

Regulations from the Shanghai Religious Affairs Bureau

(Approved on Nov. 30, 1995 by the Standing Committee of the Shanghai 10th People's Congress at its 23rd Meeting)

Announcements from the Standing Committee of the Shanghai People's Congress

Number 35

Herein are issued "Regulations from the Shanghai Religious Affairs Bureau," approved by the Standing Committee of the 10th People's Congress of Shanghai. These regulations will take effect on March 1, 1996.

Shanghai People's Congress Standing Committee December 1995

Chapter 1: General Principles

Article 1

These regulations are formulated to safeguard the freedom of religious belief of our citizens, to maintain lawful supervision over religious affairs, to preserve the country's unity and union among her citizens, to defend social stability, and to promote the building of a modern socialist society. They are based on the Constitution of the People's Republic of China, and other relevant laws and regulations applying them to specific conditions in Shanghai.

Article 2

All citizens have freedom of religious belief. No organization or individual should discriminate against citizens who believe in religion or those who do not believe. All citizens should respect each other, regardless of religious faith or lack of it, and regardless of differing religious beliefs.

Article 3

The term *religion* in these regulations refers to: Buddhism, Daoism, Islamism, Catholicism and Protestantism.

Article 4

The term *religious affairs* in these regulations refers to all common social activities that take place between religion and the state, society or the masses.

Article 5

The lawful rights of religious communities, their normal religious activities and places for these activities are protected by law. These rights are exercised within the limits permitted by the Constitution, and other laws and regulations, No organization or individual should use religion to carry out illegal activities.

Article 6

The principle that religion should not interfere in government administration, judicial procedures, school and public education must be firmly maintained. In order to safeguard the nation's sovereignty, and the principle of independent, autonomous administration, no foreign power is to control religious organizations and their affairs.

Article 7

The Religious Affairs Bureau of the Shanghai Municipal People's Government is the principal administrative bureau for religious affairs in Shanghai.

The Religious Affairs Bureaus of the District and County levels of the People's Government are the principal administrative bureaus for religious affairs for districts and counties, and implement directions from the Religious Affairs Bureau of the Shanghai People's Government.

The Municipal, District and county Religious affairs Bureaus have the duty to inspect, direct, assist and supervise the full implementation of these regulations in Shanghai and those areas under its jurisdiction.

All other pertinent departments in the municipal government should implement these regulations according to their own respective responsibilities.

Article 8

National government agencies, enterprises, businesses, social organizations and individuals in Shanghai should also implement and follow these regulations.

Chapter 2: Religious Organizations

Article 9

The religious organizations that these regulations refer to are those lawfully established; namely, The Shanghai Buddhist Association, The Shanghai Catholic Patriotic Association, The Shanghai Catholic Diocese, The Shanghai Catholic Administrative Committee, The Shanghai Protestant 3-Self Patriotic Movement, The Shanghai Protestant Christian Council and other religious organizations lawfully constituted in Shanghai and those districts and counties under its jurisdiction.

Article 10

Religious organizations must register according to the State Council's *Administrative Regulations Governing the Registration of Social Organizations*. Religious activities are permitted only after approval is obtained from the registration bureau. Persons meeting the law's qualifications for juridical persons are then recognized as such.

Article 11

Religious organizations must obey the Constitution, laws, and regulations, and accept government supervision.

Religious organizations, while maintaining their aims and developing activities which accord with their own respective constitutions, must assist the government to fully implement its pertinent laws and regulations on religion, promote patriotism, socialism and education in government legal systems among its own clergy and believers; safeguard their legal rights; organize or help in organizing normal religious activities.

Article 12

Religious organizations can promote religious cultural studies and exchanges. Publishing, printing and distribution of religious books, articles and videos must be carried out in accord with pertinent regulations.

Article 13

Friendly contacts between Shanghai religious organizations with those of Taiwan, Hong Kong and Macau should follow the principles of non-subordination, non-interference and mutual respect.

Article 14

Religious organizations, (including places for religious activities) may apply to operate business enterprises according to pertinent government regulations for the purpose self-support. They may also operate enterprises that benefit public welfare.

Chapter 3: Religious Personnel**Article 15**

Persons whom these regulations term religious personnel include the following: Buddhist monks and nuns, Taoist priests and nuns, Islamic imams, Catholic bishops, priests, seminarians (religious) and Sisters, Protestant bishops, ministers, presbyters and catechists.

Article 16

The identity of religious personnel is established by the Shanghai religious organizations according to their own regulations. These names of these persons are in turn entered into the files of the municipal Religious Affairs Bureau.

Article 17

Religious personnel registered and acknowledged as such can perform religious activities in lawfully registered places for religious worship. The legitimate rights of these personnel are protected by law.

Article 18

Shanghai religious personnel who are invited to other parts of the country or religious personnel from other areas in China who come to Shanghai to perform or take charge of religious activities, must first seek approval from the local religious organizations and register at the municipal Religious Affairs Bureau.

Chapter 4: Places For Religious Activities

Article 19

The places where local citizens carry out their religious activities and to which these regulations refer are as follows: Buddhist and Daoist temples, Islamic mosques, Catholic and Protestant churches and other places that have been established for religious activities.

Article 20

Establishment of places for religious activities must be in accord with the State Council's Regulations For the Management of Places for Religious Activity. Application should be made to the Religious Affairs Bureau above the District and County levels. After obtaining approval according to the Procedure for the Registration of Places for Religious Activity, registration should be carried out under the name of a qualified juridical person, after which a certificate of registration will be issued to said juridical person.

Article 21

Places for religious activity must have a management committee, carry out a democratic management program, set up a sound management system and accept administrative supervision from the pertinent government departments.

Article 22

Places for religious activities that close down, join others, move or change their registration, must go through formalities at the original place of

registration. For those places that close down, their properties must be handled according to the pertinent government regulations.

Article 23

Places for religious activities may accept voluntary donations in the form of alms, offerings, subsidies and other gifts (including legacies) from individuals or organizations.

For gifts from foreign individuals or organizations the pertinent regulations must be observed.

Article 24

The managing committee of places for religious activities may sell religious articles, religious works of art and legally published religious books and periodicals as well as religious videos.

Article 25

Without authorization of the management committee and the Religious Affairs Bureau no unit or individual may set up a business or service center in a place for religious activities, carry on business or set up exhibitions or displays.

Article 26

Filming movies or TV programs in places for religious activities must have the approval of the management committee and the authorization of the Religious Affairs Bureau.

Article 27

Non-religious units are not permitted to build temples, churches, or other religious facilities or to organize any religious activities.

Places not set aside for religious activities and non religious organizations may not accept alms, donations or offerings, and gifts of a religious nature either openly or in secret.

Article 28

Such activities as divination, fortune telling, palm reading, casting of lots,

exorcisms and healings are not permitted in places for religious activities.

Chapter 5: Religious Activities

Article 29

Religious activities can be carried out only in places registered for religious activities and authorized by the Religious Affairs Bureau.

Article 30

Religious believers may perform religious activities according to their respective rites, rules and customs in places for religious worship. These include: worshipping Buddha, recitation of prayers, reconciliation services, following a vegetarian diet, fasting, prayer, Sunday services, Bible sharing, preaching, baptism, celebrating Mass, anointing the sick, requiem services, observing feast days, etc. One can also practice religion at home.

Article 31

The public celebration of religious activities must be performed by religious personnel or those who meet the required criteria.

Article 32

No organization or individual may propagate in places for religious worship a faith or religion different from that being practiced there, nor may they engage in religious debates. No one may preach religion outside of places set aside for religious activities.

Article 33

Religious activities should not disturb the social order, the forces of production nor should it harm people's health.

Article 34

Marriage services can be performed in places for religious activity after the parties have registered at the Marriage Registration Office.

Chapter 6: Religious Institutes

Article 35

Religious institutes should be operated by municipal religious organizations and application for registration should be made, according to regulations, to the concerned department.

Article 36

Enrollment in religious institutes must be strictly carried out according to enrollment conditions; namely, that candidates apply of their own free will, are recommended by the local religious communities and are selected through an examination process.

Article 37

Religious institutes must maintain tight control over their internal management and be ready to accept the supervision and directions of the concerned government departments.

Article 38

Local students as well as those from other areas outside Shanghai who enroll in local religious institutes can take the local religious institute as their place of residence.

Students coming from other areas outside Shanghai who with reason quit the course half way through or after graduation do not carry out their ministry in Shanghai must have their place of residence transferred from the city.

Article 39

The main source of funds for the expenses of religious institutes will come from their own religious communities.

Chapter 7: Religious Property**Article 40**

By religious properties are meant real estate, buildings, various kinds of equipment and tools, art work, cultural artifacts belonging to religious communities, income from religious sources, all donations and enterprises as well as all other lawful possession of goods and income that belong to a religious community or to places of religious activity or are under its control and use.

Article 41

The property that religious organizations or places for religious activity possess, control or use are protected by law and should not be expropriated by other organizations or individuals.

Article 42

Religious real estate must be registered by the religious organizations or places of religious worship in Shanghai according to the concerned regulations at the department for house registrations at the city, district or county levels. A certificate of registration will be given attesting to the right of ownership. Should any changes occur, registration of such changes should be made as soon as possible and recorded at the Shanghai Religious Affairs Bureau.

Article 43

If places for religious activities or religious structures are designated as cultural relics or examples of excellent modern architecture, or important and prominent religious locations that should be preserved, then the boundaries of these protected areas, where construction will be controlled, must be clearly designated in all city planning. Any construction in these areas must conform to concerned regulations.

Without the approval of the Municipal Planning Department and the Religious Affairs Bureau of Shanghai, these above mentioned places cannot be changed into other uses.

Article 44

When a place for religious activities must be demolished owing to definite needs of urban development, approval must first be obtained from the religious organizations in question and the Religious Affairs Bureau. Another piece of property of the same dimensions as well as suitable compensation must be provided for reconstruction.

Article 45

When any real estate of a religious organization must be demolished or put to other use owing to needs of urban development, approval must first be obtained from the pertinent religious communities or management committees of places for religious activity and the Religious Affairs Bureau, and a written agreement must be given to said organizations along with reasonable compensation and an appropriate settlement.

Article 46

Houses belonging to religious organizations or places for religious activity can rent their property according to pertinent regulations. Both landlord and tenant must draw up a contract binding in law. If the tenant violates the contract, the landlord has the right to terminate the contract and withdraw the tenant's right of use.

Chapter 8: Foreign Contacts**Article 47**

Religious organizations or individuals in Shanghai who have contact with foreign religious persons to engage in friendly exchanges and share cultural activities must insist on the principles of independence, autonomy, mutual respect, non-interference, equality and friendship.

Article 48

Religious communities or individuals in Shanghai invited to go abroad for religious purposes or who invite foreign organizations or individuals to visit China must go through the formalities according to concerned regulations.

Article 49

Places for religious activities in Shanghai or places recognized as such by the Religious Affairs Bureau may receive foreigners to take part in religious activities and may permit them upon request to celebrate Daoist or Buddhist rites, baptisms, marriages, funerals and other religious rites.

Foreigners may also, upon invitation from religious organizations, preach and lead prayers in places for religious activity in Shanghai.

Article 50

Foreigners who wish to film movies or TV videos in places for religious activity in Shanghai must first obtain approval from the management committee of the said places, as well as from the Shanghai Film and TV Administration Department and the Shanghai Religious Affairs Bureau.

Article 51

Foreigners entering China may, according to Chinese immigration regulations, bring in for their own personal use small quantities of printed religious materials, audio and video tapes and other religious articles.

Article 52

Foreigners who perform religious activities in Shanghai must obey Chinese laws and regulations. They are not allowed to establish religious organizations or religious offices, set up places for religious activity or religious institutes. They should not seek to increase the number of believers among Chinese citizens, appoint any religious personnel, distribute religious propaganda, audio or video tapes or do any other evangelizing activities.

Article 53

Concerned government departments in Shanghai that deal with foreigners in the fields of economy, culture, education, health, sports and in other exchange programs, must not accept any attached religious conditions.

Chapter 9: Legal Responsibilities**Article 54**

Should infringements of these regulations constitute a violation of the PRC Public Security Administration Penal Code, punishment will be meted out by the Public Security organs according to established penalties. If they violate National Safety Laws of the People's Republic of China or other laws and regulations, they must be dealt with by the pertinent agencies according to the established penalties. Should the violation constitute a crime, the judicial agencies should investigate and affix criminal responsibility.

Article 55

For infringements of these regulations the Religious Affairs Bureau or concerned agencies, should mete out penalties according to the gravity of the matter at hand. They may dissuade or prevent the parties concerned from carrying out illegal activities, give warnings, issue commands to cease and desist, temporarily disband the organization, revoke the registration, or suppress it altogether, order a restoration of the former situation or impose a fine, or confiscate illegal structures, facilities, religious propaganda or income. They can also impose on religious organizations a fine above 1000 RMB and below 50,000 RMB and for individuals directly responsible they can impose a fine above 50 RMB and below 500 RMB.

Article 56

When the Administrative Department decides the punishment to be meted out, a written document is to be issued on the matter. When a fine is received, an official receipt issued by the Municipal Finance Department for said purpose should be issued. The fine must be paid to the Finance Department according to regulations.

Article 57

Should the concerned person not agree to the said administrative decision, he may according to the Regulations For Reviewing Administrative Decisions or the Criminal Procedure Law request a review of the decision or initiate legal proceedings.

Article 58

Should violators of the present regulations be Chinese citizens they are to be punished according to the concerned regulations or by the unit where they are working.

Article 59

Should violators of the present regulations be foreigners, the Religious Affairs Bureau or other concerned agencies must dissuade and prevent the party's actions. Should their actions constitute a violation of immigration policy concerning foreigners entering and leaving the country, or a violation of security measures, the Public Security Bureau should deal with the matter according to the regulations. Should they constitute a crime, the judicial agencies should investigate and affix criminal responsibility.

Chapter 10: Supplementary Articles**Article 60**

Overseas Chinese or residents of Taiwan, Hong Kong and Macao carrying out religious activities in Shanghai must abide by these regulations.

Article 61

The Government Municipal Religious Affairs Bureau can implement detailed rules based on these regulations with the approval of the city government.

Article 62

The Shanghai Religious Affairs Bureau is responsible for explanations on how these regulations are to be implemented.

Article 63

These regulations are effective from March 1, 1996.