Military Service Law of the PRC

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Adopted at the Second Session of the Sixth National People's Congress on May 31, 1984

Revised at the Sixth Session of the Standing Committee of the Ninth National People's Congress on December 29, 1998; amended in accordance with the Decision on Amending Certain Laws adopted at the 10th Session of the Standing Committee of the Eleventh National People's Congress on August 27, 2009; amended in accordance with the Decision on Amending the Military Service Law of the People's Republic of China adopted at the 23rd Session of the Standing Committee of the Eleventh National People's Congress on October 29, 2011; and revised at the 30th Session of the Standing Committee of the Thirteenth National People's Congress on August 20, 2021

Effective: October 1, 2021 (2021 Revision)

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Chapter I — General Provisions

Article 1 — This Law is enacted pursuant to the Constitution for the purpose of strengthening the building of national defense, ensuring the fulfillment of military service obligations by citizens in accordance with law, and safeguarding the supply and training of military personnel.

Article 2 — The People's Republic of China implements a military service system combining conscripts with volunteers and combining an active service force with reserve service personnel.

Article 3 — All citizens of the People's Republic of China, regardless of ethnic status, race, occupation, family background, religious belief, or education, shall perform military service obligations in accordance with the provisions of this Law. Persons unfit for military service due to serious physical defects or disabilities shall be exempted from military service. Persons deprived of political rights in accordance with law may not perform military service.

Article 4 — The armed forces of the People's Republic of China shall be composed of the Chinese People's Liberation Army, the Chinese People's Armed Police Force, and the Militia.

Article 5 — Military service is divided into active service and reserve service. Those serving in the Chinese People's Liberation Army shall be active service personnel; those organized into militia organizations or registered for reserve service shall be reserve service personnel.

Article 6 — Active service personnel and reserve service personnel must abide by the Constitution and laws, fulfill their duties, and may at the same time enjoy the rights of citizens, except for the rights that are not compatible with the performance of military service obligations as provided by law. The rights and obligations of active service personnel prescribed in this Law shall be implemented by military regulations if not otherwise provided for in this Law.

Article 7 — Active service personnel must abide by the rules and regulations of the armed forces, be loyal to their duties, and be ready at all times to fight and sacrifice for the defense of the motherland. Reserve service personnel must participate in military training and carry out combat readiness and other tasks in accordance with regulations, and shall be ready at all times to join the armed forces to fight when called upon.

Article 8 — The state shall, based on the needs of national defense and military building, determine the scale of the armed forces and the standards and measures for recruiting, training, administering, and retiring military personnel.

Article 9 — The state applies a military rank system to active service personnel.

Article 10 — The State Council and the Central Military Commission shall lead the work of military service nationwide. Military service work shall be administered by military organs in accordance with the division of duties prescribed by the State Council and the Central Military Commission. People's armed forces departments at the county level shall concurrently serve as military service organs of the people's governments at the same level and shall, under the leadership of military organs of higher levels and the people's governments at the same level, be responsible for military service work within their respective administrative regions. State organs, people's organizations, enterprises, public institutions, and other social

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organizations shall, in accordance with law, complete military service work within their respective units or localities. Military service work in townships, ethnic townships, and towns shall be handled by the people's armed forces departments and designated personnel under the leadership of the people's governments at the same level.

Article 11 — Local people's governments at or above the county level shall incorporate military service work into national economic and social development plans, and shall include funds needed for military service work in their budgets.

Article 12 — The state shall strengthen education in military service among citizens, making all citizens aware that performing military service in accordance with law is a sacred obligation. Military service publicity and education shall be organized and carried out by military service organs in conjunction with relevant departments.

Article 13 — Units and individuals that have made outstanding contributions to military service work shall be commended and awarded in accordance with the relevant state regulations.

Chapter II — Enlistment in Active Service

Article 14 — Male citizens who have reached the age of 18 by December 31 of any year shall be recruited for active service. Those not recruited that year may still be recruited for active service before reaching the age of 22. The recruitment age for graduates of ordinary institutions of higher learning may be relaxed to 24 years of age. Based on the needs of the armed forces, female citizens may be recruited for active service in accordance with the provisions of the preceding paragraph. Based on the needs of the armed forces and on a voluntary basis, male and female citizens who have not yet reached the age of 18 by December 31 of any year may be recruited for active service.

Article 15 — Citizens registered for military service who are not recruited for active service shall serve in reserve service, and militia organizations or reserve service units shall be formed accordingly.

Article 16 — Citizens who have been found through physical examination to be qualified for military service shall, upon approval by the military service organs of the county, autonomous county, city not divided into districts, or municipal district, be conscripted into active service.

Article 17 — Citizens who are the sole provider of family maintenance may be exempted from enlistment.

Article 18 — Citizens currently under detention, investigation, prosecution, or trial in accordance with law, or serving a criminal sentence, shall not be enlisted.

Article 19 — The term of active service for conscripts shall be two years.

Article 20 — After completing their term of active service, conscripts may, based on the needs of the armed forces and their own volition, be approved to become non-commissioned officers via prescribed procedures. Based on the needs of the armed forces, non-commissioned officers may be recruited directly from among citizens with specialized skills. Non-commissioned officers shall serve active service under a graded system. The term of active service for non-commissioned officers shall generally be no more than 30 years, or until reaching the age of 55.

Article 21 — Based on the needs of the armed forces, officers may be supplemented through: (1) selection of graduates from military academies; (2) selection of graduates from ordinary institutions of higher learning; and (3) promotion of active-service non-commissioned officers. In wartime, officers may also be supplemented through direct appointment of reserve service officers, recruitment of active service personnel suitable for officer roles, and direct recruitment of civilian personnel with appropriate expertise.

Article 22 — Active service soldiers who have completed their terms of service shall retire from active service. Those not yet completing their terms of service may, based on the needs of the armed forces and

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with their own volition, retire from active service early upon approval.

Chapter III — Reserve Service Personnel

Article 23 — Reserve service personnel shall be composed of qualified citizens registered for reserve service. The classification, registration, training, and administration of reserve service personnel shall be governed by the relevant state regulations.

Article 24 — Soldiers who have retired from active service and are eligible for reserve service shall, upon determination by the military service organs of the county, autonomous county, city not divided into districts, or municipal district, serve in reserve service. Other citizens who meet reserve service conditions shall be registered for reserve service by the military service organs at the county level.

Article 25 — Reserve service personnel shall be divided into two categories: Category I reserve service personnel and Category II reserve service personnel, in accordance with the relevant state regulations.

Article 26 — The maximum age for reserve service soldiers shall be prescribed by the State Council and the Central Military Commission.

Article 27 — Reserve service personnel must participate in military training and carry out combat readiness and other tasks in accordance with regulations.

Chapter IV — Military Training

Article 28 — Students of institutions of higher learning and senior secondary schools must receive basic military training during their period of schooling. Military instructors necessary for military training in institutions of higher learning and senior secondary schools shall be dispatched by the armed forces or appointed from reserve service personnel.

Article 29 — Military organs shall provide assistance to institutions of higher learning and senior secondary schools in organizing military training for their students.

Article 30 — Reserve service soldiers shall participate in military training in accordance with the relevant state regulations. Reserve service officers shall participate in military training in accordance with the relevant state regulations. During the period of military training for reserve service personnel, state organs, enterprises, public institutions, and other social organizations shall maintain their original salary, welfare benefits, bonuses, and allowances.

Article 31 — Under the leadership of military organs and on the premise of not affecting production and normal work, militia organizations may conduct military training as appropriate.

Chapter V — Enlistment of College Students

Article 32 — The state encourages students of institutions of higher learning to enlist in active service. Students enlisted in active service during their period of schooling shall retain their student status or admission qualifications, and may resume their studies or be readmitted within the time limit prescribed by the state after retiring from active service.

Article 33 — Students enlisted in active service shall enjoy preferential treatment policies as prescribed by the state with respect to tuition fee compensation, national student loan repayment, and tuition fee assistance.

Article 34 — After retiring from active service, students of institutions of higher learning shall enjoy preferential treatment in pursuing further studies, graduate school admission, employment, and other matters in accordance with the relevant state regulations.

Chapter VI — Wartime Troop Mobilization

Article 35 — The State Council and the Central Military Commission may, in accordance with the needs of national defense mobilization, decide on the scope, scale, and timing of wartime troop mobilization and issue mobilization orders to the whole country or to certain regions.

Article 36 — After the State Council and the Central Military Commission issue a mobilization order, organs of military service at all levels shall promptly organize and implement the recruitment of personnel for the armed forces.

Article 37 — After a mobilization order is issued, active-service personnel shall cease retiring from active service. Soldiers who have been approved to take leave or to visit their families must immediately return to their units. Reserve service personnel shall report at designated locations at designated times and shall be ready at all times to be called into active service.

Article 38 — In wartime, based on the needs of the armed forces, the State Council and the Central Military Commission may decide to recruit male citizens aged 36 to 45 for active service and may decide to extend the term of active service for citizens in active service.

Article 39 — After the end of the war, personnel recruited for active service or whose terms of active service have been extended shall, based on the needs of the armed forces, retire from active service in batches by category.

Chapter VII — Status and Benefits

Article 40 — The state shall safeguard the status and lawful rights and interests of military personnel, so that military service becomes a profession respected throughout society.

Article 41 — Active service personnel shall enjoy the treatment commensurate with the characteristics of their profession and their contributions in terms of salary, benefits, insurance, housing, medical care, and other areas. The salary of active service personnel shall be such standards as to ensure that active service personnel and their families maintain a living standard not lower than the average living standard of the local society.

Article 42 — Family members of active service personnel shall enjoy preferential treatment as prescribed by the state. When active service personnel and the families of active service personnel encounter difficulties in housing, medical care, and children's education, local people's governments at all levels and relevant departments shall provide assistance.

Article 43 — When active service personnel sacrifice their lives or become disabled in the line of duty, the state shall provide pensions and preferential treatment to them and their families in accordance with the relevant state regulations.

Article 44 — The state shall establish a system of commendation and awards for military personnel, and confer corresponding honors on military personnel who have made outstanding contributions.

Article 45 — Active service personnel shall enjoy such rights as rest and vacation, family visit leave, medical treatment, and recuperation in accordance with the relevant state and military regulations.

Article 46 — Citizens and their family members who suffer casualties, loss of working capacity, or property losses as a result of performing military service obligations shall receive compensation or preferential treatment in accordance with the relevant state regulations.

Chapter VIII — Demobilization and Resettlement

Article 47 — The state shall properly resettle retired military personnel and safeguard their lawful rights and interests.

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Article 48 — Conscripts who retire from active service shall be resettled in accordance with the relevant state regulations by the local people's governments at or above the county level, which may arrange their own choice of employment, offer employment by arrangement, support their self-employment, or provide other forms of resettlement.

Article 49 — Non-commissioned officers who retire from active service shall be resettled in accordance with the relevant state regulations. Those who have served for a specified number of years may be resettled by the state through arrangement of employment, monthly payment of a retirement pension, or other forms.

Article 50 — Retired military personnel shall receive vocational education and skills training in accordance with the relevant state regulations. When applying for civil service positions, positions in public institutions, or positions in state-owned enterprises, retired military personnel may be given priority consideration as prescribed by law and regulations.

Article 51 — Self-employed retired military personnel shall enjoy tax incentives, small-sum guaranteed loans, and other preferential treatment policies as prescribed by the state. Relevant government departments shall provide operational guidance and other services for self-employed retired military personnel.

Article 52 — Disabled military personnel who retire from active service shall be properly resettled by the state, and shall enjoy pensions and preferential treatment in accordance with the relevant state regulations.

Chapter IX — Legal Liability

Article 53 — Citizens who are obligated to perform military service but commit any of the following acts shall be ordered to make correction by the people's government at the county level; if they refuse to make correction, they may be compelled to perform their military service obligations, and the employing unit may terminate its employment relationship with them or revoke their status as interns or students:

(1) refusing or evading military service registration;

(2) refusing or evading enlistment into active service after being found qualified in the physical examination for recruitment; or

(3) reserve service personnel refusing or evading participation in military training or the performance of combat readiness and other tasks.

Those who commit an act set forth in item (2) of the preceding paragraph and refuse to make correction shall not be recruited as state public servants or as staff governed by the Civil Servant Law, and shall not go abroad or pursue further studies within two years.

Article 54 — Those who enlist by fraud to avoid military service shall be dealt with by the military service organs at the county level by ordering them to make correction and handing them back to their original place; and they shall be subject to the restrictive measures provided for in the second paragraph of Article 53 of this Law.

Article 55 — Where state organs, people's organizations, enterprises, public institutions, or other social organizations refuse to complete military service tasks or engage in other acts hindering military service work, the local people's government at or above the county level shall order them to make correction and may impose administrative penalties; and the persons directly in charge and other directly responsible persons shall be subject to administrative sanctions in accordance with law.

Article 56 — Those who disrupt the order of military service work or obstruct military service personnel from performing their duties in accordance with law shall be subject to public security administrative penalties in accordance with law; where a crime is constituted, criminal liability shall be investigated in accordance with law.

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Chapter X — Supplementary Provisions

Article 57 — Citizens who are unfit for military service due to physical reasons or are exempted from military service in accordance with law shall be determined to be so by physical examination, with the specific measures to be prescribed by the State Council and the Central Military Commission.

Article 58 — Active service personnel of the Chinese People's Armed Police Force shall perform military service obligations in accordance with this Law.

Article 59 — Where there are provisions in other laws concerning military service for persons of specific groups or in specialized fields, those provisions shall prevail.

Article 60 — Military service for citizens during wartime and during periods of emergency state of war shall be governed by the relevant wartime regulations in addition to the provisions of this Law.

Article 61 — The measures for the administration of the ranks of officers and the recruitment of civilian personnel shall be separately prescribed by the State Council and the Central Military Commission.

Article 62 — This Law shall not apply to military service obligations and the administration of military personnel of the Chinese People's Liberation Army in the Hong Kong Special Administrative Region and the Macao Special Administrative Region, which shall be governed by the laws of those regions.

Article 63 — The State Council and the Central Military Commission may, based on this Law, formulate implementation regulations.

Article 64 — Military service obligations of citizens of the Hong Kong Special Administrative Region and the Macao Special Administrative Region shall be governed by the laws of those regions.

Article 65 — This Law shall go into effect as of October 1, 2021.

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