

Ban on minors entering places of worship.

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In recent years, reports have appeared periodically in the Western press concerning regulations issued in China prohibiting minors from entering places of worship and participating in religious activities.

In this regard, the Constitution¹, the Education Law², the Law on the Protection of Minors³, the Law on the Prevention of Juvenile Delinquency⁴ and the Regulations on Religious Affairs⁵ are frequently cited.

However, based on an analysis of the legislation currently in force in China⁶, no law or regulation introducing such a ban can actually be found⁷.

Article 36 of the Constitution states in its first paragraph that “Citizens have freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in or refrain from believing in any religion”, and adds, in the second paragraph, that “the State protects “normal” religious activities. No one may use religion to disrupt social order, harm the physical health of citizens or obstruct the national education system”.

The issue therefore arises regarding the distinction between ‘normal’ religions and those deemed unlawful under Chinese law.

Furthermore, Article 8 of the *Education Law*, echoing Article 36 of the Constitution and Article 4 of the *Regulations on Religious Affairs*, reiterates that “Educational activities must be in accordance with the interests of the State and the public. The State implements the separation of education and religion. No organisation or individual may use religion to carry out activities that hinder the state education system”.

Article 3 of the *Law on the Protection of Minors* also stipulates that “the State guarantees minors the right to survival, development, protection and participation. Children enjoy all rights equally under the law and must not be discriminated against on the basis of their own ethnicity, race, sex, place of residence, occupation, religious beliefs, etc., or those of their parents or other guardians”.

¹ https://english.www.gov.cn/archive/lawsregulations/201911/20/content_WS5ed8856ec6d0b3f0e9499913.html

² <https://www.waizi.org.cn/doc/111308.html>

³ http://www.cqjcy.gov.cn/sify/qsnwqg/202412/t20241210_6757217.shtml

⁴ https://www.spp.gov.cn/spp/fl/202012/t20201227_503679.shtml

⁵ <https://bwc.ccnu.edu.cn/68/45/c13378a157765/page.htm>

⁶ See MARIA D’ARIENZO, *The Sovereignty of the Holy See and the Universal Catholic Church*, in LIU PENG – STEFANO TESTA BAPPENHEIM (eds.), *Religious Law and Canon Law*, Hong Kong, 2025, pp. 355 ff.; JUAN IGNACIO ARRIETA, *The Autonomy of Local Churches in the New Apostolic Constitution on the Roman Curia*, *ibid.*, pp. 19 ff.

⁷ STEFANO TESTA BAPPENHEIM, *Nuove normative dell’ordinamento cinese relative a tutte le confessioni religiose, con particolare attenzione ai rapporti tra RPC e Chiesa cattolica*, in *qdpe*, 2024, pp. 389 ss.

Article 17 of the same Act, furthermore, draws a distinction between religions authorised by the Government and superstitious beliefs or sects.

Furthermore, Article 28 of the *Law on the Prevention of Juvenile Delinquency*⁸ prohibits minors from participating in feudal or superstitious cults, and the distinction between recognised and unrecognised cults—the latter being considered detrimental to the dignity of the child—is evident here.

Finally, Articles 2 and 4 of the *Regulations on Religious Affairs* (in force in China since 1 February 2018) continue to adhere to, and reaffirm, the provisions of Article 36 of the Constitution, which states that “No organization or individual may compel citizens to believe in or not to believe in a religion” and “No organization or individual may use religion to obstruct the national education system”.

However, none of the 77 articles of the Regulations explicitly or directly states that “minors” are “prohibited from entering places of worship”.

Finally, the Chinese Criminal Code punishes state officials who unlawfully deprive citizens of their legitimate freedom of religious belief or violate the customs and traditions of ethnic minorities with imprisonment of up to two years.

Since 2010, however, this ban – which is based on a broad interpretation of the principle of the separation of education and religion – has emerged and appeared in various administrative acts issued by certain local governments, departments of the United Front and local religious affairs offices; this is a de facto administrative practice that is certainly real, but not widespread, and which in any case is not based on specific legislation, but rather goes beyond the limits set by current Chinese law.

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⁸ https://www.spp.gov.cn/spp/fl/202012/t20201227_503679.shtml