Rights

Migrant Workers Get Legal Assistance Free of Charge

Child of Migrant Worker Family Has a Dream

Joining Mainstream Society in the Home of Blessings
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The Amity Foundation is an independent Chinese voluntary organisation. It was created in 1985 on the initiative of Chinese Christians. It has worked to promote education, social services, health, and rural development in the underdeveloped areas of China. Amity’s work is grounded in the belief that all human beings share the same dignity. Abiding by the principle of mutual respect in faith, Amity builds friendship with both Christians and non-Christians in China and abroad. In this way, Amity contributes to China’s social development and openness to the outside world. It makes Christian involvement and participation in meeting the needs of society more widely known to the Chinese people and serves as a channel for people-to-people contact and the ecumenical sharing of resources. Helping to develop civil society in China is one of the key aims of its work.

The Amity Foundation has about 40 full-time staffers at its Nanjing headquarters. Hundreds of volunteers work with Amity all over China. The foundation receives funds from partners abroad as well as in Hong Kong and mainland China.
Justice We Can Work For

by Beate Engelen

China’s civil law has continually been expanded and amended over the last decades. Among many specifications, it spells out the rights of ordinary people. Advocates of civil society have long argued that these rights need to be realized. When it comes to China’s poor and marginalized people, however, progress has been slow. This is where our work can make a difference.

First and foremost, Amity wants to relieve poverty and misery by meeting people’s basic material needs. But there is more to development work than building homes, digging wells and installing biogas systems. People need to be assured that they are full members of society and that they are entitled to their rights, no matter how poor they are. We see it as our responsibility to work towards justice for those who happen to be born in Western China, in the countryside, into poor families or as disabled persons - in one word: we need to care for the powerless among us. Amity has pursued this goal in different fields and has tried to inspire others to do the same.

1. Maybe the most conspicuous of these fields is legal aid. Giving poor and underprivileged people access to the judicial system so that they can assert their rights is the least we can do. Several recent amendments to the Chinese Labor Contract Law, which becomes effective in January 2008, will bring substantial improvements in working conditions and workplace safety. But how many of China’s millions of workers know about this, and how many of them can afford legal assistance for prosecuting a claim?

   Too few! State funding is not yet sufficient to solve this problem. This is why Amity supports legal education. Amity staff go straight to the construction sites and job centers in order to inform workers of their rights. Amity also provides funds to help workers to get legal assistance at the Legal Aid Station in Nanjing. Left to their own devices, workers would be powerless; but with our help, at least some of them can assert their basic rights.

2. Children in western China face a high risk of dropping out of school because their parents are too poor to pay for schooling expenses. In early 2005, the central government promised financial relief for the poorest schoolchildren in the countryside. This was supposed to ensure that every child would be able to receive nine years of compulsory education.

   Still, for a great number of Chinese children, access to education has not yet become reality. Therefore, Amity staff travel to regions where this is a big problem, finding out about the causes and giving support to the affected families.

3. Mentally disabled people need our special attention. Today, parents of disabled children are barely coping with prejudice, ignorance and lack of understanding for the problems they face. Amity has founded the Home of Blessings, not only to help mentally retarded people and their families but also to lobby for them, demonstrating to the public what can be done to claim these people’s rights. They are part of the human family and need to be treated as full members of society.

   A lot of people in today’s China are working to realize everybody’s basic rights - rights which are guaranteed by law. This issue of the Amity Newsletter will give you a few glimpses of what all of us can do in order to achieve justice for the powerless.
I had many dreams in my childhood. At one time, I wanted to be an actor. Then, I wanted to be a violinist. At another time, I wanted to be a scientist.

Not until I became a university student and started to work as a volunteer, did I realize that the best dreamer is the one who can help others realize their dreams. We think of our own dreams, but rarely do we think of the dreams of others, especially not of the dreams of people who are less fortunate.

I am a volunteer teacher in a makeshift school for children of poor migrant workers. In a third grade class, I asked the students to write about what they’d like to be when they grow up, and I was ready to lecture on the importance of dreams in one’s life. There was no need for me to ask them to dream. Then, standing in the shabby, crowded classroom, I started to feel guilty: while my dream of becoming an interpreter will soon come true, their dreams are less likely to be realized. Instead, they may eventually take over their parents’ trade, earn a subsistence income, and forget about their childhood dreams ...

When it was my turn to tell the class my dream, all eyes were staring at me, and I said, “My dream is to make your dreams come true.” I still don’t know why I said this, but all the kids applauded me.

Their applause made me feel uneasy and that night I couldn’t go to sleep. As university students, we may regard many people as lacking in education and lacking in desire to work hard, but we may fail to see that they once held the same dreams as we do. We may fail to see that as we realize our dreams, they may have to abandon theirs, which are equally beautiful. They may want to work hard for their dreams just as much as I do, but they also have to begin at an early age to help support their families.

I can be an interpreter, a reporter or a teacher, but whatever I do, it is far more important to work towards a world in which everyone can have his or her dream come true.

I truly hope that, one day, the children I teach will also become scientists, artists and businessmen. At that time, I will be in [my] happy retirement, and my grandchildren will only learn about those makeshift schools in their history books.

As I came to know the children of this school better and better, I found them an inseparable part of my life. It is a privilege to be a small part in helping them pursue their dreams. I participate in their growth, and they participate in mine; together, we make our future.
Huihui's dream is to work as a flight attendant some time in the far future. Right now, the skinny girl of eleven doesn’t quite look as if she would ever get there. She is sitting on the only bed her family owns. The bed fills almost half of the room; a television set, a small table, several stools and a cupboard are the only other pieces of furniture. It is the typical one-room apartment of a migrant worker family in Nanjing. Four people live here.

Her father, Mr. Xia, makes a living by collecting and selling recyclable waste. Her mother looks after the households of richer families. Huihui’s parents had hoped that her older brother would one day be able to support them all - but he didn’t pass the relevant school exams.

Now the family is counting on Huihui’s ability to pass the university entrance exam. A university degree for their daughter is their only ticket to a better life. “A diploma from a senior high school is worthless if you want to apply for a white-collar job,” explains Ji Xiaodong from Amity’s education division. He supervises the project supporting migrant workers’ children. “Today, you need a university degree to get out of poverty.”

**School fees are high**

Putting their children into universities is especially hard for migrant worker families. Even though school fees for poor families from rural areas like the Xia’s have recently been waived completely for the nine years of compulsory education, current laws still prevent Huihui from enjoying free schooling. As a child of migrant workers, she has no right to attend school in Nanjing. Her only choice is either to go back to her home village or to attend a private school for migrant workers - and this means she has to pay tuition fees. To help her stay in school, Amity has just awarded Huihui a scholarship of RMB 500 (US$ 67).

For several years, the Amity Foundation has run projects for migrant workers and their families, and above all for their children, who have little access to education. Since 2000, Amity has supported schools for the children of migrant workers in Nanjing, providing them with sports equipment, computers, desks and chairs and other teaching equipment. Amity has also sent teaching volunteers to these schools. In this way, Amity has managed to improve conditions and raise the level of education.

However, fees (more than RMB 400 per term) are difficult to pay for a considerable number of students - especially for those from families with many children, those with severely ill parents and those from single-parent families. Without help, a lot of these students drop out of school.

Amity has established a “Scholarship Program for Children of Migrant Workers”, cooperating with 12 schools for the children of migrant workers in Nanjing. At each of these schools, about 10 poor students with high levels of school achievement are subsidized with RMB 500 per term. This sum covers the school fees and any surplus can be used to buy study materials.

**A Scholarship makes it easier**

Huihui’s parents are very happy. They have just bought her daughter a small tape recorder so she can listen to native English speakers. “If she continues to study hard,” they say, tapping her shoulder, “she might make it into university.” Huihui looks determined. She might be able to become a flight attendant after all.

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www.amityfoundation.org
**Legal Aid**

**Feel Free to Ask**

by Beate Engelen

The Amity Legal Aid Station at Nanjing’s Andemen Job Center offers free legal advice for migrant workers.

Wang Jie feels that he was treated badly one evening when he was working late. It all happened more than a year ago but he still suffers from the hideous affair, he says. A chair is pulled up and a cup of steaming hot water is put in front of him. Sitting opposite and gazing over the rims of his glasses, one of the legal advisers at the Amity Legal Aid Station asks him to explain in more detail what happened that night.

Wang Jie is a migrant worker around 40 years old. He comes from the remote countryside of Anhui Province, where his family still lives. Years ago, he moved to Nanjing, the booming capital of Jiangsu, which every year lures millions of impoverished farmers to its factories and construction sites to fuel the city’s persistant economic surge. Wang Jie, too, came here to look for work so he could support his family back home. However, because of his lack of education, low-paying odd jobs were all he was able to find.

About 16 months ago, Wang Jie worked for an employer who happened to be nearly bankrupt. One evening, he and his colleagues were still at work when a nervous supplier stopped by to claim his money. Realizing that the company boss wasn’t there, the man started to beat Wang Jie, injuring his back so badly that he needed to see a doctor.

Although he received some money in compensation for the beating, Wang Jie feels that it was not enough: his back problems have not gone away and because of the pain he can’t take on heavy work. He wants to get more money from the man who hit him. Is there a way to achieve this?

Wang Jie is one of around 8 people per day who appear at the office door of the Amity Legal Aid Station at the Andemen Job Center in Nanjing, seeking advice on a range of different legal problems. What is to be done when an employer refuses to pay the agreed-on salary? After an accident, who pays the hospital bill? Can I sue my grown-up children to support me?

**Enforcement problems**

To be sure, most of these cases are covered by laws and regulations. In this aspect, the situation is different from the past. Over the last three decades, the Chinese government has passed many kinds of laws and regulations.

However, there are still a lot of problems. One of them is the fact that most Chinese people know next to nothing about the rights they have under Chinese civil law. Some employers see this lack of knowledge as a chance to put unfair clauses into job contracts. Others just refuse to pay wages or compensate for injuries, knowing that common workers do not know where to get legal representation, nor have they money to pay for legal advice.

Migrant workers like Wang Jie are at an additional disadvantage when they try to assert their rights. The current social system classifies most of them as rural citizens, even if they have lived and worked in the cities for a long time. This categorization makes them second-class citizens and limits their access to a lot of the public services which city dwellers usually enjoy. Apart from social segregation, lack of education makes it a lot harder for migrant workers to know that they have rights protected by the law - not to mention the fact that most migrant workers cannot afford a lawyer.
Yet legal assistance is what migrant workers, men and women alike, evidently need. Official estimates say that, by now, the sum of unpaid wages to workers alone amounts to several billion yuan - and this does not even include outstanding pension payments, hospital bills and disability benefits for workers who have been injured at work. The establishment of legal aid stations is seen as a first step towards educating workers about their rights and also making sure that the law is enforced.

Supporting members of one of the most vulnerable groups in Chinese society - the estimated 120 million migrant workers - is a fairly new development. In the mid-1990s, hardly anybody in China knew the term “legal aid”! Not before the inflow of migrant workers into the cities picked up speed during the late 1990s did work-related disputes between workers and employers become commonplace. Laborers needed to be protected from abuses of all kinds. The government pushed for expanding legal aid by establishing more legal aid stations to assist workers in getting help free of charge - but has not provided sufficient funding for those stations to meet set standards.

Amity’s enforcement efforts
To underscore migrant workers’ urgent need for legal aid, Amity has stepped in to support the Legal Aid Station at Andemen, the biggest job center for migrant workers in Eastern China. Besides the three legal advisers who work here permanently, 30 volunteers (students from the law departments of local universities) and 80 professional lawyers provide their services.

Only a small red signpost at the back wall of the Job Center points to the office of the Amity Legal Aid Station. Even though the office, with its two desks and several wooden chairs, is no bigger than a living room, more than 4,000 people have come here to seek help since the station opened in the spring of 2006. Li Chao, a young father and migrant worker from Anhui Province, is one of them. He experienced first hand what it means to get real support after being denied basic rights by an employer.

For over ten years, Li Chao had distributed gas bottles in his neighborhood when he broke his ankle in June of this year and lost his monthly source of income: RMB 600 (about US$ 80). Chating with an old neighbor about his problems, he realized that he had never received the minimum wage of RMB 750 or the insurance payment he had been entitled to. His neighbor encouraged him to call not only his employer but also somebody who could give him legal advice on this matter. One day before he went to negotiate his demands with the employer, Li Chao dropped in at the Andemen Legal Aid Station, walking on crutches, and asked for help.

The legal advisers at the station suggested to try non-litigation measures first and just hope for the best. Unfortunately, things turned out to be worse than expected. When Li Chao and a lawyer went to the meeting with the employer they were informed that nothing could be done because the company was being privatized.

The Amity Legal Aid Station staff felt it was about time to bear down on the unruly company. A labor arbitration procedure was started. As a first step, the lawyer pestered the company with demands to abide by the current
Labor Law and Contract Law. At first, the company ignored all demand notes, but as the day for arbitration hearings drew closer, the company managers became more willing to cooperate. They finally agreed to sign a labor contract, pay for insurance and raise Li Chao’s salary.

For Li Chao, this outcome was a full success. “I, a migrant worker,” he says, “enjoy the same services as city folks!” Not only were his rights asserted: because of the insurance, Li Chao can also live a safer life now. However, if it had not been for his neighbor, he would not have known of the legal aid station.

Helping migrant workers who have only learned about the existence of the station by word of mouth is fine, but it can only be a first step. A bigger effort has to be made so the availability of legal aid is known more generally among people whose rights are being denied. Amity has already conducted awareness-building activities on construction sites and in other venues in order to draw the attention of the wider public towards the problem. More of this should be done in the future. It will be another step towards a stronger civil society in China.

Two Amity staffers took a careful look at how a government policy aimed at improving rural education was implemented in several poverty-stricken areas of Western China. Their conclusion: the will deserves praise but the powers are missing.

In 2005, the Chinese central government announced a new education policy, usually referred to as the liang mian yi bu (两免一补) or "two exempts and one subsidy" policy. It stipulates that the book fees and miscellaneous fees of school children are waived and that these children receive a boarding subsidy. In this way, every single child in China should eventually be able to get 9 years of compulsory education.

It was agreed that the central government would cover the costs for the textbooks used by students while the provincial and municipal governments would pay for all other expenses. The boarding allowance of 1 RMB per child and day would be paid by the counties.

This policy seems to be a blessing to impoverished students and all levels of government have tried to implement it. However, after our project visit to several western provinces we still feel that a lot of problems remain.

Let us give you an example. In the middle of July of this year, we traveled to an area in Western China where people from ethnic minorities live. Our aim was to find out how the new policy had been implemented locally. Many ethnic minority areas have been officially classified as impoverished regions. Here, the great majority of people live in the
mountains at an altitude of more than 3,000 meters.

Because the mountains are very steep and the soil is barren, nothing can be produced here except potatoes. What farmers produce is barely sufficient for them to survive. It is this kind of subsistence farming that prevents any economic growth in this region, and it is the reason that a lot of people are very poor.

During our visit we found out that, even though the liang mian yi bu policy has been introduced, children from poor families still have to pay a teaching material fee of RMB 30 per term. In other words, a family's tuition expenses still amount to RMB 60 per year and child.

This sum may seem trifling but for the poverty-stricken people who live here it is, in fact, quite substantial. People told us that for them it is difficult to save any money at all, so where should they get as much as RMB 60?

When we visited the local government, we learned that its main sources of income are funds allocated by the central government and subsidies of various origin. These funds, we were told, are barely enough to cover the running expenses of a county. Government officials told us that if they had to provide additional funds for implementing the liang mian yi bu policy, the financial pressure on the county government would grow even bigger. Although officials regarded the policy as quite a good thing, they thought that actions just did not match intentions.

It is clear that, even though implementation of the new policy is on its way, the government funds are not sufficient. This is why the big old problem of poor areas - financing education - remains unchanged.

We found that in many areas, school equipment was in bad shape. Tables and chairs had no legs and were badly scratched. In the dormitories, between 8 and 10 students had to make do with only two camp beds. The playground was a dirty pit and when it rained it was very hard for the students to walk to school on the muddy path. Still, many students - wearing cloth slippers instead of proper shoes - walked to school for several hours every day.

Many poor families in the area still do not get government support. In a county in Yunnan Province, more than 300 students still worry if they can go to school in the future: their school applied for government funds, which were promised as part of the new policy. However, these 300 students still have to pay up to RMB 70 per term.

In some villages, the leaders of several elementary schools came up with their own rules that helped them deal with the lack of funds: poor families would not receive any financial help under the liang mian yi bu policy if they got support from non-governmental organizations or welfare organizations. This "solution" to the problem is obviously unacceptable - but local authorities see no alternative to it.

Based on what we have seen during our trip, we would like to give several suggestions for improvement: all funds earmarked for the support of the education of poor children in the countryside should actually go to these counties. Also, more money should be provided by the central government to support rural education. Finally, additional funds from other sources will be needed in order to make sure that children from impoverished families can really stay in school.
Mentally retarded children have no easy life as long as their special needs are ignored. Amity’s Home of Blessings was founded to give some of these children a chance to develop into happy and independent people who integrate more easily into mainstream society. This is the story of one of them.

Zhang Xiao, who turned 19 this year, is the only child in his family. He has been spoiled by his parents and relatives since he was born. Even though he received a lot of attention and care, he had a totally different life from other children. The reason is that he has brain atrophy. Since his IQ is very low, he was never able to play with other children of his age or go to a normal school. Although his family cared a lot for him, he didn’t receive what is essential for every childhood: an education.

Zhang Xiao’s parents were told that their son might not live for very long, so they tried to give him everything he wanted in order to make his short life happy. Unfortunately, in doing so they missed the opportunity of giving him any behavioral guidance. Before Zhang Xiao came to the Amity Home of Blessings, he didn’t know how to write his name; he refused to do housework; easily got angry, and wasn’t able to control his temper. He had also acquired some strange habits: just for fun he used to stretch out his hand and ask people to slap it; he would ask random people to take him home with them; and he would always sing the same song, no matter if he was happy or sad.

Four years ago, Zhang Xiao’s parents decided to send him to the Amity Home of Blessings. In the hope of making life a little easier, they wanted him to become a resident there. Fortunately, Zhang Xiao had very patient teachers, who worked slowly towards real change in his behavior.

Now Zhang Xiao can write his name, even some simple words and sentences; he developed an interest in physical work and helps the teachers to do odd jobs, for example cleaning the classroom. Moreover, he stopped letting others beat his hands and generally gets along much better with his classmates.

You can now see him on the bus offering his seat to a woman with high heels who seems tired of standing all the way. Or you can watch him in the kitchen preparing the meals with the teachers. Today you can still see Zhang Xiao quite often acting like a spoiled child in front of the teachers, making a little fuss sometimes. But it isn’t like before, when he did so without any reason.

Zhang Xiao’s parents were extremely happy when they saw these changes in their son’s life. They now support the work of the Amity Home of Blessings in many ways and participate in classroom activities in order to help Zhang Xiao to make even more progress.
Migrant Workers’ Children

English Training

The first English training class for the children of migrant workers has been set up. Over the last 7 years, Amity has given better equipment to 15 schools for the children of migrant workers. Recently, however, it has become clear that more needs to be done in order to raise the education level of students. Since a lot of English teaching at these schools is sub-standard, Amity has decided to offer special training classes.

Six volunteers - among them two teachers from the Amity Teachers Program - are responsible for teaching a two-hour training class every Sunday. They teach 20 children whose families are from Henan Village School for Children of Migrant Workers. The teachers hope to make students more interested in study and to substantially raise their English language level.

Fundraising

Golfers Donate

In its effort to encourage the growing community of rich people in China to become involved in fundraising for the poor, Amity has started to work with the Zhongshan International Golf Club.

During a jointly held charity auction of art works on the club’s golf course at the foot of Zhongshan (near Nanjing) earlier this month, a total of RMB 83,400 (ca. US$ 11,200) was raised for Amity. The money will be used to support schoolchildren from poor families in Northern Jiangsu Province.

The project supporting these children was initiated in 2001. It has helped 260 students in this area to continue attending elementary and middle school.

Visit to Amity

Anglican Primates

The Global South Anglican Primates visited Amity on 27 October. Archbishop Peter Akinola, Chairman of the Global South Primates, and the other 15 members of the delegation expressed their appreciation for Amity’s work. The Primates, who represent African and Asian churches, also visited the Amity Printing Press.

On Diakonia

Amity’s work was presented during a workshop of the Lutheran Church on diakonia at the Tao Fung Shan Christian Center in Hong Kong. Participants from several Asian and European countries explored the future of diaconal ministries in Asia.

Tong Su from Amity’s Hong Kong office explained how diaconal service has evolved in China since the Protestant church was established and how Amity has contributed to this development over the last decades.

Exposure Tour

Theological Educators Visit China

“Being exposed firsthand to the churches in China, many false presumptions were clarified and on a personal note, knowing about women’s participation in the life and growth of the churches has been encouraging.”

Eyingbeni Humtsoe (India)

“This trip has been the richest experience of my life. People in cave homes live very close to nature. In the Bible School you can see the spirit of the woman principal. I can see in the faces of the students their great commitment to God.”

Chuleepran Srisoontorn (Thailand)

In September this year, the Amity Foundation facilitated the visit of a ten-women delegation from ATESEA (Association for Theological Education in Southeast Asia) to Chinese seminaries and churches. They came from India, Indonesia, Malaysia, Myanmar, Philippines and Thailand. Theresa Carino from the Amity Hong Kong Office accompanied the group, led by Sientje Merente Abram, on the ten-day tour that included Shanghai, Nanjing, Beijing and Xi’an. There were rich and exciting encounters with women leaders from the CCC/TSPM, seminaries and church councils. The group discovered that feminist theology has been taught at Nanjing Seminary for several years and Xi’an Bible School will follow next year. In Beijing, six out of eleven churches are led by senior women pastors. Apart from the women-to-women encounters, there were dialogues with religious affairs officials in Beijing and visits to Amity church-run projects such as the Dong Zhou Children’s Village and cave homes in the outskirts of Xi’an.
The Amity Foundation has a new English-language website. Have a look:

www.amityfoundation.org

It presents information about Amity’s work in a more appealing, easy-to-use way.

The new English website looks similar to the new Chinese website, which has been online for a few weeks. Incorporating Amity’s “corporate colors” into the design, we have created a unified appearance of both websites, which are the Chinese and English “faces” of Amity on the World Wide Web.

The new English website makes its contents available in a clearer structure than before. Visitors will find it easy to find exactly what they want. The website now features photo galleries and has useful new functions, too:

- Visitors can comment on articles.
- A fast search has been added.
- Visitors who use news aggregators can subscribe to the website’s RSS feeds and will be automatically alerted to new content as soon as it is published.
- Articles can be grouped according to categories with a mouse click.
- Older articles are easy to find in the archives.
- All the previously published material has been preserved, the old English website can still be accessed and searched.

To all our friends and supporters:

THANK YOU!

With the end of this year coming up, we would like to thank our readers - you! - for your interest in China and in Amity’s work and for all the support we have received from you in 2007.

Please continue to pray for us and to spread the word about what we do. Also, without your financial support we would not be able to do anything. Donations, no matter how small, are always most welcome and will be appreciated both by the Amity team and by those who benefit from our work in China.

May your Christmas be blessed, and may 2008 be a good year for you and yours!