



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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27 October 2009

**CHN103255.E**

China: Whether proselytizing is legal in China  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In 3 September 2009 correspondence, a professor of history at Calvin College, who has several publications on Protestantism in China, noted that because public proselytizing is prohibited, "evangelism goes on privately" (3 Sept. 2009). In 1 September 2009 correspondence, a PhD candidate at Baylor University, who recently completed fieldwork in China that included research on house clergy, indicated that individuals can proselytize in state-sanctioned religious venues within their own region. The PhD candidate stated that proselytizing in another region is prohibited, unless the individual receives permission from the Religious Affairs Bureau (RAB) (1 Sept. 2009).

In 25 August 2009 correspondence, the Executive Secretary of the Hong Kong Christian Council indicated that proselytizing in China is possible, as long as it is not in the "public domain, such as a city square," and not in "public institutions, such as government offices or Communist party headquarters." However, the Executive Secretary also noted that he had witnessed and participated in "open air evangelist campaigns sanctioned by local government" (25 Aug. 2009).

The Executive Secretary indicated that the government response to proselytizing varies from place to place, since there are "hundreds of thousands" of administrative authorities in China (25 Aug. 2009). He further noted that in one place proselytizing may be prohibited, while the administrative unit "next door" may allow the same practice (Executive Secretary 25 Aug. 2009). In 1 September 2009 correspondence, a professor of Asian Studies at Coventry University similarly indicated that "there is a great deal of variance" in the state response to religious practices, including "whether evangelism is allowed." The Executive Secretary of the Hong Kong Christian Council indicated that because foreign media focus on cases where the government prohibits proselytizing, a "grossly distorted picture" has been created (25 Aug. 2009).

According to the United States (US) Department of State's 2009 *International Religious Freedom Report*, the Chinese "Government permits proselytism in registered places of worship and in private settings, but does not permit it in public, in unregistered places of worship, or by foreigners" (26 Oct. 2009). The report further states that leaders and members of unregistered religious groups "faced criminal and administrative punishments" relating to assembly, travel, publishing and "public proselytizing" (US 26 Oct. 2009, Sec. 2).

China's 2005 Regulations on Religious Affairs addresses registration, education, religious sites and religious personnel, among other subjects, but does not directly address proselytizing (1 Mar. 2005). A 2006 article published in the *Pepperdine Law Review*, titled "Dual Lenses: Using Theology and International Human Rights to Assess China's 2005 Regulations on Religion," suggests that though the regulations do not address evangelism directly, provisions that lack specificity "leave open the possibility that many direct forms of evangelism will be disallowed" (119).

A January 2009 press release published by the China Aid Association (CAA), a US-based non-profit

Christian organization that reports on violations of religious freedom in China (n.d.), indicates that 50 house church Christians were arrested on 3 December 2008 in Henan province, with 20 people sentenced to 15 days of "administrative detention" and charged a fine (11 Jan. 2009). As a result of the December gathering, three "leaders" were given one year sentences of re-education through labour for "'illegal proselytizing'" (CAA 11 Jan. 2009). The CAA press release indicates that the items seized from the house church included proselytizing publications designed for children (ibid.). Sources indicate that China has restrictions on "'instigating' minors to believe in religion or accepting them into a religion" (US 31 Oct. 2008, 75; Christian Solidarity Worldwide June 2008, 3).

The "decision statement" published on the CAA website indicates that the three leaders had the right to "administrative reconsideration" of the re-education through labour decision and could apply for "administrative litigation" at the People's Court (16 Dec. 2008); however, the 11 January 2009 CAA press release indicates that after the leaders were "denied legal appeal," the lawyer representing all three individuals "filed an administrative lawsuit" at the local court and it was refused.

The CAA also published an 8 May 2008 "Advance Notice of Administrative Penalty," which indicated that a pastor organized an "illegal religious gathering" and ordered this individual to "stop all proselytizing activities," according to the provisions of the Regulations on Religious Affairs of Jilin Province (CAA 8 May 2008).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

#### References

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#### Additional Sources Consulted

**Oral sources:** A professor of law at the University of Melbourne and a research fellow at the East Asian Institute did not have information for this Response. World Serve Ministries, Human Rights in China (HRIC), a professor of sociology at the University of California and a professor of political science at Baylor University did not respond within the time constraints of this Response.

**Internet sites, including:** Amity News Service, Centre on Religion and Chinese Society - Purdue University, China Ministries International, Christianity Today, Dui Hua Foundation, East Asian Institute, Forum 18, *The Guardian* [London], Human Rights in China (HRIC), Information Centre for Human Rights and Democracy, Initiatives for China, Laogai Research Foundation, Lawyers Rights Watch Canada, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) - Universal Periodic Review, Radio Free Asia, Social Science Research Network (SSRN), World Serve Ministries, Xinhua News Agency.

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