Law of the PRC on the Protection of Heroes and Martyrs

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Acts of Commendation and Remembrance 2

Chapter III — Protection of the Legacy of Heroes and Martyrs 2

Chapter IV — Legal Liability 3

Chapter V — Supplementary Provisions 4

Adopted at the 2nd Session of the Standing Committee of the 13th National People's Congress on April 27, 2018
Effective: May 1, 2018

Table of Contents

- Chapter I — General Provisions
- Chapter II — Acts of Commendation and Remembrance
- Chapter III — Protection of the Legacy of Heroes and Martyrs
- Chapter IV — Legal Liability
- Chapter V — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of strengthening the protection of heroes and martyrs, safeguarding their dignity and lawful rights and interests, promoting the spirit of patriotism, and cultivating and practicing the core socialist values.

Article 2 — The State protects heroes and martyrs, and treats the commemoration, remembrance, protection of the legacy, and promotion of the spirit of heroes and martyrs as an important part of the construction of the core socialist values. The State and the people shall forever honor and remember the great feats and the spirit of dedication of heroes and martyrs to the people. All organizations and individuals shall respect heroes and martyrs and protect their dignity. The State protects the interests of survivors of heroes and martyrs and provides them with preferential treatment.

Article 3 — For the purposes of this Law, the term "heroes and martyrs" means modern and contemporary heroes and martyrs whose deeds and spirit have been recognized and commended as models for the whole society to learn from after the Opium War. The specific list of heroes and martyrs shall be determined and published by the relevant departments of the State Council. The people's governments at the provincial level may, on the basis of actual conditions, determine and publish lists of heroes and martyrs within their respective administrative regions.

Source: https://www.danyoungcpa.com/law-protection-heroes-martyrs-prc-2018/

Article 4 — The people's governments at all levels shall strengthen the protection of heroes and martyrs and incorporate the publicity and education about heroes and martyrs into the national economic and social development plans and the national education system. The administrative departments for veterans' affairs shall be responsible for the protection of heroes and martyrs. The departments of veterans' affairs, education, culture and tourism, press and publication, radio and television, film, cyberspace administration, and other relevant departments shall, in accordance with their respective functions and duties, carry out work related to the protection of heroes and martyrs. The public security organs, people's procuratorates, and people's courts shall, in accordance with their respective functions and duties, investigate and handle illegal and criminal acts that infringe upon the lawful rights and interests of heroes and martyrs.

Article 5 — The state encourages and supports the study, publicity, and education regarding the great feats and spirit of heroes and martyrs, and encourages and supports the creation of literary, artistic, film, television, and musical works, as well as publications, with the theme of promoting the feats and spirit of heroes and martyrs. The state encourages and supports social organizations and individuals to carry out public welfare activities for the protection of heroes and martyrs through donations, volunteer services, and other means.

Article 6 — The state establishes the Martyrs' Day. The Martyrs' Day falls on September 30 of each year.

Chapter II — Acts of Commendation and Remembrance

Article 7 — The state establishes and commends the meritorious deeds of heroes and martyrs. Where a citizen has sacrificed his or her life in the course of performing official duties such as the protection of the State and the people, resisting foreign aggression, disaster relief, emergency rescue operations, and participating in the building of the nation, his or her deeds and spirit shall be commended.

Article 8 — The state shall conduct activities for the protection of heroes and martyrs, including commemorations and remembrances. On the Martyrs' Day, the state shall hold a commemorative ceremony at the Martyrs' Monument in Beijing to pay tribute to the heroes and martyrs. The local people's governments at or above the county level and the relevant departments of the military shall hold commemorative ceremonies on the Martyrs' Day.

Article 9 — The state shall protect memorial facilities for heroes and martyrs and shall include such memorial facilities in the national economic and social development plans. Memorial facilities for heroes and martyrs shall be open to the public free of charge. The state encourages and supports social organizations and individuals to protect memorial facilities for heroes and martyrs. No organization or individual may occupy, damage, or deface memorial facilities for heroes and martyrs.

Article 10 — The state protects the remains of heroes and martyrs. The people's governments at or above the county level and the relevant departments of the military shall properly protect the remains of heroes and martyrs in accordance with their functions and duties.

Article 11 — The state shall conduct research on the historical facts and deeds of heroes and martyrs, collect, compile, protect and publicize historical materials on heroes and martyrs, and write and compile chronicles of heroes and martyrs.

Chapter III — Protection of the Legacy of Heroes and Martyrs

Article 12 — The state encourages and supports the use of the names of heroes and martyrs and related spiritual and cultural resources to create cultural products such as stage plays, films, television dramas, and publications, and to promote the heroic feats and the spirit of heroes and martyrs. No organization or individual may use the names, portraits, reputations, or honors of heroes and martyrs in commercial advertisements or in any other form that damages the dignity of heroes and martyrs.

Source: https://www.danyoungcpa.com/law-protection-heroes-martyrs-prc-2018/

Article 13 — The people's governments at or above the county level and the relevant departments shall strengthen the protection of historical materials, deeds, and the spiritual legacy of heroes and martyrs. The state encourages and supports social organizations and individuals to collect, research, and display historical materials, deeds, and the spiritual legacy of heroes and martyrs.

Article 14 — No organization or individual may produce or disseminate any information that infringes upon the lawful rights and interests of heroes and martyrs. The departments of public security, culture, press and publication, radio and television, film, cyberspace administration, and market regulation shall, in accordance with their respective functions and duties, promptly investigate and handle any act infringing upon the lawful rights and interests of heroes and martyrs discovered within the scope of their supervision.

Article 15 — Relevant departments such as press and publication, radio and television, film, and cyberspace administration shall, in accordance with their functions and duties, strengthen supervision and administration of radio, television, film, networks, newspapers, periodicals, books, and other media to prevent the dissemination of content that infringes upon the lawful rights and interests of heroes and martyrs. Network operators shall, in accordance with the law, fulfill their obligations to manage information content on their network platforms. Where information prohibited by laws and administrative regulations such as that infringing upon the lawful rights and interests of heroes and martyrs is discovered, network operators shall immediately cease the transmission of such information and take measures such as deletion, and shall report to the relevant competent departments.

Chapter IV — Legal Liability

Article 16 — Where an organization or individual occupies, damages, or defaces memorial facilities for heroes and martyrs, the competent department for veterans' affairs of the people's government at or above the county level shall order the violator to make corrections and restore the original condition; where losses are caused, the violator shall bear civil liability in accordance with the law; where the act constitutes a violation of public security administration, the public security organ shall impose a public security administrative penalty in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 17 — Where an organization or individual uses the names, portraits, reputations, or honors of heroes and martyrs in commercial advertisements or in any other form that damages the dignity of heroes and martyrs, the market regulatory department shall order the violator to cease the illegal act and eliminate the adverse effects; confiscate the illegal gains; and impose a fine. Where the act constitutes a violation of public security administration, the public security organ shall impose a public security administrative penalty in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 18 — Where an organization or individual distorts, defames, profanes, or denies the deeds and spirit of heroes and martyrs, or insults, slanders, or otherwise infringes upon the names, portraits, reputations, or honors of heroes and martyrs, thereby harming the public interest, the violator shall bear civil liability in accordance with the law; where the act constitutes a violation of public security administration, the public security organ shall impose a public security administrative penalty in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 19 — Where a network operator fails to fulfill its obligation to manage information content as required by law, thereby resulting in the dissemination of information infringing upon the lawful rights and interests of heroes and martyrs, the cyberspace administration department and the relevant competent departments shall impose an administrative penalty in accordance with the law on network administration. Where a network operator discovers information infringing upon the lawful rights and interests of heroes and martyrs and fails to cease the transmission, delete, or otherwise dispose of such information as required, the case shall be handled with severity.

Source: https://www.danyoungcpa.com/law-protection-heroes-martyrs-prc-2018/

Article 20 — Where the lawful rights and interests of heroes and martyrs are infringed upon and there is no close relative of the hero or martyr, or the close relative does not bring a lawsuit, the people's procuratorate shall, in accordance with the law, bring a lawsuit with the people's court against the infringing party.

Article 21 — Where functionaries of state organs violate the provisions of this Law in the work of protecting heroes and martyrs, the violator shall be subject to administrative sanctions 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 22 — This Law shall come into effect on May 1, 2018.

Disclaimer: This English translation is prepared by Dan Young Business Consultancy for reference and informational purposes only. While every effort has been made to ensure accuracy, this translation is not an official version and may not reflect the most current amendments or judicial interpretations. It does not constitute legal advice. For authoritative legal guidance on the application of this law to your specific circumstances, please consult a qualified PRC-qualified legal professional. The official Chinese text as published by the National People's Congress shall prevail in all cases.