

Heroes and Martyrs Protection Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening the protection of heroes and martyrs, safeguarding their reputation and honor, maintaining the public interest, and promoting patriotism and the core socialist values.

Article 2 — The State shall protect the reputation and honor of heroes and martyrs. The deeds and spirit of heroes and martyrs shall be an important embodiment of the core socialist values and the common memory of the Chinese nation. An atmosphere of admiration for, commemoration of, study of, and protection of heroes and martyrs shall be created throughout society.

Article 3 — The State shall establish a system for the protection of heroes and martyrs, and shall commend and publicize the outstanding deeds of heroes and martyrs and the spirit of heroic sacrifice in accordance with the law. The people's governments at all levels shall incorporate the publicity of the deeds and spirit of heroes and martyrs into their plans for national economic and social development and spiritual civilization building plans.

Article 4 — The departments of veterans' affairs under the people's governments at or above the county level shall be responsible for the protection of heroes and martyrs in accordance with the law. The

departments of military administration, publicity, internet information, education, public security, civil affairs, culture and tourism, press and publication, radio and television, and other relevant departments shall, within their respective scopes of duties, do a good job in the protection of heroes and martyrs.

Article 5 — April 5 of each year, during the Qingming Festival, is designated as Martyrs' Memorial Day. The State shall hold memorial activities to commemorate heroes and martyrs, and the whole society shall express respect for heroes and martyrs.

Article 6 — The State shall encourage and support the study, research, and publicity of the deeds and spirit of heroes and martyrs. Museums, memorial halls, archives, and other institutions shall strengthen the collection, collation, research, exhibition, and publicity of the heroic deeds of heroes and martyrs.

Article 7 — The State shall, in accordance with the relevant provisions, give pensions, preferential treatment, and other support and assistance to the surviving family members of heroes and martyrs, and shall encourage and support social forces to provide support and assistance.

Chapter II — Commendation and Remembrance

Article 8 — The State shall establish and improve the system for the commendation of heroes and martyrs. Any citizen who sacrifices his or her life in the course of safeguarding national interests and public interests and whose sacrifice is particularly exemplary may be honored with the title of martyr in accordance with the provisions of the State. The State shall grant posthumous commendation to heroes and martyrs.

Article 9 — The people's governments at or above the county level shall organize and carry out activities to commemorate heroes and martyrs, and the whole society shall observe silence and pay respects. The State shall encourage and support the construction of memorial facilities for heroes and martyrs, and protect and manage memorial facilities, and give full play to their functions of patriotic education and commemoration.

Article 10 — Heroes and martyrs memorial facilities shall be open to the public free of charge, for the public to visit, pay respects, and commemorate. Citizens, legal persons, and other organizations may, during Martyrs' Memorial Day and at other times considered appropriate, organize activities to pay homage, lay wreaths, and observe silence at relevant memorial facilities to express respect and remembrance for heroes and martyrs.

Article 11 — It is prohibited to deface, damage, or desecrate heroes and martyrs memorial facilities or to use them for activities that are detrimental to the commemoration of heroes and martyrs. Heroes and martyrs memorial facilities shall maintain their solemn, dignified, and quiet environment and atmosphere.

Article 12 — The State shall encourage the compilation, publication, and production of books, newspapers and periodicals, audio-visual products, and electronic publications with the theme of promoting the deeds and spirit of heroes and martyrs, and encourage the creation, production, and dissemination of cultural and artistic works.

Chapter III — Protection of Reputation and Honor

Article 13 — It is prohibited to distort, defame, desecrate, or deny the deeds and spirit of heroes and martyrs. Heroes and martyrs' names, portraits, reputations, and honors shall be protected by law. No organization or individual may use the names or portraits of heroes and martyrs or other information infringing upon their rights and interests for commercial advertising or other commercial activities.

Article 14 — Where any organization or individual uses methods such as broadcasting, television, film, books, newspapers, the internet, or new media to distort, defame, desecrate, or deny the deeds and spirit of heroes and martyrs, the departments of internet information, radio and television, culture and tourism, press and publication, and other relevant departments shall, within their respective scopes of duties, order it to stop the illegal act and eliminate the adverse effects.

Article 15 — Where any act infringes upon the name, portrait, reputation, or honor of a hero or martyr, the close relatives of the hero or martyr may bring a lawsuit in a people's court in accordance with the law. Where the hero or martyr has no close relatives, or the close relatives do not bring a lawsuit, the people's procuratorate shall bring a lawsuit in a people's court in accordance with the law for acts that infringe upon the name, portrait, reputation, or honor of the hero or martyr and harm the public interest.

Article 16 — The relevant departments of the people's governments at or above the county level shall perform their duties of protecting heroes and martyrs in accordance with the law, accept complaints and reports on acts that infringe upon the rights and interests of heroes and martyrs, and handle such complaints and reports in a timely manner in accordance with the law.

Chapter IV — Legal Liability

Article 17 — Where any entity or individual, in violation of the provisions of this Law, defaces, damages, or desecrates heroes and martyrs memorial facilities, the department of veterans' affairs of the people's government at or above the county level shall order it to make corrections; where the case constitutes a violation of public security administration, the public security organ shall impose public security administration penalties in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 18 — Where any entity or individual, in violation of the provisions of this Law, uses the names or portraits of heroes and martyrs for commercial advertising or other commercial activities, the market regulation department shall order it to make corrections and may impose a fine in accordance with the law; where the case constitutes a violation of public security administration, the public security organ shall impose public security administration penalties in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 19 — Where any entity or individual, in violation of the provisions of this Law, distorts, defames, desecrates, or denies the deeds and spirit of heroes and martyrs, or infringes upon the name, portrait, reputation, or honor of heroes and martyrs, thereby causing damage to the public interest, it shall bear civil liability in accordance with the law; where the case constitutes a violation of public security administration, the public security organ shall impose public security administration penalties in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 20 — Where any functionary of a state organ abuses his or her power, neglects his or her duties, or engages in malpractice for personal gain in the protection of heroes and martyrs, sanctions shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter V — Supplementary Provisions

Article 21 — This Law shall apply to the protection of heroes and martyrs who are still alive but whose deeds and spirit are of a heroic and exemplary nature and who have made outstanding contributions, unless otherwise provided for by the State.

Article 22 — This Law shall come into force on May 1, 2018.

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