

ANNEX I

A. FOLLOW-UP TABLE ADDRESSED TO THE CHINESE AUTHORITIES

1. Legislation

Recommendations	Comments and measures
<p>With regard to the right of freedom to manifest one's religion, the Special Rapporteur recommends that amendments be made to the pertinent legal texts, such as article 36 of the Constitution, so as to provide a constitutional guarantee of respect for freedom to manifest one's religion or belief in accordance with article 1, paragraph 1, of the 1981 Declaration.</p>	
<p>With regard to the right of persons under the age of 18 to freedom of belief, the Special Rapporteur recommends that steps be taken to adopt a provision explicitly mentioning this right, so as to ensure the requisite compliance with the Convention on the Rights of the Child, especially article 14.</p>	
<p>The Special Rapporteur recommends the adoption of a text recognizing the right to freedom of belief and freedom to manifest one's belief for all, including members of the Communist Party and other socio-political organizations.</p>	
<p>With reference to places of worship, the Special Rapporteur recommends that the notion of a "fixed place" (para. 2 of decree Number 145) be defined so as to clarify legally the particular terms, conditions and restrictions applying to worship at home. The Special Rapporteur recommends a more precise definition of the criteria for the registration of places of worship, especially the number of believers and the qualifications of members of religious orders.</p>	

Recommendations	Comments and measures
<p>With regard to religious freedom in general, the Special Rapporteur recommends the introduction in the medium term of a law on religious freedom, so as to harmonize all the pertinent legal texts, remedy legal ambiguities and, in keeping with established international standards, overcome the particular fears and sensitivities prompted by the distinction between nationals and foreigners.</p>	

2. Implementation of the legislation and policy in force

Recommendations	Comments and measures
<p>In order gradually to create a new culture among administrative and prison authorities, it is necessary to define the notion of "trespass to the person" expressly as an act committed by a public official, which may be unrelated to the performance of that person's duties or of a public service activity, so that the official has greater personal liability under civil and criminal law for direct and indirect, overt or covert infringements of or interference with religious freedom.</p>	
<p>The flexible approach between normal and abnormal religious activities should be extended so that ultimately the distinction effectively disappears.</p>	
<p>With regard to the alleged arrest or detention of members of religious orders and believers belonging to unofficial religious organizations (including members of sects and Tibetan monks) and restrictions affecting them, the Special Rapporteur reiterates his request that these persons be freed.</p>	

Recommendations	Comments and measures
<p>With regard to Tibet, the Special Rapporteur recommends that the balances and compromises required by social dynamics be reached, so as to avoid the deeply religious being tempted by religious extremism.</p>	
<p>The Special Rapporteur recommends that religious figures who have served their sentences for "counter-revolutionary acts" should no longer be banned from entering places of worship. Furthermore, he recommends that a reasonable balance be worked out between the number of students of religion and the quality, duration and time set aside for their instruction. Likewise, the basically religious function of places of worship and the aim of making them financially independent should be made reasonably compatible.</p>	
<p>The Special Rapporteur wishes to stress the importance of giving State officials and judges adequate human rights training, especially on the subject of religious freedom. He recommends that the technical assistance and advisory services of the Centre for Human Rights should help in this area.</p>	
<p>The Special Rapporteur recommends that the principal texts on religious freedom should be posted in the administrative services concerned. Furthermore, the publication and distribution of a compendium of texts on religious freedom, including implementing instructions, is strongly recommended. The distribution of documentation about human rights to all religious institutions would also be desirable. The Special Rapporteur also recommends that citizens and institutions be informed about appeal procedures available in the event of a refusal to register religious organizations.</p>	

Recommendations	Comments and measures
<p>Education about tolerance and non-discrimination against religion and belief should be considered and introduced as soon as possible, as a way of combating all forms of intolerance and discrimination based on religion and belief. At the same time, the Special Rapporteur urges the creation of universities offering religious instruction as a main or subsidiary subject. More broadly, the Special Rapporteur recommends that a culture of human rights and in particular of tolerance should be spread by promoting the creation of human rights clubs in universities, which would strive chiefly to further the development of tolerance of and non-discrimination against religion and belief.</p>	

B. FOLLOW-UP TABLE ADDRESSED TO THE IRANIAN AUTHORITIES

1. Legislation

Recommendations	Comments and measures
<p>The concept of Islamic criteria as set forth in article 4 of the Constitution should be precisely defined in regulations or legal texts without, however, giving rise to discrimination among citizens.</p>	
<p>Concerning professional access by members of minorities to the army and the judiciary (arts. 104 and 163 of the Constitution), a legislative enactment regulating the Administration in general should prohibit discrimination against any Iranian citizen regardless of, <u>inter alia</u>, his or her beliefs or the community to which he or she belongs.</p>	

ANNEX II

Reply of the Chinese authorities to the follow-up table

The Chinese Government attaches great importance to the work of the Special Rapporteur on the question of religious intolerance. It has made a careful and detailed study of the recommendations which he made after his stay in China. The Chinese Government wishes to reply as follows:

A. Question of legislation

1. Amendment of the constitutional provisions relating to freedom of religion. Article 36 of the Chinese Constitution provides:

"Citizens of the People's Republic of China shall enjoy freedom of religion and belief. No public body, social group or private individual may compel a citizen to practise or not to practise a religion or discriminate against a citizen who practises or does not practice a religion. The State shall protect normal religious activities. No one may, in practising a religion, engage in activities which endanger public order or the health of citizens or interfere with the system of public education. Religious groups and religious affairs may not be subject to any foreign authority."

The Chinese Government believes that this provision guarantees respect for and the protection of freedom of religion and belief and, in particular, protects the right to profess a religion or belief and to engage in normal religious activities, in keeping with the spirit of article 1 of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

2. Adoption of a legal provision explicitly mentioning the freedom of religion of persons under the age of 18. The provisions of the Chinese Constitution and other legislative texts relating to freedom of religion and belief apply to all Chinese citizens, including persons under the age of 18.

3. Adoption of a law recognizing freedom of religion and belief for all, including members of the Chinese Communist Party. The Chinese Constitution provides that citizens of the People's Republic of China shall enjoy freedom of religion and belief. This freedom encompasses both the right to have a religion and the right not to have one. This basic right, as guaranteed by the Constitution, applies to all Chinese citizens. The Chinese Communist Party is a grouping that professes the theory of materialism. By voluntarily joining the Party, citizens attest that in matters of belief they choose materialism, that is, atheism and not theism. The fact that Communist Party members do not believe in religion does not contradict the principle of freedom of religion and belief. Any member of the Party is free to leave it if he no longer believes in Marxism and starts to practise a religion. State law fully guarantees the right of citizens to choose whether to have a religion or not.

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4. Clarification of the definition of "place of worship" as referred to in paragraph 2 of Decree No. 145 of the State Council. Pursuant to the "Places of worship regime", namely, Decree No. 145, promulgated by the State Council in January 1994, the Council's Office of Religious Affairs drew up and issued, in April of that year, procedures for the registration of places of worship that explicitly set out the conditions that places of worship must meet in order to be recognized as such, namely: (a) the place must be a fixed place and have a name; (b) believers must go there frequently to participate in religious activities; (c) believers must have set up a governing body; (d) religious activities must be conducted by members of religious orders or by some other person designated to that end by the rules of the religion in question; (e) the place must be subject to a set of rules; (f) the place must be supported from the proceeds of a legitimate source of income. There are no provisions regarding the number of believers; the members of religious orders or persons who conduct religious activities are chosen by each religious order according to its own rules and customs.

5. Introduction in the near future of a law on freedom of religion in keeping with established international norms. Since 1982, the legislative branch has been planning to introduce a basic law on religions. The views of various interested parties on this point have been sought: religious figures, academics, jurists and the civil service. The Constitution is the fundamental law of China and is the basis for all other laws and regulations. With a view to gradually improving the regime applicable to religious affairs, China is continuing to debate legislative and regulatory texts and to draft them in accordance with its Constitution and in the light of the experience of other countries which have legislation in this area.

B. Implementation of the legislation and policy in force

1. Question of the aggravated personal liability under civil and criminal law of State officials who violate freedom of religion. Article 147 of the Penal Code of the People's Republic of China provides:

"Any State official who illegally deprives citizens of their legitimate freedom of religion or violates the customs and habits of minority ethnic groups shall be subject, in the case of a serious offence, to a mandatory sentence of imprisonment or penal detention of up to two years."

According to this provision, public officials who violate citizens' freedom of religion are personally liable for the violation.

2. Distinction between "normal" and "abnormal" religious activities. Religious activities corresponding to rites practised either in a place of worship or at the home of a believer, depending on the religious custom, are considered "normal" activities and are accordingly protected by law. The Government believes, however, that normal religious activities should be clearly distinguished from all the superstitious activities that do not constitute a religious activity and that are detrimental to the interests of the State and to the well-being and property of the people, and from illegal activities that conflict with the provisions of the Constitution or the laws in force. The

State protects normal religious activities and prohibits any action which, masquerading as religion, disturbs public order, endangers the health of citizens or interferes with the functioning of the national education system. Persons who commit crimes under cover of religion are subject to investigation and indictment in accordance with the law.

3. Alleged arrests or detention of members of religious orders and believers belonging to unofficial religious organizations. China is a State governed by the rule of law. Chinese law protects freedom of religion and no one may be arrested or detained for his religious beliefs. Believers and non-believers are equal before the law. In the punishment of criminals, Chinese courts act according to the law, whether the persons concerned are believers or not and whether or not they practise a religion of any kind. Believers, including clergy, are punished if they carry on illegal activities that have nothing to do with religion or if they commit crimes under cover of religion. In present-day society, there is no country whose law blindly protects citizens who carry on criminal activities simply on the pretext of practising their religion.

4. Banning religious figures who have served sentences for "counter-revolutionary activities" from entering places of worship. The Chinese Government imposes no restrictions that would have the effect of preventing religious figures from entering places of worship, and it has never prohibited convicts who have served their sentence from entering places of worship. However, some religious organizations, out of concern for their prestige and their reputation, decide that anyone who has been convicted of breaking the law automatically loses his religious status and that the competent religious bodies must review and attest to the fact that he has been rehabilitated after having served his sentence.

As regards the quality of religious education, all religious organizations attach importance to the teaching of religion and to raising the educational level of their followers. All educational institutions with religious affiliations determine the duration of their students' religious studies. This varies from a period of two to three years to a period of four to six years. Short-term training courses are also offered.

5. Posting, publication and distribution of texts on freedom of religion. The Chinese Government attaches great importance to the publicity that must be given to laws, regulations and policies concerning freedom of religion. For instance, the People's Daily, the most widely read daily newspaper in the country, published in extenso the two administrative regulations adopted by the State Council in 1994. The Council's Office of Religious Affairs also published 70,000 copies of the two texts. In collaboration with the review Legal System, the Office also writes a specialized column in the People's Daily and in one year published more than 50 essays familiarizing readers with the regulations and discussing their implementation. The Policies and Regulations Department of the Office of Religious Affairs of the State Council has, with the help of the ministerial services concerned, compiled and published a selection of documents on religion, comprising texts published in earlier years. Throughout the country, local authorities also distribute the texts of laws and policies and publicize legal provisions. The Government intends to continue such activities in order to increase familiarity with the laws and policies in force concerning freedom of religion.