

PREFACE

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FOREWORD

“Allowing the voiceless to have a voice, and those with a voice to multiply.” This slogan is a mantra for our age and a development consensus brought about by the reforms. It describes a social function that the media needs to take on, and an aim to be promoted by civil society organizations and public-spirited citizens. The last few years have seen the emergence of diverse forms of advocacy in the public sphere. In this report, we have selected some public advocacy actions and events carried out by NGOs, media, representatives of marginalized groups, and individual citizens and netizens. These groups and individuals address a variety of topics and events, using multiple perspectives, strategies and methods to promote changes in our system and environment in the name of good governance and justice. Together, they constitute a civil society developing through rights-based advocacy.

This report is not an academic study in the strict sense of the word, but rather uses selected case studies to make observations about the development of public advocacy in China over the last few years. We hope to start from the notion of rights-based advocacy to provide a guide for observing the development of civil society for both researchers and activists.

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Chapter 1: Introduction

I. Background

In order to effectively respond to societal issues, NGOs generally engage in both service provision and advocacy. Despite the fact that these two roles are often integrated in NGO work, they also reflect fundamentally different approaches to the promotion of social development and equality. The imbalanced power dynamic that currently exists between Chinese state and society has led to the development of a civil society which emphasizes service provision over advocacy. According to an investigation by the Tsinghua University NGO Research Institute (清华大学NGO研究所), “NGOs located in areas where policies have been relaxed find it easy to obtain resources, which has resulted in the proliferation of mediocre service organizations. But in the fields which most urgently require citizens' participation, including the public policy fields of unemployment, social security, labor rights protection, international territory conflicts, and diplomacy, there are few active NGOs.”¹

The scholar Kang Xiaoguang [of Renmin University] also noted that “the third sector currently plays a significant role in actions which benefit the government and enterprise, such as promoting economic development, providing public services, and leading and promoting social innovation. However, in terms of actions which might seek to limit the power of the government and enterprise, such as opposing the tyranny of the market, participating in public policy decision making, and promoting democratic transformation, the third sector is hardly involved at all.” He goes on to explain that, “In China's present situation, there are no safeguards for advocacy organizations. When the interests of marginalized social groups clash directly with those of businesses, third sector organizations have little power to help marginalized groups oppose the tyranny of the market.”²

A major reason for this imbalance between advocacy and service provision is the limited environment for NGO work. “On one hand, organizations are the most important vehicle for implementing collective action, and collective action is the most powerful way to challenge the authority of government. Therefore, any single organization has the potential to challenge the authority of government. On the other hand, social organizations also have the ability to supply public services and can help the government to meet societal needs.”³ When NGOs aim to influence policy, their advocacy methods are restricted by the policy space. Further, NGOs seeking to operate within the small space for advocacy are limited by additional factors such as their own capacity.

Kang describes the tactics that the government employs to manage social organizations as a form of control. These include limiting the development of advocacy organizations and using social organizations to meet the needs of society, while simultaneously suppressing the space for organizations' autonomy and initiative.

¹ 王名、贾西津，《中国NGO的发展分析》，《管理世界》，2002年第8期

² 康晓光、冯利，《中国第三部门观察报告（2011）》，中国社科文献出版社。

³ 康晓光、卢宪英、韩恒，《改革时代的国家与社会关系——行政吸纳社会》，《中国民间组织30年——走向公民社会》，社会科学文献出版社，2008。

In 2006, after researching the advocacy approach of 40 NGOs, China Development Brief published its *NGO Advocacy in China* report. At that time, Chinese civil society was undergoing a gradual evolution with the following characteristics:

- 1) There was a clear separation between the government, business and NGOs, and there was not much synergy or interaction between the third sector and the other two sectors.
- 2) NGOs were stifled by the dual management system and relied largely on international funding sources.
- 3) Public awareness of NGOs was relatively low and charity work had not yet become a hot topic in the media.

In this context, the report presented the following findings:

A large number of NGOs positioned themselves as “advisors and assistants to the government,” emphasizing their roles as collaborators, rather than critics, of government and business. “All organizations that responded to the survey tried to foster constructive relations with the government and society.” No respondent expressed opposition to the government or “held different political views from the government.” All grassroots NGOs, without exception, expressed the desire to develop positive relations with the government.

“Very rarely did any respondent express any concerns about business or the private sector.” From this statement, it can be understood that NGOs rarely used advocacy to influence businesses. At that time, the NGO and business sectors rarely interacted.

“Most NGOs, including both GONGOs and grassroots NGOs, identified 'the whole of society' as the target of their work.” The questionnaire revealed that “raising public awareness” was identified as an important goal twice as frequently as “improving government policy.”

All organizations emphasized the importance of the role of the media; researchers, academics, and GONGOs had the most advantageous space for advocacy.

Generally speaking, the space for NGO public advocacy and public debate was severely restricted at that time, due to limited public influence and restrictions on modes of communication. The most well-known public advocacy cases were generally concentrated in the field of environmental protection, such as the opposition to the construction of the Nu River dams and the movements to protect the Yunnan golden-nosed monkey and the Tibetan antelope. However, these campaigns existed only as isolated cases, and NGOs rarely became involved in public debates.

With the passage of time, particularly after the Sichuan earthquake in 2008, the structure of Chinese civil society began to undergo significant changes. The legal and social environment for NGOs changed dramatically, particularly in terms of legitimacy, resources (both funding and personnel), issues addressed, action strategies, and program operations. Under the government's “social management innovation” (社会管理创新) initiative, NGOs experienced a relaxing of controls, and a number of localities introduced government service procurement measures. In 2004, the “Regulations

for the Management of Foundations” (基金会管理条例) for private foundations opened up a new space for social organizations, and Chinese civil society was able to increase local resources and support outside of the state. In particular, after the 2008 earthquake, businesses began to pay more attention to NGOs, and to support their activities. The increased support of business and government led to significant diversification in funding sources, action strategies, and innovation within public interest circles. Other trends include sectoral specialization among research organizations (think tanks), donors (foundations), NGO capacity-building organizations, corporate CSR consultancies, and grassroots action organizations, and an emerging division of labor within the larger public interest supply chain.

In the context of new government policies concerning government procurement of social services and “social management innovation,” NGOs have demonstrated greater accountability and transparency, increasing their level of professionalism and gradually moving into the mainstream. At the same time, in addition to the traditional methods of cooperating with the government, a “rights-based” perspective has led to new advocacy strategies seeking to increase public pressure on the government through the media and social media. As the social space has grown then, we can see that NGO advocacy approaches and methods have diversified.

In this current period of substantial societal development, it is important to consider the direction of this development. According to a report by the Tsinghua University Sociology Department’s Social Development Research Group (清华大学社会学系社会发展研究课题组), “The root of social development lies in the cultivation of a society-based approach, especially the cultivation of self-organized social spaces. Social development should not be determined by the powerful, or by the market; nor can it be summarized as promoting social activities, social management institutions, and community development. Rather, it is the realization of one’s own social autonomy and the construction of a civil society space. The goal of social development is to check authority, to control capital, and to curb social disorder.”⁴

One way to “check authority and control capital” is through effective public advocacy. In contemporary Chinese civil society, a number of advocacy voices and activists have generated open dialogues with government and businesses on topics such as the environment and vulnerable groups. They aim to address rights infringement and inequitable power dynamics, to encourage policy reform, and to highlight corporate misconduct and society’s expectations for government and corporate accountability.

On this basis, this project has selected influential advocacy cases from recent years, and combed through other relevant literature and materials, in order to examine the space for advocacy and strategies for action. Our intention is to provide models for grassroots organizers and supporters, and to improve the exchange of information and communication between the international community, local NGOs, the Chinese government, businesses, and media.

⁴清华大学社会学系社会发展研究课题组，《以利益表达制度化实现社会的长治久安》，《领导者》总第33期（2010年4月）。

II. The Definition of Public Advocacy

The term *changdao* (倡导) is derived from the western term “advocacy/advocate,” a term which is defined and understood differently by the academic and civil society communities of each country.⁵ According to the US group NPAction, advocacy is a political process involving individual or group efforts to influence public policy and politics, resource allocation, and social institutions. Advocacy may be based on morality, ethics, or faith, or it may be limited to appeals to protect individual rights.⁶ According to a *NGO Advocacy Handbook* published by the Social Resources Institution (SRI) in October 2012, “Advocacy is when ordinary citizens, particularly vulnerable and marginalized groups, recognize and utilize their own strength to participate in the formulation of laws and public policies which relate to them, in order to address unequal treatment and create a just society.”

These definitions highlight ordinary citizens and citizen groups as the main actors behind advocacy efforts, and emphasize the importance of vulnerable and disadvantaged groups in these efforts and the role of NGOs in organizing citizens or acting as an agent for citizens' interests. These definitions also stress other characteristics of advocacy, such as an orientation toward changing policies, systems, and power relations, and the participation of vulnerable/disadvantaged persons.

China Development Brief's *NGO Advocacy in China* report⁷ set forth the following categories: legal advocacy, human rights advocacy, policy research advocacy, constituency based advocacy, campaigning advocacy, social movement advocacy, and lobbying/direct communication. Some of these methods, such as campaigning advocacy and social movement advocacy, are carried out in public spaces. Others, such as legal advocacy and policy research advocacy, are carried out by professionals and occur within the system. The rest could be described as a combination of the two. Different advocacy strategies also incorporate different levels of confrontation and pressure directed at their targets.

As the project background stated, the development of civil society in recent years has seen the advancement of NGO and citizen advocacy capabilities, which start from a “rights-based” perspective to assert public pressure and moderate resistance through platforms such as the media and social media. As the social space has grown, advocacy agents, concepts, and methods have diversified. For the scope of this report, we will focus on “public advocacy” carried out by civil society.

We believe that public advocacy involves the actions of public interest organizations, individual citizens (including vulnerable and marginalized groups), and media groups focused on these issues. These groups use a variety of methods to speak out, create and publicize public events, and expand the public's influence so as to push for changes in government public policy and resource allocation, enforcement of corporate social responsibility policies, and existing cultural and social structures.

⁵ 参见全球消除贫困联盟-中国网络组织,《什么是倡导?——倡导的概念与辨析》, http://www.cdb.org.cn/ngo_talkview.php?id=1796.

⁶ Lobbying Versus Advocacy: Legal Definitions". NP Action. Archived from the original on 2 April 2010. Retrieved 2010-03-02 转引自 http://en.wikipedia.org/wiki/Advocacy#cite_note-1.

⁷ 中国发展简报,《国际非政府组织倡导在中国的现状》,2006年9月.

This definition clarifies the primary actors, target groups, and goals of public advocacy. It should be noted that the target groups for advocacy include not only powerful actors such as government and business organizations, but also the general public. This perspective is somewhat different from that of international and some Chinese organizations. The Global Call to Action Against Poverty - China (GCAP China), for example, holds that the public should not be a target for advocacy, and argues that a focus on the public can distract from advocacy targeted at the government. GCAP cites environmental education efforts as an example of projects which overemphasize the role of individuals and families, rather than concentrating on the government's responsibility in environmental protection.⁸

We believe, however, that because China's public awareness about certain issues is still low, the public itself can be a source of oppression against marginalized or disadvantaged groups, such as discrimination against those with hepatitis and HIV/AIDS, and the deep-rooted, traditional notions of patriarchy in China. In some circumstances, addressing the public is an important step toward effecting change in existing social structures. Moreover, directly addressing the public can serve as a basis for broader social mobilization and as a foundation for change among government and business institutions. Therefore, our definition of public advocacy emphasizes the use of public pressure as a part of advocacy.

The recent development of civil society and the rapid growth in public advocacy has been propelled by intensifying social conflict in recent years. The strengthening of civil society and its ability to mobilize are also due in part to the role of the internet as a new space for expression. From another perspective, public advocacy's development is also closely related to the lack of channels for dialogue within the system, the difficulty in meeting the upsurge in demands from the public, and the limited professional advocacy abilities of NGOs. Lacking institutionalized mechanisms for expression, the public and NGOs have relied on grassroots action to exert social pressure, interacting informally with government and business.

In fact, Chinese NGOs have created interesting localized variations on traditional advocacy strategies. These have included influencing government and business decision-making through institutionalized channels within the system and professional recommendations, carrying out advocacy through collaboration with government and business, and combining advocacy with social service provision by using social services to promote advocacy. These are all advocacy strategies explored under special circumstances and are worthy of affirming, summarizing and sharing, and in the current stage constitute mainstream approaches to effective NGO advocacy. Because this report's focus is on examining different public advocacy strategies, however, less attention will be devoted to these mainstream approaches.

Public advocacy has never been composed of a singular strategy. Rather, in our observations of NGOs' public advocacy efforts, we have seen increased emphasis on professionalization, and use of research and data compilation in order to comprehend and analyze policies. Therefore, it is important to note

⁸ 全球消除贫困联盟-中国网络组织,《什么是倡导?——倡导的概念与辨析》, http://www.cdb.org.cn/ngo_talkview.php?id=1796

that NGOs should not take a singular approach to advocacy, but rather use many traditional methods that complement one another.

III. The Conceptual Value of Public Advocacy

Public advocacy refers not only to public participation in policy change and social reform but also to a fundamental means for promoting the concept of public participation.

Public participation has three conceptual components. The first is mobilization of people and public education. It involves encouraging the public to understand and support government policies, respect the law, and participate in the government's social agendas. The second is emphasizing "consultation with stakeholders." This means empowering the people and listening to opinions from affected communities. The third are the people's inalienable rights. These principles are reflected in a number of international conventions, to many of which China is a signatory.⁹ Many western NGOs, development organizations, and environmental groups have reached a general consensus on these principles, declaring them "universal values." In recent years, a number of Chinese NGOs and individual citizens involved in public advocacy have also come to adopt these principles as a foundation for their own efforts. As this report makes clear, public advocacy across all sectors cannot be separated from public participation.

In the third component of public participation, we can see that citizens' rights are at the core of public advocacy, and its source of legitimacy. The United Nations Universal Declaration of Human Rights, the result of humanity's experience with war, violence, and suffering, is a shared foundation for advancing rights across the globe. Two international human rights conventions, the "International Covenant on Civil and Political Rights" and the "International Covenant on Economic, Social and Cultural Rights," reflect the different understandings and corresponding systems that have developed after World War II in the East and West. These differences, in turn, have created "biases" in the conceptual guidelines and practices for safeguarding human rights.

TABLE

International Covenant on Civil and Political Rights (China is a signatory)	International Covenant on Economic, Social, and Cultural Rights (China is a signatory, and has ratified)
Freedom of expression Freedom of association Prohibition of torture Equality before the law Right to privacy Right to a fair trial Right to vote	Right to health Right to work Right to food Right to education Right to establish unions Right to social security

⁹高颢，《参与环境决策：三种理念，三种工具》，中国发展简报2002年秋季刊

Source: 《了解：人权知识框架》（面向艾滋病草根组织的人权课程）

In addition to these two conventions, China has also joined the International Convention on the Elimination of All Forms of Racial Discrimination. These three core human rights conventions together constitute the United Nations Human Rights Charter.

Globalization has strengthened China's ties to the rest of the world. Aside from economic integration through trade and investment, interactions in the political, social and public spheres have also increased. Due to some countries' promotion of subsistence rights as a human right, many countries are confronted with the opportunity and challenges of altering their basic principles of governance. As civil rights awareness grows, there is an urgent need to advance equal opportunities, to ensure the protection of one's safety and dignity, and to enjoy freedom of expression.

The crux of the problem lies in the unchecked power of the state and the market, which makes it difficult to fully protect citizens' rights to subsistence and development and, in many cases, infringes on their individual rights. Given these principles, we can see that, as human history has unfolded, the human rights included in the two aforementioned United Nations conventions are complementary and very difficult to separate. Civil and political rights are, in fact, the foundation for safeguarding the rights to life and development. A right to development without freedom of speech is bound to become a right in name only. Only when both types of rights are fairly granted to the public will there be checks and balances in the state and markets and safeguards for harmonious social development.

Current inequities in the distribution of resources and opportunities for development have led to an interesting contradiction-- as "stability maintenance" has become a top government priority, "government efforts to maintain stability have themselves increased social instability. Since current government thinking on maintaining stability is often predicated on suppressing the expression of legitimate interests, a vicious circle has been formed. As more emphasis is placed on maintaining social stability, governments, especially local governments, are less able to tolerate citizens voicing their interests. As citizens have fewer opportunities to effectively express their interests, social structures have become more unequal, especially for those who are disenfranchised or have grievances. As social structures become more unequal, conflicts of interest and discontent become more acute. As legitimate interests are increasingly suppressed, more groups or individuals can only look for redress outside of the system, sometimes even resorting to violence, to express their dissatisfaction, creating increasingly fierce social conflict. As social conflict becomes more acute, the government must focus more on maintaining stability. Thus, the vicious cycle of social instability is complete."¹⁰

A rights-based approach, particularly a pluralistic approach based on the right to expression, is the only effective path for "maintaining stability." This requires striking a balance between collective and personal values, national and personal interests, and the interests of diverse stakeholders. As noted by a Tsinghua University research group, "A good system does not eliminate conflict; it accommodates and

¹⁰清华大学社会学系社会发展研究课题组，《以利益表达制度化实现社会的长治久安》，《领导者》总第33期（2010年4月）

finds institutionalized methods to resolve the conflict.”¹¹

The Tsinghua report suggests that in order to break the cycle of “stability maintenance leading to more instability,” we must move beyond the rigid thinking of the past and create new mechanisms to resolve social conflict. This might include additional avenues for accessing information, aggregating citizen interests, expressing demands, applying pressure, consulting, mediating, and arbitrating. Although these mechanisms are still far from complete in their ability to effectively respond to legitimate interests expressed by social groups, our case studies reveal that more organizations and individuals have begun utilizing and expanding upon these existing options. They are using open-source government information, public pressure, public declarations, and consultations to carry out public advocacy directed at government and private corporations, and exploring societal mechanisms for resolving social contradictions and conflicts.

In terms of the government, an important step towards improving consultation and citizen participation is to use all available formal and informal mechanisms to institutionalize public advocacy, legalize civic spaces, and strengthen the expressive ability of social organizations. From the government's perspective, it might appear easier to “maintain stability” and use its resources to monopolize public welfare services, rather than to allow space for independent social groups, foster citizen organizations, and promote civil society. However, the current situation, in which “stability maintenance leads to more instability,” reminds us that to engage with an array of stakeholders, resolve complex conflicts, enhance government capacity, and promote good governance, we must find a new paradigm for “maintaining stability.” We must develop and enhance the capacity of NGOs and civil society, especially in terms of social service provision, public advocacy, and the ability to express stakeholder interests.

Many of the case studies cited in this report are actions carried out by citizens with a rights-based perspective and a bottom-up approach, such as efforts to promote equal employment rights for people with Hepatitis B and AIDS, new social movements in environmental protection, and women's rights organizations advocating against domestic violence and for equal access to education and employment. Their legitimacy draws on sources such as international conventions and existing national legislation. Their voices and acts of “dissent” represent public participation in the decision-making process, using pragmatic discourse to test the flexibility and openness of the system.

Government policies of social construction and social management should serve to “maintain stability” through its high ideals, understanding of the diversity of rights that exist, and justice. Stability should not be maintained by using power to eliminate dissent and conceal contradictions, but rather by using free expression and association to uncover problems and resolve them in accordance with regulations. While it is possible that public advocacy, in some cases, will reveal tension or antagonism between state and society, this is in fact a normal social condition. Taiwan's social movements began by challenging the system, but as a civic space opened, they evolved into a community-building process. Social movements in Hong Kong similarly evolved from confrontation to cooperation as the system

¹¹清华大学社会学系社会发展研究课题组，《以利益表达制度化实现社会的长治久安》，《领导者》总第33期（2010年4月）

changed to allow greater openness and inclusiveness. The experience of these two regions can serve as an important point of reference.

IV: Report Methodology

This report utilizes recent public advocacy literature, especially literature and media reports related to specific events, and interviews with those involved in public advocacy. Chinese academic research on public advocacy is used sparsely, but we touch upon significant public advocacy movements, including environmental and AIDS / hepatitis B initiatives, new advocacy tactics such as social media and influential lawsuits, and advocacy strategies and policies introduced from the West. This report will provide a brief summary of the details of these developments.

Our interview subjects included fifteen NGO professionals and social media figures who have engaged in public advocacy in the following sectors: civil society development, environmental protection, public health and medicine, gender, labor rights, human rights, NGO capacity building, and others.

Combining documentary research with interviews provided more in-depth results and allowed us to delve into the particular characteristics of Chinese public advocacy.

In addition, to compensate for the dearth of academic research, we have compiled materials on advocacy principles, operations, and tools that have been produced in recent years by NGOs, and have included them as appendices. These materials are a useful reference for learning more about the fundamental values and principles of NGO advocacy, practical case studies, and advocacy strategies.

Chapter 2: The Rapid Growth of Public Advocacy in China

Since the May 12, 2008 Wenchuan earthquake, China's civil society landscape has gone through significant changes. Benefiting from liberalization in the government's policies regarding social management innovation and social organization registration, and the expansion of government outsourcing to social organizations, NGOs have grown rapidly in numbers. In addition, the rise of private foundations, fueled by corporate funding and support, has also strengthened the power of civil society. Specifically, the development of the advocacy functions of civil society and NGOs has benefited from a more developed legal system, greater awareness of citizen rights and responsibilities, and the rise of social media coming to the fore.

I. Changes in the Legal Environment for Public Advocacy

The presence of laws is an important prerequisite that influences civil society's participation in the policy process and engagement in public advocacy. Since advocacy issues came to China in the 1990s, the scope and impact of public advocacy has been limited due in large part to the lack of relevant laws and policies and to problems in the implementation of existing regulations. Since the turn of the millennium, the government has stressed "administration according to law" (依法行政) and issued a State Council Decision Regarding Comprehensively Promoting Administration According to Law (1999) (国务院关于全面推进依法行政的决定) as well as the Program for Comprehensively Promoting Administration According to Law (2004) (全面推进依法行政实施纲要), and continued to improve the legal system. In addition to the existing Administrative Procedure Law (行政诉讼法) and Environmental Protection Law (环境保护法), they have issued Regulations on the Disclosure of Government Information (政府信息公开条例), made amendments to the Civil Procedure Law (民事诉讼法), and increased provisions for public interest litigation. There are still many problems in effectively implementing these laws and regulations, and these problems have had a direct and concrete effect on public advocacy. However, their existence serves as a foundation for many NGOs and citizens to engage in public advocacy within this legal space, and thereby promote the gradual improvement of the law.

Using the Administrative Procedure Law to promote government administration according to law

In 1989, China issued an Administrative Procedure Law, breaking from the tradition of officials governing without citizen oversight. This law provided an important channel for citizens to monitor administrative agencies and became an important foundation for promoting administration according to law. [***Editor's Note: The Administrative Procedure Law allows for citizens to file lawsuits against government agencies.***] Of course, some scholars point out that while the Administrative Procedure Law has been in effect for more than 20 years, there have been few cases, few verdicts and few rulings in favor of the plaintiff. Its ability to resolve administrative disputes, protect citizens' rights and

monitor administration according to law has been seriously limited.¹² A 2002 judicial interpretation of section 52 of the Administrative Procedure Law provoked widespread controversy, raising suspicion that government agencies have engaged in several cover-ups.¹³

In spite of these problems, the introduction of the Administrative Procedure Law gave legal recourse to citizens whose rights had been trampled on by administrative agencies; many individuals and organizations have filed influential lawsuits as a result of its passage and it has become an important tool for public advocacy.¹⁴ In 2003, an Anhui university graduate who came first in the provincial civil service recruitment exam was nonetheless rejected because he was found to have hepatitis B. The student initiated an administrative lawsuit which became China's first case of employment discrimination. Since then, the lawsuit has repeatedly appeared in newspapers. In recent years, similar administrative lawsuits have expanded to other fields, such as the 2009 "height discrimination" case, where four exam candidates sued the Bureau of Education in Shaoyang, Hunan; the 2010 "genetic discrimination" case which saw three candidates sue the Human Resources and Social Security Bureau of Foshan, Guangdong; the 2010 "HIV employment discrimination" case which saw Anhui teacher Xiao Wu sue the local Department of Education; as well as the first case of gender discrimination in employment launched by female students in 2012. In these cases, the prosecution and public interest lawyers relied on laws like the PRC Employment Promotion Law (中华人民共和国就业促进法) enacted in 2007 and the two-decade-old Administrative Procedure Law. Some of the lawsuits were successful, further promoting the implementation and improvement of laws and policies.

In 2013, modifications to the Administrative Procedure Law were included on the legislative agenda. The Legislative Affairs Committee of the Standing Committee of the National People's Congress (NPC) is currently collecting and studying opinions and questions concerning these modifications. Public advocates are demanding an expansion in the scope of cases brought, promotion of civil rights and a guarantee that the law can feasibly be carried out and enforced.¹⁵

Citizens promoting implementation of the Regulations on the Disclosure of Government Information and Environmental Information Disclosure

On May 1, 2008, Regulations on the Disclosure of Government Information and Trial Measures for the Disclosure of Environmental Information (环境信息公开办法(试行)) came into effect, after which a growing number of citizens and NGOs advocated for more access to information. In 2012, college students pressured the Shaanxi Work Safety Administration (陕西安监局) to publicly reveal the salary of its chief Yang Dacai, nicknamed "Uncle Wristwatch" because of his penchant for sporting luxury

¹² 何海波,《困顿的行政诉讼》,《华东政法大学学报》2012第2期

¹³ 柳建龙,《行政诉讼法司法解释第五十二条之评析》
www.chinalawedu.com/news/21601/21712/148/2007/10/li9075193457190170023900-0.htm

¹⁴ 详情见第五章小案例“影响性诉讼”

¹⁵ 《法制日报》,《法工委正调研行政诉讼法修改》,
www.legaldaily.com.cn/rdlf/content/2013-01/23/content_4145709.htm?node=34020
行政诉讼法面临一次大修订,
www.chinalawedu.com/new/201210/qinyinjing2012101218132136959620.shtml

watches. In response to gender discrimination in college admissions, women's rights activist Lü Pin lobbied the Ministry of Education to disclose information about the national college entrance exams. Both cases took advantage of the Regulations on the Disclosure of Government Information.

The Measures for the Disclosure of Environmental Information has also gained considerable public notice. The number of environmental information disclosure requests received by the Department of Environmental Protection grew from 72 in 2009 to 226 in 2010, an increase of 205 percent.¹⁶ The introduction of the Measures for the Disclosure of Environmental Information complements similar measures allowing for public participation in environmental impact assessments (EIA) and environmental litigation. Deputy Director of the environmental NGO Friends of Nature (自然之友) Chang Cheng believes that the Regulations on the Disclosure of Government Information, the introduction of laws related to public participation in EIA and the Measures for the Disclosure of Environmental Information, have made it possible to establish the innovative practice of environmental courts in various places in China."¹⁷

In 2011, Friends of Nature held a seminar in Beijing on the third anniversary of the Regulations on the Disclosure of Government Information and the Measures for the Disclosure of Environmental Information. A number of citizens and scholars who had submitted freedom of information requests noted that vague clauses in the regulations still hamper the implementation of information disclosure.

The director of the Center for Legal Assistance to Pollution Victims (污染受害者法律帮助中心), China University of Political Science and Law professor Wang Canfa, pointed out that the provision in Article VIII of the Regulations on the Disclosure of Government Information that "the administrative disclosure of government information must not threaten national security, public safety, economic security or social stability" is used by government officials to prevaricate, and has severely compromised government openness. Other laws are extremely vague with regards to state secrets and trade secrets. "There are some regulations concerning state secrets in the State Secrets Act, but no relevant laws regarding trade secrets."¹⁸

However, improvements in the law come from constant progress made by pioneers. After the August 2011 chromium pollution incident in Yunnan, the environmental organization Green Watershed (绿色流域) requested the disclosure of information from the Kunming central branch of the People's Bank of China (中国人民银行昆明中心支行), the Yunnan Banking Regulatory Commission (云南省银监局) and the Yunnan Environmental Protection Bureau (云南省环保厅) regarding which banks had loaned money to the polluting company and its associated enterprises. It also requested information about how the financial regulatory and environmental protection departments coordinated information regarding this pollution incident. The three departments declined to release the information. Although Green Watershed failed to get concrete results in their requests for information, Green Watershed director Yu Xiaogang said: "Through our actions, we discovered the truth and informed the public about how

¹⁶ 公民可申请环境信息公开 http://epaper.jinghua.cn/html/2012-08/28/content_1130786.htm

¹⁷ 常成，中国公众参与20年的风雨历程，2012年6月，www.chinadialogue.net/article/show/single/ch/4994-2-years-of-China-s-public-voice

¹⁸ 环境信息公开，有法难执行 www.chinadialogue.net/article/show/single/ch/4290-Access-still-barred

policies are implemented, what the limits of the public's right to know are, and which areas still have room for improvement."¹⁹

Public interest litigation as reflected in the Civil Procedure Law

The Yunnan Qujing chromium pollution lawsuit was filed jointly by two NGOs, Friends of Nature and the Chongqing Green Volunteer League (重庆绿色志愿者联合会), and the Qujing Municipal Environmental Protection Bureau (曲靖市环保局), against two companies in Yunnan Province. The basis of their lawsuit was the Administrative Procedure Law and Environmental Protection Law. Article 6 of the Environmental Protection Law states that: "All units and individuals shall have the obligation to protect the environment and the right to report on or file charges against units or individuals that pollute or damage the environment." Article 2 of the Administrative Procedure Law, states: "If a citizen, a legal person or any other organization believes that their lawful rights and interests have been infringed by a specific administrative act of an administrative organ or its personnel, they shall have the right to bring a suit before a People's Court in accordance with this Law."

Based on these two relatively vague provisions, an environmental NGO became the claimant in a public interest environmental lawsuit. "This will play a positive role for the NPC in modifying the public interest litigation articles in the Civil Procedure Law, and expanding the topics to be deliberated," commented industry insiders when the above case came to the media's attention.²⁰

As all parties expected, when the Civil Procedure Law was amended in 2012, a compelling term was added, namely, public interest litigation. The relevant article states: "Agencies and relevant organizations specified by the law can bring a lawsuit before a People's Court against behavior harmful to the public interest such as polluting the environment, and harming the legitimate rights and interests of mass consumers." This law made it legal for environmental NGOs to file public interest lawsuits, but it contains a vague definition of the litigating subject (agencies, relevant organizations) and has strict limitations on the lawsuit's scope, which clearly only covers two categories of circumstances, namely, polluting the environment and harming the interests of mass consumers. Thus, just how public interest lawsuits will be implemented remains to be seen.²¹

Still, getting the term "public interest litigation" signed into the Civil Procedure Law is a legislative milestone worthy of recognition.

II. The Growing Awareness of Citizen Rights and Responsibilities

Leonard Trelawney Hobhouse pointed out in *Liberalism*: "Great changes are not caused by ideas alone; but they do not come about without ideas." The formation of civil society cannot be separated from the cultivation of civic awareness which directly affects whether individual citizens play an active role, and

¹⁹ 环保NGO申请公开云南铬污染企业融资信息被拒 <http://roll.sohu.com/20120221/n335401235.shtml>

²⁰ 中国首例民间环保组织公益诉讼案获重要进展 http://news.xinhuanet.com/legal/2012-05/23/c_112022607.htm

²¹ 新民诉法通过 公益诉讼须继续拓空间 http://tj.ifeng.com/fhzk/detail_2012_09/03/319781_0.shtml

participate in social action.²² The core of public advocacy is to create pressure and demands for changes in public policy, corporate behavior, social structure and social culture by stimulating the formation of civic awareness. There are many components of civic awareness, but when it comes to public advocacy, an awareness of citizen rights and responsibilities are the most critical ones.

In China, the long-term impact of the feudal system, the slowness of political reform and reversals in the democratization process have combined to restrict citizen participation in the political process. **[Editor's Note: In official Marxist terminology, the term "feudal system" is used to refer to the imperial system that governed China prior to the 1911 Revolution.]** In [today's China] where [the authoritarian system has remained largely unchanged] a widespread slave consciousness and a guest consciousness that lacks a sense of social responsibility has existed for a long time.²³ However, since the "reform and opening", the original relationship between the state and society has undergone a gradual change, with civil society forces steadily rising. In this process, due to economic, legal, political, and cultural changes, especially the rise of the internet in the 21st century, civil society and citizen rights awareness have gradually emerged.

In many public advocacy events initiated by citizens and NGOs in recent years, citizen rights consciousness has played a role that cannot be ignored. Research on the construction of participant identity by traditional media in public advocacy events points out that in the Xiamen PX Incident in 2007, there were three main factors shaping the identity of those who participated in the "walk": 1) a desire "to defend the space of Xiamen residents"; 2) a view that environmental issues represented civilized and progressive values that should be the goal of development; 3) a view that participating in the "walk" was the right and responsibility of citizens.²⁴ The Xiamen PX event and two successive events in 2012 – the Shifang protest opposing the molybdenum copper project and the opposition to the sewage project in Qidong, Jiangsu - highlight the transformation of residents to citizens, and their awareness of, and ability to undertake, collective action to safeguard their own and the public's interests.

They are also becoming cases of successful models for promoting the transition from traditional to modern governance.

The equal education rights movement for the nonresident college entrance examination for migrant children in Beijing, Shanghai and other places also reflects a strong civil rights orientation and has become a symbolic and widely discussed public event in recent years.

Case Study: Campaigning for Equal Education Rights

On New Year's Day in 2012, on the cold streets of Beijing, hundreds of volunteers working on behalf of equal access to education collected supporting signatures in more than 20 locations in the city. On January 12, more than 100 volunteers submitted a "Proposal for Nonresident Migrant Children to Take the Local College Entrance Examination." **[Editor's Note: In China, migrant children are considered nonresidents in the city they live in and are therefore not allowed to**

take the college entrance exam in that city. They can only take the college entrance exam in the locality they are residents in which generally means their hometown.] Volunteers in each district then took turns each day to submit a letter of invitation to Ministry of Education head Yuan Guiren to engage in a dialogue with the public on February 23. On February 23, more than 300 volunteers sang the national anthem and read aloud the Education Equality Declaration.

In March, when the National People's Congress (NPC) and Chinese People's Political Consultative Committee (CPPCC) held their "two sessions", the issue of nonresident college entrance examinations for migrant children became a hot topic. The Minister and Deputy Minister of Education promised the media they would put forth the principles of a program within ten months, and introduce the specific implementing measures for local governments by the end of the year. During the Qingming Festival, hundreds of volunteers and children launched an "While in Beijing, love Beijing" activity, and planted trees in Qinglonghu Park together. By June 22, hundreds of volunteers had distributed thousands of copies of "New Beijinger" flyers on the streets of every Beijing district.

(Source: "New Citizens": 2012, Xu Zhiyong, catholic-voice@googlegroups.com January 16, 2013)

In addition to the Equal Education Rights movement that took place in Beijing, a Shanghai middle school student, Zhan Haite, triggered a public discussion with her online posting. Zhan came to Shanghai with her parents when she was five years old. She dropped out of school because she could not participate in the high school entrance examination which was only open to those with a Shanghai household registration (hukou). In May 2012, seeking to gain the right to take the entrance examination in Shanghai, she posted a notice on her microblog inviting Beijing and Shanghai residents to join "the debate" on the topic of the entrance examination. Zhan is representative of 58 million left-behind children and 27 million migrant children. By the end of 2012, after efforts of countless "Zhan Haites" advocating for their own rights, 30 provinces and cities had introduced specific criteria for local college entrance examinations, showing that the equal education rights movement has had a strong policy impetus.

In the case of prominent public interest, philanthropic micro-charity events such as "Free Lunch" or "Snapshot," Yang Tuan, the chief editor of the *The 2012 Philanthropy Blue Book*, argues that micro-public interest activities allow ordinary people to bear the same rights and responsibilities in effecting social change as the government, scholars and enterprises. [*Editor's Note: The term micro-charity or micro-public interest refers to citizens participating in charitable or public interest causes and events through microblogs and other forms of social media. The "Free Lunch" case is a recent prominent example in which a journalist, Deng Fei, started a campaign to feed schoolchildren in impoverished areas of China by raising money through his microblog. "Snapshot" refers to a microblog started in*

April of 2011 by a well-known scholar, Yu Jianrong, calling on the public to "use photographs to rescue child beggars." This microblogging initiative triggered a chain reaction, and civil society organizations, volunteer groups, the media and celebrity microblogs all joined in.] Citizens can express their own appreciation of the concept and of public events through the activities of their choice. Executive vice president of the China Foundation for Poverty Alleviation, He Daofeng, also believes that the active participation of citizens in micro-charity reflects the trend toward citizens' freedom of association, with donations expressing citizens' expectations of society and participation in public affairs.²⁵

Public advocacy driven by an awareness of citizen rights and responsibilities can to a certain extent overcome the limitations of the environmental not-in-my-backyard (NIMBY) movement. When opposing pollution from the standpoint of citizen rights and responsibilities, it becomes difficult to use the "just don't build it in my backyard" argument, and instead to stand up in support of other cities that fall victim to polluting projects.

This was demonstrated in the 2012 environmental movements in Shifang, Sichuan and Qidong, Jiangsu, both of which were supported by the public, and netizens and public figures with no direct interests.

III. Social Media and the Creation of New Advocacy Channels: The Case of Weibo (Microblogging)

In July 2012, the "Annual Report on the Development of Social Media in China (2012)" (新媒体蓝皮书: 中国新媒体发展报告) published by the Social Sciences Academic Press (China), noted that China has in recent years seen a growing number of users, more diverse applications, and increasing levels of networking and interactivity. These factors have allowed social media to integrate into society on a much deeper level and thus to emerge as a new driving force behind the development of Chinese civil society. The report quoted figures from the China Internet Information Center (CIIC, 中国互联网信息中心) showing a sharp increase of more than 50 percent in the number of microblogging accounts, from 63.11 million in 2010 to 274 million in June 2012. It observed that the profile of the microblog as a platform for expressing views on and engaging in political and social issues has risen significantly.²⁶

In recent years, many academics have attempted to determine what 'social media' is. Jing Dong and Su Baohua consider social media to be the medium by which personal information is disseminated in real time.²⁷ Zhang Jiang suggests that social media was created in the post 1990s era. It is grounded in technology and the internet and its defining feature is the use of new methods of disseminating

²⁵ 2012《慈善蓝皮书》发布暨中国慈善事业发展研讨会实录www.sznews.com/zhuanti/content/2012-07/12/content_6937951_1.htm

²⁶《新媒体蓝皮书: 中国新媒体发展报告(2012)》发布www.shanghai.gov.cn/shanghai/node2314/node2315/node4411/u21ai665938.html

²⁷ 景东. 苏保华 新媒体定义新论 新闻界 2008年第3期

information with increased interactivity between users. Yu Guoming proposes that traditional media involves the transmission of information from one to many, while social media allows for the dissemination of information by many to many. This feature forms, in general, the common basis for all forms of social media.²⁸

As can be seen when defining social media by its mode of transmission and participants, social media is of a real-time, many-to-many, interactive nature.

As the poster-child of new media, the spontaneity and accessibility of microblogs have lowered the barriers to netizens' engagement with societal issues. Capitalizing on advancements in technology, netizens are able to post updates in real-time using their computers, tablets, mobile phones and even certain models of digital cameras; the content of these posts need only be a few words or a single photograph before a touch of the finger transmits them to the rest of the world. On the microblogging platform, everyone can become a mouthpiece for information.

This many-to-many communication approach has also enabled the microblog to break through the current pyramidal model of disseminating information which exists in traditional media. In this model, a 'top-down' approach is adopted. In contrast, social media provides a level platform for the free exchange of ideas, thereby effectively breaking down stratified social arrangements. In doing so, it promotes the development of a more equitable society and thereby of civil society.²⁹

It is because of these unique characteristics that the microblog became an important public advocacy platform the moment it appeared in the public domain.

In August 2009, Sina Weibo (China's most popular brand of microblog) implemented a beta version. Just six months later, it had surpassed all the other applications in terms of popularity. In 2010, because of its role in helping netizens keep up-to-date with news from disaster relief operations to the Yihuang demolition case, that year was christened by the media as the Year of the Microblog. The microblog can be said to have shown a strong inclination towards being a tool for public advocacy ever since its gestation. In 2011, from the "Snapshots" and "Free Lunch" microblogs set up by China Academy of Social Science professor Yu Jianrong and *Phoenix Weekly* reporter Deng Fei respectively, to news-breaking exposure of the 'Guo Meimei' scandal and other corruption scandals, the microblog has taken on an increasingly important role as a public watchdog and driver of social change. More NGOs are starting their own microblogs and many activities started by microblogging celebrities have become successful cases of public advocacy.

When talking about the success of his "Free Lunch" project, Deng Fei pinpoints the microblog as being vital in facilitating the real-time exchange of information. As opposed to the periodic, rigid reporting of traditional media, microblogs allow concerned netizens to probe further into and receive information in real-time, and also to exchange viewpoints with others. The microblog also allows them to stay engaged with events into their later stages. Deng likens traditional media to the blood vessels of the

²⁸ 转引自: 邵庆海 新媒体定义剖析 中国广播 2011年第3期

²⁹ 胡佳渝 从2011年“两会”看微博对公民政治参与的影响 东南传播 2011年第5期

body, while microblogs are its irreplaceable capillaries.³⁰

“Taking Snapshots to Free Child Beggars” is one case of how public awareness can be aroused and even used to promote systemic reforms. The movement, which started in 2011, is still going strong and has expanded to other regions. Other similar cases, such as the “Snapshots of Traffic Violations”, the “Snapshots to Monitor Official Cars”, and the “Snapshots of Rivers” started by environmental organizations, are variations on the “Snapshot” theme.

“Taking Snapshots to Free Child Beggars” swept away the misconceptions many had about kidnapped children and child beggars. The creator of the movement, Yu Jianrong noted that “Snapshots’ transformed everyone’s perspectives and misconceptions of child beggars and their related issues. Child beggars being an everyday occurrence, everyone thought that the act was legal, but through this movement they have grown to realize that it is not, and that everyone has the power to rescue these children. Increasing this awareness has been one of the greatest achievements of this movement.”³¹

At that time, the movement ignited a huge debate on how best to resolve the problem of child beggars. At the two sessions of the NPC and CPPCC in 2011, many representatives pushed for the introduction of legislation to prohibit all forms of child-begging. Representatives, such as Ma Xingtian and Fang Yi among many others, called for introducing amendments and improvements to the Law on the Protection of Minors (未成年人保护法) and the Child Welfare Act (儿童福利法) that would not only have the government prohibit child begging, but also go one step further by assuming responsibility for those children and their welfare.³²

Besides the initiatives launched by celebrities, for some NGOs whose focus is on changing societal perceptions, the power of the microblog in driving such changes is something not to be overlooked. For example, the official microblog of the Women’s Media Monitoring Network (妇女传媒监测网络), “Women’s Voices” (女权之声), is very active at the moment, with about 14,000 followers and hundreds of shared postings. But because of its narrow choice of discussion topics, “Women’s Voices” saw only a gradual increase in followers from about 1000 at its initial registration in June 2010 until the start of 2012. It was only in June 2012, when news of the sexual harassment of a female on the Shanghai metro system emerged that “Women’s Voices” began to take the lead in facilitating discussion among netizens. Because of the interest in controversial topics, the emergence of new perspectives, and the reblogging by big names in microblogging such as Li Kaifu, Xue Manzi, Zuo Xiao Zu Zhou and other celebrities, “Women’s Voices” saw a rapid rise in its followers. In the latter half of the year, as a result of organizing “Going Bald for Education”, tracking the Li Yang domestic violence case, initiating the “Ten Thousand Signatures for Prevention of Domestic Violence Legislation” and various other activities, their followers continued to rise rapidly in number to the current level of about 14,000 followers (Source: Taken from Feb 2013 statistics).

³⁰ 徐艳红 微博可以更好地改变中国未来——“免费午餐”公益活动发起人邓飞谈微博 《人民论坛》2011年第21期

³¹ 徐艳红 微博公益不能让人“鸭梨山大”——访“随手拍照解救乞讨儿童”活动发起人、中国社科院教授于建嵘 人民论坛2011年第21期

³² 多位代表提议明令禁止儿童乞讨免费提供牛奶 www.404000.com/news/20130120/12564.html

As a social media tool, the possibility of spreading information on Weibo has a significant positive effect on public advocacy. But as online media it also has its special characteristics and limitations that should not be ignored. With public advocacy, one needs to pay attention to advocacy mechanisms or avoid their defects.

First of all, advocacy on Weibo depends on the power of celebrities. Traditional media has often benefited from celebrity charm and microblogs do so even more. Celebrity attention and participation can quickly lead to exposure of certain incidents. For example the editor of the microblog “Feminist Voices,” Ms. Xiong Jing, noted that after its criticism of inappropriate comments on sexual harassment on Shanghai’s metro line 2 was picked up by the celebrity Li Kaifu, it was reposted more than 800 times that day. Overall the influence of Weibo is mainly decided by the attention and participation of opinion leaders. This means that Weibo is still a platform dependent on those in power, and voices of advocacy can be effectively transmitted only when it is reposted by influential opinion leaders.³³

Second, advocacy through microblogs still requires dissemination through traditional media. The “agenda setting” theory in communication studies states that traditional media often cannot dictate people’s opinion on certain topics, but by providing information and setting the agenda, it can effectively influence which topics people discuss and in which order. In other words, media cannot influence how people think, but what people think about.³⁴ In China’s reality today, traditional media is still a strong force shaping the public agenda. Since the emergence of social media, given its interactivity and immediacy, many issues raised on microblogs have successfully shaped the media agenda and thereby the public agenda. Ultimately, however, the way media reports on views and information on microblogs still influences the advocacy agenda. In the “Snapshot” case, the participation of NGOs active on Weibo – for example, the One Foundation, which was among the first to express support for these activities – was ignored by traditional media news reports.³⁵

Third, expressing opinions on Weibo could undermine the power of real action. “If you are looking at your computer screen right now, you’re probably not engaging in revolution. The three hundred million Chinese microbloggers could be seen as the biggest restraint to revolution worldwide.” Sarah Nouwen, lecturer at the Cambridge University Law School says that for many people to write about politics on Twitter seems to be a goal in itself – after expressing their opinion, microbloggers may not even worry about the state of affairs in Uganda any more. This is what is called “slacktivism” – supporting a goal by indolent means.³⁶

Lü Pin, head of the Women's Media Monitoring Network (妇女传媒监测网络) also points out that the internet can create an illusion and be a substitute for action. Many people think to talk on the internet and post information is activism. Instead she is of the opinion that: "Activism is something physical and requires the body to be present. Only if people can see each other can one talk of action and social

³³ 多位代表提议明令禁止儿童乞讨免费提供牛奶 www.404000.com/news/20130120/12564.html

³⁴ 郭碧青 大众传播议程设置的引导舆论作用——以归真堂事件报道为例 《当代电视》2011年第5期

³⁵ 王金礼、魏文秀，微博的超议程设置：微博、媒介与公众的议程互动——以“随手拍解救乞讨儿童”事件为例 《当代传播》，2011年第5期

³⁶ 西蒙·库柏 革命什么革命 www.ftchinese.com/story/001044188

engagement. The internet can provide a platform for spreading information, but this itself is not social action."

Fourth, the negative effects of the internet has side effects for microblog advocacy. In the age of Weibo when everybody has become media, there is a great fragmentation of information. Those who participate in the advocacy agenda have a sense of righteousness, yet the critical abilities of netizens vary widely and it is very difficult to monitor microblogs. For these reasons, a great deal of false information can be found on Weibo. One example is the "Lu Meimei scandal" that for a while became as famous as the "Guo Meimei scandal" in 2011. Later it was shown to be just a normal charity project and the lawyer Qian Weiqing even published a clarification stating that "there is sufficient evidence that the rumors about Ms. Lu Junqing are false. Sometimes rumors can take the media hostage if there is no level playing field. The media as well as the public didn't really seek the truth and repeatedly fabricated a case of how charity was abused for personal gain."³⁷

In another example, some "Snapshot" actions have led to controversies over the public's right to information and the privacy rights of the people involved. In one incident involving actions to save a child beggar, the parents were wrongly considered human traffickers and forced to take part in a DNA test in order to prove their innocence. During the "Snapshots to Save the Unmarried", some people also secretly took pictures of the suspects and put them on the internet without authorization, thereby violating their privacy rights.

According to China's laws, the right to information and privacy still lack clear independent status. Therefore, when pictures are used by social media for advocacy purposes, both rights can be in conflict. Finding a way to resolve the conflict between the right to information and the right to privacy is therefore a real problem for public advocacy activities.³⁸

IV. Public Advocacy Through Mainstream Channels

Even though social media has completely changed the overall situation in recent years, China's current reality is that traditional media and other mainstream communication channels still influence the public agenda. As mentioned earlier, traditional media still plays a major role in setting the public agenda in China. Netizens are individual, separate entities and the information exchanged among them usually remains within relatively small communities. The influence of normal netizens is confined to a small circle of acquaintances and friends. The topics commented on or posted by opinion leaders with tens of thousands of followers can influence many more people on Weibo, and in turn, can influence the wider public via the media. Traditional media can easily select topics from microblogs, put together fragmented information from microblogs and set the agenda for most opinion leaders, average netizens and the public as a whole.

This shows that mainstream media is paying attention to public advocacy, which means that public

³⁷ 卢俊卿首次披露卢美美事件风波始末 http://book.ifeng.com/yeneizixun/detail_2012_07/23/16230206_0.shtml

³⁸ 周建青,《新媒体影像传播的伦理冲突及其影响因素研究》,《现代传播》,2012年第8期

mobilization has become a decisive factor influencing political and economic decision makers. For the success of important cases such as “Free Lunch”, “Snapshot” or issues such as hepatitis B or HIV, coverage by the mainstream media is important. Furthermore, some mainstream media companies are themselves socially conscious and besides providing a channel for public advocacy, have themselves engaged in public advocacy (see Chapter 4 of this report). Moreover the growing awareness among NGOs and individuals of the usefulness of mainstream advocacy channels has further contributed to the development of public advocacy.

The civic practitioner and independent writer Ms. Kou Yanding has devoted herself to promoting rules of debate (e.g. Robert’s Rules of Order) in China. For both observers and practitioners it is worthwhile drawing lessons from her experience in expanding advocacy channels within mainstream media.

Case Study: Interview with Kou Yanding: Putting Democracy into Practice—How to Carry Out Mainstream Dissemination

This book records the process of implementing a set of Western, elite rules (Roberts' Rules of Order) in rural Anhui, introduces these rules to the public, and explains how they can be applied in everyday life. This book received a very positive critical reception, winning a number of awards including the 2012 Southern Festival of Reading's “Most Popular” award, and became one of the most popular works on the dissemination of civil society concepts and practices.

Prior to its release in April of 2012, my book received early attention through Duku. Duku, with 30,000 readers who are interested in mainstream culture, serialized a large portion of the book over the course of 2011 and 2012.

After it was published, the first wave of promotion was through mainstream channels, and generally consisted of media reports and lectures. The second wave was through specialized magazines, which wrote in-depth pieces on the book, and through follow-up reports from CCTV and other stations, which filmed the site of the experiment. These were all organized by the publisher, and were crafted to appeal to media sensibilities.

Another channel was through the internet, on websites like Weibo. At first I was fairly passive about this sort of promotion, but slowly I began to realize its importance. In September and October of 2012, I began urging my publisher to use Weibo, and also began to use social media resources (including Douban) to read the comments and reviews of readers with whom I was unfamiliar.

There were also interesting commercial developments. In 2012, an agent from Apple contacted us about producing a digital book within their system, which is probably online by now. In January of 2013, we also made an agreement with Xinlang to sell an electronic copy of the book. We also found out that people in Hong Kong were interested in the book, and several bookstores

in Hong Kong were able to sell it. My other two books, *It All Starts with Changing Yourself* and *Action Changes Existence* also began to use these two channels of promotion-- the publisher and social media. I recently traveled to Chengdu, and received four invitations, two of which were from NGOs. When I announced on Weibo that I was traveling to Guangzhou, I received two responses offering to organize gatherings, which I think is a pretty interesting expression of the importance of Weibo for effective promotion.

This successful promotion also led to the use of Roberts' Rules of Order among citizens. A private middle school adopted them, and a study group of entrepreneurs also read the book in order to encourage experimentation in self-governance among entrepreneurs. After a school in Beijing was closed down, parents and teachers were very upset. Finally, one parent, who had read the book, used the rules to hold a meeting, and they were able to reach an agreement. This parent was an entrepreneur, and he later adopted the rules for his company's board meetings.

This book is for 1) those who frequently consider democratic issues, such as those working in academia, art and culture, or the media; 2) NGOs; and 3) the public. The value, and charm, of Roberts' Rules of Order are that they are able to suit a variety of needs. Some people focus on democracy, others on the effectiveness of the methods.

In general, NGOs' topics of focus all relate to crucial societal needs such as education, environment, labor, and AIDS, but their methods of dissemination are often less than ideal. The effectiveness of mainstream channels to promote NGO works should be a signal, and a reminder, to NGO practitioners.

(Based on interviews with Kou Yanding)

Chapter 3: NGO Public Advocacy

I. NGO Responses to Public Advocacy Needs

As stated in the introduction, the current social context and various factors have prompted a mainstream trend for NGOs to seek cooperation with the government and business sector to provide efficient, transparent, professional, and innovative social services for the public. However, with the expansion of societal spaces and the rapid overall development of civil society advocacy, NGOs have begun to pay more attention to the role and value of advocacy. Using the concept of civil rights, NGOs and NGO networks are defining their missions to use advocacy to influence government policy, change enterprise codes of conduct and raise public awareness. In public events over the past few years, these organizations and networks have become key actors using public advocacy to raise the profile of various social agendas. Even though these phenomena are not a mainstream part of NGO development, they cannot be ignored.

For quite some time, there have been problems with some NGOs being divorced from communities, unable to respond effectively to society's needs. Nominally, they stand for the interests of the public and vulnerable groups, but have no way to perform their role of representing the popular will, and instead become marginalized themselves. This problem is partly a result of constraints on their legitimacy, their organizational orientation and other factors. Many organizations have positioned themselves as links between the people and the government. They see themselves in a supplemental role as “friends”, “partners”, “advisors”, and “helpers” to the government. This kind of positioning is common in the NGO sector. NGOs usually carry out their work through projects that combine human resources, a work plan and outcomes into a project framework. This “project” system, however, suppresses an NGO's social functions and weakens their advocacy role. As a result, a general organizational survival strategy with Chinese characteristics is formed. In particular, in this internet and social media age, even as individual citizens engaged in public interest and rights-protection struggles are making significant advances, NGO voices are not being heard, leading some NGOs to reflect critically on their role.

Social movements involving multiple actors, such as the public and NGOs, are a strategic means of responding to social issues and pushing for reforms. They require systematic concepts and an ideological base to persuade the participants and sustain their actions. Due to the above constraints, there is still a gap between the current performance of NGOs and what social movements require of NGOs.

Civil society has responded to this situation in various ways. First, some NGO networks were set up specifically to engage in public advocacy, and more advocacy-oriented NGOs have emerged to address the lack of advocacy channels. Their public advocacy and social mobilization shows a stronger orientation towards public and policy issues. They have made efforts to push forward a social agenda using pressure and even confrontation. These new actors tend to have a much clearer sense of independence and public advocacy mission within the third sector.

Secondly, some advocacy NGOs that have been using conventional, low-profile methods for some time have now begun to actively respond to social issues and events in the public eye. For example, the former Beijing Women's Legal Aid Center (北京妇女法律中心) (recently renamed the Beijing Zhongze Women's Legal Consulting Service Center (北京众泽妇女法律咨询服务中心)), has been working for many years on women's rights protection. They have handled many legal cases and public interest lawsuits concerning women's rights and interests. One example is the May 2009 Deng Yujiao case which attracted a great deal of attention from the public and media. Despite the risks involved, the center became involved in the case, jointly organizing a "Women's Rights and Dignity Protection Legal Seminar" with the Beijing Yirenping Center (北京益仁平中心). It also started an online "Women's Support Group" for Deng's case and declared openly that it would provide moral and legal aid to her. This involvement in a public issue departed from Zhongze's traditional, low-profile legal rights protection model in responding to a very public event. Another example is the Beijing Maple Women's Psychological Counseling Center (北京红枫妇女心理咨询服务中心), an organization with more than 20 years of experience. Their intervention in the Li Yang domestic violence case is another recent example of an NGO responding to a public issue. [*Editor's Note: Li Yang, the founder of the Crazy English Schools, was recently found guilty by a Chinese court of abusing his American-born wife and ordered to pay compensation.*]

There are also some established service organizations that have changed direction to engage in more public advocacy. For instance, Dongjen Human Rights Education Center (东珍人权教育中心) used to work with AIDS orphans in Henan Province. Now, it works on human rights advocacy in public health issues including HIV/AIDS. The transformation of the Media Monitor for Women (妇女传媒监测网络) and Anti-Domestic Violence (反家暴网络) (Beijing Fanbao) networks also reflects the development of public advocacy in NGOs. In the field of environmental protection, NGOs and NGO alliances have emerged to monitor corporate behavior. They advocate on themes related to the prevention and management of air and water pollution, waste sorting and incineration reduction, and green credit. [*Editor's Note: Green credit seeks to change corporate behavior by getting bank lenders to pay closer attention to the environmental records of their corporate clients.*] An example is the Green Choice Alliance (GCA, 绿色选择联盟) which focuses on corporate supply chain management. Through a professional division of labor among member organizations, GCA chooses to encourage polluting industries to undertake changes on a large-scale instead of a case-by-case basis. NGOs and NGO alliances in other fields also have good advocacy practices worth sharing. In the current environment of a diversifying civil society, the advocacy function of non-governmental actors is developing rapidly and catching up with their social service functions.

II. Support Networks for NGO Advocacy and the Creation of Public Spaces

The emergence and development of public advocacy in NGOs reflects the ecological changes in the field. Evidence of the changes can be found in support networks focused on promoting advocacy awareness and actions among NGOs and NGOs working on the creation of public spaces. Typical examples of the former are Global Call for Action Against Poverty (GCAP) China and the China Environmental Advocacy Network (EAN-CN, 中国环保倡导行动网络). Examples of the latter are

Yiyuangongshe (一元公社) and the anti-discrimination salon and workshops organized by Dongjen Human Rights Education Center (东珍人权教育中心).

The advocacy support networks mainly adopt public advocacy strategies and methods, using the discourse of rights and advocacy and striving to strengthen NGO advocacy awareness and capacity on specific topics. Regardless of whether they are targeting those in positions of power (e.g. powerful governments or corporations) or whether they are raising public awareness, their actions all have features of rights-based advocacy, such as promoting open government information, the public's right to information, participation in the decision-making process, gender equity and the rights of vulnerable groups.

Case Study: Global Call for Action Against Poverty (GCAP) China

GCAP China (www.gcap-china.cn/index.html) was established in September 2005 as an NGO interdisciplinary network committed to the promotion of the work of non-governmental actors on poverty elimination in China. Their partners are working in various fields like rural development, labor, education, the disabled, environmental protection, and health. By building up NGO advocacy capacity and coordinating collaborative actions in poverty reduction, GCAP China promotes the participation of NGOs and the public in eliminating structural poverty and injustice.

Since 2006, GCAP China has started to organize NGO capacity building activities, which include summarizing domestic NGO advocacy cases, holding salons on development and advocacy, organizing workshops around different topics to strengthen the advocacy capacity of NGOs and maintaining online communication platforms such as the *Advocacy Online Study* email listserve. GCAP China has also collaborated with NGO partners and published practical pamphlets such as the *Advocacy Manual for Public Interest Organizations* as well as summaries of domestic advocacy strategies.

Besides capacity building, GCAP China works on motivating NGOs in various fields to make joint declarations on domestic and international poverty reduction topics. In 2007, during the mid-term evaluation of the UN Millennium Development Goals (MDGs), GCAP China united many NGOs and released a *Nongovernmental Report on China's Implementation of MDGs* as well as organizing many other activities in order to motivate Chinese civil society organizations to participate in this important international development agenda. In addition, GCAP China also pays attention to domestic topics. It has organized several NGOs in researching and writing several policy advocacy reports on migrant worker issues.

(Sources: Information from the internet, with additional information provided by Wang Man of GCAP China)

Case Study: Environmental Advocacy Network in China (EAN-CN)

The China Environmental Advocacy Network (EAN-CN) got its start with the September 2011 publication of the *China Environmental Protection Advocacy Manual* by the environmental NGO, Xiamen Greencross Association (厦门绿十字). The book introduced the basics, preparation, methodology, strategy, cooperation, interaction and legal safeguards needed for environmental protection advocacy. It provided reference materials on the methods and strategies environmental NGOs could use to engage in advocacy and effective communication with stakeholders within China's legal framework. Because of its emphasis on participation and operations, the book was highly praised. In October 2011, the Xiamen Greencross Association created a supplementary online resource, the Environmental Advocacy Network in China (www.eac-cn.org), for those interested in downloading the manual as well as other information.

In June 2012, the Xiamen Greencross Association proposed establishing the China Environmental Advocacy Network. The first group of founding organizations and members included 22 environmental organizations throughout China. A steering committee for the network was elected and the secretariat was based in the Xiamen Greencross Association.

EAN-CN is a collaborative platform for environmental NGOs that seeks to achieve four objectives: 1) information and resource sharing; 2) environmental advocacy capacity building; 3) implementation of law-based advocacy actions; 4) effective promotion of environmental policy and legislation. EAN-CN strives to carry out specialized capacity building for environmental NGOs engaged in advocacy in order to familiarize them with law-based environmental advocacy methods and strengthen their capacity to carry out law-based advocacy. The network is currently open to domestic grass-root environmental NGOs and international NGOs in China. It provides small grants for members. It also has plans to take members on study tours to Hong Kong and Taiwan to learn from their experiences as well as sharing experiences and outcomes of distinctive approaches used by peer practitioners.

(Source: www.eac-cn.org)

In addition to the above two networks that provide capacity building for advocacy organizations, the Nanjing NGO, Justice for All (天下公), established a "Civil Society Small Grants Program" for grassroots advocacy NGOs in 2011. The aim of the program is to encourage NGOs working on disability, women, HIV/AIDS and other related topics to "adopt innovative social activities that will rapidly improve the social impact of grassroots organizations."

In addition, NGOs specializing in public advocacy and the creation of public spaces, such as Dongjen Human Rights Education Center and Yiyuangongshe are emerging.

Case Study: Human Rights Advocacy and Support – Dongjen Human Rights Education Center

In 2008, Dongjen Human Rights Education Center (hereinafter, “Dongjen”), together with the Asia Legal Resource Center, initiated an International Convention for Economic, Social and Cultural Rights Workshop. The workshop introduced human rights basics, approaches for narrowing the gap between the current domestic rights protection system and international human rights standards, opportunities for networking and learning, and a small grants program for education projects. Dongjen has also joined in a public interest law network in order to improve communication between lawyers and NGOs and gain access to professional legal consulting and assistance.

In December 2009, Dongjen initiated an Economic, Social and Cultural Rights Salon to provide people a platform to discuss social issues such as women, minorities, people living with HIV, the disabled, migrant labor, LGBT rights, and equal access to education. The salon used a rights perspective to examine these issues and invited scholars, lawyers, NGO practitioners and individuals engaged in public advocacy actions to share their insights with the participants. In addition to organizing a systematic and in-depth discussion of social issues, Dongjen also used the Salon to share international experiences in the field and introduce human rights concepts and mechanisms. More recently, it organized a series on the topic of anti-discrimination. Instead of using salons and workshops to only analyze the culture that breeds discrimination and the legal protections available, Dongjen also makes the topic action-oriented. It leads participants to explore different approaches and strategies to fight discrimination and encourages practitioners to carry out effective actions using diverse tools. By the end of February 2013, Dongjen had held 48 such salon sessions.

In February 2011, Dongjen established the Dongjen Book Club, seeking to create a space for people and organizations interested in the public interest. The book club has collected more than 1,000 Chinese and English books on the public interest, social issues and social movements. The club space can be rented to organizations for meetings and events. It has been used by the LGBT organization, Beijing Health Education Institute’s Queer College, workshops organized by women’s rights volunteers, Handicap International’s anti-discrimination exhibition for the blind, and various fundraising activities. Dongjen also shares the office space with organizations like the Canada Fund, the Gender and Health Education Institute and other domestic and international organizations. Through public relations work of these organizations, more opportunities for sharing and communication among NGOs have been created. All these activities have created a public space for discussions about social issues in order to promote action, and provide support for advocacy.

(Interview with Li Dan, Executive Director of Dongjen)

Similarly, Yiyuangongshe was established for the purpose of providing activity space for marginalized people. As an open space for public services, Yiyuangongshe has developed and supported a wide range of activities, promoting the collection and sharing of ideas and experiences in a variety of civil society sectors.

Case Study: Creating Public Spaces – Yiyuangongshe

In July 2011, Yiyuangongshe opened a public space in Beijing for civil society enlightenment and social motivation. In the short time that has passed, Yiyuangongshe has organized a range of activities including a color projection room on topics such as civil rights, civil society and social development; monthly discussions on development, a women's action forum, an advocacy salon, a youth and gender reading party on youth development and training, and a Little Mud House Youth Reading Party emphasizing humanistic concerns, as well as capacity building trainings and free space for NGOs who lack resources. In its short life, Yiyuangongshe has developed some recognized public activities in the field of civil society.

The idea for Yiyuangongshe came from Han Hongmei, an NGO practitioner, Qu Ping, a social work expert, and Lü Pin, an expert on gender. At the very beginning, it was just an idea to provide activity space for female domestic workers. Han's China WTO Network (中国世贸网) and Lü's Women's Media Monitoring Network jointly rented an office and meeting room for the activities. Because the workers can only come on weekends, Yiyuangongshe uses the space during the week for a variety of public activities and makes it available for other activities.

Many people think that it is might be sensitive to have public spaces. Yiyuangongshe often holds lectures and salons about rights and advocacy. Han Hongmei believes that public spaces are extremely scarce in China today. Many people have lost their ability to participate in public events as individuals. Public spaces encourage people to get involved in discussions on public issues, rather than focusing only on their own lives. For a society which has few channels for public participation, public spaces are not so much a place for the opposition to gather, but rather a place for people to come together to improve society.

In today's society where mainstream ideas and opinions tend to dominate discussions, the public space that Yiyuangongshe has created for marginalized groups provides a valuable service.

III. The Emergence and Growth of Advocacy-oriented NGOs

China Development Brief's 2006 *Special Report on NGO Advocacy in China* showed that while advocacy was a part of the work of many of the organizations interviewed, it was not part of their core organizational mission. At the time, cases like the Nu River anti-dam movement which involved

multiple actors, such as the media, NGOs and scholars, were rare. NGOs found it hard to participate in and have an impact on public events. In recent years, that situation has changed. The number of organizations that identify themselves as carrying out “advocacy” or “public advocacy” in the public interest sector is growing. Their involvement in social issues tends to be more direct and open. As a result, we are seeing the emergence of NGOs whose work revolves around advocacy and who use public attention to promote causes.

An example is Yirenping, which has offices in Beijing (Yirenping, 益仁平), Zhengzhou (Yirenping, 亿人平), Nanjing (Justice for All, 天下公) and Shenzhen (the Equity and Justice Initiative, 衡平) that work on anti-discrimination and equal employment on behalf of people with Hepatitis B and HIV/AIDS. Beijing Yirenping was established in December 2006. Its mission is advocacy aimed at eliminating discrimination. It assists people who are discriminated against in protecting their rights. This includes people with Hepatitis B and HIV, people who are disabled, have diabetes or suffer from depression, the colorblind and other marginalized and vulnerable groups. The majority of their cases have led to influential lawsuits that have attracted a significant amount of attention from the public. Besides lawsuits, Beijing Yirenping also participates in drawing up and amending laws and regulations. They were actively involved in providing aid to victims in the scandals over milk powder and porcelain teeth, and other public health events. As a membership organization that first worked with hepatitis B carriers, Beijing Yirenping has evolved into an organization that works for the public interest. Yirenping (Zhengzhou), Justice for All (Nanjing), and the Equity and Justice Initiative (Shenzhen) are all rights-protection NGOs that help vulnerable groups. They maintain a close relationship with the Beijing Yirenping office in the areas of human resources, projects and contact networks. While the four NGOs collaborate with one another operationally, they are also relatively independent.

These four NGOs share a common feature: a grassroots (independent) standpoint. This standpoint does not mean a rejection of professional standards. On the contrary, in order to conduct effective advocacy, they attach a great deal of importance to building professional resources and capacity on various topics, and developing innovative public advocacy methods. In the field of gender, the transformation of the Women's Media Monitoring Network (WMMN, 妇女传媒监测网络) is one example of the development of NGO public advocacy. WMMN now works through various projects such as its publication, *Women's Voices* (女声报), using social media extensively for public dissemination. It is gradually expanding its focus from gender issues to civil society spaces and the overall development of the civil society.

Case Study: The Transformation of the Women's Media Monitoring Network

In the 1990s, as the first action-oriented NGO focusing on media and gender, the WMMN and its members monitored and critiqued reports in the mass media on women and gender topics. In September 2009, the network independently established a monthly feminist review of current events - the *Women's Voices Newsletter*. The newsletter shows that WMMN has moved beyond elite feminist academic circles to engage the mainstream public. It is now known for providing information, exclusive editorials and critical social perspectives which has attracted thousands of

readers and makes it the most influential alternative gender and feminism media platform in China. In 2010, WMMN entered the world of social media, establishing several stable broadcasting sites. @womenwatch is an active and appealing feminist information platform account on Sina's Weibo microblog. It connects a number of loyal readers and alliances. It has initiated, participated in, and facilitated some influential advocacy actions on gender equity, including some performance art activities. WMMN has developed several public advocacy platforms, including Women's Voices Network, the Gender and Development Network, the publication, *Women Voices*, the Gender Advocacy in Colleges and Universities project and several social media accounts.

In addition, some older advocacy networks have gradually moved toward public advocacy in the process of responding to social issues. The Anti-Domestic Violence Network (ADV, 反家暴网络) (the former China Law Society's Anti-Domestic Violence Network established in 2000) is the first national network focused on domestic violence against women. A number of legislative proposals have been made over the years through its research, advocacy, training and services, its actions raising awareness of gender equality, and its promotion of relevant legal system reforms. In November 2012, ADVN initiated and participated in a "10,000 Signatures Campaign for Open Information about Anti-Domestic Violence Legislation". It also played important roles in public events, including the Li Yang domestic violence case in 2011 and the death sentence case of the battered women, Li Yan, who killed her husband.

IV. NGO Advocacy Alliances Become a Reality

Collaboration on advocacy among NGOs has become a common strategy. However, these alliances take different forms. Alliances that carry out a professional division of labor and avoid homogeneity tend to produce more in-depth cooperation and greater space for collaboration. A variety of NGO advocacy networks have been exploring how to deepen cooperation and strengthen their effectiveness. The Green Choice Alliance (GCA, 绿色选择联盟) initiated by several environmental NGOs stands out for its efforts.

Case Study: The Green Choice Alliance Uses Advocacy to Change the Behavior of Enterprises and their Suppliers

In March 2007, the Institute of Public Environmental Affairs (IPE, 公众环境研究中心) formed a coalition with 21 other environmental organizations. Together, they founded GCA. Based on water and air pollution data developed and dynamically updated by IPE, the Green Choice supply chain management system has been developed as a systematic solution. The environmental NGOs conduct independent research monitoring the environmental behavior of Chinese suppliers for large purchasers (brand name companies) using a transparent and participatory approach. They

then encourage the suppliers to make improvements in their behavior and publicize their information. In addition, they also pressure the purchasers to identify suppliers with environmental violations so as to put pressure on the supply chain to address pollution problems.

GCA carries out continual monitoring, research and exposés of cases of heavy metal pollution in the information technology and textile industries. It communicates and interacts with polluting enterprises and has had great success. One of its most successful cases was its three reports on pollution and labor issues in Apple's supply chain. The report changed the supplier's attitude from confrontation and denial to communication and cooperation. The supplier eventually adopted the a Third Party Verification under the supervision of NGOs, which led to the supplier improving its environmental compliance issues.

As of January 23, 2013, the IPE database has collected a total of 117,057 enterprise monitoring records from Environmental Protection Bureaus throughout China. Since GCA's founding, its actions have forced 800 enterprises in violation of environmental laws and regulations to respond and either provide an explanation or carry out reforms and release their environmental records to the public. GCA's advocacy alliance relies on a division of labor. Its members have grown to include 46 NGOs from 20 provinces and autonomous regions throughout China. It has developed a working model based on collaborative decision-making and a clear labor division to guarantee its credibility and effectiveness.

In CGA's early stages, member NGOs mainly engaged in advocacy by sending jointly-signed letters. From there, some members entered into more substantive forms of cooperation. For instance, IPE, Green Beagle Environment Institute's Nature University (达尔问自然求知社的自然大学), Friends of Nature (自然之友), Environment of Friends (北京环友科技研究中心), Nanjing Green Stone Environmental Action Network (南京绿石环境行动网络), Chongqing Liangjiang Voluntary Service Center (重庆的两江志愿服务发展中心), and Green Hunan (湖南的绿色潇湘) jointly applied for funding from the Society of Entrepreneurs and Ecology (SEE, 阿拉善SEE基金会). They cooperated using an open and transparent set of procedures to make decisions on equitably distributing and using resources. Their cooperation also takes advantage of the different professional competences of each organization. IPE is mainly responsible for research, report writing and communicating with enterprises; Green Beagle Environment Institute works on media and public outreach; Friends of Nature's local chapters are in charge of on-site investigation of pollution sources and customer motivation; and Environment of Friends deals with internal communication and coordination within the CGA network. Other locally-based NGOs assist in investigating pollution sources and serve as the local contact and promoter for IPE when carrying out investigations in local communities. Their reports are signed and released with the core participating NGOs. Moreover, in order to guarantee CGA's credibility and to avoid individual CGA members acting on their own, the alliance members must all be in consensus when confirming the enterprise verification reports and deciding whether to remove an enterprise's pollution record.

(Source: Wang Jingjing, vice-director of the Institute for Public and Environmental Affairs)

V. NGO Advocacy Shows a Stronger Public and Policy Orientation

In the past, traditional NGO advocacy was highly circumscribed. Either it lacked policy channels and professional capacity, and mainly revolved around topics that could be introduced through public education. Or, it relied on policy channels to provide advice, but lacked participation from the public. In the past few years, with the growing space and channels for public advocacy, people's awareness of their rights has become widespread. Correspondingly, advocacy by NGOs has begun to show a stronger public and policy orientation, gradually connecting the public and government. The "I Will Test the Air Quality for the Homeland" campaign initiated by the Green Beagle Environment Institute was a successful environmental action in this regard.

Case Study: I Will Test the Air Quality for the Homeland

In October 2011, after going through serious haze in Beijing, the real-time measurement of air quality by the US embassy ignited a public discussion on microblogs about the air pollutant PM_{2.5}. People from all walks of life, from business and opinion leaders and celebrities to the general public, were discussing the air in Beijing through their microblogs. The substantial difference between the US embassy air quality reading and that of the Beijing Environmental Protection Bureau was due to PM_{2.5} not being included in the latter's AAQS (ambient air quality standard) indicators at the time. As a result, voluntary air testing activities led by NGOs and individuals spread in big cities around the country. Of these activities, the "I Will Test the Air Quality for the Homeland" campaign initiated by the Green Beagle Environment Institute was one of the more influential.

Green Beagle started advocating for independent non-governmental air quality testing from April 2009. In April 2011, they began to organize volunteers to monitor, test and release information about PM_{2.5} readings. Most of the volunteers were white-collar workers working together with college students, retirees and even school children. On December 15, 2011, the activity was formally dubbed "I Will Test the Air Quality for the Homeland". Feng Yongfeng, the founder of Green Beagle, raised funds for PM_{2.5} detectors through his microblog and encouraged more people and environmental NGOs in cities to participate in the action. In the end, 20 cities participated, among them Beijing, Shanghai, Tianjin, Chongqing, Nanjing, Wuhan, Guangzhou, Wenzhou, Shenzhen and Changsha. Netizens put up photos showing the air quality in their cities on microblogs. Environmental organizations in different parts of the country such as Green Hunan, the Wuhan chapter of Friends of Nature, and Bike Guangzhou (拜客广州), participated.

These grassroots actions forced the government to issue relevant government standards. On November 17, 2011, the Ministry of Environmental Protection issued a second draft of its *Ambient Air Quality Standard* for public comment and included PM_{2.5} in its regular air quality indicators. Six environmental NGOs led by Green Beagle and the media outlet, *Southern Weekly*, came together to make seven recommendations to conduct formal PM_{2.5} readings for the 2013–2015 period. In March 2012, the State Council approved the revised *Ambient Air Quality Standard* and

added PM2.5 into the indicators which would be implemented in stages. In December 2012, the Minister of Environmental Protection, Mr. Zhou Shengxian announced the implementation of the *Ambient Air Quality Standard* ahead of schedule. Since 2012, PM2.5 and ozone monitoring has begun in Beijing, Tianjin, Hebei, key areas in the Yangtze River and Zhujiang River delta regions, directly-controlled municipalities and capital cities.

(Source: Project and media reports)

“I Will Test the Air Quality for the Homeland” utilized the power of social media, combining public actions and effective fundraising with a high degree of public participation while also connecting with celebrities and opinion leaders. All these factors pushed the action to go beyond the traditional NGO project handling methods and their small target groups. It directed public attention to the issue and allowed people from different walks of life to express their ideas through comments on microblogs, postings, donations and real-time testing. It brought together different social forces and ultimately pressured the government to respond to public demands for open information and issue policy standards on air monitoring, which set the foundation for future pollution abatement efforts.

In addition to a growing number of advocacy NGOs using public advocacy, some scholars and experts who used to work through official (in-system) channels to provide suggestions and recommendations to the government, have also begun paying attention to civil society approaches to accelerate policy changes through social media and public opinion. One outstanding example is that of Dr. Xie Yan, an associate researcher from the Chinese Academy of Science’s Institute of Zoology, who put forward legislation to protect nature reserves.

Case Study: After a Ten-Year Deadlock over Nature Reserve Legislation, a Scholar Adopts a Grassroots Approach to Public Advocacy

Over the past decade, Xie Yan has attended dozens of discussions on legislative drafts regarding nature reserves and protected areas organized by the Environment and Natural Resource Committee of the National People's Congress (NPC). She has for a long time been committed to promoting stronger legislation. These discussions have been ongoing among scholars and experts in related sectors for years, yet never involved the public’s participation. As someone who has long insisted on using her status as a scholar to lobby quietly and in a professional manner for changes, Xie was unable to break the deadlock.

On Dec 31, 2011, the Natural Heritage Protection Law (draft) (自然遗产保护法) was included in the agenda of the meeting of the NPC Standing Committee’s Environment and Natural Resource Committee. Xie and other experts thought that the Act only required urgent modification of two related regulations which were wholly inadequate in their coverage, operating mechanism and

monitoring system. She believed that what China really needed was a law that covered everything in the field of protected areas.

In February 2012, Xie appealed to the public, stating, “since the lobbying has failed, I’ve decide to take the grassroots approach! We’ve arrived today at the final moment (just before the 2012 session of the NPC) and I will call for changes through the internet and the media!” She hoped to galvanize public support to postpone the discussion over the Natural Heritage Protection Law for one more year, and called on the government to organize experts within that year to develop a law that would really address the main problems in existing natural reserve management and provide wide coverage and long-term protection.

By April, 2012, Xie had organized more than 80 experts from the fields of ecology, law, policy research, civil society construction, and communications. The experts set up a Nature Protection Legislative Research Team. After a year’s effort, the team drafted their own version of a Protected Areas Law (保护地立法). Just before the opening of the NPC and the Chinese People’s Political Consultative Conference (CPPCC) in March of 2013, Xie successively held two discussion sessions for CPPCC members and NPC members respectively. According to preliminary estimates, 12 NPC members and 9 CPPCC members assisted in submitting the proposal. Besides informal meetings and discussions with government agencies, the team also collected opinions from the public and NGOs before the NPC & CPPCC meetings. They recruited civil society experts in communications and outreach to make audience-friendly promotional materials for public communication, and used BBS, microblogs and blogs to communicate with the public.

Chapter 4: The Diversification of Public Advocacy Actors

I. The Collective Stance Taken by Foundation Advocacy and Advocacy by Professional and Trade Groups

Although NGO public advocacy has slowly emerged alongside service provision in recent years, domestic NGO advocacy work faces a host of challenges. Despite the relaxed regulatory environment for NGOs, advocacy NGOs or NGOs whose primary work involves advocacy still have difficulty registering, and NGOs still lack the legal qualifications to engage in administrative and public interest lawsuits. Moreover, as explained in Chapter 3, NGOs also face fundraising and operational limitations.

Often viewed as one of the strongest actors in the public benefit sector, Chinese foundations progressed to a new stage following the implementation of the 2004 Regulations on the Management of Foundations (基金会管理条例). The rise of private foundations and the professionalization of some public foundations, along with the influx of funding and professional skills, has led to significant changes for the civil society sector. According to China Foundation Center statistics, by 2011 there were 1,279 registered private foundations. Among them, corporate foundations generally focused on at least two areas of work – education was by far the most popular, followed by poverty alleviation, disaster relief, medical aid, public services, elder care, and children.³⁹ Researcher Gao Gongjing pointed out that Chinese foundations have long directed their funding and services toward traditional charity sectors such as education, poverty alleviation, disaster relief, and disabilities, while devoting significantly less energy to work in broader sectors such as health, medical treatment, hygiene, public services, community development, and public advocacy.⁴⁰

Researcher Liu Hailong explains that foundations offer society two main products: public funding and public services, which accurately describes the current state of Chinese foundations. With the further development of the sector, Chinese foundations will hopefully provide not only funding and services, but also social innovation. In the United States, for example, foundations have driven social development by serving as research and development centers which promote social innovation in fields such as civil rights, social and economic justice, public policy, and international development.⁴¹ In fact, there are already several private Chinese foundations which have begun to expand beyond a single category of work, starting a trend of diversification. For example, foundations such as the SEE Foundation (SEE基金会理事), which mainly supports environmental protection, have developed quickly, as has the Narada Foundation (南都公益基金会) which supports development of the non-profit sector. In Guangdong, the Qianhe Foundation (千禾基金会) similarly focuses on funding grassroots organizations and community development. Because there are so few foundations engaged in public advocacy, it is particularly significant when foundations do speak out on public affairs. The 2009 “Tax Protest” has been viewed as a symbolic event in which a number of foundations publicly advocated for the interest of the public interest sector as a whole. Their collective, one-time stance can be seen as a

³⁹ 《中国企业基金会发展报告》(2012)发布 www.gongyi.people.com.cn/n/2012/0713/c152514-18508869.html

⁴⁰ 高功敬. 《中国非公募基金会发展现状困境及政策思路》, 济南大学学报(社会科学版) 2012年3月

⁴¹ 刘海龙, 《论非公募基金会的公益供给功能: 分类、供给方式与最优决策》, 中国非营利评论, 2011年1期

significant step forward for the development of the sector.

Case Study: Foundations Join Hands in a "Tax Protest"

In November of 2009, the Ministry of Finance and the State Administration of Taxation issued a Notice on Issues Concerning Corporate Revenue Tax Exemption for Non-Profit Organizations (关于非营利组织企业所得税免税收入问题的通知) and a Notice on Issues Concerning the Confirmation and Management of Tax Exemption Qualifications for Non-Profit Organizations (关于非营利组织免税资格认定管理有关问题的通知) in order to clarify the scope of non-profit tax exemptions and the required tax exemption qualifications for non-profit organizations. Due to the excessively narrow scope of the types of revenue eligible for tax exemption and the excessively strict requirements for tax exemption qualification, these notices violated the legal rights of non-profit organizations.

On December 22, 2009, nine foundations, including the Narada Foundation, the YouChange Foundation (友成企业家扶贫基金会), the China Youth Development Foundation (CYDF, 中国青少年发展基金会), signed a joint letter to the State Council requesting an investigation of the legality of these notices. They also sent a letter to the Ministry of Finance and the State Administration of Taxation, requesting an opportunity to dialogue on these issues. Three days later, another 15 public interest foundations joined in, raising the total number of signatories to 24.

This was not the first time that foundations had voiced their concerns over taxation. In June of that year, five foundations, including the China Youth Development Foundation and the China Foundation for Poverty Alleviation (CFPA, 中国扶贫基金会) signed a joint letter criticizing the State Administration of Taxation's levying of a corporate revenue tax on foundations. At that time, the Ministry of Finance, the State Administration of Taxation and the Ministry of Civil Affairs were still in the process of drafting the qualification requirements for foundations. The two Notices in November clarified that donations were eligible for tax exemption, but only if the foundation applied for and received tax exemption status. Additionally, they specified that other types of revenue were not eligible for tax exemption. Faced with a significant challenge to their operation, foundations thus decided to join together and raise their voices in a united advocacy effort.

The next year, this collective action was selected by the Beijing University Civil Society Research Center (北大公民社会研究中心) as one of the "Top Ten Events in 2009 in Civil Society Development."

According to media reports, Xu Yongguang, who at that time was the Vice Chairman of the CYDF, debated whether or not to participate in the action. He consulted with Tu Meng, the

CYDF's Secretary-General, who advised him: "This is not just for our organization, but for the whole sector; there is no reason not to join." Tu Meng also added his name to the list of signatories.

Up to now, the types of revenue that qualify for tax exemption and the tax exemption qualifications laid out in the two notices have not seen any substantive changes, and the foundations have yet to receive a response from policy makers. However, according to a 2011 *Philanthropy Times* interview, the CYDF and the Beijing tax department met in the summer of 2010, and CPPCC members raised concerns over foundation taxation during the 2010 "two sessions" of the National People's Congress and the Chinese People's Political Consultative Conference. Liu Zhouhong, Deputy Secretary-General of the Narada Foundation, also took advantage of various opportunities to advocate for foundations on this issue, such as holding a seminar on tax exemptions at the Private Foundation Development Forum, bringing up tax-exemption difficulties at foundation development seminars, and specifically discussing tax issues in a chapter on "The Development of Private Foundations in China" in the 2010 *Blue Book of Philanthropy*.

(Sources: Media reports and interviews with several foundations)

Chambers of commerce and industry associations, which are also included in the "social organization" category, have developed rapidly to the point that they provide a check on the market economy, reduce transaction costs, and contend against the wave of "anti-dumping" claims. They are also able to represent the interests of groups such as small businesses, consumers, workers, and farmers in the marketplace and comprise one aspect of civil society development.⁴² National and local consumers associations, which represent the interests of consumers, can be viewed as advocates for vulnerable consumers. Some industry organizations have carried out policy advocacy for small and medium enterprises (SMEs). For instance, in the competition over entry rights, the express delivery committee carried out a comprehensive advocacy action regarding entry rights into the express delivery industry, holding symposiums and submitting proposals and reports to the NPC and the State Council Legislative Affairs Office. They also persuaded the State Council Development Research Center and the Chinese Public Administration Society (中国行政管理学会) to carry out a special research project, generating a report which they submitted to relevant government departments, and worked with the media to engage in campaigning advocacy directed at the national decision-making bodies.⁴³

II. Individual Citizens Engaged in Public Advocacy

⁴² 王名, 《走向公民社会——我国社会组织发展的历史及趋势》, 吉林大学社会科学学报, 2009年5月

⁴³ 周俊, 《行业组织政策倡导:现状、问题与机制建设》, 中国行政管理, 2009年9月

It is much easier for individuals to speak out in Chinese society than for NGOs, which are constrained when it comes to advocacy. Compared with NGOs which are constrained in their development and their ability to influence society, public figures have been more effective at mobilizing a variety of societal resources. Moreover, with the repeated credibility crises among government-organized NGOs (GONGOs) in recent years, advocacy carried out by individuals has often inspired more public confidence.

Many of the individuals who have used traditional and social media as platforms for launching influential public advocacy programs are public figures who are well-known and socially influential.

Since 2001, Li Yinhe, a noted sociologist and member of the Chinese Academy of Social Sciences, has continuously lobbied NPC and CPPCC representatives to legalize same-sex marriage. On the day before the NPC's 2013 plenary session, Li posted a blog article and openly recruited representatives wishing to present a proposal for same-sex marriage. As a renowned scholar and innovative researcher, all of Li's public lectures and written works after the late 1990s have received media coverage. Since she began to advocate for same-sex marriage, her work has received increasing coverage by the mainstream media. In interviews with CCTV and IFeng, she has popularized the concept of equal rights for homosexuals. Unlike the average citizen, Li's status as an elite scholar gives her access to powerful representatives in the NPC and the NPPCC. Similarly, Yu Jianrong, another member of the Chinese Academy of Social Sciences, triggered an even larger chain reaction after launching "Snapshots of Child Beggars" on the microblogging platform known as Weibo. Yu's reputation, along with the simple, positive nature of the campaign, attracted enthusiastic participation from the media, celebrities, and netizens.

In advocacy initiatives concerning issues such as environmental protection, AIDS, opposition to domestic violence, discrimination in the workplace and social inequality, lawyers are a professional resource that cannot be overlooked. From the revision of employee training mechanisms to challenging high-speed train ticket prices, from a China National Offshore Oil Corporation (CNOOC) pollution case to the recent case of a battered woman who killed her husband and received the death penalty, we have witnessed lawyers issuing joint written statements and filing lawsuits. After the 2011 oil spill in Bohai Bay, a lawyer named Jia Fangyi brought a civil case against CNOOC and Conoco Phillips seeking damages and bringing an administrative claim against the China Oceanic Administration (COA). A Beijing lawyer named Zhang Taoze also brought an action against the COA requesting the public disclosure of information regarding the incident. Since 2007, public interest lawyer Dong Zhengwei has battled unreasonable fees and regulations in the banking, civil aviation, communication, electric, high-speed rail, petroleum and other monopolistic industries. In September of 2012, he formally requested that the Ministry of Railways make public all information regarding the bidding process on the construction and design services on the website 12306.cn, in accordance with the Regulations on the Disclosure of Government Information. After the request for information disclosure was rejected, he applied to have the request reconsidered. After being denied again, Dong filed suit against the Ministry of Railways at the beginning of 2013 for the right to information and oversight.

Members of the media are another type of social elite who actively participate in public advocacy. Deng Fei (who launched the “Free Lunch” microblogging campaign), Wang Keqin (“Love Clears the Lungs”) and Sun Chunlong (“Homecoming for Veterans”) are all well-known investigative reporters who possess a high level of public credibility. Zhu Ruifeng, whose website Citizens Supervision Net (人民监督网) has exposed bureaucratic corruption as well as promoted systemic reform, and Xiong Wei, who since 1999 has promoted citizen involvement in the legislative process, also have journalistic experience at both the national and local level. These individuals' professional experience gives them an advantage in broadcasting advocacy messages. In comparison to other members of society, not only do members of the media have the right to speak, but they also possess professional connections that enable them to effectively access information and mobilize resources.

In addition to public figures and professionals who have fame, social resources and professional experience, there are also everyday people who engage in individual advocacy efforts. Examples include Li Maizi, a female college student who organized the “Occupy the Men’s Bathroom” initiative, and the activist Lei Chuang, who advocated to put an end to discrimination against Hepatitis B patients. Their success lies in both their hard work and their unremitting persistence, although it is important not to overlook the assistance they have received from public websites and NGOs who support their work.

Case Study: Hepatitis B Warrior Lei Chuang

"My name is Lei Chuang. I have Hepatitis B. Today, February 16, 2013, I sent my 698th letter inviting the Premier [Wen Jiabao] out for lunch." An SMS text, a link to the complete text of the invitation letter and a photo of the letter being mailed; these are the standard format for Lei's anti-hepatitis B (HBV) discrimination campaign, “A HBV carrier invites the Premier for a meal,” which he launched on Sina’s microblogging platform, Weibo. Beginning on March 22, 2011, Lei mailed a letter each day inviting the Premier to dine with him on World Hepatitis Day (July 28). Volunteers (usually passers-by) assisted Lei in taking photographs of this process, which he then shared on his Weibo account. When his attempt was unsuccessful in 2011, he continued through to 2012; when 2012 again yielded no response, he continued through to this year. He has maintained this campaign for more than 700 days, persisting through the Spring Festival. Lei, who began the campaign with a shaved head, now wears his long hair in a ponytail. “I didn't grow my hair out as a means of pressuring the Premier to eat with me,” Lei explained, “but rather to demonstrate the length of time that I had been sending letters.”

Lei, a graduate student at Shanghai Jiaotong University, has been described by the media as a Hepatitis B warrior. Lei, who has experienced discrimination based on his HBV diagnosis, has fought for the rights of those with Hepatitis B since 2007. Advocating against discrimination toward HBV carriers in university admissions and employment decisions, Lei sent letters to more than 500 Chinese Academy of Science scholars and almost 2,000 university presidents, and held satirical performance art protests outside of government offices and businesses.

In July 2009, in accordance with the recently issued Regulations on the Implementation of the Food Safety Law (食品安全法实施条例), Lei applied for health certificates from the local Community Health Center, the District Health Bureau, the Municipal Health Bureau and the Provincial Health Bureau, and was ultimately able to become the first person with Hepatitis B in China to obtain a safety certificate to work in the food industry.

In April 2012, in accordance with the Regulations on the Disclosure of Government Information, Lei sent letters to the China National Tobacco Corporation, Ministry of Health and 51 other central government departments requesting public disclosure of the 2011 salaries of 53 department and ministry heads. In January 2013, he also used the regulations to request disclosure of information about university expenditures on international travel, vehicles, and entertainment.

Lei took a year off from his graduate studies to carry out his “Eating With a Traveler” campaign, traveling to over 30 Chinese cities in order to demonstrate that HBV cannot be transmitted by sharing a meal. Lei also exposed the practice of surreptitious HBV testing for hospital employees, arousing the ire of hospitals and businesses. Lei also demonstrated an eagerness to fight all forms of injustice; for instance, after the Wenzhou high-speed train collision, Lei protested at the door of the Ministry of Railways.

Prior to the 2013 plenary sessions, Lei continued to attempt to contact government representatives through emails and Weibo, advocating for HBV issues. By February 21, Lei had contacted 568 NPC members, resulting in two concrete recommendation letters for the representatives to consult.

Having been asked “what is your motivation?” by numerous reporters, Lei is loath to answer the question. As he explains, his rights were violated, and he protested. What is so difficult to understand about that? On the other hand, he is baffled by people who are silent in the face of discrimination.

In order to more effectively express appeals for citizen rights, some actions initiated by individuals avoid the more negative aspects of organizational advocacy. Many activists who were originally NGO workers have used their individual identities in advocacy activities to initiate joint signings, submit applications, and raise cases at the plenary sessions of the NPC and CPPCC. The movement to “Gather 10,000 Signatures to Advance Anti-Domestic Violence Legislation” at the end of 2012 in particular emphasized the principle of “participation from every citizen.” The organizers believed that “every person is important,” and that every new signature added helps to build the strength of the action. Moreover, “the reason that Chinese civil society does not have the power to order people around, or to gather a crowd in a call to action, is not because our work lacks support. Rather, it is because we are

not able to maintain a high profile.”⁴⁴ It is only through the united mobilization of ordinary citizens that we can form strong alliances.

Behind many of the individuals who brought citizen's proposals to the plenary sessions were long years of research and practice by NGOs in those fields. During the 2008 “two plenary sessions”, a seasoned NGO AIDS worker with the alias of “Thomas” and [the AIDS activist] Wan Yanhai jointly presented a proposal in their role as citizens to the NPC and the CPPCC titled “Recommendations Regarding Reforming the Mechanism for Approval of Pharmaceutical Products, Revision of Relevant Laws, and the Provision of AIDS Medications.” The proposal raised the issue of shortages in the provision of AIDS medications and issued an appeal for donations of the AIDS drug TDF. In April of that year, the China Medical Treatment Advocacy Network (ITPC China, 中国治疗倡导网络) received a telephone notice from the State Drug Administration indicating that the Ministry of Health had already forwarded the proposal to them and that they had fully implemented an examination and approval protocol for the donation of TDF. Against the backdrop of this advocacy, ITPC China and relevant grassroots AIDS organizations provided the first set of materials and long-term experiential research to make their advocacy more professional and feasible.⁴⁵

III. Entrepreneurs and Media Join Interest Groups Engaged in Advocacy

According to the “three sectors” framework, society can be divided into three sectors. The first sector is the state, consisting mainly of governmental organizations, with government officials as the primary agents. The second sector is the private market sector, consisting mainly of businesses, with entrepreneurs as the primary agents. The third sector is civil society, consisting mainly of civil society organizations, with citizens playing the central role.⁴⁶ But these three sectors are not mutually exclusive. Outside of their professional roles, public officials and entrepreneurs can also choose to be socially responsible citizens. Entrepreneurs, as a group with an abundance of social resources and rights, can greatly impact society’s development with their civic awareness and sense of social responsibility.

Wang Ming believes there are three possible development paths for civil society in China. Besides the state-led model guided by political elites and the democratic advocacy model guided by intellectual elites, there is the wealth-driven model guided by economic elites. Wang’s “economic elites” refers to the class of successful entrepreneurs and wealthy individuals who possess a strong sense of social responsibility and the capacity to initiate public action. In this development path, economic elites will promote the development of social organizations, and then use those organizations to promote economic and political democratization.⁴⁷ In recent years, many entrepreneurs with a sense of social responsibility have founded social organizations. In 2004, more than 100 entrepreneurs jointly founded China’s largest entrepreneur-led environmental NGO -- the Alashan SEE Foundation

⁴⁴ 万人签名促反家暴立法裸胸行动专题报道 www.china-gad.org/Infor/ShowArticle.asp?ArticleID=16543

⁴⁵ 特诺福捐赠申请被批准 www.univs.cn/newweb/univs/whu/2008-04-29/838272.html

⁴⁶ 俞可平 《中国公民社会研究的若干问题》 《中共中央党校学报》 2007年2期

⁴⁷ 王名, 《走向公民社会——我国社会组织发展的历史及趋势》, 吉林大学社会科学学报, 2009年5月

(阿拉善生态环保协会). They are the forerunners of the Chinese entrepreneurs concerned with environment and development issues and actively encouraging democratic self-governance. In addition, included in such efforts are dozens of members from the China Entrepreneur Club (中国企业家俱乐部) and the founders of numerous private foundations. Wang Weijia, who is deeply involved with a number of entrepreneur organizations, believes that, in the current environment, public organizations founded by entrepreneurs should fit three requirements: they should be self-sustaining, self-governing, and self-regulating in assuming social responsibility. “Self-regulating” refers not only to abiding by the law, but also doing the utmost to go beyond one's individual duties. In funding or establishing NGOs, entrepreneurs with these values have raised appeals based on the public interest.⁴⁸ Besides founding civil society organizations and providing support, some entrepreneurs have expressed their concerns about the environment and other social problems through public advocacy.

Case Study: Entrepreneurs Join to Oppose the Consumption of Shark Fins

In 2006 basketball star Yao Ming, a WildAid (野生救援协会) ambassador, filmed a public service announcement to protect sharks; it created the memorable tagline "when the buying stops, the killing can too." Now the WildAid Chinese website's homepage, which had an ad about refusing to eat shark fin, has been changed to show a video featuring entrepreneurs Huang Nubo, Feng Lun, Hu Baosen, Li Dongsheng, and Wei Xue saying that entrepreneurs should be concerned about the future. They then collectively push away the shark fins in front of them, symbolizing the relationship between ecological preservation and the future of the world. WildAid released the video in July 2012, and it has since been broadcast on television stations across China.

This is not the first time that Chinese entrepreneurs have spoken out against eating shark fins. In April 2009, at the 2009 China Green Companies Annual Summit, Wang Shi, Feng Lun, Liu Chuanzhi, Ma Yun, Niu Gensheng and other entrepreneurs joined WildAid in launching the “Protect Sharks, Stop Eating Shark Fins” public service initiative and, on behalf of 140 entrepreneurs, announced plans to stop eating shark fins.

WildAid invited entrepreneurs to publicly oppose the consumption of shark fins because "those who eat shark fins, generally from the middle class or above, are not aware that shark fins can negatively impact one's health." Additionally, because business dinners are the primary occasions in which shark fins are consumed, WildAid believed that the participation of well-known entrepreneurs would influence the behavior and awareness level of the main consumer group of shark fins.

Besides engaging in advocacy directed at the public, there are entrepreneurs who have undertaken policy advocacy by submitting proposals to the plenary sessions. In 2011, SEE Foundation director and entrepreneur, Wan Jie, joined Yang Lan and 45 members of the CPPCC in calling for

⁴⁸ 自保、自治、自律——企业家NGO的公共诉求 www.21ccom.net/articles/zgyj/gmht/article_2013022777894.html

legislation banning the shark fin trade. The proposal was later transferred to the Ministry of Commerce. However, they were unsatisfied with the follow-up response. According to Wan and the SEE Foundation, the process of enacting legislation prohibiting trade involves multiple departments and is therefore complex and time consuming. So in 2012, Wan and Ding Ligu, an entrepreneur and NPC representative, submitted a proposal on controlling shark fin consumption. They changed their strategy from proposing a ban on the shark fin trade to recommending that regulations be put in place to prohibit the consumption of shark fins at government receptions. Not only did this move make the proposal easier to pass, as the relevant departments of the State Council only had to add a clause to existing regulations on government expenditure, but it also complied with the recent campaign to decrease government expenditures.

The effects of the strategy change were obvious. On June 29, 2012, Zhang Xingsheng wrote on his microblog that the Government Affairs Administration of the State Council (国务院机关事务管理局) sent an official letter (Government Administration Letter (2012) 21) to Ding Ligu thanking him and expressing support for his efforts in uniting more than 30 NPC members in proposing “Recommendations to Establish Rules Prohibiting Consumption of Shark Fins at Government Banquets.” The letter also clearly stated that there will be a forthcoming regulation prohibiting shark fins at government banquets. The Department of Policy and Regulation at the Government Affairs Administration of the State Council verified the letter in response to media inquiries, and expressed hopes that a formal regulation would be released within three years.

(Sources: Internet reports and interviews conducted by the author at a press conference for environmental conservation proposals.)

The “Stop Eating Shark Fins” initiative demonstrates that public advocacy carried by entrepreneurs can have significant results in a number of areas. Entrepreneurs were able to shape public opinion, exert peer pressure on their fellow entrepreneurs, and direct their resources toward influencing legislation. In general, advocacy by entrepreneurs is similar to the funding priorities of foundations: both are mostly aimed at environmental protection and poverty relief. Entrepreneurs still have a long way to go in addressing a wider range of social issues.

In addition to entrepreneurs, some media outlets with a sense of social responsibility are, in recent years, no longer simply acting as a medium for advocacy. Instead, they are taking on a primary role in initiating public advocacy, and in doing so, adding to an increasingly diverse pool of advocacy actors.

Case Study: Southern Weekly Advocates for Corporate Social Responsibility (CSR)

In October 2004, when the concept of CSR was still new in China, and *Forbes* and Hurun had not

yet created rankings based on personal wealth, *Southern Weekly* released China's first "List of Wealthiest Chinese Mainlanders." By the end of that year, the list was included in the China International Public Relations Association's "Top 10 Public Relations Events of 2004." Experts commented that a list based on "personal wealth, social responsibility, corporate culture and public image" was refreshing and valuable for both social and public relations purposes, marking a new chapter for lists of the wealthy in China. The next year, *Southern Weekly* released its list of "Fortune 500 Companies Invested in China" (later renamed the "Ranking of Contributions of the Fortune 500 Companies Invested in China"). The list provides a comprehensive assessment of Fortune 500 investment in China, based on their investment volume, operations, social responsibility, corporate culture and regional contributions in China.

In 2008, *Southern Weekly* added a "Ranking of State-Owned Listed Companies' CSR" and established the China CSR Research Center (中国企业社会责任研究中心), with the intent of advocating for CSR by carrying out research and publishing rankings. Their current evaluation criteria include economic responsibility, products and services, environmental protection, labor rights protection, charity and public welfare, information disclosure and public image.

Unlike some non-profit research institutions which are "attached" to government agencies, the China CSR Research Center is directly under *Southern Weekly*. According to the center, the executive editor of *Southern Weekly* is responsible for setting its research agenda, which is then supported by government officials, academics, and other experts. Financially, *Southern Weekly* allocates special funds to support its activities. The center also utilizes the *Southern Weekly* platform to publish special editions and CSR case studies. They seek to "promote public awareness of CSR and assist companies in establishing a comprehensive CSR system" by releasing relevant rankings and promoting research.

In addition, *Southern Weekly* has advocated for corporate social responsibility by holding a CSR Conference, organizing activities at universities in Guangzhou, Shanghai, and Beijing, and establishing a communication platform between businesses and the media.

(Sources: Summary of reports)

Chapter 5: Diversity and Differences in Public Advocacy Practice

The last few years have seen the diversification of civil society's advocacy practices corresponding with changes in the public advocacy space and a pluralization of the actors engaged in advocacy. In addition to traditional advocacy inside the system, an ever-increasing number of petitions, performance art events, headline news, and impact litigation in areas such as health, women's rights and labor rights have begun to appear. Additionally, in step with environmental deterioration, environmental advocacy events, mainly in the form of new social movements, continue to emerge. Of course, in the long-term process of policy and social change, it is difficult for only one kind of advocacy to reach its goals. As a result, we often see many methods coming together, with different areas of civil society revealing different practices. In this chapter we analyze a selection of the more influential and effective advocacy practices in recent years.

I. Impact Litigation in the Areas of Hepatitis B and AIDS

“Impact litigation”, born out of the 1950s and 1960s in the United States, usually refers to cases that achieve regional or national attention. These cases may effect changes in legislation, the legal process, or public policy, influence public attitudes about legislation, and help to safeguard the rights of marginalized groups.⁴⁹ At the start of the civil rights movement, with social change pushing established boundaries, impact litigation was originally a form of judicialized (司法化) political activism that was able to catalyze social reform through the common law (判例法) courts of the USA.⁵⁰ Although China is a civil law (成文法) nation, through the pressure of public opinion, successful impact litigation can facilitate the improvement of unjust laws, shine a light on the shortcomings of laws and their implementation, and cultivate awareness of and faith in the legal system necessary for a society governed by law (法治社会).⁵¹

Naturally, due to the commercial nature of media broadcasting, “impact litigation” may sometimes cause problems in legal proceedings. The very nature of the media is to seek the widest audience and economic gain, and not solely to achieve justice. Additionally, media reports, because of their uncertain nature, may have a disproportionate social impact that results in unpredictable court decisions. These factors constitute a “trial by media” that Western countries go to great lengths to avoid, such as the 2010 case of Yao Jiaxin.⁵² However, in the current period when Chinese civil rights institutions have yet to be fully developed, personal rights generally are not respected or protected, and judicial independence is still developing, impact litigation is able to have an incremental, yet deep impact on the system, more often than not being a reason or stimulus for legislative and judicial innovations.⁵³

⁴⁹ 安凤德 赵华军. “个案改变中国?”——影响性诉讼中公众意见对司法的影响及其阐释.

全国法院第23届学术讨论会获奖论文集(上)

⁵⁰ 艾佳慧. 网络时代的影响性诉讼及其法治影响力(下)——基于2005—2009年度影响性诉讼的实证分析. 中国法律. 2010年5月

⁵¹ 李奋飞. 影响性诉讼打造法治中国. 检察风云. 2009年7月

⁵² 栗峥. 传媒与司法的偏差——以2009十大影响性诉讼案例为例. 政法论坛. 2010年9月

⁵³ 刘武俊, 影响性诉讼的价值, www.chinalawedu.com/new/21601a21626a2012/201296yishua164847.shtml

Representative cases of impact litigation, such as the Sun Zhigang case in 2003 and the Deng Yujiao case in 2009, received widespread attention from the media and legal experts. [*Editor's Note: The Sun Zhigang case led to the end of the institution of Custody and Repatriation (C&R) in 2003. C&R was an administrative procedure that allowed police to detain people who could not produce their national identity card verifying their place of residence (hukou). Sun was a Wuhan native who was detained by police in Guangzhou and sent to the detention center when he could not produce any identification. He was beaten in the detention center and died a few days later. His death was highly publicized in the media and internet. A few months later, Premier Wen Jiabao announced the abolition of C&R in China. Deng Yujiao was a 21-year-old female who was approached for sex by a local official in May 2009. Trying to fight off his advances, Deng stabbed the official several times leading to his death. She was charged with homicide and not granted bail. When her case attracted a great deal of attention in the media and internet, the authorities reduced her charge to intentional assault and granted her bail.*] Impact litigation cases can thus generate greater attention and impact than regular litigation, and even lead to systemic change.

After the occurrence of the Sun Zhigang case, the All China Lawyers Association (ACLA, 全国律师协会) established the Constitution and Human Rights Commission (宪法与人权委员会) in 2005, and “impact litigation” was institutionalized. The ACLA has successively provided the stage for significant case discussion and research and, together with media outlets such as *Southern Weekend*, puts together the annual “Top Ten Impact Litigation Cases”.⁵⁴

In the area of anti-discrimination, Hepatitis B and AIDS groups stand out as having clearer and more specific goals, and these two groups use impact litigation as an important means to fight for equal rights. In a recent series of impact litigation cases, anti-discrimination NGOs such as the Beijing Yirenping Center, Equity & Justice Initiative, and Nanjing Justice for All have targeted discrimination facing Hepatitis B carriers and people infected with AIDS in areas such as education, employment and medical treatment.

Case Study: Beijing Yirenping Center Provides Legal Assistance for the First Case of AIDS Employment Discrimination

In the first half of 2010, a fourth-year high school student Xiao Wu (pseudonym) from Anqing city, Anhui province, was rejected by an Anqing city school after he had passed both the interview and written portion of the teacher recruitment examination. Due to his HIV positive test results, the Anqing Education Bureau felt that he was not a suitable candidate according to the Civil Service Examination Standard. At a legal rights protection forum for infectious disease patients, Xiao Wu found Yu Fangqiang, a lawyer from the Yirenping Center (北京益仁平中心), who agreed to assist Xiao Wu in protecting his legal rights. With support from Yirenping, Xiao Wu filed a lawsuit against the Education Bureau and Human Resources and Social Security Bureau. This

⁵⁴ 范钟秀. 合作与对抗之间——中国影响性诉讼影响公共秩序方式的初步研究. 长春理工大学学报(社会科学版). 2008年7月

lawsuit marked the beginning of the “rights protection” road for China’s 740,000 people living with HIV/AIDS. While providing legal assistance, Yirenping also carried out an advocacy campaign outside the legal process. It sent a letter to the Ministry of Human Resources and Social Security and the Ministry of Health, urging them to review the legitimacy of some of the clauses in the Civil Service Examination Standard as well as the Civil Service Recruitment Examination Manual. It also suggested deleting or altering clauses discriminating against people who test HIV positive in order to eliminate any systematic health discrimination and prevent any discrimination on an operational level.

Later, this case was heard at the Anqing Yijiang District Court in proceedings that were not open to the public. In mid-November of 2010, the court ruled for the defendant. On November 29, Xiao Wu appealed to the Anqing Intermediate Court. On November 30, 81 HIV/AIDS carriers sent a joint letter to the Ministry of Human Resources and Social Security and the Ministry of Health, urging a change in the Civil Service Examination Standard, in an effort to gain equal employment rights for HIV/AIDS carriers.

Although the first case of HIV/AIDS employment discrimination failed in court, due to widespread media coverage, it raised the rights awareness of HIV/AIDS carriers who have long experienced discrimination and moral judgment. Yu Fangqiang, the coordinator of Yirenping at the time, said that this case meant more HIV/AIDS carriers would be informed and encouraged them to stand and fight for their legal rights. At the same time, for the general public, it served as a channel for disseminating knowledge and reducing ignorance about HIV/AIDS.

In January of 2013, the fourth case of AIDS employment discrimination nationwide succeeded, and the plaintiff Xiao Qi (pseudonym) received compensation of 45,000 RMB from the Jinxian Education Bureau in Jiangxi. It was the first case of AIDS employment discrimination to be awarded compensation.

(Sources: Media reports and interview with Yu Fangqiang)

In their struggle against employment discrimination, Hepatitis B and AIDS groups exhibit many differences in their use of impact litigation. For example, AIDS employment-related cases are fewer than Hepatitis B cases. In Yu Fangqiang’s view, there are several reasons for this. One is that the circumstances of people infected with AIDS who encounter employment discrimination are relatively unknown, and at present there are still no accurate statistics as to whether companies test employees for HIV when they begin employment. Second, compared to Hepatitis B carriers, people infected with AIDS are a more marginalized group and thus have a harder time taking the initiative to fight for their rights. Finally, Hepatitis B carriers are present in many mainstream sectors of society. Many have received a high level of education and are able to enter into a wider range of industries, some of which require stricter physical examinations. In contrast, many people infected with AIDS, especially those

infected by selling blood, injecting drugs, etc. tend to seek lower-level jobs that do not require physical exams.

In addition, Hepatitis B groups and AIDS groups face different levels of public acceptance. Hepatitis B carriers constitute a very large group and, with the dissemination of health education, the notion that Hepatitis B carriers are entitled to their civil rights, including equal access to employment, has gained greater public approval. Conversely, online comments over AIDS-related employment discrimination cases show that netizens are predominantly opposed to the same rights for AIDS carriers. According to Yu Fangqiang's analysis, the reasons [for the different attitudes toward AIDS and Hepatitis B carriers] may have to do with the fact that there are fewer AIDS carriers, and their economic situation tends to be worse. Yu also notes that AIDS carriers may be less able or not adept at using the internet, and thus have no way of expressing their opinions in the online public forums.

As for the difference between media reports on discrimination cases regarding AIDS and Hepatitis B, Yu believes it is hard to give an overall judgment, but differences still exist. For example, cases against employment-related Hepatitis B discrimination may be praised as part of the top ten impact litigation cases by *Southern Weekend*, but until now, AIDS discrimination cases have not exhibited this trend. It may be possible that the media is trying to avoid this topic because in the current social climate, individuals infected with AIDS still tend to be ostracized.

II. Performance Art in Different Advocacy Fields

Performance art developed in the late 1960s in the West. In contrast to conventional art forms, it is distinguished by its inclusive, live performance, and event-driven and public-oriented character. Performers use public spaces, audiences and social issues to create a public event.⁵⁵ In this respect, performance art is a natural tool for public advocacy. As Wang Man's analysis illustrates, street performance campaigns are safer, more cost-effective and better controlled than mainstream advocacy within the official system and high-risk advocacy practices that rely on confrontation. With the help of media coverage they can be effective in raising public awareness of a particular issue and creating a favorable atmosphere for policy implementation.⁵⁶

Due to these factors, performance art has in recent years been widely used by vulnerable and marginalized groups as a public advocacy tool for defending their rights.

In the previously discussed "impact litigation" cases in the Hepatitis B and HIV/AIDS fields, performance art was often used as an important tactic to support the case. After Xiao Wu lost his case in "the first HIV/AIDS employment discrimination lawsuit" in 2010, Shenzhen HIV/AIDS prevention volunteer Liangzi thought this verdict would set a bad precedent, because "employment is such a fundamental guarantee of one's livelihood, and employment discrimination against HIV carriers is a disaster about which they cannot remain silent." On the weekend, he and his friends staged a

⁵⁵ 杨远峰 论中国行为艺术的发展历程 山东大学硕士学位论文 2008年

⁵⁶ 王曼 如何有效开展街头公益 行为艺术——以“受伤的新娘”及“占领男厕所”活动为例/www.cdb.org.cn/qikanarticleview.php?id=1297

“HIV/AIDS Discrimination!” performance in Lotus Hill Park in Shenzhen to express solidarity with Xiao Wu’s case.⁵⁷ Even when not triggered by lawsuits, performance art remains an important tool in raising people’s awareness and changing public attitudes to Hepatitis B and HIV/AIDS. Since 2007 “Hepatitis B warrior” Lei Chuang has planned several campaigns which were extensively covered by the media: “Hepatitis B Hugs” in Erqi Plaza in Zhengzhou, a “Hepatitis B Seeks the Door to Learning” protest against admission discrimination in front of an elite school in Beijing, a sit-down protest on a toilet bowl in front of a hospital with the sign “Use the Regulations Banning Hepatitis B Tests as Toilet Paper” to express opposition to Hepatitis B screening tests.

In recent years, performance art has also become an important advocacy tool in the field of women’s rights. The year 2012 can be called the year of performance art for feminists fighting for equal rights. The year started with the “Occupy the Men’s Room” movement in several cities. Then in June there were online and offline debates about “Inappropriate Remarks About Sexual Harassment on Shanghai’s no. 2 Metro Line.” In July and August, an event billing itself as “Bald Sisters Fight for Equal Rights for Male and Female Students in National College Entrance Exams” took place. The year ended with campaign to “Collect 10,000 Signatures Against Domestic Violence.” In all these campaigns, performance art was used to attract media and public attention. Through performance art, women’s rights groups and volunteers often voiced their demands in the form of proposal or policy suggestion. For example, the “Occupy the Men’s Room” movement in 2012 in Guangzhou was supported by NPC and CPPCC representatives at the national and local levels who presented proposals and received formal responses from the local governments. The city of Guangzhou even promoted a public toilet regulation requiring the proportion of male and female toilet cubicles be no less than 1:1.5.⁵⁸

Chinese farmers and migrant workers often used performance art in protecting their interests too, because the method is inexpensive, relatively safe and restrained, and has a practical wisdom to it. However, compared to the clear-cut demands and effective tactics in public advocacy for Hepatitis B, HIV/AIDS and women’s rights, farmers and labor groups tend to reflect more individualistic and grassroots characteristics. On January 1, 1986, fifteen cows decorated in silk suddenly appeared in front of the Ministry of Justice in Beijing. They were brought from Henan by a farmer, Li Zhanjun. The coking plant of his village owed him 150,000 RMB in unpaid wages, and his lawsuit went through the county court, the city intermediate court, and the provincial high court without any result. So Li decided to go to Beijing to complain. In order to attract the Ministry’s attention to his case, he spent over 10,000 RMB to buy fifteen head of cattle and herded them into the capital. This might be the earliest case of performance art used to defend the rights of Chinese farmers.⁵⁹

In recent years, migrant workers have also been using performance art in their “Wage Talks” at the end of the year. On January 21, 2013, more than 40 migrant workers took up a “Wage Talks-style” horse-riding dance in the streets of Wuhan to attract public and media attention. [*Editor’s Note: This is a play on the Gangnam Style craze with its signature horse-riding dance move.*] Compared to previous years, when migrant workers would get into the news by staging “suicide-style wage demands,” the

⁵⁷ 反歧视全社会一起给力 www.news.163.com/10/1206/04/6N6MPT7J00014AED.html

⁵⁸ 广州城管委拟立法要求男女厕位比不低于1:1.5 www.news.xinhuanet.com/edu/2012-02/22/c_122735392.htm

⁵⁹ 行为艺术：表达诉求的自我解嘲 www.nfnbc.cn/article-63962-2.html

costs and risks of using performance art as a way to recover their hard-earned wages are much lower, but their performances still express their frustration.⁶⁰

A case analysis of migrant workers teaming up with their families in “Wives Wage Talk Team” performances suggests that whether their demands can be satisfied or not depends on the relative strength of workers and their employers in a specific event and area, as well as on the migrant workers’ ability to mobilize and synthesize social resources. But it does not depend on whether they have rights conferred by the state.⁶¹ Migrant workers are one of the most vulnerable groups in today’s society; alone they are even weaker. They utilize the informal and uncontrollable factors inherent in occasional performance art events to get the message out, but this also makes it difficult to establish a system to protect the interests of the group as a whole. Under present circumstances, labor NGOs are still finding it difficult to participate in public advocacy activities to defend workers’ interests. In this regard, one Shenzhen labor organization has experimented with labor advocacy practices by focusing on female workers using performance art.

Case Study: Shenzhen Hand-in-Hand Worker Activity Space advocates for the rights of women workers

On November, 20th, 2011, in Shenzhen’s Bao’an Phoenix Mountain Forest Park, a “Wear Her Shoes, Walk a Mile” event was held. Over 50 male workers walked united together wearing red three-inch high heel shoes. As they walked, they shouted their slogans, “Men can be tender, women can shoulder the sky,” “Domestic violence is not a family issue,” and “Reject silence, women must speak!” In front of the male workers were over 20 female workers in handcuffs which symbolized the many restraints that society has placed on women. This “Wear Her Shoes, Walk a Mile” public advocacy event was Hand-in-Hand’s way of celebrating the International Elimination of Violence against Women Day in 2011.

The male workers wearing high heels walked with difficulty following their team leader, but no one gave up. The female workers shouted their slogans: “Reject silence,” “Oppose domestic violence,” “Oppose sexual harassment,” “Equal pay for equal work.” They wanted to draw everyone’s attention to women migrant workers fighting for their rights.

According to the event’s director, Wang Baoyu, the goal of “Wear Her Shoes, Walk a Mile” was to get people to experience what it was like to be a female, to see things from their position and reflect on the current situation facing Chinese women. The hope was to use this event to persuade the public to pay attention to and protect the rights of women, and particularly women migrant workers.

On Women's Day, 2012, Hand-in-Hand organized another event, “100 Complaints of Women

⁶⁰ 农民工“创意讨薪”：无奈与辛酸的“行为艺术”news.sina.com.cn/c/2013-01-23/172826105817.shtml

⁶¹ 王伦刚 农民工的非正式利益抗争及其运行机制——基于“太太讨薪队的故事”的分析 天府新论2009年第5期

Workers.” In addition to using the Internet, they also invited female workers passing by on the street to write down their complaints and asked volunteers to take photographs. At the end of the events, they used a picture wall to display the complaints that female workers has written down including physical harassment, violations of their legal rights, and problems in the work place and with their marriages. By collecting these complaints, Hand-in-Hand raised a proposal during a news conference suggesting that the All-China Federation of Trade Unions should establish a female worker’s committee or female committee member in order to involve female workers in factory management and carry out measures to create equal employment opportunities and equal pay for women. They also urged the factory to institute a rest period for women who are menstruating, maternity leave, and mechanisms to prevent and deal with sexual harassment cases, and requested the government provide a babysitting service.

(Sources: Media reports and Wang Man’s interview with Wang Baoyu.)

"Hand in Hand" Workmates Activity Room (手牵手”工友活动室) is a volunteer group founded by concerned workers. It is committed to creating activities for workers, enriching their spiritual and cultural life and safeguarding their legitimate rights and interests. Wang Baoyu, the "Hand in Hand" employee, who has been involved in organizing a number of public advocacy activities, believes that the problems of women workers are often ignored in discussions of labor issues. In addition to common problems facing both men and women in the factories, women migrating from distant hometowns have to face problems involving maternity leave, vacation, sexual harassment, equal pay, career advancement, etc. Furthermore, women are also responsible for housework and children’s education at home. Consequently, the issues facing women workers are worthy of attention.

In addition, Wang Baoyu feels that compared to the issues of work-related injuries and occupational diseases which are difficult to promote, advocacy on behalf of women workers could constitute a breakthrough in labor advocacy. Given that issues facing women workers have not yet been made a larger social issue, advocacy promoted through experiential and participatory performance art can allow individual workers to stand out and make their voices heard.

In Wang Baoyu’s opinion, many labor organizations seem to be more cautious when conducting advocacy work or even being reported by the media. In the field of rights protection, however, even without carrying out advocacy work, there is a possibility of self-marginalization. Undertaking activities with high levels of legitimacy (i.e. low risk) and innovative forms is more likely to be conducive to an organization’s development. It is more important for the labor organization to have self-worth -- the ability to affirm their own work -- which is the driving force for social progress. Not only do organizations need self-worth, they have to speak out so that other people can affirm and see them.

III. The Rise of New Social Movements in the Field of Environmental Protection

From a global perspective, the modern environmental movement has gone through three stages: the first stage was the natural resources conservation movement in the late 19th and early 20th century in the United States; the second was the modern environmental movement in the United States as well as other Western developed countries, set off by the publication of [Rachel Carson's book] *Silent Spring* in 1962; the third stage mainly involved the struggle between environmentalists and polluters in the 1990s. It was in this stage that environmentalists in China and other developing countries gradually played an important role. The driving force behind these three stages is the "new social movements" which are considered the main structural elements of civil society.⁶²

With the rise of social movements in the 1960s and 1970s, such as the civil rights, women's rights, anti-war and anti-nuclear movements, the Western social science community found that social movements no longer fit the theoretical lens of traditional Marxism which saw the contradiction between the proletariat and bourgeoisie as the main conflict in capitalist society. As a result, they came up with a new interpretation, which came to be called new social movement theory.⁶³ Habermas believes that the new social movement was the consequence of intensive state intervention in the economy and society after World War II, which led to people's needs being ignored. These needs are closely related to an individual's quality of life, self-realization, and rights and interests.⁶⁴ The reason the new social movement is considered "new" is that the movement is merely social rather than political or concerned with the goal of overthrowing a regime. According to McAdam, whether social movements can spring up depends on three factors: 1) expanding opportunities for societal politics, including changes in the political opportunity structure brought about by economic and social changes; 2) the power of grassroots organizations which should constitute the main actors driving the social movement; 3) a rise in the awareness of marginalized, vulnerable social groups. The first two factors are the objective cause of the social movements, while the last factor is the subjective, internal driver.⁶⁵

China specifically appears to be ripe for the rise of new social movements for several reasons. One is its rapid economic development; second is the expanding policy space as a result of "administration according to law" and "government information disclosure" promoted after reform and opening; and third is the rapidly growing awareness of citizens stemming from economic development, the rise of the Internet, and the rapid development of civil society organizations in recent years. In fact, the spate of environmental "mass actions" since the PX incident in Xiamen in 2007, has been seen by many as a sign that social movements might occur first in the environmental protection sector. However, unlike in the West, the recent environmental protests in China, were not initiated by environmental NGOs. As Huo Weiya, editor-in-chief of the *Environmental Youth Review*, puts it, in the matter of environmental protection, environmental organizations are separated from "mass actions". On the one hand,

⁶² 连水兴，作为“新社会运动”的环保传播及其意义——一种公民社会的理论视角，中国地质大学学报(社会科学版)，2011年1月

⁶³ 王瑾，西方社会运动研究理论述评，国外社会科学 2006年第2期

⁶⁴ 曾特清，哈贝马斯新社会运动理论述评，太平洋学报，2012年4月

⁶⁵ McAdam, Doug, 1999, *Political process and the development of black insurgency, 1930 ~ 1970*, Chicago: University of Chicago Press. 转引自王瑾，西方社会运动研究理论述评，《国外社会科学》二〇〇六年第二期

environmental organizations dare not participate in “mass actions”; on the other, participants in “mass actions” complain that environmental organizations do not offer assistance.⁶⁶ Certainly, many people like Huo Weiya, who pay attention to Chinese environmental NGOs understand that NGOs in China have always operated under constraints. There is also the sensitivity of the term "social movement" in the current context. At the same time, the solid work that environmental organizations are carrying out in a growing number of grassroots communities cannot be ignored.⁶⁷

When the meaning of "sensitivity" is deconstructed, however, both the government and NGOs should reconsider that social movements should be a normal mechanism, during this current social transformation, for building a harmonious society as well as promoting social stability. Most of the social movements in the West have been institutionalized. Even though there are a great many social movements, the possibility of a revolution approaches zero. The main function of the new social movements in the West is as follows: to compensate for government failure and market failure through the initiative of participants in the movement, and to demonstrate people's new understanding of democracy and political challenges in order to further promote social pluralism and diversity.⁶⁸

Due to the informal nature of public participation and social movements in China, public participation, especially involving rights protection demands, lacks an effective feedback mechanism. Many NGOs are often afraid or unable to play a role. This results in spontaneous mass “rights-protection” actions becoming the main channel for vulnerable groups to express their interests and appeal for their rights. This “new social movement with Chinese characteristics,” on the one hand, reflects a growing civic awareness, and promotes the ability of the masses to participate. On the other hand, it calls for further reforms in the system and an organizational response from NGOs.

Case Study: From Shifang to Qidong – New Social Movements Involving Broad Public Participation

On June 29, 2012, the Hongda Group launched a metal processing project in Shifang City (Sichuan Province) with annual output worth CNY 500 billion and total investment of more than CNY 10 billion. On July 1, following a wave of online criticism of the project, close to one thousand local residents and students left chat forums such as Baidu and QQ and took to the streets to protest outside the local government office. An unsatisfactory response by officials prompted the number of protesters to grow over the next 24 hours, and on July 2 with emotions running high there were even clashes between the police and residents. But by the afternoon of July 3, Shifang city government had halted construction on the project.

Unlike the Xiamen PX incident of five years earlier, the Shifang incident involved a significant number of high school students and college undergraduates: a change in age composition that is

⁶⁶ 环境保护组织站在十字路口 www.chinadialogue.net/books/5477-Environmental-groups-at-a-crossroads/ch

⁶⁷ 组织公益：黯然失色在个人公益的光影下 www.cdb.org.cn/qikanarticleview.php?id=1225

⁶⁸ 曾特清，哈贝马斯新社会运动理论述评，太平洋学报，2012年4月

reflective of the new attitude among those born after 1990 – a generation that many believe has become the main driver of participation. According to an article on the FT's China website, those born after 1990 use the Internet to nourish their interests, and this has strengthened their consciousness of political participation. Michael Anti, a well-known blogger, claims "the 90s generation grew up in the midst of social media and so believe that freedom of expression is a birthright."

The convenience of modern communication technologies, including new media, has played a key role in the mobilization of support during protests. Using mobile phones and computers, local netizens have been able to provide a stream of live images and reporting. Moreover, public figures, including the blogger Han Han – an idol among many of today's youth – have shown their support for protestors. Han Han has published countless articles in support of the Shifang activists, disseminating messages and images across micro-blogging sites on Sina. The writer Li Chengpeng travelled in person to Shifang, publishing an eye-witness account of what he saw.

Some of the information on micro-blogging sites and chat forums spreads rapidly across the Internet. Most is never deleted and some netizens believe this may be due to a shift in political thinking among officials at the highest-level, or perhaps an indication that freedom of speech has made some advances. One of these theories could explain the speedy resolution of the Shifang incident.

On 28 July, less than one month after the Shifang incident, unrest broke out in Jiangsu's Qidong City when plans to allow Oji Paper Group [a Japanese company] (王子造纸) to discharge toxic wastewater into nearby waters became public. In an event dubbed the "Qidong Incident" locals responded with calls for action to "defend their homeland." Media reports claim that well over ten thousand locals gathered in the streets around the Municipal Government building, handing out copies of "A Notice for City Residents" (告全市人民□) and then breaking in. In the melee, Qidong City Party Secretary, Sun Jianhua, was stripped of his shirt and the mayor, Xu Feng, was forced to wear a promotional t-shirt urging a boycott of Oji Paper Group.

On the morning of the same day, Nantong Municipal government bowed down to public opinion by announcing their decision to cancel irrevocably any plan to allow Oji Paper Group to discharge waste water into sea waters, while the Mayor simultaneously released a video message on the official government website, entitled a "Letter to All Qidong Citizens." In the video, the Mayor explained the government's position, announced the temporary suspension of the project, while also reminding citizens to be mindful of their health and imploring them not to hold further demonstrations.

(Sources: Media reports)

As with the Shifang protests, the protests in Qidong which received the support of netizens, the public and the media, quickly subsided. But looking at the process, there is the possibility of violence in mass events with a tendency for emotions to get out of hand. According to the sociologist Ying Xing, public sentiment (“anger”) in China’s mass incidents has some connection to the “crowd” or “herd” mentality described by the French social psychologist Le Bon. Yet there are differences between the two. Le Bon believed that individuals are usually rational, but when they act as a part of a group and no one is expected to take personal responsibility, they can become irrational. Ying points out that as far as the possible negative impacts of mass actions in China are concerned, they need to be understood in the context of the social structure. Many mass actions are triggered by the suppression, or unsatisfactory outcome, of petitions submitted to authorities, and when lawful resistance is found ineffective, it slowly escalates into unrest.⁶⁹ In China’s social structure, one still needs to be aware of the absence of institutionalized public participation.

The political scientist, Tang Hao, argues that current public involvement in the environmental movement is a result of the failure of the state’s environmental governance. As the conventional environmental governance actors prove incapable of fulfilling their role, popular, spontaneous environmental movements enter the social arena as a new actor participating in environmental governance. But no matter how dynamic the movement is, it has not been able to bring a change in the system. Projects impacting the environment have been halted due to popular unrest, but the project decision-making mechanism, the power of developers, and other systemic arrangements have not changed at all.⁷⁰

In *Review of and Reflections on China's Sustainable Development (1992-2011)*, Chang Cheng suggests that in China’s development over the past two decades, public involvement in environmental protection has relied on three main forces: the emergence and actions of environmental NGOs; government reforms; and spontaneous environmental actions by ordinary citizens with support from the media. These three forces sometimes support and promote each other, but most of the time they are relatively independent, not having any contact or interaction.⁷¹ The important question that the government and NGOs still need to address in the context of the emergence of new social movements is how to create synergies between these three forces.

IV. “Manufacturing News” – Using Controversial Topics to Promote Participation and Change

In 1949, Simone de Beauvoir published *The Second Sex*, a book regarded as the starting point of second-wave feminism. In the American Civil Rights Movement of the 1960s, the feminist movement was linked to the civil rights struggle for African-Americans, but it was not until March 1970 when U.S. *Newsweek* ran a cover story headlined “Women in Revolt” that the topic appeared for the first

⁶⁹ 应星：释放与消解社会之“气”http://www.21ccom.net/articles/read/article_2012120372197.html

⁷⁰ 10年回顾：从环保风暴到社会运动 <http://www.chinadialogue.net/article/show/single/ch/5660-China-s-street-protests-won-t-change-failing-system>

⁷¹ 常成，《环境领域公众参与的三条主线》，《中国可持续发展回顾与思考1992~2011：民间社会的视角》，创绿中心等六家机构联合撰写

time in a major American newsmagazine.⁷² Back then, *Newsweek* itself was facing serious workplace gender discrimination issues. That same day, female employees of the magazine filed a case against it, claiming that regardless of their elite education and equal professional skills, women were discriminated against and almost always hired to work only as mail sorters or fact checkers.⁷³ Those media employees have contributed significantly to the fight for women's rights. In present day China too, freedom of expression in the media plays an essential role in public advocacy for marginalized groups.

In 2004, when Xu Bin, the founder of LGBT rights organization “Common Language” (同语), returned from the U.S., she quickly realized that women's rights, and especially the subject of lesbians, are marginalized issues in China. Xu felt that in both media reports and internal civil society organization agendas, lesbian advocacy was being neglected. At a debate in early 2012, she raised the questions: Why do problems have to be ranked? Why should gay issues be considered less important than mainstream issues?⁷⁴

In the current media reality of prioritizing certain topics, gay groups in recent years have carried out activities to advocate for same-sex marriage every year around Valentine's Day in an example of manufacturing news through controversial topics in order to increase the visibility of its actions. On Valentine's Day 2009, for example, Beijing gay activists on Qianmen Street staged a wedding photo session and attracted major media attention. On Valentine's Day 2012, two gay couples went to Beijing's Chaoyang District Civil Affairs Office to try to register their marriages as part of an advocacy campaign launched by the Beijing LGBT Center (北京同志中心). According to the Center's director, Guo Ziyang, the two couples were not actually in a relationship and one of the ladies was not even gay – she participated in the campaign to support her gay friends.⁷⁵

In late February 2013, two more same-sex couples from Beijing and Guangzhou applied for a marriage registration. Their requests were denied, but a post on the official microblog of the influential Xinhua News Agency stated: “A society that strives to be more progressive and open will offer people who love each other tolerance and respect, regardless of their sexual orientation.... The gay community is becoming a social group that cannot be ignored. But the law is still silent.... Homosexuality is an issue we can start to address”.⁷⁶

⁷² 《新闻周刊》的女性革命 www.genderwatch.cn:801/detail.jsp?fid=302568&cnID=90010

⁷³ “Good Girls” Fight to Be Journalists www.nytimes.com/2012/09/02/business/good-girls-tells-of-womens-fight-for-rights-at-newsweek.html?pagewanted=all&_r=0

⁷⁴ 依据笔者2012年初参与北京同志社群就“酷儿理论”举行的讨论会笔记

⁷⁵ 我们结婚了！情人节北京同性情侣于民政局申请婚姻登 www.aibai.com/infoview.php?id=23056

⁷⁶ 北京广州接连有女同性恋者申请结婚遭拒 www.news.sina.com.cn/c/2013-02-27/062926370206.shtml

Case Study: "Nudes Against Domestic Violence" Break Traditional Media Taboos and Promote Change in the Process

On November 7, 2012, a group of public-interest volunteers circulated a petition to fellow *netizens* which sought 10,000 signatures in support of an open letter – addressed to the National People’s Congress – calling upon the government to examine domestic violence legislation. By January 2013 the volunteers had collected 12,000 signatures (both online and offline), setting a record for participation in a citizen-led women's rights advocacy campaign.

Following the initial circulation of the letter, the petition rapidly attracted more than 1,000 signatures. However, interest soon waned – as tends to be case with all online activities – so in an attempt to attract signatories, the volunteers uploaded nude shots in an effort to grab the attention of users.

According to figures published in an e-journal, *Women’s Voices*, by the end of 2012, fifteen participants – including men, women and transsexuals living in Beijing, Hong Kong, Shandong, Jiangsu and Zhejiang – had published nude or semi-nude photos on Sina.com in support of the campaign against domestic violence. Although the images stirred up support for the campaign, they were also controversial as many browsers asked “what has domestic violence got to do with nudity?” while others condemned the photos as an example of evil consumerism.

The main purpose of the campaign was to arouse controversy – without which there would not have been any interest or discussion in the issue. It is difficult for anything other than mainstream issues to secure coverage in the heavily restricted traditional media. Using nudity to campaign against domestic violence is an effort to use social media break free of those restraints. According to Lü Pin, female nudity would struggle to find coverage in the mainstream media to the extent that even if it is mentioned, it is associated with negative news. However, through the use of social media, feminists are able to link nudity with the more “politically correct” issue of domestic violence to create an innovative form of advocacy.

From a feminist perspective, nudity and domestic violence are naturally related. One of the participants, Li Maizi, said that “At first glance, a lot of people see the connection between nudity and domestic violence as far-fetched, while others say that this approach will make people uncomfortable. But why feel uncomfortable? This has to do with the female body having long been a taboo subject. Topless nudity challenges the male’s ‘right’ to control the female body.” What’s more, domestic violence towards women often occurs precisely because a lot of men believe they have control over their wives’ bodies.

Li Maizi has taken inspiration from the “Occupy the Men's Room” campaign and other women's rights advocacy activities. She says, “We realized afterwards that this [campaign] gave us some

direction. We learned that when we need to do some really vital campaigning, we can link different issues together – for example domestic violence and autonomy over one’s body. What’s more, when I went to observe Li Yang’s domestic violence court hearing, I can use the opportunity to publicize the trial of Li Yan, a victim of domestic violence who is currently standing trial for the murder of her husband in Sichuan.”

Yet, according to an article that appeared in *Women’s Voices*, the nude photos were not disseminated as widely as hoped, and many people remain confused about the link between domestic violence and nudity. Moreover, the campaign very nearly did not gain traction on the internet, being broadcast through the mainstream media and according to the current broadcasting rules, when mainstream media does not identify an online campaign as “important,” the issue is unlikely to gain extensive coverage.

Lü Pin believes that nudity already has a broader significance which lies beyond the campaign to collect signatures against domestic violence. She believes, rather, that the value to each participant lies in “the process of self-liberation and the increased sharing of ideas among supporters.”

As far as public advocacy is concerned, Lü Pin believes that policies, the system and even society will be the last to undergo change. She argues that were policies to appear first, without the full participation of the people, they would be ineffective. Therefore, the process itself is the basis for change, while the degree of participation in the process will determine the quality of both the policy and the social change.

(Sources: Women’s Voices and interviews with Lü Pin and Li Maizi)

Even when issues are from the same advocacy area, they are inevitably prioritized by the media. Lü Pin believes that although both are a form of women’s rights-based advocacy, advocacy against employment discrimination gets greater media attention than advocacy against domestic violence. This is due to the fact that traditional media sees the former as a new topic. Moreover, aside from the few NGOs that have been engaged in anti-discrimination advocacy, there are almost no other authoritative advocates in the field. In contrast, practically everyone can comment on the subject of domestic violence, with the Women’s Federation an example of one of the more mainstream advocates. Furthermore, domestic violence in China is regarded as a kind of cultural phenomenon and thus has difficulty getting the media’s attention (the case of Li Yang [founder of the Crazy English schools] is an exception since Li Yang is a celebrity). Those who advocate publicly against domestic violence therefore have a hard time getting media attention. In this context, some feminist volunteers have tried to create controversy in their efforts to promote public advocacy.

Chapter 6: Conclusion

Compared with China Development Brief's 2006 *NGO Advocacy in China* report, the developments in Chinese public advocacy in recent years (particularly after 2008) are quite pronounced. In addition to those groups which continue to focus on "building a strong relationship and effective communications with the government," some NGOs have adopted a rights-based perspective to carry out public advocacy, utilizing the media and social media to exert public pressure. These approaches reflect the diversified NGO advocacy approaches that have accompanied the expansion of social spaces in Chinese society. Additionally, we can observe how NGOs have progressed from collaboration with the business sector to serving in a supervisory, advocacy-based role toward businesses. In recent years, Chinese civil society has begun to emphasize the functions and values of public advocacy, as well as to create advocacy NGOs and NGO networks. At the same time, NGOs and networks have worked to expand the effectiveness of public advocacy, emphasizing public participation and policy change. These groups have sought to share the needs of the public and promote change in government and business by developing channels of communication between the public, government, and businesses.

In addition to traditional NGOs, other actors such as foundations, entrepreneurs, individual citizens, and media outlets have also become the agents of public advocacy in recent years. The support and participation of foundations, entrepreneurs, and the media, which possess extensive social resources and public influence, have expanded the boundaries of Chinese civil society. As for the forerunners who have engaged in public advocacy as individuals, they have served as model citizens carrying out their rights and responsibilities.

The forms and methods of advocacy have also diversified, incorporating tactics such as impact litigation, performance art, petitions, and "manufacturing news." As China's environmental problems have deteriorated, widespread public participation in anti-pollution movements has also become part of the advocacy carried out by Chinese civil society.

These changes are closely tied to the expansion of public advocacy spaces. The government has adopted new standards which include a comparative easing of regulations concerning registration and management of grassroots NGOs and foundations, as well as incorporating the concepts of lawful administration and public supervision. Social media has become an exciting space for "micro-public interest" work and a major platform for public advocacy, and mainstream media has begun to actively report on the public interest sector.

In short, along with the major changes in the structure of Chinese civil society, the actors, organizational structures, advocacy techniques, and representatives of interest groups all experienced greater diversification. In addition to the analysis in this report, we believe that the following points concerning Chinese public advocacy are worthy of further discussion:

I. Public Advocacy with Chinese Characteristics and Regional Variations

This report demonstrates that in comparison with traditional methods of advocacy carried out within

the system, many NGOs use concepts of social movements and rights-based values that reflect a “Western” approach, which are apparent in features such as moderate resistance and public pressure. But analysis of the advocacy strategies and methods of Chinese NGOs must also take into account the Chinese situation, including the sensitivity of certain topics and the limited space allowed by the system. In terms of the groups which engage in public and rights advocacy, “different political systems have different rights protection laws. Thus, NGOs from different places must focus on adjusting international rights protection conventions to the local laws and regulations when designing their advocacy strategy.”⁷⁷ For instance, when Green Choice Alliance (绿色选择) was implementing its “offline” consumer social mobilization, they considered the sensitivity of large-scale social mobilization and decided to focus solely on university students, only including the general public in their online mobilization efforts through social media and a web platform. Among the advocacy methods highlighted in this report, those who utilize performance art tactics aim to achieve the greatest amount of public influence, while at the same time seeking to avoid becoming a “public incident.” Additionally, communities affected by pollution often emphasize their “non-organized” nature by calling their protests “taking a stroll”. These are all strategies which reflect the Chinese situation. In short, while the space for public advocacy has expanded, it still remains quite limited.

In addition, the form public advocacy takes varies regionally and is closely related to the attitudes of local government, local media, and the local public. Relatively speaking, governments in more developed areas have a clearer concept of public governance, and are thus more open to NGO-government interactions and diversified public advocacy methods than those in China's less-developed interior. Media in areas with more market competition also tend to look more favorably on public advocacy methods such as performance art. NGO attitudes and approaches toward public advocacy will also vary depending on the region. In the country's interior, where interaction between government and NGOs is extremely limited, many groups still rely on “traditional” advocacy methods emphasizing government collaboration. These groups focus on development projects in order to gain the trust and support of the government, and seek to promote public participation through mechanisms sanctioned by the government. Thus, Chinese NGOs seeking to engage in public advocacy must carefully consider local conditions.

II. What Roles Should NGOs Play in Public Advocacy?

In addition to the service provision role which NGOs continue to play in collaboration with the government and businesses, public advocacy on the whole has also rapidly developed. Yet due to the nature of Chinese policies regarding NGOs and regional variations described above, the space for advocacy can vary drastically depending on the issue area.

NGOs working in certain fields, such as women's rights and anti-hepatitis B discrimination, have often served as the nucleus for public advocacy efforts in their sector. Other fields, such as migrant labor rights protection, have gradually seen the space for advocacy shrink or even disappear entirely due to a

⁷⁷ 《了解：人权知识框架》（面向艾滋病草根组织的人权课程），亚洲促进会，泰国艾滋治疗行动，东珍人权教育与实践中心合作编写。

number of factors. Environmental NGOs have also maintained their distance from the public movements and protests regarding pollution in recent years. Looking more closely at the internal workings of these fields, organizations are often divided into the “spokespeople on the frontlines” and “backend support.” In the field of anti-domestic violence work, for instance, specialized organizations, such as the anti-violence network (反家暴网络) and Beijing Zhongze Women's Legal Counseling and Service Center (北京众泽妇女法律咨询服务中心), have accumulated research and resources based on years of work that serve as a supporting platform for today's women's rights activists. Between sectors, there is also the possibility of mutual support for a cause.

To sum up, in light of the variations in regional policy and special Chinese characteristics, as well as the organizational style and professionalism required for public advocacy, NGOs working in different fields may play a variety of roles ranging from core activist to sideline supporter.

It is worth noting that for both individual and organizational advocacy, there may be significant differences in terms of issue areas, positioning and space. Integrating the two, therefore, will require careful strategizing.

Nonetheless, the disparate nature and high risk of individual public advocacy actions calls for greater involvement from those with NGO backgrounds. Professional, effective organizations can improve the division of labor, decision-making, and the incentive system for participants, while also bringing in outside resources and connecting with other social forces. When disadvantaged groups are unable to represent their own interests in the public sphere, NGOs can serve as their spokespeople. Public advocacy without an NGO component lacks sustainability and may experience difficulty in implementing advocacy goals and promoting systemic social change.

III. Public Advocacy Expresses the People’s “Dream of a Comfortable Life”

The protection and expression of citizens' rights through public advocacy is an irreversible trend in social development. The government must address the question of how, in the face of a rapidly changing society, to implement mechanisms for expressing the interests of all social classes (particularly disadvantaged groups) in a manner that is legal, orderly, and unimpeded.

Compared with NGOs, the government is quite pragmatic, and not interested in abstract discussions about the concept of “rights.” However, like NGOs, the government is very concerned with finding solutions for “the maintenance of stability” and “social harmony.” This will require a mechanism for balancing the interests and needs of different social groups, and balancing economic expansion with environmental protection and social stability. With the diversification of social interest groups and the development of widespread social conflicts and contradictions, this sort of balance becomes even more difficult to achieve. At the same time that the government and the market are collaborating to promote social advancement, the value of public advocacy carried out by a Chinese civil society independent of the government and market should not be overlooked.

If the mechanisms of “maintaining stability” and “social construction” are entirely implemented by the government, they will constrain the development of self-governance and the ability of society to

address and respond to social issues. The government should gradually progress from supporting service organizations to implementing policies that offer systematic communication channels for orderly NGO advocacy, while affirming the value of independent advocacy by citizens and NGOs.

In the present situation, in which society is urgently calling for the implementation of reforms to address the current social crises, an independent civil society can improve society's ability to deal with those problems and provide reform energy from outside of the system. A measurement of this ability will include the effectiveness and efficiency of service provision NGOs in responding to social needs, and the ability of and space for advocacy-type organizations to check powerful interests, balance competing interests, and promote the fair distribution of social resources.

In the current development situation, the development of the advocacy function of NGOs is still limited. Public advocacy by NGOs is still, to a large extent, focused on raising public awareness. Yet the ultimate goal of public advocacy is to use heightened public awareness as the basis for engaging the government and businesses in a dialogue in order to facilitate changes in policy and behavior. Therefore, public advocacy ultimately is about promoting public participation in systemic change and construction.

Public participation has advanced the rise of public advocacy, while also calling for the response of NGOs and the government. In the current conditions of Chinese society, the response of the government is more important. If the government, which faces NGOs and a public waiting on the sidelines, can create innovative public participation mechanisms and provide a supportive environment for normalizing public advocacy, then in the future they will be able to understand the interests and opinions of the public. Building on this understanding, they will be able to draw on the participation of different interest groups, promote a balance between these interests, equitably distribute social resources, and truly achieve a stable and harmonious society through the implementation of reform and development.

In November of 2012, the newly appointed CPC General-Secretary Xi Jinping announced the following to the Politburo Standing Committee: “The people love life, and hope to have a better education, more stable work, more satisfactory salaries, more dependable social security, higher quality medical services, more comfortable living conditions, and a more beautiful environment. They hope for their children to grow up in an even better situation, to have better work, and a better life. The people's dream of a better life is the goal for which we fight.”⁷⁸ “The people's dream of a better life” is exactly what the advocates who represent the citizens’ interests seek to achieve.

⁷⁸ 习近平在政治局常委见面会上的演讲 www.news.youth.cn/gn/201211/t20121115_2617441.htm

Appendix: Summaries of Chinese-language Advocacy Readings

Strategies and Techniques for NGO Media Advocacy

Using the media to respond to public opinion and to produce public pressure is an important tactic for achieving advocacy aims, and is one of the essential components of advocacy work. In this report, a product of a workshop in GAD Network's (GAD网络) advocacy project, Chinese Academy of Social Sciences children's rights expert Bu Wei sets forth the steps necessary for NGOs to utilize the media for publicity activities. Zhou Meiyue describes two successful Greenpeace cases, providing directions to help NGOs understand and use the media. Although it is directed toward women's NGOs carrying out gender-focused advocacy, the media advocacy methods introduced by experts and activists from different backgrounds (children's rights and environmental advocacy) make this report a valuable resource.

GAD Network Advocacy Project, May 2005

www.genderwatch.cn:801/detail.jsp?fid=301622&cnID=90080

Drug Users Human Rights Record and Advocacy Manual

This manual introduces examples of human rights violations and the drug users who have silently accepted these abuses. It is intended to serve as a crucial tool in assisting activists to develop a human rights advocacy plan. As for the records of human rights infringement, whether from the victims, police records or video materials, these serve as evidence to push for accountability for this type of behavior. The author also hopes that this manual will inform people about the relationship between drug users and human rights.

Written by Karyn Kaplan, translated by the Dongjen Center for Human Rights Education

(东珍人权教育与实践中心)

www.asiacatalyst.org/zhongwen/#baogao

NGO Advocacy in China

Produced at a time when the term “advocacy” was first being introduced to Chinese civil society, this report compiled research based on interviews with 40 NGOs. Among these were 10 GONGOs, 10 business and professional associations, and 20 “grassroots” NGOs. The report has been helpful in allowing Chinese organizations to share their opinions and practices concerning advocacy. It enables peer organizations to better understand this aspect of their field, and encourages them to consider their own organizations' future. It has also helped researchers and government agencies understand the development of Chinese civil society.

China Development Brief, 2006

www.cdb.org.cn/qikanotherindex.php

NGO Advocacy Manual: Integrating Migrant Workers in Urban Environments

This manual compiles the methods and tools suited to Chinese NGOs in order to enable readers to understand the ways in which grassroots NGOs utilize innovative strategies, combined with their own perseverance, to successfully carry out advocacy projects. Most importantly, the processes and tools set forth in this manual serve to transform advocacy from a “mysterious science,” which can only be carried out by certain individuals, into a skill that anyone can study and use.

Social Resource Institute (社会资源研究所) (funded by GCAP), August 2011
www.csrglobal.cn/publications.jsp

Understanding: The Human Rights Framework (A Human Rights Course for Grassroots AIDS NGOs)

The best methods for fighting rights infringement are: 1) understanding your basic rights; 2) carrying out investigations and recording examples of rights infringement; and 3) designing and implementing advocacy activities to end rights infringement. This manual provides a basic introduction to international human rights law, and explains how to use these laws to resolve issues facing those with autoimmune diseases and AIDS. It also sets forth newly-developed rights protection practices for the AIDS sector and provides resources for civil society advocacy.

Thai AIDS Treatment Action Group, Asia Catalyst, and Dongjen Center for Human Rights Education, 2011

www.asiacatalyst.org/zhong_wen/

Health for All, We Can Do It: Training Manual for NGO Participation in Public Health Work

What obstacles and challenges prevent NGOs from participating in the public health field? Why have NGOs not participated in the “Health for All” project? This training manual includes cases such as the melamine incident, consumers' cooperatives and community support for agriculture, Yirenping's (益仁平) legal aid and anti-discrimination advocacy for HBV patients, advocacy directed towards health organization to identify and aid victims of domestic abuse, and evidence-based hygiene system evaluations to answer the above questions.

Edited by the Beijing Horizon Educational Center (北京市朝阳区康众卫生服务中心), funded by the Ford Foundation

www.doc88.com/p-330760945572.html

How to Use Shadow Reports to Carry Out Policy Advocacy -- Advocacy Cases from Beijing One Plus One Disabled Person's Cultural Development Center (一加一（北京）残障人文化发展中心)

On August 31, 2010, the Chinese government submitted its first report to the United Nations Committee on the Rights of Persons with Disabilities. In April of 2012, the Beijing One Plus One Disabled Person's Cultural Development Center submitted a shadow report to the UN. Its aims included: “finding a baseline”; including Chinese NGOs in international affairs; using the convention and the shadow report to promote changes in the domestic situation; and serving as an independent, rights-based voice for disabled persons.

GCAP China (全球消除贫困联盟中国), 2012

www.cdb.org.cn/ngo_talkview.php?id=3698

How to Carry Out Effective Performance Art-- Modeled on “The Injured Bride” and “Occupying Men's Toilets” Activities

The author wrote this manual based on her experiences with two recent volunteer-organized performance art activities in Guangzhou and Beijing-- “The Injured Bride” and “Occupying Men's Toilets.” The manual introduces the components of successful performance art activities, including the costs, efficiency, and scope, and compares performance art methodology to other types of advocacy

methods. Although both cases involve gender issues, the analysis of methods and strategies set forth in this manual will be useful for all organizations and individuals who are interested in using performance art in public advocacy campaigns.

Written by Wang Man for CDB's Spring 2012 Edition, published by the Intellectual Property Rights Press (知识产权出版社)

www.cdb.org.cn/qikanarticleview.php?id=1297

China Government Transparency Watch (《透明度》月刊)

China Government Transparency Watch collects, organizes, and analyzes new advances and issues in Chinese government transparency and information disclosure. Information disclosure is the starting point for public advocacy, and government transparency, which leads to openness concerning laws and regulations that influence the public, constitutes an important basis for civil society advocacy.

Beijing University Center for Public Participation Studies and Supports (CPPSS)

(北京大学公众参与研究与支持中心)

www.cppss.cn

Learning for Change-- Evaluative Techniques for Advocacy Work

The complicated nature of advocacy can be observed in four aspects: 1) the globalization of advocacy work; 2) the rise of a diversified civil society; 3) the increasing diversification of advocacy work; 4) the increasing diversification of strategy. The authors advocate using rights and rights composition analysis to create an advocacy strategy, and also provide an effective evaluation of advocacy work. Effective monitoring and analysis must be very flexible; it must be able not only to adapt to external incidents, but also to serve as a tool for transforming advocacy movements.

By Barry Coates and Rosalind David, first published in Developments in Practice magazine

(《实践中的发展》杂志), translated by CC and Sylvia (volunteers at NGO.CN)

www.oxfam.org.cn/down_s.php?id=72

Citizens' Guide to Government Information Disclosure

What types of government information should be disclosed? What types of organizations are responsible for information disclosure? What channels exist for government information disclosure? How can we maintain the right to government information disclosure? This book, which explains the Regulations on Government Information Disclosure and introduces their implementation plan, answers these questions and provides an analysis of fields that should practice information disclosure, such as public infrastructure, environment, education, and land.

Beijing University Center for Public Participation Studies and Supports (CPPSS), Legal Publishing House (北京大学公众参与研究与支持中心著, 法律出版社), April 2011

www.doc88.com/p-462113673379.html

Chinese Environmental Advocacy Guide

This manual is composed of six chapters, which provide in-depth discussions of environmental advocacy's foundation, preparation, methods, strategies, collaborations, and legal protections. Providing definitions, introduction of methods, case analysis, and discussion, as well as activity tips, this book is a useful and easy-to-read resource.

Edited by Ma Tiannan, funded by the Denmark Human Rights Center, published by the Intellectual Property Rights Press, September 2011

www.eac-cn.org

The Ups and Downs of Funding Advocacy NGOs -- Analysis of Their Influence

Asian NGOs must often adjust their priorities to meet the interests of funders. The power imbalance between funders and advocacy NGOs, for instance, led to many crises in their legality and effectiveness. This article analyzes the influence of constantly changing international funders on advocacy NGOs in Cambodia, the Philippines, and Thailand, and provides suggestions for funders.

By Thomas Parks, originally published in Developments in Practice magazine, published by Oxfam UK, translator: Liang Lijuan

www.oxfam.org.cn/download_s.php?id=108