

PROVISIONAL MEASURES ON BANNING ILLEGAL NGOS

Ministry of Civil Affairs Decree No. 21, April 10, 2000

取缔非法民间组织暂行办法

(2000年4月10日民政部令第21号发布)

第一条 为了维护社会稳定和国家安全，根据《社会团体登记管理条例》和《民办非企业单位登记管理暂行条例》及有关规定，制定本办法。

第二条 具有下列情形之一的属于非法民间组织：

- (一) 未经批准，擅自开展社会团体筹备活动的；
- (二) 未经登记，擅自以社会团体或者民办非企业单位名义进行活动的；
- (三) 被撤销登记后继续以社会团体或者民办非企业单位名义进行活动的。

第三条 社会团体和民办非企业单位登记管理机关（以下统称登记管理机关）负责对非法民间组织进行调查，收集有关证据，依法作出取缔决定，没收其非法财产。

第四条 取缔非法民间组织，由违法行为发生地的登记管理机关负责。

涉及两个以上同级登记管理机关的非法民间组织的取缔，由它们的共同上级登记管理机关负责，或者指定相关登记管理机关予以取缔。

对跨省（自治区、直辖市）活动的非法民间组织，由国务院民政部门负责取缔，或者指定相关登记管理机关予以取缔。

第五条 对非法民间组织，登记管理机关一经发现，应当及时进行调查，涉及有关部门职能的，应当及时向有关部门通报。

第六条 登记管理机关对非法民间组织进行调查时，执法人员不得少于两人，并应当出示证件。

Article 1: In order to maintain social stability and national security, these measures are formulated according to "Regulations for the Registration and Management of Social Associations" and "Regulations for the Registration and Management of Civil Non-enterprise Units".

Article 2: Non-governmental organizations are considered illegal if they fall into one of the following categories:

- (A) those that carry out preparatory activities to establish Social Associations without authorization;
- (B) those that do not register and, without authorization, carry out activities in the name of Social Associations or Civil Non-enterprise Units;
- (C) those that have had their registration revoked but continue to carry out activities in the name of Social Associations or Civil Non-enterprise Units.

Article 3: Authorities responsible for the registration and management of Social Associations and Civil Non-enterprise Units (hereinafter referred to as registration and management authorities) are responsible for investigating illegal non-governmental organizations, collecting relevant evidence, deciding to ban an organization according to law, and confiscating the illegal assets.

Article 4: The banning of illegal non-governmental organizations should be carried out by the registration and management authorities in the locality where the illegal acts took place.

If more than two illegal non-governmental organizations are being banned by registration and management authorities at the same level, then responsibility for banning these organizations lies with their common higher-level registration and management authority, or should be assigned to the relevant registration and management authorities.

For illegal activities of non-governmental organizations that span provinces (autonomous regions and municipalities), the responsibility for banning them rests with the Ministry of Civil Affairs, or should be assigned to the relevant registration and management authorities.

Article 5: Once an illegal non-governmental organization has been discovered, the registration and management authorities should promptly investigate and shall promptly notify any other relevant departments.

Article 6: When the registration and management authorities are investigating illegal non-governmental organizations, there should be no less than two law enforcement officers present who shall produce the necessary documents for proof of authority.

第七条 登记管理机关对非法民间组织进行调查时，有关单位和个人应当如实反映情况，提供有关资料，不得拒绝、隐瞒、出具伪证。

第八条 登记管理机关依法调查非法民间组织时，对与案件有关的情况和资料，可以采取记录、复制、录音、录像、照相等手段取得证据。

在证据可能灭失或者以后难以取得的情况下，经登记管理机关负责人批准可以先行登记保存，并应当在七日内及时作出处理决定，在此期间，当事人或者有关人员不得销毁或者转移证据。

第九条 对经调查认定的非法民间组织，登记管理机关应当依法作出取缔决定，宣布该组织为非法，并予以公告。

第十条 非法民间组织被取缔后，登记管理机关依法没收的非法财物必须按照国家规定公开拍卖或者按照国家有关规定处理。

登记管理机关依法没收的违法所得和没收非法财物拍卖的款项，必须全部上缴国库。

第十一条 对被取缔的非法民间组织，登记管理机关应当收缴其印章、标识、资料、财务凭证等，并登记造册。

需要销毁的印章、资料等，应当经登记管理机关负责人批准，由两名以上执法人员监督销毁，并填写销毁清单。

第十二条 登记管理机关取缔非法民间组织后，应当按照档案管理的有关规定及时将有关档案材料立卷归档。

第十三条 非法民间组织被取缔后，继续开展活动的，登记管理机关应当及时通报有关部门共同查处。

第十四条 本办法自发布之日起施行。

Source: Ministry of Civil Affairs of the People's Republic of China, "取缔非法民间组织暂行办法," <http://www.chinanpo.gov.cn/web/showBulletin.do?id=15589&dictionid=1202>, (last accessed June 7, 2011)

Article 7: When registration and management authorities are investigating the illegal non-governmental organizations, the relevant organizational units and individuals shall factually report the situation, provide relevant information and shall not refuse, conceal, or issue false statements.

Article 8: When the registration and management authorities are investigating the illegal non-governmental organizations according to law, they may take records, photocopy, take audio and video recordings, photos of any information and data relevant to the case to be used for evidence.

In cases where evidence may be lost or difficult to obtain later, the individual in charge of the registration and management authority can register in advance to have it secured, and shall promptly make a decision within seven days, during which the parties or the personnel shall not destroy or transfer the evidence.

Article 9: After the illegal non-governmental organization has been investigated, the registration and management authorities shall decide on the ban, declare the organization illegal, and make the declaration public.

Article 10: After the illegal non-governmental organization is banned, the registration and management authorities must follow state regulations for public auction of the confiscated property or deal with it in accordance with relevant state regulations.

Registration authority must turn over all payments earned from the confiscation of illegal income or auction of illegal assets to the national treasury.

Article 11: Regarding the banned illegal non-governmental organization, the registration authority shall collect its seal, logo, information, financial documents, etc., and have them inventoried.

The need to destroy the seal, information, etc., shall be approved by a responsible individual at the registration and management office, and the destruction shall be supervised by two or more law enforcement officers who shall fill out the list of destroyed items.

Article 12: After the registration and management authority has banned the illegal non-governmental organizations, it shall promptly have the records filed in accordance with the relevant records management regulations.

Article 13: If the banned illegal non-governmental organization continues its activities, the registration authority should promptly inform the relevant departments to jointly investigate.

Article 14: These measures can be implemented from the date of issuance.

Translated and reviewed by Shawn Shieh and Shin-yee Yu