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## **Regulations on Commendation of Martyrs**

(Promulgated by Decree No. 601 of the State Council of the People's Republic of China on July 26, 2011, revised for the first time in accordance with the Decision of the State Council on Amending Certain Administrative Regulations on March 2, 2019, and revised for the second time in accordance with the Decision of the State Council on Amending the Regulations on Commendation of Martyrs on August 1, 2019)

### **Chapter I General Provisions**

**Article 1** These Regulations are formulated for the purpose of carrying forward the spirit of martyrs and providing pensions and preferential treatment for family dependents of martyrs.

**Article 2** Where a citizen who dies in defending the country or building socialism is posthumously granted the status of martyr, he shall be commended in accordance with the provisions of these Regulations. Pensions and preferential treatment shall be provided for the family dependents of a martyr in accordance with the provisions of these Regulations.

**Article 3** The State gradually raises the standards of pensions and preferential treatment for family dependents of martyrs along with the social and economic development, ensuring that their living standards are not lower than the average level of the local residents.

All sectors of society shall support commendation of martyrs and provide preferential treatment and support for family dependents of martyrs.

The State encourages citizens, legal persons and other organizations to make donations to commendation of martyrs and to provision of pensions and preferential treatment for their family dependents.

**Article 4** Funds for commendation of martyrs and for provision of

pensions and preferential treatment for their family dependents shall be incorporated into the fiscal budget.

Funds for commendation of martyrs and for provision of pensions and preferential treatment for their family dependents shall be used exclusively for the specially designed purposes, which shall be subject to supervision of finance departments and audit institutions.

**Article 5** People's governments at or above the county level shall rigorously protect and manage memorials to martyrs and provide appropriate places for commemoration of martyrs.

People's governments at all levels shall make the heroic deeds of martyrs an important part in disseminating socialist spiritual civilization, thereby to inculcate patriotism, collectivism and socialist moral standards in citizens. Government departments, associations, enterprises and institutions shall commemorate martyrs in a variety of forms, and learn from and publicize their heroic deeds.

**Article 6** The veterans affairs department of the State Council shall be responsible for commendation of martyrs throughout the country. The veterans affairs departments of local people's governments at or above the county level shall be responsible for commendation of martyrs within their respective administrative areas.

**Article 7** Units and individuals that have made outstanding achievements in commendation of martyrs shall be cited and rewarded in accordance with the relevant provisions of the State.

## **Chapter II Granting of the Status of Martyr**

**Article 8** A citizen shall be posthumously granted the status of martyr where he dies under any of the following circumstances:

(1) when investigating and dealing with illegal or criminal activities in accordance with law, or carrying out national security or anti-terrorist missions, or coping with emergencies;

(2) when fighting against disasters or carrying out rescue missions, or salvaging or protecting the property of the State or collective, or saving or protecting the lives or property of citizens;

(3) when performing diplomatic duties or carrying out foreign aid or international peace-keeping missions assigned by the State;

(4) when carrying out scientific research and experiments on weapons and equipment; or

(5) other exceptional circumstances, in which he can be considered a good example for people to follow.

An active serviceman who dies on duty, or a reservist, militiaman, civilian laborer or any other person who dies in battle, military maneuvers or military training, or in performing military duties, shall, as he should, be posthumously granted the status of martyr in accordance with the relevant provisions of the Regulations on Pensions and Preferential Treatment for Servicemen.

**Article 9** To apply for granting the status of martyr, the unit for which the deceased worked before his death, any of his family dependents, or any organization or citizen in the place where his death occurred shall provide material on the circumstances attending his death to the veterans affairs department of the people's government at the county level in the place where the said unit is located, the residence of the family dependent is registered, or the death occurred, and the veterans affairs department that receives the material shall, after investigating to verify the facts, prepare a report for granting him the status of martyr and submit the same to the said people's government for review.

Under the circumstances specified in subparagraph (1) or (2) of the first paragraph of Article 8 of these Regulations, it shall be up to the people's government at the county level to prepare a report for granting the status of martyr and submit the same level by level up to the people's government of the province, autonomous region, or municipality directly under the Central Government for review and approval. Where the report

is approved, the people's government of the province, autonomous region, or municipality directly under the Central Government shall submit the matter to the veterans affairs department of the State Council for the record.

Under the circumstances specified in subparagraph (3) or (4) of the first paragraph of Article 8 of these Regulations, it shall be up to the relevant department of the State Council to prepare a report for granting the status of martyr and submit the same to the veterans affairs department of the State Council for review and approval.

Under the circumstances specified in subparagraph (5) of the first paragraph of Article 8 of these Regulations, it shall be up to the people's government at the county level to prepare a report for granting the status of martyr and submit the same level by level up to the people's government of the province, autonomous region, or municipality directly under the Central Government, which shall review the report and submit the same to the veterans affairs department of the State Council for review and approval.

**Article 10** Where the status of martyr is granted by the armed forces, the Political Work Department of the Central Military Commission shall submit the matter to the veterans affairs department of the State Council for the record.

**Article 11** Where the status of martyr is granted in accordance with the provisions of these Regulations, the veterans affairs department of the State Council shall be responsible for submitting the list of martyrs to the Working Committee on Party and State Merit and Honor Commendation.

**Article 12** A certificate of martyr shall be developed and issued in the name of the Office of the Working Committee on Party and State Merit and Honor Commendation.

**Article 13** People's governments at or above the county level shall hold an awards ceremony on the Martyrs' Day each year to award the

certificates of martyr to the family dependents of martyrs.

### **Chapter III Commendation Pensions for Martyrs and Pensions and Preferential Treatment for Their Family Dependents**

**Article 14** The State establishes a system of commendation pensions for martyrs. The amount of a commendation pension for a martyr shall be 30 times the per capita disposable income of the country's urban residents of the year preceding the martyr's death. In wartime, the amount for a martyr who dies in battle may appropriately be increased.

A martyr's commendation pension shall be paid to the parents, provider, spouse or children of the martyr by the veterans affairs department of the people's government at the county level in the place of the registered residence of the martyr's family dependents who have received the certificate of martyr; if the martyr has no parents, provider, spouse or children, it shall be paid to his brothers or sisters who have not reached the age of 18, or to his brothers or sisters who have reached the age of 18 but have no source of income and were supported by the deceased before his death.

**Article 15** Apart from a martyr's commendation pension to be received as prescribed in Article 14 of these Regulations, the family dependents of a martyr shall receive a lump-sum pension granted for on-duty death where the Regulations on Pensions and Preferential Treatment for Servicemen or the relevant provisions are applicable to them; or they shall receive a lump-sum allowance for work-related death, and a special allowance for family dependents of a martyr equivalent to the amount of 40 months' salary of the deceased, where the Regulations on Work Injury Insurance or the relevant provisions are applicable to them.

A martyr's family dependents to whom the provisions of the preceding paragraph are not applicable shall receive a lump-sum pension

provided by the veterans affairs department of the people's government at the county level, totaling 20 times the per capita disposal income of the country's urban residents of the year preceding the martyr's death, plus 40 months' salary of an officer holding the post of platoon leader with the rank of second lieutenant of the Chinese People's Liberation Army.

**Article 16** Any of a martyr's family dependents who meets one of the following conditions shall receive a periodic pension:

(1) in the case of the martyr's parent, provider or spouse, who lacks the ability to work or has no source of income, or whose income is insufficient to maintain the average living standards of the local residents;

(2) in the case of the martyr's child, who has not reached the age of 18, or who has reached the age of 18 but has no source of income due to disability or because of being still in school; or

(3) in the case of the martyr's brother or sister supported by the deceased before his death, who has not reached the age of 18, or who has reached the age of 18 but has no source of income because of being still in school.

A martyr's family dependent eligible for a periodic pension as prescribed in the preceding paragraph shall be issued a periodic pension certificate by the veterans affairs department of the people's government at the county level in the place where his residence is registered, and shall draw the pension on the basis of the certificate.

**Article 17** A martyr's surviving spouse who, after remarrying, continues to support the martyr's parents, or his brothers or sisters supported by the deceased before his death who have not reached the age of 18, or who have reached the age of 18 but lack the ability to work and have no source of income, shall be granted a subsidy by the veterans affairs department of the people's government at the county level in the place where the spouse's residence is registered, with reference to the rates of the periodic pension for family dependents of martyrs.

**Article 18** The rates of a periodic pension shall be determined with

reference to the per capita average income of the country's urban and rural families. The rates of a periodic pension shall be fixed and the measures for adjustment shall be formulated by the veterans affairs department of the State Council in conjunction with the finance department of the State Council.

Where a martyr's family dependent, after receiving a periodic pension, still falls short of the average living standards of the local residents, the people's government at the county level shall provide him with a subsidy.

**Article 19** Where a martyr's family dependent eligible for a periodic pension changes his residence registration, he shall at the same time go through the formalities for transfer of the pension. The veterans affairs department of the people's government at the county level in the place of the original residence registration shall pay the periodic pension of the year when the registration is changed; the veterans affairs department of the people's government at the county level in the new place of the residence registration shall start to pay the periodic pension from January of the following year on the basis of the pension transfer certificate.

**Article 20** Where a martyr's family dependent is no longer eligible for a periodic pension prescribed in these Regulations, his periodic pension certificate shall be nullified and payment of the pension shall be terminated accordingly.

Where a martyr's family dependent eligible for a periodic pension dies, a lump sum amounting to six months of the pension shall be granted as a subsidy for funeral expenses, and at the same time his periodic pension certificate shall be nullified and payment of the pension terminated accordingly.

**Article 21** Family dependents of martyrs shall enjoy appropriate preferential medical treatment, and the specific measures therefor shall be established by the people's governments of provinces, autonomous

regions, and municipalities directly under the Central Government.

**Article 22** A martyr's child, brother or sister who meets the enlistment requirements shall, based on his own free will and under the same conditions as others, be given priority in his enlistment in active service. A martyr's child who meets the requirements for public servant recruitment by examination shall, under the same conditions as others, be given priority in public servant recruitment.

For receiving preschool or compulsory education, a martyr's child shall be given preferential treatment in accordance with the relevant provisions of the State; for receiving preschool education in a government-run kindergarten, he shall be exempted from fees for child care and education. A martyr's child who registers for senior high school or secondary vocational school entrance examination or for postgraduate program entrance examination shall, under the same conditions as others, be given priority in admission; if he registers for undergraduate program or college training entrance examination, he may be enrolled at a lower admission score in accordance with the relevant provisions of the State; if he is receiving education in a government-run school, he shall be exempted from tuition and miscellaneous fees and enjoy various grant-in-aid policies of the State.

A martyr's family dependent who meets the requirements for employment shall be given priority in receiving pre-employment services from the human resources and social security department of the local people's government. If he is in employment, he shall be given priority in retaining the post when his employer lays off employees owing to economic reasons. If he is self-employed, he shall be given priority in obtaining the licenses and permits from the administrative department for market regulation, the taxation department, etc., and during the operation he shall enjoy preferential policies of the State and the local people's government.

**Article 23** Where a martyr's family dependent eligible for

low-income housing intends to rent low-rent housing or purchase affordable housing, the relevant department of the local people's government at or above the county level shall give him priority and provide preferential treatment. Where a martyr's family dependent who lives in a rural area has difficulty in the matter of housing, the local people's government shall help resolve such difficulty.

**Article 24** Family dependents of martyrs who have no one to support them and have reached the age of 60 for men or 55 for women may, based on their own free will, be supported and cared collectively in homes of the honored or homes for the elderly.

All social welfare institutions shall give priority to family dependents of martyrs in their admission.

**Article 25** Where a martyr's family dependent commits a crime and is thus sentenced to fixed-term imprisonment, deprived of his political rights or wanted by the judicial organ, the pension and preferential treatment that he enjoys shall be suspended; if he is sentenced to death or life imprisonment, he shall be disqualified from obtaining pensions and preferential treatment for family dependents of martyrs.

#### **Chapter IV Protection and Management of Memorials to Martyrs**

**Article 26** Memorials to martyrs, such as cemeteries, memorial halls, monuments, pavilions, towers, temples, statues, cineraria and tombs of martyrs, which are built in accordance with the relevant provisions of the State, shall be protected by law.

**Article 27** The State has the memorials to martyrs classified for protection. The specific measures for such classification shall be formulated by the veterans affairs department of the State Council.

National memorials to martyrs shall be announced by the veterans affairs department of the State Council upon approval by the State Council. Local memorials to martyrs at different levels shall be

announced by the veterans affairs departments of local people's governments at or above the county level upon approval by the said people's governments, and shall be reported to the veterans affairs departments of the people's governments at the next higher level for the record.

People's governments at all levels shall designate the organizations responsible for protection of memorials to martyrs, and delimit a protected area for each such memorial.

**Article 28** Memorials to martyrs shall be open to the public free of charge.

Organizations responsible for protection of memorials to martyrs shall establish sound management standards, maintain order of the activities in commemoration of martyrs, and raise their levels of management and services.

**Article 29** People's governments at all levels shall organize efforts to collect and sort out historical material of martyrs and compile name lists of martyrs.

Organizations responsible for protection of memorials to martyrs shall collect, sort out, preserve and exhibit the things left behind by martyrs and the historical material on their heroic deeds. Where cultural relics are concerned, they shall be protected in accordance with the relevant provisions of laws and regulations.

**Article 30** The relevant departments of people's governments at or above the county level shall achieve effectively in protecting and managing memorials to martyrs. No memorials to martyrs may be built, rebuilt, expanded or relocated without approval.

**Article 31** No unit or individual may encroach upon the land or facilities within the protected areas of memorials to martyrs. Construction of other engineering projects within the protected areas of memorials to martyrs is prohibited.

No unit or individual may build a memorial to, lay the ashes of, or

bury the remains of, a person other than a martyr within the protected areas of memorials to martyrs.

**Article 32** No activities irrelevant to commemoration of martyrs may be allowed within the protected areas of memorials to martyrs. Destruction or defiling of memorials to martyrs in any manner is prohibited.

**Article 33** Martyrs shall be buried in cemeteries of martyrs. Where a martyr is not buried in such a cemetery, the people's government at or above the county level may, after obtaining the consent of his family dependents, move his remains into a cemetery of martyrs or bury his remains together with other martyrs.

**Article 34** The veterans affairs department of the people's government in the place where a cemetery of martyrs is located shall properly receive and provide good services to the martyrs' family dependents who come to visit the cemetery, and grant appropriate subsidies to those who have difficulty in affording their visits.

Where the veterans affairs department of the people's government in the place where the residence of the family dependents of a martyr is registered arranges for the dependents to visit a cemetery of martyrs, it shall make proper arrangements and ensure safety.

## **Chapter V Legal Liability**

**Article 35** Where a public servant of an administrative organ is found in one of the following circumstances in commendation of martyrs or in provision of pensions or preferential treatment for family dependents of martyrs, a sanction shall be imposed on him in accordance with law; if his act constitutes a crime, he shall be investigated for criminal liability in accordance with law:

(1) granting the status of martyr or giving approval to provision of pensions or preferential treatment for family dependents of a martyr in

violation of the provisions of these Regulations;

(2) failing to give approval to provision of a commendation pension for a martyr or a pension for his family dependents, or failing to pay such a pension, in conformity with the prescribed standards, amounts or eligibility; or

(3) seeking personal gain by taking advantage of his office.

**Article 36** Where a public servant of an administrative organ or a staff member of an organization responsible for protection of a memorial to martyrs embezzles or misappropriates the funds for commendation of martyrs, the veterans affairs department of the people's government at a higher level shall order him to return the funds, or recover the funds from him, and shall impose on him a sanction in accordance with law; if his act constitutes a crime, he shall be investigated for criminal liability in accordance with law.

**Article 37** Where a unit or individual relocates a memorial to martyrs without approval, illegally encroaches upon the land or facilities within the protected area of a memorial to martyrs, destroys or defiles a memorial to martyrs, or builds a memorial to, lays the ashes of, or buries the remains of, a person other than a martyr within the protected area of a memorial to martyrs, the competent department at a higher level in charge of the organization responsible for protection of the memorial to martyrs shall order the unit or individual to make corrections and restore the memorial or land to the original conditions or state; if any loss is caused, the unit or individual shall bear liability to pay compensation in accordance with law; if a crime is constituted, the unit or individual shall be investigated for criminal liability in accordance with law.

**Article 38** Where a unit responsible for providing preferential treatment to family dependents of martyrs fails to perform its duties, the veterans affairs department of the people's government at the county level shall order it to perform its duties within a specified time limit; if it fails to do so within the time limit, it shall be fined not less than 2,000

yuan but not more than 10,000 yuan; if the unit is a State-owned or State holding enterprise, or an institution funded by the government, a sanction shall be imposed in accordance with law on each of the persons in charge with competent accountability and other persons with competent accountability.

**Article 39** Where an individual fraudulently claims a commendation pension for a martyr or a pension for a martyr's family dependent, or issues false certification or forges a certificate or stamp to obtain such a pension, the veterans affairs department shall order him to return the illegal gain; if his act constitutes a crime, he shall be investigated for criminal liability in accordance with law.

## **Chapter VI Supplementary Provisions**

**Article 40** The term "wartime" in these Regulations means a period of time when the country is in a state of war as declared, troops undertake a combat mission, or the enemy conducts a surprise attack.

**Article 41** The certificate and the notification of martyr shall be printed by the veterans affairs department of the State Council.

**Article 42** The veterans affairs department of the State Council shall, in conjunction with the Ministry of Foreign Affairs and other relevant departments, be responsible for protection of overseas memorials to Chinese martyrs.

**Article 43** These Regulations shall be effective as of August 1, 2011. The Regulations on Commendation of Revolutionary Martyrs, promulgated by the State Council on June 4, 1980, shall be repealed simultaneously.

本译本仅供参考，若有歧义，请以中文版本为准。

**The English version is for reference only. In case of any discrepancy or ambiguity of meaning between this English translation and the Chinese version, the latter shall prevail.**