

## PRESS RELEASE - THE OBSERVATORY

---

### **CHINA: The draft Overseas NGO Management law must be substantially revised**

**Geneva-Paris, June 3, 2015 – *The Observatory for the Protection of Human Rights defenders (a joint programme of the World Organisation against Torture – OMCT and FIDH), is extremely concerned about the draft Overseas NGO Management law, which is under discussion after its second reading by the National People’s Congress (NPC) in April, as it would inevitably shrink the space for Chinese civil society and severely restrict freedom of association and expression in the country.***

In a context where overseas NGOs have been unable to register in China for the past twenty years, a new draft law proposes to restrict further the possibility for overseas NGOs to conduct activities in China. The draft law requires “overseas NGOs” that want to operate in China to obtain an approval from a Chinese professional supervisory unit prior to their registration, and bans the ones that are not registered<sup>1</sup> with the public security departments of the State Council and provincial public security departments (Art. 7) from funding any Chinese individual or organization (Arts. 5 and 6). Furthermore, it prohibits Chinese groups from conducting “activities” on behalf of or with the authorization of non-registered overseas NGOs, including those based in Hong Kong and Macau (Art. 38).

***“The requirement for Overseas NGO to get approval from a professional supervisory unit before they can even start the registration process raises particular concern, since it represents a deeply worrisome provision that puts a high level of state oversight and control over all their activities and poses a serious threat to their freedom of association”*** said Gerald Staberock, OMCT Secretary General.

The Observatory is particularly concerned by the broad and vague wording contained in the draft law, particularly regarding the definition of “activities”, and fears that this could easily open the legislation for abuse by the Chinese authorities.

Furthermore, for organizations found in violation of financial or tax regulations over funding, the draft law foresees closure, a fine up to 50,000 RMB (US \$8,000) and possible administrative detention for their staff members (Art. 56).

Despite the very controversial provisions contained in the draft overseas NGO Management law, the opportunity for public and civil society to comment on the law has been limited.

***“The fact that at the same time the Chinese government is discussing two other draft laws on national security and counter-terrorism is particularly worrisome, since as the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association clearly affirmed, putting constraints on NGO funding in the name of national security’ or ‘counter-terrorism’ is illegitimate”*** concluded Karim Lahidji, FIDH President.

The Observatory calls upon Chinese authorities to substantially revise the Overseas NGO Management law by opening and not restricting the space for civil society, in order to bring it into line with international human rights standards. The Observatory also generally calls on

---

<sup>1</sup>The requirements for registration of overseas NGOs depend on the kind of presence they want to have in China set-up of an office or conduct of temporary activities. The draft sets many requirements for registration. For more details on the content of the draft law, see HRIC Law Note “Draft Law on Foreign NGOs Undermines Chinese Civil Society and China’s International Engagement”, May 21, 2015: <http://www.hrichina.org/en/legal-resources/hric-law-note-draft-law-foreign-ngos-undermines-chinese-civil-society-and-chinas>

the Chinese authorities to respect and protect the independent work of civil society and human rights defenders in the country.

*The Observatory for the Protection of Human Rights Defenders (OBS) was created in 1997 by FIDH and OMCT. The objective of this programme is to intervene to prevent or remedy to situations of repression against human rights defender.*

**For more information, please contact:**

- **FIDH: Arthur Manet/Audrey Couprie: + 33 (0) 1 43 55 25 18**
- **OMCT: Miguel Martín Zumalacárregui: + 41 (0) 22 809 49 24**