|  |  |  |
| --- | --- | --- |
| 发文机关Promulgator | ：: | 全国人民代表大会常务委员会The Standing Committee of the National People's Congress |
| 发布日期Date of Issue | ：: | 2018.04.272018.04.27 |
| 生效日期Effective Date | ：: | 2018.05.012018.05.01 |
| 时效性Effectiveness | ：: | 现行有效Current |
| 文号No.  | ：: | 主席令第五号Presidential Decree No. 5 |

# 中华人民共和国英雄烈士保护法

# Law of the People's Republic of China on the Protection of Heroes and Martyrs

中华人民共和国英雄烈士保护法

Law of the People's Republic of China on the Protection of Heroes and Martyrs

中华人民共和国主席令第五号

Order of the President of the People's Republic of China No.5

《中华人民共和国英雄烈士保护法》已由中华人民共和国第十三届全国人民代表大会常务委员会第二次会议于2018年4月27日通过，现予公布，自2018年5月1日起施行。

The Law of the People's Republic of China on the Protection for Heroes and Martyrs, adopted at the Second Session of the Standing Committee of the 13th National People's Congress of the People's Republic of China on April 27, 2018, is hereby promulgated, effective as of May 1, 2018.

中华人民共和国主席 习近平

President Xi Jinping

2018年4月27日

27 April 2018

中华人民共和国英雄烈士保护法

Law of the People's Republic of China on the Protection of Heroes and Martyrs

（2018年4月27日第十三届全国人民代表大会常务委员会第二次会议通过）

(Adopted at the Second Session of the Standing Committee of the 13th National People's Congress on April 27, 2018)

第一条   为了加强对英雄烈士的保护，维护社会公共利益，传承和弘扬英雄烈士精神、爱国主义精神，培育和践行社会主义核心价值观，激发实现中华民族伟大复兴中国梦的强大精神力量，根据宪法，制定本法。

Article 1 The Law is formulated in accordance with the Constitution in order to strengthen the protection for heroes and martyrs, safeguard the interests of the general public, inherit and carry forward the spirit of heroes and martyrs and the spirit of patriotism, cultivate and practice socialist core values, and inspire the powerful spiritual force to realize the Chinese Dream of the great rejuvenation of the Chinese nation.

第二条   国家和人民永远尊崇、铭记英雄烈士为国家、人民和民族作出的牺牲和贡献。

Article 2 The State and the people venerate and bear in mind forever the sacrifices and contributions made by heroes and martyrs to the country, the people and the nation.

近代以来，为了争取民族独立和人民解放，实现国家富强和人民幸福，促进世界和平和人类进步而毕生奋斗、英勇献身的英雄烈士，功勋彪炳史册，精神永垂不朽。

In modern times, in order to strive for national independence and people's liberation, to achieve national prosperity and people's happiness, and to promote world peace and human progress, heroic dedication of heroes and martyrs, meritorious deeds, immortal spirit.

第三条   英雄烈士事迹和精神是中华民族的共同历史记忆和社会主义核心价值观的重要体现。

Article 3 The deeds and spirit of heroes and martyrs are the common historical memory of the Chinese nation and the important embodiment of socialist core values.

国家保护英雄烈士，对英雄烈士予以褒扬、纪念，加强对英雄烈士事迹和精神的宣传、教育，维护英雄烈士尊严和合法权益。

The State protects heroes and martyrs, commends and commends heroes and martyrs, steps up efforts in publicizing and providing education about the deeds and spirit of heroes and martyrs, and protects their dignity and lawful rights and interests.

全社会都应当崇尚、学习、捍卫英雄烈士。

The whole society shall venerate, learn from and defend heroes and martyrs.

第四条   各级人民政府应当加强对英雄烈士的保护，将宣传、弘扬英雄烈士事迹和精神作为社会主义精神文明建设的重要内容。

Article 4 All levels of people's governments shall strengthen the protection for heroes and martyrs, and take the work of publicizing and carrying forward the deeds and spirit of heroes and martyrs as an important part of socialist spiritual civilization construction.

县级以上人民政府负责英雄烈士保护工作的部门和其他有关部门应当依法履行职责，做好英雄烈士保护工作。

Departments in charge of the protection for heroes and martyrs in people's governments above the county level and other relevant departments shall fulfill their duties according to the law, and work effectively on the protection for heroes and martyrs.

军队有关部门按照国务院、中央军事委员会的规定，做好英雄烈士保护工作。

Relevant military departments shall work effectively on the protection for heroes and martyrs, in accordance with the rules of the State Council and the Central Military Commission.

县级以上人民政府应当将英雄烈士保护工作经费列入本级预算。

People's governments above the county level shall include funds earmarked for the protection for heroes and martyrs in the budget of the corresponding level.

第五条   每年9月30日为烈士纪念日，国家在首都北京天安门广场人民英雄纪念碑前举行纪念仪式，缅怀英雄烈士。

Article 5 September 30 of each year is taken as the memorial day for martyrs, on which the State will hold a memorial ceremony in front of the Monument to the People's Heroes at Tiananmen Square in the Capital City Beijing to remember heroes and martyrs.

县级以上地方人民政府、军队有关部门应当在烈士纪念日举行纪念活动。

People's governments at or above the county level and relevant military departments shall hold memorial activities on the memorial day for martyrs.

举行英雄烈士纪念活动，邀请英雄烈士遗属代表参加。

Heroes and Martyrs Memorial Day will be held to invite representatives of Heroes and Martyrs.

第六条   在清明节和重要纪念日，机关、团体、乡村、社区、学校、企业事业单位和军队有关单位根据实际情况，组织开展英雄烈士纪念活动。

Article 6 On Tomb-sweeping Day and important anniversaries, organs, groups, villages, communities, schools, enterprises, public institutions and relevant military units shall organize memorial activities for heroes and martyrs, depending on the actual situations.

第七条   国家建立并保护英雄烈士纪念设施，纪念、缅怀英雄烈士。

Article 7 The State builds and protects memorials for heroes and martyrs to commemorate and remember heroes and martyrs.

矗立在首都北京天安门广场的人民英雄纪念碑，是近代以来中国人民和中华民族争取民族独立解放、人民自由幸福和国家繁荣富强精神的象征，是国家和人民纪念、缅怀英雄烈士的永久性纪念设施。

The Monument to the People's Heroes erected in Tiananmen Square in the Capital City Beijing, as a permanent memorial facility built by the country and the people to commemorate and remember heroes and martyrs, symbolizes the efforts of the Chinese people and the Chinese nation in the recent history to achieve national independence and liberation, freedom and happiness of the people, and the prosperity, strength and spirit of the country.

人民英雄纪念碑及其名称、碑题、碑文、浮雕、图形、标志等受法律保护。

The Monument to the People's Heroes, as well as its name, title of the monument, the inscription, relief, graphs, and marks, are protected by law.

第八条   县级以上人民政府应当将英雄烈士纪念设施建设和保护纳入国民经济和社会发展规划、城乡规划，加强对英雄烈士纪念设施的保护和管理；对具有重要纪念意义、教育意义的英雄烈士纪念设施依照《中华人民共和国文物保护法》的规定，核定公布为文物保护单位。

Article 8 People's governments above the county level shall incorporate the construction and protection of memorials for heroes and martyrs into the national economic and social development planning and urban and rural planning, and strengthen the protection and management of memorials for heroes and martyrs. They shall also, in accordance with the Law of the People's Republic of China on the Protection of Cultural Relics, approve and announce the memorials for heroes and martyrs that are of important commemoration significance and educational significance as protected cultural relics.

中央财政对革命老区、民族地区、边疆地区、贫困地区英雄烈士纪念设施的修缮保护，应当按照国家规定予以补助。

For the renovation and protection for memorials for heroes and martyrs in old revolutionary base areas, ethnic minority areas, border areas and poverty-stricken areas, subsidies will be provided from the central finance according to applicable rules of the State.

第九条   英雄烈士纪念设施应当免费向社会开放，供公众瞻仰、悼念英雄烈士，开展纪念教育活动，告慰先烈英灵。

Article 9 Memorials for heroes and martyrs shall be made accessible to the general public for free to enable the public to pay their respects and mourn heroes and martyrs, carry out memorial and educational activities, and praise the spirit of martyrs.

前款规定的纪念设施由军队有关单位管理的，按照军队有关规定实行开放。

Where memorials as mentioned in the preceding paragraph are administered by relevant military entities, they shall be made accessible to the public in accordance with the provisions of the army.

第十条   英雄烈士纪念设施保护单位应当健全服务和管理工作规范，方便瞻仰、悼念英雄烈士，保持英雄烈士纪念设施庄严、肃穆、清净的环境和氛围。

Article 10 Entities in charge of protecting memorials for heroes and martyrs shall improve the norms concerning services and management in this regard, to make it convenient to pay their respects and mourn heroes and martyrs and maintain the solemn, respectful and tranquil environment of memorials for heroes and martyrs.

任何组织和个人不得在英雄烈士纪念设施保护范围内从事有损纪念英雄烈士环境和氛围的活动，不得侵占英雄烈士纪念设施保护范围内的土地和设施，不得破坏、污损英雄烈士纪念设施。

No organization or individual shall carry out any activity which damages the environment and climate of memorials for heroes and martyrs, within the protective scope of memorials for heroes and martyrs, occupy land or facilities within the protective scope of memorials for heroes and martyrs, or destroy or stain memorials for heroes and martyrs.

第十一条   安葬英雄烈士时，县级以上人民政府、军队有关部门应当举行庄严、肃穆、文明、节俭的送迎、安葬仪式。

Article 11 When heroes and martyrs are being buried, people's governments above the county level and relevant military departments shall hold solemn, respectful, civilized and economical ceremonies for the purpose of farewells and burying.

第十二条   国家建立健全英雄烈士祭扫制度和礼仪规范，引导公民庄严有序地开展祭扫活动。

Article 12 The State establishes and improves tomb-sweeping systems and etiquette for heroes and martyrs, to guide citizens to carry out tomb-sweeping activities in a solemn and orderly manner.

县级以上人民政府有关部门应当为英雄烈士遗属祭扫提供便利。

Relevant departments of people's governments above the county level shall provide convenience for the family members of deceased heroes and martyrs to sweep tombs.

第十三条   县级以上人民政府有关部门应当引导公民通过瞻仰英雄烈士纪念设施、集体宣誓、网上祭奠等形式，铭记英雄烈士的事迹，传承和弘扬英雄烈士的精神。

Article 13 Relevant departments of the people's governments above the county level shall instruct citizens to keep firmly in mind the deeds of heroes and martyrs and inherit and carry forward their spirit through visiting memorials for heroes and martyrs, taking an oath collectively or holding online memorial ceremonies.

第十四条   英雄烈士在国外安葬的，中华人民共和国驻该国外交、领事代表机构应当结合驻在国实际情况组织开展祭扫活动。

Article 14 Where heroes and martyrs are buried abroad, the diplomatic mission or the consulate established by the People's Republic of China in the foreign country shall organize tomb-sweeping activities, in consideration of the actual conditions of that foreign country.

国家通过与有关国家的合作，查找、收集英雄烈士遗骸、遗物和史料，加强对位于国外的英雄烈士纪念设施的修缮保护工作。

The State will strengthen cooperation with relevant countries to search for and collect skeletal remains, remains, and historical materials and step up the renovation and protection for memorials for heroes and martyrs.

第十五条   国家鼓励和支持开展对英雄烈士事迹和精神的研究，以辩证唯物主义和历史唯物主义为指导认识和记述历史。

Article 15 The State encourages and supports studies into the deeds and spirit of heroes and martyrs, and recognizes and records history under the guidance of dialectical materialism and historical materialism.

第十六条   各级人民政府、军队有关部门应当加强对英雄烈士遗物、史料的收集、保护和陈列展示工作，组织开展英雄烈士史料的研究、编纂和宣传工作。

Article 16 All levels of people's governments and relevant military departments shall step up their efforts to collect, protect and display the remains of heroes and martyrs, and organize studies, compilation and publicity of historical materials for heroes and martyrs.

国家鼓励和支持革命老区发挥当地资源优势，开展英雄烈士事迹和精神的研究、宣传和教育工作。

The State encourages and supports efforts in taking advantage of local resources in old revolutionary areas to carry out research, publicity and education programs on the deeds and spirit of heroes and martyrs.

第十七条   教育行政部门应当以青少年学生为重点，将英雄烈士事迹和精神的宣传教育纳入国民教育体系。

Article 17 Administrative departments of education shall incorporate the publicity and education of the deeds and spirit of heroes and martyrs into the national education system, focusing on young students.

教育行政部门、各级各类学校应当将英雄烈士事迹和精神纳入教育内容，组织开展纪念教育活动，加强对学生的爱国主义、集体主义、社会主义教育。

Administrative departments of education and various schools at all levels shall include the deeds and spirit of heroes and martyrs in educational content, organize memorial educational activities, and strengthen the education of patriotism, collectivism and socialism among students.

第十八条   文化、新闻出版、广播电视、电影、网信等部门应当鼓励和支持以英雄烈士事迹为题材、弘扬英雄烈士精神的优秀文学艺术作品、广播电视节目以及出版物的创作生产和宣传推广。

Article 18 Departments of culture, news and press, radio and television, film, and cyberspace shall encourage and support the creation, production, publicity and promotion of excellent literary and artistic works, radio and television programs, publications that are themed on the deeds of heroes and martyrs and carry forward the spirit of heroes and martyrs.

第十九条   广播电台、电视台、报刊出版单位、互联网信息服务提供者，应当通过播放或者刊登英雄烈士题材作品、发布公益广告、开设专栏等方式，广泛宣传英雄烈士事迹和精神。

Article 19 Radio stations, TV stations, newspaper and periodical publishers and internet information service providers shall widely publicize the deeds and spirit of heroes and martyrs by broadcasting or publishing works related to heroes and martyrs, publishing public service advertisements, setting up special columns or otherwise.

第二十条   国家鼓励和支持自然人、法人和非法人组织以捐赠财产、义务宣讲英雄烈士事迹和精神、帮扶英雄烈士遗属等公益活动的方式，参与英雄烈士保护工作。

Article 20 The State encourages and supports natural persons, legal persons and unincorporated organizations to participate in the protection for heroes and martyrs through the donation of property, voluntary preaching of the deeds and spirit of heroes and martyrs, assistance for survivors of heroes and martyrs and other public welfare activities.

自然人、法人和非法人组织捐赠财产用于英雄烈士保护的，依法享受税收优惠。

Natural persons, legal persons and unincorporated organizations that donate property for the protection for heroes and martyrs may enjoy tax preferences according to the law.

第二十一条   国家实行英雄烈士抚恤优待制度。英雄烈士遗属按照国家规定享受教育、就业、养老、住房、医疗等方面的优待。抚恤优待水平应当与国民经济和社会发展相适应并逐步提高。

Article 21 The State applies the pension and preferential treatment system for heroes and martyrs. Family members of deceased heroes and martyrs shall enjoy preferential treatment in education, employment, pension, housing, medical care and other aspects according to the relevant provisions of the State. The pension and preferential treatment shall be adaptable to national economic and social development and be gradually improved.

国务院有关部门、军队有关部门和地方人民政府应当关心英雄烈士遗属的生活情况，每年定期走访慰问英雄烈士遗属。

Relevant departments of the State Council, relevant military departments and local people's governments shall show concern to the living conditions of family members of deceased heroes and martyrs, and pay regular visits to and condole the family members of deceased heroes and martyrs every year.

第二十二条   禁止歪曲、丑化、亵渎、否定英雄烈士事迹和精神。

Article 22 Any practices that distort, vilify, desecrate or negate the deeds or spirit of any heroes and martyrs are prohibited.

英雄烈士的姓名、肖像、名誉、荣誉受法律保护。任何组织和个人不得在公共场所、互联网或者利用广播电视、电影、出版物等，以侮辱、诽谤或者其他方式侵害英雄烈士的姓名、肖像、名誉、荣誉。任何组织和个人不得将英雄烈士的姓名、肖像用于或者变相用于商标、商业广告，损害英雄烈士的名誉、荣誉。

Names, portraits, fame and honors of heroes and martyrs are protected by the law. No organization or individual shall damage the names, portraits, fame or honors of heroes and martyrs in an insulting or defamatory way or otherwise, in a public place or on the Internet, or make use of radio or television programs, films or publications. No organization or individual may use the names or portraits of heroes and martyrs directly or in a disguised manner in trademarks or commercial advertisements, to damage the fame and honors of heroes and martyrs.

公安、文化、新闻出版、广播电视、电影、网信、市场监督管理、负责英雄烈士保护工作的部门发现前款规定行为的，应当依法及时处理。

Departments of public security, culture, news and press, radio and television, film, cyberspace and market supervision and management, and departments in charge of the protection for heroes and martyrs shall respond promptly to any behavior stated in the preceding paragraph according to the law if they find such behavior.

第二十三条   网信和电信、公安等有关部门在对网络信息进行依法监督管理工作中，发现发布或者传输以侮辱、诽谤或者其他方式侵害英雄烈士的姓名、肖像、名誉、荣誉的信息的，应当要求网络运营者停止传输，采取消除等处置措施和其他必要措施；对来源于中华人民共和国境外的上述信息，应当通知有关机构采取技术措施和其他必要措施阻断传播。

Article 23 Where relevant departments of cyberspace, telecommunications and public security detect any information published or transmitted on the internet to damage the names, portraits, fame or honors of heroes and martyrs in an insulting or defamatory way or otherwise, when they supervise and regulate information on the internet according to the law, they shall request the network operators to stop the transmission, take measures to eliminate such information and take other necessary measures; where such information is sourced from places outside the territory of the People's Republic of China, they shall notify the relevant institutions to adopt technical measures and take other necessary measures to stop the transmission of such information.

网络运营者发现其用户发布前款规定的信息的，应当立即停止传输该信息，采取消除等处置措施，防止信息扩散，保存有关记录，并向有关主管部门报告。网络运营者未采取停止传输、消除等处置措施的，依照《中华人民共和国网络安全法》的规定处罚。

Network operators who discover that their users publish the information specified in the preceding paragraph shall immediately stop the transmission of such information, take disposal measures such as deletion to prevent the information from spreading, save relevant records, and report the same to the relevant competent departments. Where the network operator fails to take disposal measures such as ceasing transmission or eliminating the information, it shall be punished in accordance with the Cybersecurity Law of the People's Republic of China.

第二十四条   任何组织和个人有权对侵害英雄烈士合法权益和其他违反本法规定的行为，向负责英雄烈士保护工作的部门、网信、公安等有关部门举报，接到举报的部门应当依法及时处理。

Article 24 Any organization or individual shall have the right to report to the department in charge of the protection for heroes and martyrs or departments of cyberspace or public security any acts that damage the lawful rights and interests of heroes and martyrs or violate the provisions herein, and the department receiving such report shall respond to it according to the law in a timely manner.

第二十五条   对侵害英雄烈士的姓名、肖像、名誉、荣誉的行为，英雄烈士的近亲属可以依法向人民法院提起诉讼。

Article 25 The close relatives of heroes and martyrs may lawfully bring charges against acts that damage the names, portraits, fame or honors of heroes and martyrs.

英雄烈士没有近亲属或者近亲属不提起诉讼的，检察机关依法对侵害英雄烈士的姓名、肖像、名誉、荣誉，损害社会公共利益的行为向人民法院提起诉讼。

Where heroes or martyrs do not have any close relatives, or their close relatives do not bring charges, the procuratorial organs may bring charges against acts that damage the names, portraits, fame or honors of heroes and martyrs or impair public interests in the people's courts according to the law.

负责英雄烈士保护工作的部门和其他有关部门在履行职责过程中发现第一款规定的行为，需要检察机关提起诉讼的，应当向检察机关报告。

Where departments in charge of the protection for heroes and martyrs or other relevant departments find out acts as specified in the first paragraph when they are performing their functions, and need procuratorial organs to bring charges against such acts, they shall report the same to procuratorial organs.

英雄烈士近亲属依照第一款规定提起诉讼的，法律援助机构应当依法提供法律援助服务。

Where close relatives of heroes or martyrs bring charges in accordance with the rules set out in the first paragraph, legal aid agencies shall offer legal aid services according to the law.

第二十六条   以侮辱、诽谤或者其他方式侵害英雄烈士的姓名、肖像、名誉、荣誉，损害社会公共利益的，依法承担民事责任；构成违反治安管理行为的，由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 26 Any party that damages the names, portraits, fame or honors of heroes or martyrs in an insulting or defamatory way or otherwise and jeopardizes the public interests shall bear civil liability according to the law; where its act constitutes a violation of public security regulations, the public security organ shall impose public security penalties according to the law; where a crime is constituted, its criminal liability shall be pursued.

第二十七条   在英雄烈士纪念设施保护范围内从事有损纪念英雄烈士环境和氛围的活动的，纪念设施保护单位应当及时劝阻；不听劝阻的，由县级以上地方人民政府负责英雄烈士保护工作的部门、文物主管部门按照职责规定给予批评教育，责令改正；构成违反治安管理行为的，由公安机关依法给予治安管理处罚。

Article 27 Where any activity which is harmful to the environment and atmosphere of memorials for heroes and martyrs is carried out within the scope of protection for heroes and martyrs, the protection agency for memorials shall dissuade the party concerned in a timely manner; if the party concerned refuses to listen to the dissuasion, the department in charge of the protection for heroes and martyrs under the local people's government at or above the county level or the competent authority in charge of cultural relics shall criticize the party concerned according to its duties and order it to make corrections; if the circumstance constitutes a violation of public security administration, the public security organ shall impose punishments according to the law.

亵渎、否定英雄烈士事迹和精神，宣扬、美化侵略战争和侵略行为，寻衅滋事，扰乱公共秩序，构成违反治安管理行为的，由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Where any party that desecrates or negates the deeds or spirit of any heroes and martyrs, or advocates or glorifies wars or acts of aggression, or picks a quarrel and makes trouble, which disrupts the public order, the public security organ shall impose the punishment of public security administration according to the law if the behavior constitutes a violation of public security administration; where a crime is constituted, the criminal liability shall be pursued according to the law.

第二十八条   侵占、破坏、污损英雄烈士纪念设施的，由县级以上人民政府负责英雄烈士保护工作的部门责令改正；造成损失的，依法承担民事责任；被侵占、破坏、污损的纪念设施属于文物保护单位的，依照《中华人民共和国文物保护法》的规定处罚；构成违反治安管理行为的，由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 28 Whoever misappropriates, destroys, or defaces memorials for heroes and martyrs shall be ordered by the department in charge of the protection for heroes and martyrs under the people's governments above the county level to make corrections; any losses thus caused shall be subject to civil liability according to the law; where the misappropriated, destroyed, or defaced memorials belong to protected historical and cultural sites, penalties shall be imposed according to the Law of the People's Republic of China on the Protection of Cultural Relics; where a violation of public security administration is constituted, the public security organ shall impose public security administration penalties according to the law; where a crime is constituted, criminal liability shall be investigated according to the law.

第二十九条   县级以上人民政府有关部门及其工作人员在英雄烈士保护工作中滥用职权、玩忽职守、徇私舞弊的，对直接负责的主管人员和其他直接责任人员，依法给予处分；构成犯罪的，依法追究刑事责任。

Article 29 Where relevant departments of people's governments above the county level, as well as their functionaries, abuse their power, neglect their duties or play favoritism and commit irregularities, individuals directly in charge and other personnel directly held liable shall be punished according to the law; where a crime is constituted, criminal liability shall be pursued according to the law.

第三十条   本法自2018年5月1日起施行。

Article 30 The Law shall come into force as of May 1, 2018.