱社会主义的公德”修改为“国家倡导社会主义核心价值观，提倡爱祖国、爱人民、爱劳动、爱科学、爱社会主义的公德”。这一款相应修改为：“国家倡导社会主义核心价值观，提倡爱祖国、爱人民、爱劳动、爱科学、爱社会主义的公德，在人民中进行爱国主义、集体主义和国际主义、共产主义的教育，进行辩证唯物主义和历史唯物主义的教育，反对资本主义的、封建主义的和其他的腐朽思想。”

**Article 39:** In paragraph 2 of article 24 of the Constitution, “The State advocates the civic virtues of loving the motherland, the people, labor, science, and socialism” is amended to read “The State champions core socialist values, advocates the civic virtues of loving the motherland, the people, labor, science, and socialism.” This paragraph is accordingly amended to read: “The State **champions core socialist values**, advocates the civic virtues of loving the motherland, the people, labor, science, and socialism, and conducts education among the people in patriotism and collectivism, in internationalism and communism, and in dialectical and historical materialism, to combat capitalist, feudal, and other decadent ideas.”

[This article incorporates into the Constitution the “**Core Socialist Values** ([https://en.wikipedia.org/wiki/Core\\_Socialist\\_Values](https://en.wikipedia.org/wiki/Core_Socialist_Values))” [社会主义核心价值观]: the four national values of “prosperity,” “democracy,” “civility,” and “harmony”; the four social values of “freedom,” “equality,” “justice,” and “rule of law”; and the four individual values of “patriotism,” “dedication,” “integrity,” and “friendship.” This set of 12 values first appeared in Hu’s report to the Party’s 18<sup>th</sup> Congress in 2012 and was added to the Party’s Constitution at its 19<sup>th</sup> Congress five years later.]

**第四十条** 宪法第二十七条增加一款，作为第三款：“国家工作人员就职时应当依照法律规定公开进行宪法宣誓。”

**Article 40:** In article 27 of the Constitution, one paragraph is added as paragraph 3, which reads: “State functionaries shall take a public oath of allegiance to the Constitution when assuming office.”

[This article constitutionalizes the requirement that all state employees take the constitutional oath upon taking office. The oath-taking was first mandated by the Party’s 2014 **Fourth Plenum Decision** (<https://www.chinalawtranslate.com/en/fourth-plenum-decision/>) and is now governed by the NPCSC’s **Decision on Implementing the Constitutional Oath System** (<https://npcobserver.com/2018/02/24/translation-npcsc-decision-on-implementing-the-constitutional-oath-system-2018-revision/>).]

**第四十一条** 宪法第六十二条“全国人民代表大会行使下列职权”中增加一项，作为第七项“（七）选举国家监察委员会主任”，第七项至第十五项相应改为第八项至第十六项。

**Article 41:** In article 62 of the Constitution, one item is added under “The National People’s Congress exercises the following functions and powers” as item 7, which reads “(7) to elect the Chairperson of the State Supervision Commission”, and items 7 through 15 are accordingly changed to items 8 through 16.

[This article grants the NPC power to elect the Chairperson of the State Supervision Commission.]

**第四十二条** 宪法第六十三条“全国人民代表大会有权罢免下列人员”中增加一项，作为第四项“（四）国家监察委员会主任”，第四项、第五项相应改为第五项、第六项。

**Article 42:** In article 63 of the Constitution, one item is added under “The National People’s Congress has the power to remove from office the following persons” as item 4, which reads “(4) the Chairperson of the State Supervision Commission”, and items 4 and 5 are accordingly changed to items 5 and 6.

[This article grants the NPC power to remove the Chairperson of the State Supervision Commission.]

**第四十三条** 宪法第六十五条第四款“全国人民代表大会常务委员会的组成人员不得担任国家行政机关、审判机关和检察机关的职务。”修改为：“全国人民代表大会常务委员会的组成人员不得担任国家行政机关、监察机关、审判机关和检察机关的职务。”

**Article 43:** Paragraph 4 of article 65 of the Constitution that reads “No constituent member of the Standing Committee of the National People’s Congress may hold office in the administrative, adjudicatory, or procuratorial organs of the State.” is amended to read: “No constituent member of the Standing Committee of the National People’s Congress may hold office in the administrative, **supervisory**, adjudicatory, or procuratorial organs of the State.”

[This article prohibits the constituent members of the NPCSC—that is, its Chairperson, Vice Chairpersons, Secretary General, and other members—from concurrently serving on any supervision commission.]

**第四十四条** 宪法第六十七条“全国人民代表大会常务委员会行使下列职权”中第六项“（六）监督国务院、中央军事委员会、最高人民法院和最高人民检察院的工作”修改为“（六）监督国务院、中央军事委员会、国家监察委员会、最高人民法院和最高人民检察院的工作”；增加一项，作为第十一项“（十一）根据国家监察委员会主任的提请，任免国家监察委员会副主任、委员”，第十一项至第二十一项相应改为第十二项至第二十二项。

宪法第七十条第一款中“全国人民代表大会设立民族委员会、法律委员会、财政经济委员会、教育科学文化卫生委员会、外事委员会、华侨委员会和其他需要设立的专门委员会。”修改为：“全国人民代表大会设立民族委员会、宪法和法律委员会、财政经济委员会、教育科学文化卫生委员会、外事委员会、华侨委员会和其他需要设立的专门委员会。”

**Article 44:** In article 67 of the Constitution, under “The Standing Committee of the National People’s Congress exercises the following functions and powers,” item 6 that reads “(6) to oversee the work of the State Council, the Central Military Commission, the Supreme People’s Court, and the Supreme People’s Procuratorate” is amended to read “(6) to oversee the work of the State Council, the Central Military Commission, **the State Supervision Commission**, the Supreme People’s Court, and the Supreme People’s Procuratorate”; and one item is added as item 11, which reads “(11) to appoint or remove, at the recommendation of the Chairperson of the State Supervision Commission, the Vice Chairpersons and members of the State Supervision Commission”, and items 11 through 21 are accordingly changed to items 12 through 22.

In paragraph 1 of article 70 of the Constitution, “The National People’s Congress establishes an Ethnic Affairs Committee, a Law Committee, a Financial and Economic Affairs Committee, an Education, Science, Culture, and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Affairs Committee and other special committees that need to be established.” is amended to read: “The National People’s Congress establishes an Ethnic Affairs Committee, a **Constitution and Law** Committee, a Financial and Economic Affairs Committee, an Education, Science, Culture, and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Affairs Committee and other special committees that need to be established.”

[The first paragraph of this article grants the NPCSC powers to oversee the State Supervision Commission and to appoint or remove the latter’s Vice Chairpersons or members. The second paragraph renames the NPC Law Committee the “*Constitution and Law* Committee.” The NPCSC has henceforth vested (<https://npcobserver.com/2018/06/22/npcsc-defers-vote-on-e-commerce-law-grants-law-enforcement-powers-to-military-controlled-coast-guard/>) in the Committee jurisdiction over constitutional interpretation and constitutional review.]

**第四十五条** 宪法第七十九条第三款“中华人民共和国主席、副主席每届任期同全国人民代表大会每届任期相同，连续任职不得超过两届。”修改为：“中华人民共和国主席、副主席每届任期同全国人民代表大会每届任期相同。”

**Article 45:** Paragraph 3 of article 79 of the Constitution that reads “The term of office of the President and Vice President of the People’s Republic of China is the same as that of the National People’s Congress, and they must not serve more than two consecutive terms.” is amended to read: “The term of office of the President and Vice President of the People’s Republic of China is the same as that of the National People’s Congress.”

[This article repeals the two five-year term limits on the Presidency and Vice Presidency, which were first written into the Constitution in 1982. Although, constitutionally, the Presidency remains a largely ceremonial position, this change is significant because the more powerful General Secretary of the Party’s Central Committee—who also serves as the President—is not subject to term limits.]

**第四十六条** 宪法第八十九条“国务院行使下列职权”中第六项“（六）领导和管理经济工作和城乡建设”修改为“（六）领导和管理经济工作和城乡建设、生态文明建设”；第八项“（八）领导和管理民政、公安、司法行政和监察等工作”修改为“（八）领导和管理民政、公安、司法行政等工作”。

**Article 46:** In article 89 of the Constitution, under “The State Council exercises the following functions and powers,” item 6 that reads “(6) to direct and administer economic affairs and urban and rural development” is amended to read “(6) to direct and administer economic affairs and urban and rural development, **as well as the building of an ecological civilization**”; and item 8 that reads “(8) to direct and administer civil affairs, public security, judicial administration, supervision, and such other matters” is amended to read “(8) to direct and administer civil affairs, public security, judicial administration, and such other matters.”

[This article explicitly grants the State Council authority over resource conservation and environmental protection. See also annotation of article 32, *supra*, on “ecological civilization.” This article also strips the State Council of authority over “supervision” [监察], which has been transferred to the supervision commissions (see article 52, *infra*.)]

**第四十七条** 宪法第一百条增加一款，作为第二款：“设区的市的人民代表大会和它们的常务委员会，在不同宪法、法律、行政法规和本省、自治区的地方性法规相抵触的前提下，可以依照法律规定制定地方性法规，报本省、自治区人民代表大会常务委员会批准后施行。”

**Article 47:** In article 100 of the Constitution, one paragraph is added as paragraph 2, which reads: “The people’s congresses of cities divided into districts and their standing committees may, in accordance with the provisions of law, formulate local regulations, which are to take effect after being reported to and approved by the standing committees of the people’s congresses of the corresponding provinces or autonomous regions, provided that such regulations do not contravene the Constitution, laws, administrative regulations, or the local regulations of the corresponding provinces or autonomous regions.”

[This article constitutionalizes the grant of legislative authority to cities divided into districts [设区的市] by the 2015 amendment to the *Legislation Law*. This statutory grant of legislative authority (discussed [here \(https://npcobserver.com/2017/01/12/legislation-law-amendment-part-1/\)](https://npcobserver.com/2017/01/12/legislation-law-amendment-part-1/) and [here \(https://npcobserver.com/2017/02/09/legislation-law-amendment-part-2/\)](https://npcobserver.com/2017/02/09/legislation-law-amendment-part-2/)) was not unconstitutional, in our view, because those cities’ legislative authority could be seen as an extension of provincial legislative power.]

**第四十八条** 宪法第一百零一条第二款中“县级以上地方各级人民代表大会选举并且有权罢免本级人民法院院长和本级人民检察院检察长。”修改为：“县级以上地方各级人民代表大会选举并且有权罢免本级监察委员会主任、本级人民法院院长和本级人民检察院检察长。”

**Article 48:** In paragraph 2 of article 101 of the Constitution, “Local people’s congresses at or above the county level elect, and have the power to remove, presidents of the people’s courts, and chief procurators of the people’s procuratorates at their respective levels.” is amended to read: “Local people’s congresses at or above the county level elect, and have the power to remove, **chairpersons of the supervision commissions**, presidents of the people’s courts, and chief procurators of the people’s procuratorates at their respective levels.”

[This article grants a local people’s congress power to elect and remove the chairperson of the supervision commission at the same level.]

**第四十九条** 宪法第一百零三条第三款“县级以上地方各级人民代表大会常务委员会的组成人员不得担任国家行政机关、审判机关和检察机关的职务。”修改为：“县级以上地方各级人民代表大会常务委员会的组成人员不得担任国家行政机关、监察机关、审判机关和检察机关的职务。”

**Article 49:** Paragraph 3 of article 103 of the Constitution that reads “No constituent member of the standing committee of a local people’s congress at or above the county level may hold office in the administrative, adjudicatory, or procuratorial organs of the State.” is amended to read: “No

constituent member of the standing committee of a local people's congress at or above the county level may hold office in the administrative, **supervisory**, adjudicatory, or procuratorial organs of the State."

[This article prohibits the constituent members of the standing committee of a local people's congress – that is, its chairperson, vice chairpersons, secretary general, and other members – from concurrently serving on any supervision commission.]

**第五十条** 宪法第一百零四条中“监督本级人民政府、人民法院和人民检察院的工作”修改为“监督本级人民政府、监察委员会、人民法院和人民检察院的工作”。这一条相应修改为：“县级以上的地方各级人民代表大会常务委员会讨论、决定本行政区域内各方面工作的重大事项；监督本级人民政府、监察委员会、人民法院和人民检察院的工作；撤销本级人民政府的不适当的决定和命令；撤销下一级人民代表大会的不适当的决议；依照法律规定的权限决定国家机关工作人员的任免；在本级人民代表大会闭会期间，罢免和补选上一级人民代表大会的个别代表。”

**Article 50:** In article 104 of the Constitution, “oversees the work of the people's government, people's court, and people's procuratorate at the same level” is amended to read “oversees the work of the people's government, supervision commission, people's court, and people's procuratorate at the same level”. This article is accordingly amended to read: “The standing committee of a local people's congress at or above the county level discusses and decides on major issues in all fields of work in its administrative region; oversees the work of the people's government, **supervision commission**, people's court, and people's procuratorate at the same level; annuls inappropriate decisions and orders of the people's government at the same level; annuls inappropriate resolutions of the people's congress at the next lower level; decides on the appointment or removal of functionaries of State organs within the scope of its authority as prescribed by law; and, when the people's congress at the same level is not in session, removes individual delegates to the people's congress at the next higher level and elects individual delegates to fill vacancies in that people's congress.”

[This article grants the standing committee of a local people's congresses power to oversee the supervision commission at the same level.]

**第五十一条** 宪法第一百零七条第一款“县级以上地方各级人民政府依照法律规定的权限，管理本行政区域内的经济、教育、科学、文化、卫生、体育事业、城乡建设事业和财政、民政、公安、民族事务、司法行政、监察、计划生育等行政工作，发布决定和命令，任免、培训、考核和奖惩行政工作人员。”修改为：“县级以上地方各级人民政府依照法律规定的权限，管理本行政区域内的经济、教育、科学、文化、卫生、体育事业、城乡建设事业和财政、民政、公安、民族事务、司法行政、计划生育等行政工作，发布决定和命令，任免、培训、考核和奖惩行政工作人员。”

**Article 51:** Paragraph 1 of article 107 of the Constitution that reads “Local people's governments at or above the county level, within the scope of their authority as prescribed by law, administer the economy, education, science, culture, public health, sports, and urban and rural development, as well as the finance, civil affairs, public security, ethnic affairs, judicial administration, supervision, family planning, and such other administrative work in their respective administrative regions; issue decisions and orders; and appoint or remove, train, evaluate, and reward or punish administrative functionaries.” is amended to read: “Local people's governments at or above the county level, within the scope of their authority as prescribed by law, administer the economy, education, science, culture, public health, physical culture, and urban and rural development, as well as the finance, civil affairs, public security, ethnic affairs, judicial administration, family planning, and such other administrative work in their respective administrative regions; issue decisions and orders; and appoint or remove, train, evaluate, and reward or punish administrative functionaries.”

[This article strips local people's governments of authority over “supervision” [監察], which has been transferred to the supervision commissions (see article 52, *infra*).]

**第五十二条** 宪法第三章“国家机构”中增加一节，作为第七节“监察委员会”；增加五条，分别作为第一百二十三条至第一百二十七条。内容如下：

### 第七节 监察委员会

**第一百二十三条** 中华人民共和国各级监察委员会是国家的监察机关。

**第一百二十四条** 中华人民共和国设立国家监察委员会和地方各级监察委员会。

监察委员会由下列人员组成：

主任，

副主任若干人，

委员若干人。

监察委员会主任每届任期同本级人民代表大会每届任期相同。国家监察委员会主任连续任职不得超过两届。

监察委员会的组织和职权由法律规定。

**第一百二十五条** 中华人民共和国国家监察委员会是最高监察机关。

国家监察委员会领导地方各级监察委员会的工作，上级监察委员会领导下级监察委员会的工作。

**第一百二十六条** 国家监察委员会对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级监察委员会对产生它的国家权力机关和上一级监察委员会负责。

**第一百二十七条** 监察委员会依照法律规定独立行使监察权，不受行政机关、社会团体和个人的干涉。

监察机关办理职务违法和职务犯罪案件，应当与审判机关、检察机关、执法部门互相配合，互相制约。

第七节相应改为第八节，第一百二十三条至第一百三十八条相应改为第一百二十八条至第一百四十三条。

**Article 52:** In Chapter III of the Constitution titled “The Structure of the State,” one section is added as Section 7 titled “The Supervision Commissions”; and five articles are added as articles 123 through 127. Their contents are as follows:

## Section 7: The Supervision Commissions

**Article 123:** The supervision commissions of the People’s Republic of China at various levels are the supervisory organs of the State.

**Article 124:** The People’s Republic of China establishes the State Supervision Commission and local supervision commissions at various levels.

A supervision commission is composed of the following:

a chairperson;

several vice chairpersons; and

several members.

The term of office the chairperson of a supervision commission is the same as that of the people’s congress at the same level. The Chairperson of the State Supervision Commission must not serve more than two consecutive terms.

The organization and functions and powers of the supervision commissions are prescribed by law.

**Article 125:** The State Supervision Commission of the People’s Republic of China is the highest supervisory organ.

The State Supervision Commission directs the work of local supervision commissions at various levels, and supervision commissions at higher levels direct the work of those at lower levels.

**Article 126:** The State Supervision Commission is responsible to the National People’s Congress and its Standing Committee. Local supervision commissions at various levels are responsible to the organs of State power that created them and to the supervision commissions at the next higher level.

**Article 127:** The supervision commissions exercise supervisory power independently in accordance with the provisions of law, not subject to interference by any administrative organ, social group, or individual.

In handling cases of illegal or criminal abuse of public office, the supervisory organs shall mutually cooperate with and mutually check adjudicatory organs, procuratorial organs, and law enforcement departments.

Section 7 is accordingly changed to Section 8, and articles 123 through 138 are accordingly changed to articles 128 through 143.

[This article adds a new section that lays out in general terms the organization of supervision commissions and the principles they must follow in performing their duties. Similar to procuratorates, supervision commissions are subject to dual oversight—both by higher-level supervision commissions and by people’s congresses at the same level. Note that the term “law enforcement departments” [执法部门] appears for the first time in the Constitution; these departments might not be limited to the public security organs (*i.e.*, the police).]

[1] For a discussion in Chinese, see ZHANG Qianfan, *The Preamble to the Constitution and the Controversy over Its Force* [宪法序言及其效力争议 (<http://www.yhcqw.com/33/9165.html>)], Yanhuang Chunqiu [炎黄春秋], no. 6, 2013.

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Posted on March 11, 2018August 27, 2019 by Changhao Wei Posted in Translations Tagged 2018 NPC Session, constitutional amendment.

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