

# My Journey as a Public Interest Lawyer for the Rights of Women: Passion, Dream, Responsibility, Action and Thinking<sup>1</sup>

——On the 25th Anniversary of the Fourth World Conference on Women in Beijing in 1995

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## 1. Introduction: passion, dream, responsibility, action and thinking

The year 2020 marks the 25th anniversary of the "World Conference on Women" in Beijing, as well as the 25th year since I engaged in providing legal aid for women's rights and interests on a full-time basis. How time flies! Today, when I picked up the pen, mixed feelings surfaced with fragments of memories were evoked—25 years interwoven with conflicts, passion and dreams, the persistence of responsibility and actions, and the constant thinking and reflection on past experiences. For 25 years, there have been times of weal and woe, laughter and tears, pains and gains, for my team and myself.

## 2. Origin: the call from the Fourth World Conference on Women in 1995

From September 4 to 15, 1995, Beijing hosted the United Nations Fourth World Conference on Women (hereinafter referred to as the FWCW), which was attended by more than 15,000 representatives from 189 countries and regions. The FWCW adopted the Beijing Declaration and Platform for Action, drawing a grand blueprint for gender equality and the development of women worldwide.

The Non-Governmental Organization Forum on Women, which was affiliated with the FWCW, took place in concurrence with the FWCW in Huairou, Beijing, from August 30 to September 8, 1995. More than 30,000 people from 200 countries and regions around the world, including 5,000 representatives from China, enthusiastically discussed women's concerns and goals at the Forum, which featured over 3,000 events in various forms and with rich content.

At that time, still working at the *Chinese Lawyer* magazine, published by the Ministry of Justice,

<sup>1</sup> This is a complete translation of the Chinese article *Wode Funü Quanyi Gongyi Lüshi Zhilu: Jiqing, Mengxiang, Zeren Xingdong, Sikao* (我的妇女权益公益律师之路：激情、梦想、责任、行动、思考), marking the 25th Anniversary of the Fourth World Conference on Women in Beijing in 1995. In case of divergence, the Chinese original will prevail.

<sup>2</sup> About the author: Guo Jianmei is a public interest lawyer and founder and director of Beijing Qianqian Law Firm. In 1995, she founded the Centre for Women's Law Studies and Legal Services of Peking University, which was the first public interest NGO specifically aimed at offering free legal aid to women.

I was fortunate to witness the event as a journalist. On September 5, 1995, Hillary Clinton, the former Secretary of State of the United States, gave a speech entitled "Women's Rights are Human Rights" in which she said that "it is time for us to say here in Beijing, and [for] the world to hear, that it is no longer acceptable to discuss women's rights as separate from human rights." Moreover, "if there is one message that echoes forth from this conference, it is that human rights are women's rights – and women's rights are human rights. Let us not forget that among those rights are the right to speak freely – and the right to be heard." This speech was so enormously touching that it truly echoed in my heart, as if pointing out a direction for my life.

At that time, I was mainly responsible for reporting on the World Women Lawyers' Conference, where I heard terms such as "public-interest lawyer" and "NGO" for the first time, which aroused my curiosity. A foreign representative asked whether there were any non-governmental organizations committed to providing legal aid to women in China. After thinking for a while, I shook my head. The other Chinese representatives present lapsed into a collective silence, for there was really no such organization at that time. "You've any public-interest lawyer?", another US representative continued to ask. "Public-interest lawyer? What are they?" Although I had graduated from the Law School at Peking University and had worked on China's leading judicial organs for several years, that was the first time I heard the phrase "public-interest lawyer".

Later, I became a full-time public-interest lawyer for women's rights and interests, largely due to the call of the FWCW in 1995. My original plan for the interviews with the women lawyers who participated in the Forum was for one day only, but the next day, when I arrived there, I found myself so taken by the forum that I stayed until it ended. I was amazed at the gathering of tens of thousands of elite women from different countries and regions with huge diversities in skin colour, ethnicity and race to discuss the same topic of the development of women worldwide. When they met, they would give each other a warm hug as if they had been a family, but in fact many of them did not know each other, nor did they speak the same languages. These women were full of vigour and enthusiasm, which made my soul resonate. The issues they discussed were also *my* concerns. In a kaleidoscope-like world, I felt as if I had suddenly found a home for my heart, which resulted in indescribable spiritual power.

### **3. Getting started: establishing the Centre for Women's Law Studies and Legal Services**

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Before becoming a reporter, I had worked in the Ministry of Justice and then with the All-China Women's Federation. When I participated in the drafting of the Law of the People's Republic of China on the Protection of Women's Rights and Interests, I visited many provinces and cities across the country with my colleagues to conduct a survey of women's survival and living conditions. The results gave me the feeling that their lives were too difficult.

The FWCW in 1995 shocked me more: in China, a country with nearly 600 million women, there was not a single legal aid agency for women. Three months after the conclusion of the FWCW, I resigned from public office and chose to work full-time to protect women's rights. With the support of Peking University's Law School, Professor Yang Dawen, Professor Ma Yinan and I jointly initiated and established China's first non-profit NGO specializing in providing legal aid and research and advocacy for women, the Centre for Women's Law Studies and Legal Services (hereinafter referred to as the Centre), in a shabby room in a hotel in Zhongguancun in December 1995. It is safe to say that the birth of the Centre was an answer to the call of the times, a response to the needs of the women's rights movement, and an inevitable result of the development of legal aid and NGOs in China.

By focusing on women, an especially vulnerable group in society, as the subjects of our service, the Centre commits itself to the protection of the rights of poor and disadvantaged Chinese women by providing legal aid as a means of relief. From a unique and innovative perspective, the Centre solves problems for deprived and vulnerable women nationwide, safeguarding their legal rights and interests in social, political and economic arenas. By awakening women's awareness of the protection of rights and laws, the Centre works to eliminate their spiritual and cultural poverty so that they can develop their own personalities, which helps them to live with self-esteem and independence.

The Centre devoted itself to the localization of ideas and concepts of international NGOs in its reforms and explorations. Its state-of-the-art and fruitful work has helped numerous underprivileged and helpless women in China, achieving huge benefits for society and glories for itself in terms of providing women with legal aid in civil society.

It was not until the end of March 2010 that the Centre came to an end for certain objective reasons after fulfilling its historic fifteen-year mission.

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#### **4. Heritage and persistence: the establishment of the Beijing Qianqian Law Firm and the Beijing Zhongze Women's Legal Advisory Service Centre**

Relying on the Centre, I founded the Beijing Qianqian Law Firm (hereinafter referred to as Qianqian Law Firm) and Beijing Zhongze Women's Legal Advisory Services (hereinafter referred to as Beijing Zhongze) in September 2009 and April 2010 respectively. Although institutionally these are two different entities, they share the same employees, with the former focusing on pro-bono legal service for public-interest purposes and the latter on the implementation, research and advocacy of public-interest projects on women's rights. I hoped to find a unique model of development where the legal service protecting women's rights and interests was provided by full-time public interest lawyers. For certain objective reasons, Beijing Zhongze announced its closure in early February 2016. However, the Qianqian Law Firm continued to work fully on the Centre's purposes, principles and missions, to advance the legal rights and interests of women, the cause of public-interest legal aid, and the reform and improvement of the relevant laws, regulations and policies.

#### **5. Methods and strategies: create a unique non-governmental legal aid model that integrates women's rights, legal aid and NGOs**

In the past 25 years, institutions providing public-interest legal aid, including the Centre, have upheld the tenets of "serving public interest with love and constructing gender equality by the law". From the unique perspective of public interest, by using legal aid as a method of relief, we have gradually developed a legal aid model that combines women's rights, legal aid and the development of NGOs. Through a series of practical pro-bono legal services, we have actively endorsed women's rights, gender equality and public-interest legal aid in China. Our main working methods and strategies are as follows:

##### **5.1 Providing free legal consulting services across the country as full-time lawyers for the protection of women's rights**

The full-time public interest lawyers in our organizations provide various legal services free to the whole country through phone calls, visits, correspondence, virtual communication, community lectures and so forth. We have delivered free legal consultations in more than 50,000 cases in the past 25 years, which constitutes the premise and foundation of the public interest

legal services our institutions provide.

## **5.2 Handling typical legal aid and public interest litigation cases by adopting comprehensive litigation strategies and methods**

On the basis of providing free legal advice, we handle typical legal aid and public interest litigation protecting women's rights and interests (gender discrimination) nationwide by exploring cross-regional, joint and large-scale case handling methods based on the criteria of significant, typical, difficult and theoretical research and legislative advocacy value according to the clients' applications.

From 1995 to 2004, when our institutions were still in their infancy, we focused on cases where legal aid was offered to individuals, with an emphasis on resolving individual claims. After 2004, judging from the inherent needs of women's rights and interests on the one hand and the fact that we had accumulated certain experience on the other, we turned to combine legal aid for individuals with public-interest litigation for groups, with the focus of the latter being placed on five key areas, namely gender discrimination in the workplace (such as same-age retirement for both genders), workplace sexual harassment, the protection of the rights and interests of female domestic workers, sexual abuse of children by educators, and the protection of rural women's land rights and interests.

The charm and value of public-interest litigation do not lie in the pursuit and success of individual cases (which, of course, is the most basic), for success is not the only standard. No matter whether the parties are suing for their own private interests, are engaged in a social action involving huge numbers of people, or are doing this for some other reason, and no matter whether the case is won or lost, as long as it can expand its influence to cases of a similar kind, it can influence public opinion on the issues raised. The most important thing for us is to be able to exert some influence on the reform and improvement of the relevant laws, regulations and institutions.

Over the past 25 years, we have represented more than 1,500 typical cases seeking the protection of women's rights, many of which are public interest typical cases that benefit hundreds of thousands of women with huge social impacts. Examples include the case of five years of sexual harassment of Chongqing Primary School teacher by the school's headmaster; the rape of a female employee by Song Shanmu, President of Sunmoon Education Group in Shenzhen; a

death sentence passed on Li Yan, a woman from Anyue, Sichuan, who killed her violent husband after enduring months of months of domestic violence; the death of Dong Shanshan in Beijing as a result of domestic violence; the case of Xiaoling, a teacher at Guangdong Shaoguang Middle School who was violently killed by her ex-husband; obtaining the land rights of thirty-eight married women in Huizhou, Guangdong; the case of twenty elementary school girls in Tongbai, Henan who were being sexually abused by a teacher at a teaching site; the case of twelve preschool girls in Lingwu, Ningxia who were sexually abused by a teacher at a teaching site; the case of the re-employment of a male teacher in Wuyuan, Jiangxi who had sexually abused sixteen young girls; the suspected case of *Southern Weekly* reporter Cheng raping a female intern; the suspected case of Qian Fengsheng, Associate Professor at Shanghai's University of Finance and Economics who allegedly had sexually assaulted a female postgraduate; the suspected case of Yao Shunxi, Professor at the Central Academy of Fine Arts for sexually harassing female students; and the suspected case of Bao Yuming, a senior executive of a company in Yantai, Shandong for sexually assaulting his step-daughter. All these cases have stirred widespread social concern, and some of them have played a major role in advancing the reform of the relevant laws and regulations.

Special emphasis is placed on the use of multiple case-handling strategies and techniques, including but not limited to litigation, mediation, administrative coordination, applications for government information disclosure, administrative reconsideration, administrative litigation, administrative criminal charges, moderate media supervision and so on.

### **5.3 Drawing social attention to women's rights and interests and public-interest legal undertakings through training, publicity and educational programmes to increase gender awareness and legal knowledge through multiple channels**

The change in gender awareness underlies the promotion of gender equality. Therefore, to meet actual needs, we have launched various training seminars on women's rights, gender equality and public interest laws on a yearly basis, either independently or in cooperation with other organizations, targeting government departments in legislation, law enforcement, justice, employment, civil affairs and health, as well as women's federations, communities, lawyers, grassroots legal workers and women. The main content of the seminars features awareness of gender equality, the concepts of public interest, social responsibility, the relevant laws and regulations, case studies, enhancement of the practical handling of cases and responses,

increasing skills and so on. Over the past 25 years, more than 250 seminars have been held, benefiting target groups of over 10,000 persons.

#### **5.4 Advocating the establishment of a legal aid network for women's rights and interests in China by "borrowing ships to go to the sea"**

As the pace of information technology application gathered momentum, we promptly opened a new platform for protecting women's rights and interests. December 2000 saw the establishment of the China Legal Aid Coordination Group, upon which we launched the China Legal Aid Coordination Network to deliver legal aid and coordination proactively nationwide. In 2004, three special working groups were founded for the protection of Chinese women's employment and property rights and their struggles against domestic violence. In April 2005, "Women Watch-China" was founded to conduct investigations, research, observations, analysis, evaluation and monitoring of the protection of Chinese women's rights and interests.

In view of the limited resources of our full-time public-interest lawyers, and in order to fully integrate and mobilize the resources of public-interest legal services, which are dispersed throughout the country, in early 2007, and by relying on the Centre, we set up the "Women's Rights and Interests Lawyer Network", renamed "Public Interest Lawyers Network" in 2009. The Public Interest Lawyers Network has three main functions: first, legal aid and public-interest litigation; second, establishing and cultivating a team of public interest lawyers in the spirit of dedication and awareness of the public interest; and third, to conduct theoretical investigations into and research on public interest legal aid.

So far, the Public Interest Lawyers Network has been joined online by nearly 600 volunteer lawyers from 29 provinces, autonomous regions and municipalities across the country, involving more than 200 law firms in eastern, central and western China. In 2014, relying on its existing resources, the Public Interest Lawyers Network established three teams of volunteer lawyers to take on cases of anti-domestic violence, safeguarding young girls, and protecting women's property rights respectively. By criss-crossing regions and departments on a large scale, the team of volunteer lawyers for public interest legal services have handled more than eighty legal aid cases for the protection of women's rights and interests, covering domestic violence, sexual harassment, sexual assault, marriage and family, and some of these cases have generated massive social impact. Meanwhile, the team has organized more than 200 publicity and education

activities regarding public interest laws by sending laws (related to anti-domestic violence law, marriage law, and so on) to the countryside, community and campus in various forms and with rich content, and distributing more than 4,000 copies of manuals and posters to counteract gender-based violence. Moreover, it has held more than fifty legal training and practice seminars on gender-based violence for practicing lawyers, with the number of participants exceeding 2,000 persons. At the same time, it has participated proactively in the promulgation, improvement and promotion of the relevant laws and regulations, such as the Anti-domestic Violence Law and amendments to the criminal law. Its efforts have generated considerable social influence, winning praise and recognition from the public.

### **5.5 Paying close attention to the cultivation of future public-interest legal talent by establishing and incubating a "Public Interest Legal Talent Training and Practice Base"**

Adopting a strategy of "bringing in" and "going out", we recruited interns and volunteers from the law schools and/or law departments of both Chinese and foreign universities through the cooperation of their legal clinics, appointing full-time lawyers for their supervision and professional guidance. Through a series of activities, such as training, lectures, research, and assisting in project implementation and case-handling, we helped them cultivate and improve their awareness of gender equality and the public interest, as well as their legal professionalism and the capacities of legal practice, so as to develop them into the talented public-interest lawyers that our future needs.

### **5.6 Promoting social governance related to gender equality issues in a bottom-up manner by establishing and cultivating pilot projects involving the protection of women's rights and interests and gender equality at the grassroots level**

We summarized, replicated, and disseminated the experience we had gained from establishing and cultivating pilot projects related to the protection of women's rights and interests and gender equality at the grassroots level. We also proactively advanced the comprehensive social governance associated with the protection of rural women's land rights, the regulations for the prevention and control of sexual harassment in companies, and gender equality issues, such as judicial protection and inter-agency cooperation against domestic violence, as a bottom-up guiding unit for subsequent work with similar features.

### **5.7 Proactively promoting the promulgation and improvement of laws, regulations and**



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## **policies related to gender equality through efforts to advance legislation**

We have actively helped in promulgating and improving laws, regulations and policies involving gender equality through measures like handling typical cases, convening symposiums, holding expert demonstration meetings, case studies, public-interest petitions, pilot projects, public-interest litigation in conjunction with the relevant experts, and contributions from scholars, delegates of NPC and CPPCC sessions, reporters, lawyers, NGOs, and university teachers and students.

Since the inception of our organizations, we have submitted a total of more than 110 legal opinions, legislative proposals, legal research reports, recommendations and proposals for NPC and CPPCC sessions to the competent state departments. Some have successfully drawn the attention of the competent authorities and advanced the reform and improvement of relevant laws and policies, for example:

☼ In 2006, we successfully prompted the Ministry of Education to abolish the stipulation that college undergraduates are not allowed to have children.

☼ In response to issues concerning the protection of rural women's rights and interests in land, we promoted the "Property Law" and the "Organic Law of the Villagers Committees" to give the people's courts and township governments the obligation to revoke and order corrections regarding illegal village rules and folk covenants.

☼ In 2012, realizing the existence of sexual discrimination in education, in the sense that female applicants needed significantly higher scores than their male counterparts to be admitted to several universities eligible for recruitment in advance, we pushed the Ministry of Education to revise the Regulations on Admission to and Enrolment in Institutions of Higher Learning 2013. These solemnly established that no university or college is allowed to set any admissions ratio between male and female students without prior review and approval, and no university or college is allowed to reject a student's admission or increase the admissions requirements on the grounds of gender.

☼ In 2015, we joined collective efforts to push for Amendment (IX) to the Criminal Law of the People's Republic of China abolishing the crime of prostituting girls under the age of fourteen,

the revision of constituent factors in cases of indecency, and the addition of miscellaneous provisions requesting harsher penalties for the crime of indecency against children.

☼ At the same time, we offered many helpful recommendations and suggestions as part of our efforts to pass and improve relevant laws and regulations, including the "Labour Contract Law", "Employment Promotion Law", Judicial Interpretation III of the Marriage Law, "Social Insurance Law", "Special Provisions on Employment Protection for Female Employees", "Anti-Domestic Violence Law", "Civil Procedure Law", "Criminal Procedure Law", "Criminal Law Amendment IX", "Civil Code (Parts)" and "Criminal Law Amendment XI".

### **5.8 Consolidating the foundations of theoretical research by regularly summing up experiences**

While actively exploring how to deliver public interest legal aid to protect women's rights and interests, we also attach great importance to strengthening theoretical research as well as the systematic generalization and refining of relevant experience. We have successively edited and published sixteen books on the protection of women's rights and interests and on public interest legal aid. These books include but are not limited to *Theories and Practices of Legal Aid in China*, *Women's Legal Aid Cases: Guide*, *Domestic Violence and Legal Aid*, *Chinese Women Work Rights and Interests Protection: Theory and Practice*, *Theories and Practices of the Protection of Women's Rights in Contemporary China*, *Women's Rights and Public Interest Litigation*, *A Study of Gender Discrimination in the Workplace in China*, *Research on Rural Women's Political Participation* , *Achieve the Rule of Law and Help the Vulnerable* and *Hold High the Sword of Law Against Domestic Violence*. These works present not only systematic diagnoses of and reflections on typical cases, summaries of related public interest projects, and in-depth research on specific topics, but also cutting-edge analyses of macro-topics, all of which share one feature in common: useful and pragmatic findings. We have also compiled and published, in a timely manner, a number of public-interest legal manuals, special survey reports and promotional leaflets, among many others, which were handed out free of charge to relevant target groups such as women. The aim is both to popularize awareness and concepts of public interest, and to strengthen dissemination of the law and practical response skills.

## **6. Exploration and thinking: the social functions of public interest lawyers**

What are the social functions of public interest lawyers? This is a question worthy of further discussion. As full-time public interest lawyers for the protection of women's rights and interests, my team and I, along with other peers, have been thinking about this question in our practice for 25 years.

The first public interest lawyers in China, like myself, grew up against the background of structural social changes during the transition period, starting in the 1990s, which basically coincided with the launch of the FWCW in 1995. In addition to legal-aid lawyers employed by the government, there are also non-governmental public interest lawyers who entered the profession spontaneously through their own wishes and beliefs.

As we all know, mainly serving the poor and disadvantaged groups, public-interest lawyers constitute a new category of lawyers committed to improving policies and the legal system and ensuring social justice.<sup>3</sup> Known to play a positive role in society, their character of serving others is, in the first place, shaped by professional objectives, and is then constantly strengthened in and through legal practice. Their career goal is not to make money, nor to seize power, but to help the vulnerable resolve disputes, and to improve and advance the social system. By speaking rationally for the socially disadvantaged, they resolve social conflicts and disputes, and safeguard laws, ethics, the public interest, social order and judicial justice.

### **Rational spokesmen: judicial channels that help disadvantaged groups**

Due to the rigidity of the conditions for receiving legal aid from the government, the legal needs of the "sandwich class" cannot be met by government lawyers alone.<sup>4</sup> Administering criteria that are more accessible and flexible than those for receiving government legal aid, non-governmental public interest lawyers have filled the gap left by the government in delivering public interest legal services and correcting government failures in safeguarding the legal rights of vulnerable groups. Governmental and non-government institutions serve groups that overlap but are not identical. They pursue goals with the same beliefs and values, but with different advantages in terms of resources, working together instead to ensure that a wider range of legal

<sup>3</sup> "An Interview with Public interest Lawyer Wu Ge: New Directions for the Development of Chinese Lawyers", Jan,28, 2010, Wu Ge Lawyer Network, <http://wq.zfwlxt.com/newLawyerSite/BlogShow.aspx?itemID=20b637e1-932b-4492-af79-9d0c0097964d&user=10449>.

<sup>4</sup> Lin Lihong, former Director of the Centre for Protection for Rights of Disadvantaged Citizens of Wuhan University, called those who had no access to the benefits of subsistence allowances or who just exceeded the poverty line but could not afford lawyer's fees as the "sandwich class": see "We Need a Plaintiff —A Disclosure of the Status Quo of Public Interest Litigation by the Centre for Protection for Rights of Disadvantaged Citizens of Wuhan University," Changjiang Times, February 28, 2008.

services can be provided to disadvantaged groups.

In "The Role of Chinese Lawyers in Public Events", Chen Youxi<sup>5</sup> says, "lawyers are the power to bring people to a rational court. They can eliminate irrationality and violence, [and] comb and screen all kinds of demands with laws so that all conflicts can be solved in a clear and orderly manner." I agree with this statement, for in many cases when we engage in public interest legal aid for women's rights, we use our professional legal skills and leading concepts to transform the protection of poor and weak women from petitions to legal actions, bringing them back within the force of rationality as much as possible, and helping them solve problems through judicial litigation. Therefore, public interest lawyers play a role in settling disputes, eliminating conflicts, and promoting the rule of law.

## **6.2 Opening the door of the law: a bridge that links the benign interactions between society and government**

By building a bridge between society and justice, public interest lawyers endorse the judicialization of social issues and the socialization of judicial issues. Social disputes have been fully responded to and rationally debated thanks to the participation of public interest lawyers, the media, scholars and the public via the courts, which represent fairness and justice and accordingly mean that problems are addressed in order and without haste, the majority of them being resolved in a rational and peaceful way.

Therefore, public interest lawyers serve as a buffer and protective screen for social conflicts. As Liu Guiming, editor-in-chief of *Democracy and Law Times*, has remarked, public interest lawyers have been playing a role in balancing communal interests, improving social governance, influencing public thinking, and promoting social progress and harmony. In their own actions, they are constantly enriching the professional standing of lawyers and improving the image of the profession in society.<sup>6</sup>

For example, the institutions I serve on often take on parties who are seeking legal help due to disputes over land acquisition and compensation for demolition. Most of these disputes, which involve large numbers of people, are highly complex. Rural women in the country's 31

<sup>5</sup> Chen Youxi, Chairman and Director of Capital Equity Legal Group, a well-known criminal defence lawyer in China.

<sup>6</sup> Fu Zhong: "Tong Lihua, who Helped Migrant Workers to Take Back Salary, Becomes a Public Interest Lawyer", Mirror Evening News, October 4, 2009, <http://news.sina.com.cn/c/2009-10-04/122416396614s.shtml>.

provinces (autonomous regions and municipalities) often find their own land rights being restricted and taken from them due to marriage, divorce, widowhood, remarriage, or taking in sons-in-law. They refuse to obey the traditional practices or village rules, according to which they will be given less land or none at all. Such disputes are a headache for local governments, which must spend much time and energy in coordinating with the women claiming these rights, but to little effect. The conflicts therefore remain in place, as a result of which some women choose to petition governments at various levels, hoping to find help somewhere to reclaim their legal rights and interests. Their actions have exerted tremendous pressure on local governments when it comes to maintaining a stable social order.

Upon intervening as women's agents, our team tries to resolve problems promptly through litigation, moderate media supervision, communication with all parties, and coordination with CPC village committees and the relevant departments of the local government, as well as submitting suggestions for legislation. While conducting meticulous communication and coordination with relevant government departments at the various levels of village committees, townships, counties, and municipalities, we have also promoted, through cooperative projects, revisions to village regulations and folk agreements, as well as township governments' supervision and reviews of the legality of villagers' autonomy,<sup>7</sup> so that the government can mediate in advance to prevent such arguments from arising and being extended. Let us take the case of the land rights disputes of 28 married women in Inner Mongolia, who were represented by my agency, as an example. These 28 women were not treated the same way as male villagers because the village committee had repeatedly deprived them of their contracted land and compensation for having their land requisitioned by referring to the so-called village regulations. For many years, they tried to defend their rights through petitions, litigation and even hunger strikes. After losing their first-instance hearings, they were so desperate that they even thought of committing suicide together as a form of protest against this kind of injustice. However, at the second-instance hearing they won, thanks to the legal aid provided by our lawyers who persuaded the judges to accept their case, which was later recognized as a model

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<sup>7</sup> Provision 3 of Article 27 of the "Organic Law of the Villagers' Committees of the People's Republic of China(Revised)" stipulates: "If the villagers' charter of self-government, a village regulation or folk convention, or a decision made by the villagers' assembly or the villagers' representatives' assembly violates the preceding provision, the people's government of the township, ethnic township or town shall order it to make a correction."

case by the Supreme People's Court. Over the past 25 years, our organizations have handled more than 200 cases (most of which involve collective public-interest litigation) protecting rural women's land rights, thereby benefiting hundreds of thousands of rural women in 29 provinces (autonomous regions and municipalities) across the country. We have effectively eliminated social contradictions and provided efficient communication and dialogue between the government and people at the bottom of society.

### **6.3 Wielding the sword of the law: a booster for reform of the legal system**

While public interest lawyers use the sword of the law to help good, suppress evil, and maintain fairness and justice, their work also has another focus: to improve the current laws by exposing and challenging the gaps in the existing legal system through the handling of typical individual cases. Over the past 25 years, our organizations have made many significant efforts to promote women's rights and gender equality, and provide pro-bono legal aid, achieving some good results, which will not be listed here, as they have already been mentioned above.

### **6.4 A guide and role-model in the field of public interest legal practices**

On the one hand given their systematic professional legal knowledge and experience, public interest lawyers guide clients in protecting their legal rights using the weapon of the law, while on the other hand their actions also expose the flaws and deficiencies of the legal system to the general public, who become aware of the existence of these problems and think about how to solve them. This in turn urges the government to improve the system and make progress with it.

Over the past 25 years, through their own practice and enthusiasm, our organizations have attracted and led a large number of lawyers and legal workers to dive into the flood of public-interest legal practice. Some have given up their businesses completely to pursue the public interest, while others have worked part-time as public interest lawyers. By using their legal expertise, they have served and helped a large number of people who are at the bottom of society and cannot afford to hire professional lawyers.

If public interest can be described as a school, public interest lawyers are just like volunteer teachers who teach themselves how to help others professionally. Through their actions, they play a role in disseminating the law, bringing it to the attention of the public, and urging the government to make a more positive response, while also influencing and leading more people to help the poor and vulnerable.

## **7. Difficulties and challenges: blazing a trail in the gap between reality and ideals**

Over the past 25 years, in our legal career protecting women's rights and interests as full-time public-interest lawyers, our team and I have also personally faced many difficulties and challenges in areas such as laws, institutions, concepts, management, finance and human resources.

### **7.1 The predicament of concept and system**

First, the traditional unitary model and concept of leadership in China has caused society (including the relevant functional departments) to reject and disagree with public interest lawyers to a certain extent, which, in addition to hindering the government, society, and public-interest lawyers in entering dialogue, communication and collaboration, places the survival of public-interest lawyers in greater difficulties and under greater pressure than ever before.

Second, the lack of awareness of public interest, gender inequality (such as the prevalence of gender discrimination and deep-rooted gender stereotypes), law and social responsibility has caused much confusion and even misunderstandings for public interest lawyers who represent vulnerable groups. Our team and I have ourselves suffered verbal abuse many times, and even threats to our personal safety and other dangers on a number of occasions.

Third, the imperfect legal system, obstacles placed in our way by judicial mechanisms, the environment of law enforcement, the influence of administrative interventions in judicial procedures and local protection and industrial protection have all placed tremendous difficulties and pressures on our legal aid work for women's rights. For example, public interest lawyers are not fully recognized or integrated into the legal system, making them forerunners in practice. "The Regulation on Legal Aid" does not give a definition of public-interest lawyers. The law encourages lawyers, but only private ones, to provide legal aid. It stipulates the service targets and scope of practice for private lawyers who work as public-interest lawyers, whose status, however, is not specifically defined. These formal legal rules have shaped the model of practice according to which a private law firm must handle cases of a public-interest nature. This stands in conflict with the definition of private lawyers in the Law on Lawyers, especially the fact that private lawyers charge a fee for their services. Moreover, even if there is a subsidy for private law firms, a specialist agency is still needed to do the job in order to achieve the purposes of public-interest litigation, and this

agency needs a special guarantee of its funding.

Fourth, there is the question of relations with the government. Based on a belief in the concept of justice, lawyers are committed to advocating a system of trust in which the members of society generally obey the law, and to construct the "goodness" and "justice" that make everyone equal before the law. Of course, "justice" sometimes connects law with politics, just as social governance links lawyers with the government from time to time. Even so, the law remains the lawyer's main tool, and most lawyers (including public interest lawyers) keep a considerable distance from politics. However, public interest lawyers serve self-governed public interest legal organizations, their professional goals targeting the promotion of system reform and the progress of the rule of law, which occasionally but inevitably conflicts with the government's role in maintaining social stability. If we explain this situation with reference to Habermas' theory of communicative action, when subjects coordinate and interact through discourse symbols, the goal is to achieve mutual understanding and coordination. However, conflicts of roles make understanding-based consensus more difficult to reach. In order to achieve the governance goal of maintaining social stability, the government may restrict the autonomy and development of public interest legal organizations through financial control and administrative absorption, which seemingly casts public-interest legal organizations adrift in the whirlpool of autonomy and the control of social governance. Besides, the government and public-interest legal organizations have insufficient willingness or motivation to communicate with each other, as is reflected in the fact that the latter too often fail to receive positive responses from the former to their invitations to the seminars or public events they organize.

Fifth, on top of the above-mentioned dilemmas, there are other institutional dilemmas, such as the public interest legal aid organisations' legal registration of identity and their status in tax law.

## **7.2 The dilemma of reality and roles**

First, it is difficult for public-interest legal organizations to raise funds.

Commercial law firms can choose to survive by engaging in profit-oriented legal services. The government's legal-aid centre can obtain fiscal appropriations to ensure its sound operation. It is only non-governmental public interest legal organizations, which cannot make a profit from representing cases, nor obtain the limited resources provided by the government, that need social



donations for their survival. In an ideal situation, the social funds that can be relied upon includes donations from the government, domestic foundations and enterprises, individual citizens and international organizations. However, current domestic fundraising channels are inadequate. Most organizations rely mainly on project funding from international organizations, with channels being few, the number limited, and survival precarious, not to mention the need to pay the salaries of full-time and part-time lawyers, as well as the costs necessary for the normal operations of the organization, which also naturally require considerable funding. When policies are tightened, the lack of funding becomes a major problem threatening the survival of these organizations. For example, after the "Law of the People's Republic of China on the Administration of Activities of Overseas Non-Governmental Organizations within the Territory of China" (hereinafter referred to as ONGO Law) was enacted on January 1, 2017, obvious restrictions were placed on cooperation between domestic public interest organizations and international NGOs, as well as on the acceptance of donations by the former from the latter, whose donations often could not be received in time. The heads of public-interest legal organizations therefore often had to cover the daily expenses of their organizations out of their own pockets. The difficulties in financing themselves not only hinders the growth of public-interest legal organizations and weakens the advocacy function of some non-governmental public interest legal organizations, it also affects their operational efficiency and credibility.

Second, the issue of talent has been a major obstacle to public interest legal organizations. This mainly manifests itself in two respects. The first is over-reliance on the person in charge, with the cultivation of successors being a tough problem. The current development of public interest legal organizations deeply reflects the founder's experience and background, being closely related to his or her own resources and pursuits. Fundraising and public relations are often the sole responsibility of the person in charge, who in some cases even writes the project reports. Training or finding successors is difficult both internally and externally, for internally, the process will be long and arduous and requires enormous resources and efforts, while externally, a potential successor might find the salary too low or simply disagree with the goals of the organization. Second, there is a gap in the supply of young, middle-aged and senior talent, especially middle-aged lawyers with experience. At present, the full-time pro-bono lawyers in many organizations are mainly young people at the start of their careers. More experienced lawyers between the ages

of 35 and 45 are very few in number. Public-interest legal organizations mainly attract three types of people: first, those who cannot find a job temporarily, or who are having difficulty finding a job in society, or who are not yet under huge pressure and are willing to stay because of the income; second, young people who have just graduated from school with lofty ideals regarding the law and agree with the development philosophy of the career and the organization; and third, those who have accumulated a certain fund of social resources and financial strength. However, talented lawyers who have relatively high professional standards are hard to find. When young lawyers first choose this profession, they are full of ideals and enthusiasm, without considering the pressures of survival and family responsibilities. After two or three years in this work, not seeing good career prospects for themselves, nor a desired income, they will consider changing their jobs or careers, which leads to a high turnover of staff in many public-interest legal organizations, with complete replacement typically occurring every three to five years.

Accordingly, a pair of contradictions arise. On the one hand, we need talented lawyers with highly professional competence and a strong recognition of public interest; on the other hand, the benefits that our organizations can provide to their full-time members are comparatively low. Therefore, it remains a very difficult problem to attract and retain outstanding talent for a long time in a social context in which an awareness of the public interest has not yet been formed and the general public is still mainly preoccupied with their own personal earnings. It is just as hard to resolve the conflicts and contradictions between ideals and reality, dedication and income, spiritual pursuit and material gain. Although there are some commercial lawyers who also work as part-time pro-bono lawyers, they have to rely on their income from commercial cases to make up for their free contribution to public interest cases. Some commercial lawyers who volunteer to cooperate with public interest lawyers may gradually give up their cooperation and efforts due to the lack of financial support from public interest legal organizations.

Third, there is a challenge from a dilemma arising over respective roles. Public interest lawyers have won public attention because they serve underprivileged groups. On the one hand, symbolically public interest lawyers are loaded with many expectations, being favoured by the public and the media because they speak rationally for the public interests of groups that belong to the lower social classes, while on the other hand they are sometimes doubted and misunderstood. The overlapping of their professional identity as lawyers and their role of

public-interest spokesmen poses new challenges to the adaptation of the role of public interest lawyers. The public's expectations of this role do not completely match their own self-identification, which creates a dilemma over their role that is mainly manifested in the complication of professional and public identities, the confusion between their professional role and the role of social worker, and the alienation of their self-identity and social identity.

Fourth, there is the problem of physical and mental overload. Most of our team's legal-aid cases involving discrimination against women are prominent, typical, difficult, and complicated, involving multiple parties and interests. Being highly demanding in terms of workload, they consume a huge amount of time and effort. When coupled with the pressure from the environment, our lawyers often feel reserves of mental energy and physical strength coming under intense pressure.

### **7.3 The dilemma of internal management**

The mobilizing ability of public-interest legal organizations comes from emotional motivation, which may be compromised by the organization's own vague mechanism for reward, punishment and incentive, as well as by its mechanisms for evaluating performance. In terms of post-allocation, although operational positions such as finance and administration are relatively complete, other functions such as fund-raising and public relations are basically undertaken by the only person in charge, which means that the positions for fund-raising and brand communication are weak. Besides, supportive positions such as volunteer management lack a complete management system. Moreover, although collectively responsible for the interests of external groups, members of the organization themselves have loose interpersonal relations, which mainly depend on each other's self-supervision, ethical restraint and the constraints of the rules set at the time the organization was founded. The internal atmosphere tends to leave people with the impression that everybody is pursuing his or her own business, with no or only very loose discipline. Although many public-interest legal organizations have duty schedules, according to which a lawyer is present every day to consult clients, when the lawyer on duty and other lawyers are due to appear in court, travel on business, or receive training elsewhere, the situation might arise of no one being on duty. The person in charge is too often busy with fundraising and public relations to be able to allocate much energy to the day-to-day management of the organization.

Although a series of training courses, such as those offered by the NPO Information Centre, have provided NGOs with opportunities for interdisciplinary exchanges and new perspectives on management innovation, the sense of urgency for a "self-cultivation of talents" gained from external power has fallen short in shaping a long-term and continuous internal impetus.

## **8. Countermeasures and Suggestions: Professional Development of Public-Interest Lawyers**

In 2010, US Associate Justice Ruth Bader Ginsburg held a speech at a legal-aid public interest forum in which she communicated that an event dubbed "the idealist renaissance of the lawyer's profession" had recently been launched in the United States. The purpose of the event was to remind lawyers that the highest principle in the history of the legal profession was to provide legal services to the poor, the disadvantaged, and low-status groups in addition to maintaining the function of enhancing the public interest. A lawyer is not just a fee-charging craftsman, nor does he or she work just for money every day, but a lawyer is a devotee of the public interest. Only in this way can he or she satisfy the greatest sense of professional achievement. The professional development of public-interest lawyers plays a positive role in promoting the profession of lawyers, and it requires all-round cooperation and efforts from the government, the market, and society.

### **8.1 The government should build a system for public-interest lawyers**

First, the legal status of public-interest lawyers should be clarified. A true change in the development dilemma of public interest lawyers and public interest legal organizations must be determined from the perspective of the legal system. For example, the current Law of the People's Republic of China on Lawyers should be revised so as to clarify the concept and legal status of public interest lawyers and allow the establishment of public-interest law firms. Besides, public-interest lawyers should be defined in the "Regulations on Legal Aid". In this way, public interest lawyers can be given a clear legal identity for their public-interest activities, which can also encourage and guide more full-time or part-time legal practitioners to join the profession.

Non-profit law firms cannot, by definition, be profit-makers. Certified non-profit law firms cannot represent commercial cases. Registered non-profit law firms should obtain legal status as

such and be allowed to accept donations directly from enterprises or individuals, be given qualified tax-exempt status, and be able to issue invoices for charitable donations to their donors.

Second, a reasonable cost-allocation mechanism should be established. The establishment of a reasonable distribution mechanism for agency fees can effectively alleviate the survival problems faced by public-interest lawyers by raising funds for the public-interest legal organizations that they work for, something that in turn can encourage more lawyers to engage in public interest services. The current principle in China is that lawyers' fees are borne by their respective clients. In public-interest cases, however, the lawyers represent the poor and the disadvantaged, who are generally unable to pay them fees. Without a source of funds, it is difficult to mobilize lawyers to represent public-interest cases because they are also under pressure to feed their families. If lawyers had to handle cases with the money coming out of their own pocket, it would greatly restrict and weaken their enthusiasm in participating in public-interest cases.

From the perspective of the sustainable development of public-interest legal undertakings, and in order to encourage more lawyers to actively participate in the public interest, it is possible to consider drawing on the public-interest case fee-allocation system in the US, where the losing party bears the costs of public interest lawyers. In the US, the amount of compensation for mental distress is very high in public-interest cases involving personal injury, sexual assault and tobacco. For example, when the former IMF chief Dominique Strauss-Kahn sexually assaulted a hotel maid, the amount of compensation paid to her was large. Accordingly, the public interest lawyer can earn high agency fees from such situations. This is also a key factor in the formation of a long-term mechanism for public interest lawyers in the United States. Compared to their US-based counterparts, Chinese public-interest lawyers have no one to pay the expenses of public-interest cases.

In addition, according to the actual situation in China, after winning their cases, plaintiffs should be entitled to another 20% of the awarded financial compensation, with the litigation costs and attorney fees to be borne by the defendants. If the procuratorial organs participate in the litigation, they can also receive a labor remuneration of up to 10% of the amount of financial compensation. After deducting litigation fees, lawyers' fees, and the labor remuneration from the financial compensation obtained in public-interest litigation, the balance should go to a specified

majority or, in its absence, the state treasury<sup>8</sup>.

Third, a multi-channel financing system should be established. Some believe that public-interest legal organizations and even all NGOs should follow the “3-3-4” model of the financial structure of their operations, that is, 30% to be contributed by the government, 30% by enterprises, and 40% to be raised by the organization itself. In fact, most NGOs in China are unable to raise sufficient operating funds in the country due to policy influences and the lack of concepts or practices of corporate social responsibility. Therefore, they have to raise funds from international foundations, whose continuity can hardly be guaranteed due to changes in the situation on domestic and international levels, e.g., the promulgation and implementation of the ONGO Law in 2017, the tightening of China's foreign exchange management policy, and changes in the political situation between China and the United States.

In view of the unreliability of foreign funding, the financing channels of public interest lawyers and public interest legal organizations should ultimately target domestic funds. The funding dilemma can only be alleviated by establishing a multi-channel and multi-level financing system.

First, the preferential support of the government's taxation system, for example, should include legal projects within the scope of public-interest donations. Tax-related laws, regulations and rules may consider classifying donations to legally registered non-profit organizations as public-interest donations, thus allowing donors to enjoy tax deductions with an upper limit of 30% of taxable income. This will greatly encourage enterprises, foundations and individual citizens to contribute to public-interest legal organizations.

Second, funding from domestic foundations should be increased. Public interest lawyers and public interest legal organizations need more financial support from domestic foundations, especially in the form of legal funding. At present, some public-interest organizations accept donations from legal foundations in China, but the proportion is small compared to the large number of total public-interest legal NGOs in the country, the majority of which are not eligible for this kind of treatment. Therefore, it will be important for the professional development of public interest lawyers if legal foundations can increase their financial support to domestic public

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<sup>8</sup> See Wang Zhenyu (2006): "Their Expectations of Impact Law Firm", published in Wang Zhenyu's blog, [http://blog.sina.com.cn/s/blog\\_5b8fe0490100uvvg.html](http://blog.sina.com.cn/s/blog_5b8fe0490100uvvg.html).

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interest legal organizations further while improving the own financing systems.

Third, the cooperation between non-governmental public-interest legal organizations and enterprises should be strengthened. Through relevant project cooperation, corporate social responsibility can be strengthened and the financial difficulties of public-interest legal organizations be eased. The commercial advertisement on which I cooperated with SmithKline in 2009 represented a new funding model. Although there was both support and opposition from the general public, the legal profession mostly adopted a tolerant attitude towards it. This model is not only conducive to publicizing and promoting public-interest lawyers and disseminating the modern concept of the rule of law throughout society, but it also expands the financing channels of public-interest legal organizations.

Fourth, donations from lawyers and law firms should be encouraged. In recent years, the author has been vigorously calling for and has concentrated on opening up channels of finance for lawyers and law firms to raise funds for public-interest legal institutions. I once called on every practicing lawyer in the country to contribute 50 Yuan a year, and each law firm 1,000 Yuan a year, to support the development of public-interest legal undertakings. Put together, this would be a large public-interest legal fund able to help many poor or otherwise disadvantaged litigants.

Finally, communication and cooperation with the government should be strengthened. For the future development of China's public-interest lawyers, it is of vital importance to strengthen communication, exchange and collaboration with the relevant government departments. Compared with their counterparts in developed countries, public interest lawyers in China and their public-interest legal practices have just started, with many aspects still in the initial exploratory stage. The difficulties and obstacles they face also come from various sources. If they are deprived of the government's understanding, attention and support, the durability of their profession will be questioned. The business of public-interest lawyers and the work of the government share the same goal. The fundamental starting point of both is the need for social harmony, national peace and security, and these bottom-up and top-down models just form a complementary relationship, working together to serve a public function.

On the one hand, public-interest lawyers and their public-interest legal organizations should communicate with the relevant government departments more frequently. Examples include inviting government officials to participate in relevant meetings; carrying out project cooperation

with relevant government departments; and contacting relevant government departments in a timely fashion with typical major and difficult cases, as this can help to alleviate social conflicts in a timely manner. We should also actively apply for public-interest projects and public-interest funds from government departments, as well as actively participating in government-led legal service activities (such as legal consultations, legal aid, dissemination of laws, suggestions for legislation, etc.), and actively contributing our wisdom. On the other hand, it is also necessary for the government to adopt a more tolerant and open-minded attitude towards public interest lawyers and legal organizations by increasing their understanding of this group and their cause, paying more attention and listening to them. Relevant laws, regulations and policy formulations should give appropriate favourable treatment, such as the clarification of legal status, tax incentives, financial assistance, management support, etc. At the same time, the systemic monopoly in legal aid should be appropriately liberalized, with channels for the government to purchase private services to be opened more widely, so that the government and NGOs can enter into an interactive dialogue in a relatively relaxed environment, which can enhance mutual understanding and create a more harmonious institutional environment for the poor and vulnerable.

## **8.2 Cooperation between public-interest lawyers and the market should be strengthened**

For the professional development of public-interest lawyers, expanding their own publicity constitutes an important strategy and provides the necessary means. At present, there are still many people who do not understand or have not heard of public-interest lawyers, which leads to the former overlooking the latter's further social recognition. From this perspective, public-interest lawyers should not doubt to promote themselves, their institutions, and their work when engaging in public-interest legal practice. For example, they can maintain closer contact and cooperation with the media and regularly station themselves in rural areas, communities, schools, factories and other places where the law can be popularized, open up free legal consultation hotlines, or compile free materials to popularize the law. They can also enhance the interaction between the public interest lawyer's group and the public through TV, radio, newspapers, magazines, the Internet and other media channels.

## **8.3 A long-term mechanism for training talent should be established**



It is necessary to create a long-term mechanism for cultivating public-interest legal talent so as to find, attract, retain, motivate and manage talent in multiple ways. This is a fundamental solution to the shortage of talent. First, we should cultivate public interest lawyers through the mentor system. Schools' law clinics can play this role, as can off-campus internships. Law school tutors have channels through which most interns can find internship opportunities. The apprenticeship, the initial stage in training for the legal profession in Western countries, is a good example to follow.

Second, cooperation between public-interest lawyers, public-interest legal organizations and university law schools should be strengthened. Courses cannot solve all the problems found in practice. Law clinics in various universities provide similar education. For example, the CCCLE project,<sup>9</sup> hosted by Mr. Chen Jianming, Tsinghua University Law School a few years ago introduced students to the skills involved in representing public-interest cases, but demonstrations alone cannot achieve the desired effect. Some members who had served the CCCLE project for more than a year said that their expectations when they first came to a non-profit legal organization were completely different from what they saw later. Although the legal clinic constitutes a good preliminary organization, it cannot solve the problem at a fundamental level. The reason is simple: those the clinic targets for training are young students who have just graduated, compared with the legal profession, which is a very practical matter. This means that public-interest legal organizations of various kinds should look beyond themselves to give lectures, conduct exchanges and communicate in college classrooms to attract students who are enthusiastic about the public interest. Such interactions are more conducive to the absorption and endorsement of public-interest legal talent.

Third, the inter-generational inheritance of teaching, helping and leading should be established. Public-interest legal organizations need a group of professional and experienced lawyers to teach young lawyers who have just entered the organization to maintain continuous inter-generational teaching, helping and leading. The reality is that domestic public-interest legal organizations currently do not have such conditions. The members of the organization are either first-generation public interest lawyers in their forties and fifties, or youngsters who have just

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<sup>9</sup> See Xiao Wei: "Public Interest Litigation: Why More Loss and Less Win", published in Procuratorial Daily, December 27, 2006.

graduated from law school. Inter-generational inheritance is the only possible option, but due to tight work schedules most of the senior lawyers on the organization are its leaders, who simply do not have enough time and energy to assume the responsibility for inter-generational inheritance.

Fourth, an incentive management mechanism for volunteers should be established. Volunteers are a talent reservoir for public-interest legal organizations, as well as acting as the latter's promoters, propagandists and supervisors. Maximizing the role of volunteers and allowing them to benefit from a lot of growth is the overall goal of social-interest talent training. If public-interest legal organizations can set up special volunteer management positions in internal management, implement a unified system of managing interns and volunteers, and conduct targeted guidance, it may turn out to be more helpful to reserve human capital for the future development of the organization.

#### **8.4 Strengthen the capacity-building of public-interest lawyers**

First, communication techniques and social work skills should be imparted to volunteers. In the absence of a mechanism for social cooperation, it is more effective for public-interest lawyers to acquire the professional skills of social workers, who need more skills training, as they play the role of amateur social workers in dealing with legal aid. Take anti-domestic violence cases as an example. At present, there is still a lack of professional social workers in a position to intervene initially, of prevention in advance and of intervention at the point the violence is committed. In the absence of such assistance, lawyers must to a certain extent act temporarily as professional social workers, which invisibly increases their time and cost, and requires them to develop the skills of professional social workers as well.

The key to balancing roles is communication: the more of it there is, the better, and the more careful it is, the better for public-interest lawyers. A lawyer's power comes from his being commissioned by the client, who will actively cooperate with the lawyers, and on some occasions, even independently without the lawyer's advice. The key to achieving such high levels of understanding is effective communication.

Second, the professionalism of public-interest lawyers should be enhanced. Job positions are unlikely to be filled without a supply of talent, which requires the communication and promotion of human resource absorption. The communication and promotion of human resource in turn

requires the continuous development of the organization, whereas the continuous development of the organization demands adequate financial support, which in turn requires improvements to lawyers' capacity. Non-governmental public-interest legal organizations have the ability to construct and improve their management systems through institutional planning and organization, but the financial pressure on the organization's operations may be so overwhelming that it must use projects to support cases in exchange for funding. Moreover, the project cycle is usually relatively long, with many project partners located in other cities. Therefore, to maintain the project's normal operations, lawyers often need to invest a lot of time in activities such as business trips, training, seminars, research, and report writing. This will result in lawyers' time for cases to be taken up, which means that they can only improve their legal expertise through irregular seminars, meetings, and communication with cooperating lawyers.

Only by improving the professionalism and social influence of private public-interest legal organizations can the professional development of public-interest lawyers be realized. Specific methods should be considered, such as setting up a regular system such as staff events/gatherings for the discussion and deliberation of typical cases within the organization, which can improve members capabilities through group discussions; taking half a day a week to organize members to study and discuss doubts and difficulties regarding new laws and regulations; and more or less regularly invite professional experts, scholars and lawyers with rich practical experience to provide specialised training to members, as their experience will play a positive role in guiding the young lawyers of the organization to make no or fewer mistakes when handling cases. In difficult but typical cases, experienced part-time lawyers or volunteer lawyers in the organization can be invited to lead or participate in the representation of the case in question, so that they can lead and guide the young lawyers handling the case, which will be of great benefit to the latter's growth. We should provide more opportunities to young lawyers so that they can participate in some quality academic seminars. Institutions where conditions permit may also consider sending young lawyers abroad for further studies from time to time.

Third, the social division of labour and cooperation system should be improved. In terms of recognition of their role and identity, public interest lawyers should stick to the role and basic professional identity of the lawyer. They can alleviate the pressure of public identity imposed on them, which exceeds the professional status of lawyers, by cooperating with the media, social

workers and other NGOs.

In the practice of public-interest law, the mixed roles of professional lawyers and social workers should be separated, a good strategy being to seek cooperation with professional social workers. Due to the confusion between the two roles and the unclear division of labour between them, there is some ambiguity in understanding, and an unreasonable setting of social institutions. Legal service agencies, other NGOs and social work institutions, by cooperating with each other and giving full play to their respective professional and resource advantages could maximize the effect of jointly undertaking a public-interest case.

When the government purchases private public legal services, it should also buy the related support services, such as psychological counselling and the professional services provided by social workers. The shortage of social workers results in public-interest lawyers having to spend more time and energy to make up for their professional deficiencies and strengthen the service capacities that are more typical of social workers. This also imposes higher requirements on the professional quality of public-interest lawyers.

### **9. Summary and Prospect: Five "Natural" and Realistic Portrayals**

Looking back on the past 25 years as a public-interest lawyer for women's rights, I deeply feel that this is a difficult but glorious career. My team and I have been sticking to it and practicing it with both pain and joy.

How to become an excellent public-interest lawyer? Many people are trying to answer this question. I am no exception. However, I agree particularly with Mr Qiu Jiandong, the top lawyer in public-interest litigation in China, who said, "to engage in the profession of public-interest lawyer for a long time, we must have five basic conditions: a natural sympathy for the weak, a natural sense of a distance from power, a natural desire for power, [being] a natural martyr to ideals, and a certain spirit of compromise."

"A burning passion, overtaxing one's health, taking responsibility, pursuing justice, daring to practice, and advancing the legal system": Summing up, this is a realistic portrayal of the public-interest lawyer group I belong to and of my 25 years as a public-interest lawyer for women's rights and interests.

No one can just be an observer: everyone is also a participant. Public-interest lawyers are

also participating in building a more people-oriented, harmonious society that believes in the rule of law, and where everyone abides by the rules of the game. The systematic interest of the rule of law for every citizen and his or her descendants is bound to be the greatest public interest for every Chinese citizen.

In the past 25 years, China's legal-aid work in support of women's rights and interests has achieved outstanding results, but there is still much room for further improvement. I hope that more lawyers will join the profession in the future.

Let us work together, walking hand in hand, and jointly open up a bluer sky for the protection of women's rights and the advancement of gender equality. We are on that road and have never left it. Being still on the road, we are also calling for more fellow travellers.