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China



Update

During the annual “Two Sessions” (the National People’s Congress and Chinese People’s Political Consultative Conference) held on March 5-11, 2024, NGO advocacy focused narrowly on the major priorities promoted by the Chinese party-state over the last few years, including environmental protection and biodiversity, rural revitalization, child protection and welfare, and elder care.

Introduction

Civil society and its accompanying legal framework have become considerably more complex in China in recent years. The range of nonprofit, philanthropic and other social organizations (hereafter, civil society organizations or CSOs) has expanded rapidly, as have their fields of activity

and their partnerships with the government and business sectors. CSOs of various kinds are moving gradually from the margins of society into the mainstream.

For years, management of the emerging civil society sector by Communist Party and state agencies remained restrictive but also unable to keep up with the growth of CSOs. As Yu Keping, a well-known scholar who has written extensively on civil society, points out, the actual space for CSOs in China is much larger than the institutional space allowed by formal laws and regulations [1]. Many CSOs in this space are managed in a considerably less intrusive way than others. These include a large number of organizations that provide social services or conduct other work that the state supports and that are not perceived as threats to the state. But groups engaged in advocacy, legal aid, labor rights and religion are often more closely monitored by Party and state authorities. Over the years, a number of organizations have been harassed and even closed down, and many civil society activists (including lawyers, journalists, academics, bloggers) have been detained, tried and imprisoned for their peaceful activities.

The legal framework reflecting this highly differentiated process of state control – in which some organizations are supported and facilitated and others are repressed – has its origins in China's 1982 Constitution and in an array of regulatory documents promulgated and enacted since the late 1980s. These regulations govern the full range of legally-registered non-profits which the Chinese refer to generically as “social organizations” (shehui zuzhi, 社会组织). In an effort to improve its regulatory capacity and coordination with CSOs, the government has since the late 2000s begun to revise the legal framework governing CSOs, fundraising and charitable donations, and worked with local governments to carry out experiments in these areas that will inform national legislation. It has also made “social management innovation” [shehui guanli chuangxin] a focal point of its 12th Five Year Plan (2011 – 2015). “Social management innovation” here refers to improving the party-state's ability to manage and coordinate with a range of CSOs and other non-state actors to address common goals. From 2009 to 2013, there was a flurry of activity among local governments across China to “innovate” by lowering barriers to CSO registration, contracting social services to CSOs, building programs and platforms to coordinate, support and incubate CSOs, and creating more detailed regulations and standards to guide the development of the CSO sector.

The administration of Xi Jinping, who became president of China in March of 2013, reaffirmed these reforms in the important November 2013 Third Plenum Decision of the 18th Central Committee. Instead of “social management innovation”, the Decision used the term “social governance,” which was seen as a favorable sign because it emphasized the state's partnership with CSOs in governing, rather than its management of CSOs. Months before the Decision came out, however, the new administration had already embarked on a sustained clampdown on certain elements of China's civil society. This move sent a signal that any reforms were intended to apply to certain categories of CSOs, such as charitable organizations, social service organizations, and economic and trade associations, but not necessarily to civil society actors engaged in advocacy, ethnic minority affairs, religion and other more sensitive areas.

Taken together with other policy statements and actions, these seemingly contradictory initiatives can be seen as part and parcel of a broader effort to strengthen the party-state's legitimacy with the masses. Thus, the Xi administration is also launching an unprecedented anti-corruption campaign that has ensnared many high-level leaders, a campaign to encourage ideological orthodoxy in state agencies, universities, the media and the blogosphere, and a rule-of-law campaign emphasizing greater adherence to rules both inside and outside of the Party. These campaigns are overlaid with a veneer of nationalism that stresses the importance of national sovereignty and security and reflects both China's growing power in the world and its growing insecurity as it faces more “mass incidents” inside its borders and renewed territorial challenges on its periphery in places like Xinjiang, Tibet, the South China Seas and Hong Kong.

Chinese CSOs, therefore, have been caught up in the larger struggle by the Xi administration to craft a stronger party and a stronger China. These developments constitute a major top-down effort by the party-state to mold a “civil society with Chinese characteristics” in its own image in opposition to what the government perceives as Western-style individual freedoms and rights. These efforts to remake China's civil society are reflected in the roll-out of the Charity Law, the

Overseas NGO Law, and a unified Regulation for the Registration and Management of Social Organizations. This regulatory “Great Leap Forward” constitutes the biggest legislative development in the history of the not-for-profit sector in the PRC. These legislative developments have been complemented by the efforts of government from the central to the community levels to direct substantial resources to funding and building the capacity of CSOs working in the priority areas of poverty alleviation, education, disaster relief, child and elder care, and community services.

In sum, the last five years starting from 2016 represent perhaps the most important turning point for civil society in China since the 1989 democracy movement. This period has seen an unprecedented cascade of top-down policy and regulatory initiatives aimed at remaking the social organization sector. The year 2016 was the year that the “future started” for civil society in terms of how it would be envisioned and shaped by China’s party-state. Since then, analysts have tried to make sense of that future. Most have taken a wait-and-see attitude, but others have put forth a more pessimistic outlook and some continue to argue there is space for civil society to operate. While there may still be room for debate about how civil society will survive and evolve in this difficult environment, there should be little doubt now about what the future looks like in the eyes of China’s party-state. One only has to read the 14th Five Year Plan (FYP) for the Development of Social Organizations to know.

[1] Yu Keping, “Civil Society in China: Concepts, Classification and Institutional Environment” in Deng Zhenglai, ed., *State and Civil Society: The Chinese Perspective* (Singapore: World Scientific, 2011)

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At a Glance

Organizational Forms	Social Associations (SAs, shehui tuanti), which are the equivalent of membership associations; Social Service Organizations (SSOs, shehui fuwu jigou, formerly known as Civil Non-Enterprise Institutions or minban fei qiye danwei); and Foundations (jijinhui). In addition, there are many different types of informal CSOs: those registered as businesses; those attached to a legal organization; small community-based organizations; rural cooperatives; religious organizations; and networks.
Registration Body	Ministry of Civil Affairs and local Civil Affairs Bureaus (for social organizations) and Provincial Public Security Departments (for overseas NGOs)
Barriers to Entry	1. System of “dual registration” for all social organizations (<i>according to a 2018 draft Regulation for Registration and Management of Social Organizations that has yet to be approved, dual registration will no longer be required for most foundations or for four categories of SAs and SSOs: (a) Industry or trade associations and chambers of commerce, which only applies to SAs; (b) Science and technology organizations that engage in academic research and exchange activities in the fields of natural sciences and engineering; (c) Public benefit and charitable organizations providing services</i>

	<i>such as poverty alleviation, emergency assistance, elder care, assistance to persons with disabilities, disaster relief, health care, and education; and (d) Urban and rural community service organizations that carry out activities to meet the needs of urban and rural community residents.)</i> 2. Extensive legal compliance and documentation requirements; 3. New requirements for Communist Party supervision in social organizations; 4. Broad informal prohibitions on fields of activity such as advocacy, labor, gender and sexuality, religion, and ethnic minority affairs; 5. Extensive discretion to deny registration.
Barriers to Activities	1. All foreign NGO activities in China must be filed with the Public Security office for compliance with the Overseas NGO Law 2. Broad government discretion to intervene in internal affairs of the organization; 3. Burdensome reporting requirements; 4. Invasive government monitoring and inspections.
Barriers to Speech and/or Advocacy	The Government has discretion to limit speech and advocacy for specific organizations and types of organizations and for specific cases that might be seen to negatively impact national security.
Barriers to International Contact	The Overseas NGO Law raises the barriers for NGOs legally registered outside of mainland China seeking to carry out activities in China. Chinese organizations are often required to report international contacts to authorities and must seek approval for visits, international cooperation, foreign donations, etc. Chinese organizations, particularly NGOs, that collaborate or receive funding from foreign organizations are monitored closely and sometimes harassed.
Barriers to Resources	With the passage of the Charity Law and Overseas NGO Law, a clear distinction can be made between domestic and foreign resources. The Overseas NGO Law raises barriers for Chinese organizations (particularly unregistered grassroots groups) seeking foreign funding and collaboration. On the other hand, the Charity Law and the revised registration and management regulations for Foundations and other social organizations makes it somewhat easier for registered Chinese nonprofits to access domestic resources by lowering barriers to fundraising and provide greater tax incentives for donations to public benefit and charitable organizations and activities. Unregistered Chinese groups face increasing difficulty accessing both domestic and international resources.
Barriers to Assembly	Assembly Law and Implementing Measures contain vague and restrictive provisions; 5 days advance notification requirement; spontaneous assemblies not permitted; onerous obligations and liabilities on organizers; excessive time, place, and manner restrictions.

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Key Indicators

Population	1,412,175,000 (2022 est.)
Capital	Beijing
Type of Government	One-Party State
Life Expectancy at Birth	Male: 76 years (2022 est.) Female: 81 years (2022 est.)
Literacy Rate	Male: 98.6% (2020 est.) Female: 95.6% (2020 est.)
Religious Groups	Buddhist 16-18.2%, Christian 5.1-7.4%, Muslim 1.7-1.8%, folk religion 21.9-34%, Hindu < .1%, Jewish < .1%, other 0.7% (includes Daoist (Taoist)), unaffiliated 40-52.2% note: agnostic and atheist (2022 est.)
Ethnic Groups	Han Chinese 91.6%, Zhuang 1.3%, other (includes Hui, Manchu, Uighur, Miao, Yi, Tujia, Tibetan, Mongol, Dong, Buyei, Yao, Bai, Korean, Hani, Li, Kazakh, Dai and other nationalities) 7.1% note: the Chinese government officially recognizes 56 ethnic groups (2010 est.)
GDP per capita	\$22,449 (2022 est., PPP)

Sources: World Bank; The World Factbook. Washington, DC: Central Intelligence Agency; U.S. State Department 2022 Report on International Religious Freedom: China

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International Rankings

Ranking Body	Rank	Ranking Scale (best – worst possible)
UN Human Development Index	75 (2023)	1 – 193
World Justice Project Rule of Law Index	97 (2023)	1 – 142
Transparency International	76 (2023)	1 – 180
Foreign Policy: Fragile States Index	101 (2023)	179 – 1

Freedom House: Freedom in the World	Status: Not Free Political Rights: -2 Civil Liberties: 11 (2024)	Free/Partly Free/Not Free 0 – 40 0 – 60
Civicus: People Power	Status: Closed (2021)	closed, repressed, obstructed, narrowed or open

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Legal Snapshot

International and Regional Human Rights Agreements

Key International Agreements	Ratification*	Year
International Covenant on Civil and Political Rights (ICCPR)	No	—
Optional Protocol to ICCPR (ICCPR-OP1)	No	—
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	Yes	2001
Optional Protocol to ICESCR (OP-ICESCR)	No	—
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Yes	1981
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Yes	1980
Optional Protocol to the Convention on the Elimination of Discrimination Against Women	No	—
Convention on the Rights of the Child (CRC)	Yes	1992
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)	No	—
Convention on the Rights of Persons with Disabilities (CRPD)	Yes	2008

* Category includes ratification, accession, or succession to the treaty

Constitutional Framework

[The Constitution of the People's Republic of China](#) (1982, as amended) includes the following relevant provisions which relate to the nonprofit, charitable and philanthropic sector:

Article 1

The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants.
The socialist system is the basic system of the People's Republic of China. Disruption of the socialist system by any organization or individual is prohibited.

Article 2

All power in the People's Republic of China belongs to the people.
The National People's Congress and the local people's congresses at various levels are the organs through which the people exercise state power.
The people administer state affairs and manage economic, cultural and social affairs through various channels and in various ways in accordance with the law.

Article 5

The People's Republic of China governs the country according to law and makes it a socialist country ruled by law.
The state upholds the uniformity and dignity of the socialist legal system.
No laws or administrative or local rules and regulations may contravene the Constitution.
All state organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law. All acts in violation of the Constitution or the law must be investigated.
No organization or individual is privileged to be beyond the Constitution or the law.

Article 28

The state maintains public order and suppresses treasonable and other criminal activities that endanger state security; it penalizes criminal activities that endanger public security and disrupt the socialist economy, as well as other criminal activities; and it punishes and reforms criminals.

Article 33

All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.
All citizens of the People's Republic of China are equal before the law.
The state respects and guarantees human rights.
Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and the law.

Article 35

Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

Article 36

Citizens of the People's Republic of China enjoy freedom of religious belief.
No state organ, public 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, or do not believe in, any religion.
The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state.
Religious bodies and religious affairs are not subject to any foreign domination.

Article 50

The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.

Article 51

Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the state, of society or of the collective, or upon the lawful freedoms and rights of other citizens.

Article 52

It is the duty of citizens of the People's Republic of China to safeguard the unification of the country and the unity of all its ethnic groups.

Article 53

Citizens of the People's Republic of China must abide by the Constitution and the law, keep state secrets, protect public property, observe labor discipline and public order and respect social ethics.

Article 54

It is the duty of citizens of the People's Republic of China to safeguard the security, honor and interests of the motherland; they must not commit acts detrimental to the security, honor and interests of the motherland.

National Laws and Regulations Affecting Sector

Many of the key national laws and regulations affecting the sector are as follows, although this list is not exhaustive. For additional information, see [Ministry of Civil Affairs](#) and [U.S. International Grantmaking](#).

- [Constitution of the People's Republic of China](#) (1982, as amended, see selected provisions above)
- Law of the Red Cross Society of the People's Republic of China (adopted by the Standing Committee of the National People's Congress, October 31, 1993)
- Regulations on the Registration and Management of Social Organizations (adopted by the State Council October 25, 1998, currently in revision)
- [Interim Regulations on the Registration and Administration of Civil Non-Enterprise Institutions](#) (adopted by the State Council October 25, 1998)
- [Interim Regulations on the Registration and Administration of Public Institutions](#) (adopted by the State Council October 25, 1998)
- [Public Welfare Donations Law](#) (adopted by the Standing Committee of the National People's Congress June 28, 1999)
- Law of the People's Republic of China on Individual Income Tax and Detailed Rules for the Implementation of the Individual Income Tax Law of the People's Republic of China (as enacted in 1999 and later amended)
- Provisional Measures Regarding the Management of Social Welfare Organizations (issued by the Ministry of Civil Affairs, April 10, 2000)
- [Trust Law of People's Republic of China](#) (adopted by the Standing Committee of the Ninth National People's Congress April 28, 2001)
- Non-State Education Promotion Law of the People's Republic of China (adopted by the Standing Committee of the Ninth National People's Congress December 28, 2002)
- Circular of the Ministry of Finance on the Relevant Issues Concerning the Preferential Taxation Policies for the Poverty-Relief and Charity Donation Materials Imported for the Purpose of School Education. (issued by the Ministry of Finance, March 10, 2003)
- Regulations on the Management of Foundations (adopted by the State Council March 8, 2004, currently in revision)
- Regulations on the Administration of Names of Foundations (issued by the Ministry of Civil Affairs June 23, 2004)
- Accounting System for Nonprofit Organizations (issued by the Ministry of Finance September 2004)
- Reply of the State Administration of Taxation on Tax Exemption of 33 Permanent Representative Offices of Foreign Enterprises, such as the Beijing Representative Office of the Ford Foundation (issued by the State Administration of Taxation June 11, 2004)

- Measures for the Information Disclosure of Foundations and Measures for Annual Inspection of Foundations (issued by the Ministry of Civil Affairs January 12, 2006)
- [Enterprise Income Tax Law of the People's Republic of China](#); Provisional Regulations of the People's Republic of China on Enterprise Income Tax and Detailed Rules for the Implementation of the Provisional Regulations of the People's Republic of China on Enterprise Income Tax (as enacted in 2007 and as amended)
- Notice of the State Administration of Foreign Exchange on Issues concerning the Administration of Foreign Exchange Donated to or by Domestic Institutions (issued by the State Administration of Foreign Exchange December 25, 2009): [English translation](#)
- [National Security Law](#)(adopted in July 2015)
- [Counterterrorism Law](#)(反恐怖主义法, sometimes translated as the Anti-Terrorism or Counterespionage Law) (approved December 2015 and went into effect on January 1, 2016)
- Charity Law (慈善法) (promulgated March 16, 2016 , goes into effect on September 1, 2016): [English translation](#)
- Law on the Management of Overseas NGOs' Activities in Mainland China, (境外非政府组织境内活动管理法) (promulgated April 28, 2016, goes into effect on January 1, 2017): [English Translation](#); [Official Chinese Version](#)
- [Trial Regulations on Admonishment Meetings for Social Organizations by Registration Management Organs and Administrative Law Enforcement](#)(March 16, 2016) (社会组织登记管理机关行政执法约谈工作规定 (试行))
- [Trial Notice on Registration Management Organs' Acceptance of Complaints and Reports about Social Organizations](#)(August 15, 2016) (社会组织登记管理机关受理投诉举报办法 (试行))
- [Central Committee and State Council Opinion on the Reform of the Social Organization Management System and Promotion of the Healthy and Orderly Development of Social Organizations](#) (August 2016) (Original in Chinese; Original in English) (关于改革社会组织管理制度促进社会组织健康有序发展的意见)
- [Measures for the Designation of Charitable Organizations](#)(September 1, 2016) (慈善组织认定办法)
- [Measures on the Administration of Public Fundraising by Charitable Organizations](#)(September 1, 2016) (慈善组织公开募捐管理办法)
- [Notice on Social Organizations Initiating Party Construction Work During Registration](#)(September 18, 2016) (民政部关于社会组织成立登记时同步开展党建工作有关问题的通知)
- Regulation on the Annual Expenditures and Management Expenses of Charitable Organizations Carrying Out Charitable Activities (慈善组织开展慈善活动年度支出和管理费用的规定) (October 2016): [English Translation](#)
- Measure for the Management of Charitable Trusts (慈善信托管理办法) (July 2017): [Chinese](#)
- Volunteer Service Regulations (志愿服务条例), August 22, 2017 ([original in Chinese](#)), which China's first-ever regulation governing volunteers.
- Regulation on Social Organisation Credit Information Management (社会组织信用信息管理办法). (January 24, 2018): [Chinese](#); [English Translation](#)
- [Measure for Charitable Organizations' Information Disclosure](#)(慈善组织信息公开办法) (August 6, 2018): [English Translation](#)
- [Provisional Measures for Investment Activities of Charitable Organizations for Capital Preservation and Appreciation](#)(慈善组织保值增值投资活动管理暂行办法) (October 25, 2018): [Chinese](#)
- *Measure on Management of Government Procurement of Services*, January 3, 2020 ([Original in Chinese](#)) regulates government procurement of services from enterprises and social organizations.
- Announcement on Matters Concerning the Pre-tax Deduction of Public Welfare Donations 《关于公益性捐赠税前扣除有关事项的公告》 (May 21, 2020): [Chinese](#)

- Notice on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations, March 20, 2021 ([original in Chinese](#), [English translation](#))
- Provisions on the Administrative Punishment Procedures of the Registration and Management Organs of Domestic Social Organizations, September 17, 2021 ([original in Chinese](#))
- 14th Five Year Plan for the Development of Social Organizations, October 8, 2021 ([original in Chinese](#)), which is the first time the Ministry of Civil Affairs has issued a Five Year Plan (2021-25) for social organizations.
- Regulations on the Management of the Evaluation of Domestic Social Organizations, December 2, 2021 ([original in Chinese](#), [English translation](#)), which includes Ministry of Civil Affairs regulations for standardizing the management of the evaluation process for Chinese social organizations.
- Charity Law (慈善法) (2023 Amendment), promulgated on December 29, 2023 and entering into force on September 5, 2024 ([bilingual version](#))

In addition to the laws above that directly regulate the sector, there are a number of other laws and regulations in other sectors that are relevant because they were drafted with input from civil society groups and have important implications for civil society groups. Below are two recent examples:

The [Anti-Domestic Violence Law](#) (反家庭暴力法, also translated as the Domestic Violence Law) was approved by the NPC Standing Committee in July 2015—the same session in which the National Security Law was approved—and went into effect on March 1, 2016. The law is one of the few pieces of legislation in which we can see the contribution of civil society groups, which have pushed for this law for the last decade. It has been in development for years and its passage makes an issue that was long viewed as a private matter a responsibility of the state.

An Environmental Law was approved by the 12th NPC on April 24, 2014 and took effect in 2015. It lowered the barrier for NGOs to file public interest lawsuits. A previous draft had only allowed a few NGOs to file public interest lawsuits, but the final draft contained more liberal language that allowed any NGO registered with Civil Affairs at the city level or above to file a public interest lawsuit. That interpretation was later [affirmed by the Supreme People's Court](#). Soon after the Environmental Law went into effect, two well-known grassroots environmental NGOs [filed a public interest lawsuit in Nanping city](#), suing four individuals for harmful mining activities in the area. That lawsuit was accepted by the Nanping Intermediate Court on January 1, 2015.

(Note: English-language translations of these laws can be found either on [ChinaLawTranslate](#) or [China Development Brief's website](#)).

Pending NGO Legislative / Regulatory Initiatives

1. Draft Regulation for Registration and Management of Social Organizations ([Original in Chinese](#); [English Translation](#))

In June and September 2016, draft regulations governing the registration and management of the three different types of social organizations – Social Associations (SAs), Social Service Organizations (SSOs) and Foundations – were issued for public comment. These draft regulations were revisions of three earlier regulations that formed the heart of the regulatory system governing China's social organizations: the “Regulations for the Registration and Management of Social Groups”, which were issued on October 25, 1998; the “Provisional Regulations on the Registration and Management of Civil Non-enterprise Units”, which were issued on October 25, 1998; and the “Foundation Management Regulations”, which were issued on March 8, 2004. They specify which government bodies are responsible for their registration and management, the registration requirements and procedures, the internal governance of the organization, their legal responsibilities, and so on.

It has been well over 10 years since any of these regulations have been revised, and many experts have been expecting them to be revised, particularly after the passage of the Charity Law. Yet the draft regulations issued in 2016 for public comment were pending for more than two years and never appeared in their final form. The mystery came to an end in August of 2018 when the Ministry of Civil Affairs issued a single draft regulation that combined all three of the earlier regulations into one for public comment.

This draft regulation has attracted quite a bit of attention among academics, practitioners and commentators because of its importance. While the regulation preserved parts of the 2016 revisions, such as allowing four categories of social organizations to register directly without a PSU, other parts of the regulation were criticized for defining “charity” and “public welfare” too narrowly, for prohibiting social organizations from engaging in “for-profit, business activities”, and for not lowering some of the registration requirements to make it easier for smaller, community foundations to register. Some experts have noted that the Ministry of Civil Affairs only gave less than 30 days for the public to send in comments. They therefore called for the public comment period to be lengthened given the importance of this regulation.

Finally, the draft regulation includes articles on the need for social organizations to establish Communist Party organizations and carry out Party activities. Social organizations are required to prepare the conditions and provide a workplan for setting up such Party Organizations. None of this language requiring Party organizations was in the Charity Law or in the previous social organization regulations.

2. Draft Regulation for Registration and Management of Social Organizations

[Recent news articles](#) suggest that the draft *Regulation for Registration and Management of Social Organizations* has been delayed. It has been nearly three years since the Regulation was issued by the Ministry of Civil Affairs in August 2018 for public comment, and it is not clear why there is a delay, except for the news articles themselves and recent policy documents, such as the Notice on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations (March 20, 2021) ([original in Chinese](#), [English translation](#)). They suggest the political forces favor greater supervision and control of social organizations to make it more difficult for them to register. The news articles further suggest a bureaucratic reason for the delay, revealing for the first time that the Ministry of Civil Affairs is cooperating with the Ministry of Justice in drafting the Regulation. In the past, the Ministry of Civil Affairs drafted these regulations, so it is unclear why the Ministry of Justice is now involved or what it means for the content of the Regulation.

3. Amended Charity Law

China’s amended Charity Law, which will enter into force on September 5, 2024, includes a new chapter on the role of charitable organizations in responding to emergencies, such as the COVID-19 pandemic, and provides more guidance and standards for online charitable fundraising platforms as well as charitable trusts, both of which have grown rapidly in recent years. In line with recent high-level policy directives emphasizing the leadership role of the Communist Party in all walks of life, the law stipulates that charity work comes under the leadership of the Communist Party. Some key changes in the amended law include: 1) requiring disclosure of fundraising costs and details of collaboration with overseas entities in their annual filings to the government; 2) strengthening punishments for illegal activities, such as embezzlement or misappropriation of charitable assets; and 3) increasing oversight of collaboration between fundraising platforms authorized to carry out public fundraising with charitable organizations or individuals that lack public fundraising qualifications. Collaborative fundraising was a popular way for grassroots groups that were either unregistered or had not applied for public fundraising authorization to raise funds online from the public. As a result, this last change may make it even more challenging for groups working on sensitive topics to raise funds.

These changes generally contravene the recommendations made by more independent NGOs, such as Zhicheng Public Interest Law, to give charitable organizations more autonomy, remove limits on

spending and management fees, and simplify the process for non-profit organizations to gain charitable organization status (see the News Items section below in this report for additional details). The growth of charitable organizations (non-profits that have applied for and received charitable status) has been slower than expected since the Charity Law went into effect in 2016 due in large part to onerous regulatory requirements, and it is unclear if these amendments will do much to address this problem. Some barriers were lowered, but the additional regulatory requirements may continue to deter nonprofits from applying for charitable organization status.

For a fuller discussion of the Charity Law and its implementing regulations, see [ICNL's Philanthropy Law Report](#) and accompanying resources which include FAQs about the Charity Law. For a more detailed discussion of the ONGO Law, see [ICNL's Philanthropy Law Report](#) and accompanying resources which include FAQs about the ONGO Law.

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Legal Analysis

Organizational Forms

There are three main legal forms of Social Organizations (the official Chinese term for not-for-profit organizations) in China:

- Social Associations (SAs) (shehui tuanti, 社会团体) – these are generally membership associations
- Social Service Organizations (SSOs) (shehui fuwu jigou, 社会服务机构) (formerly Civil Non-enterprise Institutions (CNIs) (*minban fei qiye danwei*, 民办非企业))
- Foundations (*jijinhui*, 基金会)

The number of Social Organizations at the end of 2023 was 881,617, of which 373,000 were SAs, 499,00 were SSOs, and 9,617 were foundations. These numbers are consistent with a slight decline in social organizations (with the exception foundations) over the last few years.

In addition to these three legal forms, two legal arrangements for carrying out charitable activities have been created by the Charity Law, which went into effect on September 1, 2016. One is a charitable organization (慈善组织, *cishan zuzhi*) status which is open to “lawfully established nonprofit organizations” whose main purpose is “carrying out charitable activities” and who do not have a “profit making purpose” (Article 8-9). The three types of social organizations can obtain charitable organization status in one of two ways. One is to apply for the status when registering as a social organization. Second, if they have already registered as a social organization, then they can apply for charitable status recognition following procedures in the Measures for the Designation of Charitable Organizations issued in September 2016. By September 2023, there were more than 13,000 organizations that had received charitable organization status.

The second legal arrangement is the charitable trust (慈善信托, *cishan xintuo*). The charitable or public benefit trust was first recognized in the 2001 Trust Law, but that Law did not make clear who the supervisory authorities were and there were no clear tax provisions governing charitable trusts. As a result, very few charitable trusts were established after the Trust Law was passed. The intent of including charitable trusts in the Charity Law is to clarify the management of those trusts and their tax provisions in order to encourage their establishment and use. Article 45 of the Charity Law states that charitable trusts must “file documents for the record” (*bei'an*) with the Civil Affairs authorities in order to be eligible for tax benefits. Charitable trusts in China have grown quickly from 53 in 2019 to 1,184 by the end of 2022 with a net worth of over 5.16 billion yuan (\$767.7 million), according to the China Charitable Trust Development Report 2022.

In addition to these legal forms, there are many informal NPOs registered as for-profit businesses, as well as unregistered NPOs. Some unregistered NPOs gain legal status by attaching themselves to another legal entity, such as a social organization or a “public institution” (see below), including universities and research institutes. NPOs registered as businesses and unregistered NPOs are technically not NPOs in a legal sense, but they are voluntary, nongovernmental, not-for-profit, self-governing organizations in an operational sense. They are mission-driven, not-for-profit organizations founded by and governed by private individuals. Many are funded by foreign governments and embassies, international organizations and foundations, and are required to justify the not-for-profit nature of their activities in their reports to funders. There are no accurate numbers for this category of NPOs, with estimates ranging from a few hundred thousand to a few million. The reason for this wide range is because of differences in how one defines an NPO. Some scholars, for example, come up with such large numbers because they cast a wide net and count Party-controlled mass organizations such as the Communist Youth League and Women’s Federation and their local branches, as well as rural cooperatives.

Together, the legal NPOs and the informal NPOs are the closest equivalent to nongovernmental, not-for-profit organizations. A substantial portion of the legal NPOs – in particular, SAs and Foundations – were either created by the government or have close ties with a particular government agency, and are often referred to as government-organized NGOs (GONGOs). In contrast, the informal NPOs, as a rule, tend to be more grassroots and independent from the state.

A fifth type of organization, the public institution or public service unit (事业单位, *shiye danwei*), is a quasi-governmental agency, generally formed by the government and staffed with government employees. They are a residue of the centrally-planned system set up during the 1950s. Public universities, research institutes, and hospitals fall in this category. They are discussed in this Note because they frequently receive grants from foreign donors and are subject to some of the same tax rules as NPOs. There is a plan to carry out a [reform of public institutions](#) by privatizing a portion of them and turning them into social organizations.

The key registration body for legal NPOs in China is the Ministry of Civil Affairs. In certain cases CSOs may also register and operate as for-profit businesses, and those do so through the State Administration for Industry and Commerce. The only exception to this rule is overseas NPOs, for which the Ministry of Public Security will be the registration body.

A number of scholars thus estimate that informal NPOs outnumber legal NPOs. By January 2021, there were approximately 889,000 legally-registered NPOs, but estimates of the number of informal NPOs run from 1-3 million depending on which types of organizations are counted as NPOs. For discussions of these estimates, see Andrew Watson, “Civil Society in a Transitional State: The Rise of Associations in China,” in Jonathan Unger, ed., *Associations and the Chinese State* (Armonk, NY: M.E. Sharpe, 2008) and Guosheng Deng, “The Hidden Rules Governing China’s Unregistered NGOs: Management and Consequences,” *The China Review*, 10:1 (Spring, 2010). See the ICNL infographic, the [Universe of Chinese NGOs](#), and [graphs](#) showing the growth of Foundations and Social Organizations.

Public Benefit Status

Chinese law distinguishes between NPOs that have a charitable or public benefit purpose and those that serve other purposes. The 2016 Charity Law provides a special designation for charitable organizations and defines the scope of charity or public benefit in China.

Charitable organizations can be existing NPOs such as SAs, SSOs, or Foundations that obtain charitable status. (Implementing regulations currently being drafted may automatically consider Foundations to be charitable organizations, but SAs and SSOs will need to apply separately for charitable status.) Registration as a charitable organization requires applying to the national or local Civil Affairs department. Article 9 of the Charity Law sets out the following requirements that must be met by the applicant:

- (1) Aim to carry out charitable activities;
- (2) Not have the goal of making a profit;
- (3) Have a name and address;
- (4) Have an organizational charter;
- (5) Have necessary financial assets;
- (6) Have an organizational structure and person in charge in accordance with the requirements;
- (7) Meet other conditions stipulated by laws and administrative regulations.

Articles 3-5 of the Charity Law define the scope of charity/public benefit. Specifically:

Article 3. 'Charitable activities' in this law refers to the following public interest activities voluntarily carried out by natural persons, legal persons and other organizations through the donation of property, the provision of services or other means: (1) Helping the poor and the needy; (2) Assisting the elderly, orphans, the ill, the disabled, and providing special care; (3) Alleviating losses incurred by natural disasters, accidents, public health incidents and other emergencies; (4) Promoting the development of education, science, culture, health, sports and other causes; (5) Preventing and alleviating pollution and other public hazards, protecting and improving the environment; (6) Other public interest activities in accordance with this law.

Barriers to Entry

There are extensive barriers to entry based in policy, practice, and regulation. The Charity Law, and the revised drafts of registration and management regulations for social organizations, will lower some of those barriers, for registration and fundraising, but may raise other barriers. The discussion below is based largely on the old regulations and will be subject to revision as the implementing regulations for the Charity Law and the revised registration and management regulations for social organizations are rolled out over the next few years. For more resources for understanding the Charity Law, see [ICNL's Philanthropy Law Report](#) and accompanying resources which include FAQs about the Charity Law.

Registration procedures remain complex and cumbersome, with extensive documentation and approval requirements. Many NPOs are required to operate under a system of "dual management" in which they must generally first obtain the sponsorship of a "professional supervising unit" such as a government ministry or provincial government agency, then seek registration and approval from the Ministry of Civil Affairs in Beijing or a local civil affairs bureau, and remain under the dual control of both agencies throughout their organizational life. In practice, it is not easy to obtain such sponsorship, particularly if a social organization lacks good connections in the government or is operating in sensitive sectors such as advocacy, legal aid, labor, religion and ethnic minority affairs.

Broad prohibition clauses bar the registration of groups that are perceived to oppose the state and/or Party. For example, the following articles of the Charity Law state:

Article 4. Charitable activities shall abide by the principles of being lawful, voluntary, honest, and non-profit, and must not violate social morality, or endanger national security or harm societal public interests or the lawful rights and interests of other persons.

Article 5. The government encourages and supports natural persons, legal persons and other organizations in legally carrying out charitable activities that represent the core values of socialism and promote the traditional morals of the Chinese nation.

Other broad provisions give the state wide discretion over which organizations are allowed to register. But the barriers to entry do not end there. For example, the Regulations on the Registration and Management of Social Associations (1999), the governing document for the largest subsector of Chinese nonprofits, also stipulate that applicant organizations must comply with a wide range of other requirements and undergo a lengthy application and approval process. Such applicants must have at least fifty individual members or thirty institutional members; a fixed location; staff with

qualifications appropriate to the professional activities of the organisation; minimum assets of 100,000 RMB (currently US\$9,500) for national organizations and 30,000 RMB (\$2,800) for local organizations; and must supply the registration and management agency with a wide array of organizational documents. Government agencies may rely on a wide array of reasons to deny registration. Furthermore, the Regulations on the Registration and Management of Social Associations (1999) and the Interim Regulations on the Registration and Administration of Civil Non-Enterprise Institutions (CNIs) (1998) both stipulate that SOs and CNIs cannot establish branch organizations or offices in other regions. The revisions of these regulations that are currently being drafted will relax some of these requirements, but not do away with them completely.

After registration, organizations may seek approval in a separate process for an official seal and to open a bank account. Separate permissions must be sought from the relevant government management agencies to establish a branch or subsidiary of the group; to modify their registration or to amend their charter; to change their legal representative, and for other purposes. The government also has broad discretionary authority to close social organizations according to the Interim Measures for Banning Illegal Non-Governmental Organizations (2000).

In the face of the “dual management” system, the difficulties in negotiating registration and approval, onerous reporting requirements and the opportunity for frequent government intrusion into organizational matters, many Chinese social organizations of various kinds either register as a for-profit business, or operate without formal registration. According to the Interim Measures for Banning Illegal Non-Governmental Organizations, these informal nonprofits are formally illegal, making them even more subject to state discretion and control.

Over the last few years, local governments have been experimenting with reforms to lower barriers to entry by reforming the dual management system for certain categories of social organizations. In most cases, this reform involves doing away with the requirement for social organizations to obtain the sponsorship of a professional supervising unit.

Many of these reforms have been adopted by the central government as can be seen in the 2016 Charity Law, and in the registration and management regulation for SAs, SSOs, and Foundations that is currently being drafted. In these draft regulations, the “dual management system” will be removed for four categories of NPOs: trade associations and chambers of commerce, science and technology associations, public benefit and charitable organizations, and urban and rural community organizations. These four categories of NPOs will be able to register directly with the Ministry of Civil Affairs without getting sponsorship of a “professional supervising unit.”

Barriers to Operational Activity

Barriers to operational activities can be raised or lowered by the authorities at their discretion, depending in large part on how their activities are viewed by the party-state. Generally, nonprofits engaged in social services and charity tend to be viewed more favorably than nonprofits engaged in advocacy and rights-based activism, although there is no clear distinction between the two types of organizations in practice. For some forms of nonprofits, such as SAs and SSOs, the government has authority under relevant regulations to bar the establishment of more than one such organization in its field in any particular locality as a way to prevent what is viewed as duplication, overlap, and competition and to maintain ties between such groups and their governmental sponsors. [2]

The government may also intervene in a number of other ways. It may raise questions about the appointment of directors, trustees or senior staff; narrow the boundaries of the work that organizations may engage in by reference to the government-approved original organizational application or charter; micromanage the banking arrangements of various kinds of charitable groups; undertake investigations of operational activities and terminate organizational activities through application of tax laws; and harass the organization by exerting pressure through the organization’s landlord or utility company. Even for registered organizations that have no issues with the state, reporting requirements can be quite burdensome, particularly for small organizations. The regulatory framework allows for significant government intervention and interference. Strong

security forces, such as the Ministry of Public Security and the Ministry of State Security, intensively monitor organizations of particular sensitivity to the Party and state.

Over the years, a number of methods have been used to restrict and control the operational activities of certain nonprofit groups with some being harassed and others being closed down temporarily. For example, in 2007, the civil society publication, Minjian was closed down, and another, China Development Brief, stopped publishing for a few months. In 2010, the Open Constitution Initiative (Gongmeng), a Beijing-based public interest law research and advocacy group, was placed under tax investigation arising from a donation from an American organization, several of its core personnel detained, and eventually closed as a result of the alleged violations of tax regulations. Under President Xi Jinping's administration (2013 – present), civil society has experienced a sharp upturn in repression by the police and security forces in which many independent CSOs and law firms have been harassed and forced to close, and their staff and leaders interrogated, detained and sometimes imprisoned.

- The first significant case was in 2013 when Xu Zhiyong, founder of the Open Constitution Initiative (Gongmeng) and one of the leaders of the New Citizens' Movement, was arrested in 2013 and charged with "gathering a crowd to disturb public" and imprisoned for four years for publicly calling for Chinese officials to disclose their assets as a way to fight corruption.
- During 2014-15, several staff and board members of Yirenping, one of China's foremost anti-discrimination CSOs, were interrogated and detained. This included several members of the Feminist Five who were detained in March 2015 and later released. As a result of this ongoing repression, Yirenping had to close most of its offices in China.
- In December 2015, a major crackdown on labor groups in south China was carried out targeting the Panyu Workers Center, which had been carrying out pathbreaking work on collective bargaining. Dozens of labor activists in south China were interrogated and three staff of the Panyu Workers Center were detained and later tried.
- In January 2016, Guo Jianmei, one of China's best-known women's rights advocates, was ordered to close down Zhongzhe Women's Legal Counseling Center presumably for accepting foreign funds. That same month, police detained Peter Dahlin, a Swedish national and director of a CSO that organized trainings for lawyers and provided funding to Chinese rights defenders. State media accused his CSO of "jeopardizing China's national security" and he was forced to confess on state television and deported.
- In December 2018, police in Chengdu, the provincial capital of Sichuan, raided the Early Rain Covenant Church in December and detained its pastor, Wang Yi, and took hundreds of church members into custody before eventually criminally detaining at least 20 members.
- In July 2019, three anti-discrimination advocates – the Changsha Three – were detained by State Security on suspicion of "subversion of state power." They are currently being held in the Hunan Provincial State Security Bureau Detention Center in Changsha and have been denied visits by lawyers and families.
- In the first two months of 2020, [police rounded up](#) a number of people associated with an early December 2019 meeting in Xiamen to discuss China's democratic future, including Xu Zhiyong and Ding Jiayi. Some have been released but Xu, Ding and others remain in detention. On April 10, 2023, Xu and Ding were sentenced to 14 years and 12 years respectively for "subversion of state power." (Source: [Human Rights Watch](#))

In addition to these enforcement actions, regulations issued in 2016 requiring social organizations to initiate [Communist] "party construction work" and in 2018 incorporating social organizations into the credit management system have placed additional burdens on nonprofit operations. The 2016 regulations will require nonprofits to submit to supervision by Communist Party groups. The 2018 regulations call for creating a credit management system that provide another tool for Civil Affairs departments to reward or sanction nonprofits. Nonprofits that have poor credit information may be included on a blacklist that could lead to greater supervision and deny them opportunities to apply for financial support.

In March 2021, a Notice on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations (see Section 8) was issued by a wide range of government departments. This signaled a national campaign calling for strengthening the credit management system and asking companies, public institutions, social organizations, media organizations, internet platforms, financial institutions, party members, and the public to not associate with illegal social organizations.

To further strengthen “party construction work” in the private sector and social organizations, the Communist Party of China’s Central Committee and the State Council [announced a plan](#) in March 2023 to set up a Central Social Affairs Department under the Central Committee to supervise party construction work in the private sector and in social organizations.

[2] See, e.g., the Regulations on the Registration and Management of Social Organizations (1999), Art. 13(2).

Barriers to Speech / Advocacy

A gap between constitutional freedoms for speech and assembly and the more restrictive provisions of special regulations and legal frameworks provides the state with significant discretion to limit speech, assembly and advocacy for specific organizations and types of organizations. The government can also prohibit advocacy, and actions such as lawsuits, in cases that it deems harmful to national security.

Such barriers are implemented through administrative decrees (such as the regulations governing social organizations and other kinds of groups), as well as criminal and administrative regulation and barriers to participation in policy debate and formulation that may favor government-affiliated groups or may restrict policy advocacy by defining it as outside the organization’s ambit of approval or its charter. Direct barriers to organizational activity, such as those discussed above, may also restrict speech, assembly and advocacy.

Under President Xi Jinping, many human rights lawyers and activists engaged in advocacy have been detained, and criminally charged, while bloggers and public intellectuals engaged in advocacy have been discouraged from making public statements. In addition, tighter ideological controls have been placed over universities, media and social media and NGOs. In one of the biggest crackdowns on labor in recent years, scores of workers who protested their firing from the Jasic Technology Company in Shenzhen, and university graduates from Marxist societies in some of China’s top universities who came out in support of the workers, were detained over the last half of 2018. In 2019, a number of other activists with no connection to the Jasic case have been detained and some criminally charged. As discussed earlier, universities and NGOs have had to submit to greater Communist Party supervision and control and show their loyalty to the Party through party-building activities. In September 2022, the Ministry of Civil Affairs held its [first training session for leaders of national NGOs to improve their political awareness](#). At the end of the session, the official in charge of the training emphasized the importance of keeping the work of NGOs in line with the work of the government. These developments have had a chilling effect on civil society, and discouraged CSOs and individual citizens from engaging in rights-based advocacy and activism.

Barriers to International Contact

Prior to 2016, there were relatively few barriers to international contact in the regulatory framework. Most overseas NGOs worked in a regulatory gray area. Due to the difficulties of registering a representative office, the large majority either chose to register as a business entity, or remained unregistered and worked under the radar through Chinese partners.

This state of affairs changed fundamentally with the passage of the 2016 Law of the People’s Republic of China on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China (hereafter ONGO Law). The Law, which went into effect on January 1,

2017, erects high barriers between overseas NGOs (defined as “nonprofit, non-governmental social organizations.... that have been lawfully established outside of mainland China” which includes Taiwan, Hong Kong and Macau) and their Chinese partners. There are two important aspects about the Law:

One is that it places the registration and supervision of ONGOs and their activities in China under the Ministry of Public Security, instead of the Ministry of Civil Affairs which used to regulate ONGOs. Second, it is a very comprehensive law that gives all ONGOs only two legal channels for operating in China:

1. Register a representative office in China; or
2. ONGOs that do not want to registered a representative office will need to “file documentation for the record” (bei’an) to carry out any “temporary activities” in mainland China lasting no longer than one year. The overseas NGO and its Chinese partner will need to file the required materials about their collaboration and any necessary approvals with the Public Security office. They will also be required to file reports on their activities to Public Security.

Article 9 of the Law states: “ONGOs that do neither of these are not allowed to carry out activities either openly or covertly, or to authorize, fund or covertly authorize any Chinese work unit or individual to carry out activities.”

This statement essentially prohibits any Chinese work unit or individual from cooperating with an INGO that has not gone through one of the above two legal channels. The law clearly is not enabling. Perhaps the best thing to be said about it is that it does legitimize the status of ONGOs in China, and establishes a formal channel between ONGOs and the government. For more resources for understanding the ONGO Law, see [ICNL’s Philanthropy Law Report](#) and accompanying resources which include FAQs about the ONGO Law.

In addition to these legal barriers, there have always been a number of extra-legal barriers to international contact. Chinese organizations of all kinds have often been required in the past to report international contacts to authorities and, in some cases, to seek approval for certain kinds of visits, international cooperation, foreign donations, and other contact with foreign organizations or donors. Moreover, Chinese organizations, particularly NGOs, that collaborate or receive funding from foreign organizations are monitored closely and sometimes harassed. The State Security Ministry established an office several years ago to monitor both domestic and international NGO affairs. Foreign NGOs are regularly accused by Chinese media of supporting activities that undermine social stability and national security.

The risk of associating with foreign persons or organizations has risen because of growing tensions between China and the United States and other Western countries, and allegations of Western support for the protests in Hong Kong that began in the summer of 2019. In April 2019, the party-state’s mouthpiece, the People’s Daily, published an [article](#) detailing the case of two foreign NGOs that posed threats to China’s “political security.” In July 2019 another [article](#) appeared in a party-run paper in Shanghai accusing several U.S. NGOs of being behind the massive protests taking place in Hong Kong against a controversial extradition law. After President Trump signed the Hong Kong Human Rights and Democracy Act into law in November 2019, the Chinese government announced in early December that it would impose sanctions on five U.S. NGOs with offices in Hong Kong: Freedom House, Human Rights Watch, National Endowment for Democracy, International Republican Institute and National Democratic Institute. Soon afterward, the [Chinese Foreign Ministry announced](#) the first investigation and penalty directed at a U.S.-based NGO, Asia Catalyst, for violating the Overseas NGO Law.

While the Overseas NGO Law is the single greatest barrier to international NGOs carrying out activities in China, two recent trends pose additional challenges. One is the rise of nationalism and authoritarianism under the current leader, Xi Jinping. The most recent manifestation of this is the National People’s Congress’ passage on June 30, 2020 of the [National Security Law \(NSL\)](#) for

Hong Kong, which contains criminal penalties for collusion with foreign powers or external elements that endanger national security.

The second trend is growing tensions between China and the United States and other Western countries amid China's growing influence and its hardline response to its Uigher ethnic minority population in the province of Xinjiang and protests in Hong Kong that began in the summer of 2019. In April 2019, the party-state's mouthpiece, the People's Daily, published an [article](#) detailing the case of two foreign NGOs that posed threats to China's "political security." In July 2019, another [article](#) appeared in a party-run paper in Shanghai accusing several U.S. NGOs of being behind the massive protests taking place in Hong Kong against a controversial extradition law. After President Trump signed the Hong Kong Human Rights and Democracy Act into law in November 2019, the Chinese government announced in early December that it would impose sanctions on five U.S. NGOs with offices in Hong Kong: Freedom House, Human Rights Watch, National Endowment for Democracy, International Republican Institute and National Democratic Institute. Soon afterward, the [Chinese Foreign Ministry announced](#) the first investigation and penalty directed at a U.S.-based NGO, Asia Catalyst, for violating the Overseas NGO Law.

While barriers to international contact inside China have risen, China's growing global footprint and "going abroad" push will mean more opportunities for engagement and collaboration with Chinese NGOs and other entities outside of China. China's Belt and Road Initiative now covers more than 100 countries in Asia, Africa, Latin America and Europe and in March 2018, a new International Development Cooperation Agency was established for the purpose of providing "humanitarian assistance" overseas. In 2017, the Chinese government established a USD one billion South-South Cooperation Fund to support disaster relief and other humanitarian efforts in developing countries. In 2018, a new International Cooperation Development Agency (ICDA) was set up to coordinate foreign aid. In 2019, the ICDA signed a [series of agreements](#) with international organizations to deliver aid through the South-South Cooperation Fund.

There are already a number of Chinese NGOs that have offices and operations overseas, and platforms have been created to support these efforts. In 2017, a Silk Road NGO Cooperation Network Forum was established to promote collaboration between international and Chinese NGOs, presumably directed towards the Chinese government's priority areas. In the past two years, 310 members from 69 countries have already joined the Cooperation Network, of which 173 are international NGOs, and 137 are Chinese. Over the next two years, the Cooperation Network has committed to the "Silk Road Family" initiative, promoting the establishment of 500 NGO partnerships between Silk Road participating countries and China, and carrying out 200 "livelihood projects".

Barriers to Resources

In general terms, recent legislative and regulatory efforts have raised barriers for accessing foreign funding, while lowering barriers to domestic funding.

Over the last few years, there has been closer regulatory oversight over foreign funding, not to mention more frequent references from Chinese authorities and state media suggesting nefarious intentions behind foreign funding to Chinese nonprofits.

In early 2010, for example, the PRC State Administration of Foreign Exchange issued a formal notice, Notice 63 on Issues Concerning the Administration of Foreign Exchange Donated to or by Domestic Institutions that requires many domestic nonprofit organizations to comply with new and more complex rules for receiving and using foreign donations. These include, for certain kinds of organizations, an application attesting to the authority of the domestic organization and the foreign donor; the domestic group's business license; a notarized donation agreement between the domestic group and the foreign donor organization with the purpose of the donation prescribed; and a registration certificate for the foreign nonprofit group. The Notice spurred significant concern in both domestic NGO and foreign nonprofit circles and its implications are still being worked out. Many nonprofits have been able to continue accessing foreign funds, but some organizations have

experienced difficulties especially in cases where funding is coming from foreign organizations, such as the National Endowment for Democracy, the Open Society Foundation, and the International Republican Institute, that are perceived as sensitive because of their “democracy promotion” work. [3]

The Overseas NGO Law that went into effect on January 1, 2017 raises more barriers to foreign resources because it requires all foreign NGOs operating in China to file reports on all of their Chinese partners, funding sources, and activities to the public security apparatus. This requirement will be less of a problem for Chinese partners with an official background (such as affiliation with a government agency or university) or that are properly registered, but it will pose difficulties for grassroots nonprofits, which may be unregistered or not properly registered. Foreign NGOs now confirm that they can no longer fund or collaborate with NGOs that are unregistered or registered as companies.

In contrast, recent legislation such as the Charity Law and the drafts of the revised registration and management regulations for social organizations will generally lower barriers to domestic funding by significantly expanding the pool of nonprofits that can engage in public fundraising, and encouraging philanthropy through tax incentives. In the past, public fundraising, which is understood to mean fundraising through the media, in public spaces, and online, was restricted to a small number of organizations generally with close ties to the government. These included government agencies, such as the Ministry of Civil Affairs, officially designated organizations such as the Chinese Red Cross and China Charity Federation, and public fundraising foundations. Non-public fundraising foundations and other nonprofits, such as SAs or SSOs, were not allowed to engage in public fundraising. Under the new legislation, there will be no distinction between public and non-public fundraising foundations, and all nonprofits including SAs and SSOs will be allowed to apply for public fundraising status after two years of operation. In addition, the Charity Law calls for more generous tax incentives to encourage charitable giving, which should mean more social resources going to nonprofits.

In addition, the Charity Law calls for more generous tax incentives to encourage charitable giving, which should mean more social resources going to nonprofits. One sign of this came on May 21, 2020 with the “Announcement on Matters Concerning the Pre-Tax Deduction of Public Welfare Donations” issued by the Ministry of Civil Affairs, Ministry of Finance and the State Administration of Taxation. The Announcement created a more streamlined process for social organizations to qualify for tax deductibility for public welfare donations. Tax deductibility will also be valid for three years, instead of one year, and will be recognized nationwide. To qualify, social organizations need to maintain at least a 3A rating (with the highest rating being 5A) in their evaluation, and comply with the provisions on expenditures and management fees specified in the Charity Law.

The rapid development of [online fundraising/crowdsourcing platforms](#) over the last few years has also opened up new channels for Chinese CSOs to access resources. As of 2021, there were 20 online platforms certified by the Ministry of Civil Affairs, which has issued two industry standards: the “Charity Organizations’ Internet Public Fundraising Platform Basic Management Rules” and the “Charity Organizations’ Internet Public Fundraising Platform Basic Technological Rules.” In 2018 alone, these 20 platforms raised more than 3.17 billion yuan (about U.S.\$461 million) for 1,400 charitable organizations. The vast majority of funds were raised through three platforms owned by Tencent and Alibaba: Tencent Charity, Ant Financial and Alibaba Charity. In 2022, ten new online fundraising platforms were certified, including charity platforms established by major companies such as ByteDance, Xiaomi, Bilibili, China Mobile, Ctrip, and Ping An.

Barriers to Assembly

Vague Provisions

Both the Assembly Law and the Implementing Measures contain vague and restrictive provisions, and give enforcement authorities a great deal of authority and discretion. For example, Article 12 of the Law prohibits assemblies that might “oppose cardinal principles in the Constitution,” although

those principles are never specified. The Law also makes it difficult to hold assemblies related to territorial and ethnic minority issues. There is also a broad clause prohibiting assemblies that will harm “public security and public order,” without any qualifying provisions.

Maximum Numbers of Participants

There is no maximum number of participants in the Assembly Law, but various local regulations may define a specific limit. In Beijing, NGOs cited 50 and 200 as ceilings that they have heard of by word of mouth, but they could not cite specific regulations containing those limits. A 2002 Human Rights Watch report titled “[Dangerous Meditation: China’s Campaign Against Falun Gong](#)” states that “On November 24, 1999, the Ministry of Public Security issued new public assembly regulations prohibiting gatherings of 200 or more for mass cultural and sporting activities, such as concerts, sports meets, and public exercise sessions such as qigong practice without explicit police approval, citing an article, “China to regulate mass gatherings,” from BBC Worldwide Monitoring (November 24, 1999). It is important to note, however, that Article 2 of the Assembly Law states that the Law “does not apply to recreational or sports activities, normal religious activities or traditional folk events.” This suggests that there may be additional regulations issued at the local level by Public Security offices concerning other types of assembly.

Notification

Article 8 of the Assembly Law states that “the responsible person(s) must submit an application in writing to the competent authorities five days prior to the date of the activity.” The regulatory authority is required to give a response two days prior to the activity. According to Article 9: ... after receiving an application for an assembly, a procession or a demonstration, the competent authorities shall inform the responsible person(s) in writing of their decision to grant or not to grant permission two days prior to the date of the activity applied for. If no permission is granted, the reasons thereof shall be given. Failure to serve notice within the time limit shall be construed as the granting of permission.

The Assembly Law does, however, provide for last-minute applications in the event of an unexpected occurrence. Article 9 states:

If an assembly, a procession or a demonstration is truly necessitated by unexpected occurrences, a report must be made immediately to the competent authorities: upon receiving the report, the competent authorities shall immediately examine it and decide to grant or not to grant permission.

The law does not address counter-demonstrations. However, spontaneous assemblies are not permitted. Article 29 of the Assembly Law states:

In a case where no application has been made for an assembly, a procession or a demonstration in accordance with the provisions of this Law or no permission has been granted for the application or where it is conducted not in accordance with the starting and finishing time, places and routes permitted by the competent authorities, when the disbanding order is disobeyed and public order seriously undermined, the person(s) responsible for, the assembly, procession or demonstration and the person(s) who is directly responsible shall be investigated for criminal responsibility in accordance with the provisions of Article 158 of the Criminal Law.

Obligations of Organizers

The Assembly Law places a number of onerous obligations and liabilities on the organizers of assemblies. For example, Article 25 of the Assembly Law states:

The person(s) responsible for an assembly, a procession or a demonstration must assume responsibility for maintaining the order thereof and strictly guard against participation by others. The person(s) responsible for an assembly, a procession or a demonstration shall, when necessary, appoint special personnel to assist the people’s police in maintaining order. The personnel responsible for the maintenance of order shall wear identification marks.

In addition, Article 28 of the Assembly Law states that “the police may punish by warning or by criminal detention of not more than 15 days the organizers if the assembly involves one of the following circumstances:

(1) failure to make an application in accordance with the provisions of this Law or to obtain permission for the application; or

(2) failure to act in accordance with the purposes, manners, posters, slogans, starting and finishing time, places, and routes permitted by the competent authorities, and disregard of instructions to stop acting without permission.”

Enforcement

The government has used excessive force in breaking up assemblies. The most notorious example is the protests that occurred in the spring of 1989 in various cities in China, culminating in the June 4 crackdown on protestors in Tiananmen Square Beijing. To this date, it is unknown how many civilians were killed in that crackdown.

There was also a brutal reprisal against Falun Gong demonstrators in the fall of 1999 after they staged a silent vigil outside of Zhongnanhai, where the top Chinese leaders live and work. Human rights groups and other journalistic and academic studies report that Falun Gong practitioners in China are subject to a wide range of human rights abuses. Tens and perhaps hundreds of thousands are believed to have been imprisoned extrajudicially, and those detained are subject to forced labor, psychiatric abuse, torture, and other coercive methods of thought reform at the hands of Chinese authorities.

More recently, the state has used force to break up demonstrations over land seizures and corruption in rural areas.

Restrictions on Participants

A number of articles in the Assembly Law address various criminal and other sanctions that participants can face. As but one example, Article 30 states:

Those who disturb, break into or undermine by other means an assembly, a procession or a demonstration held in compliance with law may be punished by the public security organ by warning or by criminal detention of not more than 15 days; if the circumstances are serious and a crime is constituted, they shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law.

In addition, Article 15 of the Assembly Law states that “No citizens shall, in a city other than his place of residence, start, organize or participate in an assembly, a procession or a demonstration of local citizens.” This means that a person residing in one city cannot start, organize or participate in an assembly in another city.

Article 34 of the Assembly Law also states that foreigners need approval by “the competent authorities” to participate in an assembly held by Chinese citizens.

Time, Place, and Manner Restrictions

Articles 23 and 24 of the Assembly Law place restrictions on holding assemblies at certain places or times.

Article 23 states as follows:

No assembly, procession or demonstration shall be held within a peripheral distance of 10 to 300 meters from the following places, with the exception of those approved by the State Council or the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government:

- (1) premises of the Standing Committee of the National People’s Congress, the State Council, the Central Military Commission, the Supreme People’s Court and the Supreme People’s Procuratorate;
- (2) places where state guests are staying;
- (3) important military installations; and
- (4) air harbors, railway stations and ports.

The specific peripheral distances from the places listed in the preceding paragraph shall be defined by the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government.

In addition, Article 24 states that “The time for holding an assembly, a procession or a demonstration shall be limited to 6 a.m to 10 p.m., with the exception of those held by decision or

approval of the local people's governments.”

Although there are no content-based restrictions, Article 12 prohibits assemblies that will harm “the unity, sovereignty and territorial integrity of the state” and instigate “division among the nationalities.” This discourages assemblies related to ethnic minority issues, particularly those connected to regions such as Tibet and Xinjiang where there has been vocal dissatisfaction with Communist Party governance.

Other issues

Many CSO representatives perceive the Assembly Law as largely irrelevant. They noted that they would not apply to hold an assembly in the first place because they know they would be turned down. In addition, the police would then have a record of who they were, which could cause trouble for them later.

At the same time, assemblies and demonstrations do occur in China, but generally not because the organizers have applied and been approved to hold the assembly. In October 2012, large anti-Japanese demonstrations were held in Beijing and a few other cities. While it was never clear who organized the demonstrations or whether the organizers had applied, it was suggested by a number of people that the demonstrations had been in part organized and had the support of the government. Also in October 2012, a Beijing gay rights NGO conducted an AIDS walk along a section of the Great Wall that involved hundreds of participants. The organizer did not apply to hold the walk. Instead, the organizer held the walk with the cooperation of a government-run AIDS foundation. These examples suggest that assemblies organized by government or quasi-government organizations have more leeway and are not bound by the Assembly Law.

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Reports

UN Universal Periodic Review Reports	Universal Periodic Review: China
Reports of UN Special Rapporteurs	China
USIG (United States International Grantmaking) Country Notes	USIG: China
U.S. State Department	2021 Country Reports on Human Rights Practices: China
Fragile States Index Report	Foreign Policy: Fragile States Index
IMF Country Reports	China and the IMF
International Commission of Jurists	Not available
Philanthropy Law Report	China

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News and Additional Resources

In 2018, ICNL published a China Philanthropy Law Report, and accompanying resources (infographics, graphs, timelines, factsheets and FAQs) for understanding the philanthropy and civil society sector in China that can be found [here](#).

News of importance to the nonprofit sector will be updated on a continual basis on [China Development Brief](#), China's only bilingual platform covering the sector.

Regular updates and monitoring of the Overseas NGO Law can be found at [ChinaFile's China NGO Project](#).

Regular analysis and reflections on Chinese civil society can be found on Shawn Shieh's [NGOs in China blog](#).

While we aim to maintain information that is as current as possible, we realize that situations can rapidly change. If you are aware of any additional information or inaccuracies on this page, please keep us informed; write to ICNL at ngomonitor@icnl.org.

General News

[Key points of China's Amended Charity Law](#) (January 2024)

China's amended Charity Law, which will enter into force on September 5, 2024, includes a new chapter on the role of charitable organizations in responding to emergencies, such as the COVID-19 pandemic, and provides more guidance and standards for online charitable fundraising platforms as well as charitable trusts, both of which have grown rapidly in recent years. In line with recent high-level policy directives emphasizing the leadership role of the Communist Party in all walks of life, the law stipulates that charity work comes under the leadership of the Communist Party. Several key changes in the amended law generally contravene the recommendations made by more independent NGOs, such as Zhicheng Public Interest Law, to give charitable organizations more autonomy, remove limits on spending and management fees, and simplify the process for non-profit organizations to gain charitable organization status.

[Proposed changes to the Amended China's Charity Law](#) (December 2023)

During the public submission period for the draft amended Charity Law, one of China's more independent NGOs published their recommendations, which emphasized more autonomy and less regulation for charitable organizations.

[The 14th Five Year Plan for Social Organizations and the future of civil society in China](#) (January 2022)

In October 2021, the Ministry of Civil Affairs issued its 14th Five Year Plan (FYP) for the Development of Social Organizations. The FYP is the first of its kind for the social organization sector and is must reading for anyone interested in understanding how the Chinese government intends to reshape the future of China's nonprofit sector. It puts forth a grim blueprint for the sector's development over the next five years drawing on high level policy documents and major laws and regulations issued over the last few years.

[The 14th Five Year Plan for Social Organizations: Opportunities for NGOs](#) (January 2022)

In my last blogpost, I wrote about the 14th Five Year Plan (FYP) for Social Organizations released

in October 2021 and its blueprint for imposing greater controls and supervision over Chinese social organizations in an effort to create a “high-quality” social organization sector. While the FYP instills little optimism for the development of an independent civil society, it does identify areas in which NGOs in China can contribute to the development of the sector, and to sustainable and inclusive development in China and globally.

Will There Be a Civil Society in the Xi Jinping Era? (July 2021)

Assessments of the current state of civil society in China elicit a range of perceptions. Some raise alarms about the most ‘stringent crackdown since 1989’ (Howell 2019) and ‘a dark time for Chinese civil society’ (Dai and Spires 2018). Others, though clearly recognising police actions and tighter restrictions, emphasise that the activities of civil society have always occurred in a negotiated relationship between China’s authoritarian state and a mobilised voluntary sector (Gao and Teets 2021; Hsu 2020; Fu and Distelhorst 2018). Whether the state-constrained voluntary sector qualifies to be described as civil society, or whether another term is more applicable, is still a matter of debate. It is clear, however, that Chinese citizens continue to work to influence public affairs. Perhaps this is a uniquely Chinese form of civil society.

The 14th Five-Year Plan Outlines Policies for Social Organizations (July 2021)

In recent years, the number of social organizations has been increasing at a steadily fast rate. According to officials speaking at the press conference for the 14th Five-Year Plan on the Development of Civil Affairs, by the end of May 2021, the number of domestic social organizations had reached 900,000, including 2,289 national organizations distributed throughout every field and industry. At the same time, the country’s social organizations have shifted away from focusing on the quantity to improving the quality of their services. The Party and the State Council have outlined the agendas for enhancing the development and quality of social organizations and announced stricter requirements for registration.

Altering the Approach to Non-State-Approved Social Organisations (April 2021)

‘Grey space’ and ‘tacit approval’ are concepts familiar to people working in or studying China’s organised civil society (Snape 2019). But a new policy, introduced in March 2021, to ‘crack down on and rectify illegal social organisations’ attempts to wipe these concepts clean from our lexicon. This policy seeks to cultivate arid land in place of vibrant grey space by prevailing on the Chinese Communist Party (CCP), the state, and an array of other organisations to ‘cut off all sources of nourishment’ (MCA Comrade in Charge 2021) and ‘remove the breeding ground’ (MCA 2021e) for non-state-approved social organisations. The aim, as the policy puts it, is to ‘cleanse the social organisation ecological space’ (MCA 2021e).

China Tightens Political Security Operations Against ‘Potential’ Dissent (December 2020)

One year after a nationwide police operation rounded up some of China’s most prominent rights activists and lawyers following a gathering in the southeastern port city of Xiamen, the ruling Chinese Communist Party (CCP) looks set to further tighten its grip on public speech with a renewed focus on “political security.” In the wake of the meeting, Shandong police launched a nationwide operation that has detained at least eight people and questioned many others following the gathering at a restaurant that was intended as a way for rights activists to socialize and to share ideas about China’s development.

To Fight the Next Pandemic, the World Needs Chinese Activists (November 2020)

Since 2013, current leader Xi Jinping has launched a sweeping crackdown on civil society, journalists, and public interest lawyers – a campaign of arrests, detentions, and shutdowns that has terminally weakened China’s community networks. Who now would dare to mobilize their community to demand health services, call for accountability for corruption, or warn about the next emerging outbreak of infectious disease?

How and why the Charity Law could be amended (October 2020)

On October 15, 2020, at the 22nd meeting of the 13th National People’s Congress, the Law Enforcement Inspection Team of the Standing Committee of the National People’s Congress submitted a report on inspecting the implementation of the Charity Law. The report reveals some outstanding problems in the contemporary philanthropy sector in China, problems which are not

compatible with society's level of wealth and with the concept of "third redistribution", showing that within the multi-layered social security system, the philanthropy sector needs to be further stimulated in order to become more effective.

Shenzhen Gives Green Light for Legal Action to Stop Environmental Destruction (September 2020)

The high-tech manufacturing hub of Shenzhen is set to enact a local environmental regulation on October 1 that will empower non-governmental organizations (NGOs) to file lawsuits against polluters, the first public interest law of its kind in China.

Reckoning with Hong Kong's National Security Law (July 2020)

The passage of Hong Kong's new National Security Law threatens to upend civic freedoms and usher in a new era of restricted civic space. In the month since its enactment, civil society actors have fled the city, taken down writings and social media accounts, and scrambled to adapt to the new reality. The Law represents a sea change from the previous freedoms Hong Kong enjoyed.

92.72% of social organisations in Beijing impacted by COVID-19 (July 2020)

Since the beginning of 2020 the coronavirus pandemic has had a drastic impact on most sectors of Chinese society, and the fallout is also affecting nonprofits and civil society organisations. In order to provide a full picture of how the pandemic has affected China's nonprofit sector, as well the strategies the sector will employ to respond in the foreseeable future, a number of organisations have come together to produce a study on the topic, entitled "A brief mid-year assessment on the level of negative impacts of the COVID-19 pandemic on civil society organisations and how they are responding – an analysis based on a random sample of service-providing social organisations in Beijing".

CDB conducts survey on needs of Chinese charities during the pandemic (June 2020)

The Covid-19 pandemic has presented a whole new set of challenges for Chinese charities, particularly ones that depend upon outside funding. For many organisations, it is unclear how long financial sustainability can be maintained and projects can be kept running. In order to provide a clearer picture of the situation, China Development Brief has completed a survey on the challenges and needs of Chinese charity organisations during the Covid-19 pandemic.

Is HK about to Get Its Own Foreign NGO Law in the Name of 'National Security'? (June 2020)

On May 28, China's National People's Congress (NPC) issued a much-anticipated [Decision](#) on preservation of national security in Hong Kong. The key paragraph in the short [document](#) authorized the NPC's Standing Committee to "draft laws related to . . . the preservation of national security." Unsurprisingly, the decision occasioned furious speculation on the ways that the new law, which is expected to be promulgated soon, might criminalize the exercise of basic rights, including the right to protest and the right to criticize the government.

The remarkable online volunteers of the COVID-19 Outbreak (March 2020)

During the pandemic, the ordinary people of China immediately stepped up and joined forces to create informal online support networks to take care of emergency needs unmet by an overwhelmed government. One NGO leader, Mr. Hao Nan (郝南), the founder of the ZhuoMing Disaster Information Service, organized a group of volunteers to collect appeals for help from social media. Based on their analysis and after consultation with licensed doctors, Mr. Hao, who has a post-disaster recovery management background and is also a licensed dentist, initiated an online clinic with nearly one hundred doctors to provide tele-visits to people asking for medical advice.

China Alters Civil Society Rules (March 2020)

As the novel coronavirus disease (COVID-19) epidemic continues in China, so do the efforts of civil society organizations (CSOs) and concerned citizens to mitigate the harm. In the official approach to managing their involvement, there have been clumsy force-of-habit measures from the state, controversies over how donations are collected and deployed, and punishments for cadres-cum-charity leaders.

Civil society finds new paths in Wuhan (February 2020)

Over a month has passed since the outbreak of the new coronavirus in Wuhan. During this time, China has been involved in a gigantic collective effort to control and limit the spread of the virus. While these efforts have been spearheaded by the state, social forces and members of the public have found numerous ways to independently assist the control and prevention efforts, support medical staff on the frontlines, and aid the vulnerable groups most badly impacted by the lockdowns in Hubei and other areas.

Coronavirus in China: International NGOs' response (February 2020)

As international relief and aid organizations develop responses to the threat of novel coronavirus in Africa, only a few international NGOs are directly engaging in the epicenter of the public health crisis in Wuhan, China. The Chinese government has eased visa restrictions on aid organizations since the outbreak of the virus at the end of December, but it remains complicated for new groups to join prevention and treatment efforts.

Report Released on Online Fundraising in China in 2018 (May 2019)

A report recently released by the Ministry of Civil Affairs provides a picture of the online fundraising landscape in China for 2018. Over the course of the year, the 20 official platforms for online public fundraising designated by the Ministry of Civil Affairs published a total of 21,000 solicitations for fundraising on behalf of over 1400 charitable organizations nationally.

Second "Silk Road NGO Cooperation Network Forum" in Beijing (April 2019)

The second Silk Road NGO Cooperation Network Forum was held in Beijing on April 27 and 28. 170 Chinese and international NGOs from 22 countries and areas participated in the forum.

Citing Foreign NGO Law Requirements, NGO Opts out of China Summit (March 2019)

The U.S.-based Open Source Hardware Association announced on its website that it had canceled plans to hold its annual summit in Shenzhen, in large part due to difficulties complying with China's Foreign NGO Law.

Eight highlights of the 2019 Government Work Report (March 2019)

China's 13th National People's Congress opened its second session on the morning of March 5th at the Great Hall of the People in Beijing. Premier Li Keqiang delivered the government work report at the meeting. A report from the "Charity Times" (公益时报), China's most respected publication on the philanthropic sector, summarized eight points from the work report which will have a significant impact on the development of the philanthropical sector.

China's social credit system takes on fake charities (February 2019)

To establish a social credit system for charitable organizations and implement joint rewards for the trustworthy and joint disciplinary action against the untrustworthy in the field of charitable donations, a memorandum of cooperation has been jointly signed by 40 departments including the National Development and Reform Commission and the Ministry of Civil Affairs. It has established credit information sharing mechanisms in the field of charitable donations, bringing this field into the scope of the social credit system.

Inside China's crackdown on young Marxists (February 2019)

Luke, an undergraduate student at one of China's elite universities, recalls the day he became a committed Marxist. It was not in the countless hours of compulsory Marxism lectures he endured as part of the undergraduate curriculum, but during his first-year winter break in Beijing. Last July, he read online about the arrest of 29 workers and activists who had tried to register a union at a factory belonging to Jasic Technology, a manufacturer of welding equipment. On August 24, not long after his arrival, Luke's dormitory of activists was raided by police, and about 50 students were taken into custody. The mass detention was one of the most contentious crackdowns on student protesters since the Tiananmen Square massacre of 1989.

Shenzhen labour activists formally arrested (February 2019)

At least three well-known labour activists have been formally arrested in Shenzhen and charged with gathering a crowd to disturb public order (聚众扰乱社会秩序罪). The families and associates

of Wu Guijun, Zhang Zhiru and He Yuancheng learnt of the charges separately on 26 February and 27 February, more than a month after they were detained in a coordinated police action late on the evening of 20 January. They are being held in a Shenzhen detention centre and are understood to be in reasonable health.

Young Activists Go Missing in China, Raising Fears of Crackdown (November 2018)

At least a dozen young activists who took part in a national campaign for workers' rights in China are missing, friends said, in what appeared to be an effort by the government to silence one of the most visible student protests in years. Unidentified men in at least five Chinese cities rounded up the activists, who are recent graduates of elite universities, over the past few days, according to friends of the activists

Law professors respond to the “Social Organization Regulations” draft (August 2018)

At the beginning of August, the Ministry of Civil Affairs published the “Regulations for the registration management of social organizations (draft to solicit feedback)” (abbreviated as the “Social Organization Regulations”). The new regulations represent the government's attempt to combine the previous three sets of regulations, aimed respectively at social groups, foundations, and citizen-run non-enterprise units, into one comprehensive law for all social organizations.

The new draft on the registration of social organisations (August 2018)

On the evening of August 3, the Ministry of Civil Affairs published the “Regulations for the registration management of social organisations with the aim of collecting feedback and comments from the nonprofit sector. The deadline for review and feedback is the 1st of September.

How China's new individual income tax amendment affects charitable donations (September 2018)

On August 31, the fifth session of the 13th National People's Congress's standing committee passed an amendment act on the Individual Income Tax Law. The newly revised Individual Income Tax Law will come into effect in January 2019.

Remaking China's Civil Society in the Xi Jinping Era, by Shawn Shieh (August 2018)

At the 19th Party Congress in October of last year, and the 13th National People's Congress in March, held in the midst of tumultuous changes in the U.S.-China relationship, Xi took extraordinary measures to concentrate power in himself and the Party in a herculean effort to catapult China into a “new era of socialism.”

242 overseas NGOs register in China (November 2017)

242 overseas NGOs have registered with China's public security regulators since the country's new NGO law took effect on January 1, said Li Xiaodong, head of the Beijing Overseas NGO Administration Office of the Beijing Municipal Public Security Bureau. The Beijing public security bureau's registration administration office for overseas NGOs vows to provide further convenient service and a better environment for overseas NGOs in China.

China NGO Law Still Hazy (June 2017)

The much-discussed NGO law, which went into effect on January 1, is still a little hazy as associations with operations in the country work to ensure they are in compliance. “Typically in China, when a new law is passed by the National People's Congress at the national level, they will work ... to draft what they call ‘implementing rules’ or ‘implementing legislation,’” says Beijing-based attorney David A. Livdahl. “And that's not going to happen in this case.” The NGO Law was passed in April 2016 and places restrictions on foreign NGOs operating in the country.

The Origins of China's New Law on Foreign NGOs (January 2017)

In ChinaFile, Shawn Shieh links the origins of China's Foreign NGO Law to Xi Jinping's rise to power and his concerns about China's security environment.

Implementing the Overseas NGO Law: 26 NGOs Register in Beijing and Guangdong (January 2017)

According to the Ministry of Public Security's website, the first group of overseas NGOs

successfully registered in Beijing and Guangdong. These include familiar names like the World Economic Forum, Save the Children, the Bill and Melinda Gates Foundation, and the Paulson Foundation.

Implementing the Overseas NGO Law: Six NGOs Register in Shanghai (January 2017)

After the passage of China's Overseas NGO Law, Shanghai took the lead in its implementation, registering the offices of the first six overseas NGOs under the new law.

More FAQs on the Overseas NGO Law: Reading the Fine Print (January 2017)

This post provides clarity on various terms in the Overseas NGO Law.

Follow up on the Overseas NGO Law : The List of Professional Supervising Units Has Been Issued (December 2016)

This post discusses the released list of Professional Supervising Units (PSUs), which NGOs need to supervise their work and to obtain registration. It is now to be seen whether PSUs would agree to provide such supervision to overseas NGOs.

Draft Guidelines for the Overseas NGO Law Announced at a Shanghai Forum (October 2016)

On October 14, the Ministry of Public Security and the Shanghai Municipal Public Security Bureau held a forum in Shanghai for overseas NGOs to announce the draft "Guidelines for the Registration and Temporary Activities of Representative Offices of Overseas Non-governmental Organizations within the Territory of China (for comment)." The draft Guidelines are meant to provide more detailed information on the Overseas NGO Law, which goes into effect January 1, 2017.

Some Insights from a Q&A with the Ministry of Public Security on the Overseas NGO Law (September 2016)

The Ministry of Public Security (the "MPS") recently held a question and answer session in Beijing with the European Chamber of Commerce, in order to address various questions about the Overseas NGO Law. The responses are only verbal interpretations by MPS, so they remain subject to change, but the information offers some perspective of the relevant Chinese regulators.

China's first Charity Law takes effect to upgrade industry (September 2016)

The new law eases restrictions on the fundraising and operational activities of charity groups, promising tax benefits, and improved supervision. It is the first time that the way in which charities are registered has been written in to law, giving approved charities more freedom and credibility than ever before.

A new dawn for China's charity sector (September 2016)

China's Amity Foundation announces the highly anticipated Charity Law and lays out expectations for the new law.

Charity overhaul in China, but only with government approval (September 2016)

IRIN's analysis of the new Charity Law.

A Hokey-Cokey in State Intervention or a Breakthrough for Chinese NGOs? (August 2016)

A blogpost on the Central Committee/State Council Opinion on the Reform of the Social Organization Management System and Promotion of the Healthy and Orderly Development of Social Organizations.

China's new NGO rules call for organisations to adhere to party leadership (August 2016)

The Chinese government has released a new set of rules stating that representatives of the party must be established within social groups, as part of its tightening grip on non-governmental bodies.

How Should Global Stakeholders Respond to China's New NGO Management Law? (May 2016)

A ChinaFile Conversation with leading China experts on how stakeholders around the world should respond to the new law.

How Foreign Nonprofit Organizations Should Respond to China's New Overseas NGO Law (May 2016)

This policy paper “outlines the challenges of compliance and non-compliance [with the new Overseas NGO Management Law] and proposes ‘smart indigenization’ as a third way to deal with the new law. By forging partnerships with credible domestic partners, foreign non-profit organizations can be principled, pragmatic and people-centered at the same time.”

Clampdown in China Restricts 7,000 Foreign Organizations (April 2016)

“China took a major step on Thursday in President Xi Jinping’s drive to impose greater control and limit Western influences on Chinese society, as it passed a new law restricting the work of foreign organizations and their local partners, mainly through police supervision. More than 7,000 foreign nongovernment groups will be affected, according to state news reports.”

China Passes Law on Security Controls on Foreign NGOs (April 2016)

Campaigners attacked the new Overseas NGO Law “as the latest phase of President Xi Jinping’s bid to rein in opposition to the Communist party. They said it represented a severe blow to non-profit groups involved in issues such as the environment, public health and education, as well as human rights.”

It Just Got Harder to Make a Difference in China (April 2016)

The enactment of the Overseas NGO Management Law “sets the stage for months of anxiety and jockeying as thousands of foreign, Hong Kong, and Taiwanese NGOs, foundations, universities, trade associations, and other nonprofits try to divine how new restrictive rules on registration and operations will affect their work in mainland China.”

The Good—and Bad—About China’s Charity Law (March 2016)

While the new Charity law promises to expand space for charities in China, the law “could encounter resistance from local government officials, and maybe even from some of the nonprofit groups it’s intended to help.”

The Pros and Cons of China’s NGO Laws (March 2016)

China’s Charity Law and Overseas NGO Management Law “will create a less free civil society and severely reduce the influence of foreign actors on the domestic affairs of China. On the other hand, if the laws are implemented as designed, they will provide a more accountable and predictable home-grown civil society.”

China Adopts Charity Law (March 2016)

China’s national lawmakers have approved the charity law with 2,636 affirmative votes, which is 92.49% of the total votes that were cast.

Is China’s New Overseas NGO Management Law Sounding the Death Knell for Civil Society? Maybe Not (February 2016)

According to two researchers, there is a possibility that the Overseas NGO Management Law “may actually protect the domestic NGO sector, whether by design or as an unintentional side effect,” by constraining international NGOs.

Charges Against Chinese Rights Lawyers Draw Foreign Criticism (January 2016)

The recent arrests of Chinese lawyers and their associates on subversion charges drew sharp condemnation from presidents of foreign bar associations, prominent lawyers and former judges in a letter issued on Monday. They said the charges were part of an “unprecedented crackdown” on Chinese advocates who take up contentious human rights cases.

News Archive

China Passes Controversial Counter-Terrorism Law (December 2015)

China’s Latest Crackdown on Workers Is Unprecedented (December 2015)

Grassroots NGOs Win Landmark Environmental Public Interest Lawsuit (November 2015)

China's Xi Defends Censorship Amid Support For Embattled Rights Community (September 2015)

White House sends tough message on NGOs as Chinese President visits (September 2015)

Draft anti-terrorism law should be revised (January 2015)

Guangzhou OKs foreign cash for NGOs (November 2014)

China Approves Security Law Emphasizing Counterespionage (November 2014)

New Signs that China is Scrutinizing Foreign NGOs (June 2014)

People Power in the People's Republic of China (June 2014)

Pray for Gao Zhisheng on Easter (April 2014)

Government Must End Reprisals Against Activists Demanding Participation in UPR (August 2013)

Social Media in China Fuel Citizen Response to Quake (May 2013)

The changing face of service society (May 2013)

'Spring' in the air for NGOs? (April 2013)

Government's NGO funding peaks in 2012 (February 2013)

NGOs praised for role in fighting HIV/AIDS (November 2012)

State to tighten oversight of international NGOs (September 2012)

Activist and artist Ai Weiwei loses appeal on tax evasion charges (September 2012)

China's door "wide open" to foreign NGOs (September 2012)

Chinese turn to microblogs for donations instead of government charities (August 2012)

NGOs get boost from Shenzhen register reforms (August 2012)

Government wants more transparency, which means more control over NGOs (August 2012)

New regulations on the management of charitable foundations issued (July 2012)

Changing climate for religious NGOs? (July 2012)

Clinton comments on human rights blocked in China (July 2012)

Eric Schmidt: The Great Firewall of China will fall (July 2012)

Charity Law submitted to State Council (June 2012)

Environmental NGOs grow across China but struggle for support (June 2012)

Corporate-NGO Partnerships in China: Fostering Employee Volunteer Programs (June 2012)

[**China keen to scale down EU human rights talks**](#) (June 2012)

[**Law to give new start to embattled charities**](#) (June 2012)

[**China tells Tibetan NGOs to register or else face closure**](#) (May 2012)

[**Will pressure make Chinese aid more transparent?**](#) (March 2012)

[**Revisions of law to ensure human rights related to detention, arrest and surveillance**](#) (March 2012)

[**Charities open to religious groups**](#) (March 2012)

[**Political advisers argue that legislation on the charity law is “vital” for the NGO sector to grow**](#) (March 2012)

[**China develops law on philanthropy**](#) (October 2011)

[**Social groups may get right for litigation**](#) (October 2011)

[**China human rights group blocked from EU-China dialogue**](#) (September 2011)

[**China jails veteran democracy activist**](#) (September 2011)

[**Breakthrough judicial interpretation of freedom of information regulations**](#) (August 2011)

[**New breakthrough for grassroots charity groups**](#) (August 2011)

[**Chinese civilian NGOs seek charity legislation**](#) (August 2011)

[**Calls for greater transparency, supervision in philanthropy**](#) (July 2011)

[**Carefully cultivating NGOs**](#) (July 2011)

[**China to ease NGO registration policy**](#) (July 2011)

[**Amnesty International accuses China of silencing human rights lawyers**](#) (June 2011)

[**China seeks to expand modern philanthropy**](#) (May 2011)

[**Labor question threatens China’s social compact, divides ruling party**](#) (May 2011)

[**China creates new agency for patrolling the Internet**](#) (May 2011)

[**Biden, Clinton lecture China on human rights**](#) (May 2011)

[**Fears in China as another human rights lawyer disappear**](#) (May 2011)

[**Teng Biao, Chinese human rights lawyer, released after detention**](#) (April 2011)

[**West needs more ‘muscular’ approach to defending China’s dissidents**](#) (April 2011)

[**End the silence on Ai Weiwei**](#) (April 2011)

[**China’s human rights crackdown – interactive guide**](#) (April 2011)

[**EU and US urge China to free Ai Weiwei**](#) (April 2011)

[**Investigate police assaults against foreign journalists**](#) (March 2011)

[**Crack down on Egypt-inspired protests in China**](#) (February 2011)

[**Experts assess the progress of civil society in China**](#) (February 2011)

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