**中华人民共和国国旗法**

|  |
| --- |
| １９９０年６月２８日第七届全国人民代表大会常务委员会第十四次会议通过　　     １９９０年６月２８日中华人民共和国主席令第二十八号公布　　     １９９０年１０月１日起施行第一条 为了维护国旗的尊严，增强公民的国家观念，发扬爱国主义精神，根据宪法，制定本法。第二条 中华人民共和国国旗是五星红旗。中华人民共和国国旗按照中国人民政治协商会议第一届全体会议主席团公布的国旗制法说明制作。第三条 中华人民共和国国旗是中华人民共和国的象征和标志。每个公民和组织，都应当尊重和爱护国旗。第四条 地方各级人民政府对本行政区域内国旗的升挂和使用，实施监督管理。外交部、国务院交通主管部门、中国人民解放军总政治部对各自管辖范围内国旗的升挂和使用，实施监督管理。国旗由省、自治区、直辖市的人民政府指定的企业制作。第五条 下列场所或者机构所在地，应当每日升挂国旗：   （一）北京天安门广场、新华门；   （二）全国人民代表大会常务委员会，国务院，中央军事委员会，最高人民法院，最高人民检察院； 中国人民政治协商会议全国委员会；   （三）外交部；   （四）出境入境的机场、港口、火车站和其他边境口岸，边防海防哨所。第六条 国务院各部门，地方各级人民代表大会常务委员会、人民政府、人民法院、人民检察院，中国人民政治协商会议地方各级委员会，应当在工作日升挂国旗。全日制学校，除寒假、暑假和星期日外，应当每日升挂国旗。第七条 国庆节、国际劳动节、元旦和春节，各级国家机关和各人民团体应当升挂国旗；企业事业组织，村民委员会、居民委员会，城镇居民院（楼）以及广场、公园等公共活动场所，有条件的可以升挂国旗。 不以春节为传统节日的少数民族地区，春节是否升挂国旗，由民族自治地方的自治机关规定。民族自治地方在民族自治地方成立纪念日和主要传统民族节日，可以升挂国旗。第八条 举行重大庆祝、纪念活动，大型文化、体育活动，大型展览会，可以升挂国旗。第九条 外交活动以及国家驻外使馆领馆和其他外交代表机构升挂、使用国旗的办法，由外交部规定。第十条 军事机关、军队营区、军用舰船，按照中央军事委员会的有关规定升挂国旗。第十一条 民用船舶和进入中国领水的外国船舶升挂国旗的办法，由国务院交通主管部门规定。 公安部门执行边防、治安、消防任务的船舶升挂国旗的办法，由国务院公安部门规定。第十二条 依照本法第五条、第六条、第七条的规定升挂国旗的，应当早晨升起，傍晚降下。依照本法规定应当升挂国旗的，遇有恶劣天气，可以不升挂。第十三条 升挂国旗时，可以举行升旗仪式。举行升旗仪式时，在国旗升起的过程中，参加者应当面向国旗肃立致敬，并可以奏国歌或者唱国歌。全日制中学小学，除假期外，每周举行一次升旗仪式。第十四条 下列人士逝世，下半旗志哀：    （一）中华人民共和国主席、全国人民代表大会常务委员会委员长、国务院总理、中央军事委员会主席；    （二）中国人民政治协商会议全国委员会主席；    （三）对中华人民共和国作出杰出贡献的人；    （四）对世界和平或者人类进步事业作出杰出贡献的人。 发生特别重大伤亡的不幸事件或者严重自然灾害造成重大伤亡时，可以下半旗志哀。  依照本条第一款（三）、（四）项和第二款的规定下半旗，由国务院决定。  依照本条规定下半旗的日期和场所，由国家成立的治丧机构或者国务院决定。第十五条 升挂国旗，应当将国旗置于显著的位置。 列队举持国旗和其他旗帜行进时，国旗应当在其他旗帜之前。 国旗与其他旗帜同时升挂时，应当将国旗置于中心、较高或者突出的位置。在外事活动中同时升挂两个以上国家的国旗时，应当按照外交部的规定或者国际惯例升挂。第十六条 在直立的旗杆上升降国旗，应当徐徐升降。升起时，必须将国旗升至杆顶；降下时，不得使国旗落地。下半旗时，应当先将国旗升至杆顶，然后降至旗顶与杆顶之间的距离为旗杆全长的三分之一处；降下时，应当先将国旗升至杆顶，然后再降下。第十七条 不得升挂破损、污损、褪色或者不合规格的国旗。第十八条 国旗及其图案不得用作商标和广告，不得用于私人丧事活动。第十九条 在公众场合故意以焚烧、毁损、涂划、玷污、践踏等方式侮辱中华人民共和国国旗的，依法追究刑事责任；情节较轻的，参照治安管理处罚条例的处罚规定，由公安机关处以十五日以下拘留。第二十条 本法自１９９０年１０月１日起施行。 |
| 国旗制法说明（１９４９年９月２８日中国人民政治协商会议第一届全体会议主席团公布）   国旗的形状、颜色两面相同，旗上五星两面相对。为便利计，本件仅以旗杆在左之一面为说明之标准。对于旗杆在右之一面，凡本件所称左均应改右，所称右均应改左。  （一）旗面为红色，长方形，其长与高为三与二之比，旗面左上方缀黄色五角星五颗。一星较大，其外接圆直径为旗高十分之三，居左；四星较小，其外接圆直径为旗高十分之一，环拱于大星之右。旗杆套为白色。  （二）五星之位置与画法如下：甲、为便于确定五星之位置，先将旗面对分为四个相等的长方形，将左上方之长方形上下划为十等分，左右划为十五等分。乙、大五角星的中心点，在该长方形上五下五、左五右十之处。其画法为：以此点为圆心，以三等分为半径作一圆。在此圆周上，定出五个等距离的点，其一点须位于圆之正上方。然后将此五点中各相隔的两点相联，使各成一直线。此五直线所构成之外轮廓线，即为所需之大五角星。五角星之一个角尖正向上方。丙、四颗小五角星的中心点，第一点在该长方形上二下八、左十右五之处，第二点在上四下六、左十二右三之处，第三点在上七下三、左十二右三之处，第四点在上九下一、左十右五之处。其画法为：以以上四点为圆心，各以一等分为半径，分别作四个圆。在每个圆上各定出五个等距离的点，其中均须各有一点位于大五角星中心点与以上四个圆心的各联结线上。然后用构成大五角星的同样方法，构成小五角星。此四颗小五角星均各有一个角尖正对大五角星的中心点。 |

**中华人民共和国国旗法(英文)**

Below you will read the Law of the People's Republic of China on the National Flag as translated into English and printed in the book The five-star red flag - The national flag of The People's Republic of China, Beijing: Morning Glory Publishers, 1997.
**Law of the People's Republic of China on the National Flag**
(**Adopted at the 14th Meeting of the Standing Committee of the Seventh National People's Congress on June 28, 1990, promulgated by Order No. 28 of the President of the People's Republic of China on June 28, 1990, and effective as of October 1, 1990)**
**Article 1**    This Law is enacted in accordance with the Constitution with a view to defending the dignity of the National Flag, enhancing citizens' consciousness of the State and promoting the spirit of patriotism.
**Article 2**    The National Flag of the People's Republic of China shall be a red flag with five stars.
The National Flag of the People's Republic of China shall be made according to the Directions for the Making of the National Flag promulgated by the Presidium of the First Plenary Session of the Chinese People's Political Consultative Conference.
**Article 3**    The National Flag of the People's Republic of China is the symbol and hallmark of the People's Republic of China. All citizens and organizations shall respect and care for the National
Flag.
**Article 4**    The local people's governments at various levels shall exercise supervision over and administration of the display and use of the National Flag within their respective administrative areas.
        The Ministry of Foreign Affairs, the competent department in charge of communications under the State Council and the General Political Department of the Chinese People's Liberation Army shall exercise supervision over and administration of the display and use of the National Flag within their respective jurisdiction.
        The National Flag shall be made by enterprises designated by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.
**Article 5**    The National Flag shall be displayed daily in the following places or premises of institutions:
        (1) Tiananmen Square and Xinhuamen in Beijing;
        (2) The Standing Committee of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate;
        The National Committee of the Chinese People's Political Consultative Conference;
        (3) The Ministry of Foreign Affairs;
        (4) Airports, harbours and railway stations of entry or exit and other frontier ports, frontier stations and coastal defence stations.
**Article 6**    Departments under the State Council, the standing committees of the local people's congresses, the people's governments, the people's courts, the people's procuratorates and the local committees of the Chinese People's Political Consultative Conference at various levels shall display the National Flag during working days.
Full-time schools shall display the National Flag daily, except during
winter vacations, summer vacations and Sundays.
**Article 7**    State organs at all levels and mass organizations shall display the National Flag on National Day, International Labour Day, New Year's Day and the Spring Festival; the National Flag may be displayed, when conditions permit, in premises of enterprises, institutions, villagers' committees and residents' committees, in urban residential compounds (buildings) and in public places such as squares and parks.
       In minority nationality areas where the Spring Festival is not a traditional festival, whether the National Flag is displayed during the Spring Festival shall be prescribed by the authorities practising self-government in the national autonomous areas.
       In a national autonomous area, the National Flag may be displayed on the
anniversary of the founding of the national autonomous area and during
major traditional festivals of the minority nationalities.
**Article 8**    The National Flag may be displayed when important celebration
and commemorative activities, large-scale cultural and sports activities and major exhibitions are held.
**Article 9**    Measures for the display and use of the National Flag in diplomatic activities and by the Chinese embassies and consulates stationed in foreign countries and other diplomatic representative agencies shall be prescribed by the Ministry of Foreign Affairs.
**Article 10**    The National Flag shall be displayed by military organs at barracks and on military vessels in accordance with the relevant provisions of the Central Military Commission.
**Article 11**Measures for the display of the National Flag by civilian
vessels or foreign vessels entering Chinese territorial waters shall be prescribed by the competent department in charge of communications under the State Council. Measures for the display of the National Flag by public security vessels on frontier defence, security or fire control duties shall be prescribed by the departments in charge of public security under the State Council.
**Article 12**The National Flag, when displayed under Articles 5, 6 and 7 of this Law, shall be hoisted in the morning and lowered in the evening.
       Where the National Flag shall be displayed under this Law, when the weather is inclement, it is permissible that the Flag not be displayed.
**Article 13**    When the National Flag is displayed, a Flag-hoisting ceremony may be held. When a Flag-hoisting ceremony is held, persons present shall face the Flag and stand at attention to salute the Flag, and the National Anthem may be played or sung while the National Flag is being hoisted. A full-time middle school or primary school shall hold a Flag-hoisting ceremony once a week, except during vacations.
**Article 14**The National Flag shall be lowered to the half staff as a token of mourning when the following persons pass away:
       (1) President of the People's Republic of China, Chairman of the Standing Committee of the National People's Congress, Premier of the State Council and Chairman of the Central Military Commission;
       (2) Chairman of the National Committee of the Chinese People's Political Consultative Conference;
       (3) Persons who have made outstanding contributions to the People's Republic of China;
       (4) Persons who have made outstanding contributions to world peace or the cause of human progress.
       When unfortunate events causing especially serious casualties occur or when serious natural calamities have caused heavy casualties, the National Flag may be flown at half staff as a token of mourning.
       The half-staffing of the National Flag in accordance with the provisions of (3) and (4) in the first paragraph and of the second paragraph of this Article shall be decided by the State Council.
       Dates and places for the half-staffing of the National Flag under this Article shall be decided by the funeral organ established by the State, or shall be decided by the State Council.
**Article 15**    When the National Flag is displayed, it shall be placed in a prominent position. The National Flag, when raised or carried in a procession with another flag or flags, shall be in front of the other flag or flags.
        The National Flag, when displayed with another flag or flags, shall be either at the center, above the other flag or flags, or in a position of prominence.
        When the National Flags of two or more nations are displayed in foreign affairs activities, relevant provisions of the Ministry of Foreign Affairs or the international practice shall be followed.
**Article 16** The National Flag, when hoisted or lowered from a vertical staff, shall be hoisted or lowered slowly. When hoisted, the National Flag must reach the peak of the staff; when lowered, it may not touch the ground.
       The National Flag, when flown at half staff, shall be first hoisted to the peak of the staff and then lowered to a point where the distance between the top of the Flag and the peak of the staff is one third of the length of the staff; the Flag, when lowered, shall be again hoisted to the peak before it is lowered.
**Article 17**No damaged, defiled, faded or substandard National Flag shall be displayed.
**Article 18**    The National Flag and the design thereof shall not be used as a trade mark or for advertising purposes, and shall not be used in private funeral activities.
**Article 19**     Whoever desecrates the National Flag of the People's Republic of China by publicly and wilfully burning, mutilating, scrawling on, defiling or trampling upon it shall be investigated for criminal responsibilities according to law; where the offence is relatively minor, he shall be detained for not more than 15 days by the public security organ in reference to the provisions of the Regulations on Administrative Penalties for Public Security.
**Article 20**    This Law shall enter into force as of October 1, 1990.