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Combating Gender-Based Violence and Harassment in China

On Valentine's Day 2012, three feminist activists [took to the streets](#) of Beijing wearing wedding dresses stained with fake blood and makeup bruises on their faces, holding signs with slogans including "Love is No Excuse for Violence". This street action, called "Bloody Brides", was a bold protest against domestic violence, one of several aspects of gender-based violence and harassment that are alarmingly prevalent in the People's Republic of China.

In a [2010 study](#) by the All-China Women's Federation, 1 in 4 married women reported being the victims of domestic violence, but [U.N. Women in China believes](#) this number could be as high as 40%. Meanwhile, a [2013 United Nations survey](#) of a county in China found that 52% of men admitted to physically or sexually abusing their female partners. These shocking statistics demonstrate both the reluctance of women to report being abused and the lack of shame that many men feel in admitting to their abuse. Sexual harassment is equally common, with [almost 40% of women](#) in 2018 reporting experiencing sexual harassment in the workplace and over [35% of Chinese college students](#) in 2016 reporting having experienced sexual violence or harassment on campus.

China's problems with domestic violence, sexual violence, and sexual harassment are partially rooted in the insufficient laws in place to prevent these offences. China finally passed its [first domestic violence law](#) in December 2015, which requires police to investigate reports of domestic violence and allows victims to apply for personal safety protection orders. However, this law has many limitations, including not considering [marital rape](#) or [economic violence](#) to be domestic violence and [defining domestic violence](#) as occurring only between "family members" and "persons living together", meaning that the law does not cover couples who do not live

together or divorced couples. China currently has [several laws](#) that prohibit sexual harassment in the workplace but [none of these laws](#) provide a definition of sexual harassment or define how an employer must respond to cases, and there are no laws banning sexual harassment in universities.

It is clear that China has an enormous problem with gender-based violence and harassment, and that the law must be improved in order to reduce the prevalence of these issues. But in recent years, the Chinese Communist Party (CCP) has frequently cracked down on feminist activists and advocates through arrests and censorship. In an increasingly constrained political climate, what is the best approach to change the law and combat these problems?

Beginning in 2012, public protests and performance art became common methods for feminist activists to draw attention to gender-based violence and harassment. The “Bloody Brides” protest, feminist activist Xiao Meili’s 2013-14 [“Beautiful Feminist Walk”](#)—in which Xiao walked 1,200 miles from Beijing to Guangzhou and sent letters to local officials in each town she passed through petitioning them to better investigate sexual abuse claims—and Zhang Leilei’s 2017 [anti-sexual harassment street action](#), in which she walked around Guangzhou wearing an anti-sexual harassment ad, were all campaigns that garnered widespread online attention and media coverage. Zhang was even able to get her campaign’s associated hashtags trending on Weibo, a Chinese social media platform similar to Twitter, and recruit 100 volunteers across China to participate in her campaign. These successful street actions demonstrate that protest and performance art can be effective at raising public awareness for gender-based violence and harassment, an important first step for resolving the issues. However, in recent years it has become very common for the CCP to detain or arrest feminist activists before they can even carry out their campaigns, such as with the Feminist Five, five feminist activists who were [detained for 37 days](#) for planning to hand out anti-sexual harassment stickers

on International Women's Day 2015. Meanwhile, feminist activist Xiong Jing commented recently that "It's so difficult [for feminist street activism] to get reported on now", with Chinese media no longer covering protests and performance art. With public activism often being cracked down upon before it can be seen and the media not reporting on it, protest and performance art are no longer effective strategies for raising public awareness of gender-based violence and harassment.

With the decline in street activism, feminist activists have increasingly begun to use social media for their campaigns. In January 2018, a former Ph.D. student at Beijing's Beihang University [posted her account](#) on Weibo of her sexual assault by her former thesis advisor. This post quickly went viral and ignited China's #MeToo movement, in which thousands of women shared their stories of sexual harassment online, more than 8,000 university students and alumni signed petitions demanding that their universities address the problem of sexual harassment, and over 100 NGOs promised to develop anti-sexual harassment initiatives. The #MeToo movement is a clear example of how social media activism can not only raise awareness about gender-based violence and harassment but also make organizations care about these issues and change public opinion, an essential component of combating these problems considering how violence and harassment are still culturally acceptable to many in China. The many petitions sent to universities even prompted China's Education Ministry to [issue a statement](#) where they pledged to fight against sexual harassment on campuses, showing that social media campaigns can have an impact on government policy. But for any social media account or campaign related to feminism, there is always the looming threat of censorship. When the #MeToo movement became too prominent, the Chinese government [had Weibo remove petitions](#) from online and disable the hashtag. As effective as social media activism can be, the constant potential for

crackdown means that feminist activists cannot rely on it alone to push for change in gender-based violence and harassment legislation.

Compared to using street or social media activism, the CCP cracking down on advocates is much less of a concern when they try to use China's existing legal system to change the law. Successful court cases related to gender-based violence and harassment have previously set legal precedents that contributed to China improving their legislation. For instance, the ruling in the [2011 divorce case of Kim Lee](#), who was granted a divorce and issued the first ever restraining order in China on the grounds of domestic violence, was very influential in the passing of the 2015 Domestic Violence Law. However, gender-based violence and harassment cases rarely make it to court: from 2010 to 2017, only [34 court verdicts](#) in all of China were about sexual harassment. When the cases are heard, judges often do not use the law to rule in the victim's favor, with many judges [pushing for reconciliation](#) rather than divorce in cases of domestic violence even after the anti-domestic violence law was passed. Using the legal system may be effective for changing gender-based violence and harassment laws when victims win their cases, but these cases can't be won without a change in public opinion to destigmatize women coming forward with their stories and make judges begin to see domestic violence and sexual harassment as serious problems.

With the increasing crackdown on feminist activism by the CCP and gender-based violence and harassment still often not being seen as problems in Chinese society, there is no single method that will be effective to combat these issues and change legislation surrounding them. Street activism, social media-based activism, and working within the legal system all have their limitations, and if feminist activists and advocates rely on only one of these methods, gender-based violence and discrimination laws will never change. Activists must approach the

problem from two sides, using social media-based activism to change public opinion and working within the legal system to reduce the risk of government crackdown. Given China's current political climate, eliminating domestic violence and sexual abuse unfortunately might not happen for a long time, but this is the best way to keep moving forward.