

Interim Measures for Banning Illegal Non-Governmental Organizations

Promulgation date: 04-10-2000 Department: Ministry of Civil Affairs
Effective date: 04-10-2000 Subject: Civil Affairs

Interim Measures for Banning Illegal Non-Governmental Organizations

(Promulgated by the Ministry of Civil Affairs on April 10, 2000)

Article 1 These Measures are formulated in accordance with the “Regulation on the Administration of Registration of Social Organizations”, the “Interim Regulation on the Administration of Registration of Private Non-enterprise Entities” and other relevant provisions for the purpose of maintaining social stability and national security.

Article 2 Whichever entity falling under any of the following circumstances shall be an illegal non-governmental organization:

- (1) that which unlawfully carries out preparatory activities for the establishment of a social organization without approval;
- (2) that which is unregistered but unlawfully carries out activities in the name of a social organization or private non-enterprise entity;
- (3) that whose registration has been cancelled but continues carrying out activities in the name of a social organization or private non-enterprise entity.

Article 3 The registration administrative organs for social organizations and private non-enterprise entities (hereinafter uniformly referred to as registration administrative organs) shall take charge of investigating illegal non-governmental organizations, collecting relevant evidence, and shall make decisions in accordance with the law on banning them, and confiscate their illegal properties.

Article 4 The responsibility to ban an illegal non-governmental organization shall remain with the registration administrative organ at the locality of occurrence of the illegal act.

The responsibility to ban any illegal non-governmental organization involving two or more registration administrative organs at the same level shall remain with the registration administrative organ at their common higher level, or remain with the relevant registration administrative organ designated by that at their common higher level.

The responsibility to ban an illegal non-governmental organization that carries out activities by covering different provinces, autonomous regions, or municipalities directly under the Central Government shall remain with the civil affairs administrative department of the State Council, or remain with the relevant registration administrative organ designated thereby.

Article 5 A registration administrative organ shall, once finding any illegal non-governmental organization, make investigation in time, and shall, if the function of any relevant department is involved, circularize the fact to the said relevant department in time.

Article 6 When a registration administrative organ investigates an illegal non-governmental organization, there shall be no less than two law enforcers, who shall show their certificates.

Article 7 When a registration administrative organ investigates an illegal non-governmental organization, the relevant entities and individuals shall truthfully report the information, provide the relevant documents, and shall not refuse the investigation, or conceal any evidence or issue any perjury.

Article 8 A registration administrative organ may, when investigating an illegal non-governmental organization in accordance with the law, collect evidence by means of making written, audio or video records, making duplications, or taking photos, etc. regarding

the relevant information and documents related to the case concerned.

In the event that any evidence might be destroyed or would be difficult to be collected later on, it may be registered for preservation in advance upon approval of the person-in-charge of the registration administrative organ. The registration administrative organ shall timely make a decision on dealing with it within 7 days. During this period, none of the parties or relevant persons may destroy or transfer the evidence.

Article 9 With regard to an illegal non-governmental organization that is ascertained after investigation, the registration administrative organ shall make a banning decision in accordance with the law, declare this organization to be illegal, and make an announcement in this regard.

Article 10 After an illegal non-governmental organization is banned, the illegal properties confiscated by the registration administrative organ in accordance with the law must be auctioned in public or be disposed of in accordance with the legal provisions of the state.

The illegal proceeds confiscated by the registration administrative organ in accordance with the law and the money gained from auction of confiscated illegal properties must be totally turned in to the state treasury.

Article 11 Where an illegal non-governmental organization is banned, the registration administrative organ shall confiscate its seals, marks, written materials, financial documents, etc., and shall set up a register in this regard.

The seals and written materials, etc., which are required to be destroyed, shall be approved by the person-in-charge of the registration administrative organ. The destruction work shall be supervised by two or more law enforcers who shall fill out the destruction list.

Article 12 A registration administrative organ shall, after banning an illegal non-governmental organization, timely put the relevant materials into archives in accordance with the relevant provisions on archival management.

Article 13 Where an illegal non-governmental organization continues carrying out activities after it has been banned, the registration administrative organ shall timely notify the relevant departments for joint investigation and punishment.

Article 14 These Measures shall come into force on the date of promulgation.