

Supervision Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of deepening the reform of the state supervision system, strengthening the supervision of all public officials who exercise public power, achieving full coverage of state supervision, furthering the comprehensive and rigorous governance of the Party, and promoting the modernization of the state governance system and governance capacity in accordance with the Constitution.

Article 2 — The supervisory work shall adhere to 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, and shall uphold the centralized and unified leadership of the Communist Party of China.

Article 3 — The supervisory commissions at all levels are specialized organs exercising the state supervisory function. They shall, in accordance with this Law, conduct supervision over all public officials who exercise public power, investigate job-related illegal acts and job-related crimes, and promote clean governance and integrity.

Article 4 — The supervisory commissions shall independently exercise their supervisory power in accordance with the provisions of the law and shall not be subject to interference by administrative organs, public organizations or individuals.

In handling cases of job-related illegal acts and job-related crimes, the supervisory organs shall cooperate with, and mutually check and coordinate with, the judicial organs, procuratorial organs and law enforcement departments.

Article 5 — The state supervisory work shall strictly comply with the Constitution and laws, be based on facts and take the law as the criterion; the applicable law shall be equal for all; the rights and interests of the parties shall be protected; the principles of combining punishment with leniency and combining education with punishment shall apply.

Article 6 — The state supervisory work shall adhere to the principles of treating both symptoms and root causes, comprehensive governance, strengthening supervision and accountability, and severely punishing corruption; shall promote education and institutional development; and shall establish a long-term mechanism that ensures officials do not dare, are not able, and do not want to be corrupt.

Chapter II — Supervisory Organs and Their Functions

Article 7 — The National Supervisory Commission of the People's Republic of China is the highest state supervisory organ.

The National Supervisory Commission shall be formed by the National People's Congress and shall be responsible for the supervision of all public officials exercising public power throughout the country. It shall be responsible to the National People's Congress and its Standing Committee and shall accept their supervision.

Article 8 — The National Supervisory Commission shall consist of a chairperson, vice chairpersons, and members. The chairperson shall be elected by the National People's Congress; the vice chairpersons and members shall be appointed or removed by the Standing Committee of the National People's Congress upon the recommendation of the chairperson of the National Supervisory Commission.

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.

Article 9 — Local supervisory commissions at all levels shall be formed by the people's congresses at the corresponding levels and shall be responsible for the supervision work within their respective administrative

regions.

Local supervisory commissions at all levels shall be responsible to the people's congresses at the corresponding levels and their standing committees that formed them, and to the supervisory commission at the next higher level, and shall accept their supervision.

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

Chapter III — Scope and Jurisdiction of Supervision

Article 11 — Supervisory commissions shall, in accordance with this Law and relevant laws, perform the duties of supervision, investigation and disposition:

(1) conducting integrity education for public officials and supervising and inspecting their lawful performance of duties, impartial exercise of power, integrity in official conduct and ethical conduct;

(2) investigating suspected job-related illegal acts and job-related crimes such as embezzlement and bribery, abuse of power, dereliction of duty, rent-seeking, transfer of benefits, favoritism and fraud, and waste of state assets; and

(3) making administrative disciplinary decisions against public officials who have committed illegal acts in accordance with law; holding accountable leading personnel who have failed to perform or have improperly performed their duties; transferring the results of investigations of suspected job-related crimes to the people's procuratorates for examination and prosecution in accordance with law; and making supervisory recommendations to the entities where the public officials subject to supervision work.

Article 12 — Supervisory commissions at all levels shall, in accordance with their administrative authority, exercise jurisdiction over the public officials within their respective jurisdictions who are subject to supervision under this Law.

Where jurisdiction over a matter is disputed, the supervisory commission at the next higher level shall determine the jurisdiction.

Chapter IV — Supervisory Powers

Article 13 — In the performance of their supervisory duties, supervisory organs may have talks with, or require statements from, public officials suspected of job-related illegal acts.

Article 14 — Where a public official subject to supervision is suspected of a serious job-related illegal act or job-related crime, the supervisory organ may, in accordance with the prescribed authority and procedures, take the measure of placing such person under retention.

The retention period shall not exceed three months. Under special circumstances, it may be extended once, with the extension not exceeding three months.

Article 15 — In the course of investigation, supervisory organs may employ investigation measures such as interrogation, questioning, retention, search, inspection, examination, seizure, impoundment, technical investigation measures, and wanted orders in accordance with the prescribed procedures.

Article 16 — Supervisory organs may inquire about the deposits, remittances, bonds, stocks, fund shares and other assets of the entities and individuals involved in cases from relevant entities and individuals. Relevant entities and individuals shall cooperate.

Article 17 — Where, in the course of investigation, it is necessary to request assistance from public security organs or other relevant organs, the relevant organs shall provide assistance in accordance with law.

Chapter V — Supervisory Procedures

Article 18 — Supervisory organs shall, in accordance with the prescribed procedures, accept reports and complaints, conduct examinations and verifications, and decide on case filing in accordance with law.

Article 19 — After a case is filed, the supervisory organ shall conduct an investigation in accordance with the prescribed procedures, and shall collect evidence to ascertain the facts of the illegal act.

The collection of evidence shall be conducted in accordance with legal procedures, and evidence obtained by illegal means such as torture, threat, enticement or deception shall be excluded.

Article 20 — After the conclusion of an investigation, the supervisory organ shall make a disposition decision in accordance with law based on the facts and evidence.

Where the investigation finds that the facts of an illegal act are clear and the evidence is conclusive and sufficient, and the case requires legal liability to be pursued, the case shall be transferred to the people's procuratorate for examination and prosecution in accordance with law.

Article 21 — A suspect placed under retention shall have his or her family notified within 24 hours, except where notification would obstruct the investigation. The notification shall be made immediately once the circumstances that would obstruct the investigation cease to exist.

Chapter VI — International Cooperation in Anti-Corruption

Article 22 — The National Supervisory Commission shall organize and coordinate international cooperation in anti-corruption, including the pursuit of fugitives, recovery of stolen assets, and prevention of cross-border corruption.

Article 23 — The National Supervisory Commission shall strengthen cooperation with anti-corruption agencies of other countries, regions and relevant international organizations, and shall promote the conclusion of international instruments on judicial assistance and extradition.

Article 24 — With respect to stolen assets involved in major cases of job-related crimes that have been transferred abroad, the National Supervisory Commission may organize and coordinate the recovery of such assets in accordance with law.

Chapter VII — Supervision of Supervisory Organs

Article 25 — Supervisory organs at all levels shall accept supervision by the people's congresses at the corresponding levels and their standing committees.

The standing committees of people's congresses at all levels shall hear and deliberate on the special work reports of the supervisory commissions at the corresponding levels and organize law enforcement inspections.

Article 26 — Supervisory organs shall establish and improve internal supervision and restraint mechanisms, and shall strengthen the supervision of supervisory personnel's compliance with laws and regulations, enforcement of discipline, and performance of duties.

Article 27 — Supervisory personnel must have good political and professional qualifications, comply with the Constitution and laws, be loyal to their duties, enforce the law impartially, remain honest and self-disciplined, and keep confidential information.

Chapter VIII — Legal Liability

Article 28 — Where any entity or individual refuses or obstructs the lawful performance of duties by a supervisory organ or its personnel, the supervisory organ shall have the right to order it to make corrections and may impose sanctions in accordance with law.

Article 29 — Where any supervisory personnel commits any of the following acts, the person directly in charge and other directly responsible persons shall be subject to sanctions in accordance with law; if a crime is constituted, criminal liability shall be pursued in accordance with law:

- (1) obtaining evidence by illegal means such as torture, threat, enticement or deception;
- (2) retaliating against or framing persons who make reports, accusations, complaints or supervise;
- (3) disclosing investigation information in violation of regulations; or
- (4) abusing power, neglecting duties, engaging in malpractice for personal gain, or accepting bribes.

Article 30 — Where a supervisory organ or its personnel, in the exercise of their powers, infringe upon the lawful rights and interests of citizens, legal persons or other organizations, and cause damage, the state shall assume the liability for compensation in accordance with law.

Chapter IX — Supplementary Provisions

Article 31 — The Chinese People's Liberation Army and the Chinese People's Armed Police Force shall carry out supervisory work on their own in accordance with this Law, and specific measures shall be formulated by the Central Military Commission.

Article 32 — This Law shall come into force on March 20, 2018. The Administrative Supervision Law of the People's Republic of China shall be repealed simultaneously.

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