

Regulations on Religious Affairs

Translated by Peter Barry

Premier Wen Jiabao signed these "Regulations on Religious Affairs," listed as Decree No. 426, on November 30, 2004, thus making them official. The regulations take effect on March 1, 2005, and replace the "Regulations on the Management of Venues for Religious Activities," signed by then Premier Li Peng on January 31, 1994.

Chapter One: General Principles

Article 1: Based on the Constitution and related laws, these regulations are formulated in order to protect the freedom of religious belief of Chinese citizens, to maintain friendly relations among religions and harmony in society, and to standardize the supervision of religious affairs.

Article 2: Citizens enjoy freedom of religious belief.

No organization or individual may force a citizen to believe in, or not to believe in, a religion. Nor should they discriminate against any citizen who has a religious faith (hereafter called believers), or a citizen who does not have a religious faith (hereafter called non-believers).

Believers and non-believers, as well as believers of different religions, should have mutual respect for one another and live in harmony with one another.

Article 3: In accordance with the law, the State protects normal religious activities, and safeguards the lawful rights of religious organizations, religious venues and religious believers.

Religious organizations, religious venues and religious believers ought to obey the Constitution, laws, rules and regulations, and support the unity of the country, ethnic unity and the stability of society.

No organization or individual should use religion to engage in activities which destroy social order, harm the bodily health of citizens, interfere in the State educational system, or harm the national interest, the public welfare of society or the lawful rights of citizens.

Article 4: Each religion must adhere to the principle of independently running their religion. Religious organizations, religious venues and religious affairs are not subject to foreign domination.

On the basis of friendship and equality, religious organizations, religious venues and religious professionals may develop relations with foreigners. Other organizations or individuals that engage in activities of economical or cultural cooperation and exchange with foreigners must not accept any attached religious conditions.

Article 5: The people's government's religious affairs departments, at the county level and above, and in accordance with the law, are responsible for the administrative supervision of religious affairs, which touch upon the national interest and the public welfare of society. Other departments of the people's government at the county level or above are responsible, in accordance with the law, for the work of administrative supervision for concerned matters that fall within the scope of their duties.

Every level of the people's government should listen to the opinions of religious organizations, religious venues and religious believers, and coordinate the work of managing religious affairs.

Chapter Two: Religious Organizations

Article 6: The establishment, modification or cancellation of any religious organization should be registered in accordance with the *Regulations on the Management of Registration of Social Organizations*.

The constitutions of religious organizations should conform to the concerned stipulations in *Regulations on the Management of Registration of Social Organizations*.

If religious organizations hold activities in accordance with their constitutions, they enjoy the protection of the law.

Article 7: In accordance with the national concerned regulations, religious organizations may publish religious material for internal use. The publication of religious works for public circulation must be done in accordance with the national stipulations for the supervision of publications.

Publications, which have religious content, must conform to the stipulations in the *Regulations on Publication Management*. They should not have the following contents:

- (1) Those that disrupt the harmony between believers and non-believers;
- (2) Those that disrupt the harmony between religions or the harmony within a religion;
- (3) Those that discriminate against or insult believers or non-believers;
- (4) Those that propagate religious extremism;
- (5) Those that violate the principle of the independent running of the religion.

Article 8: In order to establish a religious academy, national religious organizations should apply to the State Council's religious affairs department. Religious organizations at the provincial, autonomous regional or municipality under the Central Government level should present their proposal to the religious affairs departments in the province, autonomous region or municipality where the religious academy is to be established. Religious affairs departments at the provincial, autonomous regional or municipal level should within 30 days of receiving the application offer their comments and suggestions. If they tentatively agree, they should submit a report to the State Council's religious affairs department for its examination and approval.

The State Council's religious affairs department, after receiving the application of the national religious body, or the report of the religious affairs departments at the provincial, autonomous regional or municipal level, should, within 60 days after receiving the application, make known its decision whether to grant or to withhold approval.

Article 9: In order to establish a religious academy, the following conditions should be met:

- (1) There are clear formation goals, regulations for administering a school and a curriculum plan;
- (2) There are students capable of meeting the conditions for formation;
- (3) There are the necessary finances for running a school, and a stable source of income;
- (4) There are teaching tasks and a campus for running a school, with proper facilities and equipment;
- (5) There are responsible persons to run the school, qualified teachers and an internal management committee;
- (6) There is rational setup.

Article 10: Based on its basic religious needs, the national religious organizations may, in accordance with regulations, send religious students abroad or accept them for study at their own academies.

Article 11: The responsibility for organizing pilgrimages of Chinese Muslims abroad belongs to the national Muslim religious association.

Chapter Three: Venues for Religious Activities

Article 12: Community gatherings of religious believers should generally be held at a registered venue for religious activities (a temple, mosque, church or any other fixed place for religious activity). The activities must be organized by the venue for religious activity or by the religious organization, with a religious professional or any other qualified person in charge, and carried out in accordance with the religion's doctrines and rules.

Article 13: To prepare to establish a venue for religious activity, a religious organization should apply to the religious affairs department in the county where it intends to establish the venue. The religious affairs department at the county level, if it plans to grant its consent, should, within 30 days of receiving the application, submit a report to the religious affairs department of the people's government in cities divided into districts for their examination and approval.

Within 30 days of receiving the report, and if it plans to consent to it, the religious affairs department of the city divided into districts should submit a report regarding the establishment of the temple, mosque or church to the religious affairs department at the provincial, autonomous regional or municipal level for examination and approval. Regarding other fixed venues for religious activity, the religious affairs department of the city divided into districts can itself make the decision whether or not to grant approval.

The religious affairs departments at the provincial, autonomous regional or municipal level, once they have received the tentative consent of the religious affairs department of the city divided into districts to establish the temple, mosque or church, should within 30 days announce their decision to grant or to withhold approval.

After the religious organization has received permission to establish a venue for religious activity, it can make preparations for construction.

Article 14: To establish a venue of religious activity, the following conditions should be met:

- (1) The purpose of the establishment should not violate the provisions contained in Articles 3 and 4 of these regulations;
- (2) There is a need for the believers of that area to conduct communal religious activities at regular intervals;
- (3) There are religious clerics, or other qualified persons, who will be in charge of the religious activities;
- (4) There is the necessary funding;
- (5) The setup is rational and does not interfere with normal production and livelihood of the neighboring units and residents.

Article 15: After the venue for religious activities has received permission to build, and after the construction has been completed, it must apply for registration to the religious affairs department in the county where it is located. Within 30 days of receiving the application, the county religious affairs department should carry out an examination of the situation of the management committee, and of the rules and regulations at the venue for religious activities. Those venues that conform to conditions can be registered and

given a "Certificate of Registration of a Venue for Religious Activities."

Article 16: If a venue for religious activities has merged with another one, has split, has ceased to operate, or has undergone any change in its registration, it must return to the administrative office where it originally registered, and carry out a registration procedure corresponding to the change.

Article 17: A venue for religious activities should set up a management committee and implement democratic management. The names of the members of the management committee, after they have been democratically selected, should be reported for the record to the venue's registration management office.

Article 18: The venue for religious activities should strengthen its internal supervision. In accordance with the concerned laws, rules and regulations, it should set up a sound management system of personnel, finances and accounting, and provide for security, fire prevention, preservation of historical materials and protection against health hazards. It should also accept the guidance, supervision and examination of the concerned departments of the local people's government.

Article 19: Religious affairs departments should undertake supervision and examination of the venue's observance of the laws, rules and regulations, the establishment and operation of the management committee, changes in the content of its registration, its religious activities and activities of a foreign affairs nature. The venue for religious activities should accept the supervision and examination of the religious affairs departments.

Article 20: In accordance with religious custom, venues for religious activities may accept donations from the public. However, no one should be forced to donate, nor should levies be apportioned.

Non-religious organizations and non-religious venues should not organize and carry out religious activities, nor should they accept religious donations.

Article 21: The venue for religious activities may sell religious articles, objects of religious art and religious publications.

Temples, mosques and churches, which have been registered as venues for religious activities in accordance with the concerned national regulations, may publish materials for internal use.

Article 22: For large-scale religious activities, which surpass the borders of the province, autonomous region or municipality, or the capacity of the venue for religious activity, or for a large-scale religious activity which takes place outside the venue for religious activity, the religious organization, or the temple, mosque or church in charge, should apply to the religious affairs department in the province, autonomous region or municipality where the event is to take place, at least 30 days before the event. The provincial, autonomous regional or municipal religious affairs department should decide to grant or withhold permission within 15 days of receiving the application.

The large-scale religious activity should be carried out in accordance with the requirements of the notice of permission and the religion's ceremonies and rituals. The relevant provisions of Articles 3 and 4 of these regulations should not be violated. The religious organization or temple, mosque or church in charge should take effective measures to ensure that no accidents happen. The people's government of township and town, and the concerned government departments at the county level and above, each according to its own responsibility, should carry out the necessary supervision to safeguard the security and order of the large-scale religious activity.

Article 23: The venue for religious activities should guard against any serious accidents or incidents taking place at the venue, which violate religious taboos that harm the religious feelings of believers, destroy ethnic unity, or affect social stability.

If such an accident or incident takes place, the venue of religious activities should immediately notify the religious affairs department of the county where the venue is located.

Article 24: If a religious organization, or a temple, mosque or church, proposes to build a large-scale outdoor religious statue at the venue of religious activities, the provincial, autonomous regional or municipal religious organization should apply for

permission to the religious affairs department of the people's government at the corresponding provincial, autonomous regional or municipal level. Within 30 days of receiving the application, the provincial, autonomous regional or municipal religious affairs department should give its views; if it plans to approve the application, it should submit a report to the State Council's religious affairs department for its examination and approval.

Within 60 days of receiving the report concerning the building of a large-scale outdoor religious statue at the venue for religious activities, the State Council's religious affairs department should make known its decision to grant or to withhold approval.

Besides religious organizations, or temples, mosques and churches, no other organization or individual should construct large-scale outdoor religious statues.

Article 25: If concerned units or individuals want to renovate the interior of a venue for religious activities or construct new buildings on it, or if they desire to set up commercial sites, hold exhibitions, or make videos and movies, they should first obtain the permission of the venue for religious activities, and the agreement of the religious affairs department at the county level or above, where the venue is located.

Article 26: Regarding scenic spots where the venue for religious activities is the main attraction, the government at the county level or above where the venue is located should coordinate and handle the interests of the venue for religious activities, as well as those of the gardens, cultural relics and tourist attractions located there, and protect the lawful rights of the venue for religious activities.

Regarding plans for the development of scenic spots where the venue for religious activities is the main attraction, these should be done in harmony with the style and environment of the venue for religious activities.

Chapter Four: Religious Clergy

Article 27: Religious clerics, who have been recognized by religious organizations, and whose names have been submitted for the record to the religious affairs departments of the people's

governments at the county level or above, may become involved in religious affairs and activities.

The successors of the living Buddha of Tibetan Buddhism are determined under the guidance of the Buddhist Association, and in accordance with Buddhist ritual and historical tradition. Their names must be submitted for approval to the religious affairs departments or the people's governments at or above the level of cities divided into districts. The national religious organization of the Catholic Church shall report for the record the names of the bishops of the Catholic Church to the State Council's religious affairs department.

Article 28: A religious cleric, who takes charge of, or leaves, the post of leader at a venue for religious activities, after obtaining the agreement of his religious organization, must report this for the record to religious affairs departments at the county level or above.

Article 29: A religious cleric who presides at religious activities, performs religious rituals, catalogues ancient religious scriptures and carries out religious and cultural research, receives the protection of the law.

Chapter Five: Religious Properties

Article 30: The land which religious organizations and religious venues lawfully use for religious activities, and the buildings, structures, facilities, and other lawful properties and income which they lawfully possess or use, are protected by the law.

No organization or individual is allowed to illegally occupy, seize, privatize, destroy, close down, detain, freeze, confiscate or dispose of the lawful properties of religious organizations or venues. Nor should they destroy the cultural relics possessed or used by religious organizations or venues.

Article 31: An application for registration for the buildings possessed by, or the land used by, religious organizations and venues should be made to the properties and lands management department of the people's governments at the county level or above, in order to obtain the certificate of proof of ownership and

use. If there is any change in the property rights, procedures regarding the change should be carried out as soon as possible.

If the lands management department decides to change the rights of land use of the religious organization or venue, it should seek the opinion of the religious affairs department at the corresponding level of government.

Article 32: The buildings and structures used by the venue for religious activities, as well as the attached living quarters of the religious clerics, are not to be given to others, mortgaged or allowed to become objects of investment.

Article 33: If because of city planning or an important construction project, it is necessary to demolish the buildings or structures of a religious organization or venue, the party in charge of the demolition should consult with the concerned religious organization or venue, and at the same time seek the opinion of the related religious affairs department. After consultation with all sides, and the agreement for the demolition has been obtained, the party in charge of the demolition should make arrangements for the reconstruction of the buildings and structures, or, based on concerned national regulations, should make compensation for the demolished buildings and structures according to their market value.

Article 34: Religious organizations and venues may run social welfare services. Income from them, as well as other earnings, should be placed under a financial and accounting management structure. The income should be used for activities in conformity with the aims of the religious organization or venue, or for social welfare projects.

Article 35: Religious organizations or venues may, in accordance with national regulations, receive donations from domestic or foreign organizations or individuals. The religious organization or venue should use the donations for activities that conform to their aims and purposes.

Article 36: Religious organizations or venues should implement the national finance, accounting and tax management systems. According to the national regulations for tax collection, they enjoy the special treatment of tax cuts or exemptions.

Religious organizations or venues should report to the religious affairs department of the people's government at the county level or above their financial situation, including income and expenses, and about the receipt and dispersal of donations. In a suitable way, they should also make these known to the believers.

Article 37: If a religious organization or venue is dissolved or halts operations, it should initiate a settling of accounts. After the accounting, any remaining assets should be used for projects that conform to the aims and purposes of the religious organization or venue.

Chapter Six: Legal Responsibilities

Article 38: A civil servant who, in the discharge of his duties of supervision over religious affairs, abuses his authority, neglects his duties, practices favoritism, fraud, or anything that could constitute a crime, an investigation into criminal responsibility should be carried out in accordance with the law. Where no crime has been uncovered, such a person should still receive a disciplinary sanction in accordance with the law.

Article 39: If a citizen is forced to believe in or not to believe in a religion, or the normal religious activities of a religious organization or venue are interfered with, it is the responsibility of the religious affairs departments to take effective measures to correct the situation. If it is behavior that violates the administration of public security, then the public security administration should mete out punishment in accordance with the law.

If someone encroaches upon the lawful rights of a religious organization or a religious venue, then according to the law, such a person bears civil responsibility for the act. If a crime has been committed, the person is subject to investigation for criminal activity in accordance with the law.

Article 40: If it is determined that such actions as using religion to carry out unlawful activities, which endanger national or public security, infringe upon citizens' personal or democratic rights, obstruct the orderly management of society, or encroach upon public or private property, constitute a crime, criminal responsibility must be sought in accordance with the law. If the

action does not constitute a crime, the concerned responsible departments should impose a disciplinary sanction in accordance with the law. However, if the action results in losses to citizens, legal persons, or any organization, an investigation should be carried out to determine civil responsibility.

If during a large-scale religious activity, something happens which endangers public security or seriously harms social order, the matter should be handled and punishment meted out on the spot, in accordance with the laws and administrative regulations concerning assemblies and demonstrations. The registration management departments should cancel the registration of the religious organization, or of the temple, mosque or church, responsible for the incident.

The religious affairs departments have the responsibility to order a halt to unauthorized large-scale religious activities. Unlawful proceeds should be confiscated. A fine from 2 to 4 times the amount of the unlawful proceeds may be levied. The registration management offices may order the religious organization or venue to discharge the person in charge of the unauthorized large-scale religious activities from his duties.

Article 41: Religious affairs departments should order the correction of any one of the following behaviors of the religious organization or venue. If the circumstances are comparatively serious, the registration management office shall order the religious organization or venue to replace the persons directly in charge. If the circumstances are very serious, the registration office should cancel the registration of the religious organization or venue. Illegal property can be confiscated.

- (1) They have not, as regulations require, registered or carried out the procedures for recording any changes in the organization or venue;
- (2) The venue for religious activity has violated Article 18 of these regulations, and has not established a management system, or the management system does not conform to requirements;
- (3) A serious accident or incident took place at the venue for religious activity, and it was not reported immediately, resulting in serious consequences;

- (4) There is a violation of Article 4 of these regulations, that is, against the principle of the independent running of the religion;
- (5) They have received donations from home or abroad in violation of the concerned national regulations;
- (6) They refuse to accept the lawfully exercised inspection and supervision of the registration management organs.

Article 42: If religious publications contain material which is forbidden in accordance with Article 7, paragraph 2 of these regulations, the concerned departments should administer disciplinary sanctions in accordance with the law on the responsible persons or units. If a crime has been committed, an investigation should be carried out to determine criminal responsibility.

Article 43: If a venue for religious activity is built without authorization, or if a venue for religious activity, whose registration has been cancelled, continues to perform religious activities, or if a religious academy is established without permission, the religious affairs departments must suppress them, and confiscate any unlawful income. If there are buildings and structures, then the department in charge of construction must deal with the matter in accordance with the law. Behavior that violates the administration of public order should be punished by the public security organs in accordance with the law.

If non-religious organizations or non-religious venues carry out religious activities and accept religious offerings, the religious affairs departments shall order them to stop. Any unlawful income must be confiscated. If the matter is serious, then, in accordance with the law, a fine of 2 to 4 times the amount of the unlawful income may be levied.

The religious affairs departments shall order a halt to any unauthorized pilgrimages abroad by religious believers. Any unlawful income must be confiscated. A fine of 2 to 4 times the amount of the unlawful income may be levied.

Article 44: If a large-scale open-air religious statue is erected in violation of these regulations, the religious affairs departments must order the work on it to stop, and tear it down within a set time. Any unlawful income must be confiscated.

Article 45: If a religious cleric breaks the law, rules or regulations while carrying out religious affairs or activities, not only must investigation into legal responsibility be carried out in accordance with the law, but also the religious affairs departments should recommend that the religious organization cancel his or her identity as a religious cleric.

The religious affairs departments should order a halt to fake religious clerics carrying out religious activities. Any unlawful income must be confiscated. If the behavior violates the administration of public security, the public security organs should mete out punishment in accordance with the law. If the behavior constitutes a crime, then an investigation into criminal responsibility should be carried out.

Article 46: If a specific administrative action of a religious affairs department is unacceptable, in accordance with the law, application can be made for an administrative reconsideration of the action. If the decision after the administrative reconsideration is unacceptable, then in accordance with the law, the concerned party may file an administrative lawsuit.

Chapter 7: Appendices

Article 47: Religious exchanges between Mainland China and the Hong Kong Special Administrative Region, the Macao Special Administrative Region or the Taiwan Region should be conducted in accordance with the law, administrative regulations and the concerned national regulations.

Article 48: These regulations take effect on March 1, 2005. At the same time, the "Regulations on the Management of Venues for Religious Activities," promulgated by the State Council on January 31, 1994, will be abrogated.