
CHINA

People's Republic of China

Population: 1,294.9 million (373.3 million under 18)

Government armed forces: 2.3 million (estimate)

Compulsory recruitment age: 18 (reportedly lowered to 17 in Beijing)

Voluntary recruitment age: no minimum age

Voting age: 18

Optional Protocol: signed 15 March 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

There was no minimum voluntary recruitment age. The conscription age was reportedly lowered from 18 to 17 years in Beijing. It was not known whether under-18s were serving in government armed forces and militia.

Context

With major social and economic changes taking place in China, there was growing public unrest and criticism of official corruption and economic inequalities, including labour unrest and rural protest against increased poverty. The government cracked down on groups deemed to pose a threat to the “security” or “unity” of the country including internet users, members of spiritual movements such as the *Falun Gong*, and other dissidents, human rights activists and people calling for reform. Demonstrations were often met with excessive use of force by police. Tens of thousands of people were arbitrarily detained or imprisoned for non-violent political activities. Torture and ill-treatment continued to be widespread. The predominantly Muslim population in the Xinjiang Uighur autonomous region, particularly alleged Uighur nationalists characterized by the government as “ethnic separatists, terrorists and religious extremists”, were subjected to arbitrary detention, unfair political trials, torture, and arbitrary and summary execution. In other autonomous regions, Tibetan Buddhists and nationalists faced arbitrary arrest and unfair trials, imprisonment and torture and ill-treatment, and Mongolians were imprisoned on charges of “separatism” for trying to promote their culture and ethnic identity. The death penalty was used extensively, not only for violent crimes and drug offences but for non-violent crimes such as fraud and embezzlement. Thousands of people were sentenced to death and executed, many after torture and unfair trials, in an anti-crime campaign launched in April 2001. Hundreds, possibly thousands, of North Korean asylum seekers fleeing poverty and repression

were forcibly returned, despite the risk of their facing human rights violations in North Korea.¹

Government

National recruitment legislation

The 1982 constitution provides for conscription: “It is the sacred obligation of every citizen of the People’s Republic of China to defend the motherland and resist aggression. It is the honourable duty of citizens of the People’s Republic of China to perform military service and join the militia in accordance with the law” (Article 55). The President has the power to proclaim a state of war and issue mobilization orders (Article 80).²

Under the 1984 Military Service Law, the legal basis for military service, the armed forces are recruited mainly by conscription but include volunteers and a militia with a reserve service (Article 2).³ Article 12 states that “Each year, male citizens who have reached 18 years of age by 31 December shall be enlisted for active service. Those who are not enlisted during the year shall remain eligible for active service until they are 22. To meet the needs of the armed forces, female citizens may be enlisted for active service”. Conscripts must be registered for military service by 30 September in the year in which they turn 18 (Article 13).

In Beijing, the age for military service was lowered to 17, reportedly for the first time, in October 2003. The authorities had called for education in national defence and military service to be strengthened, and urged more young people to dedicate themselves to military service.⁴

The minimum age for voluntary recruitment is not specified in the Military Service Law, which states: “To meet the needs of the armed forces and on the principle of voluntary participation, male and female citizens who have not yet reached 18 years of age by 31 December of a certain year may be enlisted for active service” (Article 12). Volunteers may serve in the armed forces for up to 30 years. Reservists in the militia or reserve service must be aged between 18 and 35 (Article 23) but the age limits may be extended, including “in frontier areas on land or sea, areas inhabited by minority nationalities as well as urban units in special circumstances” (Articles 37 and 38).⁵ The militia provides combat support and troop reserves for the army in wartime, and in peacetime combat readiness support, emergency services, and maintenance of social order.⁶

Military training and military schools

The Law on Military Service states that “military institutes and academies may, according to the needs in building up the armed forces, enrol

cadets from among young students. The age limit for the cadets to be enrolled must be the same as that for the active servicemen” (Article 30). It therefore appears that under-18s may enrol for military training at specialist institutions.

By 2002 more than 50 higher education institutions, including Peking University and Tsinghua University, had provided training for armed forces personnel.⁷ In November 2003 the government said that state military academies were being restructured as part of military reforms that would reduce the number of service personnel by 200,000 by 2005.⁸

There are close links between the military and the education system. The Military Service Law requires secondary school and higher education students to undergo one month’s military training (Articles 43 to 46).⁹ In 2002 about 60 per cent of new university and college students were receiving military training.¹⁰

Other developments

International standards

In August 2002 China ratified ILO Convention 182, which calls for immediate action to ban the worst forms of child labour, and the government issued a directive banning the use of child labour from 1 December 2002.¹¹

1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

2 Constitution of the People’s Republic of China, at Hong Kong Human Rights Monitor, <http://www.hkhrm.org.hk/english/law/index.html>.

3 Military Service Law of 31 May 1984, http://www.novexc.com/military_service_law.html.

4 *People’s Daily*, “Beijing Lowers Entrance Age for Military Service”, 15 October 2003, <http://english.peopledaily.com.cn>.

5 Military Service Law, op. cit.

6 *China Daily*, “The Militia”, 9 July 2003, <http://www.chinadaily.com.cn/english>.

7 *China’s National Defense in 2002*, posted at *People’s Liberation Army (PLA) Daily*, <http://english.pladaily.com.cn/special/book/c2002/index.htm>

8 *China Daily*, “China to reduce 200,000 servicemen by 2005”, 5 November 2003.

9 Military Service Law, op. cit.

10 *China’s National Defense in 2002*, op. cit.

11 *Amnesty International Report 2003*.