MAPPING INITIATIVES TO STRENGTHEN THE LEGAL ENVIRONMENT FOR THE RESPONSE TO HIV IN CHINA

Chinese Academy of Social Science

July 2010, Beijing China
Preface to the English Edition

The original report was written in Chinese. Mr. Xian Qizhou translated the report into English. Copy editing was undertaken by Ms Naomi Burke-Shyne and Ms Suailce Burke-Shyne, with assistance from Mr. Rupert Roper-Piesse. The English translation follows the UNAIDS conventions in the use of ‘HIV’ and ‘AIDS.’

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The IDLO HIV and Health Law Program is supported by IDLO core funds and the OPEC Fund for International Development (OFID), the development finance institution of OPEC member states. OFID provides financial support for socioeconomic development, particularly in low-income countries (see http://www.ofid.org).

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The **International Development Law Organization (IDLO)** is an intergovernmental organization that promotes legal, regulatory and institutional reform to advance economic and social development in transitional and developing countries. Founded in 1983 and one of the leaders in rule of law assistance, IDLO uses its access to governments and interest groups of differing ideologies, as well as its expertise and vast stakeholder network, to create opportunity for those most in need (see [http://www.idlo.int/hivhealthlaw](http://www.idlo.int/hivhealthlaw)).

The **Joint United Nations Programme on HIV/AIDS (UNAIDS)** is an innovative joint venture of the United Nations, bringing together the efforts and resources of the UNAIDS Secretariat and 10 UN system organizations to respond to AIDS. The Secretariat headquarters is in Geneva, Switzerland, with staff on the ground in more than 80 countries. Coherent action on AIDS by the UN system is coordinated in countries through the UN theme groups and the joint programs on AIDS. Cosponsors include UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, ILO, UNESCO, WHO and the World Bank. Visit the UNAIDS web site at [http://www.unaids.org](http://www.unaids.org) and [http://www.unaids.org.cn](http://www.unaids.org.cn).

The **Labor Law and Social Security Law Institute at Peking University** was established in April, 1997. It is the first university-based research institution in China specializing in the theory and practice of labor law and social security law as an independent area of legal scholarship. Professor Jia Junling, together with Professors Zhang Shouwen and Ye Jingyi, co-founded and direct the Institute. In addition to faculty members and graduate students as participants, the Institute also invites officials from the national government and scholars from leading universities and institutes to be advisers. The Institute is dedicated to teaching and undertaking research into labor law and social security law, and has played an active role in the drafting of relevant legislation and communications with overseas research institutes.

The **Chinese Academy of Social Science (CASS)** is made up of 31 research institutes and more than 50 research centers, which carry out research activities covering about 260 sub-disciplines of different grades, among them 131 are key ones. Now CASS has 3,767 on-the-job staff members in all, of which 2,975 are professional workers. Among the professional workers, 1,538 persons are with senior professional titles, and 1,437 with intermediate and junior professional titles. Giving full play to its own advantages of having complete disciplines and an abundance of capable people in the fields of social sciences and the humanities, and being rich in materials, CASS has been creatively carrying on theoretical exploration and policy studies, undertaking the mission of raising the overall level of the studies in social sciences and the humanities in the course of China’s reform and opening-up and the socialist modernization drive.
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At the time of completing the project “Mapping Initiatives to Strengthen the Legal Environment for the Response to HIV in China”, the project team of the Labor Law and Social Security Law Institute at Peking University Law School would like to express their thanks to those colleagues who devoted their painstaking efforts to this project.

We would like to thank IDLO, our project partner, and particularly Mr. David Patterson, Manager of the HIV and Health Law Program. From UNAIDS China Office we are grateful for the support of Dr Nwe Nwe Aye. Ms Nana Taona Kuo and Ms Fan Yuhua of UNAIDS assisted with project coordination and development.

Moreover, much valuable guidance was given by project advisors, Professor Qiu Renzong and Professor Jia Junling. Mr. Jia Ping from Global Fund Watch (China Initiative) contributed to ensuring correct implementation of the project. In addition, Professor Li Dun, Professor Shao Fen, Mr. Lu Jun, Mr. Xu Haibo and Lawyer Zhou Dan set aside their time to undertake the project survey and consultation out of their tight schedules. We hereby express our gratitude to them at the same time.

Professor Ye Jingyi
Team Leader

“Mapping Initiatives to Strengthen the Legal Environment for the Response to HIV in China” Project
Professor and Deputy Director of Labor Law and Social Security Law Institute at Peking University Law School
July 2010, Peking University Law School
<table>
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<tr>
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<th>Description</th>
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<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<tr>
<td>ACFTU</td>
<td>All-China Federation of Trade Unions</td>
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<tr>
<td>APCASO</td>
<td>Asia Pacific Council of AIDS Service Organizations</td>
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<tr>
<td>CPPCC</td>
<td>Chinese People’s Political Consultative Conference</td>
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<td>CPU</td>
<td>China People’s University</td>
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<td>DFID</td>
<td>Department for International Development (UK)</td>
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<td>GFATM</td>
<td>Global Fund for AIDS, Tuberculosis and Malaria</td>
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<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<tr>
<td>HPI/GMR-C</td>
<td>Health Policy Initiative Greater Mekong Region and China</td>
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<td>ICASO</td>
<td>International Council of AIDS Service Organizations</td>
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<td>IDLO</td>
<td>International Development Law Organization</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>LSSL Institute</td>
<td>Labor Law and Social Security Law Institute at Peking University Law School</td>
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<tr>
<td>MSI</td>
<td>Marie Stopes International</td>
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<tr>
<td>MSM</td>
<td>Men who have sex with men</td>
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<tr>
<td>NPC</td>
<td>National People’s Congress</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>OFID</td>
<td>OPEC Fund for International Development</td>
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<tr>
<td>PEPFAR.</td>
<td>President’s Emergency Plan for AIDS Relief</td>
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<td>PLHIV</td>
<td>People Living with HIV</td>
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<td>UNAIDS</td>
<td>Joint United Nations Programme on HIV/AIDS</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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Introduction

In October 2009, the Labor Law and Social Security Law Institute at Peking University Law School (LSSL Institute) signed an agreement with IDLO to launch a project entitled “Mapping Initiatives to Strengthen the Legal Environment for the Response to HIV in China” (Mapping Project). The LSSL Institute formed a project team to conduct in-depth surveys to develop a picture of international organizations, national agencies, non-governmental organizations and principal actors carrying out legal research, legislative advocacy and litigation, and rights-based initiatives related to HIV in China. The aim of the Mapping Project was to provide a comprehensive reference base for donors, observers and actors; this reference list can be utilized to enhance cooperation and coordination between actors.

I. Project Process

The project was undertaken in three stages between October 2009 and July 2010.

Phase One (October 2009—January 2010)

Establishment of the Project Team — In October 2009, the LSSL Institute established a project team responsible for implementation of the Mapping Project. Team leader Professor Ye Jingyi was appointed to manage the project, with the support and assistance of Mr. Yan Tian. The project team invited Professor Qiu Renzong and Professor Jia Junling to be project advisors. Mr. Dai Guili, Ms Gao Xiaoji, Mr. Liang Xiaoguang, Mr Shang Bo and Mr. Song Zhiqing, LLM student candidates of Peking University Law School, and Ms Chen Ruting from Tsinghua University Law School undertook the research.

The project team initiated and maintained regular contact with Ms Nana Taona Kuo, social mobilization advisor of China UNAIDS office and Mr. Jia Ping, Chief Executive Director and Founder of Global Fund Watch (China Initiative).

Wide Range Survey — The project team referred to the research of Hong Kong-based Asia Catalyst, and Tsinghua University Non-Governmental Organization Research Centre, and set up a directory of more than 400 non-governmental organizations (NGOs) engaged in HIV-related activities and programs. The project team attempted to contact all NGOs in the directory however, due to outdated contact information and limited organizational capacity on the part of many NGOs, the team was only able to contact approximately 50 NGOs. Many of these 50 NGOs face considerable resource constraints and, accordingly, have limited capacity to take on legal activities.

Phase Two (February—June 2010)

Revision of Survey Strategy—In January 2010, the project team met with Professor Qiu Renzong and Mr. Jia Ping to assess the initial survey data. Together they reviewed and categorized NGOs engaged in HIV-related activities and programs with a view to gaining a
stronger understanding of the initial survey data and strengthening project activities and outcomes.

Under Phase 2, the project team characterized and grouped NGOs into four categories:

- Category 1 encompasses international organizations and quasi-governmental organizations with adequate resources and capacity to run operations. Organizations in this category often act as both donors and implementers.
- Category 2 covers relatively well organized domestic NGOs in receipt of either or both international and domestic funding and support. These organizations are capable of taking on initiatives, promoting cooperation between organizations, and (to a limited extent) providing grants. These organizations are influential within China.
- Category 3 refers to regional NGOs that maintain regular activities and operate according to a set organizational structure. These organizations rely heavily upon external resources, a fact which impacts considerably upon their continuity and stability.
- Category 4 encompasses grassroots organizations with limited resources and weak organizational structure.

Based on this categorization and the data gathered, the project team decided to change the survey strategy from a wide-range survey to a more focused survey strategy. The project team determined they would further review Category 1 organizations then focus the remainder of survey activities on Category 2 and 3 organizations. The project team decided not to conduct further research into the work of Category 4 organizations. The revised, focused survey approach enabled the project team to work effectively and efficiently while maintaining a thorough coverage of relevant organizations and initiatives.

Focused Survey — In early 2010, the project team consulted with UNAIDS officers to further strengthen its understanding of organizations engaged in HIV-related activities and programs in China. Project team members also:
- visited the Yunnan University Legal Aid Centre, led by Professor Shao Fen;
- met with Mr. Xu Haibo from the Dongzhen Centre for Human Rights Education and Action (China Orchid AIDS Project); and
- consulted with Professor Li Dun, Mr. Lu Jun, and Mr. Zhou Dan (a lawyer from the Shanghai Shaogang Law Firm.)

These consultations enabled the project team to clarify the objectives of the focused survey and collect further relevant materials and information. Based on the outcomes of the focused survey, the project team commenced drafting the Mapping Project Report.

Project awareness raising — Throughout all phases of the project the team leader, Professor Ye, made use of opportunities to raise awareness of the Mapping Project.

In May 2010, Professor Ye was invited to attend a forum on “HIV-related Discrimination and
Law” co-hosted by the US Agency for International Development (USAID) and Yunnan University Legal Aid Centre. Professor Ye introduced the Mapping Project to forum participants and presented on HIV-related laws in China.

In July 2010, together with the project team, Professor Ye participated in a workshop jointly convened by the Marie Stopes International (MSI) China Office and UNAIDS. Professor Ye also used this opportunity to brief participants on her work under the Mapping Project.

On 6 July 2010, Mr. Yan Tian attended the first “Chinese Red Ribbon Forum.” As a member of a panel on law, Mr. Yan introduced the Mapping Project and called for NGOs to provide assistance.

**Phase Three (July 2010)**

*Development of the Project Report*— Based on the outcomes of the focused survey, the project team designed a four-part framework for the Mapping Project Report:

- Part 1 of the Report details the contributions and work of leading lawyers and actors engaged in HIV-related initiatives. The focused point survey identified 12 actors.
- Part 2 of the Report covers the work of four international organizations carrying out large-scale projects in cooperation with the Central Government of China.
- Part 3 of the Report details activities and programs initiated by United Nations and other intergovernmental organizations engaged in HIV focused work; UNDP, UNAIDS, ILO and United Nations Office on Drugs and Crime (UNODC)) and IDLO.
- Part 4 of the Report covers other international organizations in China engaged in HIV and rights based work.

This Mapping Project Report details information from a total of 23 research focal points across these four parts. Based on the sector-wide involvement of UNAIDS (and thus, its involvement in many activities related to HIV law), it was excluded from the scope of this Report.

*Report Drafting and Translation*— On behalf of the project team, Mr Yan Tian collated the survey results, drafted and finalized the Report on the Mapping Project. Mr Yan also translated the report into English.

**II. Project Outcomes and Achievements**

1. This Mapping Project Report presents a clear and relatively comprehensive picture of organizations and individuals engaged in HIV-related legal activities in China. It follows that this report provides an important reference point for national and international actors and donors operating in the HIV sector in China.

2. The Mapping Project has established connections with organizations and individuals engaged in HIV-related legal activities in China. This network of connections will form the foundation for a coordinated mechanism amongst organizations and individuals engaged in HIV-related legal activities in the future.
3. The Mapping Project has researched, identified and summarized the work of key actors engaged in HIV-related legal activities in China. The project research reveals the following key themes and findings:

Few organizations have the capacity to engage in HIV-related legal activities. Organizations that do engage in HIV-related legal activities tend to be heavily reliant upon individual actors.

A number of organizations operating in this sector take a fragmented approach to HIV-related legal activities and have weak organizational structure; two factors which significantly hamper the sustainability and impact of the work of these organizations.

Larger, widely known organizations were relatively easy to contact and tended to have the capacity and resources to carry out their work.

Conversely, it was difficult to discover and locate small organizations engaged in HIV-related legal work. These small organizations experience severe shortages of resources and would benefit from support. However, in a vicious circle, such organizations cannot be found because their limited resources restrict both their work and their ability to network or publicize their work.

III. Next Steps

IDLO will post the Report in English and Chinese on its website www.idlo.int

IDLO will transfer the data in English to the IDLO ‘Rule of Law Assistance Database’ available online at www.idlo.int

The Report will be posted on the website of the China Social Law Society (‘China Social Law Web’).

(Suggested) Conduct further research to identify emerging themes, opportunities and challenges in HIV-related legal initiatives in China.
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| **Activities** | Training  
Technical Assistance—Revision of Law  
Publications  
Public Education Campaigns  
Public Interest Litigation  
Rights Protection  
Conferences |

Professor Jin Wei is the Deputy Director of the Teaching and Research Office of the Social Development Theory Institute, under the School of the Central Committee of the Chinese Communist Party (Central Party School). She is also a supervisor of PhD candidates.

Professor Jin graduated from the Department of History at Beijing Normal University in 1982 and obtained her LLM degree (majoring in ethnology) from the School of Postgraduate Studies at the Chinese Academy of Social Sciences in 1985. Professor Jin went on to pursue her doctorate at the Peking University Department of Sociology, ultimately completing her PhD in 2008. Professor Jin Wei is a pioneer in the area of HIV and a leader in HIV-focused training activities.

I. Training of government officials

Professor Jin has managed the training program for HIV prevention policy at the Central Party School since 2001. Each semester, the Central Party School invites public health experts, sociologists and researchers working at the forefront of the HIV response to present on HIV prevention and treatment approaches and policy.

The Central Party School has also invited researchers on HIV-related law and policy to attend training seminars and discuss challenges and issues hindering policy making. The Central Party School training program is directed at government officials from departmental or prefectural level. As at October 2006, more than 2000 government officials from 31 provinces had attended training at the Central Party School.

Since 2004, similar training programs have been developed and implemented at a local level
in party schools across China. Supported by the Ford Foundation, Professor Jin Wei and her colleagues at the Teaching and Research Office established a project team to manage the training programs in local party schools across China. By late 2007, the Central Party School training program had been implemented in 24 party schools at the provincial level in China and more than 10 schools had incorporated “HIV Prevention and Social Policy” into their regular curriculum.

II. Publications

Building upon Central Party School training workshops (between 2001 and 2003), Professor Jin Wei edited a book entitled *Reading Book for Cadres in HIV Prevention and Treatment Policy* (published 2003, Central Party School Press). The *Reading Book* was the first book in China on HIV-related issues, to be compiled with the corroboration of experts from the fields of medicine and social science. In January 2006, the *Reading Book (Revised Edition)* was officially published. This edition included additional chapters with information on children living with HIV, contributed by the China National Committee for the Wellbeing of the Youth Development Centre and UNICEF.

Professor Jin had further success editing the book *HIV in China: Strategy and Policy*, which was published in the USA in November 2004 and added to the collection at the Library of Congress of the USA. This was the first publication to share China’s HIV experiences with the international community. The book was co-edited by the Social Development Institute of the Central Party School and the AiXin Foundation in the United States. In the U.S., the International Publishing House published *HIV in China: Strategy and Policy*, with funding from the AiXin Foundation. Of the 5,000 copies printed, most were donated to Chinese universities and public libraries. The book has also been used as a reference for the Central Party School training program for senior administrative officials at provincial and ministerial level in China.

Professor Jin has also published numerous articles discussing HIV policy initiatives. Examples of her work include:

- *Implementation of Policy Advocacy for HIV Prevention in the Central Party School* (Study Times, No. 10, 2006);
- *Strengthening the Capacity of Party Schools to Teach HIV Prevention and Social Policy* (Study Times, No. 12, 2007);
- *Survey on the Leading Cadres’ Awareness of HIV Prevention and Treatment* (Academic Bimestris, No. 5, 2003) – notably this was Professor Jin’s first study conducted in conjunction with the Central Party School;
- *Analysis of Survey Results on HIV-Related Discrimination in Leading Cadres* (Chinese Journal of STD and HIV, No. 2, 2005) (which built upon the 2005 Survey);
- *Leading Cadres’ Views on HIV Issues — Knowledge and Decision-Making Behavior* (Journal of Guangxi University for Nationalities, No. 2, 2005) (this article also built upon the 2005 Survey).
On 10 October 2006, the Central Party School Initiative for HIV Prevention facilitated an Experience Sharing Workshop on Advocacy. Professor Jin released a survey report entitled *Time for Action—Party Schools’ Policy Initiative in HIV Prevention*. This survey report showed that many government officials had a poor understanding of HIV.

Professor Jin collaborated with the Social Development Institute of the Central Party School to research discrimination against people living with HIV (PLHIV). Together they released the *Survey Report on the Discrimination against People Living with HIV in China* in 2009.

### III. Legislation advocacy

On 20 July 2005, the China National Committee for the Wellbeing of the Youth and UNICEF co-hosted a high-level workshop on children living with HIV, in the Great Hall of the People, in Beijing. Themes of the workshop included a reflection on the current situation, advocacy and proposals, and policy development and analysis. At the workshop, Professor Jin emphasized the role of legislation in supporting appropriate, responsive HIV-related policy.

### IV. Test Case Litigation

Professor Jin took a lead role in initiating the first lawsuit on rights protection for people living with HIV (PLHIV) upon promulgation of *The Regulation on HIV Prevention and Treatment* on 1 March 2006.

Professor Jin also acted on behalf of a child who had lost her parents to AIDS. Prior to this action, Professor Jin had been instrumental in supporting the child to relocate to escape stigma and discrimination. The case arose as a result of a photograph and article in the *China Times* on 2 December 2005 which revealed the child’s identity and HIV status. Professor Jin, together with lawyer Yang Shaogang from the Shaogang Law Firm in Shanghai, represented the child in commencing an action against the *China Times*. A claim was lodged with Chaoyang District Court of Beijing on the grounds that the *China Times* had infringed upon the child’s privacy and caused damage to her reputation. The child sought an injunction against the *China Times* to prevent further publication of the photograph, requested that the *China Times* be ordered to apologize, and claimed for damages caused to her reputation. The child succeeded in her claim: the Court ordered the *China Times* to publish an apology (the contents of which had been approved by the Court) on the front page of the newspaper. The Court further ruled that, in the event that the *China Times* failed to publish the apology, the judgment against the *China Times* would be made public. The *China Times* was also ordered to compensate the child for damage caused to her reputation in the amount of RMB 20,000 within 15 days of judgment. After the case, Professor Jin stated that the main purpose of the case was to raise awareness in relation to the introduction of *The Regulation on HIV Prevention and Treatment* in China.
V. International cooperation

In 2002, Professor Jin managed the Central Party School *Training Seminars on HIV Prevention Policies*; funded by the China-UK HIV/AIDS Prevention and Care Project Office. This project marked the beginning of Professor Jin’s internationally funded project work.

In 2003, the Ford Foundation funded Professor Jin to facilitate a training program on *HIV Prevention and Treatment Policies* for intermediate and senior officials. In the same year, the Office of the State Council Working Committee to Combat HIV provided funding to support another project: *Survey on the Awareness of Intermediate and Senior Officials on HIV Prevention and Treatment*. In addition, UNAIDS, UNICEF, the Foreign Loan Office of the Ministry of Health and the AiXin Foundation in the United States funded policy advocacy activities on HIV prevention and treatment within the party school system.

Since 2005, the Hong Kong AIDS Foundation has provided funding to raise public awareness of HIV and to further the policy initiatives of the Central Party School. On 27 June 2009, the Social Development Institute of the Central Party School committed to an ongoing cooperation arrangement with the Hong Kong AIDS Foundation. This arrangement was the Central Party School’s first collaboration with an organization outside mainland China. The Central Party School and Hong Kong AIDS Foundation received funding (RMB 100,000) to improve training on public health policy. In 2009, this training was given to a total of 600 officials from 3 provinces and 30 teaching staff from the Party School system.

In June 2005, Dr Peter Piot, former Under Secretary-General of the United Nations and UNAIDS Executive Director, awarded Professor Jin an Outstanding Contribution Award in recognition of her outstanding leadership and continuous contribution in response to HIV and AIDS issues.
2. Li Dan

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<thead>
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Promotion of Civil Society Development |
| Activities | Training  
Technical Assistance—Revision of Law  
Publications  
Public Education Campaigns  
Public Interest Litigation  
NGO/Civil Society Development  
Rights Protection  
Conferences |

Mr. Li Dan is the leader of Beijing Dongzhen Nalan Cultural Communication Co. Ltd (also known as the Cultural Communication Centre, originally registered as Children’s Psychology Research Institute). Mr. Li’s work places him as a leader amongst civil society organizations engaged in HIV prevention and HIV-related legal issues.

I. Establishment of the Korekata AIDS Law Centre

In collaboration with Dongzhen Nalan Cultural Communication Co. Ltd and Asia Catalyst; the Korekata AIDS Law Centre (website: [http://www.korekata.org/](http://www.korekata.org/)) was officially launched in January 2007. Asia Catalyst provided support to the Korekata AIDS Law Centre in capacity building, outreach and through international exchanges. The Korekata AIDS Law Centre commenced implementing projects independently in July 2009.

The Korekata AIDS Law Centre is currently led by Mr. Xu Haibo with the support of four full-time staff and approximately ten interns and volunteers. The Korekata AIDS Law Centre is funded by international donations. The Levi Strauss Foundation, the Swedish International Development Cooperation Agency (SIDA) and US-China Legal Cooperation Fund are key supporters of the Centre.
II. Publications

The Korekata AIDS Law Centre publishes the *Weiqian (Korekata) Journal*; China’s first specialized law journal on HIV. The *Weiqian (Korekata) Journal* is a quarterly publication that has been in circulation since 2008, with approximately 3,000 copies printed per issue. The Korekata AIDS Law Centre distributes the journal to NGOs, lawyers and academic institutions via mail and meetings.

The *Weiqian (Korekata) Journal* covers the work of the Korekata AIDS Law Centre, domestic and international news and events on HIV-related law, UNAIDS best practice case studies, HIV-related media, publications and films, and recommendations.

The Korekata AIDS Law Centre published the *Reading Book for Lawyers on Laws Governing HIV Prevention* to meet the demand for greater knowledge on HIV-related law. The *Reading Book* is targeted at lawyers and covers basic knowledge about HIV and AIDS, policy, laws and issues related to HIV prevention and treatment. The book also details lawsuits on blood transfusion and the use of blood products in China, and lawsuits on HIV based discrimination in education and employment settings in international jurisdictions (including India, South Africa and Canada). The book also gives links to domestic and international legal resources on HIV.

III. Legal aid

1. Legal aid phone service hotline
On 6 October 2008, the Korekata AIDS Law Centre opened a legal hotline for HIV-related legal issues (86-10-84014336) with a view to providing legal consultation and support to PLHIV. The hotline is staffed from 9am to 5pm, Monday to Friday, when calls are answered, recorded and followed up. Callers most frequently use the hotline to discuss medical care, social security, drug treatment, and HIV infection arising from blood transfusion, or to request copies of Korekata AIDS Law Centre publications.

2. Case representation
The Korekata AIDS Law Centre has handled cases dealing with a broad range of HIV-related legal issues including acting:

- in the case of a 13-year old girl in Mianchi County of Henan Province who contracted Hepatitis C and HIV as a result of a blood transfusion;
- in the case of a person living with HIV who was convicted of the crime of disrupting social order (by way of his appeals to the central government);
- in the death of Zhang XX in Daye City of Hubei Province (where HIV was contracted via blood transfusion);
- in the case of four HIV positive members from the Yan (pseudonym) family from Hubei Province; and
- in the death of Xu, a person living with HIV in Gejiu City of Yunnan Province (claimed
3. Legal training

In May 2008, the Korekata AIDS Law Centre collaborated with the Bioethics Research Centre of Huazhong University of Science and Technology to organize the first training workshop on HIV and the law in Wuhan of Hubei Province. The workshop was attended by 25 participants including lawyers and NGO workers from Beijing, Hubei and Shanghai. Keynote speakers were Mr. Anand Grover, the United Nations Special Rapporteur on the Right to Health; a representative of the Indian Bar Association; and a lawyer, Mr. Yang Shaogang, from Shanghai. The aims of the workshop were:

- to increase awareness and understanding of the relationship between HIV prevention and human rights protection;
- to improve the knowledge of laws and regulations governing HIV-related issues;
- to improve skills and build the capacity of legal service providers to deal with vulnerable populations; and
- to promote law reform and improvement of the legal system governing HIV-related issues.

The Korekata AIDS Law Centre and the Bioethics Research Centre of Huazhong University of Science and Technology collaborated again in 2007, this time with the Hubei Jintian Law Firm. The consortium facilitated a training workshop (5-7 December 2007) on HIV and HIV-related law. Forty participants attended the workshop, including lawyers, NGO workers and law students. The training covered the law governing blood transfusions and incorporated group discussion on special issues including injecting drug users, sex workers, PLHIV and people with Hepatitis B. The training also created space for sharing experiences in managing HIV-related cases, litigation skills and strategies. A prominent advocate, Mr. Mark Heywood from the South African AIDS Law Project (now titled ‘Section 27’), facilitated sessions during this workshop.

On 29-30 May 2009, the Korekata AIDS Law Centre, the Shenzhen A+A Infected Persons Mutual Aid Group and the Ark-of-Love Infected Persons Information Support Organization worked together to co-host a training workshop on the law governing HIV issues.

IV. Policy advocacy

In June 2008, Mr. Li Dan and Ms Shen Tingting from the Korekata AIDS Law Centre attended the United Nations General Assembly High-Level Meeting on HIV/AIDS in New York as representatives of civil society organizations in China.

From 14-18 November 2008, the Gakushuin Women’s College Japan, Waseda University Japan, Korekata AIDS Law Centre, Shanghai Shaogang Law Firm and the Chinese Association on STD & HIV Prevention (Law, Policy and Social Science Work Committee) jointly hosted a five day International Workshop on HIV/AIDS Issues in Tokyo, Japan. The
workshop covered HIV law and the related system governance in place in China. Training modules covered blood management and laws governing HIV and institutional development in China and Japan. Participants were given the opportunity to share their experiences and engage in discussion on how to provide better social assistance to PLHIV and vulnerable groups.

In October 2009, the Korekata AIDS Law Centre organized a conference on HIV Law and Strategy in Beijing. The conference was attended by more than 20 participants, including two HIV law experts from South Africa and lawyers engaging in HIV issues in China.

In November 2009, Mr. Xu Haibo drafted a proposal for a law to enhance medical care for HIV positive persons. The proposal provided that the law should place greater emphasis on the human side of the epidemic and focus on protecting the rights of PLHIV. The proposal further suggested that the government should repeal provisions which have a punitive effect on PLHIV; establish an insurance scheme to cover occupational exposure; and develop mechanisms to address discrimination (such as the system of complaints to the Medical Science Council). With the assistance of Asia Catalyst, the proposal was submitted to UNAIDS.
### 3. Li Dun

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| Contact Information | Contemporaary China Research Centre  
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| Scope of Work     | Law Reform  
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Promotion of Civil Society Development |
| Activities        | Training  
Technical Assistance—Revision of Law  
Publications  
Public Education Campaigns  
Public Interest Litigation  
NGO/Civil Society Development  
Rights Protection  
Conferences |

Professor Li Dun leads the Law, Policy and Social Science Work Committee of the Chinese Association on STD & HIV Prevention. Since his retirement from his tenure as a professor of the Chinese Academy of Social Sciences, Professor Li has held the role of director at the Contemporary China Research Centre at Tsinghua University and has held the position of first Director of the Institute of Sociology, School of Population and Sociology at the China People’s University. Professor Li is a well-known activist in the field of HIV and supports HIV-related legal research and advocacy in China.

I. Establishment of the Contemporary China Research Center Centre at Tsinghua University

In 1999, Professors Li Qiang, Tan Shen, Shen Yuan and Li Dun established the Contemporary China Research Centre at Tsinghua University (Research Centre). Pursuant to his role as Director of the Research Centre, Professor Li oversaw networking initiatives. The Centre is a multidisciplinary research institute that brings together more than 100 experts from the fields of humanities and social sciences, science, engineering, medical science, pedagogy, communication and management. The Centre was the key platform from which Professor Li engaged in HIV-related legal initiatives between 1999 and 2007.

Also in 1999, the Research Institute of Law and Sociology at the China People’s University (CPU Research Institute) was established. Professor Li and Professor Li Qiang were appointed co-directors.

In 2003, the China Association of STD & HIV Prevention established the Law, Policy and Social Science Work Committee, headed by Professor Li. The Research Centre supports
Committee activities. The work of the Committee includes:

- carrying out research on HIV-related law and policy;
- providing expert advice to the National and Local People’s Congresses, and the central and local governments, on formulating and revising laws relating to HIV;
- organizing training workshops or seminars on HIV-related law;
- promoting and encouraging ideological change (particularly on the part of officials, police, judges, medical personnel and journalists);
- advancing and supporting multi-disciplinary research;
- publicity and awareness raising;
- education and intervention for HIV prevention; and
- advocacy within migrant populations, juveniles and vulnerable groups.

The Committee is the only legal institution addressing HIV prevention operating at the national level in China.

II. Legislative advocacy

1. Advocate for the Regulations on HIV Prevention and Treatment

Early in 1998, Professors Li Dun, Qiu Renzong and Chen Mingxia were invited by the Ministry of Health to participate in the drafting of The Regulations on HIV Prevention and Treatment. Between 2000 and 2002 UNDP, with the support of UNAIDS, initiated activities to promote an enabling law and policy environment at central government level.

Professor Li’s book, Evaluation of the Law: HIV Prevention and Treatment, represents the first endeavor to undertake a systematic evaluation of HIV-related laws in China. The book was presented to the Ministry of Health. Following the publication of Evaluation of the Law, Professor Li worked with UNDP on the HIV Prevention: Law and Public Policies Project.

Professor Li has actively promoted democratization and public participation in HIV-related legislation throughout his career, as evidenced by his work on the Research Centre Rules for Legislative Public Hearings (Expert Draft). The Rules were showcased in two simulated legislative hearings in 2002 and 2005. Notwithstanding the fact that this activity was simulated, representatives at the director-general level of the National People’s Congress Standing Committee, the local People’s Congress, and the State Council Legislative Affairs Office, attended the hearing as witnesses. Officials from the China Centre for Disease Control and Prevention, doctors, heads of hospitals, PLHIV and representatives of vulnerable groups (including men who have sex with men, and sex workers) also attended and presented at the hearing. A virtual community was set up for the simulated hearing and students from the School of Journalism and Communication at Peking University organized a simulated newspaper (which published 7 issues). The simulated hearing demonstrated the value to the public of a legislative model with public participation.

On the basis of the hearing, Professor Li drafted and submitted the Law (Regulation) of P.R. China on HIV Prevention and Treatment (Expert Draft) to the national health authority. The
completed work became the Regulation of P.R. China on HIV Prevention in China.

2. Advocate for the formulation of Shanghai Regulation on HIV Prevention
In 2004, Professor Li led the Tsinghua University team to contribute to the drafting of the Shanghai Regulation on HIV Prevention (Expert Draft) (initiated by Professor Xia Guomei).

3. Participation in revising the Law of P. R. China on Communicable Disease Prevention
In 2003 and 2004, Professor Li Dun participated in the amendment of the Law of P. R. China on Communicable Disease Prevention. This revision was led by the State Council Legislative Affairs Office, and the Education, Science, Culture and Health Committee of the National People’s Congress Standing Committee.

III. Publications

Professor Li has produced a number of publications on HIV-related legal issues. In 2004, he published HIV in China: Legal Assessment of the Law and Factual Analysis (China Social Sciences Academic Press). The book is a product of a UNDP/UNAIDS project which reviewed and assessed the laws governing HIV issues in China.

In 2005, Professor Li received support from the Ford Foundation to publish Confronting HIV (China Social Sciences Academic Press). Confronting HIV includes the article The Role of Humanities and Social Scientists—the Chinese Experience (presented at the XVth International Conference on AIDS, in Bangkok, Thailand in 2004). The article outlines the work of Chinese scholars in promoting HIV-related legal issues in China between 1998 and 2004, and includes references to Professors Li Dun, Qiu Renzong, Xia Guomei and Jing Jun. Confronting HIV also includes three letters drafted by Professor Li to the national authorities advocating for the law reform:

- Letter to the General Office of the Ministry of Personnel and Ministry of Health: Physical Examination Standards for the Recruitment of Civil Servants applied to People Living with HIV;
- Letter to the HIV Expert Advisory Committee of the Ministry of Health and Re-education through Labor Administration and the Ministry of Justice: HIV Positive Detainees; and

## 4. Li Huiying

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| **Scope of Work** | Law Reform  
Human Rights and Constitutional Law |
| **Activities** | Technical Assistance—Revision of Law Publications |

Professor Li Huiying is the Deputy Director of Women’s Studies Centre at the Central Party School. Professor Li leads academic analyses of HIV issues focusing on gender, and is a supervisor of PhD candidates focused on gender and social policy. Professor Li presided over the *Analysis of Gender Difference in HIV Prevention and Relevant Policies from Gender Perspective* project funded by the Sino-British STD and HIV Prevention and Care Project Office. In 2003, she drafted and published *Analysis of Gender Difference in HIV Prevention and Care and Relevant Policies from Gender Perspective*.

Other scholars engaged in the gender dimension of HIV issues include:
- Professor Xia Guomei (*HIV and Gender*, China Women’s News, 22 April 2003);
5. Lu Jun

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Mr. Lu Jun leads the Beijing Yirenping Centre (Registered Name: Beijing Yirenping Information Counseling Co., Ltd; www.yirenping.org) and represents NGOs fighting HIV-related discrimination in China.

I. Legal Aid

Mr. Lu is dedicated to improving public health, conducting education and training on disease prevention, and eliminating HIV-related discrimination in China. In December 2006, Mr. Lu registered and created the Beijing Yirenping Centre. The Yirenping Centre’s work is predominantly focused on discrimination against people with Hepatitis B, however discrimination against PLHIV is also a key interest.

1. Legal consultation

In 2009, the Yirenping Centre established an anti-discrimination phone hotline (86-10-51917981) in its Beijing office, and an email address to handle issues specifically related to discrimination. The Yirenping Centre also works with the Zhengzhou Love Liver Hotlines to provide consultation and assistance to the public on law and discrimination based on HIV or Hepatitis B.

In 2009 the Yirenping Centre received 640 calls and 516 emails. Between December 2006 and December 2008, the Centre received a total of 913 phone calls, 377 emails and provided 6 face-to-face consultations.
2. Legal training
Between December 2007 and May 2008, the Yirenping Centre hosted a series of training workshops and lectures on anti-discrimination law in Beijing, Guangzhou, Hangzhou, Chengdu, Jinan, Wuhan and Changsha. These workshops referred to the newly promulgated *Labor Contract Law of P. R. China* and *Law of P. R. China on Promoting the Employment*.

In April 2009, the Yirenping Centre organized a workshop for 60 public interest litigation lawyers from across China. In June 2009 the Centre facilitated training on anti-discrimination law in Guangzhou.

3. Rights protection by law
Despite handling a large number of public interest litigation cases involving Hepatitis B based discrimination, as at the date of survey, the Centre had not represented a client in Court on a HIV-related discrimination matter. Out of Court, the Yirenping Centre mediated a dispute between PLHIV and local residents in Shangqiu of Henan Province in 2007, and assisted in the resolution of an incident involving access to medication for a detained positive person in prison in Suiping, Henan (also in 2007).

The *Handbook on Employment Discrimination and Rights Protection by Law* (edited by the Yirenping Centre) is a leading comprehensive and practical guide on discrimination related litigation. The seventh edition of the *Handbook* was released in 2010.

II. Report

From 2006 to 2008, the Yirenping Centre published the *Annual Report on Chinese Citizens’ Health Conditions and Right to Education*, in which it evaluated HIV-related legislation, law enforcement and rights protection activities. Since 2008, the Yirenping Centre has published a *Newsletter on Legal activities Against Discrimination in China* on a bimonthly basis. This publication records and reports on discrimination (including discrimination against PLHIV), highlights initiatives undertaken by NGOs and individuals to eliminate discrimination and includes references to relevant legislation, advocacy initiatives, and public interest litigation.

III. Policy advocacy

The Yirenping Centre has a strong recent history of policy and advocacy work:

- In March 2007, the Yirenping Centre called for action to address the omission of Hepatitis B and HIV-related discrimination under the non-discrimination provisions of the draft *Law of P. R. China on Promoting the Employment*. The Centre supported deputies from the National People’s Congress (NPC) and Chinese People’s Political Consultative Conference (CPPCC) to draft and submit eight proposals to fight against discrimination in the National People’s Congress meeting and CPPCC conference.
- In June 2007, the Yirenping Centre drafted a letter to the State Council Legislative Affairs Office recommending repeal of 19 regulations that commonly result in
discrimination against PLHIV and people with Hepatitis B.

- In October 2007, in collaboration with the Beijing Aizhixing Institute, the Yirenping Centre published an open letter calling for the government to repeal legislation banning foreign HIV positive people from entering China. The ban was eventually repealed in 2010.
- In November 2007, the Centre sent a letter to the Supreme Court to advocate for a clear definition of the phrase 'discriminatory act' through judicial interpretation.
- During the NPC and CPPCC conferences in March 2008, the Yirenping Centre supported NGO workers to deliver citizen’s proposals to the NPC and the CPPCC, submitted recommendations, and highlighted the issues surrounding shortages of anti-retroviral medications.
- In 2009, the Centre organized and facilitated a workshop on the *Implementation Effect of the Law of P. R. China on Promoting Employment* and wrote a letter to the Supreme Court proposing judicial interpretation of certain aspects of this law.
6. Ni Zhengmao

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| Scope of Work     | Law Reform  
Human Rights and Constitutional Law |
| Activities        | Training  
Technical Assistance—Revision of Law  
Publications  
Conferences |

Professor Ni Zhengmao is the Director of the Life Law Research Centre of Shanghai University of Politics and Law, Executive Director of the Life Law Research Association of Shanghai Law Society, and was the former Director of Life Law Research Centre, Shanghai Academy of Social Sciences. Professor Ni also supervises Masters candidates at the Shanghai University of Politics and Law. Professor Ni is a leading academic in legal circles in Shanghai engaged in HIV-related research and activities.

I. Establishment of the institution

In Shanghai, HIV law research is referred to as 'life law'—a term coined by Professor Ni.

Over the past decade, Professor Ni has championed the planning for and establishment of four life law research institutions.

- The Life Law Research Centre of the Shanghai Academy of Social Sciences (originally called the Life Law Science Research Centre) was established in June 1997 and was the first specialized academic institution in China to focus on life law research. Professor Ni was the founding director of the Life Law Research Centre. Professor Liu Changqiu is currently the executive director of the Centre (Blog: http://www.sciencenet.cn/u/shangujushi/; E-mail: shengmingfaxue@126.com).
- The Life Law Research Centre of the Shanghai University of Politics and Law (the former HIV Law Research Centre of Shanghai University Law School) was established on 25 March 2004. This Centre was the first specialized academic organization to conduct research on HIV-related legal issues. Mr. Yang Shaogang was appointed as the Director of the Centre and 13 professors (including Professor Tan Dazheng from East China University of Politics and Law) were engaged as principal researchers. In 2006, the HIV Law Research Centre joined the University and became the Life Law Research Centre (under the Research Institute of Justice). Professor Ni Zhengmao is
The Life Law Research Association of Shanghai Law Society was established on 10 June 2005, with Professor Ni Zhengmao as Executive Director. The aim of the Life Law Research Association is to provide a platform for dialogue and collaboration amongst life law researchers in Shanghai.

In November 2007, the Shanghai Academy of Social Sciences, the Shanghai University of Politics and Law, and the Shanghai Jianqiao College commenced plans to establish the China Life Law Research Association. This initiative enjoyed widespread support from scholars at the East China University of Politics and Law, Central China University of Technology, and Yangzhou University. Professor Ni Zhengmao and Professor Liu Changqiu took on the roles of Director and Deputy Director, overseeing a steering group for the proposed Association.

II. Legislative advocacy

Between 2004 and 2005, the Life Law Research Centre of Shanghai University of Politics and Law, the Shanghai Academy of Social Sciences, and the Life Law Research Association of Shanghai Law Society; participated in drafting the *Shanghai Regulation on HIV Prevention and Treatment (Expert Draft)* and related activities initiated by the Research Centre of HIV Social Policy of Shanghai Academy of Social Sciences. One activity involved the three institutions co-hosting a training workshop HIV and Human Rights Law from 5-7 November 2004. Professors from the Shanghai Academy of Social Sciences, the Central Party School and Tsinghua University were invited to give presentations at the workshop. Participant discussion focused on three issues:

- the law currently governing HIV-related issues in China;
- the law governing HIV-related issues and social policies; and
- the role of the government and HIV prevention.

On 16 December 2004, the Shanghai Academy of Social Sciences convened the *International Forum on HIV Legislation*. The Forum was attended by international experts from the United States, Canada and Australia. Chinese experts led discussion on:

- the role of government and NGOs in HIV prevention;
- HIV-related crimes and judicial control;
- the principles of HIV prevention; and
- social security mechanisms for HIV prevention.

In June 2005, the Shanghai Life Law Research Association held a training workshop on HIV-related legislation. This workshop marked the official beginning of the Research Association’s academic activities. In addition, the Shanghai Life Law Research Association worked with the Shanghai Academy of Social Sciences to organize a symposium on *The Shanghai Regulation on HIV Prevention* and discussed production of the *Regulation* in February 2006.
III. Other activities

The Shanghai University of Politics and Law focuses primarily on the practice of life law, while the Shanghai Academy of Social Sciences focuses on the theoretical research.

In mid-2004, on behalf of the Beijing Aizhixing Institute of Health Education, the Life Law Research Centre of Shanghai University of Politics and Law (then the HIV Law Research Centre of Shanghai University Law School) carried out a research investigation on HIV-related legal issues. The Life Law Research Centre of Shanghai University of Politics and Law also sent staff to the XV International AIDS Conference in Bangkok, Thailand and participated in the HIV Volunteers Summer Camp.
## 7. Shao Fen

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<td><strong>Contact Information</strong></td>
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<td><strong>Scope of Work</strong></td>
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Professor Shao Fen is a professor at Yunnan University Law School and the director of the Yunnan University Legal Aid Work Station and Legal Aid Centers. Professor Shao is an advocate and leader amongst academics engaged HIV-related legal aid services, and also supervises Masters candidates.

### I. Yunnan University Legal Aid Work Station

Yunnan University Legal Aid Work Station (Legal Aid Station) was set up in 2004 with the approval of the Yunnan Provincial Department of Justice. Commissioned by the Department of Justice, it is a civic organization managed by the Law School of Yunnan University.

The Legal Aid Station is managed by Professor Shao and relies on the commitment of Yunnan University Law School staff, who provide advice on cases within their respective fields of expertise. Each year, 10-30 undergraduate and postgraduate students work at the Legal Aid Station. The Legal Aid Station is entirely funded by international organizations. Yunnan University Law School provides the venue. The Station has the support of the Yunnan Department of Justice for administration matters.

Legal advice and consultation services are offered via telephone hotline (+86-871-5032056), and through drop-in visits. Legal Aid Station staff provide help drafting legal documents and provide legal representation on a pro bono basis. To outreach community legal services, the Station sends two volunteers to the Nanba Human Resources Market in Kunming every
Tuesday and to Kunming Municipal Intellectual Market every Wednesday.

The Station manages between 300-400 cases annually. Notably, the threshold for legal assistance at the Station is lower than the threshold set by government-run legal aid agencies (i.e. rather than requiring legal aid applicants to provide an official low-income certificate, the Station requires a low-income document issued by the applicant’s community). As a result, the Legal Aid Station is more accessible. The Station has set up its own webpage (website: www.ynuls.ynu.edu.cn/structure/ydflyzz).

II. Yunnan University Legal Aid Centre

The internal rules of the Legal Aid Work Station stipulate that PLHIV are to be given priority during legal aid application processes. Further, in July 2009, the Legal Aid Station set up the Yunnan University Legal Aid Centre (formerly Yunnan University HIV Legal Aid Centre). The Legal Aid Centre is led by Professor Shao (director) and staffed by Ms Huang Xiang (full-time lawyer), Mr. Xie Bin and Ms Mo Frei (peer counselors).

The Legal Aid Centre operates from 8am-12pm and 2pm-6pm, Monday to Friday. The Centre is responsible for providing legal aid services to PLHIV and people vulnerable to HIV. The Legal Aid Centre is the second agency in China designed to provide professional legal aid agencies for PLHIV. The Legal Aid Centre receives funding from USAID. The Telingge Research Centre (implementing partner of the USAID| Health Policy Initiative/Great Mekong Region-China) has agreed to provide funding to Yunnan University for a period of one year. IDLO also provides technical and financial assistance, with support from OFID.

1. HIV-related legal consultations

The Legal Aid Centre emphasizes the principles of confidentiality and non-judgment.

An outstanding feature of the Centre is that it combines legal aid services with counseling services. The Centre has two hotlines, one for legal advice and consultation (86-871-5163737), and one for counseling services (86-871-5152736). Since its establishment until mid-2010, the Legal Aid Centre had provided legal advice and consultation in more than 70 cases. The Centre has not yet had the opportunity to represent a client in Court. In December 2009, the Legal Aid Centre facilitated a training seminar for 25 peer counselors (representing vulnerable populations). The training aimed to build knowledge of anti-discrimination laws.

2. Networking and training of public interest lawyers

In May 2010, the Yunnan University Legal Aid Centre and the Yunnan Lawyers Association held a joint training workshop: Building the Capacity of Public Interest Lawyers on HIV-Related Law in Kunming. This workshop gave rise to the creation of a virtual network of public interest lawyers in Yunnan Province. There are 71 lawyers in Yunnan that have provided free legal aid services for PLHIV.
III. Public relations

1. Relations with government agencies
The Yunnan University Legal Aid Station maintains a positive relationship with local government. The Legal Aid Station is affiliated with the Legal Aid Administration under the Department of Justice and Provincial Lawyers Association, the provincial Health Department, and its subsidiary the HIV Prevention and Treatment Office. In 2008, the Station was awarded the title of Advanced Unit for Legal Aid Services. The Station is recognized as a leading provider of provincial level legal aid services by the Yunnan Department of Justice, as noted in the Department newsletter.

2. Relations with NGOs
The Yunnan University Legal Aid Centre works in conjunction with domestic NGOS engaged in HIV-focused activities. Staff (including the Legal Aid Centre director) conduct weekly visits to NGO offices to maintain productive relationships with more than 20 NGOs. The Legal Aid Centre has established long-term working relationships with 8-10 NGOs, which are the recipients of regular legal advice and training. The Legal Aid Centre has been approached by numerous additional NGOs proposing collaboration.

3. Relations with international organizations
As noted above, Professor Shao Fen secured financial support from USAID and IDLO for the Legal Aid Centre. The Legal Aid Work Station and Legal Aid Centre are the only university-based legal aid organizations operating in Yunnan Province. However the Centre’s lack of long-term funding significantly impedes upon its ability to meet demand for legal services in the medium to long term. The Legal Aid Centre relies heavily on volunteers.
### 8. Tang Rong and Zhou Dayong

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Mr. Tang Rong is a partner at the Yunnan Shangyi Law Firm (website: [http://www.ynshangyi.com/](http://www.ynshangyi.com/)), with a Masters of Law degree (LLM) from Yunnan University. Mr. Zhou Dayong, also a partner at Yunnan Shangyi Law Firm, also holds a Masters of Law degree (LLM) and is a member of the Yunnan Province Political Consultative Conference. Both Mr. Tang and Mr. Zhou are engaged in HIV-related legal activities in Yunnan Province.

**I. Legal consultation**

Since 2008, Mr. Tang and Mr. Zhou have been providing free legal consultation and representation for PLHIV, through both face-to-face consultation and phone calls. Mr. Tang and Mr. Zhou report that legal issues commonly raised in consultations include marriage and family law, personal injury and property rights.

**II. International cooperation**

Mr. Tang, Mr. Zhou and the Shangyi Law Firm collaborated with the Yunnan Daytop Drug Abuse Treatment and Rehabilitation Centre, the Asia Pacific Council of AIDS Service Organizations (APCASO) and IDLO to support and facilitate the following activities.

Training on HIV-related Law—(Training Workshop on Promotion of Harmonious Society, HIV Prevention and Law), the first training on HIV and the law for lawyers to be held in China, was held between 15-17 December 2007 with the financial support of IDLO through a grant from the Bill and Melinda Gates Foundation. The workshop was attended by more than 20 lawyers from legal aid centers and law firms based in Kunming and wider Yunnan Province, as well as senior law professors from Yunnan University Law School and the Yunnan University of Finance and Economics, postgraduate students from Yunnan University, and representatives of NGOs. Mr. Tang prepared and presented his paper: *Report on HIV
Prevention and Treatment Policy, Legal Environment and Requirements to workshop participants. Mr. Tang developed the Guide to HIV and Legal Services based on this training workshop curriculum. Other achievements include:

HIV and AIDS public interest litigation - Mr. Tang and Mr. Zhou worked together to act on behalf of a plaintiff living with HIV in a test case against an insurance company. The action was based on discriminatory terminology in the insurance contract.

In this case a person living with HIV, Mr. Li Wei (pseudonym), purchased accident insurance from the defendant insurance company in February 2008. Later, Mr. Li discovered that, pursuant to the terms of the insurance contract, the insurance company was excluded from liability for the period that the insured person was infected with HIV or had AIDS. Mr. Li first attempted to resolve this matter by sending a letter to the insurance company indicating that the terms of the insurance contract were discriminatory and requesting that the exclusion clause be removed from the contract. When the insurance company failed to respond to his latter, Mr. Li engaged Mr. Tang and Mr. Zhou to commence action against the insurance company.

Workshop on Advocacy - Inspired by Mr. Li’s case, The Yunnan Daytop Drug Abuse Treatment and Rehabilitation Centre and the APCASO co-hosted a workshop on 18 June 2009 focusing on advocacy to address HIV-related discrimination. The workshop was attended by 30 representatives, including officials from the Ministry of Health, the State Council AIDS Prevention Committee Office, representatives of domestic and international NGOs, legal professionals, PLHIV and the media. Mr. Tang and Mr. Zhou presented a synopsis of Li’s case at the workshop.

Change in Insurance Practices - On 8 July 2009, the Insurance Association of China issued a best practice document (Best Practice Drafting for Partial Clauses and Terms of Personal Insurance Products). The document removed the discriminatory exclusion clause against PLHIV from the list of standard exclusion clauses, thus abolishing the use of a discriminatory provision which had been standard practice for more than ten years.

Legal Services Advocacy - In May 2009, IDLO, UNDP and UNAIDS co-hosted an International Expert Meeting on ‘Strengthened and Expanded Legal Services for People Living with HIV and Vulnerable Groups’ in Rome, Italy. Mr. Zhou attended the workshop as the sole representative from China and reported on the experiences and lessons learned in Yunnan Province. Mr. Zhou’s report was included in conference documents to illustrate a HIV-related legal services model (see Toolkit: Scaling up HIV-related Legal Services (IDLO, UNAIDS, UNDP, 2009. Available in English and Chinese.)
Dr Wan Yanhai leads the Beijing Aizhixing Institute (also known as the Beijing Aizhixing Institute of Health Education; registration name: Beijing Aizhixing Information Consulting Co. Ltd.; other name: Beijing Aizhixing Information Consulting Centre). Dr Wan and the Aizhixing Institute lead NGO involvement in HIV-related law and legal issues in China.

I. Activities at the earlier stage

Dr Wan has been involved in work related to HIV law for almost 20 years. In 1991, Dr Wan started to conduct research on gay communities and HIV education through his work with the Health Education Institute of the Ministry of Health. In 1992, Dr Wan established a HIV hotline - which became the starting point for the Aizhixing Institute. In late 1993, Dr Wan initiated and established the Department of Health and Anthropology within the Beijing Modern Management College. The Department became the implementing body for Aizhixing Institute activities.

In March 1994, Dr Wan received financial support (via Professor Qiu Renzong) from the Elizabeth Taylor HIV/AIDS Foundation, and announced the work of the Aizhixing Institute to the public.

In 1994, Dr Wan (and others) assisted Professor Qiu to organize a Workshop on Special Issues and HIV Education. At this workshop Dr Wan released policy recommendations in support of equal rights for gay and lesbian people in China. In the same year, he resigned from the Ministry of Health.
In 1999, Dr Wan and his team commenced research and observation on Chinese health policy and law. In 2000, they translated and printed the Manual for Legislators on HIV/AIDS, with the support of UNAIDS and the Interparliamentary Union. In the same year the team edited a report entitled How to Develop HIV-focused Legislation, then presented these materials to local People’s Congresses, government agencies and researchers across the country. These activities represent the earliest legislative advocacy on HIV-related issues by an NGO.

II. Legal research and reporting

In early 2003, the Beijing Aizhixing Institute released a report, HIV, Law and Human Rights in Henan, which addressed the most serious HIV issues in Henan Province and analyzed the legal framework in place at the time.

Since the promulgation of the Regulation on HIV Prevention in 2006, the Aizhixing Institute has played a lead role in research and reporting; publishing the following reports:

- In July 2008, the Aizhixing Institute published the Survey Report on Complaint Letters and Visits by PLHIV, on the status of rights protection for PLHIV in China.
- In July 2009, the Aizhixing Institute released A Study of Context, Issues and Solutions - Privacy Protection of Target Populations and Stakeholders in the Field of HIV Prevention.
- In September 2009, the Aizhixing Institute issued HIV Prevention Policy in China: NGO Participation and Challenges.

III. Legal aid

1. Hotline

On 18 September 2004, the Beijing Aizhixing Institute established a hotline for HIV-related legal counseling services. A lawyer, Ms Liu Wei, worked in collaboration with the Institute to provide consultation on laws and human rights for PLHIV, concerned persons and relevant organizations. In its first year, the hotline provided legal advice and consultation on 87 cases and answered phone calls or received drop-in visits on more than 200 occasions. In 2008, the Aizhixing Institute provided legal advice and consultation on 103 cases. In 2009, the Institute assisted in 89 cases.

The Institute services include consultation through phone calls, online and email, as well as face-to-face consultation. The Aizhixing Institute reports that advice was most commonly sought in respect of the following issues: HIV-related legal remedies (HIV infection and/or hepatitis infection through blood transfusion), the use of blood products, privacy rights, employment and health rights and protections, the right to education, family law and
marriage matters, social security and homosexual rights.

2. Public interest litigation
In 2008, the Beijing Aizhixing Institute acted in three medical disputes involving HIV infection via blood transfusion, 2 cases concerning children orphaned by AIDS, and 15 cases related to PLHIV rights.

In 2009, the Aizhixing Institute acted in four cases centering on medical disputes involving HIV infection via blood transfusion, one dispute on the right to privacy (regarding a PLHIV’s health records), and two cases related to PLHIV rights protection.

Beijing Junfang Law Firm (http://www.junfanglaw.com) is the key source of the Aizhixing Institute’s legal support. Junfang Law Firm has provided legal representation for PLHIV in more than nine cases. Significantly, lawyer Ms Liu Wei successfully reversed the burden of proof requirement (in the case of Wang Jun (pseudonym) from Jiangsu) - representing a significant step forward in HIV-related litigation. In the case of Wang Jun, the Court awarded for the plaintiff, ruling that the hospital pay RMB 2.6 million in (lump sum) compensation and RMB 470,000 for treatment, living expenses and education costs. This case received considerable public attention and was covered by the China Central Television station.

3. Litigation guide
In February 2005, Ms Liu Wei published the Popular Reading Book for HIV-Relation Litigation, which detailed the successes of the Aizhixing Institute’s legal service hotline and provided guidance on HIV-related compensation for health claims, incidental civil actions and administrative disputes.

4. Legal networking
In May 2008, the Beijing Aizhixing Institute, established the China HIV Legal Service Network.

IV. Training and Seminars on legal issues

In December 2004, the Beijing Aizhixing Institute held a workshop on HIV, Law and Human Rights in Shanghai.

In mid-2008, the Aizhixing Institute organized and facilitated:
- a workshop on HIV-related legal issues for men who have sex with men in Kunming;
- a workshop on the rights of injecting drug users in Geju, Yunnan Province;
- a training for the Dalian Rainbow Society on HIV and the law in Dalian, and
- a training for PLHIV and the Uyghur minority community in Shenyang.

On 19 February 2009, the Beijing Aizhixing Institute and the Yunnan University Legal Aid Work Station jointly facilitated a workshop on law governing HIV, drug prevention and control.
On 28 and 29 March 2009, the Aizhixing Institute conducted training on HIV and injecting drug use at the Yunnan University Science Hall. 50 student volunteers from Yunnan University, Kunming University of Science and Technology, Yunnan Normal University, Yunnan University of Finance and Economics, Yunnan University of Nationalities and Kunming University participated in the training.

In November 2009, the Aizhixing Institute organized a workshop on HIV Testing, Partner Notification and Transmission Crimes. Participants discussed the Gansu Province Guidance Note on Notification of HIV Positive Results from HIV Testing (Trial Implementation) promulgated by Gansu Provincial Department of Health.

V. Freedom of information

On 1 May 2008, the Regulations on Freedom of Information became effective in China. In November 2008, Beijing Aizhixing Institute set up a project with a small grant for citizens seeking to utilize the freedom of information regulations and opened a consultation hotline, to promote disclosure of government public health information.

1. Applications under the freedom of information regulations

In March 2009, the Beijing Aizhixing Institute supported three groups to make freedom of information requests in Beijing, Henan and Hubei. By December 2009, the groups had submitted a total of 35 requests for government information and received 23 valid responses. The requests sought information on:

- the public health budget;
- the public health system’s proposed implementation of Regulation on HIV Prevention and Treatment;
- regulation on false medical information;
- government policy on PLHIV; and
- details on government assistance for PLHIV.

In the same year, Aizhixing Institute initiated a series of freedom of information requests with a view to establishing a long-term mechanism for HIV prevention and treatment. Requests sought disclosure of:

- the Ministry of Health’s Circular on Implementation of HIV Antibody Screening of Persons in Prisons, Labor Camps and Education-through-Labor Centers (No. [2004] 369, China Disease Control Centre of the Ministry of Health);
- information from the Ministry of Health, Ministry of Education, Ministry of Civil Affairs Division of Social Assistance and the State Council AIDS Prevention Working Committee Office, on disclosure and privacy of PLHIV; and
- information from the Ministry of Health, People’s Government of Yunnan Province and the Department of Health of Yunnan Province on current data on HIV in China and Yunnan Province.
2. Administrative review and litigation on freedom of information
In the event a government department failed to respond to a request for information, the Action Group of Beijing Aizhixing Institute lodged an application for administrative review to the Ministry of Health and commenced litigation in the Jinshui District of Zhengzhou City, Henan Province (on the grounds of administrative law).

3. Awareness raising on freedom of information regulations
In May 2009, the Hubei Group of the Aizhixing Institute conducted a public education and questionnaire on the HuangJiaHu Campus of Wuhan University of Science and Technology. The Aizhixing Institute’s Henan Group worked with the Beijing Institute to facilitate a seminar on Citizens’ Rights, Utilizing Regulations on Freedom of Information on 21 June 2009 at the Henan NGO Activity Centre.
### 10. Wang Ming

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<th>Name (M)</th>
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| Scope of Work    | Human Rights and Constitutional Law  
Promotion of Civil Society Development |
| Activities       | Publications  
NGO/Civil Society Development |

Professor Wang Ming is the Deputy Dean and a professor at the School of Public Administration, Tsinghua University, and the director of the NGO Research Institute of Tsinghua University (website: http://www.ngorc.org.cn/). Professor Wang is also supervises PhD candidates at Tsinghua University. Professor Wang received his doctorate in international development from Nagoya University of Japan in 1997. He is also member of the Chinese People’s Political Consultative Conference (CPPCC) and the Central Committee of China National Democratic Construction Association. Professor Wang is a leader amongst Chinese academics engaged in the research on HIV-related legal issues.

### I. Survey Report - Sino-British Project

In November 2006, Professor Wang and the Research Institute of Tsinghua University (an NGO), released a *Survey Report on NGOs in the Field of HIV in China*. The report forms part of the China AIDS Roadmap Tactical Support (CHARTS) Project. The Survey Report:

- analyzes and summarizes the role of NGOs and their activities in the HIV sector;
- highlights challenges encountered by NGOs;
- discusses the participation of NGOs in planning, decision-making and implementation of HIV prevention initiatives;
- described models for promoting capacity building and networking amongst NGOs working in the HIV sector;
- puts forward policy recommendations on enabling broader NGO participation in HIV activities;
- promotes cooperation between NGOs and government agencies in the field of HIV prevention and treatment; and
- presents a detailed analysis of existing legal and policy environments and development trends.
II. Training: The China-Gates Foundation Project

On 8 May 2010, Tsinghua University launched a technical assistance initiative supported by the Bill and Melinda Gates Foundation (in the form of a grant of RMB 20 million). Professors Jing Jun, Li Xiguang and Wang Ming from Tsinghua University took the lead in implementing this three-year project focusing on vulnerable populations (gay, injecting drug user and sex workers communities). Tsinghua University will concurrently conduct training for government officials and journalists. The training will aim to improve knowledge on HIV, public policy, and ethics in journalism, with a view to reducing social stigma and discrimination against PLHIV.
Professor Xia Guomei is a researcher, professor and supervisor of Masters candidates at the Research Office of Sociology, Social Development Institute at the Shanghai Academy of Social Sciences. Professor Xia is also Director of the Research Centre for HIV/AIDS Social Policy and is a key actor in HIV-focused advocacy and law reform in the field of sociology in Shanghai.

I. Legislative advocacy

From 2000 to 2002, Professor Xia contributed to a UNDP/UNAIDS project aimed at enhancing the legal and policy environment for HIV prevention and treatment, targeting the central government level. Professor Xia sat on a three-person expert panel providing consultation and advice on the project. Professor Xia demonstrated, through research, the impact of punitive law, policy and regulation on the HIV response in China and highlighted the importance of having one comprehensive law. It was proposed that one law could resolve conflicting regulation and policy, and promote a legal enabling environment free of moral and ideological overtones.

In 2004, the Shanghai Municipal People’s Congress placed HIV prevention on its legislative agenda and relevant departments of the Shanghai People’s Government formed a legislative drafting group for the Shanghai Regulation on HIV Prevention and Treatment. Recognizing the need for evidence-based law reform and the importance of a participatory approach to reform activities, the government invited experts to undertake research and submit legislative proposals to the government and local People’s Congress. Under the leadership of Professor Xia, the HIV Social Policy Research Centre created an expert team and set up an interdisciplinary research platform. Researchers from different disciplines were invited to gather evidence and contribute to the platform, to generate dialogue on HIV law in Shanghai.
In August 2004, the team facilitated a meeting of experts to develop the structure of a draft submission on the Shanghai HIV legislation. Building on the outcomes of this meeting, the team commenced interviews with PLHIV, injecting drug users, gay communities, college students, migrant communities and civil society organizations. Information from interviews was collected to enable the research team to present an evidence-based case for relevant, enabling (rather than punitive) legislation.

In December 2004, the International Forum on HIV Legislation was held at the Shanghai Academy of Social Sciences. Domestic and international experts (including experts from the United States, Canada and Australia) discussed HIV legislation and defined a theoretical framework for the Shanghai HIV legislation. From December 2004 to May 2005, the HIV Social Policy Research Centre expert team continued to gather input, and produced three drafts pieces of legislation (drafts prepared by teams from Shanghai Academy of Social Sciences, East China University of Politics and Law, and Shanghai University of Politics and Law).

On 24 May 2005, the expert team held an open debate (to which the press was invited), to share and argue the key issues in each of the three legislative drafts. Each team used the debate to further refine their drafts. During this period, the Contemporary China Research Centre of Tsinghua University also developed a piece of draft legislation.

In October 2005, with reference to all four drafts, the expert team developed a final draft of The Shanghai Regulation on HIV Prevention and Treatment. This draft represents the first local regulation on HIV prevention initiated by NGOs in China. The outcome of the process was compiled in a book HIV Legislation: Legislative Development Processes and Expert Recommendations, edited by Professor Xia (China Law Press, 2006). To date, government agencies have not responded to the recommendations of the expert group.

II. Other activities

Professor Xia has published a number of books and articles:

- the book Report on HIV Issues in China (Jiangsu People’s Press, 2002);
- the book HIV/AIDS in China (Foreign Languages Press, 2004); and
12. Yang Shaogang

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<tr>
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| Scope of Work     | Law Reform  
|                   | Human Rights and Constitutional Law |
| Activities        | Technical Assistance—Revision of Law  
|                   | Public Interest Litigation  
|                   | Rights Protection  
|                   | Conferences |

Mr. Yang Shaogang is the director of the Shanghai Shaogang Law Firm, a Shanghai Municipal Government counselor and the former deputy of the Shanghai Municipal People’s Congress. Mr. Yang, a lawyer, is a key actor amongst legal professionals engaged HIV-related work.

I. Establishment of the institution

On 25 March 2004, the HIV Law Research Centre was established at the Shanghai University Law School. The University was the first academic institution to specialize in HIV-related legal issues in China. Mr. Yang was appointed director of the Centre and 13 people, including Professor Tan Dazheng were engaged as researchers. The Centre has now become the Life Law Research Centre of Shanghai University of Politics and Law.

II. Legislative advocacy

1. Proposal to amend the Criminal Law

In his role as counselor of the Shanghai Municipal Government in 2000, Mr. Yang submitted a proposal for revising the Criminal Law of P. R. China. His proposal addressed the matters of threatened assault with HIV via contaminated needle (for example in the cases of robbery) and deliberate transmission by sex workers. Mr. Yang argued for the establishment of a law criminalizing intentional transmission of HIV. This proposal attracted the attention of the Counselors’ Office of the State Council and Mr. Yang and two representatives from Shanghai were invited to attend a meeting in Beijing to present the proposal to leaders from the
Ministry of Public Security, Ministry of Health, National People’s Congress and All China Women’s Federation.

When, in 2006, an incident involving HIV-infected needles occurred, Mr. Yang reiterated his proposal to amend the Criminal Law, in an interview with the media.

2. Recommendations for the improving the law and policy environment for HIV
On 26 March 2004, the Counselors’ Office of the State Council organized a seminar on HIV prevention and treatment. At that seminar, counselors called for the state to revise existing laws and regulations governing HIV prevention. Mr. Yang attended the meeting and (together with colleagues) recommended that the rights and interests of PLHIV be protected and that a new enabling approach be taken in the law and policy environment.

3. Recommendations on the Shanghai Regulation on HIV Prevention and Treatment
In 2004 and 2005, Mr. Yang led the HIV Law Research Centre of Shanghai University Law School (now the Life Law Research Centre of Shanghai University of Politics and Law) in drafting the Shanghai Regulation on HIV Prevention and Treatment (Expert Draft). This work was initiated by the Social Policy Research Centre of Shanghai Academy of Social Sciences.

III. Legal aid

1. Tort Law
In 2003, a well-known activist for the rights of PLHIV, Ms Gao Yaojie, was sued on the grounds that her publication damaged the reputation of a person providing HIV treatment. Mr. Yang worked pro bono on the case. On 13 October 2003, the Court of the Jinshui District in Zhengzhou City of Henan Province delivered a judgment in favor of the defendant. The Court found that the defendant’s publication did not directly refer to the plaintiff (referring to general matters only) and therefore the defendant had not behaved in a negligent manner. Further the Court held that the defendant’s publication had not negatively impacted on the plaintiff’s reputation (the plaintiff was held not to have provided sufficient evidence which establish damage to their reputation or social standing).

Five years later, Mr. Yang wrote an article detailing the case, titled I Defended Professor Gao Yaojie: the First NGO Representative Engaged in HIV Prevention. The article was published in the Shanghai Legal Daily, on 28 July, 2008 (No. B03).

2. Privacy Law
When the Regulation on HIV Prevention and Treatment became effective on 1 March, 2006, Mr. Yang worked with Professor Jin Wei to initiate the first lawsuit protecting the rights of a person living with HIV.

On 2 December, 2005, the China Times published a photograph of a child orphaned by AIDS which revealed her identity and status. Mr. Yang (through the Shanghai Shaogang Law Firm) and Professor Jin acted on behalf of the child. The child filed an action in the Chaoyang
District Court of Beijing, claiming that the China Times had infringed upon the plaintiff’s right to privacy and had damaged the plaintiff’s reputation. The plaintiff sought an injunction, a public apology and compensation. The Court ruled in favor of the plaintiff and ordered that the China Times publish an apology (the content of which had to be approved by the Court) on the front page of the newspaper. In the event the China Times did not comply, the Court advised that the judgment would be made public. The China Times was also ordered to compensate the child for damages to her reputation in the amount of RMB 20,000 within 15 days after the judgment. In an interview following the case, Professor Jin said that the main purpose of bringing the action was to promote the implementation of the Regulation on HIV Prevention and Treatment.

3. Positive persons’ claims arising from blood transfusion
After Ms Gao Yaojie’s tort law case (defamation and privacy), a number of people who had been infected with HIV from a blood transfusion asked Mr. Yang for legal advice and representation. Mr. Yang worked pro bono for a large number of these clients.

Motivated by his pro bono work in this area, Mr. Yang began to consider the limitations of national HIV legislation and commenced research into HIV prevention and law.
The Bill & Melinda Gates Foundation (Gates Foundation) aims to support people to achieve a healthy and productive life by promoting health, development and education. In May 2007, the Gates Foundation established an office in Beijing, China.

HIV prevention is a key funding priority of the Gates Foundation in China. In November 2007, the Gates Foundation signed a cooperative agreement with the Chinese Ministry of Health and the State Council HIV Prevention Working Committee Office, to commence the China-Gates Foundation HIV Project (China-Gates Project). The China-Gates Project National Oversight Committee is the highest leading project management organ. Under the Committee, the national project office is responsible for day-to-day project management.

The China-Gates Project

**Project Period:** 1 August, 2007 - 31 July, 2012.

**Target Population:** vulnerable populations in large and medium cities in China, including the men who have sex with men (MSM), sex workers and injecting drug users. The project also targets the broader public through awareness raising and education campaigns in Hainan Province, Beijing, Tianjin, Shenyang, Harbin, Shanghai, Nanjing, Hangzhou, Qingdao, Wuhan, Guangzhou, Chongqing, Kunming and Xi’an.

**Funding:** USD50 million (including USD20 million in government funding, USD20 million in NGO funding and USD10 million in technical support). The Gates Foundation has provided additional funding for HIV-related research.

**Project Activities:** The Project conducts awareness raising activities and public education campaigns with the aim of reducing the stigmatization of PLHIV and vulnerable populations. Awareness raising activities and education campaigns are implemented predominantly through NGOs; for example, the China-Gates Project funded Marie Stopes International to facilitate training workshops (*Positive Talks*) on HIV in June 2010. The workshops, held at
Tsinghua University, covered anti-discrimination strategies and were attended by PLHIV and journalists.

**Public Relations:** The Gates Foundation maintains a constructive relationship with the Chinese government, the Chinese Preventive Medical Association and the Chinese Association of STD and HIV Prevention. Sub-branches of the two Associations at the provincial/municipal level oversee NGO projects with designated liaison officers; a joint provincial/municipal project office has been established.

The Project has also sets up a joint conference system and convenes joint government/NGO conferences at national and provincial/municipal levels regularly.

The Project is well connected to civil society organizations in China.
### 2. United Kingdom Department for International Development

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<th>Name</th>
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Human Rights and Constitutional Law |
| Activities | Training  
Technical Assistance-Institutional Reform  
Technical Assistance- Revision of Law  
Public Education Campaigns  
Conferences |

The UK Department for International Development (DFID), a UK government agency, provides aid and support to developing countries. DFID set up an office in China in 2000 and has since worked collaboratively with the Chinese government in the area of HIV prevention. DFID has provided GBP55 million.

Between 2000 and 2006, DFID worked with UNAIDS and ten Chinese government agencies (including the Ministry of Health, Ministry of Justice, and Ministry of Education) to implement the Sino-British HIV/AIDS Prevention and Care Project (HAPAC Project). Funding in the amount of GBP20 million pounds was provided. The HAPAC Project designed a pilot project on HIV prevention, treatment and care, focusing on vulnerable populations in Yunnan and Sichuan. The HAPAC Project advocated for the development of a national level policy framework on HIV.

From 2005 to 2011, DFID collaborated with the Chinese government and UNAIDS to jointly design the China AIDS Roadmap Tactical Support Project (CHARTS Project). Phase One (2004-2007) of the CHARTS Project, was supported by DFID (GBP5 million), the Australian Agency for International Development (AusAID) and the Government of Norway (approximately GBP2.2 million). The project was organized and implemented by the State Council AIDS Prevention Working Committee Office in ministries and commissions in seven provinces—Hunan, Hubei, Sichuan, Guangxi, Zhejiang, Gansu, and Jilin. During Phase 1, the CHARTS Project had 675 project partners (63 at the national level and 612 at the provincial level).
The CHARTS Project:
- supported the development of 11 national policy documents and 42 provincial policy documents;
- trained 237,022 government officials on policy advocacy and capacity building;
- organized study tours for 80 government officials; and
- developed materials to facilitate 141 public outreach sessions.

In relation to HIV law, the CHARTS Project:
- supported the State Council AIDS Prevention Working Committee to revise and improve the document *Functions and Duties of Multi-Sector Member Units of the State Council HIV Prevention Working Committee at National Level*;
- supported the development of the *Regulation of Zhejiang Province on HIV Prevention and Treatment* and the *Regulation of Hubei Province on HIV Prevention and Treatment*;
- supported the implementation and post-legislative evaluation of the *Regulation on HIV Prevention and Treatment*;
- advanced and supported the development of the *Action Plan for Containment, Prevention and Treatment of HIV/AIDS in China (2006-2010)*; and
- assisted the CHARTS Project partner provinces to develop and release a local *Action Plan for Containment, Prevention and Treatment of HIV/AIDS*.

In Phase Two (2008-2011), DFID and AusAID have committed a total of GBP7.5 million (GBP5 million and GBP2.5 million respectively) to the project.
3. **US Agency for International Development**

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<th>Name</th>
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| Scope of Work | Law Reform  
Human Rights and Constitutional Law  
Promotion of Civil Society Development |
| Activities | Training  
Publications  
Public Interest Litigation  
NGO/Civil Society Development  
Rights Protection |

The US Agency for International Development (USAID) is an independent agency under the United States federal government, responsible for administering non-military foreign assistance. USAID runs programs in Africa (South of the Sahara Desert), Asia and the Latin American and Caribbean area. USAID leads Sino-American cooperation on HIV prevention.

On 1 September 2003, the five year China-US Cooperation—Global AIDS Program was formally launched in China.

On 20 January 2005, the USAID funded Policy Initiative Project was initiated in Kunming. The Policy Initiative Program was implemented by the Futures Group Europe. The project goal was to improve governance on HIV through close cooperation with the government agencies and NGOs. The overarching project objective was to reduce the risk of HIV in Yunnan and Guangxi Provinces. The Policy Initiative Project aimed to:

- provide technical assistance to policy makers and implementers;
- improve planning on HIV prevention and treatment;
- improve resource allocation for HIV-related initiatives;
- advocate against stigma and discrimination, thus enabling active participation of PLHIV in HIV prevention and treatment planning and activities;
- introduce advanced international technologies and experiences in HIV to China; and
- provide training to academics on HIV prevention and treatment.


Following the completion of the Policy Initiative Project in September 2008, the three-year USAID | Health Policy Initiative Greater Mekong Region and China (HPI/GMR-C) was launched (with the intention of extending for a further term of two years). The HPI/GMR-C
was incorporated into the China, USAID and RTI International 2007 Strengthening HIV/AIDS Policy and Advocacy in the Greater Mekong Region and China Project. Funding for this collaboration was provided by the United States President’s Emergency Plan for AIDS Relief (PEPFAR).

RTI International established a project office in Kunming in 2008 to implement the combined project, the Trane American Research Centre. This project office conducts activities in Yunnan and Guangxi.

Activities of the HPI/GMR-C Project include: policy making and implementation, rights protection, advocacy against stigma and discrimination, capacity building, community mobilization, and the development of best practices case studies. To date, the HPI/GMR-C Project has completed the following activities related to the law:

1. The Survey Report on the Assessment of the HIV Legal Environment: Yunnan, China, was drafted by (then) independent legal consultant, Mr. David Patterson, and Mr. Jia Ping, Chief Executive Director and Founder of Global Fund Watch (China Initiative) (October 2008). The Report assessed laws, regulations and rules governing HIV at national and local (Yunnan) level and dealt with public health, HIV treatment, sex work, injecting drug use, homosexuality and discrimination.

2. The Yunnan University Legal Aid Centre and the HPI/GMR-C Project Office jointly facilitated the HIV/AIDS Related Stigma and Discrimination and Legal Workshop on 24-25 May 2010 in Kunming. The workshop was attended by representatives of Yunnan Provincial HIV Prevention Bureau, scholars from Peking University and representatives of community organizations and NGOs.

3. The HPI/GMR-C Project has also provided funding and technical support to the Yunnan University Legal Aid Centre.
Established in 2002, the Global Fund is an international cooperative institution, which aims to strengthen the cooperation between governments, NGOs, international communities and donors in the response to AIDS, tuberculosis and malaria. The Global Fund Country Coordinating Committee (CCM) was established in China to review and approve applications for Global Fund projects and to monitor project implementation. The CCM is comprised of representatives of government agencies, NGO stakeholders, PLHIV, businesses and international organizations. The Global Fund also set up a central executive agency, hosted by Chinese Centre for Disease Control and Prevention.

The Global Fund has granted funds to support HIV projects in China through its third, fourth, fifth, sixth and eighth rounds of funding; covering all provinces in the country. Many Global Fund project activities include HIV policy and advocacy, and training in HIV-related law.

**Henan Province:** In the third Global Fund round, funding was provided for:
- training on the * Regulation on HIV Prevention and Treatment*;
- educational campaigns - the Youth League Committee of Shangshui County facilitated education campaigns and training for core Youth League members and young people. Training covered HIV prevention and discrimination in towns with a high population of people living with HIV; and
- provincial policy – the Provincial Project Office developed *Recommendations for Strengthening HIV Prevention and Treatment in Migrant Populations*.

**Shaanxi Province:** In the third Global Fund round:
- the Provincial Project Office held five training seminars on the implementation of the
television stations in project counties broadcast special programs twice a week to introduce the *Action Plan for Containment, Prevention and Treatment of HIV/AIDS in China (2006-2010)*, the *Regulation on HIV Prevention and Treatment* and relevant policies and laws.

**Shandong Province:** In the third Global Fund round:
- the Provincial Project Office held a strategic planning workshop and assigned various government agencies to develop *Strategic Planning for HIV Prevention in Shandong Province*;
- the Provincial Project Office convened multi-sectoral meetings and invited experts to interpret the *Regulation on HIV Prevention and Treatment*.
- project counties incorporated HIV Prevention seminars into the training curriculums of local Party Schools; and
- project counties supported medical and health clinic staff to learn about the *Regulation on HIV Prevention and Treatment*.

**Chongqing:** In the fifth Global Fund round:
- project districts conducted 11 trainings;
- approximately 700 government officials received training on HIV.

**Ningxia Hui Autonomous Region:** In the fifth Global Fund round:
- the Ningxia Hui Autonomous Region conducted training on HIV prevention and anti-discrimination advocacy for religious personnel. This training involved the full participation of Islamic leaders and religious staff, and utilized religious gatherings to reach out and disseminate information about HIV prevention to Muslim communities.
# United Nations Development Programme (UNDP)

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<th>Name</th>
<th>United Nations Development Programme (UNDP)</th>
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Tel.: 86-10-85320800  
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| Scope of Work | Law Reform  
Governance and Capacity Building  
Human Rights and Constitutional Law  
Promotion of Civil Society Development |
| Activities | Training  
Technical Assistance- Revision of Law  
Publications  
Public Education Campaigns  
NGO/Civil Society Development  
Conferences |

UNDP is one of ten UN system organizations working together in the response to HIV/AIDS under UNAIDS. It is also the first UN agency to have implemented HIV-related law projects in China.

## I. UNDP in China in 1990s

Between 1993 and 2000, UNDP implemented *Multi-Sectoral Approaches for HIV/AIDS Prevention and Treatment in China*. The project consisted of two phases; Phase One (1993-1997) and Phase Two (1997-2000). In Phase Two, the Ministry of Public Security, Ministry of Justice and Ministry of Health worked together to jointly develop a manual on HIV prevention and treatment for law enforcement officials and law and justice sector agencies at the provincial, municipal and county levels. The project:

- provided training for officials from seven ministries;
- established a training centre for STD and HIV in Shanghai;
- advocated for the development of special legislation on HIV in China - this was ultimately achieved in 2006.

## II. UNDP in China in 2001-2006

From 2001 to 2004, UNDP implemented a program entitled *Promotion of an Enabling Policy Environment and Quality Legislation for HIV/AIDS Prevention and Care* (Project No: CPR/01/405). Project funding was from the UNAIDS Accelerated Programming Fund, totaling USD403,900. This project supported Professors Li Dun, Qiu Renzong and Xia
Guomei to conduct a pioneering study and assessment of HIV-related legislation in China.

In 2002, UNDP implemented Support for Greater Involvement of People Living with HIV/AIDS, and the Country Coordination Mechanism for HIV/AIDS (Project No: CPR/02/M01).

From 2003 to 2006, UNDP implemented Community Based HIV/AIDS Care, Prevention and Poverty Reduction (Project No: CPR/01/406).

III. UNDP in China after 2007

On 30 November 2006, UNDP, the Science, Education, Culture and Public Health Committee of the National People’s Congress and the China International Centre for Technical Exchange, initiated the UNDP Programme on Strengthening and Enabling Legislative Environment to Respond to HIV and AIDS in China. Project funding was USD1 million in total; USD500,000 from UNDP, USD500,000 from the Chinese government. The Programme aimed to train 500 legislators at the provincial and local levels in five provinces (Gansu, Qinghai, Zhejiang, Shandong and Hebei), to foster and advocate for a legal enabling environment, and to support a coordinated response to HIV. Moreover, the Programme supported research on policy implications and promoted multi-sectoral collaborations enhance the response to HIV.

UNDP also supported Marie Stopes International China Office to implement the Positive Talks project.
2. International Labor Organization (ILO)

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<th>Name</th>
<th>International Labour Organization (ILO)</th>
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Fax: 86-10-65321420  
Email: beijing@ilo.org  
Website: http://www.ilo.org/public/chinese/region/asro/beijing/ |
| Scope of Work | Governance and Capacity Building  
Human Rights and Constitutional Law |
| Activities | Training  
Technical Assistance in Institutional Reform  
Public Education Campaigns  
Conferences |

ILO is one of ten UN system organizations working together in the response to HIV/AIDS under UNAIDS. Between 1 April, 2006 and 30 June, 2009, the ILO Beijing Office implemented an education campaign and training project on HIV Prevention in the Workplace (Project No CPR/04/51USA).

ILO implemented the US Department of Labor funded, *Global HIV/AIDS and the World of Work* project in China. The *World of Work* project, carried out in 23 countries, aims to combat HIV-related stigma and discrimination in the workplace and to construct a supportive work environment through education and behavioral change programs. *World of Work* was implemented at national level and at provincial level in Guangdong, Yunnan and Anhui. Project partners included the Ministry of Human Resources and Social Security, local authorities, the China Enterprise Confederation and local enterprises confederations.

*World of Work* aimed to:
- formulate and develop of policies on HIV prevention in the workplace at the national level;
- provide education and training to workers on HIV prevention;
- reduce the negative social, labor and economic impact of HIV on workers.

In 2004, ILO worked with the All-China Federation of Trade Union (ACFTU) on HIV prevention and treatment initiatives. ILO assisted the ACFTU to develop *Strategic Planning for HIV Prevention and Treatment* (2004-2010) and carried out the *Red Ribbon Health Campaign for Workers*. The project aimed to build the capacity of the ACFTU, the Ministry of Human Resources and Social Security and the China Enterprise Confederation, to jointly
develop high quality policies and projects for HIV prevention. The project also aimed to:

- support trade unions to create HIV-supportive environments;
- expand the size of HIV prevention and care services for migrant workers;
- support migrant workers engaged in high risk sectors in order to reduce HIV discrimination.

The Strategic Planning project was closely connected with the World of Work project and UNAIDS.

From 2 January 2008 to 15 September 2011, the ILO Beijing Office implemented the project Building the Capacity of Trade Unions to Cope with HIV in the Workplace. This project was funded by the UK Department for International Development.

On 25 June 2010, the ILO Beijing Office organized a Conference on Employment Discrimination and HIV and Labor Standards in the World of Work. More than a dozen representatives from government agencies and NGOs (including the Ministry of Human Resources and Social Security, the ACFTU and Marie Stopes International) attended the meeting.
### 3. United Nations Children’s Fund (UNICEF)

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<tr>
<th>Name</th>
<th>United Nations Children’s Fund (UNICEF)</th>
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| Contact Information | UNICEF China Office  
Address: 12, Sanlitun Road, Beijing  
Post Code: 100060  
Tel.: 86-10-65323131 ext. operator  
Fax: 86-10-65323107 |
| Scope of Work | Law Reform  
Human Rights and Constitutional Law |
| Activities | Technical Assistance in the Revision of Laws  
Publications  
Conferences |

UNICEF is one of ten UN system organizations working together in the response to HIV/AIDS under UNAIDS.

In China UNICEF’s activities include:
- supporting the People’s Government of Henan Province to develop the first ever policy on children living with HIV in China;
- working with the China National Committee for the Wellbeing of Youth to convene a high-level national forum on children with HIV in Beijing;
- promoting and advocating for the inclusion of rights and protections for children living with HIV into the Law of P. R. China on the Protection of the Minors.
- providing technical support on children and HIV for the Reading Book for Cadres on HIV Prevention Policies edited by Professor Li Huiying and the Central Party School.
4. United Nations Office on Drugs and Crime (UNODC)

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<th>Name</th>
<th>United Nations Office on Drugs and Crime (UNODC)</th>
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| Contact Information | United Nations Office on Drugs and Crime Office China  
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Tel.: 86-10-65326902/6904  
Fax: 86-10-65326907 |
| Scope of Work | Governance and Capacity Building  
Human Rights and Constitutional Law |
| Activities | Training  
Technical Assistance-Institutional Reform  
Public Education Campaigns |

UNODC is one of ten UN system organizations working together in the response to HIV/AIDS under UNAIDS.

From January 2008 to December 2010, together with the National Narcotics Control Commission in China, UNODC implemented a project entitled *Strengthening the Role of Law Enforcement in China’s Response to HIV*. The project is funded by the Swedish International Development Cooperation Agency, the UK Department for International Development and UNAIDS (approximately USD760,000). The project was implemented at national level and at regional level in Henan Province and in Beijing.

*Rrole of Law Enforcement* project activities included:

- providing the Government of the People’s Republic of China with a comprehensive analysis of HIV-related law enforcement and recommendations for effective law enforcement;
- assisting the National Narcotics Control Commission to create an intersectoral coordination mechanism and strengthening the capacity of intersectoral law enforcement agencies to preventing HIV transmission through injecting drug use;
- building the capacity of law enforcement agencies to develop and implement coordinated, multi-sector, rights-based harm-reduction policies; and
- increasing access to HIV/AIDS treatment, care and support services in detention centers.
5. International Development Law Organization (IDLO)

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<tr>
<th>Name</th>
<th>International Development Law Organization (IDLO)</th>
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| Contact Information | David Patterson  
Project Manager, HIV and Health Law Program  
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| Scope of Work | Human Rights and Health Law  
Institutional Development  
Strengthening the Rule of Law |
| Activities | Publication and Resources  
Training Seminars and Workshops  
Technical Assistance within the Justice Sector |

The International Development Law Organization (IDLO) commenced implementation of the three year *HIV and Health Law Program* on 1 April 2009. Activities in China include:

**HIV-related Legal Services** - In June 2009, IDLO and RTI International collaborated to support the Yunnan University Legal Aid Centre (see separate entry in this report under Professor Shao Fen).

**Survey on HIV-related legal initiatives** - In October 2009, IDLO supported the Labor Law and Social Security Law Institute at Peking University to map initiatives to strengthen the legal environment for the response to HIV in China. The project conducted an in-depth survey of actors engaged in HIV-related legal initiatives in China, and documented the work of international organizations, national agencies, NGOs and activists. The survey included organizations conducting legal research, public interest litigation, legal aid services, advocacy, and rights protection initiatives, related to HIV in China. The aims of the survey were to provide a reference for donors, observers and actors engaged in HIV-related legal initiatives in China, and to create a base for collaboration and coordination between actors working in HIV-related law.

**International Expert Meeting on 'Strengthened and Expanded Legal Services for People Living with HIV and Vulnerable Groups'** - In May 2009, IDLO, UNAIDS and UNDP co-hosted this meeting in Rome, Italy, with representation from Yunnan Province, China. The consultation led to the publication of the *Toolkit: Scaling Up HIV-related Legal Services* (IDLO, UNAIDS, UNDP, 2009.) Available in English and Chinese.
PART FOUR: OTHER INTERNATIONAL ORGANIZATIONS
1. Marie Stopes International (MSI)

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<tr>
<th>Name</th>
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| Contact Information         | Marie Stopes International China Office  
| Address                     | Room 103, Building18, European Classics Residence Quarter, 172 Beiyuan Road, Chaoyang District, Beijing  
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| Tel.                        | 86-10-84854988 or 84854998       |
| Website                     | www.mariestopes.org.cn          |
| Scope of Work               | Law Reform                      |
|                             | Human Rights and Constitutional Law |
|                             | Promotion of Civil Society Development |
| Activities                  | Training                        |
|                             | Technical Assistance—Revision of Laws |
|                             | Publications                    |
|                             | Public Education Campaigns      |
|                             | NGO/Civil Society Development   |
|                             | Rights Protection               |
|                             | Conferences                     |

Marie Stopes International (MSI) is an influential international NGO working in sexual and reproductive health. MSI focuses on public education campaigns and community services. MSI came in 1998 and registered its China office (MSIC) in Beijing in 2000. In September 2001, MSI set up a website and formal office presence. MSIC addresses the issues faced by vulnerable populations related to sexual and reproductive health; young people and PLHIV are focus areas of MSI’s work.

MSI has implemented two activities related to HIV and the law:

1. **Positive Talks Project**

   *Project model* - The Positive Talks Project recruited 30 PLHIV for special training in HIV prevention, education campaigns and anti-discrimination advocacy.

   *Project outreach* - The Project set up a strategically placed blogsite ([http://blog.sina.com.cn/msicjdh](http://blog.sina.com.cn/msicjdh)) to edit and publish project newsletters. As at July 2010, MSI had published 22 issues of the newsletter and created the You and Me page ([http://www.youandme.net.cn](http://www.youandme.net.cn)).

   *Project audience* - The Project’s primary target is youth, but activities reach broader society. The project reached:
   - more than 50,000 people directly through training, seminars and outreach events;
   - more than 250,000 people through peer counselors; and
   - approximately 500,000 people through publicity, press releases, newspapers and exhibitions.
Additionally, countless youth have been reached through broadcasting programs.

**Project activities** - By the end of May 2010, MSI Positive Talks had provided 474 training seminars (32 seminars in 2010), details as follows:

- training seminars on the *Regulation on HIV Prevention and Treatment*;
- a *Positive Talks* training workshop in Hezhou of Guangxi Zhuang Nationalities Autonomous Region in May 2010, on PLHIV-focused anti-discrimination policies; and
- an advanced seminar in Tsinghua University in June 2010 on HIV issues.

**Relations** — Project donors include the UK Department for International Development, the Gates Foundation, the United States, Stora Enso from Finland (the world’s leading papermaking company), UNDP, UNAIDS and the Global Fund.

MSI maintains a constructive relationship with the Chinese Government; this includes:

- collaboration with the China Central People’s Radio in initiating the *Dialogue for Life Program* (co-hosted by professional moderators and PLHIV).
- a live broadcast program on the Voice of Economics Channel every Saturday evening (21:00-22:00) at the Central People’s Radio Broadcast Station; this program reaches more than 3 million people in 60 cities in China (initiated 16 January 2010).

2. **Survey Report**

In 2009, *Positive Talks* collaborated with PLHIV groups including AIDS Caring (in Guangdong, Hubei, Yunnan and Guangxi), Hunan HIV/AIDS Support Group: Home of Friendship and Love, Silk-Road-of-Love Group in Heilongjiang, Xinjiang Tiantong Homosexual Group, Xincai Farmers’ Health Team of Henan; to conduct research, draft and publish a *Survey Report on Discrimination against People Living with HIV in China*. The *Survey Report* was supported by the Social Development Institute of the Central Party School and UNAIDS. Report findings drew on interviews with more than 2,000 PLHIV on the topics of stigma, medical testing, counseling services and discrimination.

Following from, and building upon the *Survey Report*, an independent researcher, Ms Xia Donghua drafted an *Analysis Report on Discrimination Faced by People Living with HIV in China* (submitted to MSI and UNAIDS in June 2010). The *Analysis Report* noted the weaknesses of legislation governing HIV, the lack of safeguard mechanisms and protections for PLHIV, the high cost of legal services, and put forward policy recommendations.
2. Asia Pacific Council of AIDS Service Organisations (APCASO)

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<th>Name</th>
<th>Asia Pacific Council of AIDS Service Organisations (APCASO)</th>
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| Contact Information | Asia-Pacific Council of AIDS Service Organisations Yunnan Office  
Tel.: 86-871-3620693  
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Address: Floor 3, 47 Xihua Road, Kunming, Yunnan  
Post Code: 650032 |
| Scope of Work | Human Rights and Constitutional Law  
Promotion of Civil Society Development |
| Activities | Training  
Publications  
Public Interest Litigation  
Rights Protection |

The Asia-Pacific Council of AIDS Service Organisations (APCASO) is an international NGO, established in 1992, headquartered in Kuala Lumpur, Malaysia.

In August 2005, APCASO set up a project office in Kunming, Yunnan Province, and started the five year Prevention and Treatment Advocacy Project (PTAP). PTAP was supported by the International Committee of AIDS Service Organizations (ICASO) and funded by the Gates Foundation. In July 2007, Yunnan Daytop Drug Abuse Treatment and Rehabilitation Centre became the formal project partner of APCASO in China and undertook full responsibility for the implementation of PTAP activities.

PTAP aimed to:
- expand the scope of HIV prevention;
- increase access to HIV/AIDS treatment.

PTAP has a close ongoing relationship with the Yunnan Shangyi Law Firm and IDLO. PTAP has implemented a series of legal activities involving HIV prevention:
- Training on HIV/AIDS-related Law – From 15-17 December 2007, APCASO, the Yunnan Shangyi Law Firm and IDLO jointly facilitated a Training Workshop on Promotion of Harmonious Society, AIDS and Law (funded by the Gates Foundation). The Training Workshop was the first training on HIV and law for lawyers in China. The Training Workshop was attended by more than 20 lawyers from legal aid centers, law firms (in Kunming and across Yunnan Province) as well as senior law professors from Yunnan University Law School and Yunnan University of Finance and Economics, postgraduate students from Yunnan University and representatives of NGOs. A Report on HIV Prevention and Treatment Policy, Legal Environment and Requirements (drafted by lawyer, Mr. Tang Rong) was presented to Training Workshop participants. Mr. Tang Rong went on to develop the book Guide to HIV and Legal Services on the basis of the Training Workshop.
HIV Public Interest Litigation—Lawyers, Mr. Tang Rong and Mr. Zhou Dayong worked together on the first Chinese action by a PLHIV against an insurance company for HIV discrimination.

In this case, a person living with HIV, Li Wei (pseudonym) purchased accident insurance from the defendant insurance company in February 2008. Later, Li discovered that, pursuant to the terms of the insurance contract, the insurance company was excluded from liability for the period that the insured person was infected with HIV or had AIDS. Li first attempted to resolve this matter by sending a letter to the insurance company indicating that the terms of the insurance contract were discriminatory and requesting that the exclusion clause be removed from the contract. When the insurance company failed to respond to his latter, Li engaged Mr. Tang and Mr. Zhou to commence action against the insurance company.

Impact of Public Interest Litigation - Inspired by Li’s case, The Yunnan Daytop Drug Abuse Treatment and Rehabilitation Centre and the APCASO co-hosted a workshop on 18 June 2009 focusing on advocacy against HIV-related discrimination. The workshop was attended by 30 representatives, including officials from the Ministry of Health, the State Council AIDS Prevention Committee Office, representatives of domestic and international NGOs, legal professionals, PLHIV and the media. Mr. Tang and Mr. Zhou presented a synopsis of Li’s case at the workshop.

On 8 July 2009, the Insurance Association of China issued a best practice document (Best Practice Drafting for Partial Clauses and Terms of Personal Insurance Products). The document removed the discriminatory exclusion clause against PLHIV from the list of standard exclusion clauses, thus abolishing the use of a discriminatory provision which had been standard practice for more than ten years.