

National People's Congress Standing Committee:

The International Federation of Journalists (IFJ), representing more than 600,000 journalists in 134 countries, wishes to make a submission regarding the Overseas Non-Governmental Organizations Management Law (Second Reading Draft) because we believe a healthy civil society development not only could benefit the whole society and can perform a bridge to link up the Government and individual to understand the hardship and needs in order to give a constructive idea for the Government to implement a caring policy and prevent any corruption occur.

On 5 May, the Standing Committee of National People's Congress released the National Security Law (Second Review Draft) for public consultation. The IFJ notes that this is the first kind of law to oversee overseas non-governmental organizations in China. For instance, the Ministry of Civil Affairs responsible to oversee domestic NGOs. Logically, overseas NGO should register their names to the same department if it is needed to register since NGO is related to a civil affairs. However the proposed registration system reneged this normal understanding and require all overseas NGOs to register their names or collect a temporary permit at the public security bureau and it's "professional supervisor" (业务主管单位) if they want to set up an office in China or organize an ad hoc activity in China according to Article 7. Furthermore, under the Article 26 and 32 of the draft law, NGOs are restricted to access to resources, restrain their freedom to recruit staff or volunteers in China respectively. They must commission a local overseas affairs service or other unit designated by the government. In addition to that NGO is not allowed to directly or indirect recruit any members under the Article 33. All properties and representative of the NGO are subject to confiscated and punish if they violate from the draft law under 57 to 59.

The IFJ respectfully to say the draft is demanding NGO to register, restraining their freedom of seek and receive of resources, limiting their freedom of recruitment and bringing representative to bear legal responsibilities are clearly jeopardizing the development of civil society development and hindering the knowledge exchange between domestic and international NGOs. Furthermore, it clearly departed from the Special Rapporteur Maina Kiai's report to the Human Rights Council, June 2013 (A/HRC/23/39) which said that

- 1) Adopt a regime of notification for the formation of associations, and to allow for the existence of unregistered associations;
- 2) Recognize that undue restrictions to funding, including percentage limits, is a violation of the right to freedom of association and of other human rights instruments, including the International Covenant on Economic, Social and Cultural Rights;
- 3) Ensure that associations – registered and unregistered – can seek, receive and use funding and other resources, whether domestic, foreign or international, including from individuals; associations, foundations, civil society organizations; foreign Governments; the private sector; the UN and others, without prior authorization or other undue impediments;

It is needless to say, the draft law is also carry full of vague and undefined terms such as "overseas NGO", "activities", "national unity", "ethnic cohesion", "disrupt public order and morality", "subvert state power", "Incite resistance against enforcement of state laws and



administrative regulations”, “ collect state secrets or intelligence” , “ spread rumors, libel ,or publish and disseminate other harmful information that undermine state security or harm national interests”, “political activities “ , “ religious activities” and “ other activities that undermine state security and harm national interests or societal public interests”.

Therefore the IFJ respectfully to suggest the National People’s Committee Standing Committee to withdraw the current Overseas Non-Governmental Organizations Management Law (Second Reading Draft) and re-start to conduct a thoughtful consultation from the public, local and international stakeholders and have extensive research experience of civil society scholars before to enact any law. The most important thing is to adopt the report of Special Rapporteur Maina Kiai (A/HRC/23/39).

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