

## Chapter 5

# The Growth and Dilemma of Women's NGOs in China: A Case Study of the Beijing Zhongze Legal Consulting Service Center for Women

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**Abstract** This paper is concerned with the case study of a women's nongovernmental organization (NGO) which is engaged in public-interest litigation and legislative advocacy. This study attempts to analyze the development of Chinese Women's NGOs under the influence of the international community and the state after the fourth World Conference on Women. The opportunities for the occurrence and development of these NGOs are due to transnational feminism, and may also be influenced by the agendas of developed countries; but the foreign concepts, discourses, and funding provide resources and weapons for activists in women's NGOs. These international factors also play a role as a bonding agent in the interaction between the NGOs and the domestic government. Another aspect is that, with the appearance of NGOs, some innovative elements can be seen in the dynamic interaction between society and the state. However, the relationship between NGOs and the state has not yet been institutionalized. The ambiguity and uncertainty of the status of NGOs affect their development.

**Keywords** Feminism • Nongovernmental organization • Gender • Law

Since the 1980s, during the era of neoliberal reform and opening up, the Chinese state has substantially quitted social welfare. While China experiences another social stratification, there have been new signs of "women's issues." When the party-state replaces socialistic ideology with developmentalism, a patriarchal culture resurges. Problems concerning women's property rights and personal rights stand out in the domestic sphere of marriage and family. Male elite, such as

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scholars, deputies to the People's Congress, and committee members of the Chinese People's Political Consultative Conference (CPPCC), have proposed "women back home"<sup>1</sup> as a policy option to cope with social problems related to unemployment and family education (Jiang Yongping 2001). Women of different social status have their own problems: female cadres' losing elections, the unfavorable employment environment for female graduates from universities and colleges, girls' dropping out of school, urban female workers being laid-off, migrant female workers having insufficient protection of their rights and interests, and some rural women being deprived of their land contract rights and stock ownership in collective economies. In the market-oriented resource distribution, women of all social classes are facing the loss of their rights (Liu Bohong 2000).

At this time, the original theory of "equality between men and women" advocated by the Communist party-state failed to explain the new complicated reality and was gradually being marginalized under the tide of reform (Min Dongchao 2003). The global feminist discourses of the fourth World Conference on Women (Li Huiying 1996), the diversified practice of nongovernmental organization (NGO) forums, and a great many sponsors from developed countries have brought new resources to cadres of China's Women's Federation system and the first generation of NGO leaders.

The Beijing Zhongze Women's Legal Counseling and Service Center (originally the Women's Legal Studies and Service Center of the Law School at Peking University, hereinafter called "the Center at Peking University," "the Zhongze Center," or just "the Center") is an NGO established in this macro environment to provide free legal aid to women, to carry out impact public-interest litigation, to participate in legislative advocacy, and to provide judicial advice on women's rights in judicial cases.

As an NGO designed to provide aid for Chinese women facing typical legal difficulties, the practice of the Zhongze Center reflects the various new issues concerning women's rights arising after the reform and opening up of China.

This paper attempts to recount the development of the Center, analyzing the Center's entangled relationships with both transnational feminism and the state, and how this relationship network shapes the Center's practice. First, the establishment of the Zhongze Center is introduced. Second, the development and main responsibilities of the Center are discussed. Third, this chapter then analyzes challenges and opportunities faced by the Center. The last part is a discussion of the Center's relationship with the state. This study is based on interviews with the founders and the main members of the Zhongze Center, and a study of various texts from the Center, such as their internal work reports.

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<sup>1</sup>"Women back home" is a policy that was proposed to encourage women to leave their jobs temporarily or permanently and to go back home to look after their households and children's education while giving employment opportunities to men and increasing male wages.

## Origin: “Given Birth by the World Conference on Women”

Like many Chinese women's NGOs, the Beijing Zhongze Legal Studies and Service Center for Women was established after the fourth World Conference on Women. It was the nongovernmental forum of the fourth World Conference on Women that has brought in the concept and mechanism of the NGOs. The role of promotion and supervision provided by this nongovernmental forum also induced domestic civil organizations of that time to consider the issue of status identification. As the All-China Women's Federation (ACWF) was always referred as the largest women's NGO in China by the Chinese Government in its reports to international organizations and on international occasions, it is equal to a political “desensitization” of the NGO in China (Liu Bohong 2000).

According to Fisher, the discourses related to NGOs on the fourth World Conference on Women have both created the knowledge base of NGOs and defined their practices, which has had a direct impact on the organizational behavior of Chinese women's groups (Naihua Zhang 2001). More importantly, hosting the World Conference on Women was a significant experience for the first-generation Chinese women NGO leaders, who either had experienced discrimination and humiliation in their own life or had been showing deep concern for women's issues in a transforming society. In addition, while organizing the conference, they were able to have access to documents from international organizations and feminist theories, where they've learned the terms used to explain and define these experiences (Ge Youli and Susan Jolly 2001).

Besides, the NGO forum of the World Conference on Women has brought in a kind of new and vigorous experience for the women's movement, which directly helped to create the first generation of NGO leaders. Guo Jianmei, the director of the Zhongze Center, talked about her experience at the World Conference, which in some ways represents the shared feelings of the first-generation leaders towards this conference. Guo said:

The World Conference on Women is absolutely the reason (that I became a public-interest lawyer). I was responsible to report as a journalist to the female lawyer's forum ... I was very passive at first; but the second day I was there; I found I could not be without it. Though from different races with different skin colors, they assembled themselves into one body full of vigor, enthusiasm and energy! My blood was surging within me. We communicated and shared common points from the depth of our souls; what they discussed was just what was in my mind ... In this diversified world, I came to find my home and companions, something common in spirit.<sup>2</sup>

In fact, the World Conference on Women had already placed the founders of this NGO on the right track earlier. At the end of 1989, China started to draft the *Law of the People's Republic of China on the Protection of Women's Rights and Interests*. During legislation, an expert group was told to accelerate the legislation in order to

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<sup>2</sup> Author's interview with Guo Jianmei.

complete the commitment to *the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* before the opening of the World Conference on Women.<sup>3</sup> Before that, the policy on equality between men and women was only some scattered legal expressions without a centralized and uniform basic law for women's rights and interests.

At that time, Prof. Yang Dawen, an expert in household and marital law, was a drafter of laws. Guo Jianmei, a young cadre in the department of rights and interests of the ACWF, was temporarily transferred to serve in the drafting office. Among the founders of the Women's Legal Studies and Service Center of the Law School at Peking University were the two of them and other staffs in this office, lawyer Xu Weihua from the rights and interests department of the ACWF and Prof. Ma Yinan from Peking University, became the founders of the Women's Legal Studies and Service Center of the Law School at Peking University.

After the *Law on the Protection of Women's Rights and Interests* was legislated in 1992, Yang Dawen and Chen Mingxia, experts on women's law, took the lead to establish trial cadre training and legal publicity in remote towns in Hebei province. This project was financed as an academic research project by the Ford Foundation. This group of legal workers shared their primary experiences at the NGO forum of the fourth World Conference on Women. During this process, the experiences of the legal center for women of the University of Maryland also enlightened them to establish an agency in Beijing providing legal aid for women nationwide.

The status of an NGO is the primary matter to be solved. In its early stages, the predecessor of the women's legal studies and service center was the women's department of the law office established by several faculty members of the law college of Peking University. However, legal aid was regarded as a state responsibility in China and a private sector law office was not allowed to provide this service separately. Finally, Yang Dawen et al. established a legal aid center in Peking University so that no registration was required under the name of teaching, research, or the activities of a college, evading the rigorous policy for the registration of NGOs. The Center was just nominally linked to Peking University and was independent in HR and financial matters. This continued until March 2010, when Peking University published an announcement that the Center would no longer be linked to Peking University. After that, the Center was independently managed by the "Qianqian Law Office" and the "Zhongze Legal Consulting Service Center for Women" was registered with the industrial and commercial administrative bureau.

Its predecessor, the Center at Peking University was established in December, 1995. In the same period, with Beijing as the main stage, the first generation of women's NGOs of China was successively established and most of its cadres and directors had taken part in the NGO forum in the 1995 World Conference on Women. Similar to the Center at Peking University, these organizations are linked

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<sup>3</sup> Author's interview with Yang Dawen.

to an official organ or association, such as a periodical office, an association of female journalists, a provincial Women's Federation, and so on; its initiators were also the employees of the Women's Federation and its media.

Guo Jianmei resigned from the journal of the National Lawyer's Association in 1996 and became the first exclusively public-interest lawyer in China, namely, the deputy director of the Center at Peking University. Her engagement in the work of a grassroots NGO as an exclusive worker was the only instance at that time; 16 years later, they are still the only legal NGO run by an exclusive staff that provides public-interest litigation for women in China.

The smooth foundation of the Center at Peking University is closely related to the tolerance the Chinese Government has shown to NGOs following the World Conference on Women. Since 1996, the Chinese Government has launched a series of documents and laws concerning non-governmental organs and commonweal donations (Xia Guomei 2010); however, none of these women's NGOs was formally registered.

## **Working Approaches**

China's NGOs are basically involved into two types of work: direct services and policy advocacy. Some NGOs stress one of them while the Center at Peking University integrates both and arrives at mutual development.

### ***Strategy Adjustment: From "Women" to "Gender"***

Originally, most cases the Center received were from petitioners in Beijing. The four lawyers then working in the Center, unable to bear the numerous and complicated cases and constant failures in litigation, successively left the Center, rendering it unlikely to survive.

After 1998, the Center had to adjust its strategy and set three standards for cases it took: first, the litigant is in extreme poverty and unable to exercise her rights after being seriously hurt; second, the case is typical, worthy of study, and able to promote legislation and judicature; third, it involves up-to-date issues such as the protection of the rights and interests of unemployed female workers and migrant female workers. With these adjustments to the selection of their cases, the Center began to operate smoothly. They undertook "the first case about migrant female workers' asking for their wages" and successfully obtained compensation for a woman and her baby girl, who died of AIDS from an infected transfusion.

After 2002, when the Center already enjoyed an illustrious reputation, its scale was expanded and the number of full-time employees increased to more than ten. The Center was also divided into different departments, such as research, litigation, projects, Web magazine editing, and so on. However, the next bottleneck concerned

management. At that time, the Ford Foundation financed WINROCK<sup>4</sup> to organize a 3-year training program to improve the leadership of Chinese women. Three core employees of the Center participated in this training, which included NGO strategic planning, financing skills, council governance, resource mobilization, and methods and ideas for maintaining credibility, leadership, and influence.

This training has also resulted in a significant transition of the Center's strategy and goals. Liu Xiaodi, a partner of the Center and an official of the Ford Foundation, defines it as the transition from "women and law" to "gender and law." Namely, the key task of the Center has changed from providing legal aid for women to public-interest litigation concerning women's rights and interests.

Liu Xiaodi described this transition in the following words:

What "gender and law" considers is—how gender affects our interests and lives in society and law? What assumptions does the institution have for gender? Which factors have not been included? These are two different angles. "Gender and law" emphasizes that every woman has the opportunity to develop her own potential and should not be excessively restricted by gender. "Women and law" stresses how to help women, and emphasizes the particularity and weakness of women. (Zhang Qi 2009).

This division between "gender" and "women" also hints that the working concept of the Center is different from the traditional "work concerning women (fun gongzuo)" of socialism, which is dedicated to "equality between men and women"; instead, it has a closer tie with international feminism, especially the mainstream concept as found in the documents of the World Conference on Women (Min Dongchao 2003, 2005), where gender is used as a tool to analyze power relationships and social structure. On this basis, the influences of policy and law are evaluated, and attempts are made to reform policy and law from the perspective of gender to protect women's rights. Importance is attached to women's subjectivity in this process, rather than simply protect women as a "minority group" (Sharon K. Hom and Xin Chunying 1995; Li Huiying 2003).

### ***Impact Litigation: The Application of Comprehensive Approaches***

In 2004, the Center transferred its focus from legal aid to public-interest litigation, and conducted legislative and policy advocacy through typical lawsuits. In China, public-interest litigation usually refers to litigation representing the interests of one group and the beneficiaries are uncertain individuals. The concept of the

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<sup>4</sup>The Winrock International Institute for Agricultural Development is an international NGO, which came to China in 1981 and conducts rural development, environment protection, and sustainable energy and ability construction of NGOs.

public-interest litigation applied by the Center is somewhat different from that. The cases undertaken by the Center all have *specific* victims and litigants, covering almost all the difficulties faced by Chinese women and girls. Cases include a young girl who was refused admission to a bar for having an injured face; families of female workers who could not get compensation for the death of their daughters at work; married-out women<sup>5</sup> who have lost their rights to land compensation; female staffs who were fired for getting pregnant; female workers whose salary was deducted; wives who were burned by their husbands or suffered from sexual violence; female teachers who encountered sexual harassment from school directors, and interns who met with sexual assaults from company presidents; and pupils raped by teachers who had criminal records of sexual assault.

In addition to their attention to the issues of gender inequality and discrimination behind these cases, the Center also attached importance to integrating resources from the various cases, conducting media publicity and advocating the reform of laws and policies.

40 % of this type of litigation undertaken by the Center ended up failing. Litigation involving marriage and family property had a higher success rate while more lawsuits involving land rights and labor rights failed. However, failure of a lawsuit does not mean the failure of the Center. Instead, the Center can get to know the structural problems behind these cases—deficiencies in law and policy, and the factors influencing the judiciary process.

For the staff of the Center, “reforming” or “impact” lawsuits are better ways to define cases like these:

... if we can solve many problems at the institutional level through this kind of litigation, we can help a large group of people with the protection of women's rights and interests, and guard their rights and interests at the institutional level. Lawsuits of this type will meet with great difficulty as what we have to use to solve them is the powerful but outdated state system. Therefore, we need to mobilize every maneuverable strength from civil society, including the media, related experts, and other NGOs, to deal with this kind of lawsuit. (Tian Silu and Hou Fang 2005).

The Center successfully dealt with a famous case in 2006. That year, 28 “married-out” women from a village in Inner Mongolia Autonomous Region were deprived of land contracting rights and distribution rights for new residential and commercial buildings in their home village by the village committee. The Center represented them to attend this lawsuit. Before this case was won, the 28 litigants had already spent 10 years fighting this case.

Guo Jianmei recalled, “we had contacted journalists of the *China Women's News*, the director of the People's Congress of the Inner Mongolia Autonomous Region

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<sup>5</sup>“Married-out women” refers to women who are married to men who are not members of the women's village and collective economic organization. Many of these women lose the same rights to land that are enjoyed by other members of the village.

and the chair of the Regional Women's Federation. The participation of the media had a great effect." This case ended up in victory and the 28 married women were granted compensation of over 10 million yuan (about 1.6 million dollar). It set a precedent for a verdict according to both the article on equality between men and women in the Constitution and *the Law on the Protection of Women's Rights and Interests*. The court adjudicated that the decisions made based on the "democratic discussions of villagers" infringing the rights and interests of women are illegal, despite its ubiquity nationwide. The case was included in that year's *Case Judgment Guide Book (Shenpan Anli Zhidao Shouce)* of the Supreme People's Court.

Many public-interest litigations are conducted in this mode. In its early stages, the Center chose to expose the cases to the media to prevent any possible judicial corruption and any indifference on the part of the judge. When a case had attracted a certain amount of attention from the public and encountered difficulty in litigation, the Center would organize a seminar, which was also a news release. Among the participants were experts in women's law and related fields in Beijing, NGO workers and cadres from official mass organizations such as the ACWF, and even some staffs of government departments. The opinions of experts, especially the applicable explanation of the ambiguity of the law and the conclusions about the case, were publicized through the media to add the pressure of public opinion. Legal opinions from the seminar would be handed over to the prosecutor and the court by the lawyer for their reference. The opinions given by the experts and law drafters from the capital do have the power to influence the decisions of the local judges. In addition, pressure imposed by deputies of the People's Congress and members of the CPPCC was also found to be one of the Center's effective approaches. The third strategy, which was also found to be the key to the success of many cases in the context of dependent judicature, is senior leaders' instructions and comments. The senior leaders they turn to are mostly the former chairmen of the ACWF.

### ***Advocacy: Legislative Suggestions***

The Zhongze Center aims to promote legislation in related legal fields, and revise or modify conventions of the judiciary and related supporting systems. As the Chinese judicature is not a case law system and the results of a judgment have limited influence, legislation and policy advocacy become more important. The first method of advocacy is that the Center organizes experts to study and discuss the application of laws, and then makes proposals to legislative organs reviewing violations of the Constitution, as well as making legislative suggestions.

For example, regarding document No. 104 (1978) issued by the State Council which regulates the different retirement ages of men and women, the Center once proposed a review of violations of the Constitution contained within the document to the Standing Committee of the National People's Congress. Regarding issues about marriage and family, personal rights, and the right to work and to education, the Center has organized gender scholars and law experts to hand in dozens of



opinions about legislation and revision. An influential case in point is its urging of the Ministry of Education to remove the restriction on the reproductive rights of female graduate students at school. As Chinese law lacks an explanation of the concept of sexual harassment and measures for punishment, the Center suggested judicial interpretation of sexual harassment in workplace. In terms of the legislation of *Property Law* and the revision of *The Organic Law of Village Committees*, the Center suggested adding related terms to make sure that village autonomous organizations and collective economic organizations cannot deprive villagers of their legal rights at will. The Center called for abolishing “the Crime of Whoring with Young Girls”—an accusation that in fact allows the possibility of officials and the rich to avoid the more serious crime of rape and thus suffer a lesser punishment after having sex with underage girls. In 2012, it was revealed by the media that in the recruitment procedures of a great many colleges, the admission requirements for girls were much higher than for boys. While mobilizing public-interest lawyers in each province to provide legal assistance to female students, the Center also gave legal opinions to the Ministry of Education.

### ***Advocacy: Embedded in the System as “Projects”***

The Land Rights Project for Women is another way in which the Center advocates legislation that pays more attention to cooperation with government departments and modifying the policy-making environment of the judiciary. The land rights of rural women are widely infringed upon in rural areas of China. According to the Report on Major Results of the Third Wave Survey on the Social Status of Women in China made by the ACWF, 21.0 % of rural women did not own any land in 2010, an increase of 11.8 % compared to 2000; 27.7 % of rural women lost land due to the change in their marital status (married, remarried, divorced, and widowed) while the case for men is only 3.7 %; the proportion of landless rural women is 9.1 % higher than that of rural men (survey group for the social status of Chinese women 2011). What women are deprived of is not just the contract right to land owned by a village collective, but also their shares in the village collective economic organizations and compensation for land acquisition when village land is taken by the government or corporations.

After accumulating sufficient cases involving the land rights of women (mostly ending in failure), the Center realized that problems concerning land rights are hard to solve through a judicial approach and that the root cause lies in “village regulations and folk conventions (cun gui min yue),” namely, the community regulations and rules established by autonomous village organizations. Before revision, the Organic Law of Village Committees didn't specify which government department is responsible for reviewing the legitimacy of village autonomous charters, village regulations, or decisions made by villager deputies, and there were no regulations for rectifying illegal actions and remedying victims. Therefore, despite the instruction given by the Supreme People's Court that such conflicts should be handled as

civil disputes, with the complexity of these problems and the difficulties in implementation (the court found it hard to order the villagers to re-contract their land as an implementation of the verdict), these problems remain unsolved when the courts, civil administration departments, and township governments prevaricate.

With the financing of the International Republican Institute (IRI),<sup>6</sup> the Center established the “Women Watch China” Network.<sup>7</sup> Since investigation started in 2006, the Center has established experimental units for “rural women’s land right protection and policy advocacy” in three provinces—Hebei, Hunan, and Jiangsu. The project intends to cooperate with local Women’s Federations, and to provide gender awareness training and legal knowledge for local judicial and administrative departments and village committees so as to change their thoughts and concepts. On the one hand, the Center encouraged and helped villagers to revise village regulations and folk conventions; on the other hand, the Center urged the government to launch related policies and measures to guarantee the land rights of rural women.

The experimental unit in Hebei has achieved significant progress. In Xingtai municipality, the intermediate people’s court of a prefecture-level city issued documents to provide guiding opinions for related disputes in the city. In the experimental unit in Lianyungang of Jiangsu province, the municipal Women’s Federation and municipal civil affairs bureau jointly issued instructive documents to guarantee the equal economic rights of rural women.

Lin Lixia, Secretary General of the Women Watch China Network, stated, “China is very large and its economic and cultural levels vary in different areas as do matters concerning land rights. Therefore, we established experimental units in different provinces to provide a factual basis for national legislation and to develop some effective methods.”<sup>8</sup> Next, the Center plans to spread the experiences and achievements made in eastern areas to western provinces in poverty.

Similar proposed projects also include the establishment of sexual harassment prevention mechanisms in companies, cooperation with the Supreme People’s Court to train female judges, and education of people in the concept of law-enforcement and basic skills regarding *the Convention on the Elimination of All Forms of Discrimination against Women*. The Center cooperated with the Ministry of Land and Resources—through the rural land flow center, the experimental unit guaranteed the land rights of women where the land and its owner are separated (the permanent residence of the owner and the contracted land are not in the same geographic area).

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<sup>6</sup>An NGO that promotes election, democratic governance, and government by law for developing parties and NGOs around the world.

<sup>7</sup>A project that organizes media and scholars to study and report on the current status of Chinese women’s rights and interests, and publicize their findings.

<sup>8</sup>Author’s interview with Lin Lixia.

## Discussion on Problems and Chances in Development

### *Capital and Human Resources*

The Zhongze Center shares development problems in common with most Chinese first-generation NGOs. Low salary levels and insufficient social security (NGO development and communication Web site 2011) are among those problems. The pressure from government on the development of grassroots NGOs subjects participants to great career risk and it will be hard for them to make long-term career planning. Though the founders of NGOs are from the elite, a bottleneck in career development makes it difficult to recruit high-quality talented people as successors and staff.

People working in grassroots NGOs in China enjoy relatively low salaries and poor welfare due to the scarce funding accessible to these NGOs. This is especially true for the advocacy-oriented NGOs, because both the foundations sponsored by government and foundations sponsored by entrepreneurs in China are more willing to support charitable projects rather than “sensitive” ones related to policies and law. It is also impossible for advocacy institutions to be granted fund-raising permits for the time being. Starting with the \$60,000 sponsored by the Ford Foundation, the Center now has about \$200,000 in project grants per year, with all funding coming from the above-mentioned international foundations and UN Women. The Center also has a foundation established in Hong Kong 1 year ago, the effect of which is still being tested.

Compared with other NGOs, the Zhongze Center is not under as much financial pressure as some, but most of its sponsors are from international societies (Ford Foundation, the Open Society Institute,<sup>9</sup> IRI, and UN Women), and funding for many projects does not include manpower expenses. Though the income of the lawyers at the Zhongze Center is higher than that of their counterparts in other NGOs, it is lower than that of other lawyers with the same qualifications, so human resource is one of the Center's problems.

### *Development Dominated by International Factors*

During the development of the Center, international factors are always an important driving force. Firstly, once established, the Center gained the special attention of women in international political circles. In 1998, when the Center had great difficulty surviving, First Lady Hillary Rodham Clinton and Secretary of State Madeleine

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<sup>9</sup>A foundation established by financier George Soros.

Albright of the USA both visited China and a chat with staff of the Center was on their schedule. Up to now, Hillary has had eight interviews with Guo Jianmei. In the same year, the Center cooperated with the British Council to hold a China-British legal seminar at which the First Lady Cherie Blair was also present. There have been other famous visitors, such as Nane Lagergren, wife of Annan, former Secretary General of the United Nations; Margarida Sousa Uva, wife of Jose Manuel Barroso, chairman of EU; and so on.

These high-profile visitors have brought the Center to international attention. Guo Jianmei was successively granted the 2007 Global Women's Leadership Award by Vital Voices<sup>10</sup> and the 2009 Simone de Beauvoir Prize for Women's Liberty, and the "2011 Women's Courage Award" by the State Department of the USA.

As mentioned at the beginning, the initiator of the Center was inspired by the NGO forum at the fourth World Conference on Women and the ideology came from the world of transnational feminism. Guo Jianmei said, "it is a must to introduce 'gender awareness' in the modern sense and 'awareness of women's rights' to China" (Tian Silu and Hou Fang 2005). In fact, the legal personnel of the Center receive the most important training of their professional career during overseas visits and at conferences presented by people or organizations from outside mainland China. They have hardly received any resources from China's own governmental system.

What is remarkable is that official interaction between the Center and official units usually arises from opportunities coming from international interaction and exchange. For example, representatives of the ACWF and members of the Center once jointly took part in a review session of the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 2006. In 2012, when the affiliated Women's Studies Institute of China (WSIC) of the ACWF was required to present an NGO Shadow Report to the CEDAW, the Center undertook the composition of themes such as labor and employment, land rights, and gender violence.

As for the influence of international organizations on Chinese women's movements, various analyses and comments are available in academic circles. What Tani Barlow criticized is that the World Conference on Women and overseas foundations have promoted the interaction of Chinese women's movements with the overseas feminist movement, but this is resulting in Chinese women's movements being absorbed into what she defined as the "International American Feminist Movement," the ideology of the common theme of feminism defined by a whole set of well-financed, neoliberal, and America-oriented ways (Cecilia Milwertz and Wei Bu 2007). It is true that the women's rights concepts of the Zhongze Center stem from the USA or have been introduced into China by partners of the USA, and even the contact with women's NGOs from the Philippines and India is also based on the

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<sup>10</sup>An NGO having Hillary as one of its initiators and headquarters in Washington, and which is concerned with global women's economic empowerment, human rights, and political participation.

partnership network of the Ford Foundation in Asia; however, the Center's own experience shows that Chinese NGOs do not take on all the agendas of their sponsors. As said by Guo,

I have benefited a lot from experiences with public-interest litigation and legislative advocacy as well as from the concept that "women's rights are human rights" learned from America. These experiences are very helpful and practical for me. However, overseas sponsors and people in the same industry sometimes wanted to push some things. At that time, I told them that due to the practical situation in China, foreign experiences, though they are excellent, must strive to make a "soft landing"; so we must say no to some things. We, the 6 earliest women's NGOs of China, once exchanged experiences and one of our topics was the "soft landing".<sup>11</sup> "Soft landing" means depoliticization.

For Americans, everything is an institutional matter. I agree that change in an institution can solve problems from their root causes. But, we can only adopt mild, constructive and evadable approaches, and avoid any relations with politics in China ... This compromising process is just the process of making a soft landing.<sup>12</sup>

For example, it is the sponsor's expectation that the Center develop a lawyers' network for public interest in a short time so as to promote legal reform through joint efforts by collecting similar cases. When the Center acted for Li Ruirui, a petitioner illegally arrested and raped by a guard of a "black jail" (a place where the local government locked up petitioners in order to stop them from appealing to the highest authority for help), the sponsor expressed their hope that the Center not only work on one single case but also collect more similar cases to challenge the social stability maintenance system. Guo replied, "I agree this is a very effective and powerful strategy, but I cannot launch it."<sup>13</sup>

### ***Lack of Institutional Affiliation but Not Lack of Interaction with Government Agencies***

So far, the Center in Beijing has not had institutional affiliations with any government agencies such as the ACWF. Most of the Center's contact with these agencies such as ACWF, the judiciary, the Supreme Court, institutions of higher education, research units, and the official law academy is made through individuals. The founders of the Center are either experts in the legislation of women's law who have close relations with senior officials of the ACWF, the judiciary, the Supreme People's Court, the Supreme People's Procuratorate, and top-class jurists or they are graduates of the law school of Peking University who have amicable relations with the judicial system of each area and with some officials.

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<sup>11</sup> Author's interview with Guo Jianmei.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

Without interpersonal relations, there is no way of moving on ... they turn a deaf ear to you if you adopt a regular and formal approach. It can be said that most of our successful advocacies and communications with official units are not made through open and regular approaches. Usually, half of them are official and half are in private. Without the leverage of private relations, official units just keep you out of the door.<sup>14</sup>

“Leveraging by private relations” is extremely important to legislative advocacy in China. For example, with the help of acquaintances serving in the ACWF and the legal council of the standing committee of the National People’s Congress, legislative suggestions from the Center have affected the legislation of the *Property Law of the People’s Republic of China* issued in 2007, and the modification of *The Organic Law of Village Committees* passed in 2010. Both have absorbed legislative suggestions about the economic rights and interests of female villagers made by the Center.

The official media are also the allies of the Center. Commercialized media can pressure the public to form opinions, but they usually prefer to report legal disputes appealing to the middle class and urban readers, such as same-age retirement, sexual assault, and sexual harassment. They have little interest in the cases of rural women or lower class women, such as the land cases of married-out women and salary disputes of migrant female workers, due to the absence of an interesting story and typical characters in such cases. When such cases occur, it’s always the official media at the central authorities level, such as the “Half-Sky” program<sup>15</sup> on CCTV and the “China Women’s News,” that help to broadcast them.

Though these central level *official* media lack the degree of influence on the public that the commercial media enjoys, their *high* administrative level means that they can be used conveniently to contact senior female cadres. With the Central Government’s use of the official media to help monitor local affairs, this channel will become a power for influencing the scruples of local officials. As “China Women’s News” affiliated with the ACWF has established news bureaus in each province and keeps in close contact with the local Women’s Federation, some local correspondents are willing to help the Center promote advocacy projects in their local area, which may make a difference to the reputation of the performance of local Women’s Federations.

Nonetheless, interpersonal relations are still required to guarantee the normalization and persistence of the work of the Center. For example, when organizing seminars, only invitations made by senior personnel from the Center in person can guarantee the attendance of some important officials and experts. When the HR mechanism in some government organs changes, the Center will find it hard to maintain its relations.

Paradoxically, the officials and brains of both the government and the Women’s Federation, as individuals, are willing to take part in legal reform on the Center’s

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<sup>14</sup> Author’s interview with Guo Jianmei.

<sup>15</sup> Women’s TV programs produced for the fourth World Conference on Women, but were marginalized and stopped in 2010 for the lack of market value.

NGO platform, but the very institutions they work in, that are unable to respond to the appeals of nonofficial organizations, cannot provide them with such opportunities.

### ***Women's Federation: Potential Resource Network***

Another paradox is the relationship between the Center and the official women's movement organizer—the Women's Federation. Despite the absence of an institutional affiliation between them, the projects launched by the Center locally are promoted through its relationship with the Women's Federation on provincial and municipal levels. Whether a project can successfully mobilize the local government to cooperate or not is up to the coordinating ability of the Women's Federation.

During the third World Conference on Women, the *Nairobi Forward-Looking Strategies of Implementation for the Advancement of Women for the Period up to the Year 2000* was adopted, which proposed that institutional mechanisms at national level be established to improve women's status. In response to this, before and after the fourth World Conference on Women, three mechanisms were established by the Chinese Government. They are the National Working Committee on Children and Women (NWCCW) under the State Council, the Special Working Group on Women and Children of the Committee for Internal and Judicial Affairs under the National People's Congress, and the Women and Youth Committee of the Chinese People's Political Consultative Conference. Working committees on children and women have been established on all levels of government, from provinces, autonomous regions, and municipalities right down to counties. Their secretarial offices are placed within the Women's Federation of the corresponding level, and these committees are responsible for the drafting of the *Planning for the Development of Women*. A system of joint working conference for the protection of women's rights has been established by the People's Congress in many provinces and municipalities, members of which include personnel from related government offices, the Procuratorate, and the court. Discussions focusing on key women's rights issues are to be held annually. Tasks that require each government office to take up its different responsibilities and examine their fulfillment are assigned by the Committee for Internal and Judicial Affairs under the People's Congress at the provincial level. This working mechanism, with women's issues as its focus, is meant for holding dialogues, establishing contacts, coordinating different institutions, and implementing tasks concerning which the Rights-Defending Department of the Women's Federation is entitled to make suggestions and has the virtual right to lead the agenda. All these working mechanisms allow capable Women's Federation workers a chance to mobilize various resources to deal with issues related to women's rights.

Due to the influence of the fourth World Conference on Women, among the three great "mass organizations" authorized by the Chinese Government, the Women's Federation is the only one that has a direct contact with international organizations. With their large number of projects, the international organizations have also changed the Women's Federation, and especially the concept and agenda of the

local Women's Federation. Therefore, officials in the Women's Federation and the NGO workers have learned the same "gender perspective" from their experiences of international exchange, which has laid the foundation for their cooperation. On the other hand, the Center's work can be incorporated into the performance of the local Women's Federation, since their working responsibilities overlap to an extent. It is noteworthy that it is these unique individuals that have promoted the cooperation between these organizations, and that NGOs don't naturally fit in *with* the Women's Federation.

### ***Dilemma of Survival: Political Validity of NGO***

In 2012, while the Zhongze Center and the Jiangsu Women's Federation jointly participated in women's land rights protection projects, the experience of the experimental unit in Lianyungang was recognized by the provincial Women's Federation and was promoted across the whole province. However, the Zhongze Center was not invited to an exchange conference that the leaders of the ACWF attended, for the reason of their "being too sensitive." In the previous year, the Center cooperated with the Women's Federation of Heilongjiang province. With the financial support of UN Women, the Center conducted a project that promoted the participation of women in community governance; however, their partner gave up the project, under pressure from the provincial government.

These are two examples of the plight in which the Center gets trapped. In the interviews, staff of the Center expressed once and again that indeed, they have capital and talent problems, but given their political troubles, these problems are no more than secondary. NGOs in China do not have any legal guarantees, and are even regarded as some kind of threat to political stability.

Before 2004, the Center was under less political pressure. With women's liberation and the equality of men and women being one of the bases of regime legitimacy in China, issues concerning the rights and interests of women were not sensitive. However, since 2004, with the government's vigilant attentiveness to the "color revolutions,"<sup>16</sup> the NGOs in China have been having a tough time.

NGOs attract the attention of the Security Department for the following reasons: firstly, they are related to "sensitive topics" like human rights and political reform;

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<sup>16</sup>"Color revolution" is a term that was widely used by the media to describe various related movements that developed in several societies in the former Soviet Union and the Balkans during the early 2000s. Participants in the color revolutions have mostly used nonviolent means of resistance, also called civil resistance. Such methods as demonstrations, strikes, and interventions have been used as protest against governments seen as corrupt and/or authoritarian, and to advocate democracy; and they have also created a strong pressure for change. These movements generally adopted a specific color or flower as their symbol, hence the term, "color revolution." The color revolutions are notable for the important role played by NGOs and particularly for student activists organizing creative nonviolent resistance.



secondly, they get funding from foundations the Chinese Government does not trust; thirdly, they may become involved in group incidents, such as interregional cooperation, opposition, and petitions or protests and strikes. The Center's focus on rights maintenance and legal reform issues should be classified as the first type; their sponsors—the Open Society Institute and the IRI—are untrustworthy foundations; the public-interest lawyer network organized by the Center in 2006 belongs to the third situation.

After 2006, the Center started to accept the financial support of the Open Society Institute and IRI. With the accumulation of capital, the Center started to construct a nationwide public-interest lawyer network, hoping to provide training to promote the participation of public-interest lawyers, and to build up cooperation in handling lawsuits. Since then, the Center has attracted the attention of the Security Department (secret police). The interference once became so severe that a well-prepared public-interest lawyer training seminar had to be cancelled and their work suspended.

In March 2010, Peking University announced that the Center would no longer be linked to the name of the university (Wu Xiaolei 2010). The reason is that the Center could not meet the university's requirements for an affiliated research unit in that a director and at least five employees of the unit must be employees of the university. However, as far as the staffs of the Center are concerned, the real reasons are their acceptance of capital from sensitive overseas organizations, the establishment of the public-interest network, and their involvement in sensitive cases. This was at the time when the Center had just accepted the case of petitioner Li Ruirui who was illegally arrested and raped by a guard of a black jail.

In 2011, an order came from the Security Department that the Center stop their projects in cooperation with the Open Society Institute and the IRI. As a compromise, the government required the Center to communicate with it and report their work to each government department involved. The basis for this compromise is self-evident: with the Center's international reputation, its shutting-down would cause some political fallout. "They do not want you to die, but don't want you to have so much influence, either."<sup>17</sup> The result is that the Center can still undertake projects financed by some "sensitive organizations" under certain premises, a solution completely unimaginable for other NGOs.

Guo emphasized repeatedly that the security department affirmed that the Center "has not made any political mistake." Not making political mistakes and not striking directly at the system may be the best choice for most first-generation NGOs after the fourth World Conference on Women. Activists try to avoid politicization and cooperate with the state by taking advantage of gaps in the current system structure to gain a certain amount of space to maneuver in.

This tug-of-war over legality reflects the complexity of the issues concerning women's rights and interests in China. Compared with other human rights issues

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<sup>17</sup> Author's interview with Lin Lixia.

concerning the political system and governance, issues of women's rights and interests are under less pressure; however, being a part of human rights, women's rights and interests are hard to keep separate from politics. This also tends to explain the ambivalent attitude of the Chinese Government regarding the incorporation and rejection of NGOs.

Depoliticization may affect the relationship between the Center and their clients, its inability to mobilize grassroots women resulting in insufficient empowerment of its clients. The Center's dependence on the Women's Federation network also reflects this insufficiency. In contrast to this is the "Public Alliance," a legal NGO in Beijing that was severely stricken by the government by way of tax inspections and the arrest of its director. However, the "Public Alliance" had mobilized a huge client group—for example, active movements of migrant parents who strived for equal rights in college entrance examinations for their children.

A document from the Center states, "some clients' social status, education and life experience pose barriers to their cases, and have brought extreme difficulty to the Center's work."<sup>18</sup> These clients, unable to understand the significance of their cases to women as a group, have not become active participants. Instead, what they wanted was nothing but free legal services. In the case of land rights mentioned above, after getting compensation of more than ten million yuan, all litigants changed their phone numbers, refused to cooperate with the media to publicize this case, and cut off contact with their lawyers—and this was not exceptional at all. The lack of a strategic alliance between elite feminists in Beijing and local grassroots women, and the outcome of the relationship between women's NGOs and the state before and after the World Conference on Women, also set limitations on the NGO workers' practice.

## Conclusion

As mentioned above, Chinese NGOs still have to face political difficulties. These difficulties are the external factors that result in NGOs' having internal problems with funding, human resources, and management. Therefore, advocacy-type NGOs have to rely on overseas resources to survive and develop, and thus the NGOs' promotion of grassroots empowerment suffers.

It was transnational feminism that provided the opportunity for the emergence and development of Women's NGOs in China, the jobs of which may even be affected by the agendas of European countries and the USA (Min Dongchao 2005). The concepts, discourses, and capital from the West do provide resources and weapons for the activities of NGOs, and remain an influencing factor in the informal interaction between NGOs and the domestic government.

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<sup>18</sup>The Center's summaries of the last 10 years.

While women's NGOs were established in China in the context of the transnational feminist movements and grew with the support of overseas resources, ACWF has also changed within such a context. Because of international funding, projects and discourses have also been introduced into the Women's Federation system, and international factors, such as international documents like CEDAW, have become the bonding agent between the Women's Federation and NGOs both in theory and in practice. Though the relationship between the Women's Federation and NGOs hasn't been institutionalized, given favorable conditions, the resources of the Women's Federation can be used by NGOs, ranging from their network to their role in promoting policy-making to improve women's status.

Different factors guarantee the possibility of noninstitutional cooperation between the Women's Federation and NGOs: the multiple roles of the Women's Federation (as an NGO on behalf of women<sup>19</sup> keeping in close contact with the National Working Committee on Children and Women—the national mechanism dedicated to improving the status of women), the different properties of the different internal layers of the Women's Federation, and the agency of feminist individuals working in the Women's Federation.

However, the unique position of the Women's Federation results in the absence of its virtual cooperation with women's NGOs in routine work. The Women's Federation plays a dual role both as a political assistant of the Communist Party and the representative of women's interests (Jin Yihong 2001), with its organizational characteristics varying between governmental and nongovernmental. In terms of gender awareness, the Women's Federation is left behind the women's NGOs, which pick up the discourses of transnational feminism more professionally and rapidly. The cooperation between them is more likely to be found in private relations and in accidental, disperse, and local projects; thus such experiences cannot be promoted or copied on a large scale. Without a standing communication mechanism, it is hard to bring new issues, demands, and experiences concerning women's rights to decision-making and legislative departments, ending up in a waste of resources.

Currently, the Chinese Government has started a reform of the system for the management of social organizations in developed urban areas by loosening up on the registration of NGOs. It is doing this with the hope of developing official mass organizations—the local Women's Federations, the local Youth League Committees, and the local Federation of Trade Unions—into “hub-typed social organizations” (Wang Yang 2012). While allowing the legal existence of more NGOs, official mass organizations can incorporate them and popularize party organization within the NGO community.<sup>20</sup> Such a policy adjustment, with a strong sense of national corporatism, may preliminarily institutionalize the relationship between NGOs and the government, enabling domestic financial support to be accessible to NGOs, but it

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<sup>19</sup>The Women's Federation is a women's NGO with counseling status in the United Nations Economic and Social Council (ECOSOC).

<sup>20</sup>The contents of the official meeting that the author attended.

may also weaken the independence of NGOs, especially in the case of advocacy-type NGOs. It remains to be observed what influences such a reform will bring, emphasizing the service function of NGOs while playing down their accountability and role in policy mechanisms.

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