

Religious Affairs Regulations

State Council of the People's Republic of China
(№ 426)

It is hereby announced that the *Religious Affairs Regulations* were passed on July 7, 2004 at the 57th session of the State Council. They will take effect on March 1, 2005.

Premier Wen Jiabao
November 30, 2004

Religious Affairs Regulations

Chapter One General Provisions

Article 1 These regulations were drafted pursuant to the constitution and relevant laws in order to safeguard the religious freedom of citizens, uphold religious and social harmony, and standardize administration of religious affairs.

Article 2 Citizens have freedom of religious belief.

No organization or individual shall force a citizen to believe or not believe a religion. No organization or individual shall discriminate against citizens who believe in a religion (hereinafter referred to as “religious citizens”) or who do not believe in a religion (hereinafter referred to as “non-religious citizens”).

Religious citizens, non-religious citizens, and citizens who believe different religions shall all respect each other and co-exist harmoniously.

Article 3 The state, according to law, protects normal religious activities and upholds the lawful rights and interests of religious groups, places of religious activity, and religious citizens.

Religious groups, places of religious activity, and religious citizens shall observe the constitution, laws, rules and regulations and uphold national unity, inter-ethnic cooperation, and social stability.

No organization or individual shall use religion to upset social order, harm the health of citizens, or obstruct the state education system, or to engage in other activities that harm national interests, social welfare, or the lawful rights and interests of citizens.

Article 4 All religions shall uphold the principle of independence and autonomy. Religious groups, places of religious activity, and religious affairs shall not be under the control of a foreign power.

Religious groups, places of religious activity, and religious instructors shall deal with outside parties on a basis of friendship and equality. Other organizations and individuals shall not be subject to religious requirements during cooperative or exchange activities of an economic, cultural or other nature.

Article 5 The religious affairs department of People's Governments at the county level or higher shall, according to law, exercise administrative control over religious affairs that involve state interests or the social welfare. Other departments of People's Governments at the county level or higher shall, within their respective scopes of competency, be responsible for relevant administrative work.

People's Governments at all levels of authority shall listen to the opinions of religious groups, places of religious activity, and religious citizens and shall coordinate the work of managing religious affairs.

Chapter Two Religious Groups

Article 6 When religious groups are founded, changed, or disbanded, they shall register such events pursuant to the provisions of *Regulations Governing the Registration of Social Organizations*.

The articles of association of religious groups shall conform to the relevant provisions in *Regulations Governing the Registration of Social Organizations*.

Religious groups shall conduct activities and receive legal protection in accordance with the articles of association.

Article 7 Religious groups may, in accordance with relevant state regulations, compile and print publications for internal religious use. The publication of publicly distributed religious publications shall be subject to state regulations governing publications.

Published materials that contain religious information shall comply with the *Regulations Governing Publication* and shall not contain the following:

- (1) That which would upset harmonious relations between religious citizens and non-religious citizens
- (2) That which would upset harmony between different religions or within a religion
- (3) That which discriminates against or insults religious citizens or non-religious citizens
- (4) That which propagates religious extremism
- (5) That which violates the principle of religious autonomy and independence

Article 8 If a religious group intends to establish a religious academy, either the national religious group shall submit an application to the religious affairs department of the State Council or the provincial, autonomous region, or directly-administered municipality group shall submit an application to the religious affairs department of the People's Government of the province, autonomous region, or directly-administered municipality where the group is located. The religious affairs department of the People's Government of the province, autonomous region, or directly-administered municipality shall express an opinion within 30 days of receipt of the application. Applications that the department intends to approve shall be submitted to the religious affairs department of the State Council for review and approval.

The religious affairs department of the State Council shall make the decision to approve or not approve within 60 days of receiving an application from a national

religious group or of receiving a religious academy establishment report from the religious affairs department of a People's Government in a province, autonomous region, or directly-administered municipality.

Article 9 The establishment of a religious academy shall meet the following requirements:

- (1) It shall have clearly-defined training goals, academy charter, and curriculum.
- (2) It shall have a source of students that meet the requirements for training.
- (3) It shall have the capital necessary to organize the school and a stable source of funds.
- (4) It shall have the education sites, facilities and equipment necessary for its educational mission and organizational scale.
- (5) It shall have full-time academy officers, qualified full-time instructors, and an organization for internal management.
- (6) It shall have a reasonable layout.

Article 10 National religious groups may, as necessary for their religions and in accordance with regulations, send religious students overseas for study and receive religious students from overseas for study.

Article 11 The national Islamic religious group shall be responsible for organizing foreign pilgrimages that are to be made by Moslems who are citizens of China.

Chapter Three Places of Religious Activity

Article 12 Group religious activities of religious citizens generally should be carried out at registered places of religious activity (temples, mosques, churches, and other permanent places of religious activity). Such activities shall be organized by the place of religious activity or the religious group and presided over by religious instructors or other persons in compliance with these regulations.

Article 13 If a religious group intends to establish a place of religious activity, it shall submit an application to the religious affairs department of the county-level People's Government for the area in which the place of religious activity is to be established. If the religious affairs department of the county-level People's Government intends to approve such an application, it shall, within 30 days of receipt of same, submit it to the religious affairs department of the People's Government of the local districted municipality.

The religious affairs department of the People's Government of the local districted municipality shall, within 30 days of receiving the report from the religious affairs department of the county-level People's Government, put forward a review opinion concerning the proposed temple, mosque, or church that is to be approved and shall then forward the report to the religious affairs department of the province, autonomous region, or directly-administered municipality for review and approval. Concerning the establishment of other types of permanent sites of religious activity, it shall make a decision to approve or not to approve.

The religious affairs department of the province, autonomous region, or directly-administered municipality shall, within 30 days of receiving the report from the religious

affairs department of the districted municipality concerning the proposed temple, mosque, or church that is to be approved, make a decision to approve or not to approve.

Planning and construction for a place of religious activity cannot be carried forward until the religious group's application to establish said place of religious activity has been approved.

Article 14 The establishment of a place of religious activity shall meet the following conditions:

(1) Its purpose does not violate the provisions of articles 3 and 4 of these regulations.

(2) Local religious citizens need to conduct regular group religious activities.

(3) There are instructors or other personnel in compliance with these regulations who can preside over the religious activities.

(4) There is sufficient capital.

(5) The layout is reasonable and does not hinder normal production of nearby units or the lives of nearby residents.

Article 15 After a place of religious activity has been approved, planned, and built, it shall apply for registration at the religious affairs department of the local county-level People's Government. The religious affairs department of the local county-level People's Government shall, within 30 days of receiving the application, examine the administrative organization and policies of said place of religious activity and, if it meets requirements, register it and issue a "Certificate of Registration for Place of Religious Activity."

Article 16 If the place of religious activity undergoes a merger, an organizational split, termination, or other change to its registered information, the necessary change of registration formalities shall be performed at the original registration authority.

Article 17 Places of religious activity shall establish an administrative organization to carry out democratic administration. Members of the administrative organizations of places of religious activity shall be nominated and selected through democratic consultations, and their names shall be put on file at the registration authorities for said places.

Article 18 Places of religious activity shall strengthen internal management and shall, in accordance with the provisions of relevant laws and regulations, establish sound systems of management in the areas of personnel, finance, accounting, security, fire control, cultural relics protection, health, and epidemic prevention. They shall accept guidance, supervision, and inspection from the People's Government departments concerned.

Article 19 Religious affairs departments shall supervise and inspect places of religious activity with respect to the following: compliance with laws, rules and regulations, establishment and implementation of systems of management, changes in registration information, and religious activities and activities involving external parties.

Places of religious activity shall accept supervision and inspection from the religious affairs departments.

Article 20 Places of religious activity may, in accordance with religious customs, accept contributions from citizens. However, they may not coerce or apportion such contributions.

Non-religious groups and places of non-religious activity shall not organize or hold religious events and shall not receive contributions of a religious nature.

Article 21 Places of religious activity may sell religious articles, religious art, and religious publications.

Temples, mosques, and churches (hereinafter referred to as temples/churches) of registered places of religious activity may, in accordance with relevant state regulations, compile and print publications for internal religious use.

Article 22 If a religious group or temple/church intends to organize a large-scale religious event that crosses provincial, autonomous region, or directly-administered municipality boundaries and exceeds the capacity of the place of religious activity, or if it intends to hold a large-scale religious event outside of a place of religious activity, it shall submit an application to the religious affairs department of the People's Government of the province, autonomous region, or directly-administered municipality in which the religious event is to be held. The religious affairs department of the provincial, autonomous region, or directly-administered municipality People's Government shall make a decision to approve or not to approve within 15 days of receipt of said application.

The large-scale religious event shall be conducted pursuant to the requirements recorded on the notice of approval and without deviation from religious ritual. It shall not contravene the provisions of articles 3 and 4 of these regulations. The organizing religious group or temple/church shall take effective measures to prevent accidents. The departments concerned of the township People's Government and county and higher-level local People's Governments for the area in which the large-scale religious event is to be held shall, in accordance with their respective official responsibilities, provide management as needed to ensure the safety and orderly progress of the large-scale religious event.

Article 23 Places of religious activity shall guard against the occurrence of serious accidents on their premises or of events that harm the religious feelings of religious citizens, upset inter-ethnic harmony, or adversely affect social stability, e.g. the violation of religious taboos.

Should there occur an accident or event as set forth in the foregoing clause, the place of religious activity shall immediately report same to the religious affairs department of the local county-level People's Government.

Article 24 If a religious group or temple/church intends to build a large open-air religious statue in a location other than a place of religious activity, the provincial, autonomous region, or directly-administered municipality religious group shall submit an

application to the religious affairs department of the provincial, autonomous region, or directly-administered municipality People's Government. The religious affairs department of the provincial, autonomous region, or directly-administered municipality People's Government shall put forward an opinion within 30 days of receiving the application. If the department intends to approve, it shall report to the State Council department of religious affairs for review and approval.

The State Council religious affairs department shall make a decision to approve or not to approve within 60 days of receiving the report concerning the plan to build a large, open-air, religious statue in a location other than a place of religious activity.

Organizations and persons other than religious groups churches/temples shall not build large, open-air, religious statues.

Article 25 If a unit or individual intends to remodel or build a new structure at a place of religious activity, or intends to establish a site for commercial services, to hold an exhibition, or to shoot film or television footage, it shall first obtain consent from said place of religious activity and from the department of religious affairs of the local People's Government at the county level or higher.

Article 26 If the main attraction of a scenic or historic spot is a place of religious activity, the local People's Government at the county level or higher shall balance the interests of the place of religious activity with other interests, such as those relating to the park, to cultural relics, and to tourism, and shall uphold the lawful rights and interests of the place of religious activity.

If construction is planned for a scenic or historic spot whose main attraction is a place of religious activity, such construction shall harmonize with the style and environment of the place of religious activity.

Chapter Four Religious Instructors

Article 27 A religious instructor may engage in religious education activities after he has been certified by his religious group and after the necessary report has been submitted for the files of the department of religious affairs of the People's Government at the county level or higher.

In Tibetan Buddhism, the successor to the Dalai Lama shall be chosen under the guidance of Buddhist groups in accordance with religious ritual and historical patterns, and a report of the choice shall be made to the department of religious affairs of the People's Government at the districted municipality level or higher or to the People's Government at the districted municipality level or higher. The selection of Catholic bishops shall be submitted by the national Catholic religious group for the files of the department of religious affairs of the State Council.

Article 28 When a religious instructor assumes or resigns an important teaching position at a place of religious activity, such change shall, after receiving approval from the religious group of this religion, be submitted for the files of the religious affairs department of the People's Government at the county level or higher.

Article 29 When religious instructors preside over religious activities, perform religious rites, compile religious scriptures, or conduct religious and cultural research, they shall receive the protection of the law.

Chapter Five Religious Property

Article 30 Land lawfully used by religious groups or religious places of activity and buildings, structures, facilities, and other lawful property and earnings either lawfully owned or used by religious groups or religious places of activity are protected by law.

No organization or individual may seize, plunder, break up, destroy, seal off, attach, freeze, confiscate, or subject to fines lawful property of a religious group or place of religious activity; no organization or individual may destroy cultural relics owned or used by a religious group or place of religious activity.

Article 31 Religious groups and places of religious activity shall apply to the real property and land departments of the local People's Government at the county level or higher for registration, titles, and right of use certificates for the buildings they own and the land they use.

When determining or changing the use rights for land of a religious group or place of religious activity, the land management department shall solicit the opinions of the religious affairs department of the same-level People's Government.

Article 32 Buildings and structures used by places of religious activity for religious activity and the appurtenant living quarters of religious instructors may not be assigned to another party, mortgaged, or used as investment in kind.

Article 33 If, for reasons of city planning or a key construction project, it becomes necessary to dismantle buildings or structures of a religious group or a place of religious activity, the party that intends to dismantle shall consult with the religious group or place of religious activity and solicit opinions from the department of religious affairs. After all parties have been consulted and consent to the dismantling, the party that is responsible for dismantling shall rebuild the dismantled building or structure or, pursuant to the relevant state regulations, provide compensation based on the appraised market value of the dismantled building or structure.

Article 34 Religious groups and places of religious activity may, in accordance with the law, set up social welfare institutions. The proceeds therefrom and other legal income shall be under financial and accounting management and be used for the social welfare institutions and for activities that conform to the purpose of the religious group or the place of religious activity.

Article 35 Religious groups and places of religious activity may, in accordance with the relevant state regulations, accept donations from organizations and individuals both in China and abroad. These may be used for activities that conform to the purpose of the religious group or place of religious activity.

Article 36 Religious groups and places of religious activity shall implement state policies on managing finances, accounts, and taxes and shall receive tax exemptions and deductions in accordance with the relevant state tax code provisions.

Religious groups and places of religious activity shall report on financial revenues and expenditures and on how donations were used to the department of religious affairs of the People's Government at the county level or higher, and they shall announce the same to religious citizens.

Article 37 When a religious group or place of religious activity cancels its registration or terminates its activity, it shall liquidate its property. The surplus shall be used for an undertaking that conforms to the purpose of this religious group or place of religious activity.

Chapter Six Legal Liability

Article 38 If, in the course of performing religious affairs administrative work, a government officer abuses his authority, neglects his duties, engages in favoritism, or commits irregularities, and if such misconduct constitutes a crime, he will be prosecuted for such crime. If such misconduct does not constitute a crime, he shall receive administrative penalties in accordance with the law.

Article 39 Those who coerce citizens into believing or not believing a religion or who interfere with the normal religious activities of a religious group or place of religious activity shall be reprimanded and ordered to desist by the department of religious affairs. If their conduct violates public security, then they shall be subject to public security penalties.

Those who infringe upon the rights and interests of religious groups, places of religious activity, and religious citizens, shall be civilly liable for same according to law. Where such conduct constitutes a crime, it shall be prosecuted under criminal law.

Article 40 Those who use religion to engage in unlawful activities such as harming state or public security, violating the personal and democratic rights of citizens, jeopardizing social order, and seizing public and private property, shall, where such conduct constitutes a crime, be prosecuted under criminal law. Where such conduct does not constitute a crime, the competent department concerned shall impose an administrative penalty. If such conduct causes citizens, corporations, or other organizations to incur economic loss, the responsible parties shall be civilly liable for such loss.

Large-scale religious activities that harm public security or seriously upset the social order shall be penalized on site in accordance with laws and administrative regulations on assemblies, parades, and demonstrations. The registering authority shall rescind the registration of the organizing religious group or church/temple that is responsible.

Religious affairs departments shall order a halt to large-scale religious activities that are held without authorization, and they shall seize illicit income if there is any.

Furthermore, they can impose fines of between 100% and 300% of illicit income. If such a large-scale religious activity is held without authorization by a religious group or a place of religious activity, the registering authority can also order that the religious group or place of religious activity replace the personnel who were directly responsible for the activity.

Article 41 In the event of any of the following acts by a religious group or a place of religious activity, the department of religious affairs shall demand correction. If the matter is serious, the registering authority shall order that the religious group or place of religious activity replace the personnel who were directly responsible for the activity. If the matter involves illegal property, it shall be confiscated:

(1) Failure to effect the required change of registration or reporting formalities.

(2) In violation of the provisions of article 18 of these regulations, failure by a place of religious activity to establish the relevant policies, or policies that do not comply with the provisions.

(3) Failure to make a prompt report on the occurrence of a major accident or serious incident at a place of religious activity, with serious consequences.

(4) Contravention of the principle of religious independence and autonomy, in violation of the provisions of article 4 of these regulations.

(5) Acceptance of domestic or foreign donations in violation of relevant state regulations.

(6) Refusal to accept lawful supervision from the registering authority

Article 42 If a publication with religious content includes content prohibited by article 7(2) of these regulations, the competent department concerned shall impose administrative penalties on the responsible unit or personnel. If such misconduct constitutes a crime, it shall be prosecuted under criminal law.

Article 43 If a place of religious activity is established without authorization, or if a place of religious activity is deregistered yet continues to conduct religious activities, or if a religious academy is established without authorization, the department of religious affairs shall outlaw such place or academy and seize illicit income. The departments in charge of construction shall handle illegal buildings and structures according to law. Violations of public security shall be subject to public security penalties.

If a non-religious group or a place of non-religious activity conducts a religious activity and accepts donations of a religious nature, the department of religious affairs shall order a halt to such activity and will seize illicit income, if there is any. If the matter is serious, there may be an additional penalty of 100% to 300% of illicit income.

The department of religious affairs shall order a halt to foreign pilgrimages of religious citizens organized without authorization and shall seize illicit income if there is any. There may be an additional penalty of 100% to 300% of illicit income.

Article 44 The department of religious affairs shall order a halt to construction of any large, open-air religious statue built in violation of these regulations and set a time limit for its dismantling. The department shall seize illicit income if there is any.

Article 45 If a religious instructor violates a law, regulation, or rule while engaged in a religious educational activity, he shall be prosecuted according to law, and the department of religious affairs shall recommend that the relevant religious group rescind his instructor status.

The department of religious affairs shall order anyone who provides religious instruction while falsely presenting himself as a religious instructor to desist and shall seize illicit income if there is any. If such conduct violates public security, then public security penalties shall be imposed according to law. If such conduct constitutes a crime, it shall be prosecuted under criminal law.

Article 46 If one does not accept a specific administrative action by a department of religious affairs, one may apply for administrative reconsideration according to law. If one does not accept the administrative reconsideration decision, one may bring an administrative lawsuit according to law.

Chapter Seven Supplementary Provisions

Article 47 Religious dealings between the interior and the Hong Kong Special Administrative Zone, the Macao Special Administrative Zone, and the Taiwan region shall be handled in accordance with laws, administrative regulations, and the relevant state requirements.

Article 48 These regulations will take effect March 1, 2005. The “Regulations Governing Places of Religious Activity” that were issued on March 31, 1994 will become void at the same time.