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August 15, 2012
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Dear Ms. Drumond:

In response to your request of July 30, 2012, concerning persecution of Christians in China, we are providing the following information.

We understand from your request that in many cases that come before the Executive Office for Immigration Review, the respondents, most of them from Fujian Province in China who converted to Christianity while in the United States, indicate that they will attend an underground church or proselytize upon their return to China, and as a result of that practice they will be arrested and detained. You were looking for information to determine whether there is a pattern and practice of persecuting Christians in China.

A. Legal Provisions

As pointed out by many western observers, although China's constitution guarantees freedom of religious belief, citizens' freedom of religion is restricted (*See, e.g.*, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA (CECC) 2011 ANNUAL REPORT at 94, <http://www.cecc.gov/pages/annualRpt/annualRpt11/AR2011final.pdf>). The restrictions mainly come from the primary regulation governing religious practice, the Regulation on Religious Affairs, and the measures built on its provisions (Zongjiao Shiwu Tiaoli [Regulation on Religious Affairs] (promulgated by the State Council on Nov. 30, 2004, effective Mar. 1, 2005), LAWS AND REGULATIONS OF CHINA, 3-289 (2009)). Many local governments have passed their own measures on religious affairs providing detailed provisions governing religious practices in their respective jurisdictions; Fujian Province, however, does not seem to have issued its own measures (*Local Regulations and Rules*, STATE ADMINISTRATION OF RELIGIOUS AFFAIRS, <http://www.sara.gov.cn/zcfg/dfxfggz/index.htm> (in Chinese; last visited Aug. 13, 2012)).

According to the Regulation on Religious Affairs,

- all religious groups in China must register with the government authority (Reg. art. 6);
- religious activities involving large gatherings are “generally” required to be held at registered religious venues (Reg. art. 12);

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- the names of professional religious personnel such as bishops must be on file with the government authorities before they engage in professional religious activities such as proselytizing (Reg. art. 27); and
- large-scale religious activities across provinces need preapproval from the government (Reg. art. 22).

Based on the Regulation, proselytizing in public by personnel of unregistered religious groups and group religious activities in unregistered religious places may be unlawful and prohibited by law. However, the Regulation does not directly provide for arrest or detention as penalties for such activities. Rather, it provides for shutting down unregistered religious places, confiscation of illegal gains, and fines (*e.g.*, Reg. art. 43). Illegal religious practices may be subject to administrative or criminal penalties, according to the Regulation, if such activities violate public security administration law or criminal law (*e.g.*, Reg. arts. 40, 43, 45). The Regulation provides that religious groups may register with the government authorities in accordance with the procedure for registering associations (Reg. art. 6). In practice, however, the government may only allow religious groups belonging to one of the five state-sanctioned patriotic religious associations to register and legally hold worship services, according to the State Department International Religious Freedom Report (U.S. DEPARTMENT OF STATE INTERNATIONAL RELIGIOUS FREEDOM REPORT FOR 2011: CHINA (INCLUDES TIBET, HONG KONG, AND MACAU), <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>).

B. Reported Instances of Harassment and Detention

Authoritative information on the implementation of the Regulation is difficult to obtain. The 2011 Annual Report of the Congressional-Executive Committee on China reports instances of harassment and detention of Catholics and Protestants in China during the past year, which suggests that some members of religious groups face the risk of harassment, detention, and other abuses (CECC Report at 94).

According to the Report, forty unregistered Catholic bishops are in detention, in home confinement, under surveillance, or in hiding, or have disappeared under suspicious circumstances (CECC Report at 97). As for Protestants, the Report found that the government and Communist Party of China harassed, detained, imprisoned, and interfered with the religious activities of *some* Protestants who worshipped outside of state-approved parameters (*Id.* at 103, emphasis added by author). The Report indicated that the cases of harassment and detention since late 2010 suggest that authorities' sensitivities have intensified toward Protestants who assemble in large groups or across congregations, or who have contact with foreign individuals or organizations (*Id.*). The Report listed reported instances of the authorities stopping house church gatherings, taking participants into custody, placing unregistered Protestants under "soft detention," and blocking access to sites of worship (*Id.*).

Based on the limited information available to us, although it appears that harassment and detention have happened to some Christians in China who belong to unregistered ("underground") churches, it is difficult to determine if there is a pattern and practice of persecuting Christians in China. Fujian Province does not seem to be of particular concern with

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regard to religious persecution. As you observed, the State Department's International Religious Freedom Report for 2011 does not say much about Fujian, although the previous State Department report mentioned one instance in which the authorities in Fuan, Fujian Province arrested and/or detained a number of priests operating unregistered Catholic churches there (U.S. DEPARTMENT OF STATE, JULY–DECEMBER 2010 INTERNATIONAL RELIGIOUS FREEDOM REPORT: CHINA (INCLUDES TIBET, HONG KONG, AND MACAU, http://www.state.gov/j/drl/rls/irf/2010_5/168351.htm). None of the reported instances of harassment and detention mentioned in the 2011 CECC Report seem to have happened in Fujian.

If you have further questions concerning this issue, please call me at (202) 707-6303 or email me at lzha@loc.gov. We hope this information is helpful.

Sincerely,

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