

条例英文定稿

**Decree of the State Council of the People's
Republic of China**

No.426

Regulations on Religious Affairs, adopted at the 57th Executive Meeting of the State Council on July 7,2004,are hereby promulgated and shall become effective as of March 1,2005.

Premier Wen Jiabao

November 30,2004

Regulations on Religious Affairs

Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the Constitution and relevant laws for the purposes of ensuring citizens' freedom of religious belief, maintaining harmony among and between religions, preserving social concord and regulating the administration of religious affairs.

Article 2 Citizens enjoy freedom of religious belief.

No organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in any religion (hereinafter referred to as religious citizens) or citizens who do not believe in any religion (hereinafter referred to as non-religious citizens).

Religious citizens and non-religious citizens shall respect each other and co-exist in harmony, and so shall citizens who believe in different religions.

Article 3 The State, in accordance with the law, protects normal religious activities, and safeguards the lawful rights and interests of religious bodies, sites for religious activities and religious citizens.

Religious bodies, sites for religious activities and religious citizens shall abide by the Constitution, laws, regulations and rules, and safeguard unification of the country, unity of all nationalities and stability of society.

No organization or individual may make use of religion to engage in activities that disrupt public order, impair health of citizens or interfere with the educational system of the State, or in other activities that harm State or public interests, or citizens' lawful rights and interests.

Article 4 All religions shall adhere to the principle of independence and self-governance. Religious bodies, sites for religious activities and religious affairs are not subject to any foreign domination.

Religious bodies, sites for religious activities and religious personnel may develop external exchange on the basis of friendship and equality; all other organizations or individuals shall not accept any religious conditions in external cooperation or exchange in economic, cultural or other fields.

Article 5 The religious affairs department of the people's government at or above the county level shall, in accordance with the law, exercise administration of religious affairs that involve State or public interests, and the other departments of the people's government at or above the county level shall, in accordance with the law, be responsible for the administration of relevant affairs within the limits of their respective functions and duties.

People's governments at various levels shall solicit the views of religious bodies, sites for religious activities and religious citizens, and coordinate the administration of religious affairs.

Chapter II Religious Bodies

Article 6 The establishment, alteration, or cancellation of registration, of a religious body shall be registered in accordance with the provisions of the Regulations on Registration Administration of Associations.

The articles of association of a religious body shall comply with the relevant provisions of the Regulations on Registration Administration of Associations.

The activities carried out by a religious body in accordance with its articles of association are protected by law.

Article 7 A religious body may, in accordance with the relevant provisions of the State, compile and publish reference publications to be circulated within religious circles. Religious publications for public distribution shall be published in accordance with the relevant provisions of the State on publication administration.

Publications involving religious contents shall comply with the provisions of the Regulations on Publication Administration, and shall not contain the contents:

- (1) which jeopardize the harmonious co-existence between religious and non-religious citizens;
- (2) which jeopardize the harmony between different religions or within a religion;
- (3) which discriminate against or insult religious or non-religious citizens;
- (4) which propagate religious extremism; or
- (5) which contravene the principle of independence and self-governance in respect of religions.

Article 8 For the establishment of an institute for religious education, an application shall be made by the national religious body to the religious affairs department of the State Council, or made by the religious body of the province, autonomous region or municipality directly under the Central Government to the religious affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government of the place where such institute is to be located. The religious affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government shall, within 30 days from the date of receipt of the application, put forward its views, and, if it agrees to the establishment, make a report to the religious affairs department of the State Council for examination and approval.

The religious affairs department of the State Council shall, within 60 days from the date of receipt of the application made by the national religious body or the report made by the religious affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government on the establishment of the institute for religious education, make a decision of approval or disapproval.

Article 9 An institute for religious education to be established shall meet the following conditions:

- (1) having clear and definite training objectives, a charter for school-running and a curriculum;
- (2) having the source of students who meet the training requirements;
- (3) having the necessary funds for school-running and stable financial sources;

(4) having the sites, facilities and equipment for teaching that are necessary for its tasks of teaching and school-running scale;

(5) having full-time leading members, qualified full-time teachers and an internal management organization; and

(6) being rationally distributed.

Article 10 In light of the need of the religion concerned, a national religious body may, in accordance with the relevant provisions, select and send people for religious studies abroad, or accept foreigners for religious studies in China.

Article 11 The making of hajj abroad by Chinese citizens who believe in Islam shall be organized by the national religious body of Islam.

Chapter III Sites for Religious Activities

Article 12 Collective religious activities of religious citizens shall, in general, be held at registered sites for religious activities (i.e., Buddhist monasteries, Taoist temples, mosques, churches and other fixed premises for religious activities), organized by the sites for religious activities or religious bodies, and presided over by religious personnel or other persons who are qualified under the prescriptions of the religion concerned, and the process of such activities shall be in compliance with religious doctrines and canons.

Article 13 For the preparation for establishing a site for religious activities, an application shall be made by a religious body to the religious affairs department of the people's government at the county level of the place where such site is to be located. The religious affairs department of the people's government at the county level shall, within 30 days from the date of receipt of the application, make a report to the religious affairs department of the people's government at the level of a city divided into districts for examination and approval if it agrees to the establishment.

Within 30 days from the date of receipt of the report made by the religious affairs department of the people's government at the county level, the religious affairs department of the people's government at the level of a city divided into districts shall, if it agrees to the establishment of a Buddhist monastery, Taoist temple, mosque or church, put forward its views upon examination and verification and make a report to the religious affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government for examination and approval; and for the establishment of other fixed premises for religious activities, it shall make a decision of approval or disapproval.

The religious affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government shall, within 30 days from the date of receipt of the report made by the religious affairs department of the people's government at the level of a city divided into districts agreeing to the establishment of a Buddhist monastery, Taoist temple, mosque or church, make a decision of approval or disapproval.

A religious body may begin the preparatory work for establishing a site for religious activities only after the application for such establishment is approved.

Article 14 A site for religious activities to be established shall meet the following conditions:

(1) it is established for a purpose not in contravention of the provisions of Articles 3 and 4 of these Regulations;

(2) local religious citizens have a need to frequently carry out collective religious activities;

(3) there are religious personnel or other persons who are qualified under the prescriptions of the religion concerned to preside over the religious activities;

(4) there are the necessary funds; and

(5) it is rationally located without interfering with the normal production and livelihood of the neighboring units and residents.

Article 15 Upon approval of preparation for the establishment of a site for religious activities and completion of construction, an application shall be made for registration with the religious affairs department of the people's government at the county level of the place where such site is located. The religious affairs department of the people's government at the county level shall, within 30 days from the date of receipt of the application, examine the management organization, formulation of internal rules, and other aspects of such site, and, if the site meets the conditions for registration, register it and issue the Registration Certificate of the Site for Religious Activities.

Article 16 Where a site for religious activities merges with another one, divides itself, terminates, or changes any item registered, the formalities for alteration registration shall be gone through with the original registration administration department.

Article 17 A site for religious activities shall set up a management organization and exercise democratic management. Members of the management organization of the site for religious activities shall be recommended or elected upon democratic consultation, and then be reported to the registration administration department of such site for the record.

Article 18 A site for religious activities shall strengthen internal management, and, in accordance with the provisions of the relevant laws, regulations and rules, establish and improve the management systems for personnel, finance, accounting, security, fire control, cultural relics protection, sanitation, and epidemic prevention, etc., and accept the guidance, supervision and inspection by the relevant departments of the local people's government.

Article 19 The religious affairs department shall supervise and inspect the sites for religious activities in terms of their compliance with laws, regulations and rules, the development and implementation of management systems, the alteration of registered items, the conduction of religious activities and activities that involve foreign affairs. The sites for religious activities shall accept the supervision and inspection by the religious affairs department.

Article 20 A site for religious activities may accept donations from citizens in accordance with religious customs, but no means of compulsion or apportionment may be adopted.

No non-religious bodies or sites not for religious activities may organize or hold any religious activities, nor accept any religious donations.

Article 21 Religious articles, artworks and publications may be sold in the sites for religious activities.

A Buddhist monastery, Taoist temple, mosque or church that is registered as a site for religious activities (hereinafter referred to as a monastery, temple, mosque or church) may, in accordance with the relevant provisions of the State, compile and publish reference publications to be circulated within religious circles.

Article 22 Where a large-scale religious activity, in which different provinces, autonomous regions and municipalities directly under the Central Government are involved and which is beyond the accommodation capacity of a site for religious activities, is to be held, or where a large-scale religious activity is to be held outside a site for religious activities, the religious body, monastery, temple, mosque or church that sponsors such activity shall, 30 days before the activity is held, make an application to the religious affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government of the place where such large-scale religious activity is to be held. The religious affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government shall, within 15 days from the date of receipt of the application, make a decision of approval or disapproval.

A large-scale religious activity shall, as required in the written notification of approval, proceed in accordance with religious rites and rituals, without violating the relevant provisions of Articles 3 and 4 of these Regulations. The religious body, monastery, temple, mosque or church that sponsors such large-scale religious activity shall adopt effective measures to prevent against any accidents. The people's government of the township or town and the relevant departments of the local people's government at or above the county level of the place where such large-scale religious activity is to be held shall, within the limits of their respective functions and duties, exercise the necessary administration in order to ensure the safe and orderly progress of the large-scale religious activity.

Article 23 A site for religious activities shall prevent against the occurrence, within the site, of any major accident or event, such as breaking of religious taboos, which hurts religious feelings of religious citizens, disrupts the unity of all nationalities or impairs social stability.

When any accident or event mentioned in the preceding paragraph occurs, the site for religious activities in question shall, without delay, make a report to the religious affairs department of the people's government at the county level of the place where it is located.

Article 24 Where a religious body, monastery, temple, mosque or church intends to build a large-size outdoor religious statue outside the site for religious activities, the relevant religious body of the province, autonomous region or municipality directly under the Central Government shall make an application to the

religious affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government, which shall, within 30 days from the date of receipt of the application, put forward its views, and, if it agrees to the building of such statue, make a report to the religious affairs department of the State Council for examination and approval.

The religious affairs department of the State Council shall, within 60 days from the date of receipt of the report on building a large-size outdoor religious statue outside the site for religious activities, make a decision of approval or disapproval.

No organizations or individuals other than religious bodies, monasteries, temples, mosques and churches may build large-size outdoor religious statues.

Article 25 Where a unit or an individual intends to alter or construct buildings, set up commercial service centers, hold displays or exhibitions, or make films or television programs in a site for religious activities, it shall obtain in advance the consent of the site for religious activities in question and that of the religious affairs department of the local people's government at or above the county level of the place where such site is located.

Article 26 For a scenic spot or historic zone where a site for religious activities therein constitutes the main tourist attraction, the local people's government at or above the county level of the place where such spot or zone is located shall coordinate and deal with the interrelated interests between the site for religious activities and the park, relics, and tourism, and safeguard the lawful rights and interests of the site for religious activities.

The planning and construction of a scenic spot or historic zone where a site for religious activities constitutes the main tourist attraction shall be in harmony with the style and surroundings of such site.

Chapter IV Religious Personnel

Article 27 Religious personnel who are determined qualified as such by a religious body and reported for the record to the religious affairs department of the people's government at or above the county level may engage in professional religious activities.

The succession of living Buddhas in Tibetan Buddhism shall be conducted under the guidance of Buddhist bodies and in accordance with the religious rites and rituals and historical conventions, and be reported for approval to the religious affairs department of the people's government at or above the level of a city divided into districts, or to the people's government at or above the level of a city divided into districts. With respect to Catholic bishops, the matter shall be reported for the record by the national religious body of the Catholic Church to the religious affairs department of the State Council.

Article 28 Where religious personnel are to assume or leave the chief religious posts of a site for religious activities, the matter shall, upon consent by the religious body of the religion concerned, be reported to the religious affairs department of the people's government at or above the county level for the record.

Article 29 The presiding over of religious activities, conduction of religious ceremonies, sorting out of religious scriptures and pursuit of religious and cultural research by religious personnel are protected by law.

Chapter V Religious Property

Article 30 The land legally used by a religious body or a site for religious activities, the houses, structures and facilities legally owned or used by such body or site, and its other legal property and proceeds thereof, are protected by law.

No organization or individual may encroach upon, loot, privately divide up, damage, destroy, or, illegally seal up, impound, freeze, confiscate or dispose of the legal property of a religious body or a site for religious activities, nor damage or destroy cultural relics possessed or used by a religious body or a site for religious activities.

Article 31 The houses owned and the land used by a religious body or a site for religious activities shall, according to law, be registered with the real estate department and the land administration department of the local people's government at or above the county level, and be granted the certificate of ownership and the certificate of right to use; where the property right is altered, the formalities for alteration registration shall be gone through without delay.

The land administration department shall, when determining and altering the land-use right of a religious body or a site for religious activities, solicit the views of the religious affairs department of the people's government at the same level.

Article 32 The houses and structures used for religious activities by a site for religious activities, and their accessory houses for the daily use of religious personnel as well, shall not be transferred, mortgaged or used as investments in kind.

Article 33 Where the houses or structures of a religious body or a site for religious activities need to be demolished or relocated because of city planning or construction of key projects, the demolisher shall consult with the religious body or the site for religious activities concerned, and solicit the views of the relevant religious affairs department. If, after consultation, all the parties concerned agree to the demolition, the demolisher shall rebuild the houses or structures demolished, or, in accordance with the relevant provisions of the State, make compensation on the basis of the appraised market price of the houses or structures demolished.

Article 34 A religious body or a site for religious activities may operate public undertakings according to law, and the proceeds and other lawful income therefrom shall be subject to financial and accounting management, and be used for the activities that are commensurate with the purpose of the religious body or the site for religious activities, or for public undertakings.

Article 35 A religious body or a site for religious activities may, in accordance with the relevant provisions of the State, accept donations from organizations and individuals at home or abroad, which shall be used for the activities that are commensurate with the purpose of the religious body or the site for religious activities.

Article 36 A religious body or a site for religious activities shall implement the systems of the State for administration of financial and accounting affairs and taxation, and may enjoy the preferential treatment in terms of tax reduction or exemption in accordance with the relevant provisions of the State on taxation.

A religious body or a site for religious activities shall report to the religious affairs department of the people's government at or above the county level of the place where it is located on its income and expenditure, and on the acceptance and use of donations as well, and, in an appropriate way, make such information public to religious citizens.

Article 37 In case of cancellation of registration or termination of a religious body or a site for religious activities, the property thereof shall be liquidated and the property remaining after the liquidation shall be used for the undertakings that are commensurate with the purpose of the religious body or the site for religious activities.

Chapter VI Legal Liability

Article 38 Where any State functionary, in administration of religious affairs, abuses his power, neglects his duty or commits illegalities for personal gain or by fraudulent means, and a crime is thus constituted, he shall be investigated for criminal liability according to law; if no crime is constituted, he shall be given an administrative sanction according to law.

Article 39 Where anyone compels citizens to believe in, or not to believe in, any religion, or interferes with the normal religious activities conducted by a religious body or a site for religious activities, the religious affairs department shall order it to make corrections; if such act constitutes a violation of public security administration, it shall be given an administrative penalty for public security according to law.

Where anyone infringes upon the lawful rights and interests of a religious body, a site for religious activities or a religious citizen, it shall assume civil liability according to law; if a crime is constituted, it shall be investigated for criminal liability according to law.

Article 40 Where anyone makes use of religion to engage in such illegal activities as endanger State or public security, infringe upon citizens' right of the person and democratic rights, obstruct the administration of public order, or encroach upon public or private property, and a crime is thus constituted, it shall be investigated for criminal liability according to law; if no crime is constituted, the relevant competent department shall give it an administrative penalty according to law; if any loss is caused to a citizen, legal person or any other organization, it shall assume civil liability according to law.

Where, in the course of a large-scale religious activity, there occurs any event endangering public security or seriously disrupting public order, the matter shall be handled on the spot and penalties shall be imposed in accordance with the laws and administrative regulations on assembly, procession and demonstration; if the religious body, monastery, temple, mosque or church that sponsors such large-scale religious activity is responsible therefor, the registration administration department shall cancel its registration.

Where anyone organizes a large-scale religious activity without approval, the religious affairs department shall order it to discontinue such activities and shall confiscate the illegal gains, if any; and it may concurrently impose thereupon a fine of not less than one time but not more than three times the illegal gains. In addition, if the large-scale religious activity is organized by a religious body or a site for religious activities without approval, the registration administration department may order the religious body or the site for religious activities to dismiss and replace the person-in-charge who is directly responsible therefor.

Article 41 Where a religious body or a site for religious activities commits any of the following acts, the religious affairs department shall order it to make corrections; if the circumstances are relatively serious, the registration administration department shall order the religious body or the site for religious activities to dismiss and replace the person-in-charge who is directly responsible therefor; if the circumstances are serious, the registration administration department shall cancel the registration of such religious body or site for religious activities and confiscate the unlawful property or things of value, if any:

(1) failing to go through the formalities for alteration registration or submission for the record in accordance with the relevant provisions;

(2) in the case of a site for religious activities, in violation of Article 18 of these Regulations, failing to formulate relevant management systems, or failing to have the management systems meet the requirements;

(3) failing to report, without delay, on the occurrence of any major accident or event in a site for religious activities, thus causing serious consequences;

(4) contravening the principle of independence and self-governance in violation of the provisions of Article 4 of these Regulations;

(5) accepting donations from home or abroad in violation of the provisions of the State; or

(6) refusing to accept supervision and administration conducted by the registration administration department according to law.

Article 42 Where any publications involving religious contents contain the contents prohibited by the second paragraph of Article 7 of these Regulations, the relevant competent department shall impose administrative penalties upon the relevant responsible units and persons according to law. If a crime is constituted, criminal liability shall be investigated according to law.

Article 43 Where a site for religious activities is established without approval, or a site originally for religious activities continues to carry out religious activities after its registration as such has been cancelled, or an institute for religious education is established without approval, the religious affairs department shall ban such site or institute and confiscate the illegal gains; the illegal houses or structures, if any, shall be disposed of by the competent construction department according to law. If any act in violation of public security administration is committed, an administrative penalty for public security shall be imposed according to law.

Where a non-religious body or a site not for religious activities organizes or holds religious activities or accepts religious donations, the religious affairs department shall order it to discontinue such activities and confiscate the illegal gains, if any; if the circumstances are serious, a fine of not less than one time but not more than three times the illegal gains may be imposed concurrently.

Where anyone organizes the making of hajj abroad for religious citizens without authorization, the religious affairs department shall order it to discontinue such activities and shall confiscate the illegal gains, if any; and it may concurrently impose a fine of not less than one time but not more than three times the illegal gains.

Article 44 Where, in violation of the provisions of these Regulations, anyone builds a large-size outdoor religious statue, the religious affairs department shall order it to discontinue the construction and to demolish the statue in a specified time limit; the illegal gains, if any, shall be confiscated.

Article 45 Where any religious personnel violate laws, regulations or rules in professional religious activities, the religious affairs department shall, in addition to having the legal liability investigated according to law, make a proposal to the religious body concerned to disqualify them as religious personnel.

Where anyone engages in professional religious activities by impersonating religious personnel, the religious affairs department shall order it to discontinue such activities and shall confiscate the illegal gains, if any; if any act in violation of public security administration is committed, an administrative penalty for public security shall be imposed thereupon according to law; if a crime is constituted, criminal liability shall be investigated according to law.

Article 46 Where anyone refuses to accept a specific administrative act taken by the religious affairs department, it may apply for administrative reconsideration according to law; if it refuses to accept the decision of the administrative reconsideration, it may institute an administrative lawsuit according to law.

Chapter VII Supplementary Provisions

Article 47 The religious exchange between the Mainland and the Hong Kong Special Administrative Region, the Macao Special Administrative Region and Taiwan region shall be developed in accordance with laws, administrative regulations and the relevant provisions of the State.

Article 48 These Regulations shall become effective as of March 1, 2005. The Regulations on Administration of Sites for Religious Activities promulgated by the State Council on January 31, 1994 shall be repealed simultaneously.