

### III. Development of the Rule of Law

#### CIVIL SOCIETY

##### *Crackdown on Civil Society Advocates and Increasing Pressures on NGOs*

During the Commission's 2014 reporting year, the Chinese government and Communist Party expanded the scope of its crackdown against civil society advocates, journalists, and rights defenders that began in spring 2013.<sup>1</sup> Human rights organizations and other observers reported on dozens of detentions and arrests,<sup>2</sup> including individuals who attempted to monitor the Chinese government's report to the UN Human Rights Council for its second Universal Periodic Review on human rights in China in October 2013,<sup>3</sup> and others who sought to mark the 25th anniversary of the 1989 Tiananmen protests.<sup>4</sup> Among the targets of the government crackdown were participants in the New Citizens' Movement (NCM),<sup>5</sup> a "loose association" or "network"<sup>6</sup> of rights defenders engaged in a social movement for justice, rule of law, and citizens' rights.<sup>7</sup> In January 2014, a court in Beijing municipality sentenced legal scholar and NCM promoter Xu Zhiyong to four years' imprisonment based on an indictment that accused him of being the "ringleader" of peaceful demonstrations for equal education rights and transparency.<sup>8</sup> Others associated with the NCM who have been sentenced to prison terms include Liu Ping (6 years and 6 months),<sup>9</sup> Wei Zhongping (6 years and 6 months),<sup>10</sup> and Ding Jiayi (3 years and 6 months),<sup>11</sup> and some continue to be held in detention, such as Zhang Kun<sup>12</sup> and Li Huaping.<sup>13</sup> Authorities also detained Wang Gongquan, a key NCM financial supporter, in September 2013, but released him on bail in January 2014 after he reportedly admitted his "guilt."<sup>14</sup> Such acts by the authorities violate international standards on freedom of speech, association, and assembly in the International Covenant on Civil and Political Rights<sup>15</sup> (Articles 19, 21, and 22) and the Universal Declaration of Human Rights<sup>16</sup> (Articles 19 and 20). Moreover, China's Constitution provides for freedom of speech, assembly, association, and demonstration in Article 35.<sup>17</sup> [For further information on the crackdown on NCM advocates and others, see Section II—Freedom of Expression and Criminal Justice and Section III—Institutions of Democratic Governance.]

### The New Citizens' Movement

According to Teng Biao, a leading proponent of the New Citizens' Movement (NCM), the emergence of the NCM reflects a gradual shift from "legal appeals towards political appeals" and from "cyberspace activism into real-world activism."<sup>18</sup> The NCM tracks closely to the careers of Teng and Xu Zhiyong, former classmates and legal advocates whose efforts contributed to the abolition of custody and repatriation in 2003<sup>19</sup>—a form of extralegal detention rife with reported abuses.<sup>20</sup> They later established a legal aid center, the Open Constitution Initiative (*Gongmeng*), which Beijing municipal authorities shut down in 2009 after accusing the organization of tax evasion.<sup>21</sup> Xu, Teng, and others continued their legal work under the name Citizens (*Gongmin*) following the closure of *Gongmeng*, and renamed it New Citizens' Movement in 2012.<sup>22</sup> The NCM has been shaped by participant activities, including petitioning for equal education rights;<sup>23</sup> peaceful demonstrations urging disclosure of government officials' assets;<sup>24</sup> "same-city dinner gatherings" that feature discussion of issues of public concern;<sup>25</sup> and a Web site.<sup>26</sup> A petition initiated by NCM participants advocating for education equality for the children of migrant workers reportedly garnered 100,000 signatures.<sup>27</sup>

Increasing pressures on non-governmental organizations (NGOs) went beyond mere regulatory oversight during this reporting year.<sup>28</sup> A leading Chinese expert on civil society development stated that there has been no reduction of controls or restrictions on NGOs, but rather the government is exerting even greater pressure on organizations it deems to be "troublemaking," i.e., politically sensitive.<sup>29</sup> In its 2013 annual report, the international human rights organization Chinese Human Rights Defenders noted that "groups working on issues of health and discrimination that had more space in previous years faced paralyzing scrutiny."<sup>30</sup> Following the Changsha municipality, Hunan province, civil affairs bureau's refusal to register an LGBT group as an NGO in November 2013,<sup>31</sup> several NGOs planned a seminar in Beijing municipality to discuss NGO registration in early May.<sup>32</sup> Police summoned some of the participants for questioning and canceled the seminar reportedly due to the seminar's close timing to the 25th anniversary of the 1989 Tiananmen protests.<sup>33</sup> Although the arrest of human rights lawyer and Zhengzhou Yirenping co-founder Chang Boyang in July was also linked to the 25th anniversary events,<sup>34</sup> authorities in Zhengzhou municipality, Henan province, reportedly raided Zhengzhou Yirenping's office twice in one month, closed the organization's bank account, and required that it produce a list of foreign NGOs with which it had contact.<sup>35</sup> Zhengzhou Yirenping is a public health and anti-discrimination NGO.<sup>36</sup> In a separate development, the pioneering anti-domestic violence advocacy group Anti-DV Network (ADV N) ceased operations during this reporting year.<sup>37</sup> Based in Beijing and active for more than 14 years, ADV N urged the establishment of national anti-domestic violence legislation.<sup>38</sup> In a letter posted to its Web site in April, the group explained that with an anti-domestic violence law on the legislative calendar for 2014 and the rise of other organizations engaged in advocacy, it had "achieved its organizational mis-

sion.”<sup>39</sup> It is unclear, however, if political pressures had any bearing on its closure. [For information on the harassment of labor and religious groups, see Section II—Worker Rights and Freedom of Religion.]

International news media reported in June that local governments posted notices for a security review of foreign NGOs operating in China, an investigation reportedly instigated by the new Central State Security Commission.<sup>40</sup> The Global Times, a state-run media outlet, and the Hong Kong-based South China Morning Post also reported on the increased surveillance of Chinese NGOs that had contact with or received program funds from foreign NGOs.<sup>41</sup>

### *Government and Party Control*

Scholars have estimated there are anywhere from three to eight million non-governmental organizations (NGOs) in China<sup>42</sup>—many of which are not registered<sup>43</sup>—that engage in a broad range of activities. Government-registered “social organizations” (*shehui zuzhi*)—the government’s term for non-governmental entities<sup>44</sup>—make up a subset of Chinese NGOs. Most of these registered organizations are government-organized NGOs (GONGOs)<sup>45</sup> whose decisionmaking and operations are not independent of the government.<sup>46</sup> Government statistics for 2013 reported an 8.4 percent increase overall in government-registered “social organizations” over 2012 estimates,<sup>47</sup> reflecting steady rather than explosive growth.<sup>48</sup> Of the 541,000 officially registered organizations in 2013, 286,000 were membership-based social associations (*shehui tuanti*); 251,000 were private, non-commercial units (*minban feiqiye danwei*); and 3,496 were foundations (*jijinhui*).<sup>49</sup> In spite of regulatory changes to lower the threshold for NGO registration that began in a few locations in 2009,<sup>50</sup> many Chinese NGOs, especially those the government deems to be politically sensitive, continue to register as business entities, remain unregistered due to administrative obstacles in registering, or choose not to register to avoid intrusive government control.<sup>51</sup> An academic study of 263 grassroots NGOs in Beijing municipality and Guangdong and Yunnan provinces published in 2014, for example, found that 70 percent were not registered as NGOs.<sup>52</sup> Grassroots organizations’ lack of formal registration is a barrier to normalized operations, such as opening a bank account and receiving project funding.<sup>53</sup>

The Chinese government reportedly has not engaged with non-governmental organizations without “an official background”<sup>54</sup> in formulating national reports presented to UN review bodies or in monitoring China’s compliance with its domestic or international commitments, a concern raised during this reporting year by UN member states,<sup>55</sup> the UN Committee on the Rights of the Child,<sup>56</sup> and domestic and international civil society organizations.<sup>57</sup> The government listed 22 and 16 “non-governmental organizations and academic research institutions,” respectively, for its most recent national reports to the UN Human Rights Council (UNHRC) and the Committee on Economic, Social and Cultural Rights (CESCR).<sup>58</sup> The U.S.-based NGO Human Rights in China noted that many of the listed groups in the country report for the CESCR review “are mass organizations created by or closely affiliated with the govern-

ment.”<sup>59</sup> A representative from the China Association for the Preservation and Development of Tibetan Culture, an organization affiliated with the Communist Party’s United Front Work Department and one of the NGOs listed as a consultant in the Universal Periodic Review (UPR) and CESCR country reports, was observed by UN staff taking photos of the computer screen of Ti-Anna Wang, the daughter of imprisoned dissident Wang Bingzhang, at the March 2014 session of China’s UPR.<sup>60</sup> When the representative continued to take photos of Wang despite warnings from UN staff, UN officials revoked his authorization to attend the session.<sup>61</sup>

The Chinese government interfered with international NGO efforts at UN forums this past year. For example, it attempted to use UN procedures to prevent international NGOs from holding a moment of silence to honor civil society activist Cao Shunli on March 20, 2014, during the session in which the UNHRC adopted the outcomes of the second Universal Periodic Review of China’s human rights record.<sup>62</sup> Cao died in March 2014, following a two-week forcible disappearance, months of detention without access to adequate medical care, and alleged abuse.<sup>63</sup> At least two organizations have been unable to attain consultative status on the UN Economic and Social Council Committee on NGOs (ECOSOC) due to obstruction from China. The Child Rights International Network (CRIN), an international group based in London, reported that China repeatedly has asked that it “change content on the organisation’s website regarding Tibet . . . .”<sup>64</sup> At a May 2014 ECOSOC session, a Chinese government representative delayed a decision on U.S.-based Freedom Now’s application with a request for the “theoretical definition of prisoners of conscience.”<sup>65</sup>

#### POLICY SUPPORT TO EXPAND ROLE OF “SOCIAL ORGANIZATIONS”

In contrast to the “chill” of the government’s clampdown on more independent civil society development,<sup>66</sup> central government and Party policy documents, such as the Central Committee Third Plenum Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms of the 18th National Congress of the Chinese Communist Party issued in November 2013,<sup>67</sup> included language to support broader participation of non-governmental “social organizations” as a function of China’s economic development and reform.<sup>68</sup> This policy support reiterated points in the institutional reform plan of March 2013 that aim to shift some government functions in the provision of public services to “social organizations.”<sup>69</sup> The expansion of social service and welfare organizations encompasses several sectors, including large-scale urbanization,<sup>70</sup> public health,<sup>71</sup> social welfare for disabled persons,<sup>72</sup> services for the elderly,<sup>73</sup> education,<sup>74</sup> and employment.<sup>75</sup> The Chinese public reportedly is concerned that the government might not willingly transfer functions and that “social organizations” autonomy may not be guaranteed.<sup>76</sup>

#### CHALLENGES TO “SOCIAL ORGANIZATION” SYSTEM REFORM

The central government did not meet the December 2013 deadline specified in the March 2013 institutional reform plan<sup>77</sup> to issue revisions to the three main administrative regulations on “social organization” management.<sup>78</sup> Twenty-six provinces and re-

gions, however, have issued local measures.<sup>79</sup> One of the key features of these local measures reflects a “combined”<sup>80</sup> registration system whereby trade and industry associations, science and technical groups, foundations, and rural-urban community services organizations will be permitted to register directly at civil affairs bureaus, but religious, legal, and political groups, among others, will continue to be required to first secure a governmental or quasi-governmental professional sponsoring organization prior to registration at the civil affairs office, maintaining the existing “dual management” system.<sup>81</sup> Other provisions under discussion include a stipulation that government officials not be permitted to hold joint appointments at both a government agency and a “social organization,” and measures to de-link the operations of the government departments and affiliated “social organizations”;<sup>82</sup> sanctioning the registration of more than one organization per sector as a potential spur to organizational competition;<sup>83</sup> and abolishing some restrictions on national-level social associations (*shehui tuanti* or *shetuan*).<sup>84</sup>

The transition to this “combined” system has not resolved two key aims of “social organization” reform. Registration, for example, has been hampered by a lack of human resources at the Ministry of Civil Affairs (MCA) and its bureaus throughout the country.<sup>85</sup> The separation of membership organizations (*shetuan*) from the government units to which they were attached also has not gone smoothly. For example, a directive to change its professional sponsor organization pitted a politically well-connected legal research institute against the MCA in a case that came to court in April 2014.<sup>86</sup> The institute’s professional sponsoring unit was the Ministry of Justice and it refused to accept the China Law Society as its professional sponsoring unit, which led the MCA to issue a warning to the institute for not submitting financial audit information according to the regulations.<sup>87</sup>

#### GOVERNMENT PROCUREMENT OF SERVICES FROM NGOS

A central government opinion issued in late September 2013 gave high-level policy support to the development of the procurement of services from non-governmental organizations,<sup>88</sup> yet government outsourcing reportedly continued to develop unevenly, with greater development in urban areas rather than in central and western China.<sup>89</sup> Research on government contract outsourcing to HIV/AIDS organizations in Yunnan province found a tendency toward government control of public-private partnerships.<sup>90</sup> A Chinese researcher has raised a concern that continuing government control may not only lead to potentially ineffective project implementation, but also may thwart growth of “social organizations” by subsuming the organization as a subsidiary of a government department.<sup>91</sup>

#### DEVELOPMENTS IN THE PHILANTHROPIC SECTOR

The regulatory framework for charitable organizations made some progress at the provincial level, specifically Beijing municipality<sup>92</sup> and Shenzhen Special Economic Zone,<sup>93</sup> during this reporting year. A national charity law has been on the National People’s Congress (NPC) legislative agenda since 2006,<sup>94</sup> but work on

it stalled due to debate over whether charity would be “state-supervised or independent.”<sup>95</sup> Government officials and scholars have highlighted the need for the law to help establish credibility, transparency, and accountability in the sector, particularly among government-run charities,<sup>96</sup> and to resolve the current overlapping of the charitable sector and government.<sup>97</sup> The national legislation reportedly was raised to a high priority project in the fall of 2013 and the first-ever meeting of an NPC small working group on the charity law took place in February 2014.<sup>98</sup> According to Wang Zhenyao, director of the Philanthropy Research Institute at Beijing Normal University, the lack of a national charity law has cost China billions of yuan in potential donations in one year alone.<sup>99</sup>

#### Notes to Section III—Civil Society

<sup>1</sup>Teng Biao, “Beyond Stability Maintenance—From Surveillance to Elimination,” *China Change*, 22 June 14; Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 1–3, 7.

<sup>2</sup>Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014; Stanley Lubman, “Anxiety Trumps Law in Party’s Crackdown on Activists,” *Wall Street Journal*, *China Real Time Report* (blog), 4 February 14.

<sup>3</sup>Chinese Human Rights Defenders, “China Must Stop Excluding Civil Society From UN Human Rights Review,” 7 October 13; Chinese Human Rights Defenders, “[CHRB] Activist Given 3 Years for Inciting Subversion, Tibetans Tortured to Death (2/7–13/2014),” 13 February 14; “China: At the Same Time It’s Undergoing Human Rights Review, It’s Arresting Human Rights Defenders” [Zhongguo: yibian jieshou renquan shenyi yibian daibu renquan renshi], *Deutsche Welle*, 22 October 13.

<sup>4</sup>“Detentions of Chinese Activists Tripled Last Year: Report,” *Voice of America*, 3 March 14; Michael Forsythe and Chris Buckley, “Journalist Missing Ahead of Tiananmen Anniversary,” *New York Times*, 29 April 14; Jonathan Kaiman, “China Cracks Down on Dissent Ahead of Tiananmen Anniversary,” *Guardian*, 13 May 14; Chinese Human Rights Defenders, “152 Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre,” last visited 30 July 14.

<sup>5</sup>Teng Biao, “China’s Growing Human Rights Movement Can Claim Many Accomplishments,” *Washington Post*, 18 April 14; Patrick Boehler, “Chinese Court Hands Down Harsh Jail Sentences to New Citizen Movement Activists,” *South China Morning Post*, 19 June 14; Xiao Shu, “Why the World Needs To Roar Around the New Citizens Movement Trials,” reprinted in *China Change*, 22 December 13.

<sup>6</sup>Tom Phillips, “Chinese Activists Face Jail as Crackdown Continues,” *Telegraph*, 7 April 14; Michael Caster, “The Contentious Politics of China’s New Citizens Movement,” *openDemocracy*, 6 June 14.

<sup>7</sup>Xu Zhiyong, “For Freedom, Justice and Love—My Closing Statement to the Court,” reprinted in *China Change*, 22 January 14; Teng Biao, “China’s Growing Human Rights Movement Can Claim Many Accomplishments,” *Washington Post*, 18 April 14; Elizabeth M. Lynch, “Wagging the Dog? The Chinese Government Response to the New Citizen Movement,” *Interview With Eva Pils* (Part 2), *China Law & Policy* (blog), 12 May 14.

<sup>8</sup>Andrew Jacobs and Chris Buckley, “China Sentences Xu Zhiyong, Legal Activist, to Four Years in Prison,” *New York Times*, 26 January 14. See also “Xu Zhiyong Tried for Advocacy of Education Equality and Official Transparency,” *CECC China Human Rights and Rule of Law Update*, No. 1, 5 March 14; “Officials Detain Xu Zhiyong Amidst a Crackdown on Individuals Calling for Greater Government Accountability,” *Congressional-Executive Commission on China*, 1 August 13. For more information on Xu Zhiyong, see the Commission’s Political Prisoner Database record 2005-00199.

<sup>9</sup>Patrick Boehler, “Chinese Court Hands Down Harsh Jail Sentences to New Citizen Movement Activists,” *South China Morning Post*, 19 June 14. For more information about Liu Ping’s case, see the Commission’s Political Prisoner Database record 2013-00161.

<sup>10</sup>*Ibid.* For more information about Wei Zhongping’s case, see the Commission’s Political Prisoner Database record 2013-00310.

<sup>11</sup>Didi Kirsten Tatlow, “Chinese Court Sentences 4 Activists to Jail,” *New York Times*, *Sinosphere* (blog), 18 April 14. For more information about Ding Jiayi’s case, see the Commission’s Political Prisoner Database record 2013-00307.

<sup>12</sup>“Xuzhou New Citizen Zhang Kun Criminally Detained, Two Lawyers Request To See Him But Encounter Difficulties” [Xuzhou xin gongmin zhang kun bei xingju liang lushi yaoqiu huijian zao diaonan], *Radio Free Asia*, 16 June 14; Josh Chin, “Tiananmen Crackdown Shaped China’s Iron-Fisted Approach to Dissent,” *Wall Street Journal*, 2 June 14; Josh Chin, “Chinese Activists Challenge Beijing by Going to Dinner,” *Wall Street Journal*, 6 November 13. For more information on Zhang Kun, see the Commission’s Political Prisoner Database record 2014-00110.

<sup>13</sup>Rights Defense Network, “Trial for ‘Norwegian Wood’ Li Huaping ‘Gathering Disturbance’ Begins Today, More Than 30 Citizens Denied Attendance” [“Nuowei senlin” li huaping “ju rao” an jin kaiting, 30 yu gongmin qianwang pangting bei jul], 30 July 14; Xiao Shu, “Why the World Needs To Roar Around the New Citizens’ Movement Trial,” reprinted in *China Change*, 22 De-

ember 13. For more information on Li Huaping, see the Commission's Political Prisoner Database record 2014-00085.

<sup>14</sup>David Wertime, "A Billionaire Activist's Brief Public Re-Emergence," Tea Leaf Nation, 30 January 14; Josh Chin, "Story of Wang Gongquan Raises Fears for Some Social Activists in China," Wall Street Journal, 23 January 14. For more information on Wang Gongquan, see the Commission's Political Prisoner Database record 2013-00302.

<sup>15</sup>International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 19, 21, 22. China has signed, and stated its intent to ratify the ICCPR.

<sup>16</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 19, 20.

<sup>17</sup>PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 35.

<sup>18</sup>Understanding China's Crackdown on Rights Advocates: Personal Accounts and Perspectives, Hearing of the Congressional-Executive Commission on China, 8 April 14, Written Statement Submitted by Teng Biao, Human Rights Lawyer and Scholar.

<sup>19</sup>Teng Biao, "China's Growing Human Rights Movement Can Claim Many Accomplishments," Washington Post, 18 April 14; Verna Yu, "A Blow for Freedom: The Campaign in Memory of Sun Zhigang, 10 Years On," South China Morning Post, 14 May 13.

<sup>20</sup>Amnesty International, "China: Abolition of 'Custody and Repatriation' Welcomed, But More Needs To Be Done," 27 June 03; Keith J. Hand, "Using Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People's Republic of China," Columbia Journal of Transnational Law, Vol. 45, No. 1, 2006, 120–21.

<sup>21</sup>Zhu Zhe and Cui Xiaohuo, "Legal Help Group Told To Pack Up," China Daily, 18 July 09. According to China Daily, Beijing municipal authorities closed the Open Constitution Initiative (*Gongmeng*) for improper registration. See also Andrew Jacobs, "Arrest in China Rattles Backers of Legal Rights," New York Times, 9 August 09; CECC, 2009 Annual Report, 10 October 09, 204.

<sup>22</sup>Teng Biao, "China's Growing Human Rights Movement Can Claim Many Accomplishments," Washington Post, 18 April 14; Xu Zhiyong, "China's New Citizens' Movement" [Zhongguo xin gongmin yundong], Xu Zhiyong Collected Works (blog), 29 May 12; Chinese Human Rights Defenders, "A Nightmarish Year Under Xi Jinping's 'Chinese Dream': 2013 Annual Report on the Situation of Human Rights Defenders in China," March 2014, 5.

<sup>23</sup>Xu Zhiyong, "For Freedom, Justice and Love—My Closing Statement to the Court," translated and reprinted in China Change, 22 January 14.

<sup>24</sup>Human Rights in China, "New Citizens Movement Briefing Note," May 2014.

<sup>25</sup>Xiao Guozhen: China's 'Same-City Dinner Gatherings' Movement Is Still Flourishing" [Xiao guozhen: zhongguo "tongcheng fanzui" yundong fanxing wei ai], Radio Free Asia, 3 September 13; Josh Chin, "Chinese Activists Challenge Beijing by Going to Dinner," Wall Street Journal, 6 November 13.

<sup>26</sup>New Citizens' Movement, "Standing Firm and Working Tirelessly: A Preface for the Launch of the New Citizens' Movement Web Site" [Women yiding hui jianren, women yiding hui nuli—xin gongmin yundong wangzhan fakanci], 10 April 14.

<sup>27</sup>Human Rights in China, "New Citizens Movement Briefing Note," May 2014. The education rights petition commenced in late 2009, technically a period prior to the start of the New Citizens' Movement. Human Rights in China, however, noted NCM participants launched and were actively involved in this advocacy initiative.

<sup>28</sup>During this reporting year, Chinese media reported the closure and banning of several organizations, as well as reports of fines and warnings, reflecting tightened regulatory oversight. See, e.g., Zhu Xinyu and Wei Lili, "'Chinese Montessori Society' Banned" ["Zhongguo mengtaisuoli xiehui" bei qudi], Bandoa Metropolitan News, 26 October 13; Sun Zhiwen, "Qingdao Initiates Special Inspection of Social Organizations, Bans a Specific Illegal Social Organization" [Qingdao jinxing shehui zuzhi zhuanxiang jiancha qudi gebie feifa shehuizuzhi], Qilu Network, 27 October 13; Li Qiang, "Fraudulent NGOs Will Be Blacklisted" [Bu chengxin shehui zuzhi jiang ru heimingdan], Southern Daily, 2 October 13; Lai Yuchen, "60 Social Organizations in Guangzhou Fined for Fraudulent Registration and Other Reasons" [Guangzhou 60 jia shehui zuzhi yin pianqu dengji deng yuanyin shoufa], Xinhua, 9 January 14.

<sup>29</sup>"Kang Xiaoguang: The Cycles of 'Bureaucratization' and 'De-Bureaucratization' of the Public Interest Sector" [Kang xiaoguang: gongyi lingyu zhong de "xingzhenghua" yu "qu xingzhenghua" shuangzhong bianzou], China Foundation for Poverty Alleviation, reprinted in China Development Brief, 30 April 14.

<sup>30</sup>Chinese Human Rights Defenders, "A Nightmarish Year Under Xi Jinping's 'Chinese Dream': 2013 Annual Report on the Situation of Human Rights Defenders in China," March 2014, 7.

<sup>31</sup>"Are Homosexuals Against the Spirit of Civilization? Hunan Provincial Bureau of Civil Affairs Sued in Court" [Tongxinglian you bei jingshen wenming? hunan sheng minzhengting beigao shang fating], Radio Free Asia, 19 February 14.

<sup>32</sup>Civil Rights and Livelihood Watch, "Many NGO Members in Beijing To Convene a Legal Research Seminar Receive Police Summons" [Duoming NGO chengyuan zai jing zhaokai falu yantaohui bei jingfang chuanhuan], 7 May 14; Didi Kirsten Tatlow, "Civil Society Activists Detained as Anniversary Looms," New York Times, Sinosphere (blog), 7 May 14.

<sup>33</sup>Didi Kirsten Tatlow, "Civil Society Activists Detained as Anniversary Looms," New York Times, Sinosphere (blog), 7 May 14.

<sup>34</sup>Didi Kirsten Tatlow, "Lawyer Charged After Trying To Defend June 4 Commemorators," New York Times, Sinosphere (blog), 7 July 14.

<sup>35</sup>"Chang Boyang's Criminal Detention Allegedly Involves Receiving Foreign Funds: 60 People Continue To Support 'Ten Gentlemen' Outside Zhengzhou Detention Center" [Chang boyang xingju bei zhi jieshou jingwai zijin liushi ren zhengzhou kanshousuo wai xucheng "shi junzi"],

Radio Free Asia, 28 July 14; “Office of Zhengzhou NGO Yirenping Once Against Searched, Police Investigating Relations With Foreign Organizations” [Zhengzhou NGO yirenping bangongshi zai bei soucha jingfang diaocha yu jingwai zuzhi guanxi], Radio Free Asia, 14 July 14.

<sup>36</sup> See Fu Hualing, “Embedded Socio-Legal Activism in China: The Case of Yirenping,” reprinted in Social Science Research Network, last visited 11 August 14.

<sup>37</sup> Anti-Domestic Violence Network (Beijing Fan Bao), “Anti-Domestic Violence Network’s Open Letter” [Fandui jiating baoli wangluo gongkai xin], 18 April 14; Felicia Sonmez, “China Domestic Abuse Victims Voiceless as Network Disbands,” Agence France-Presse, reprinted in Sinchew, 22 July 14; “The Anti-Domestic Violence Network: An Interview With Co-Founder Feng Yuan,” China Philanthropy, Social Venture Group (blog), 1 March 12.

<sup>38</sup> Lin Meilian, “Domestic Violence Law Too Weak To Protect Women: Advocates,” Global Times, 28 June 10.

<sup>39</sup> Anti-Domestic Violence Network (Beijing Fan Bao), “Anti-Domestic Violence Network’s Open Letter” [Fandui jiating baoli wangluo gongkai xin], 18 April 14.

<sup>40</sup> Li Hui and Ben Blanchard, “China Quietly Launches Probe of Foreign Non-Govt Outfits—Media,” Reuters, 20 June 14; Didi Kirsten Tatlow, “New Signs That China Is Scrutinizing Foreign NGOs,” New York Times, Sinosphere (blog), 27 June 14.

<sup>41</sup> Huang Jingjing, “Foreign-Funded NGOs Probed Amid Trojan Horse Worries,” Global Times, 23 July 14; Erin Hale, “What Is Beijing Up To? Summer of Increased Harassment, Surveillance Leaves Chinese NGOs on Edge,” South China Morning Post, 19 August 14.

<sup>42</sup> Wang Hairong, “Springtime for NGOs,” Beijing Review, 8 April 13. Yu Keping, a scholar from a government think tank, has estimated approximately 3 million “unrecognized” groups. Another group of scholars has estimated up to 10 million NGOs. See Chao Guo et al., “Civil Society, Chinese Style: The Rise of the Nonprofit Sector in Post-Mao China,” Nonprofit Quarterly, 25 October 12.

<sup>43</sup> Isabel Hilton and Meng Si, “Funding Green China,” Chinadialogue, 19 May 13, 29.

<sup>44</sup> See Fengshi Wu and Kin-man Chan, “Graduated Control and Beyond: The Evolving Government-NGO Relations,” in China Perspectives, No. 3, 2012, 10. The term “social organization” is a broad category in Chinese official parlance, according to Chinese University of Hong Kong scholars Fengshi Wu and Kin-man Chan, in that it includes organizations that also function as quasi- or semi-state-run organizations. See Yu Keping, “China’s Civil Society: Concepts, Classifications, and Institutional Environment” [Zhongguo gongmin shehui: gainian, fenlei yu zhidu huanjing], Social Sciences in China, Issue No. 1, 2006. China’s “people’s organizations” (*renmin tuanti*) or “mass organizations” (*qunzhong tuanti*), such as the All-China Women’s Federation, the All-China Federation of Trade Unions, and the Communist Youth League, are also commonly referred to as “social organizations,” and sometimes describe themselves as non-governmental even though they function as quasi-governmental entities under government and Party leadership.

<sup>45</sup> Isabel Hilton and Meng Si, “Funding Green China,” Chinadialogue, 19 May 13, 27.

<sup>46</sup> Deng Guosheng and Zhao Xiaoping, “GONGOs in the Development of Health Philanthropy in China,” in Philanthropy for Health in China, eds. Jennifer Ryan et al. (Bloomington: Indiana University Press, 2014), 198–99, 209.

<sup>47</sup> Zhang Mulan, “‘Charity Blue Book’ Issued, Four Major Data Raise Concern” [“Cishan lanpishu” fabu si da shuju yin guanzhu], China Philanthropy Times, 20 May 14.

<sup>48</sup> State Council Research Office, “Second Session of the 12th National People’s Congress ‘Government Work Report’ Study Questions & Answers” [Shier jie quanguo renda erci huiyi “zhengfu gongzuo baogao” xuexi wenda], 17 March 14, sec. 19(2).

<sup>49</sup> Ibid.

<sup>50</sup> See, e.g., CECC, 2013 Annual Report, 10 October 13, 133–34; CECC, 2012 Annual Report, 10 October 12, 122–23.

<sup>51</sup> Anthony J. Spires, Lin Tao, and Kin-man Chan, “Societal Support for China’s Grass-Roots NGOs: Evidence From Yunnan, Guangdong and Beijing,” China Journal, No. 71, January 2014, 76–77.

<sup>52</sup> Ibid.

<sup>53</sup> Deng Guosheng and Zhao Xiaoping, “GONGOs in the Development of Health Philanthropy in China,” in Philanthropy for Health in China, eds. Jennifer Ryan et al. (Bloomington: Indiana University Press, 2014), 198–99, 209.

<sup>54</sup> Justice for All, Little Fish Labor Services, and Promise of Love, “Information Submitted by Three Chinese NGOs, Justice for All, Little Fish Labor Services and Promise of Love to the Pre-Sessional Working Group of the Committee on Economic, Social and Cultural Rights on the Occasion of the Consideration of List of Issues Related to the Second Periodic Report of the People’s Republic of China during the Committee’s 51st Session,” March 2014, para. 3.

<sup>55</sup> UN GAOR, Hum. Rts. Coun., 25th Sess., Agenda Item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, 4 December 13, paras. 95 (Ireland), 186.35 (Mexico); UN GAOR, Hum. Rts. Coun., 25th Sess., Agenda Item 1, Report of the Human Rights Council on its 25th Session, A/HRC/25/2, 17 July 14, paras. 818 (Germany), 821 (Ireland).

<sup>56</sup> UN Committee on the Rights of the Child, Concluding Observations on the Combined Third and Fourth Periodic Reports of China, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013), 29 October 13, sec. III(8).

<sup>57</sup> Chinese Human Rights Defenders, “‘Flowers of the Country’: Mistreated and Abused—A Report of the Rights of the Child in China,” August 2013, 2; Justice for All, Little Fish Labor Services, and Promise of Love, “Information Submitted by Three Chinese NGOs, Justice for All, Little Fish Labor Services and Promise of Love to the Pre-Sessional Working Group of the Committee on Economic, Social and Cultural Rights on the Occasion of the Consideration of List of Issues Related to the Second Periodic Report of the People’s Republic of China during the Committee’s 51st Session,” March 2014, para. 3; Human Rights in China, “Suggested Questions and Issues To Be Raised With the Government of the People’s Republic of China in Advance of the

Review of Its Second Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights,” April 2013, paras. 22–25. See also Lawyers for Lawyers (L4L) and Lawyers’ Rights Watch Canada (LRWC), “Joint UPR Submission: People’s Republic of China,” 4 March 13, paras. 14–15. L4L and LRWC asserted in March 2013 that the All China Lawyers Association—listed in China’s roster of NGOs consulted during the formulation of its report for its second Universal Periodic Review—“cannot be seen as a proper independent organisation.”

<sup>58</sup> UN GAOR, Hum. Rts. Coun., 17th Sess., National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21—China, A/HRC/WG.6/17/CHN/1, 5 August 13, annex 2; UN Committee on Economic, Social and Cultural Rights, Implementation of the International Covenant on Economic, Social and Cultural Rights, Second Periodic Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant—China, E/C.12/CHN/2, 6 July 12, annex 1. According to the country report China submitted to the Committee to review its compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Chinese government “convened a conference in July 2011,” to which it invited 11 “civil society” organizations. See UN Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined Seventh and Eighth Periodic Report of States Parties—China, CEDAW/C/CHN/7–8, 17 January 13, Introduction, para. 4.

<sup>59</sup> Human Rights in China, “Suggested Questions and Issues To Be Raised With the Government of the People’s Republic of China in Advance of the Review of Its Second Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights,” April 2013, 10–11, para. 23.

<sup>60</sup> Didi Kirsten Tatlow, “U.N. Investigates ‘Intimidation’ of Activist at Human Rights Council,” New York Times, Sinosphere (blog), 21 March 14; Didi Kirsten Tatlow, “Fissures in China’s Ethnic Policy,” New York Times, Sinosphere (blog), 26 March 14.

<sup>61</sup> *Ibid.*

<sup>62</sup> Human Rights in China, “China Deploys Procedural Challenges To Control Civil Society Voices at Human Rights Council Session,” 22 March 14; International Federation for Human Rights, “Mounting Attacks Against NGOs: The Human Rights Council Should Take a Firm Stand To Protect Their Right To Speak,” 28 March 14; Hans Thoolen, “China in the UN Human Rights Council Manages To Silence Cao Shunli As Well As NGOs,” Hans Thoolen on Human Rights Defenders (blog), 20 March 14.

<sup>63</sup> Human Rights in China, “China Deploys Procedural Challenges To Control Civil Society Voices at Human Rights Council Session,” 22 March 14. For Commission analysis, see “Inadequate Medical Care for Cao Shunli Before Her Death Contradicts International Law,” Congressional-Executive Commission on China, 2 April 14.

<sup>64</sup> Economic and Social Council Committee on NGOs, Department of Public Information, “Committee Grants Special Consultative Status to 15 Non-Governmental Organizations, While Deferring Action on Applications of 38 Others,” 23 May 14; “Veronica Yates: The Child Rights International Network,” reprinted in International Service for Human Rights, 26 June 14.

<sup>65</sup> Economic and Social Council Committee on NGOs, Department of Public Information, “Committee on Non-Governmental Organizations, Concluding Review of Applications, Recommends Two Groups for Consultative Status,” 28 May 14.

<sup>66</sup> “Policy Brief No. 14 (January 2014): The Third Plenum Brings a Chilly Spring for China’s Civil Society,” China Development Brief, 7 February 14.

<sup>67</sup> Chinese Communist Party Central Committee, “Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms” [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], reprinted in Xinhua, 15 November 13, sec. 13(48); State Council General Office, Guiding Opinion on Government Procurement of Services From Social Forces [Guowuyuan bangongting guanyu zhengfu xiang shehui liliang goumai fuwu de zhidao yijian], reprinted in PRC Central People’s Government, issued 26 September 13.

<sup>68</sup> Wang Jianjun, “Promoting Social Organization Reform Development Will Require Solving 10 Major Problems” [Tuijin shehui zuzhi gaige fazhan yao zhuoli jiejie shi da wenti], Journal of China Social Organizations, reprinted in Ministry of Civil Affairs NPO Bureau, 8 July 14.

<sup>69</sup> State Council General Office, “State Council Institutional Reform and Functional Transformation Plan” [Guowuyuan jigou gaige he zhineng zhuanbian fang’an], 28 March 13.

<sup>70</sup> PRC Central People’s Government, “National New-Type Urbanization Plan (2014–2020) [Guojia xinxing chengzhenhua guihua (2014–2020 nian)], reprinted in Xinhua, 16 March 14, chap. 19, sec. 1.

<sup>71</sup> Jiang Yanxin, “Public Servants Responsible for Leading Industry Associations Will Decrease Significantly” [Gongwuyuan ren hangye xiehui lingdao jiang dafu jianshao], Beijing News, 14 March 14.

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> Du Ke, “Administrative Reform Blue Book: Society Most Eager for Simplification and Decentralization of Government Powers” [Xingzheng gaige lanpishu: jianzheng fangquan zui wei shehui qidai], Caixin, 24 March 14.

<sup>77</sup> State Council General Office, “State Council Institutional Reform and Functional Transformation Plan” [Guowuyuan jigou gaige he zhineng zhuanbian fang’an], 28 March 13.

<sup>78</sup> He Dan, “NPO Rules Expected in 2014,” China Daily, 29 December 13; Karla Simon, “Civil Society Developments in China,” Alliance (blog), 4 February 14. The three key regulations include the Regulations on the Registration and Management of Social Associations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98; Temporary Regulations on the Registration and Management of Non-Governmental, Non-Profit Organizations [Minban fei qiye danwei

dengji guanli zanzheng tiaoli], issued and effective 25 October 98; and Regulations on the Management of Foundations [Jijinhui guanli tiaoli], issued 8 March 04, effective 1 June 04.

<sup>79</sup>He Dan, "Reforms Give NGOs a Level Playing Field," *China Daily*, 31 March 14; Wang Jianjun, "Promoting Social Organization Reform Development Will Require Solving 10 Major Problems" [Tuijin shehui zuzhi gaige fazhan yao zhuoli jieju shi da wenti], *Journal of China Social Organizations*, reprinted in Ministry of Civil Affairs NPO Bureau, 8 July 14.

<sup>80</sup>Zhou Tian, "MCA Publication Explains Social Organizations and State Governance" [Minzhengbu kanwen jiedu shehui zuzhi yu guojia zhili], *Caixin*, 11 December 13.

<sup>81</sup>Wang Jianjun, "Promoting Social Organization Reform Development Will Require Solving 10 Major Problems" [Tuijin shehui zuzhi gaige fazhan yao zhuoli jieju shi da wenti], *Journal of China Social Organizations*, reprinted in Ministry of Civil Affairs NPO Bureau, 8 July 14; Isabel Hilton and Meng Si, "Funding Green China," *Chinadialogue*, 19 May 13, 27.

<sup>82</sup>Jiang Yanxin, "Public Servants Responsible for Leading Industry Associations Will Decrease Significantly" [Gongwuyuan ren hangye xiehui lingdao jiang dafu jianshao], *Beijing News*, 14 March 14.

<sup>83</sup>Wang Jianjun, "Promoting Social Organization Reform Development Will Require Solving 10 Major Problems" [Tuijin shehui zuzhi gaige fazhan yao zhuoli jieju shi da wenti], *Journal of China Social Organizations*, reprinted in Ministry of Civil Affairs NPO Bureau, 8 July 14.

<sup>84</sup>Ministry of Civil Affairs (MCA), Circular of the Ministry of Civil Affairs on Matters Relating to the Implementation of the Decision of the State Council on Canceling the Administrative Approval for the Registration of Branches and Representative Offices of National Social Groups [Minzhengbu guanyu guanche luoshi guowuyuan quxiao quanguoxing shehui tuanti fenzhi jigou, daibiao jigou dengji xingzheng shenpi xiangmu de jue ding youguan wenti de tongzhi], issued 26 February 14; State Council Decision on Abolishing and Delegating to Lower Levels Administrative Approvals for Some Items [Guowuyuan guanyu quxiao he xiafang yipi xingzheng shenpi xiangmu de jue ding], issued 8 November 13, items 76–78.

<sup>85</sup>Karla Simon, "Civil Society Developments in China," *Alliance* (blog), 4 February 14.

<sup>86</sup>Lan Fang, "Legal Studies Association Doesn't Accept Punishment and Sues MCA" [Faxue shetuan bufu chufa qisu minzhengbu], *Caixin*, 1 May 14. The *Caixin* report explains that the Chinese Society of International Economic Law refused the MCA's 2007 directive to change its professional sponsor organization from the Ministry of Justice to another national-level legal association, the China Law Society. See Chinese Society of International Economic Law Institute Introduction [Zhongguo guoji jingji faxuehui jianjie], Chinese Society of International Economic Law Web site, last visited 7 May 14.

<sup>87</sup>Lan Fang, "Legal Studies Association Doesn't Accept Punishment and Sues MCA" [Faxue shetuan bufu chufa qisu minzhengbu], *Caixin*, 1 May 14; Lan Fang, "Sequel to Social Organization's Lawsuit Against the MCA, Questions the Source of Law Society's Authority" [Shetuan gao minzhengbu xupian, zhiyi faxuehui quanli laiyuan], *Caixin*, 28 May 14.

<sup>88</sup>State Council General Office, Guiding Opinion on Government Procurement of Services From Social Forces [Guowuyuan bangongting guanyu zhengfu xiang shehui lilian goumai fuwu de zhidao yijian], reprinted in PRC Central People's Government, issued 26 September 13; "State Council General Office: Gradually Increase the Extent of the Government's Procurement of Services From Social Forces" [Guoban: zhuhu jiada zhengfu xiang shehui lilian goumai fuwu de lidu], *China News Service*, 30 September 13.

<sup>89</sup>Zhu Lan, "Government Procurement of Services From Society as Driver of Social System Reform" [Zhengfu xiang shehui lilian goumai fuwu tuidong shehui tizhi gaige], in *The Blue Book of Social Institution: Report on Social Institutional Reform in China* [Shehui tizhi lanpishu: zhongguo shehui tizhi gaige baogao], eds. Gong Weibin and Zhao Qiuying (Beijing: Social Sciences Academic Press, 2014), No. 2, 29.

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