Judges Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of advancing the high-quality development of the contingent of judges, strengthening the management and supervision of judges, safeguarding the lawful performance of duties by people's courts in accordance with the law, protecting the lawful rights and interests of judges, and ensuring that judges perform their duties in accordance with the law and safeguard social fairness and justice.

Article 2 — Judges are judicial personnel who exercise state judicial power in accordance with the law, including presidents, vice presidents, members of judicial committees, chief judges, associate chief judges, judges, and assistant judges of the Supreme People's Court, local people's courts at all levels, and specialized people's courts such as military courts.

Article 3 — Judges must faithfully implement the Constitution and laws, safeguard social fairness and justice, and serve the people wholeheartedly.

Article 4 — Judges shall be protected by law in the lawful performance of their duties and shall not be interfered with by administrative organs, public organizations, or individuals.

Article 5 — The president of the Supreme People's Court shall be responsible for the work of judges nationwide. The presidents of local people's courts at all levels and specialized people's courts shall be responsible for the work of judges within their respective courts.

Chapter II — Duties, Obligations, and Rights of Judges

Article 6 — The duties of judges are as follows:

(1) to try cases in accordance with the law;

(2) to perform other duties prescribed by law.

Article 7 — Judges shall perform the following obligations:

(1) strictly abide by the Constitution and laws;

(2) handle cases impartially and shall not bend the law for personal gain;

(3) protect the litigation rights of the parties and other participants in the proceedings in accordance with the law;

(4) safeguard the interests of the state and the public, and protect the lawful rights and interests of natural persons, legal persons, and other organizations;

(5) have a clean record, observe discipline, and scrupulously abide by professional ethics;

(6) keep state secrets and judicial work secrets;

(7) accept legal supervision and public oversight;

(8) perform other obligations prescribed by law.

Article 8 — Judges shall enjoy the following rights:

(1) to have the powers and working conditions necessary for performing their judicial duties;

(2) to independently try cases according to the law and shall not be interfered with by administrative organs, public organizations, or individuals;

(3) to not be removed from office, demoted, dismissed, or subjected to disciplinary action except on statutory grounds and through statutory procedures;

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(4) to receive remuneration for work and enjoy insurance and welfare benefits;

(5) to have the security of their persons, property, and domicile protected by law;

(6) to receive training;

(7) to lodge petitions or bring charges;

(8) to resign their positions.

Chapter III — Requirements and Selection of Judges

Article 9 — A judge must meet the following requirements:

(1) be a citizen of the People's Republic of China;

(2) uphold the Constitution of the People's Republic of China and the leadership of the Communist Party of China;

(3) have good political and professional quality and good character and conduct;

(4) have the physical capacity to perform duties normally;

(5) hold a bachelor's degree or above in law from an institution of higher learning and a bachelor's degree or above; or a bachelor's degree or above in a non-law major from an institution of higher learning with professional legal knowledge;

(6) have engaged in legal work for a certain number of years;

(7) a person who was a judge before this Law took effect and does not meet the requirement under item (5) shall receive training.

Article 10 — A person shall not serve as a judge under any of the following circumstances:

(1) having been subjected to a criminal penalty or having been dismissed from public employment;

(2) having been removed from a position as a judge or prosecutor;

(3) having had a lawyer's practicing certificate or a notary's practicing certificate revoked;

(4) having been disqualified as an arbitrator;

(5) other circumstances under which performance of judicial duties is inappropriate.

Article 11 — The selection of judges shall follow the principle of having both political integrity and professional competence, selecting the best candidates through open, fair, and competitive selection.

Article 12 — Judges for the first instance shall be selected from among those who have passed the national unified legal profession qualification examination and have the qualifications to serve as judges.

Persons selected to serve as judges for the first instance shall serve in a basic-level people's court; judges of higher-level people's courts shall generally be selected from among judges of lower-level people's courts.

Article 13 — The president and vice president of a people's court shall be selected from among judges or other persons who meet the requirements for judges.

Article 14 — Judges of people's courts at all levels shall be selected through uniform written examination and assessment, with emphasis on the political quality, professional competence, professional ethics, and practical performance of the candidates.

Chapter IV — Appointment and Removal

Article 15 — The president of the Supreme People's Court shall be elected or removed by the National People's Congress. The vice presidents, members of the judicial committee, chief judges, associate chief judges, and judges of the Supreme People's Court shall be appointed or removed by the Standing Committee of the National People's Congress upon the recommendation of the president of the Supreme People's Court.

Article 16 — The appointment and removal of presidents and judges of local people's courts at all levels shall be decided by the standing committees of the people's congresses at the corresponding levels.

Article 17 — Judges shall enjoy the security of their posts in accordance with the law and shall not be arbitrarily transferred, removed, or dismissed.

Article 18 — A judge may not concurrently serve as a member of the standing committee of a people's congress, nor may he or she hold a position in an administrative organ, procuratorial organ, enterprise, public institution, lawyers association, or other for-profit organization.

Chapter V — Disqualifications

Article 19 — A judge shall disqualify himself or herself from handling a case under any of the following circumstances:

(1) being a party to the case or a close relative of a party or agent ad litem;

(2) having an interest in the case;

(3) having another relationship with the case that may affect the fair handling of the case.

Article 20 — A judge shall not engage in any of the following acts:

(1) privately meeting with a party, agent ad litem, or defender and accepting their hospitality or property;

(2) introducing a lawyer or agent ad litem to a party or introducing a case to a lawyer or agent ad litem;

(3) disclosing state secrets, judicial work secrets, trade secrets, or personal privacy learned in the course of performing duties;

(4) engaging in for-profit business activities;

(5) other acts in violation of law or discipline.

Chapter VI — Evaluation, Rewards, and Punishments

Article 21 — The evaluation of judges shall be conducted by the people's courts where the judges work. The evaluation shall be objective and fair and shall combine the evaluation of the judge's performance by the adjudication committee and by the general public.

Article 22 — Rewards shall be given to judges who have made outstanding achievements and contributions in judicial work in accordance with the relevant provisions.

Article 23 — A judge shall not be subject to disciplinary action except on statutory grounds and through statutory procedures.

Article 24 — Judges who violate laws or commit breaches of discipline shall be subject to sanctions according to the severity of the circumstances:

(1) a warning, demerit, or major demerit recorded in the personal file;

(2) demotion or removal from office;

(3) dismissal.

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Chapter VII — Security and Benefits

Article 25 — The state shall, in accordance with the characteristics of the judicial profession, formulate measures for the salaries, insurance, and welfare benefits of judges.

Article 26 — The state shall adopt measures to ensure the personal safety of judges and their close relatives.

Article 27 — The working hours, rest, and vacation of judges shall be governed by the relevant provisions of the state.

Article 28 — Judges who have retired shall enjoy state-prescribed pensions and other benefits.

Chapter VIII — Supplementary Provisions

Article 29 — The management of judges of specialized people's courts such as military courts shall be governed by special provisions.

Article 30 — This Law shall enter into force on October 1, 2019. The Judges Law of the People's Republic of China adopted at the 12th Session of the Standing Committee of the 8th National People's Congress on February 28, 1995 and revised at the 22nd Session of the Standing Committee of the 9th National People's Congress on June 30, 2001 shall be repealed simultaneously.

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