

Combating HIV-AIDS in China: Is there a place for NGOs?

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1. Executive Summary

In recent decades, China has experienced unprecedented economic growth. This period of growth has highlighted the country's accomplishments as well as its challenges. To the outsider, China appears to be the land of contradictions. From the modern, sparkling skyscrapers in Shanghai to the small, wooden houses in the most rural countryside, China's vast differences are apparent.

Apart from China's rapid modernization of its infrastructure and technology, it shares many similarities with developing countries across the world. Problematic social issues abound in China. With the largest population in the world, of just over 1.3 billion, some of the challenges facing China as a developing country are even more problematic than in smaller countries and cannot be ignored.

With widespread urban migration due to the emerging economy, the incidence of HIV/AIDS has increased. It is estimated that nearly ten million Chinese are infected with the HIV virus. Most developing countries take a multi-prong approach in combating HIV/AIDS. Utilizing resources from the public sector, private sector and non-profit sector (often NGOs), health ministries tackle education and prevention, along with disease treatment. While there is ample need for NGO-provided services and access to funding from international institutions, the Chinese government has been reluctant and nearly impossible in facilitating the NGO sector.

In this paper, we seek to answer one simple question – *What place should NGOs have when addressing HIV/AIDS in China?* To do so, we first attempt to answer the following three questions:

- 1) Is there a *need* for NGOs to operate in this sector?
- 2) How does the Chinese Government currently *interact* with NGOs?
- 3) What realities do NGOs and people carrying HIV face *on the ground*?

We will answer these questions by providing an overview of HIV/AIDS in China, as well as an overview of the country's NGO sector and the complex and convoluted regulatory and legal framework which governs the sector. Then, we will examine the on-the-ground specifics before providing a final analysis. In the end, we conclude that if the Chinese government wishes to effectively fight the spread of HIV/AIDS, they need to enable both international and domestic NGOs to each use their unique knowledge and abilities to address specific on the ground situations faced by those who suffer from the epidemic.

2. Overview of HIV/AIDS in China

HIV is present in China and is spreading. HIV and AIDS were only recently recognized as serious problems, and modern civilization has had little time to respond to the epidemic. The first paper recognizing the symptoms of AIDS was published in 1981.¹ Four years later, in 1985, the first cases were diagnosed in China.² We take a closer look at HIV/AIDS in China in order to determine whether there is a need for NGOs to assist the government in this area.

2.1 The Spread of HIV / AIDS in China

The HIV virus has already spread to every province in China. The country's HIV/AIDS epidemic began in the early 1990s through needle sharing among heroin users.³ More recently, the virus has spread most rapidly through groups that are of higher risk than the general population. Commercial sex workers have contributed to only a small proportion of the reported epidemic, however, commercial sex is of growing concern and may present itself as a medium for transmitting HIV from at-risk groups to the general population. The commercial sex industry has grown to more than 3 million sex workers in China.⁴ Chinese youth are also more promiscuous and less likely to wait for intercourse until they are married.⁵ The prevalence of HIV is also more common in other at-risk groups, including homosexual men. One study suggests that homosexual men have an average of 17 partners per year, yet 80% of these men believe that they are safe from HIV/AIDS.⁶ The increased numbers we see across China of sex workers and drug users, high-risk behaviors, and low condom use suggest the likelihood for widespread HIV transmission.⁷

2.2 Current Statistics

In 2005 the Chinese Ministry of Health officially released a statement that estimated 650,000 Chinese citizens could be infected with HIV.⁸ The actual number of infections is perhaps much greater due to the Chinese government's undercounting and poor data collection, particularly in rural areas. International organizations, such as the UN Theme Group on HIV/AIDS, estimate that over 1 million people in China have been infected. This is a relatively small population considering China's population, but infection rates are accelerating. International organizations and the Chinese government anticipate a rise in transmission rates for the next 10 years.⁹

¹ (Unleashing the NGOs 2005)

² (Unleashing the NGOs 2005)

³ (Beyrer 2000)

⁴ (Zhong 2 October 2000)

⁵ (Zhong 2 October 2000)

⁶ (Bates Gill July 2007)

⁷ (Qian 2004)

⁸ (Bates Gill July 2007)

⁹ (China UN Theme Group on HIV/AIDS for the UN Country Team in China 2001)

2.3 The Government Response to HIV/AIDS

The Chinese government has traditionally weighed economic growth over social development, and until recently, the government chose to ignore the HIV/AIDS problem rather than address it. However, in the past decade, the government has taken the following actions to address the spread of HIV/AIDS:¹⁰

- Organized national conferences on HIV/AIDS
- Updated healthcare laws to better prevent transmission through transfusions
- Encouraged abstinence through the national media
- Promoted pilot 100% condom use programs
- Increased the national budget to more than \$145 million for AIDS prevention

Unfortunately, these national efforts have often failed to reach local communities, where change is needed most. Local governments have not effectively used their financial resources to combat HIV. They have also not considered international standards for healthcare practices to evaluate their policies. Most local governments, for instance, have not promoted public education programs or established affordable testing centers.¹¹ Chinese citizens are still generally unaware of the four transmission methods of the virus, and healthcare workers may not even know basic prevention techniques or what drugs they should use to prevent mother-to-child transmission.

2.4 Conclusion

According to a UNAIDS country report on China published in 2008, the Chinese government has given high priority to expanding its HIV/AIDS response. However, the UNAIDS report identifies limitations in China's comprehensive prevention and response programs. In other developing countries, NGOs are the primary body for delivering comprehensive programming. India, for example, has employed a very decentralized approach to combating HIV and AIDS, using NGOs extensively. The need for HIV/AIDS prevention services exceeds the Chinese government's ability to provide these services, creating a space for local and foreign NGOs. The need for NGOs exists in this sector in China, but what has prevented NGOs from using their resources to combat the virus?

¹⁰ (China HIV/AIDS Chronology 2004)

¹¹ (Chan 15 November 2001)

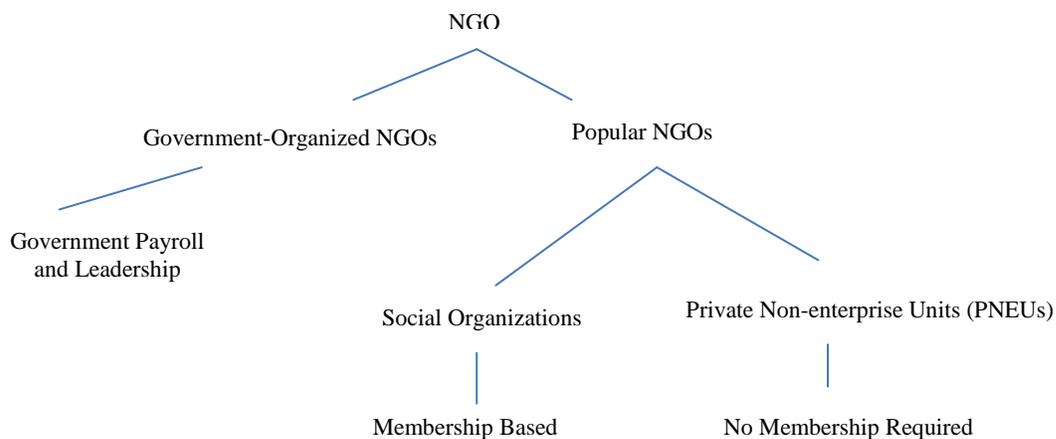
3. Overview of NGOs in China

Non-governmental organizations (NGOs) in China have had a tumultuous history. Perhaps appropriately, the literal Chinese translation of ‘non-government organization’ – *feiguanfang zuzhi* – can be used in common language to mean ‘anti-government organization’.¹² We take a closer look at the NGO sector in China to determine how Chinese policies have created barriers for domestic and foreign NGOs to combat HIV/AIDS.

3.1 Clarification of the term ‘NGO’

The official term for NGO is ‘popular organization,’ but there are a number of other terms often used interchangeably – ‘social organization,’ ‘non-profit organization,’ ‘third sector organization,’ and ‘civil society organization’ to name a few.¹³ Since 1993 the average number of domestic ‘social organizations’ has not changed greatly, fluctuating between 133,000 and 200,000 organizations.¹⁴ Popular organizations fall into two categories: government-organized NGOs (GONGOs) and ‘popular’ organizations. GONGOs are tightly controlled by the CCP. These types of organizations have staff on government payrolls and their programs are funded by government subsidies. Popular NGOs are created by citizens, different from GONGOs, and are detached from government activities.¹⁵ Popular NGOs are then subdivided into social organizations and private non-enterprise units (PNEUs).¹⁶ Social organizations and PNEUs differ because Social Organizations are membership based, while any citizen can participate in PNEU activities (Figure 1).

Figure 1 – NGO Distinctions



¹² (Hsia and White)

¹³ (Lu 2007)

¹⁴ (Q. Ma 2006)

¹⁵ (Wong 1998)

¹⁶ (Wong 1998)

3.2 Domestic NGOs in China

From the founding of the People's Republic of China (PRC) until the beginning of the 1978 reforms, there was a limited role for NGOs in China. The government's use of 'mass organizations' to meet the social welfare demands of the people left little room for the development of a private, indigenous NGO sector.¹⁷ However, the reform and opening policies initiated under Deng Xiaoping in the late 1970s and early 1980s gave new life to the NGO sector. The shift by leaders to "small government, big society" allowed the government to scale back its social welfare services and allowed private business and non-profit organizations to fill the void.¹⁸ NGOs began to be viewed as a way to fill gaps in policy or address a critical need that is not being addressed.¹⁹

Since the reforms, the Chinese government has created a political space that allows for the activities of humanitarian and environmental NGOs. This space has enabled growth in research, journalism and political influence of the nonprofit sector.²⁰ Today, the World Bank calculates that there are over 415,000 officially registered NGOs in China.²¹ However this space is still constricted by its tight link to the government and restrictive governmental policies. Even the most prominent NGOs, government-organized NGOs (GONGOs), are tied up in the local and provincial bureaucracy, which challenges the efficiency of development goals.²²

3.3 Foreign-based NGOs in China

Many foreign-based NGOs (INGOs) have attempted to exert influence on Chinese policies, but only foreign groups whose interests coincide with Chinese national interests are permitted by the Chinese government to enter the country.²³ The Chinese government often views development-oriented foreign NGOs as a threat or as competitors for international funding. The CCP carefully inspects each foreign-based NGO before it is allowed entrance into the country.²⁴

Despite this tight oversight, many foreign organizations have managed to work their way into the country. It is estimated that between 3,000 and 6,000 foreign NGOs are based in China.²⁵ Many of these operate only in poor regions, particularly in areas of southwestern China, such as Yunnan Province.

¹⁷ (Edele 2005)

¹⁸ (Zhang)

¹⁹ (Hailin 2002)

²⁰ (Mertha 2010)

²¹ (Bank 2004)

²² (Mertha 2010)

²³ (Mertha 2010)

²⁴ (Yuen-Jan Hsia 2002)

²⁵ (Jio November-December 2006)

Reports also show that larger organizations, including Save the Children and the Lions, also claim a presence in China. Currently, there are more than 490 such organizations.²⁶ Still, many major organizations have failed to enter China due to a variety of legal and political barriers.

3.4 Conclusion

The reform and opening policies initiated by Deng Xiaoping and the shift to “small government, big society” brought new life to the NGO sector in China. The nearly 415,000 officially registered domestic NGOs and up to 6,000 INGOs in China suggest that the Chinese government allows NGOs into the country. However when China’s nonprofit system is compared to the three million NGOs operating in India, the NGO sector in China is staggeringly small. In the next section, we will reexamine this question by looking at the regulatory framework of NGOs.

²⁶ (Jio November-December 2006)

4. Regulatory Framework of NGOs

Since the founding of the People's Republic of China (PRC), the NGO sector has been governed by an ambiguous regulatory framework established by three sets of legal documents issued in 1950, 1989, and 1998. While the first two sets of regulations failed to clearly define the NGO sector, they did provide an initial classification, registration, and system as foundations for the 1998 regulations.²⁷ In this section, we will examine this regulatory framework in order to understand the legal requirements currently facing organizations seeking NGO status.

4.1 Overview of Regulations

The PRC's first legal document on NGOs was the "Interim Procedures on the Registration of Social Organizations," issued in 1950. This document categorized all types of NGOs as "social organizations" and allowed the government to "nationalize all private schools, hospitals, charitable organizations, and other non-government social organizations and associations" – effectively shutting out independent foreign and domestic NGOs and preventing the NGO sector from developing in the country.²⁸

The reform and openness policies initiated in 1978 gave new life to the NGO sector and provided new space for the sector to grow and develop during the 1980s. The Tiananmen Square Protests in 1989, however, led the State Council to issue new regulations on the NGO sector.²⁹ Issued on October 25, 1989, the "Regulations on the Registration and Administration of Social Organizations" created a complicated registration process and dual management framework to maintain political stability and regulatory control. The new regulations forced all NGOs to re-register with the government, which effectively stunted the growth of the NGO sector during the early 1990s.³⁰

As the 1990s drew on, however, the NGO sector began to rapidly expand again. In response, Jiang Zemin convened a meeting of the Standing Committee of the Politburo in 1996 to discuss new NGO regulations, and in 1998, the State Council issued two legal documents to update NGO regulations – a revision of the "Regulations on the Registration and Management of Social Organizations" and the new "Provisional Regulations on the Registration and Management of Private Non-Enterprise Units."³¹ Together, these two laws outline the current classification, registration, and regulatory framework governing the NGO sector today.

²⁷ (Edele 2005)

²⁸ (Edele 2005)

²⁹ (Hsia and White III 2002)

³⁰ (Howell, *New Directions in Civil Society: Organizing around Marginalized Interests* 2004)

³¹ (Edele 2005)

4.2 Legal Classification of NGOs

As noted, the official Chinese term for NGOs is ‘popular organizations,’ which can be divided into government-organized NGOs (GONGOs) and popular organizations (NGOs). Popular organizations are further broken down into social organizations and private non-enterprise units (PNEUs). Legally, these subcategories are defined as the following:³²

- (1) *Social Organization*: In accordance with Regulations on the Registration and Management of Social Organizations, a social organization is an NGO that is “established on a voluntary basis to pursue the common goals of its membership. All its activities are subject to what is set out in its charter. It may take the form of a charity organization, an industrial association, a research institute, an academic society, etc.”
- (2) *Private Non-Enterprise Unit*: In accordance with Provisional Regulations on the Registration and Management of Private Non-Enterprise Units, PNEUs refer “to not-for-profit social service organizations that are established with non-state-owned assets mobilized by not-for-profit government institutions, social organizations, social entities, and individual citizens. They include privately-run schools, hospitals, museums, and scientific research institutes.”

4.3 Legal Registration of NGOs

The legal registration of NGOs in China occurs at two levels – national and local. At the national level, the State Council is the ultimate authority, but the Ministry of Civil Affairs (MoCA) is responsible for the legal registration. Within the MoCA, the Bureau of Management of NGOs manages the registration process. At the local level, the Provincial and Municipal People’s government is the highest authority, with the Bureau of Civil Affairs (BoCA) as the responsible governing body. Within the BoCA, the Division of Social Organizations manages the local registration process.³³ Table 1 below outlines the legal registration structure:

Table 1 – Legal Registration Structure³⁴

National Level	Local Level
<p style="text-align: center;">The State Council ↓ The Ministry of Civil Affairs (MoCA) ↓ The Bureau of Management of NGOs</p>	<p style="text-align: center;">Provincial and Municipal People’s Gov’t ↓ The Bureau of Civil Affairs (BoCA) ↓ The Division of Social Organizations</p>

³² (Irish, Jin and Simon 2004)

³³ (Q. Ma 2006)

³⁴ (Q. Ma 2006) – as broken down by Ma.

To legally register as an NGO, an organization must meet certain legal and documented requirements. Table 2 lists the two sets of requirements for NGOs seeking social organization or private non-enterprise unit status:

Table 2 – Registration Requirements

Social Organizations³⁵	Private Non-Enterprise Units³⁶
<ul style="list-style-type: none"> (1) Over 50 individual members or over 30 institutional members; in cases of both individual members and institutional members, the total number of members cannot be less than 50; (2) An approved name and a corresponding organizational structure; (3) A fixed residence; (4) A number of full-time staff members corresponding to the organization’s professional activities. (5) A legal source of property and funds. National social organizations should have over 100,000 RMB in activity funds, and local social organizations and social organizations spanning administrative districts should have over 30,000 RMB in activity funds. (6) The ability to bear civil liability. 	<ul style="list-style-type: none"> (1) It has been subject to the examination and approval of the competent business unit; (2) It has the standardized name and necessary organizations; (3) It has employees commensurate with its business operations; (4) It has lawful properties commensurate with its business operations; and (5) It has a necessary site.

Once these requirements are met, the NGO must find an appropriate state/Party-authorized sponsoring organization. For social organizations, the NGO must find an authorized social organization in a related field, and for PNEUs, they must find an authorized business in a relevant field with similar scope. Then, the social organization or PNEU must go with their sponsor to the appropriate level of government, as described in Table 1, to complete the registration process.

4.4 Legal Regulation of NGOs

Completion of this registration process leads to a dual-management regulation system in which both the state/Party-authorized sponsor and the Civil Affairs registration department are together responsible for the NGOs administration and routine activities.³⁷ Table 3 specifies the regulations the sponsor organization or business is responsible for enforcing upon the NGO, and Table 4 specifies the regulations the registration department is responsible for enforcing:

³⁵ (State Council, Regulation on the Registration and Management of Social Organizations 1998)

³⁶ (State Council, Provisional Regulations on the Registration and Management of Private Non-Enterprise Units 1998)

³⁷ (J. Zhang 2005)

Table 3 – Regulatory Responsibilities - Sponsors³⁸

Social Organizations	Private Non-Enterprise Units
<ul style="list-style-type: none"> (1) Bearing responsibility for preparatory application of social organizations, and reviewing efforts to register, modify registration, or cancel registration; (2) Supervising and guiding social organizations to observe the Constitution, laws, regulations and national policies, and conducting activities in accordance with their charter. (3) Bearing responsibility for the annual review of social organizations; (4) Assisting the registration and management bureau and other related bureaus in investigating and prosecuting the unlawful acts of social organizations. (5) Guiding, along with relevant bureaus, the liquidation of social organizations. 	<ul style="list-style-type: none"> (1) It shall be responsible for the examination prior to the registration of establishment, change and nullification of people-run non-enterprise units; (2) It shall conduct supervision and provide guidance for people-run non-enterprise units in abiding by the Constitution, laws, regulations and state policies and carrying out of activities pursuant to the articles of association; (3) It shall be responsible for the preliminary examination of annual inspection of people-run non-enterprise units; (4) It shall assist the registration administration organ and other departments concerned in the investigation and handling of illegal acts of people-run non-enterprise units; and (5) It shall, in conjunction with relevant organs, provide guidance to people-run non-enterprise units in settlement matters.

Table 4 – Regulatory Responsibilities – Registration Department³⁹

Social Organizations	Private Non-Enterprise Units
<ul style="list-style-type: none"> (1) Bearing responsibility for the registration or recording of the establishment, alteration, or cancellation of social organizations; (2) Conducting an annual review of social organizations; (3) Conducting a supervisory review as to problems of social organizations violating these regulations, and applying administrative sanctions to the activities of social organizations that violate these regulations. 	<ul style="list-style-type: none"> (1) It shall be responsible for the registration of the establishment, change and nullification of people-run non-enterprise units; (2) It shall conduct annual inspection of people-run non-enterprise units; and (3) It shall carry out supervision and inspection of questions of people-run non-enterprise units in violation of these Regulations and impose administrative penalty on people-run non-enterprise units for acts in violation of these Regulations.

4.5 Restrictions on the Registration and Management of NGOs

In addition to these requirements, there are certain restrictions and exclusions that significantly limit the growth and reach of the NGO sector. For example, one clause prohibits the establishment of new NGOs where there already exists a business or organization with the “same or similar scope”.⁴⁰ Another closely-linked clause prohibits NGOs from establishing regional

³⁸ (State Council) – Article 28 (Social Organizations) & Article 20 (PNEUs)

³⁹ (State Council) – Article 27 (Social Organizations) & Article 19 (PNEUs)

⁴⁰ (State Council) – Article 13 (Social Organizations) & Article 11 (PNEUs)

branches.⁴¹ “This means that national NGOs cannot establish a branch outside of Beijing, while provincial and county-level NGOs must confine their organizations to the provincial capital or county seat.”⁴² Together, these restrictions create barriers and inefficiencies that the NGO sector struggles to overcome, to the detriment of the people they are trying to serve.

4.6 Legal Regulation of Foreign NGOs

Although regulations for International NGOs (INGOs) have long been proposed, the Chinese government has yet to issue a set of regulations specific to the INGO sector.⁴³ The only legal document that specifically mentions INGOs is the 1989 Interim Procedures on Foreign Chambers of Commerce. Originally meant only for foreign chambers of commerce, this document has been used to provide minimal guidelines concerning the registration and management of INGOs.⁴⁴ In practice, if the work of a foreign NGO is not politically threatening, then the government utilizes an informal policy of “no recognition, yet no prohibition,” where INGOs are governed by the same 1998 Regulations meant for indigenous NGOs.⁴⁵ This policy, however, does not necessarily imply a positive relationship, as the regulations remain ambiguous and restrictive. In the end, the lack of a formal, legal framework for foreign NGOs is detrimental to the INGO sector.

4.7 Conclusion

Although the 1998 Regulations provided a fairly comprehensive set of regulations for NGOs, the regulatory framework is still lagging behind the development of the sector, particularly that of the INGO sector. The challenges in defining NGOs’ legal space, in securing a sponsor, and in registering with a cooperative government bureau are often too significant for many NGOs to overcome. Therefore, many NGOs do not take the time to officially register with the government. For this reason, exact numbers on the NGO sector are difficult to calculate, although it is well-known that the unofficial or ‘illegal’ NGO sector is much larger than the official NGO sector, by some estimates 10 to 1.⁴⁶ Therefore, we are left with a convoluted and restrictive legislative process for NGOs to address the spread of HIV. In the next section, we will look through the lens of those NGOs currently working on the ground and how government policies influence those working towards HIV/AIDS prevention in China.

⁴¹ (State Council) – Article 19 (Social Organizations) & Article 25 (PNEUs)

⁴² (Lu 2007)

⁴³ (Hsia and White III 2002)

⁴⁴ (J. Zhang 2005)

⁴⁵ (Hsia and White III 2002)

⁴⁶ (Li, et al. 2006)

5. Realities on the Ground

As previous sections have shown, a need for both foreign and domestic NGOs in the HIV/AIDS sector exists in China, but an overview of the NGO sector and its regulatory framework fails to definitively establish the effectiveness of existing NGOs. We re-examine this question by looking at the realities of the HIV/AIDS sector on the ground.

5.1 International Organizations

The first NGOs, whose mission was to prevent the spread of HIV, came to China in 1992, shortly after a large number of Chinese drug users tested positive for the virus.⁴⁷ Since then, a growing number of international organizations, such as the Red Cross – Australia, have been working in China towards the prevention and education of HIV/AIDS. Other organizations and many private foundations,⁴⁸ like Save the Children UK, the Ford Foundation and the Asia Foundation, have added HIV/AIDS related programs to their existing missions.⁴⁹ By 2004, over 50 international NGOs and private foundations were working toward the prevention of HIV spread.⁵⁰

Though the number of INGOs is limited by ambiguous regulations, these organizations are often recognized as experts in the field of HIV prevention and thus are able to provide substantial financial and technical support to increase public awareness to Chinese health institutions, schools and other related institutions.⁵¹ International organizations working in this area share three common characteristics:

- Arrive in China on separate missions.
- Recruit local Chinese nationals for their organizations; and
- HIV/AIDS related work is a subsection of the main work of the organization.^{52,53}

To date there is no international organization in China that works exclusively with HIV prevention. However, international actors that work toward the prevention of HIV are indispensable and have led to a greater support for NGOs and civil society in China, promoting a greater presence of Chinese grassroots organizations and voluntary social groups, as outlined below.⁵⁴

⁴⁷ (Wu)

⁴⁸ Since 2004, foundations have been governed by the 2004 Regulation on the Registration of Foundations; prior to 2004, they were also governed by the 1998 Regulations. The 2004 Regulations are basically the same but have more specific funding regulations, see (Li, He, and Liu)

⁴⁹ (Wu)

⁵⁰ (Wu)

⁵¹ (Wu)

⁵² (Wu)

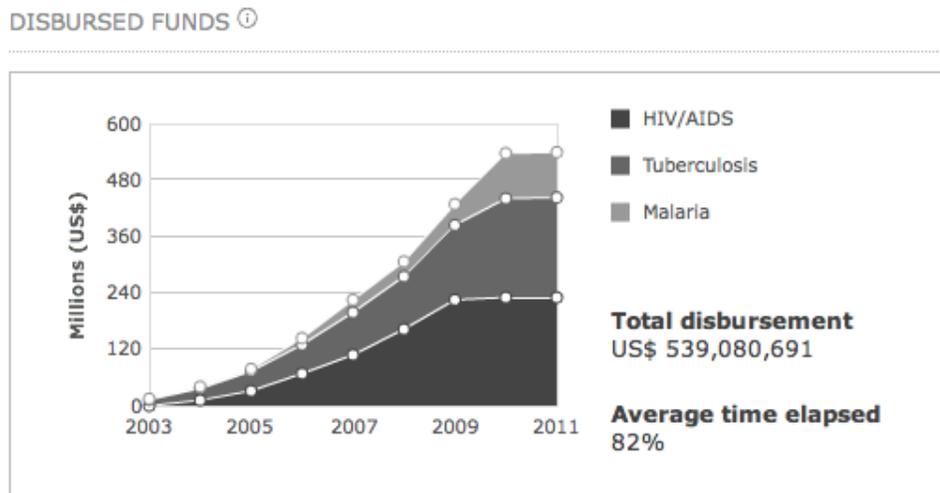
⁵³ (Zheng)

⁵⁴ (Wu)

5.2 International Funding

The Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) is a global public/private partnership fund and the world's largest provider of funds to Chinese NGOs for AIDS related causes.⁵⁵ In April 2011 GFATM provided \$369,023,226 for HIV/AIDS funding to the Center for Disease Control and Prevention (CDC) in China⁵⁶. This number has increased from the previous roughly \$240,000,000 in 2009 and 2010 (see Figure 2). GFATM estimates that there are 700,000 people currently living with AIDS in China.⁵⁷ However, the number of people currently living with AIDS is difficult to measure⁵⁸ as there is a large floating population of migrant workers the size of the US's labor market.⁵⁹ GFATM recognizes the increased severity of AIDS among migrant workers and impoverished peoples in China and has provided grants to the CDC since 2003.⁶⁰ This funding has facilitated the rapid expansion of programs, such as the China CARES (China Comprehensive AIDS Response)⁶¹ program discussed below.

Figure 2 – GFATM Disbursed Funds 2003 to 2011



According to Tony Zheng, social activist and founder of the Shanghai Leyi organization, funds from the GFATM are dispersed directly to the CDC. The CDC then determines how to allocate the funds amongst organizations. This distribution system has led to inefficiency, as funds intended for HIV/AIDS work are not allocated effectively. As a result, funding inconsistencies are the main concern for Chinese grassroots organizations.⁶²

⁵⁵ (Zheng)

⁵⁶ (“The Global Fund to Fight AIDS, Tuberculosis and Malaria”)

⁵⁷ (“The Global Fund to Fight AIDS, Tuberculosis and Malaria”)

⁵⁸ (Zheng)

⁵⁹ Jersey liang ppt

⁶⁰ (“The Global Fund to Fight AIDS, Tuberculosis and Malaria”)

⁶¹ (“The Global Fund to Fight AIDS, Tuberculosis and Malaria”)

⁶² (Zheng)

5.3 Chinese Organizations

There are a number of national Chinese grassroots organizations and voluntary social groups that work with people living with HIV through the various stages of infection.⁶³ These organizations include People Living With HIV/AIDS (PLWHA), NGOs, GONGOs, Chinese government departments (CDC) and projects and organizations in the private sector.⁶⁴ Despite the presence of international and local organizations, in practice, the Chinese government remains the main policy, funding and program source for the prevention of HIV/AIDS.⁶⁵ This role played by the government presents a severe obstacle for NGOs dedicated to educating the masses on sensitive issues such as drug abuse and safe sex.⁶⁶

The China-AIDS Network⁶⁷ is an example of such a GONGO. The organization focuses on AIDS research and is deeply connected with the All-China Women's Federation (ACWF).⁶⁸ ACWF was founded in 1949 and dedicated to mobilizing women to contribute to the Chinese Communist Party (CCP).⁶⁹ Since then, the ACWF has evolved into a complex relationship with the CCP and reflects the CCP's official stance on issues such as AIDS.⁷⁰ As a result, organizations such as the China-AIDS Network are ineffective, because the funding they receive from the Chinese government is restricted to support initiatives aligned with the views of the Chinese government.

As mentioned above, China CARES was launched in 2003 and is a community-based HIV treatment, care and prevention program.⁷¹ Like many HIV treatment-related programs, China CARES reports directly to their primary funder, the CDC.⁷² Despite extensive funding from the GFATM, it is difficult to find information on the China CARES program, even though many sources, such as the GFATM website and *china.hivaidsinfo.net* advertise the China CARES program. The absence of online information on HIV and AIDS-specific NGOs is an indicator of organizations' failure to address HIV/AIDS on the ground in China. Many of the links on the official Chinese CDC website are out of order, and it is difficult to obtain accurate and up-to-date information on the CDC's work in preventing the spread of HIV/AIDS.⁷³

While the impact of the China-AIDS Network and China CARES program is difficult to assess on a national scale, the smaller local NGOs, which are rooted in the community, achieve greater results. An example is the Chengdu Gay Community Care Organization (CGCCO). The CGCCO

⁶³ ("China AIDS Info")

⁶⁴ ("China AIDS Info")

⁶⁵ ("China and AIDS--the time to act is now")

⁶⁶ (Xu, Zeng, & Anderson)

⁶⁷ (Perry) p.94

⁶⁸ ("China Aids Network")

⁶⁹ (Perry) p.93

⁷⁰ (Perry) p.94

⁷¹ ("China- Country Profile")

⁷² ("China- Country Profile")

⁷³ ("Chinese Center for Disease control and Prevention")

contributes to policy advocacy not just in the realm of HIV/AIDS education, but also actively engages taboo topics such as homosexuality. CGCCO was founded in 2002 and is run by gay men in the capital of the Sichuan province, Chengdu.⁷⁴ The NGO's mission is to mobilize gay men to fight AIDS in the gay community, as well as to improve the gay community's social image and status in China.⁷⁵ CGCCO trains government officials about the health needs in the gay community and educates men on safe sex practices, by handing out pamphlets and condoms at bars and night clubs.⁷⁶ Though CGCCO is a small organization with only 10 staff members, its impact has been significant as evidenced when the organization was invited to participate in the Sichuan provincial government seminar to develop the "Sichuan 2006-2010 AIDS Prevention and Treatment Plan".⁷⁷ This policy advocacy work shows an active step in the right direction, as the CGCCO was able to bring the concerns of the gay community to the forefront of policy action in Sichuan.

Despite the fact that there are relatively few NGOs dedicated specifically to HIV/AIDS prevention and education and despite the strict regulatory environment imposed on NGOs by the Chinese government, one organization has experienced great success in this area. The Shanghai Leyi organization is discussed in the next section.

5.4 Shanghai Leyi – a Case Study

The following information was taken directly from an interview with Tony Zheng, one of the founders of Shanghai Leyi, at the University of Michigan in April 2011.⁷⁸

Shanghai Leyi is an NGO based in Shanghai. The organization has had similar success to the CGCCO, in terms of their services in the community. Shanghai Leyi's mission is to provide HIV/AIDS education and legal services to female and male sex workers in Shanghai. Sex workers are a severely underserved population in the fight against HIV/AIDS in China. Their presence has been virtually ignored and condemned by the government as their services are illegal and culturally taboo.

Shanghai Leyi was founded in 2004 by Tony Zheng to provide HIV/AIDS education and condom distribution to male sex workers. Zheng, who describes himself as a gay activist, wanted to help fight AIDS among the most marginalized populations. In 2005, the organization broadened its mission to two new areas. The first was to provide quality health services for male sex workers. Shanghai Leyi worked with the CDC to prevent discrimination in the medical community against sex workers and to assist them in accessing more affordable healthcare. The

⁷⁴ (Turner, Kim, & Hildebrandt) p.34

⁷⁵ (Turner, Kim, & Hildebrandt) p.34

⁷⁶ (Turner, Kim, & Hildebrandt) p.34

⁷⁷ (Turner, Kim, & Hildebrandt) p.34

⁷⁸ The information in the following paragraphs on Shanghai Leyi is drawn from a lecture by Tony Zheng, the founder of Shanghai Leyi session held at the School of Social Work at The University of Michigan, Ann Arbor, MI on April 8th, 2011. See Bibliography for more information.

second was to provide legal services to male sex workers, who had no understanding of a legal framework. Providing legal services to persons in an illegal field of work has many obstacles and Shanghai Leyi seeks to smooth them. “We just want to create a better environment for sex workers,” says Zheng. “They’re still people, they have rights.”⁷⁹ In 2006, Shanghai Leyi extended its services to female sex workers.

Policy change and organizational network building began in 2008 when Shanghai Leyi collaborated with UNAIDS, a joint United Nations program on HIV/AIDS.⁸⁰ At present, Shanghai Leyi is working to gain the government’s attention through advocacy work, now representing the majority of its work.

Legally, Shanghai Leyi is not registered as an NGO, but sees itself as such. According to Zheng, obtaining NGO status is very difficult for an organization like his, due to the organization’s morally and ethically questionable mission. At present, Shanghai Leyi is registered as a private company, but decisions are carried out by a board of volunteers to emulate a western NGO. Shanghai Leyi has four permanent staff members and many volunteers, who distribute condoms and pamphlets in areas with high concentrations of sex workers. Shanghai Leyi receives the majority of its funding from Oxford Hongkong, GFATM, the Gates foundation, the Shanghai CDC and Georgetown University.

Tony Zheng attributes his organization’s success to the personal relationships it fosters with the sex workers in Shanghai. The Shanghai CDC has attempted to create the same kind of relationships and serve this same population, but has failed because it is not rooted in the community. Local NGOs have the ability to develop relationships in the communities far better than any public organization. Despite its great successes, Shanghai Leyi’s greatest challenge is not being registered as a legal NGO and consequently receiving irregular and unreliable funding.

The success Shanghai Leyi has made in HIV education and awareness, mainly among the sex worker population, has resulted almost entirely from Shanghai Leyi’s disassociation with the Chinese government. The government has not prioritized the sex worker industry, and the government regulations make it difficult for Shanghai Leyi to formally establish itself as an NGO. Because of its lack of formal registration, Shanghai Leyi has a difficult time accessing international institutional funding provided to the Chinese government for distribution. However, in most instances concerning HIV/AIDS, the government still believes it can be the primary service provider. Shanghai Leyi shows that, for an organization to be successful, it must work in affected communities and establish relationships with its beneficiaries. The Chinese government is not able to provide this level of service on its own.

⁷⁹ (Kanthor)

⁸⁰ (“UNAIDS”)

5.5 Conclusion

The close examination of the realities on the ground for international organizations (INGOs), Chinese organizations (NGOs & GONGOs), and Shanghai Leyi provides an excellent view of the opportunities and challenges facing the NGO sector in addressing HIV/AIDS. While funding is fairly abundant, it is still not directed and utilized in an efficient manner. The most successful NGOs working in the HIV/AIDS sector are doing so outside of the regulatory framework. Unfortunately, with these limitations, many sufferers are not served.

6. Analysis

China's development has been anything but predictable. The unique way the country has embraced aspects of capitalism while maintaining communist leadership has shaped nearly all aspects of development. The public health challenge created by the HIV/AIDS epidemic is no exception. As researchers, historians and experts attempt to compare China's development with other countries, it becomes more evident that China's development is an anomaly. In this section, we will analyze the historic and current situation to make recommendations for China's future HIV/AIDS NGO sector.

6.1 Public Health and the Government

All countries face public health challenges. In addition to the moral responsibility governments have to finance and provide public health services, there is an economic incentive to address concerns of public health. As early as 1928, social scientists have examined the correlation between community disease and sickness and economics. Communities with higher levels of disease and sickness are more poverty-stricken than other communities.⁸¹ Both the social and economic impacts of HIV/AIDS should motivate governments to take action to minimize the prevalence and impact of the epidemic.

6.2 Public Health and the NGO Sector

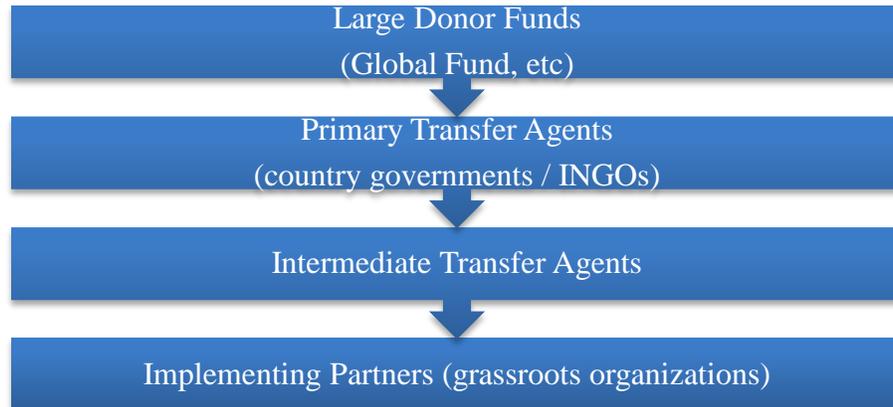
In developing countries that do not have sufficient government resources to allocate to public health, NGOs often step in to provide these services. For instance, in Sub-Saharan Africa, a region often referenced when discussing traditional development, NGOs, both foreign and domestic, provide up to 40-60% of all health care.⁸² HIV and AIDS services and programming are even more heavily subsidized by NGOs. This high level of NGO influence is attributable to the fact that the majority of funding for HIV and AIDS comes from either multilateral donors through international institutions or as bilateral donations from other governments. NGOs, utilizing this funding, are the main implementers of HIV and AIDS programming. The typical funding flow is as follows:⁸³

⁸¹ (Bishop)

⁸² (Berman)

⁸³ ("Funding for the HIV and AIDS epidemic," 2011)

Figure 3 – Typical Funding Flow



If the Chinese government fails to provide sufficient public funding for HIV and AIDS, it must position itself within the international structure that exists to support this vast need. This would require China to, at a minimum, maintain an environment conducive for NGOs, both foreign and domestic, to operate. Currently, China does act as a primary transfer agent for funding, like that from GFATM, but directs the funds to implementers whose priorities match those of the CCP, excluding many organizations who serve an otherwise underserved population. As NGOs are required to navigate the difficult regulatory and legal structure required for registration, many are deterred from operating in China. Due to the lack of formal registration, others cannot apply for funding from the government or other sources.

6.3 Chinese Government and HIV/AIDS

Accurate statistics on HIV and AIDS prevalence in China are difficult to obtain, but we do know that the 1990s saw a steady increase in HIV and AIDS infection. Since HIV cases already total nearly ten million, current services do not appear to be making a positive impact on disease infection and prevalence. For China to effectively combat the HIV/AIDS epidemic, it must implement a comprehensive and multifaceted national response.⁸⁴ Such a response would reach the most geographically isolated areas and the most marginalized communities.

A comprehensive implementation would only be possible through via assistance and collaboration with both international and domestic NGOs that can act freely outside of tight government regulations. There is no indication, from other countries facing HIV and AIDS crises that the epidemic subsides if ignored by the government. Prevalence rates in Botswana, for example, grew to nearly 15% in 1998 by the time the government addressed HIV and AIDS as a serious concern. In 2009, prevalence rates hovered around 24%. The government ultimately declared the epidemic a national emergency.⁸⁵

⁸⁴ (Thompson, 2005)

⁸⁵(“UNAIDS,” 2010)

6.4 Economic Growth in China

China is an influential actor in world politics and the global economy. In recent decades, the Chinese government has prioritized economic growth, evidenced by average growth rates of nearly 10% for the last thirty years. China's economic growth has catapulted the country onto the world stage, exhibiting great impact and influence. Since October 1971, China has been a permanent member of the United Nations Security Council. In 2001, China gained accession into the World Trade Organization (WTO) and is currently a G-20 member. In 2010, China received foreign direct investment (FDI) of \$105.7 billion, larger than any other country.⁸⁶

Despite all of China's economic advancement, the country still lacks considerably when rated by development indicators, as compared to developed countries. The United Nations Development Program (UNDP) for some time has emphasized that 'development' is more encompassing than just income. In 1990, Pakistani economist Mahbub ul Haq introduced the Human Development Index (HDI). Since then, UNDP has been a proponent of using HDI as an indicator of overall development. For years, UNDP has worked towards improving usability and measurement techniques of HDI. The HDI metric provides a composite measure of three basic dimensions of human development: health, education and income.⁸⁷ Although rising, China's HDI is .663, which gives the country a rank of 89 out of 169 countries.

China has gained influence due to its unprecedented economic growth. However, to become a world leader, the Chinese government must prioritize health, education and income equality issues. Just as human rights issues have kept China from true legitimization on the international stage, failing to utilize all avenues of public health assistance, particularly for HIV/AIDS, will also shape world opinion of China. Therefore, the issue of HIV/AIDS provides both China and the international community with opportunities. Addressing HIV/AIDS provides an opportunity to strengthen China's standing as a world power. For the international community, addressing HIV/AIDS provides an opportunity to encourage China to cooperate on social issues. The easiest way for both to take advantage of these opportunities is to cooperate together through a strong NGO sector, both foreign and domestic.

6.5 The Future for China and NGOs

While it is unclear how the Chinese government will change its attitude toward NGOs, and specifically those organizations working in the HIV/AIDS sector, we can be hopeful that some positive change is in the future. There are several opportunities for change regarding NGOs in the HIV/AIDS sector.

To the Chinese government, NGOs are threatening in two main ways. First, independent NGOs take control away from the government by directly providing services to an underserved

⁸⁶ (Chinmei, Zheng & Li, 2011)

⁸⁷ ("International Human Development Indicators", 2010)

population. The people rely less on the government, and more on NGOs. Secondly, NGOs can alter public opinion, and more importantly, international opinion, of China. If the government tightly controls NGOs, they feel less threatened. This control is evidenced by the regulations placed on the NGO sector, particularly NGO registration, in China. However, there are many ways the government can maintain control or oversight on the sector without creating so many difficulties for both NGOs and the Chinese bureaucracy. For instance, allowing NGOs to operate, but requiring accountability to their main missions is an alternative approach. In developing countries with lax regulations, as the number of NGOs operating increases, governments do lose control of the process. Once allowed entry, it is difficult to regulate NGOs and hold them accountable.

China has the potential to be a leader in NGO accountability. Rather than expending government resources on the convoluted bureaucratic environment now in place, the Chinese government might set up accountability structures for NGOs. These would require NGOs to disclose all of their funders, objectives, activities and results. The government would act as a liaison between NGOs, organizing and leading sector cluster groups. This would enable the government to identify the stakeholders, the work carried out, and the provinces in most need. China has the governmental resources and capacity to do this and could be a world leader in NGO accountability structures.

The second largest opportunity is found within the international community. China has shown favoritism towards and given allowances to NGOs working in other sectors of society. For example, environmental NGOs have operated with a good deal of support and unimpeded access for a number of years. If the international community is funding HIV/AIDS prevention and treatment, funders should have the ability to stipulate how the funding is used and identify the stakeholders involved. Donors could require that a certain percentage of fund recipients be for HIV/AIDS NGOs. International pressure could play a large role in China's relations with NGOs in the future.

7. Conclusion

HIV/AIDS is a problem concentrated within the most at-risk socioeconomic groups in China, and has not yet affected the mass population. However, in all societies, the disease is hard to confine, and without appropriate prevention measures, it may spread rapidly amongst the Chinese population. While the Chinese government has taken steps to address the issue of HIV/AIDS, it still must acknowledge prevention as a priority.

To acknowledge this priority and to address HIV/AIDS seriously, the Chinese government must give NGOs, both local and foreign, access to funding and a solid platform which in to operate. Halting the spread of the disease now, rather than waiting until it spreads to a higher concentration of the population, will be more cost effective and prevent countless deaths in China. Presently, both formal NGOs and informal NGOs in China must continue to provide a strong standard of service and continue their efforts to serve the most affected communities. We anticipate continued HIV/AIDS work by NGOs who publicly communicate other sector specialties, using their main focuses as an entry into China. Additionally, pressure by international donors will encourage the Chinese government to properly disburse HIV/AIDS funding, which bolsters the confidence of funders and donors. The Chinese government must also implement legislation that creates a framework that allows NGOs to properly combat the epidemic.

The HIV/AIDS crisis is yet to fully develop in China, but is a pressing issue that faces not only China, but all developing nations. China has the opportunity to lead the world in combating HIV/AIDS through both their own efforts, and the support for NGOs that specialize in the education, treatment, and care for the afflicted. HIV/AIDS is controllable, and for China to continue its success in a global context, more action and support is needed to prevent the continued spread of this terrible disease.

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