Supervision Law of the People’s Republic of China

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of deepening the reform of the State supervision system, strengthening supervision over all public officials exercising public power, realizing the full coverage of State supervision, furthering the comprehensive and strict governance of the Party, and advancing the in-depth development of the fight against corruption.

Article 2 — This Law shall guide the work of supervision. The supervisory committees at all levels are the specialized organs exercising the supervisory functions of the State, and shall, in accordance with this Law,

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supervise all public officials exercising public power, investigate job-related violations and job-related crimes, conduct integrity building and anti-corruption work, and safeguard the dignity of the Constitution and laws.

Article 3 — The supervisory committees at all levels shall exercise the power of supervision independently in accordance with the law and shall not be subject to interference by any administrative organ, public organization, or individual.

Article 4 — The supervisory committees shall, in handling cases of job-related violations and job-related crimes, coordinate with judicial organs, procuratorial organs, and law enforcement authorities and cooperate with them and shall restrain each other.

Article 5 — The State supervision work shall strictly observe the Constitution and laws, take facts as the basis and law as the criterion; apply the law equally to all; safeguard the lawful rights and interests of the parties concerned; and combine punishment with education, and leniency with severity.

Article 6 — The State supervision work shall adhere to the principle of treating both symptoms and root causes and carrying out comprehensive governance, strengthen supervision and accountability, and severely punish corruption; deepen reform and improve the rule of law, and guide and strengthen self-education of public officials.

Chapter II — Supervisory Organs and Their Duties

Article 7 — The National Supervisory Commission of the People's Republic of China is the highest supervisory organ. The National Supervisory Commission shall direct the work of local supervisory commissions at all levels, and the supervisory commissions at higher levels shall direct the work of supervisory commissions at lower levels.

Article 8 — The National Supervisory Commission shall be composed of a chairperson, vice chairpersons, and members. The chairperson shall be elected by the National People's Congress, and the vice chairpersons and members shall be appointed or removed by the Standing Committee of the National People's Congress upon the nomination of the chairperson. The term of office of the National Supervisory Commission shall be the same as that of the National People's Congress. The chairperson of the National Supervisory Commission shall serve no more than two consecutive terms. The National Supervisory Commission shall be responsible to and report on its work to the National People's Congress and its Standing Committee.

Article 9 — Local supervisory commissions at all levels shall be composed of a chairperson, vice chairpersons, and members. The chairperson shall be elected by the people's congress at the corresponding level, and the vice chairpersons and members shall be appointed or removed by the standing committee of the people's congress at the corresponding level upon the nomination of the chairperson. The term of office of a local supervisory commission shall be the same as that of the people's congress at the corresponding level. A local supervisory commission shall be responsible to and report on its work to the people's congress and its standing committee at the corresponding level and to the supervisory commission at the next higher level.

Article 10 — The National Supervisory Commission shall lead the work of local supervisory commissions at all levels; supervisory commissions at higher levels shall lead the work of supervisory commissions at lower levels.

Article 11 — Supervisory commissions shall perform the following duties: (1) to conduct integrity education for public officials and supervise and inspect their lawful performance of duties, impartial exercise of power, integrity and self-discipline, and ethical conduct; (2) to investigate suspected job-related violations and job-related crimes, including embezzlement and bribery, abuse of power, dereliction of duty, power-for-money deals, tunneling, interest transmission, malpractice for personal gain, and wasting State

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assets; (3) to make administrative sanction decisions against public officials who have committed job-related violations in accordance with the law, and to hold them accountable; and to transfer the results of investigations into job-related crimes to the procuratorates for review and prosecution.

Article 12 — Supervisory commissions at all levels may dispatch or assign supervisory agencies or supervisory commissioners to the organs of the Party, state organs, organizations, or entities authorized by laws or regulations to administer public affairs, or the areas or state-owned enterprises under their jurisdiction. The dispatched or assigned supervisory agencies or supervisory commissioners shall be responsible to and report on their work to the supervisory commission that dispatched or assigned them.

Article 13 — Supervisory commissioners dispatched or assigned may, upon authorization, exercise part of the supervisory powers in the name of the supervisory commission that dispatched them. Their work shall be under the unified leadership of the dispatched organ, and they shall be responsible for the supervision of all public officials exercising public power in the related area.

Chapter III — Scope of Supervision

Article 14 — The State shall implement a system of supervisory commissioners, determine the ranks and settings of supervisory commissioners in accordance with the law, and implement a unified management system for supervisory commissioners.

Article 15 — Supervisory organs shall supervise the following public officials and relevant personnel: (1) civil servants of organs of the Communist Party of China, people's congresses and their standing committees, people's governments, supervisory commissions, people's courts, people's procuratorates, people's political consultative conferences, democratic parties, and federations of industry and commerce, as well as personnel managed under the Civil Servant Law; (2) personnel engaged in public affairs in organizations authorized by laws or regulations or entrusted by state organs to administer public affairs; (3) managers of state-owned enterprises; (4) personnel engaged in management in public education, scientific research, culture, health, sports, and other institutions; (5) personnel engaged in management in grassroots mass autonomous organizations; (6) other personnel lawfully performing public duties.

Chapter IV — Supervisory Powers

Article 16 — Supervisory organs shall have the power to conduct supervision and inspection of public officials in accordance with the law, and to conduct investigation and disposition of suspected job-related violations and job-related crimes.

Article 17 — Supervisory organs may conduct supervisory talks, require the supervised object to provide explanations, or conduct inquiries in the exercise of their supervisory powers.

Article 18 — Supervisory organs shall have the power to collect, access, consult, or copy documents, materials, financial accounts, and other written materials related to the matter under supervision.

Article 19 — Supervisory organs may require the unit where the person under supervision works or the relevant unit to provide the files, materials, and electronic data related to the matter under supervision.

Article 20 — Supervisory organs may conduct on-site inspections of the premises, articles, and persons related to the matter under supervision in accordance with the law, and may require the parties concerned to explain the situation or provide documents or materials.

Article 21 — Supervisory organs may question a person suspected of a job-related violation or job-related crime and require the person to give a truthful account of the suspected violation or crime.

Article 22 — Where a person under investigation is suspected of a serious job-related violation or job-related crime such as embezzlement and bribery or dereliction of duty, and the supervisory organ has already obtained part of the evidence of the violation or criminal facts, and there is still a need for further

investigation, and under any of the following circumstances, the person may be detained with the approval of the supervisory organ in accordance with the law: (1) the case involves a major or complex set of circumstances; (2) the person may flee or commit suicide; (3) the person may collude with others to make false statements or destroy, forge, or conceal evidence; (4) the person may commit other acts that obstruct the investigation. Detention shall be executed in a specific place designated by the supervisory organ. The maximum period of detention shall not exceed three months; under special circumstances, it may be extended once for no more than three months.

Article 23 — Supervisory organs may conduct searches of the body, articles, residence, workplace, and other relevant places of the person under investigation and of the person suspected of concealing the person under investigation or criminal evidence in accordance with the law.

Article 24 — Supervisory organs may, when investigating suspected job-related crimes, seal, seize, or freeze the property, documents, or electronic data of the person under investigation in accordance with the law for the purpose of collecting evidence.

Article 25 — Supervisory organs may, in the course of investigation, employ investigative measures such as inquests, examinations, and forensic evaluations. When necessary, experts may be engaged or persons with specialized knowledge may be designated to conduct inquests or examinations under the auspices of the investigators.

Article 26 — Supervisory organs may, in the course of investigating major job-related violations or crimes such as embezzlement and bribery or dereliction of duty, take technical investigation measures in accordance with the prescribed procedures and with the strict approval procedures, and hand the measures over to the relevant authorities for execution.

Article 27 — Supervisory organs may decide to issue a wanted circular for a person under investigation who should be detained but is at large, and pursue and capture the person within the territory of the PRC.

Article 28 — Where the case under investigation by a supervisory organ involves a non-member, the supervisory organ may seek assistance from the public security organ, national security organ, audit organ, tax organ, customs, financial regulatory organ, market regulatory organ, or other relevant organ to conduct the investigation.

Article 29 — Where a person under investigation who should be detained has fled abroad, the supervisory organ may, through the public security organ, apply to the INTERPOL National Central Bureau for a Red Notice, and may take relevant measures in accordance with the law to pursue and recover the illicit proceeds.

Chapter V — Supervisory Procedures

Article 30 — Supervisory organs shall strictly follow procedures in the course of supervision, investigation, and disposition, and shall establish a working mechanism for mutual coordination and mutual restraint among the departments performing different functions within the supervisory organ.

Article 31 — Supervisory organs shall, in the course of investigation, conduct all-round inquiries of the person under investigation and collect all evidence concerning whether the person is guilty or innocent and whether the circumstances are minor or serious.

Article 32 — It is strictly prohibited to extort confessions by torture, or to collect evidence by threats, enticement, deception, or other illegal means. It is strictly prohibited to insult, beat, abuse, or physically punish the person under investigation or the person involved in the case.

Article 33 — Where a supervisory organ finds through investigation that the facts of a job-related violation or job-related crime are not supported by evidence or are insufficient, the supervisory organ shall terminate the investigation and make a decision to close the case.

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Article 34 — The period of investigation by a supervisory organ shall be two months from the date of filing the case. Where the case is a major or complex one and the investigation cannot be completed upon the expiry of the period, the period may be extended with the approval of the supervisory organ at the next higher level, but the extension shall not exceed two months.

Article 35 — Where, during the investigation by a supervisory organ, the person under investigation voluntarily admits guilt and accepts punishment, the supervisory organ may make a written suggestion for leniency and transfer it together with the case files to the procuratorate.

Article 36 — Where a supervisory organ finds through investigation that the evidence obtained by illegal means shall be excluded in accordance with the law, the evidence shall not form the basis for the determination of the case.

Article 37 — After an investigation is completed by the supervisory organ, if the facts of a job-related violation or crime are clear and the evidence is reliable and sufficient, the case shall be transferred to the procuratorate for review and prosecution, and a written opinion shall be produced.

Article 38 — Where a supervisory organ needs to transfer a case to the procuratorate for prosecution, the transfer shall be made in accordance with the prescribed procedures, and a written prosecution opinion together with the case files and evidence shall be transferred to the procuratorate.

Chapter VI — International Cooperation in Anti-Corruption

Article 39 — The National Supervisory Commission shall organize and coordinate international cooperation in the field of anti-corruption, and shall engage in exchanges and cooperation with relevant countries and regions and international organizations in such areas as extradition, mutual legal assistance, transfer of sentenced persons, and recovery of assets.

Article 40 — The National Supervisory Commission shall strengthen work on fugitive repatriation and asset recovery, and shall pursue and recover corrupt officials who have fled abroad and their illicit proceeds.

Article 41 — The National Supervisory Commission may enter into agreements or arrangements for international cooperation in anti-corruption with the competent authorities of other countries, regions, or international organizations.

Chapter VII — Supervision of Supervisory Organs and Personnel

Article 42 — Supervisory organs shall accept the supervision of the people’s congresses and their standing committees at the corresponding levels. The standing committees of the people’s congresses shall hear and deliberate the special work reports of the supervisory organs at the corresponding levels and organize law enforcement inspections.

Article 43 — Supervisory organs shall establish mechanisms for internal supervision, establish and improve the systems for supervision, restriction, and management of supervisory personnel to ensure that their powers are exercised in strict accordance with the law.

Article 44 — Supervisory organs shall make public information on supervisory work and accept public supervision in accordance with the law. Supervisory organs shall accept complaints and reports from the public and handle them in a timely manner.

Article 45 — Where supervisory personnel commit any of the following acts, the person under investigation or his or her close relatives shall have the right to file a complaint or report: (1) detaining a person beyond the statutory period or without going through the statutory procedures; (2) extorting confessions by torture, insulting, beating, abusing, or physically punishing a person; (3) collecting evidence by illegal means; (4) other acts that violate laws or regulations.

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Article 46 — The supervisory commissioners shall meet the requirements for good political character, be familiar with supervisory and legal work, and abide by the Constitution and laws. Any person who has received criminal punishment for committing a crime may not serve as a supervisory commissioner.

Chapter VIII — Legal Liability

Article 47 — Where a supervisory organ or its functionaries commit any of the following acts, the responsible leaders and directly liable persons shall be dealt with in accordance with the law: (1) detaining a person without approval or authorization; (2) sealing, seizing, or freezing property in violation of the law; (3) failing to return or transfer property upon the conclusion of the case; (4) other acts in violation of laws and regulations.

Article 48 — Where supervisory personnel commit illegal acts in the exercise of their supervisory powers, they shall bear legal liability in accordance with the law. Where their acts constitute a crime, they shall be investigated for criminal liability in accordance with the law.

Article 49 — Where a unit or individual refuses or obstructs the lawful performance of duties by a supervisory organ or its functionaries, the supervisory organ may advise the relevant unit to take disciplinary action, or may impose administrative penalties on the unit or individual in accordance with the law.

Chapter IX — Supplementary Provisions

Article 50 — The Central Military Commission may, in accordance with this Law, formulate relevant provisions concerning the work of supervision in the military.

Article 51 — This Law shall come into effect on the date of promulgation. The Administrative Supervision Law of the People's Republic of China shall be repealed on the same date.

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