

AUSTRALIA

RRT RESEARCH RESPONSE

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Questions

- 1. Please confirm whether the following provinces currently have implemented local regulations on religious activities: Guangzhou; Hainan; Shanghai; Guangxi; Shandong; and Sichuan.**
- 2. In particular does the province of Fujian have any regulations on religious activities?**

RESPONSE

- 1. Please confirm whether the following provinces currently have implemented local regulations on religious activities: Guangzhou; Hainan; Shanghai; Guangxi; Shandong; and Sichuan.**

A search of the sources consulted indicates that new religious regulations have been promulgated, or existing regulations amended, in a number of provinces and provincial-level municipalities since the promulgation of the national ‘Regulations on Religious Affairs’ by the State Council on 30 November 2004.

A paper presented at an Issues Roundtable of the US Congressional-Executive Commission on China (CECC) in November 2006 stated that:

Since the promulgation of the “Regulations” in November, 2004, six provincial-level units (hereafter provinces, viz, Beijing, Shanghai, Zhejiang, Henan, Shanxi, Hunan) have promulgated new or amended religious regulations, efforts for an additional four (Chongqing, Hebei, Jiangxi, Liaoning) have also been underway.

...

The “Regulations on Religious Affairs” (November 30, 2004) is a major landmark in religious policy in China in the reform period. It is most comprehensive in scope among the preceding set of national-level government and party documents on religious policy issued in

1982, 1985, 1991, and 1994. It integrates the reform features in provincial religious regulations in the past decade and broadens the scope of liberalization. In terms of specific stipulations, the Regulations provide, for the first time, the rights of the religious organizations to: 1) accept financial contributions from extraterritorial organizations or individuals; 2) produce and print religious publications for internal distribution; and 3) construct large, outdoor religious icons. Going beyond specific stipulations, the Regulations move towards a new regulatory framework that sheds much of the requirements for prior approval by the local Religious Affairs Bureau governing activities on religious venues, religious personnel, and contact with extraterritorial religious organizations. Instead, the new regulatory framework is built on a much softer set of requirements for religious organizations and venues to inform and report to local Religious Affairs Bureaus, and for the latter to supervise and oversee, rather than to approve and rule on specific religious activities.

As shown in the foregoing pages, there has been substantial progress in enacting supplementary regulations at both the central and provincial government levels. Progress has been more notable at the central government level, where national religious organizations are given land and monetary grants to construct national seminaries, authorized to select religious students to receive theological training abroad, inviting foreign theologians to lecture at Chinese seminaries... The picture is less clear at the local level, where local officials have jurisdiction over local religious affairs, and where both more authoritarian and liberal provincial regulations have been promulgated.

It is too early to decipher the magnitude of the impact of the new Regulations. But the direction is clear. In both statutory enactment as well as policy implementation, and at both the central and provincial levels, the overall trend has been one of the increasing institutional autonomy of religious organizations, greater protection of religious organizations, venues and personnel. Even for the more authoritarian provinces, no retrogression towards greater restriction on religious freedom is evident either in the legislative stipulations or policy enforcement of its new provincial regulations. To date, a great majority of provinces has not enacted new religious affairs regulations, but for the six that have, they promise an even more benign milieu for religion in China (Tong, J. 2006, 'The Regulations on Religious Affairs of China: Provincial Regulations and Implementation, November 2004 – November 2006', CECC website, 20 November <http://www.cecc.gov/pages/roundtables/2006/20061120/Tong.php> – Accessed 8 September 2009 – Attachment 1).

The US Congressional-Executive Commission on China subsequently reported in 2007 that new religious regulations had also been issued by the Chongqing Municipality and by Hunan Province:

Two provincial-level governments issued new religious regulations in September that enter into force in December and January. The Chongqing Municipal People's Congress Standing Committee issued the Chongqing Municipal Regulation on Religious Affairs (Chongqing RRA) on September 29. The Chongqing RRA, effective on December 1, makes void the 1997 Chongqing Municipal Regulation on the Management on Religious Affairs. The Hunan Province People's Congress Standing Committee passed a new Hunan Province Regulation on Religious Affairs (Hunan RRA) on September 30. The Hunan RRA becomes effective on January 1, 2007, and annuls the 2000 Hunan Province Regulation on the Management of Religious Affairs on that date. These two provincial-level areas join the governments of Shanghai, Shanxi, Henan, Zhejiang, Anhui, and Beijing in issuing new or amended regulations on religion since the national Regulation on Religious Affairs entered into force on March 1, 2005 (Congressional-Executive Commission on China 2007, 'Chongqing Municipality and Hunan Province Issue New Religious Regulations', CECC website, 4

January <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=80079> – Accessed 8 September 2009 – Attachment 2).

Under the subheadings “Selected Regulations on Religion – Local Regulations”, the ‘Religious Freedom Resources’ page of the website of the Congressional-Executive Commission on China lists the following:

Anhui Province Regulation on Religious Affairs (1999) (Chinese Text)  
Anhui Province People’s Congress Standing Committee Decision on Amending the “Anhui Province Regulation on Religious Affairs” (2006) (Chinese Text)  
Beijing Municipality Regulation on Religious Affairs (2002) (Chinese Text)  
Beijing Municipality Regulation on Religious Affairs Amendments (2006) (Chinese Text)  
Chengdu City Provisions on Halal Foods Management (Chinese Text)  
Hebei Province Regulation on Halal Foods Management (Chinese Text)  
Hebei Province Regulation on Religious Affairs (Chinese Text)  
Heilongjiang Regulation on the Management of Religious Affairs (Chinese Text)  
Henan Province Regulation on Religious Affairs (Chinese Text)  
Jilin Province Regulation on Halal Foods Management (Chinese Text)  
Shandong Province Regulation on the Management of Religious Affairs (As Amended November 25, 2004) (Chinese Text)  
Shandong Province Regulation on the Management of Religious Affairs (2000) (Chinese Text)  
Shanghai Municipality Regulation on Religious Affairs (as Amended April 21, 2005) (Chinese Text)  
Shanghai Municipality Regulation on Religious Affairs (1995) (Chinese Text)  
Shanxi Province Regulation on Religious Affairs (Chinese Text)  
Zhejiang Province Regulation on Religious Affairs (As Amended March 29, 2006) (Chinese Text)  
Zhejiang Province Regulation on Religious Affairs (1997) (Chinese Text) (‘Religious Freedom Resources’ (undated), CECC website <http://www.cecc.gov/pages/virtualAcad/religion/index.php> – Accessed September 2009 – Attachment 3).

## **2. In particular does the province of Fujian have any regulations on religious activities?**

A search of the English language sources consulted found no reference to current provincial-level regulations on religious activities in Fujian.

The expected main source for such information – the website of the Fujian Provincial Department of Ethnic and Religious Affairs – does not provide information in the English language (‘Home page’ (undated), Fujian Provincial Department of Ethnic and Religious Affairs website <http://www.fjmzzj.gov.cn/> – Accessed 10 September 2009 – Attachment 4).

However, a Tribunal officer who is able to read Chinese language text assisted the researcher by scanning the website for relevant information. The Tribunal officer located, on the home

page, a subheading which he translated as “Regulations and Policies”, that linked to a document he translated as “Administrative Permit Police Guidelines, Bureau of Ethnic and Religious Affairs, Fujian Province”, published on 1 January 2007. The Tribunal officer provided the following translation of the summary of the guidelines provided on the website:

Summary: Administrative Permits’ policy guidelines, principles, requisition, quantity, procedure, timeframe as well as a full list of the required documentation in support of the application for an administrative permit and relevant updates (Unofficial translation of Chinese text (undated), sourced from the Fujian Provincial Department of Ethnic And Religious Affairs website [http://www.fjmzzj.gov.cn/zfxgk\\_list.asp?news\\_type=8](http://www.fjmzzj.gov.cn/zfxgk_list.asp?news_type=8) – Accessed 10 September 2009 – Attachment 5).

Printed from the website, the guidelines comprise six pages of text (‘Administrative Permit Policy Guidelines, Bureau of Ethnic and Religious Affairs, Fujian Province’ (Chinese text) 2007, Fujian Provincial Department of Ethnic and Religious Affairs website, 1 January [http://www.fjmzzj.gov.cn/View\\_News.asp?news\\_type=17&id=1259](http://www.fjmzzj.gov.cn/View_News.asp?news_type=17&id=1259) – Accessed 10 September 2009 – Attachment 6).

The official websites of the Fujian Government and of the city of Fuzhou, the capital of Fujian province, similarly do not provide information in the English language (‘Home page’ (undated), Fujian Government website <http://www.fujian.gov.cn/> – Accessed 15 September 2009 – Attachment 7; ‘Home page’ 2009, Fuzhou website, 14 September <http://www.fuzhou.gov.cn/> – Accessed 14 September 2009 – Attachment 8).

Information on the website of the Xiamen Municipal Government (also in Fujian province) is available in English and includes information on the functions of the Xiamen Ethnic and Religious Affairs Bureau. The “guidelines, policies, laws and regulations” referred to are not, however, specifically named. The main functions of the Xiamen Ethnic and Religious Affairs Bureau are described in rather general terms, as follows:

1. To carry out the guidelines, policies, laws and regulations on ethnic and religious affairs promulgated by the Central Committee of CPC, the State Council, Provincial Party Committee & Government, Municipal Party Committee & Government; to organize and direct publicity and education on ethnic and religious policies & regulations; to carry out and supervise the implementation of ethnic and religious policies and regulations.
2. To investigate and study the theories, policies of ethnic [sic] and religious affairs in Xiamen, to coordinate survey in these aspects and keep track of development tendency and make policy suggestions; to draft relevant local laws, regulations and policies.
3. To communicate with minority ethnic cadres and religious personages; to assist relevant departments in the fostering and selection of minority ethnic cadres, political arrangement of ethnic and religious representatives; to help organize the training of ethnic [sic] and religious cadres, minority ethnic cadres and religious personages; to be in charge of the personnel, staff quota management and harmonious relationship between the Party and the masses in the bureau and its subordinate units.
4. To guide ethnic [sic] and religious affairs under the guidance of superior authorities; to strengthen relationship among districts, related units and folk villages; to assist governments at all levels and relevant units to handle emergencies and major problems concerning ethnic and religious affairs and those which might affect social stability.

...

9. To protect citizens' freedom of religious belief in accordance with law, to protect the legitimate rights and interests of religious groups and venues for religious activities, to protect the normal religious activities of clergy's and adherents; to direct and help religious groups' goodwill exchanges with foreign countries, Hong Kong, Macao and Taiwan under the principle of independence and initiative in management; to promote overseas friendship; to handle the affairs of religious groups upon the demand of government's assistance or coordination.

10. To conduct administrative management and supervision over the implementation of relevant religious laws, regulations and policies; to guide and promote activities in accordance with the laws, regulations and policies; to assist relevant departments in preventing and fighting against illegal activities under the disguise of religions; to resist hostile forces' religious infiltration.

11. To help religious groups and venues nurture and educate clergy, run religious colleges and schools and promote their self-improvement; to promote religious personages' self education in patriotism, socialism, unity of China and national solidarity; to adapt religion to socialist society proactively; to strengthen and develop patriotic united front with religious groups; to unite and encourage religious adherents to contribute to reform and opening up as well as economic construction.

12. To guide and manage major religious venues in the city, to assist districts and related departments in strengthening guidance and management of religious venues.

13. To undertake other duties assigned by the Municipal Government ('Municipal Institutions of Governmental Affairs – Xiamen Ethnic and Religious Affairs Bureau' (undated), Xiamen Municipal Government website [http://english.xm.gov.cn/aboutgovernment/governmentinstitutions/municipalinstitutionsofgovernmentalaffairs/200809/t20080916\\_277661.html](http://english.xm.gov.cn/aboutgovernment/governmentinstitutions/municipalinstitutionsofgovernmentalaffairs/200809/t20080916_277661.html) – Accessed 11 September 2009 – Attachment 9).

Previous regulations relating to religious activities in Fujian reportedly were promulgated in 1992, although no information has been found regarding the period they remained in force. The 'Provisional Regulations for Registering and Administering Venues of Religious Activities in Fujian Province' were referred to in a report dated 17 December 1992 on the Union of Catholic Asian News website, as follows:

The government of Fujian province in eastern China has promulgated regulations governing activities in registered religious venues and banning all unauthorized religious groups.

...

Issued by the Religious Affairs Bureau (RAB) of Fujian government in October, the "Provisional Regulations for Registering and Administering Venues of Religious Activities in Fujian Province" was circulated among religious communities in Fujian...

Its content is similar to those published months ago in other provinces like Henan and Zhejiang.

The Fujian document comprises 35 articles covering general principles, registration, management and rights ('China: Fujian Authority Promulgates Regulations to Govern Religious Venues' 1992, *Union of Catholic Asian News*, 17 December

<http://www.ucanews.com/1992/12/17/fujian-authority-promulgates-regulations-to-govern-religious-venues/> – Accessed 14 September 2009 – Attachment 10).

Information on the website of the US Congressional-Executive Commission on China, on the subject of draft regulations in Xinjiang province, mentions an article of the ‘Fujian Province Implementing Measures on the Law on the Protection of Minors’ which has implications for religious practice:

Some other provincial-level regulations have dealt with aspects of religious practice among minors but are not as restrictive as the current provision in force in the XUAR or the draft provisions under deliberation. See, for example, article 33 of the Fujian Province Implementing Measures on the Law on the Protection of Minors (specifying that ‘no organization or individual may force, trick, or instigate a minor to believe in a religion or participate in feudal superstition activities’) (Congressional-Executive Commission on China 2009, ‘Draft Regulation in Xinjiang Could Strengthen Legal Prohibitions Over Children’s Freedom of Religion’, CECC website, 30 June <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=125058> – Accessed 14 September 2009 – Attachment 11).

A link to the Chinese language text of the ‘Fujian Province Implementing Measures on the Law on the Protection of Minors (Amended)’ is provided on the CECC website (‘Fujian Province Implementing Measures on the Law on the Protection of Minors (Amended) (Chinese Text)’ (undated), CECC website <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=52281> – Accessed 14 September 2009 – Attachment 12).

No further information regarding any current regulations on religious activities in Fujian province was found amongst the sources consulted.

## List of Sources Consulted

### Internet Sources:

#### **Government Information & Reports**

UK Home Office <http://www.homeoffice.gov.uk/>

US Congressional-Executive Commission on China <http://www.cecc.gov/>

US Department of State <http://www.state.gov/>

#### **Non-Government Organisations**

Amnesty International <http://www.amnesty.org/>

Human Rights Watch <http://www.hrw.org/>

#### **International news**

*China Today* <http://www.chinatoday.com>

*Xinhua* <http://www.xinhuanet.com/english/index.htm>

#### **Topic Specific Links**

Australasian Legal Information Institute website <http://www.austlii.edu.au/>

Asian Legal Information Institute website <http://www.asianlii.org/>

China Aid <http://chinaaid.org/>

*Christian Science Monitor* <http://www.csmonitor.com/>

Christian Solidarity Worldwide <http://www.csw.org.uk/>

*Forum 18* <http://www.forum18.org/>

International Christian Concern <http://www.persecution.org/>

LawInfoChina website <http://www.lawinfochina.com>

UCA News <http://www.ucanews.com/>

## Search Engines

Copernic search engine

## Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

## List of Attachments

1. Tong, J. 2006, 'The Regulations on Religious Affairs of China: Provincial Regulations and Implementation, November 2004 – November 2006', CECC website, 20 November <http://www.cecc.gov/pages/roundtables/2006/20061120/Tong.php> – Accessed 8 September 2009.
2. Congressional-Executive Commission on China 2007, 'Chongqing Municipality and Hunan Province Issue New Religious Regulations', CECC website, 4 January <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=80079> – Accessed 8 September 2009.
3. 'Religious Freedom Resources' (undated), CECC website <http://www.cecc.gov/pages/virtualAcad/religion/index.php> – Accessed September 2009.
4. 'Home page' (undated), Fujian Provincial Department of Ethnic and Religious Affairs website <http://www.fjmzzj.gov.cn/> – Accessed 10 September 2009.
5. Unofficial translation of Chinese text (undated), sourced from the Fujian Provincial Department of Ethnic And Religious Affairs website [http://www.fjmzzj.gov.cn/zfxxgk\\_list.asp?news\\_type=8](http://www.fjmzzj.gov.cn/zfxxgk_list.asp?news_type=8) – Accessed 10 September 2009.
6. 'Administrative Permit Policy Guidelines, Bureau of Ethnic and Religious Affairs, Fujian Province' (Chinese text) 2007, Fujian Provincial Department of Ethnic and Religious Affairs website, 1 January [http://www.fjmzzj.gov.cn/View\\_News.asp?news\\_type=17&id=1259](http://www.fjmzzj.gov.cn/View_News.asp?news_type=17&id=1259) – Accessed 10 September 2009.
7. 'Home page' (undated), Fujian Government website <http://www.fujian.gov.cn/> – Accessed 15 September 2009.
8. 'Home page' 2009, Fuzhou website, 14 September <http://www.fuzhou.gov.cn/> – Accessed 14 September 2009.
9. 'Municipal Institutions of Governmental Affairs – Xiamen Ethnic and Religious Affairs Bureau' (undated), Xiamen Municipal Government website

[http://english.xm.gov.cn/aboutgovernment/governmentinstitutions/municipalinstitutionsofgovernmentalaffairs/200809/t20080916\\_277661.html](http://english.xm.gov.cn/aboutgovernment/governmentinstitutions/municipalinstitutionsofgovernmentalaffairs/200809/t20080916_277661.html) – Accessed 11 September 2009.

10. 'China: Fujian Authority Promulgates Regulations to Govern Religious Venues' 1992, *Union of Catholic Asian News*, 17 December  
<http://www.ucanews.com/1992/12/17/fujian-authority-promulgates-regulations-to-govern-religious-venues/> – Accessed 14 September 2009.
11. Congressional-Executive Commission on China 2009, 'Draft Regulation in Xinjiang Could Strengthen Legal Prohibitions Over Children's Freedom of Religion', CECC website, 30 June  
<http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingel=125058> – Accessed 14 September 2009.
12. 'Fujian Province Implementing Measures on the Law on the Protection of Minors (Amended) (Chinese Text)' (undated), CECC website  
<http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingel=52281> – Accessed 14 September 2009.