

### III. Development of the Rule of Law

#### CIVIL SOCIETY

##### *Findings*

- In the past few years, the Chinese government has harshly repressed human rights lawyers, women’s rights advocates, labor rights defenders, citizen journalists, and petitioners. Some previously tolerated “gray areas” of civil society experienced what experts describe as a “chilling effect.” In conjunction with the continued implementation of legislative and regulatory reforms passed in 2016 and the increased role and purview of the Chinese Communist Party over all aspects of Chinese society, the space which non-governmental organizations (NGOs) had to carry out human rights advocacy activities continued to shrink.
- The Chinese government’s efforts to promote its vision for “human rights with Chinese characteristics” at the November 2018 session of the UN Human Rights Council’s (UNHRC) Universal Periodic Review undermined principles in the international human rights framework. A September 2018 Brookings Institution report examining China’s activities at the UNHRC from 2016 to 2018 concluded that the Chinese government opposed international standards of legitimate civil society activity and association and is in favor of limiting the power and freedom of civil society organizations. As Chinese government influence in international organizations continues to grow, support from democratic states is critical to upholding civil society’s role as independent human rights and rule of law watchdogs.
- Chinese government efforts to suppress labor advocacy and to label such efforts as driven by foreign interests make it increasingly difficult for workers in China to organize grassroots efforts and advocate for their rights. Chinese authorities carried out a large-scale nationwide crackdown on labor rights advocates that began in July 2018 when workers at a Jasic Technology factory in Shenzhen municipality, Guangdong province, attempted to organize a labor union and received widespread national support from university students and internet users. Authorities portrayed the labor protests as orchestrated by a “foreign-funded” NGO, and detained, forcibly disappeared, harassed, and physically assaulted labor advocates and their supporters.
- In the fall of 2018, Chinese authorities carried out a broad crackdown on unregistered Protestant churches (“house churches”), including Zion Church (banned in September 2018) and Shouwang Church (banned in March 2019) in Beijing municipality; Rongguili Church in Guangzhou municipality, Guangdong province (banned in December 2018); and Early Rain Covenant Church in Chengdu municipality, Sichuan province (banned in December 2018). The government’s efforts to ban major unregistered churches this past year is part of the intensification of national policy against religious groups throughout China.

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- In the face of pressure and censorship from the government against the growing #MeToo movement in China, women's rights advocates continued to carry out their advocacy on social media, negotiate with officials, and offer support to survivors of sexual harassment. Women's rights advocates use online networks and forums to organize advocacy, offer support, and create a network among supporters. Despite the government's efforts to shut down social media platforms of gender-based advocacy, advocates continue to establish new networks and seek ways to offer support to those who need it.
- In addition to implementing the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, the Chinese government highlighted overseas NGOs that threatened China's "political security" and urged citizens to report violations of the law. The Chinese government has intensified efforts to root out illegal overseas NGOs by using the internet and mobilizing Chinese citizens. The lack of a definition for what is considered threatening to China's "political security" gives the Chinese government unlimited latitude to crack down on organizations working on human rights and rule of law advocacy.
- Chinese central- and provincial-level authorities continued to implement the national campaign launched in 2018 to clamp down on domestic "illegal social organizations" that do not possess proper government registration or that perform activities outside the scope of those for which they have registered, targeting those that "threaten state security and social stability." In September 2018, the Ministry of Civil Affairs released an action plan to monitor the online activities of groups and mobilize public reporting of illegal activities online in order to crack down on illegal organizations. Internet surveillance and the use of big data, combined with citizen reporting, narrows the space of operation for organizations that have not obtained official approval, including those focused on human rights advocacy in China.
- The Chinese government continued to suppress the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China. LGBTQ individuals faced a multitude of challenges, including a lack of legal protections. The Chinese government cracked down on organizations and rights defenders active on LGBTQ issues. Nevertheless, LGBTQ advocates supported online campaigns highlighting workplace discrimination and sexual harassment, and censorship. The Chinese government has not followed multiple recommendations from UN bodies regarding LGBTQ protections.

### *Recommendations*

Members of the U.S. Congress and Administration officials are encouraged to:

- Urge the Chinese government to revise or repeal the PRC Law on the Management of Overseas NGOs' Activities in Mainland China and revise the PRC Charity Law to reflect the principles of the International Covenant on Civil and Political

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Rights, especially with regard to the rights to freedom of association, assembly, and expression.

- Urge the Chinese government to refrain from using legal provisions or government policy to crack down on civil society advocates and organizations working on human rights.
- Call on the Chinese government to cease harassment and arbitrary detention of civil society advocates and NGOs and provide adequate procedural due process to those individuals subject to criminal investigation and trial.
- Call on the Chinese government to stop censoring and shutting down social media accounts and internet-based platforms of civil society organizations working on rights advocacy.
- Oppose efforts by the Chinese government at the UN Human Rights Council to undermine universal human rights standards and urge Chinese officials to adopt policies that encourage civil society organizations in China to uphold universal norms and become independent from the government.
- Integrate civil society issues into bilateral discussions and agreements with Chinese officials to promote reciprocity in the approach and implementation of civil society exchanges between the United States and China.
- Continue to fund, monitor, and evaluate foreign assistance programs in China that support democracy promotion, rule of law, and human rights advocacy.
- Take measures to facilitate the participation of Chinese civil society advocates in relevant international conferences and forums and support international training to build their leadership capacity in non-profit management, public policy advocacy, and media relations.

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### *Introduction*

Since Chinese President and Communist Party General Secretary Xi Jinping came into power in late 2012, the space for civil society in China has become more regulated and restricted.<sup>1</sup> Under Xi's rule, moreover, the crackdown on civil society has intensified over the past few years as the government targeted different sectors of civil society that advocate for human rights and the rule of law.<sup>2</sup> In the past few years, the Chinese government has harshly repressed human rights lawyers, women's rights advocates, labor rights defenders, citizen journalists, and petitioners for peacefully exercising their rights.<sup>3</sup> Some previously tolerated "gray areas" of civil society experienced what experts describe as a "chilling effect."<sup>4</sup> In conjunction with the continued implementation of legislative and regulatory reforms passed in 2016<sup>5</sup> and the increased role and purview of the Party over all aspects of Chinese society,<sup>6</sup> the space in which non-governmental organizations (NGOs) had to carry out human rights advocacy activities continued to shrink.<sup>7</sup>

The number of Chinese NGOs is difficult to determine, in part because of the complex regulatory framework, the existence of unregistered NGOs and informal associations, the pace of growth of the non-governmental and non-profit sector, and the range of different types of such organizations.<sup>8</sup> According to the Ministry of Civil Affairs, at the end of 2018, China had 816,027 registered "social organizations" (*shehui zuzhi*)—the official term for NGOs<sup>9</sup>—that consisted of 443,000 non-governmental, non-commercial organizations (*minban feiqiye danwei*), also called social service organizations (*shehui fuwu jigou*); 7,027 foundations (*jijinhui*); and 366,000 social associations (*shehui tuanti*).<sup>10</sup> Many social associations, however, are government-organized non-governmental organizations (GONGOs) and therefore have close ties to the government.<sup>11</sup> Many NGOs, with few or no ties to the government, remain unregistered or are registered as business entities due to restrictions and barriers to registration imposed by the government.<sup>12</sup>

### *Universal Periodic Review*

At the November 2018 session of the UN Human Rights Council's (UNHRC) Universal Periodic Review (UPR) of the Chinese government's human rights record, the Chinese government continued to promote its vision for "human rights with Chinese characteristics."<sup>13</sup> A September 2018 Brookings Institution report outlined China's activities at the UNHRC from 2016 to 2018 and concluded that the Chinese government opposed international definitions of civil society and is in favor of limiting the power and freedom of civil society organizations.<sup>14</sup> The Brookings report urged support from democratic states to "protect [Chinese] civil society's vital role as independent watchdogs for upholding universal norms."<sup>15</sup> During the 2018 UPR, Estonia recommended that China enable civil society to "freely engage with international human rights mechanisms without fear of intimidation and reprisals," while Greece recommended that China "ensure a safe environment for journalists

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and other civil society actors to carry out their work.”<sup>16</sup> In January 2019, 40 international NGOs sent a joint appeal urging the UNHRC to issue a resolution addressing human rights violations in China, particularly in light of the large-scale arbitrary detention of Uyghurs and other predominantly Muslim ethnic groups in the Xinjiang Uyghur Autonomous Region.<sup>17</sup> [For more information on the mass detention of Uyghurs and other Turkic Muslims, see Section IV—Xinjiang.]

### *Government Suppression of Civil Society*

This past year, government authorities continued to suppress Chinese human rights advocates and unregistered organizations.<sup>18</sup> These instances included the following:

- **Labor rights advocates:** Beginning in July 2018, Chinese authorities carried out a large-scale nationwide crackdown on labor advocates after workers at a Jasic Technology factory in Shenzhen municipality, Guangdong province, began protests and attempted to organize a labor union.<sup>19</sup> After the workers at Jasic received support from Chinese university students and internet users,<sup>20</sup> Chinese state-run media outlet Xinhua portrayed the labor protests as orchestrated by a “foreign funded” NGO.<sup>21</sup> By February 2019, authorities had detained or forcibly disappeared over 50 people, including workers, labor advocates, Marxists, students, and graduates from different universities.<sup>22</sup> In addition to detaining, prosecuting, harassing, and physically assaulting members of the student-led Jasic Workers’ Solidarity Group, formed in support of the Jasic workers, Chinese authorities also prevented the group from meeting together.<sup>23</sup> [For more information on worker rights in China, see Section II—Worker Rights.]
- **Unregistered Christian churches:** Chinese authorities carried out a broad crackdown on unregistered Protestant churches (“house churches”), as part of an intensification of government pressure on religious groups that previously had gathered without much government interference,<sup>24</sup> including Zion Church (banned in September 2018) and Shouwang Church (banned in March 2019) in Beijing municipality;<sup>25</sup> Rongguili Church in Guangzhou municipality, Guangdong province (banned in December 2018);<sup>26</sup> and Early Rain Covenant Church in Chengdu municipality, Sichuan province (banned in December 2018).<sup>27</sup> Beginning on December 9, 2018, public security officials in Chengdu took into custody or detained over 100 leaders and members of the Early Rain Covenant Church—including its pastor Wang Yi and his wife Jiang Rong on the charge of “inciting subversion of state power.”<sup>28</sup> [For more information on religious persecution in China, see Section II—Freedom of Religion.]

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**Registration for Religious Groups:** The Chinese government requires religious groups to register based on provisions in the Regulations on Religious Affairs (RRA).<sup>29</sup> Under President Xi Jinping, Chinese authorities have intensified efforts to force house churches to obtain official registration.<sup>30</sup> Citing the RRA, Chinese authorities required house churches across China to submit registration forms and to provide personal information on church members.<sup>31</sup> In January 2019, the State Administration for Religious Affairs and the Ministry of Civil Affairs issued a joint notice on the registration of religious venues that specifies requirements for religious groups seeking authorization to receive donations to not only obtain approval by the local government religious affairs bureau before applying for official registration with the local government civil affairs bureau, but also to provide information on finances from an authorized accounting firm as well as the social credit numbers of group leaders.<sup>32</sup> [For more information on the social credit system, see Section II—Business and Human Rights.]

• **Women’s rights advocacy:** Despite pressure and censorship from the government against the growing #MeToo movement in China, women’s rights advocates continued to “use social media, negotiate with the authorities, and offer support to survivors [of sexual harassment].”<sup>33</sup> In December 2018, the Guangzhou Gender and Sexuality Education Center closed after some staff reportedly received threats from Chinese authorities.<sup>34</sup> A January 2019 Foreign Policy report highlighted that NGOs were the first in responding to the needs of victims of sexual harassment since the #MeToo movement emerged in 2018, particularly in adopting comprehensive anti-sexual harassment measures and fielding sexual harassment-related inquiries.<sup>35</sup> For example, a grassroots network consisting of hundreds of volunteers that connects victims to activists, lawyers, and psychologists is reportedly underway.<sup>36</sup> [For more information on gender-based advocacy in China, see Section II—Status of Women.]

### *Foreign NGOs’ Activities in China*

This past year, the government continued to carry out the PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China (Overseas NGOs’ Activities Law) which took effect in January 2017.<sup>37</sup> By August 2019, 496 international NGOs (INGOs) had successfully registered representative offices and INGOs had filed 2,065 temporary activity permits in China, according to official data posted to the Ministry of Public Security’s Overseas Non-Governmental Organizations Services Platform.<sup>38</sup> In 2018, the number of representative offices registered per month by INGOs began to decline and level off at fewer than ten per month.<sup>39</sup> In contrast, the number of temporary activities filed by INGOs increased in the second half of 2018, peaking in November 2018 with 124, and dropped to 34 in February 2019 before leveling off to around 65 per month beginning in May 2019.<sup>40</sup> Asia Society’s China NGO Project surmised that the increase in temporary activity filings in 2018 can be attributed to the greater overall familiarity of government officials, groups, and local Chinese

partner units with the filing process.<sup>41</sup> INGOs with representative offices work most commonly in the sectors of trade, international relations, education, youth, health, and poverty alleviation; with the exception of trade, INGOs with temporary activities work predominantly in the same sectors.<sup>42</sup>

In addition to implementing the Overseas NGOs' Activities Law, the government and Party singled out overseas NGOs that allegedly threatened China's "political security" and urged citizens to report violations of the Overseas NGOs' Activities Law. The *People's Daily*, a Party-run media outlet, detailed in an April 2019 article how two foreign NGOs—Chinese Urgent Action Working Group (CUAWG), run by formerly detained Swedish citizen Peter Dahlin, and South Korean missionary group InterCP—"endangered political security" in China.<sup>43</sup> The article accused CUAWG of accepting large sums of money from foreign organizations and called the staff of CUAWG "informants planted in China by Western anti-China forces."<sup>44</sup> In March 2019, the Guangzhou Municipal Bureau of Ethnic and Religious Affairs in Guangdong issued an official measure to encourage citizens to report illegal religious activity, offering cash rewards of 3,000 to 10,000 yuan (US\$436 to US\$1,455) to Chinese citizens who provide assistance in reporting or tracking down illegal overseas religious organizations and staff.<sup>45</sup> In another instance, in January 2019, the Public Security Bureau in Qidong city, Nantong municipality, Jiangsu province, published a WeChat post, which was reposted by the Ministry of Public Security, instructing citizens on how to recognize and report illegal foreign NGO activities to public security authorities.<sup>46</sup>

**Arbitrary Detention of Canadian Citizen Michael Kovrig in China**

On December 10, 2018, authorities from the Ministry of State Security in Beijing municipality detained Canadian citizen and employee of the non-governmental organization International Crisis Group (ICG) Michael Kovrig on suspicion of "endangering state security."<sup>47</sup> Kovrig's detention took place days after Canadian authorities arrested Meng Wanzhou, the chief financial officer of the Chinese company Huawei, in Vancouver<sup>48</sup> at the request of U.S. officials who sought to extradite Meng on charges that include violation of sanctions on Iran.<sup>49</sup> During a press conference on December 12, a Ministry of Foreign Affairs spokesperson said that Kovrig may have been detained under the Overseas NGOs' Activities Law, saying the ICG "has not legally registered or submitted documents for the record" in China.<sup>50</sup> An assessment by Asia Society's ChinaFile said that the Chinese government's reference to the Overseas NGOs' Activities Law after detaining Kovrig may suggest that the law could "easily be used for political ends and is not a safe or reliable mechanism" for foreign NGOs working in China.<sup>51</sup> A Reuters report said that Kovrig's detention was "sending chills" through foreign NGO workers in China.<sup>52</sup> [For more information on Michael Kovrig's case, see Section II—Criminal Justice.]

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### *Overall Regulatory Environment for Domestic NGOs*

This past year, Chinese central- and provincial-level authorities continued to implement the national campaign launched in 2018 to clamp down on “illegal social organizations” that do not possess proper government registration or that perform activities outside the scope of those for which they have registered,<sup>53</sup> targeting those that “threaten state security and social stability.”<sup>54</sup> In 2018, the Ministry of Civil Affairs (MCA) and the Ministry of Public Security investigated 5,845 organizations and “exposed” more than 300 suspected “illegal organizations.”<sup>55</sup> Under the direction of the central government,<sup>56</sup> provincial- and local-level governments took action to curb illegal organizations in their administrative jurisdictions.<sup>57</sup> In September 2018, the MCA released an action plan to monitor the online activities of groups and mobilize public reporting of illegal activities online in order to crack down on illegal organizations.<sup>58</sup> In May 2019, state-run media outlet Xinhua reported that the MCA and “telecom authorities” shut down the websites and social media accounts of nine illegal organizations.<sup>59</sup>

Two years after the release of draft revisions to the three major regulations for civil society organizations,<sup>60</sup> the MCA released a new draft regulation for public comment in August 2018, combining the three regulations that form the core of the regulatory system for domestic social service organizations, foundations, and social associations into a single regulatory document.<sup>61</sup> As of August 2019, however, there were no further updates on the status of the combined draft regulation.

### **Suppression of the LGBTQ Community**

The Chinese government continued to suppress the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China. LGBTQ individuals faced a multitude of challenges, including a lack of legal protections. The Chinese government cracked down on organizations and rights defenders active on LGBTQ issues. Nevertheless, LGBTQ advocates supported online campaigns highlighting workplace discrimination and sexual harassment, and censorship. The Chinese government has not followed multiple recommendations from UN bodies regarding LGBTQ protections.

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• **Continuing Crackdown on Civil Society Undermines LGBTQ Advocacy.** Chinese officials continued censoring online discussion of topics related to LGBTQ issues and shut down organizations engaging in advocacy.<sup>62</sup> These restrictions were a continuation of an official crackdown on advocacy that began in 2015.<sup>63</sup>



### Suppression of the LGBTQ Community—Continued

• **Blacklisting advocacy organizations and activists.** On January 8, 2019, the Guangzhou Municipal Department of Civil Affairs in Guangdong province issued a list of suspected “illegal social organizations,” naming two organizations that work on gender and sexuality issues.<sup>64</sup> One organization, a student group called the Guangzhou University Rainbow Group (*Guangzhou Gaoxiao Caihong Xiaozu*), reportedly organized discussions about sexuality at their university.<sup>65</sup> The other organization, the Guangzhou Gender and Sexuality Education Center (*Guangzhou Xingbie Jiaoyu Zhongxin*), worked on both gender and LGBTQ issues, primarily focusing on combating sexual harassment and violence.<sup>66</sup> Founded by Wei Tingting,<sup>67</sup> the organization conducted and published a survey in April 2018 on the prevalence of sexual harassment and assault on Chinese college campuses.<sup>68</sup> The group succeeded despite encountering censorship restrictions for the group’s campaign to raise funds for the survey.<sup>69</sup> The organization announced on the social media platform WeChat in December 2018 that it would temporarily cease operations.<sup>70</sup> The field program coordinator for an international LGBTQ rights organization called the inclusion of these organizations on the list of suspected illegal organizations “a setback for LGBT rights in China.”<sup>71</sup> In another example of the shrinking space for LGBTQ advocacy, on January 11, 2019, authorities in Shenzhen municipality, Guangdong, administratively detained for three days Cheung Kam Hung, the founder of a Hong Kong-based organization promoting LGBTQ rights in mainland China,<sup>72</sup> accusing him of violating the PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China.<sup>73</sup> Cheung told Hong Kong media that he planned to close his organization in 2019, as he could no longer operate in mainland China due to the law.<sup>74</sup>

• **Barriers to individual advocacy of LGBTQ protections from discrimination have been heightened by the ongoing government crackdown on rights lawyers and advocacy organizations.** LGBTQ individuals rarely petition for formal redress from discrimination,<sup>75</sup> in part because they lack legal protection under Chinese law.<sup>76</sup> Nevertheless, the State Department reported the NGOs had some success advocating for LGBTQ rights “through specific anti-discrimination cases.”<sup>77</sup>

• **Independent public advocacy for LGBTQ rights continued to find space despite official repression.** Organizations focusing on LGBTQ issues continued to operate this past year,<sup>78</sup> and in an example of individual LGBTQ advocacy, two men organized an art project in multiple cities in China, driving trucks with slogans on the side that criticized the continued use of conversion therapy in China.<sup>79</sup>

#### *LGBTQ Community Lacks Clear Legal Protection from Domestic Violence*

A Chinese official indicated in 2015 that the PRC Anti-Domestic Violence Law would likely not cover those in same-sex relationships.<sup>80</sup> According to the U.S. Department of State, “the law does not safeguard same-sex couples.”<sup>81</sup> As of August 2019, the Commission did not observe any other national statistics regarding violence against LGBTQ individuals in the reporting year.

**Suppression of the LGBTQ Community—Continued**

*Censorship of LGBTQ Content*

Chinese authorities censored LGBTQ content on television, film, and online, and in some cases prevented public forms of LGBTQ expression.<sup>82</sup> In October 2018, authorities in Wuhu municipality, Anhui province, sentenced an author to ten years and six months' imprisonment on pornography charges for writing a novel depicting gay sex.<sup>83</sup> In April 2019, Chinese social media platforms variously banned a hashtag for lesbian issues and the use of rainbow flag emojis in display names.<sup>84</sup> In response to significant online criticism, the microblogging platform Weibo restored the hashtag.<sup>85</sup>

*UN Recommendations to the Chinese Government on LGBTQ Issues*

• **The Chinese government has not followed a UN Committee against Torture recommendation made specifically to China to ban its particular practice of conversion therapy and other “forced, involuntary or otherwise coercive or abusive treatments.”** Conversion therapy, as practiced in Chinese medical facilities, does not meet the medical standard of “free and informed consent,” according to Human Rights Watch. Moreover, such therapy often includes forced medication, the involuntary or coercive application of electric shocks, arbitrary confinement, as well as aversion therapy.<sup>86</sup> One non-governmental organization (NGO) focusing on LGBTQ issues documented 169 alleged cases of forced conversion therapy in China between 2016 and 2017.<sup>87</sup> In 2016, the UN Committee against Torture called on the Chinese government to “prohibit the practice of so-called ‘conversion therapy,’ and other forced, involuntary or otherwise coercive or abusive treatments” as practiced in Chinese medical facilities.<sup>88</sup>

• **The Chinese government accepted and supported recommendations related to LGBTQ rights from UN member states that participated in the Universal Periodic Review.** In March 2019, the Chinese government accepted recommendations made by Argentina, Chile, France, Mexico, the Netherlands, and Sweden during the November 2018 session of the Universal Periodic Review of the Chinese government’s human rights record to “[p]rohibit all forms of discrimination and violence against lesbian, gay, bisexual, transgender, and intersex persons,” and to “adopt measures, including public policies or laws, which ensure the enjoyment of the right of every person not to be discriminated against in any way, including their sexual orientation, religion or ethnic origin.”<sup>89</sup> Although in 2016 over 30 delegates to the National People’s Congress<sup>90</sup> proposed passage of draft anti-discrimination legislation that would prohibit discrimination on the basis of gender, sexual identity, and sexual orientation, the Commission had not observed further action toward passage of the law as of August 2019.<sup>91</sup>

### Notes to Section III—Civil Society

<sup>1</sup> Shawn Shieh, “Remaking China’s Civil Society in the Xi Jinping Era,” *ChinaFile*, Asia Society, August 2, 2018.

<sup>2</sup> Chinese Human Rights Defenders, *Defending Rights in a ‘No Rights Zone’: Annual Report on the Situation of Human Rights Defenders in China (2018)*, February 2019, 4.

<sup>3</sup> Chinese Human Rights Defenders, *Defending Rights in a ‘No Rights Zone’: Annual Report on the Situation of Human Rights Defenders in China (2018)*, February 2019, 9; Shawn Shieh, “Remaking China’s Civil Society in the Xi Jinping Era,” *ChinaFile*, Asia Society, August 2, 2018.

<sup>4</sup> Timothy Hildebrandt, *Social Organizations and the Authoritarian State in China* (Cambridge: Cambridge University Press, 2013), 58. Hildebrandt explains use of the term “chilling effect” in the context of civil society as the internalization of the “fear of a negative state response” to the point that civil society “actors do not contemplate taking actions that might put them[sic] in jeopardy.” See, e.g., Freedom House, “China,” in *Freedom on the Net 2015*, October 2015; Mimi Lau, “Mother of Detained Labour Activist Takes on State Media—And Forced into Hardest Decision of Her Life,” *South China Morning Post*, May 1, 2016; Verna Yu, “Charity Workers in China Say NGOs Being ‘Pulled Out by the Roots,’” *South China Morning Post*, June 12, 2017; Orville Schell, “Crackdown in China: Worse and Worse,” *New York Review of Books*, April 21, 2016; Chinese Human Rights Defenders, “China: Repeal Overseas NGO Law & Protect Freedom of Association,” April 28, 2016; Chinese Human Rights Defenders, *Repression and Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017)*, February 26, 2018, 24–26; Chinese Human Rights Defenders, *Defending Rights in a ‘No Rights Zone’: Annual Report on the Situation of Human Rights Defenders in China (2018)*, February 2019, 9.

<sup>5</sup> *Zhonghua Renmin Gongheguo Jingwai Feizhengfu Zuzhi Jingnei Huodong Guanli Fa* [PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China], passed April 28, 2016, effective January 1, 2017; *Zhonghua Renmin Gongheguo Cishan Fa* [PRC Charity Law], passed March 16, 2016, effective September 1, 2016. See also Ministry of Civil Affairs, *Shehui Tuanti Dengji Guanli Tiaoli (Xiuding Cao’an Zhengqiu Yijian Gao)* [Regulations on the Registration and Management of Social Organizations (Revised Draft for Solicitation of Comments)], August 1, 2016; Ministry of Civil Affairs, *Minban Feiqiye Danwei Dengji Guanli Zanzing Tiaoli (Xiuding Cao’an Zhengqiu Yijian Gao)* [Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises (Revised Draft for Public Comment)], May 26, 2016; Ministry of Civil Affairs, *Jijinhui Guanli Tiaoli (Xiuding Cao’an Zhengqiu Yijian Gao)* [Regulations on the Management of Foundations (Revised Draft for Solicitation of Comments)], May 26, 2016; Ministry of Civil Affairs, *Shehui Zuzhi Dengji Guanli Tiaoli (Cao’an Zhengqiu Yijian Gao)* [Regulations on the Registration and Management of Social Organizations (Draft for Solicitation of Comments)], August 3, 2018; International Center for Not-for-Profit Law, “Civic Freedom Monitor: China,” updated March 6, 2019, accessed June 11, 2019.

<sup>6</sup> Nectar Gan, “Xi Jinping Targets Grass Roots in Push to Extend Communist Party Control,” *South China Morning Post*, November 29, 2018; Chinese Communist Party Central Committee, *Zhongguo Gongchandang Zhibu Gongzuo Tiaoli (Shixing)* [Regulations on Chinese Communist Party Branch Operations (Provisional)], effective October 28, 2018, arts. 5, 9. See also Chinese Communist Party Central Committee, *Zhonggong Zhongyang Guanyu Shenhua Dang He Guojia Jigou Gaige de Jueding* [Decision on Deepening Reform of Party and Government Agencies], March 4, 2018; “Zhonggong Zhongyang yinfa ‘Shenhua Dang he Guojia Jigou Gaige Fang’an’” [Chinese Communist Party Central Committee issues “Plan for Deepening Reform of Party and Government Agencies”], *Xinhua*, March 21, 2018. In March 2018, the National People’s Congress and the Chinese People’s Political Consultative Conference unveiled reforms of Party and government structures as part of the trend to elevate the role of the Party over government and society. See, e.g., Michael Martina, “Exclusive: In China, the Party’s Push for Influence Inside Foreign Firms Stirs Fears,” *Reuters*, August 24, 2017; Choi Chi-yuk and Eva Li, “Lawyers in Chinese Megacity the New Front in Communist Party’s Push for Greater Control,” *South China Morning Post*, May 18, 2017.

<sup>7</sup> Chinese Human Rights Defenders, *Repression and Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017)*, February 26, 2018, 2; Chinese Human Rights Defenders, *Defending Rights in a ‘No Rights Zone’: Annual Report on the Situation of Human Rights Defenders in China (2018)*, February 2019, 12; *Rule By Fear: 30 Years After Tiananmen Square, Hearing of the U.S. Senate Committee on Foreign Relations*, 116th Cong. (2019) (testimony of Sophie Richardson, China Director, Human Rights Watch).

<sup>8</sup> International Center for Not-for-Profit Law, “Civic Freedom Monitor: China,” updated March 6, 2019, accessed June 11, 2019; Patti Chu and Olivia Yutong Wang, AVPN, “Philanthropy in China,” November 2018, 11–13.

<sup>9</sup> Karla W. Simon and Holly Snape, “China’s Social Organisations After the Charity Law,” *Made in China Journal* 2, no. 1 (January–March 2017): 26–27.

<sup>10</sup> Ministry of Civil Affairs, *Minzheng tongji jibao (2018 nian 4 jidu)* [Quarterly report on civil affairs statistics (4th quarter of 2018)], January 30, 2019, sec. 8(1).

<sup>11</sup> Shawn Shieh, “Mapping the Dynamics of Civil Society: A Model Analysis of Trends in the NGO Sector,” in *NGO Governance and Management in China*, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 48; International Center for Not-for-Profit Law, “Civic Freedom Monitor: China,” updated March 6, 2019, accessed June 11, 2019.

<sup>12</sup> International Center for Not-for-Profit Law, “Civic Freedom Monitor: China,” updated March 6, 2019, accessed June 11, 2019; Shawn Shieh, “Mapping the Dynamics of Civil Society: A Model Analysis of Trends in the NGO Sector,” in *NGO Governance and Management in China*, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 52–53. See also Isabel Hilton et al., “The Future of NGOs in China: A ChinaFile Conversation,” *ChinaFile*, Asia Society, May 14, 2015.

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<sup>13</sup>Andréa Worden, “China Deals Another Blow to International Human Rights Framework at Its UN Universal Periodic Review,” *China Change*, November 25, 2018. See also Human Rights Watch, “The Costs of International Advocacy: China’s Interference in United Nations Human Rights Mechanisms,” September 5, 2017.

<sup>14</sup>Ted Piccone, “China’s Long Game on Human Rights at the United Nations,” *Foreign Policy*, Brookings Institution, September 2018, 8, 11.

<sup>15</sup>*Ibid.*, 1.

<sup>16</sup>UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, items 28.206 (Greece), 28.339 (Estonia).

<sup>17</sup>Asian Forum for Human Rights and Development (FORUM-ASIA) et al., “International Civil Society Calls for China Human Rights Resolution Ahead of UN Meeting,” reprinted in *RSDL Monitor* (blog), January 30, 2019. Among the 40 NGO signatories to the public appeal were China Labour Bulletin, Christian Solidarity Worldwide, Human Rights in China, International Campaign for Tibet, Safeguard Defenders, and Uyghur Human Rights Project.

<sup>18</sup>See, e.g., Chinese Human Rights Defenders, *Defending Rights in a ‘No Rights Zone’: Annual Report on the Situation of Human Rights Defenders in China (2018)*, February 2019, 12–14.

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