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# 中华人民共和国宪法修正案（2004）

# Amendment to the Constitution of the People’s Republic of China

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Amendment to the Constitution of the People’s Republic of China

（2004年3月14日第十届全国人民代表大会第二次会议通过）

(Adopted at the Second Session of the Tenth National People 's Congress on March 14, 2004)

第十八条　宪法序言第七自然段中“在马克思列宁主义、毛泽东思想、邓小平理论指引下”修改为“在马克思列宁主义、毛泽东思想、邓小平理论和‘三个代表’重要思想指引下”，“沿着建设有中国特色社会主义的道路”修改为“沿着中国特色社会主义道路”，“逐步实现工业、农业、国防和科学技术的现代化”之后增加“推动物质文明、政治文明和精神文明协调发展”。这一自然段相应地修改为：“中国新民主主义革命的胜利和社会主义事业的成就，是中国共产党领导中国各族人民，在马克思列宁主义、毛泽东思想的指引下，坚持真理，修正错误，战胜许多艰难险阻而取得的。我国将长期处于社会主义初级阶段。国家的根本任务是，沿着中国特色社会主义道路，集中力量进行社会主义现代化建设。中国各族人民将继续在中国共产党领导下，在马克思列宁主义、毛泽东思想、邓小平理论和‘三个代表’重要思想指引下，坚持人民民主专政，坚持社会主义道路，坚持改革开放，不断完善社会主义的各项制度，发展社会主义市场经济，发展社会主义民主，健全社会主义法制，自力更生，艰苦奋斗，逐步实现工业、农业、国防和科学技术的现代化，推动物质文明、政治文明和精神文明协调发展，把我国建设成为富强、民主、文明的社会主义国家。”

Article 18 In the seventh paragraph of the Preamble to the Constitution, "under the guidance of Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory" is amended to read: "under the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory and the important thought of Three Represents"; "along the road of building socialism with Chinese characteristics" is amended to read: "along the road of socialism with Chinese characteristics"; and after "to modernize the country's industry, agriculture, national defense and science and technology step by step" is added "to promote the coordinated development of the material, political and spiritual civilizations". The paragraph is revised accordingly to read: "The victory in China's New-Democratic Revolution and the successes in its socialist cause have been achieved by the Chinese people of all nationalities, under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, by upholding truth, correcting errors and surmounting numerous difficulties and hardships. Our country will be in the primary stage of socialism for a long time. The country's basic task is to concentrate on socialist modernization along the road of socialism with Chinese characteristics. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, and the important thought of Three Represents, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and the socialist road, persevere in reform and opening to the outside world, steadily improve various socialist institutions, develop the socialist market economy, develop socialist democracy, improve the socialist legal system, and work hard and self-reliantly to modernize the country's industry, agriculture, national defence and science and technology step by step and promote the coordinated development of the material, political, and spiritual facets of civilization, to turn China into a socialist country that is prosperous, powerful, democratic, and culturally advanced. "

第十九条　宪法序言第十自然段第二句“在长期的革命和建设过程中，已经结成由中国共产党领导的，有各民主党派和各人民团体参加的，包括全体社会主义劳动者、拥护社会主义的爱国者和拥护祖国统一的爱国者的广泛的爱国统一战线，这个统一战线将继续巩固和发展。”修改为：“在长期的革命和建设过程中，已经结成由中国共产党领导的，有各民主党派和各人民团体参加的，包括全体社会主义劳动者、社会主义事业的建设者、拥护社会主义的爱国者和拥护祖国统一的爱国者的广泛的爱国统一战线，这个统一战线将继续巩固和发展。”

Article 19 The second sentence of the tenth paragraph of the Preamble to the Constitution, which reads, "In the long years of revolution and construction, there has been formed under the leadership of the Communist Party of China a broad patriotic united front which is composed of the democratic parties and people's organizations and which embraces all socialist working people, all patriots who support socialism, and all patriots who stand for the reunification of the motherland. This united front will continue to be consolidated and developed."Shall be revised as: "In the long years of revolution and construction, there has been formed under the leadership of the Communist Party of China a broad patriotic united front which is composed of the democratic parties and people's organizations and which embraces all socialist working people, all builders of socialism, all patriots who support socialism, and all patriots who stand for reunification of the motherland. This united front will continue to be consolidated and developed."

第二十条　宪法第十条第三款“国家为了公共利益的需要，可以依照法律规定对土地实行征用。”修改为：“国家为了公共利益的需要，可以依照法律规定对土地实行征收或者征用并给予补偿。”

Article 20 The third paragraph of Article 10 of the Constitution, which reads, "The State may, in the public interest, requisition land for its use in accordance with law."Is revised to read, "The State may, in the public interest, expropriate or take over land for its use in accordance with the law and provide compensation."

第二十一条　宪法第十一条第二款“国家保护个体经济、私营经济的合法的权利和利益。国家对个体经济、私营经济实行引导、监督和管理。”修改为：“国家保护个体经济、私营经济等非公有制经济的合法的权利和利益。国家鼓励、支持和引导非公有制经济的发展，并对非公有制经济依法实行监督和管理。”

Article 21 Paragraph 2 of Article 11 of the Constitution: "The State protects the lawful rights and interests of the individual and private sectors of the economy."The State exercises guidance, supervision and control over the individual and private businesses. "Shall be revised as: "The state protects the lawful rights and interests of the non-public sectors of the economy such as individual and private sectors of the economy. The State encourages, supports and guides the development of the non-public sectors of the economy and, in accordance with law, exercises supervision and control over the non-public sectors of the economy. "

第二十二条　宪法第十三条“国家保护公民的合法的收入、储蓄、房屋和其他合法财产的所有权。”“国家依照法律规定保护公民的私有财产的继承权。”修改为：“公民的合法的私有财产不受侵犯。”“国家依照法律规定保护公民的私有财产权和继承权。”“国家为了公共利益的需要，可以依照法律规定对公民的私有财产实行征收或者征用并给予补偿。”

Article 22 Article 13 of the Constitution, which reads, "The State protects the right of citizens to own lawfully earned income, savings, houses and other lawful property."The State protects according to law the right of citizens to inherit private property. "Shall be amended as: "The lawful private property of a citizen shall be inviolable."The state protects the right of citizens to own private property and the right to inherit private property in accordance with the law. "The State may, in the public interest and in accordance with law, expropriate or take over the private property of citizens for its use and provide compensation. "

第二十三条　宪法第十四条增加一款，作为第四款：“国家建立健全同经济发展水平相适应的社会保障制度。”

Article 23 One paragraph is added to Article 14 of the Constitution as the fourth paragraph, which reads, "The State establishes a social security system compatible with the level of economic development."

第二十四条　宪法第三十三条增加一款，作为第三款：“国家尊重和保障人权。”第三款相应地改为第四款。

Article 24 One paragraph is added to Article 33 of the Constitution as the third paragraph, which reads, "The State respects and protects human rights."Paragraph 3 is correspondingly changed to Paragraph 4.

第二十五条　宪法第五十九条第一款“全国人民代表大会由省、自治区、直辖市和军队选出的代表组成。各少数民族都应当有适当名额的代表。”修改为：“全国人民代表大会由省、自治区、直辖市、特别行政区和军队选出的代表组成。各少数民族都应当有适当名额的代表。”

Article 25 Paragraph 1 of Article 59 of the Constitution: "The National People 's Congress is composed of deputies elected from the provinces, autonomous regions and municipalities directly under the Central Government and of deputies elected from the armed forces. All the minority nationalities should have appropriate representation. "Shall be revised as: "The National People 's Congress is composed of deputies elected by the provinces, autonomous regions and municipalities directly under the Central Government, and by the armed forces. All the minority nationalities should have appropriate representation. "

第二十六条　宪法第六十七条全国人民代表大会常务委员会职权第二十项“（二十）决定全国或者个别省、自治区、直辖市的戒严”修改为“（二十）决定全国或者个别省、自治区、直辖市进入紧急状态”。

Article 26 The 20th subparagraph of Article 67 of the Constitution on the functions and powers of the Standing Committee of the National People's Congress, which reads, "(20) to decide on the imposition of martial law throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government" is revised to read, "(20) to decide on entering into the state of emergency throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government."

第二十七条　宪法第八十条“中华人民共和国主席根据全国人民代表大会的决定和全国人民代表大会常务委员会的决定，公布法律，任免国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长，授予国家的勋章和荣誉称号，发布特赦令，发布戒严令，宣布战争状态，发布动员令。”修改为：“中华人民共和国主席根据全国人民代表大会的决定和全国人民代表大会常务委员会的决定，公布法律，任免国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长，授予国家的勋章和荣誉称号，发布特赦令，宣布进入紧急状态，宣布战争状态，发布动员令。”

Article 27 Article 80 of the Constitution, which reads, "The President of the People's Republic of China, in pursuance of the decisions of the National People's Congress and its Standing Committee, promulgates statutes; appoints and removes the Premier, Vice-Premiers, State Councillors, Ministers in charge of Ministries or Commissions, and the Auditor-General and the Secretary-General of the State Council; confers State medals and titles of honour; issues orders of special pardons; issues martial law; proclaims a state of war; and issues mobilization orders."Shall be amended as: "The President of the People's Republic of China, in pursuance of the decisions of the National People's Congress and its Standing Committee, promulgates statutes, appoints or removes the Premier, Vice-Premiers, State Councillors, Ministers in charge of Ministries or Commissions, the Auditor-General and the Secretary-General of the State Council; confers state medals and titles of honour; issues orders of special pardons; proclaims martial law; proclaims a state of war; and issues mobilization orders."

第二十八条　宪法第八十一条“中华人民共和国主席代表中华人民共和国，接受外国使节；根据全国人民代表大会常务委员会的决定，派遣和召回驻外全权代表，批准和废除同外国缔结的条约和重要协定。”修改为：“中华人民共和国主席代表中华人民共和国，进行国事活动，接受外国使节；根据全国人民代表大会常务委员会的决定，派遣和召回驻外全权代表，批准和废除同外国缔结的条约和重要协定。”

Article 28 Article 81 of the Constitution, which reads, "The President of the People's Republic of China receives foreign diplomatic representatives on behalf of the People's Republic of China and, in pursuance of the decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives abroad, and ratifies or abrogates treaties and important agreements concluded with foreign states."Shall be amended as: "The President of the People's Republic of China receives foreign diplomatic representatives on behalf of the People's Republic of China and, in pursuance of the decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives abroad, and ratifies or abrogates treaties and important agreements concluded with foreign states."

第二十九条　宪法第八十九条国务院职权第十六项“（十六）决定省、自治区、直辖市的范围内部分地区的戒严”修改为“（十六）依照法律规定决定省、自治区、直辖市的范围内部分地区进入紧急状态”。

Article 29 The 16th subparagraph of Article 89 of the Constitution on the functions and powers of the State Council, which reads, "(16) to decide on the imposition of martial law in parts of provinces, autonomous regions, and municipalities directly under the Central Government" is revised to read, "(16) in accordance with the provisions of law, to decide on entering into the state of emergency in parts of provinces, autonomous regions, and municipalities directly under the Central Government."

第三十条　宪法第九十八条“省、直辖市、县、市、市辖区的人民代表大会每届任期五年。乡、民族乡、镇的人民代表大会每届任期三年。”修改为：“地方各级人民代表大会每届任期五年。”

Article 30 Article 98 of the Constitution, which reads, "The term of office of the people's congresses of provinces, municipalities directly under the Central Government, counties, cities and municipal districts is five years. The term of office of the people's congresses of townships, nationality townships, and towns is three years. "Shall be amended as: "The term of office for each local people 's congress shall be 5 years."

第三十一条　宪法第四章章名“国旗、国徽、首都”修改为“国旗、国歌、国徽、首都”。宪法第一百三十六条增加一款，作为第二款：“中华人民共和国国歌是《义勇军进行曲》。”

Article 31 The title of the fourth chapter of the Constitution, which reads "the National Flag, the National Emblem and the Capital", is revised to read "the National Flag, the National Anthem, the National Emblem and the Capital". One paragraph is added to Article 136 of the Constitution as the second paragraph, which reads, "The national anthem of the People's Republic of China is" March of the Volunteers ".