

From Cairo to Beijing, from Beijing+25 to 2030
Progress and Prospect of China's Civil Report for Gender-Based Violence
Prevention and Response

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Produced by Beijing Equality



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Executive Summary²

Background

At the International Conference on Population and Development held in Cairo in 1994, the United Nations declared that " Advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility, are cornerstones of population and development-related programmes."³ Chinese government and its counterparts worldwide also promised to give these principles a priority at the Fourth World Conference on Women held in Beijing in 1995. There are now only 10 years left to achieve the 2030 Agenda, the elimination of violence against women remains a largely unfinished task, and various types of gender-based violence like domestic abuse, sexual harassment and assault, and the exploitation of women requests accelerated efforts.

In this context, Beijing Equality released this report on gender-based violence in China, which this executive summary shall cover in three parts. The first section of the report is **Progress: Trans-Century's 25 Years**, comprises the history of China's policies against gender-based violence, the different forms of gender-based violence in China, and the Chinese government's collaborations and partnerships in fighting against gender-based violence; the second section of this report is **Challenge: Focus on Present and Future** is about the challenges and problems faced by China's established policies and systems against gender-based violence; and the third and final section of this report is **Perspective for 2030: Expectations and Suggestions from a NGO's Perspective** covers suggestions for resolving the aforementioned issues and their implementation in the future.

Progress: Trans-Century 25 Years

² Written Alexander Wu, with proofreading by Zhang Xinyu, Wang Shuwen, and Feng Yuan. Chen Rong, Le Jiawen and Lin Ziyue also helped by providing earlier editions of English summary of this report.

³ [A/CONF.171/13/Rev.1 - E - A/CONF.171/13/Rev.1 -Desktop \(undocs.org\)](#) p12

Before 1995 UN conferences, concepts like “gender-based violence” and “women’s rights” were nearly nonexistent in China’s legal code and unheard of by the majority of Chinese society. Upon China’s introduction to these concepts, the nation began its fighting against these issues through collaborative efforts at homeland and abroad. China’s campaign against gender-based violence can be split to three historical phases.

The first phase went from the mid-1990s to 2005. It was in this period that awareness of gender-based violence arose in China, as media coverage led to government officials adopting ideas of gender equality. The government began cooperating with various international and non-governmental institutions to pursue the elimination of gender-based violence, forming a prominent social movement to promote awareness, implement policies, provide services, conduct research, and help people develop the skills to recognize and deal with gender-based violence.

The second phase went from 2006 to 2015. It saw a continuation of the trends that began in the first phase, such as international cooperation and legal policy reforms. It also witnessed the rise of new trends, such as a unique role of online media, as women’s organizations collaborated with online media to conduct research, release reports, and spread information to improve public awareness in ways they could not have done so before, thus methods allowed greater promotion for cultural and legal change. This period also saw regional governments in places like Changchun and Hangzhou expanded the definition of family to include unmarried couples, single-parent families, and same-sex couples in the context of laws against domestic violence. Services to help victims of gender-based violence were also furthered, included the establishment of hotlines, legal aid programs, and shelters, while the Chinese government also issued plans to deal with the abduction and trafficking of women. Finally, China witnessed several landmark legal decisions in this period, included a 2013 court affirmation that sexual rights were considered personality rights and could result in conviction if violated and the official adoption of the *Anti-Domestic Violence Law of the People’s Republic of China* in 2015.

The third phase ran from 2016 to 2020, with the Chinese government continued to put greater focus on the issue of gender-based violence, such as added the prevention of sexual harassment against women to the *China National Human Rights Action Plan*

for the first time in 2016, as well as implemented the *China National Plan of Action on Combatting Human Trafficking* established in 2013 and the *Anti-Domestic Violence Law*. All of these furthered public recognizing of gender violence and finally came to the rise of the #MeToo movement in 2018, which greatly publicized the topic of sexual assault and harassment and more generally reflected changes in people's attitudes towards how victims should be treated. Legal aid programs continued to grow, while the Ministry of Education and other departments began tackling gender-based violence and bullying in schools through the release of plans and guides discussing the issue.

China's history of tackling the problem of gender-based violence has brought out the need for compiling and monitoring survey data, which has been a useful tool in studying gender-based violence. It is a key helping to understand the situation, acquire basic information, and make targeted decisions and measures. Surveys have showed that about 24-35% of women have experienced at least one form of spousal violence in China, while approximately 65-93% of women in professional fields like journalism, legal services, and universities have experienced one form of sexual harassment. The Chinese government derived its legal framework for dealing with gender-based violence and women's rights, resulting in around 20 pieces of legal code that can be found in documents ranging from the Constitution to the Civil Code, as well as more specific ones like the 2015 Anti-Domestic Violence Law. In turn, joint conferences and rights protection coordination groups enforced the implementation of these laws across various prefectures, municipalities or provinces.

However, gender-based violence encompasses a variety of issues as China expands and develops awareness, services, and cooperatives. Domestic violence has grown into a significant gender issue in China due to the massive amount of media coverage it gets. The first policies and laws against it were local in nature, such as Changsha's *Regulations on Preventing and Stopping of Domestic Violence* in 1996, which inspired a slew of similar policies and laws in other cities and provinces and the eventual implementation of the Anti-Domestic Violence Law. Hotlines and shelter services have also opened to assist survivors of domestic violence. Now more and more warning letter issued by police for perpetrators of domestic violence, court-issued personal safety protection orders have popped up with a growing legal responsibility for perpetrators.

The Chinese government has also tackled the issue of sexual harassment. News coverage and social media continued to keep the issue relevant though, alongside pressure from women's rights advocates, led to several legal amendments against sexual harassment in established laws and codes, included the first anti-sexual harassment documents on university campuses.

Another major issue for China in the area of gender-based violence was the "prostitution of girls under the age of 14". In 1997, China created this new name of crime. More and more cases of "sleeping with underage prostitution" skyrocketed since then. Women's rights advocates argued that the law did more harm to the girls than the "buyers" and thus demanded to demolish this name of crime and treat the "buyers" of girls un the age of 14 as rapists for better protection of girls. After years of debate, litigation, and advocacy, the Chinese People's Congress abolished this crime in 2015, amending the law to respond demands from the women's rights advocates.

China's government has long combatted the issue of trafficking in women through laws meant to convict and punish the both the traffickers and buyers in the system. In fact, the system has been successful that human abduction and trafficking cases in China have fallen massively, from over 3000 cases in 2010 to around 400 in 2018. International cooperation with the United Nations and Southeast Asian countries like Thailand and Vietnam has also helped, with China established shelters for trafficked women and children in the southern provinces where Chinese trafficking circuits frequently interact with those of Southeast Asia. Chinas has also implemented national plans of action against trafficking like the 2007 *Plan of Action on Combating Trafficking in Women and Children* and the 2013 and 2021 *China National Plan of Action on Combating Human Trafficking*, all of them added new measures to rescue, protect, and rehabilitate trafficking victims.

Underage marriage is also an issue in China. One survey in 2015 showed there were 1.2 million married people that under the age of 19 (many of them also have had children), with the majority of underage married population were based in rural regions and lived under a transient condition, and with higher poverty rates. Chinese legal codes prohibit underage marriage; however, statistics have shown there is incline in the number of underage marriages and child birth. In 2020, China took action to get back students who dropped out of school to get married and have children, including punish

parents or guardians that force their children to do so being liable to face criminal punishment.

On December 28th, 2019, Chinese government formally abolished the Custody and Education system that had been implemented in the 1991 *Decision of the Standing Committee of the National People's Congress to Strictly Prohibit of Prostitution and Whoring*. The Custody and Education System was a policy against prostitution that required prostitutes to pay fines, otherwise would be imprisoned in mandatory education centers. However, it ultimately did little to help those involved in the sex trade, as most of them were unable to pay the fines and thus counted among China's most vulnerable groups. Additionally, many were poorly treated in the facilities they were kept in. Believing that prostitutes should be protected rather than punished, non-governmental women's organizations in China called for the abolishment of the system for nearly three decades, which finally came about in the *Decision of the Standing Committee of the National People's Congress to Repeal the Relevant Legal Provisions on and System of Custody and Education*.

Reverse grossly imbalanced sex ratio at birth in China is another hard-win battle. In 2004, China's birth ratio was about 100 girls to 121 boys – the consequence of the prevalence of such practices as gender-selective abortion and female infanticide that in turn arose from a combination of the patriarchal cultural traditions of Chinese history and the government's One-Child Policy. To combat the issue, China has legally prohibited “Two Nons” (non-medical necessary fetal sex identification and non-medical necessary sex-selective abortion) since 2001 through what the government calls the “3+3+3” model, which consists of three mechanisms (the department joint action mechanism, the promissory responsibility mechanism, and the guarantee responsibility mechanism), three managements (the management of departments selling drugs for abortion, the management of pregnancy operations, and the management of law enforcement), and three tasks (the task of publicity, the task of information gathering, and the task of law enforcement). Additionally, the Chinese government has begun discouraging many folk rules and practices that promote the favoritism of baby boys over baby girls, while also making it clear that they will not tolerate radical efforts to re-balance gender ratios like forced pregnancy. As a result, the sex ratio has slowly started to balance out, dwindling to 110 boys for every 100 girls in 2019.

China's progress in eliminating gender-based violence can perhaps be credited most significantly to the Chinese government's active interactions, collaborations, and partnerships with a variety of stakeholders. These groups include women's organizations, international institutions, academics, and victims themselves. Their contributions include pushing for recommended legislations, drawing media attention, drafting legal proposals, encouraging research on the subject, providing financial and technical support, conducting surveys, influencing society's views on the issue, and expanding the space for discussion on the problem publicly.

Due to the grassroots nature of many of these involved groups (particularly women's civil society organizations), many of the resulting breakthroughs and proposals are of a bottom-top nature, begin at the local level and soon climb up to the national level. These grassroots organizations have also been critical in cooperating with medical institutions like hospitals to train doctors and nurses in medical intervention against domestic violence, thus improve abilities of medical facilities to recognize and help victims of gender-based violence. They also developed and published guides and manuals on the subject of gender-based violence to educate professionals (including lawyers, doctors, teachers, judges, journalists, police officers, and counselors) on gender-based violence, as well conducted and released countless studies on the matter. Finally, the grassroots organizations involved against gender-based violence have also helped to establish training programs that teach professionals (particularly courtroom judges and police officers), as well as teachers, students and their parents, and even homemaking service attendants, practical skills to handle and avoid incidents of gender-based violence.

Challenge: Focus on Present and Future

Despite vast amount of progress that the People's Republic of China has made in confronting the issue of gender-based violence, there are still great challenges that threaten the successes have been made. Surveys show that the majority of the public, especially women and non-binary persons, do not believe the existing laws and systems set up to protect them from gender-based violence are effective. This widespread dissatisfaction comes from several major flaws in the Chinese system against gender-based violence that require urgent addressing.

The first of these is that there is no official definition for gender discrimination in the Chinese code of law. As a result, not only is there a lack of unity among the various institutions on what constitutes discrimination and how it should be dealt with, but there is also a significant gap in the public's ability to connect gender bias with gender-based violence. The Anti-Domestic Violence Law for instance only uses gender-neutral language and ignores issues like dating and post-breakup violence or economic and sexual violence, while the law on marriage and family fails to account for de facto marriages or pro-marriage procreation, meaning that both laws only protect a limited number of people and fail to reflect the complete essence and scope of domestic violence as gender-based violence. Similarly, Article 1010 of the Civil Code, which covers sexual harassment but only emphasizes the need to prevent sexual harassment in situations where the harasser has power over the victim (such as the relationship of a boss and their employees) rather than being of equal rank (like the relationship between classmates in a school). Finally, certain forms of gender-based violence are not fully recognized by the law, such as disseminating private photos and videos through the Internet without consent.

Another significant problem is that the system to report gender-based violence is not very accessible for most women. Not only because the system for filing reported cases is convoluted to use and navigate, but also many police hotlines often fail to fulfill their duties due to either being offline for significant periods of time or taking no further actions about a case after answering a call. Likewise, the warning letter system has no standardized conditions regarding its usage, while the judicial system carries such problems as a low rate of recognition of domestic violence in divorce cases and loopholes that give a low success rates to applications for protection orders. Additionally, biases in the system mean that research on human trafficking incidents favors cases that involve children over those about women, resulting in women's cases receiving less attention or even total conflation with children's cases.

Third, China lacks a 24-hour hotline system for victims of gender-based violence, with many operators lacking the skills to deal with gender-based violence and publicity for said hotlines being almost nonexistent. This in turn results in most shelters for victims of gender-based violence being unused. A related issue in this matter is that legal services for the victims are often inadequate, as a result, many victims fail to find good lawyers or are unable to access the services at all – an issue exasperated by the

fact that extremely little data is ever released from the legal services themselves on their statistics.

Alongside the lack of funding and training in current services systems to meet the needs of survivors of gender-based violence, there is equally little data and statistics being released on the issue. In fact, media coverage of gender-based violence has steadily decreased over past years (with some incidents even being censored), while official websites for relevant national agencies tend to have little or no information on the subject. Likewise, literature and documents covering important statistics on the topic are usually either completely withheld from public access or given extremely little distribution. As a result, not only are the vast majority of Chinese uninformed on the issue of gender-based violence, but the government itself often lacks crucial information needed for crafting national plans against the problem.

Finally, accountability remains a major issue for the Chinese system against gender-based violence. A lack of accountability for perpetrators of gender-based violence has resulted in a low level of convictions and protection orders, as well as many of those who were expected to take action against gender-based violence (such as police officers) not being punished for fail to do so. Furthermore, there is a stark lack of information on how educational systems should deal with gender-based violence, resulting in many teachers and employers being uncertain how to handle it.

The COVID-19 Pandemic also saw several troubling trends regarding gender-based violence in China. According to a 10,000-people online survey in October 2020, 27.35% of cisgender women and non-conventional gender groups had experienced various forms of domestic violence, sexual harassment and sexual assault during COVID-19 pandemic. This survey also found that nearly 90% of correspondents (mostly young women) were dissatisfied with the established system against gender-based violence. Furthermore, another online survey found that incidents of domestic violence and sexual harassment increased in the year, particularly in cases against disabled, LGBT+, and non-binary women. The problem was that COVID-19 had become a way for many to justify gender-based violence and have their actions ignored, as victims became unable to escape from their abusers during lockdowns, lost their jobs under discriminatory circumstances, and received unwelcome sexual comments from people on the Internet. Furthermore, response programs to epidemics lacked a gender perspective, so authorities did not know how to handle the cases.

Perspective for 2030: Expectations and Suggestions from a NGO's Perspective

The issues confronting the People's Republic of China and its battle against gender-based violence, although significant, are not insurmountable, and there are certainly options available for handling them.

First, China should put greater efforts to improve its established laws against gender-based violence. This means to further the refining of the goals it has set out against gender-based violence by making them even more specific and establishing firm objectives, indicators, and measures. It also requires putting more emphasis on promoting the participation of women and gender equality in central and local levels of government, and strengthening the functions, mechanisms, and resources of existing programs and committees. Furthermore, China should also grant amnesty for female prisoners who have victimized by severe domestic violence in the same way it has for prisoners who do not pose a social danger after release or widows with children under 18 years old or disabled children unable to take care of themselves. Lastly, continuing international cooperation and further enhancing the power of civil society organizations can help with combatting gender-based violence, as China has already had great success working with them.

Secondly, China should improve accountability for perpetrators and supporters of gender-based violence and to promote the implementation of related law. This requires to create an official definition for discrimination in the Chinese code of law, as well as revise existing laws as soon as possible and improve the existing service system, data collection system, court trial systems, and training programs in place. Additionally, the infringement of sexual autonomy should be treated as an independent form of crime under criminal law rather than a subset under other forms of crime, while the usage of "rape" in law codes should be replaced with phrases like "sexual assault" or "the crime of forced sexual intercourse". The Chinese government should also increase the amount of policewomen and improve their participation in domestic violence cases and enforce the perspective of gender equality on court cases dealing with gender-based violence. Services, as well as data collection and dissemination, should also be improved to better assist victims of gender-based violence, better formulate strategies against gender-based violence, and raise awareness of the issue among public. Finally, accountability can be strengthened through the implementation of a target responsibility system, the

strengthening of coordination between relevant ministries and sectors, the increased dissemination of useful information on gender-based violence, and the increased availability of hotlines.

The role of women in public affairs should be enhanced and protected in order to allow the development of policy against gender-based violence. Educational spaces should be made safer and more inclusive for them; their economic rights should not be deprived or infringed upon; their participation in politics and public affairs should be ensured and encouraged; they should be encouraged to protect familial harmony and prevent underage marriage; workplaces should put more emphasis on combatting sexual harassment and workplace sexism; and officials from law departments should be trained to handle gender-based violence cases. All of this will also require action from institutions unaffiliated directly with the Chinese government, such as multilateral agencies, civil society organizations, academic institutions, and workplace employers.

Conclusion

Ever since the 1994 International Conference on Population and Development and the 1995 World Conference on Women spurred Chinese awareness on the issue of gender-based violence, great strides have been made with the cooperation of various organizations in combatting such issues as domestic violence, sexual harassment and assault, and the exploitation of women, which is quite impressive given that China's policies and codes against gender-based violence arose from virtually nothing. However, deep flaws remain in the system that have left many of those that it was supposed to help unprotected and unsatisfied, and resulted in many others being oblivious to or inept in dealing with gender-based violence. Nonetheless, the opportunity for improvement and change remains, and China need to take this seriously and take action immediately if they are to vanquish the prevalence of gender-based violence and achieve their goals for society by 2030. It is a process that while challenging can certainly be achieved through constant vigilance and revision and continued maintenance and cooperation – things that the Chinese government will ideally consider if they are to reach their objectives.

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1. BACKGROUND

"Promoting gender equality, equity and women's empowerment, eliminating all forms of violence against women and ensuring women's ability to control their own fertility are cornerstones of relevant population and development programs." The above principles set forth at the International Conference on Population and Development (ICPD) held by the UN in Cairo in 1994 were also a priority area of concern committed by national governments at the Fourth World Conference on Women (FWCW) held by the UN in Beijing in 1995.

Yet the elimination of violence against women continues to remain an unfinished task. At Cairo +25 Summit held in Nairobi in November 2019, "eliminating sexual violence, gender-based violence and harmful practices" remains a consensual working direction. At the high-level meeting of the UN General Assembly to commemorate the 25th anniversary of Beijing WCW on 1 October 2020, UN Secretary-General Antonio Guterres continued to issue warnings: One in three women will still experience some form of violence in their lifetime; 12 million girls get married before the age of 18 each year; and an average of 137 women were killed by family members worldwide every day in 2017. In China, the Third Survey on the Social Status of Women showed that 24.7% of married women experienced at least one form of spousal violence; according to a 10,000-people online survey in 2020, 27.35% of cisgender women and non-conventional gender groups had experienced various forms of domestic violence, sexual harassment and sexual assault during COVID-19 epidemic.

Violence against Women (VAW)

(a) Violence occurring within the family, including beatings, sexual abuse of girls in the family, violence caused by dowry, spouse rape, clitoral circumcision and other traditional customs harmful to women, non-spouse violence and exploitation-related violence.

(b) Violence occurring in the society, including rape, sexual abuse, sexual harassment and intimidation in the workplace, educational institutions and other places, women trafficking and forced prostitution.

(c) Physical, mental and sexual violence committed or tolerated by the state, occurring wherever possible.

—the *Declaration on the Elimination of Violence against Women*, adopted in Resolution 48/104 by the United Nations General Assembly on February 23, 1994

Gender-based Violence (GBV)

Gender-based violence refers to physical, psychological, sexual, and economic violence caused by gender norms, gender division of labor, and gender power relations, or threats of conducting such behaviors. Gender-based violence is rooted in unequal gender power relationship and reinforcement of such power relationship. Gender-based violence involves men, women and children, but it usually targets at women. Therefore, gender-based violence is often used interchangeably with the term "violence against women".

—UNESCO, "*Report on the Global State of School Violence and Bullying*", P17, published in 2017

ICPD in Cairo opened a new perspective for relevant departments and academic institutions of the Chinese government to recognize sexual violence and gender-based violence. The FWCW in Beijing and its parallel NGO Forum greatly increased the awareness of both government and civil society on this issue. Subsequent evaluation for implementation of the program of action committed at ICPD and Beijing FWCW (namely Cairo and Beijing +5, +10.....+25) as well as the establishment of Sustainable Development Goals (SDGs) injected sustained momentum into the movements for supporting gender equality and eliminating gender-based violence.

In the meantime, a series of actions were carried out in succession. Accordingly, conditions and impact of gender-based violence were gradually recognized; policy and legal frameworks were improved and enriched; and various measures were adopted nationwide. As services and shelters were developed from scratch, more and more victims were no longer subservient. However, the COVID-19 outbreak in China and even throughout the world in 2020 highlighted the progress and challenges in eliminating gender-based violence and raised new unavoidable topics—recognizing how COVID-19 exacerbates entrenched inequality, addressing growing violence against women and preventing a reversal of achievements made over 25 years of efforts.

Today, it is less than a decade from achieving the goals of “ Leaving no one behind” restated by global leaders at the 25th anniversary of Cairo ICPD and Beijing FWCW. At this historical juncture of retrospect and prospect, the Chinese government released the Progress Report on Implementation of 2030 Agenda for Sustainable

Development, including the Progress Report for 2019 and the Anti-Poverty Report for 2020. Before global evaluation of Beijing +25, it published the Equality, Development and Sharing: Development and Progress of Women at the 70th Anniversary of China (September 2019, hereinafter referred to as the "white paper" for women) and submitted the Comprehensive National-Level Review Report on the 25th Anniversary of the Fourth World Conference on Women Namely <Beijing Declaration> and <Program of Action> (hereinafter referred to as the "National-Level Review Report") to the UN. In addition, the "Outline for Development of Women in China" 2021-2030 will be issued soon.

Against this backdrop, Beijing Equality wrote this report in the expectation of presenting progress and challenges from a civil perspective, urging all stakeholders to give active response, doing more to prevent gender-based violence and implementing the 2030 Agenda for Sustainable Development thoroughly.

The main content of this report includes: Part I Retrospect, which focuses on progress and experience in responding to gender-based violence identification in China, mainly based on literature review and data interpretation; Part II Challenges and Shortcomings, which includes findings of the 17,000-people online survey from September to October 2020, reflects voices from the grassroots and collects feedbacks on experience and lessons from the industry and experts; Part III Prospect, which is based on achievements and shortcomings, focuses on the 2030 Agenda (Sustainable Development Goals), calls for strengthening political will and accelerating action measures, and puts forward specific opinions and suggestions from the perspective of non-governmental women's organizations.

2. PROGRESS: TRANS-CENTURY 25 YEARS

Before the mid-1990s, "violence against women" or "gender-based violence" and "women's human rights" barely existed in Chinese legal terminology and daily expression. Since preparing and participating in Cairo ICPD and hosting Beijing FWCW, the Chinese government has attached increasing importance to the review of implementation of the *Convention on the Elimination of All Forms of Discrimination against Women*, and joined a series of new international commitments, like program of action of Cairo ICPD, program of action of Beijing FWCW, and 2030 Agenda for Sustainable Development. Accordingly, it has also formulated and improved a series of

laws and policies to prevent and handle domestic violence, sexual harassment and sexual assault, and launched more and more services.

Under the joint efforts at home and abroad, women groups' efforts in all aspects were gradually responded by countries, which launched the fight against gender-based violence. Progress and achievements will be briefly introduced in stages and areas for the purpose of commemoration and celebration as follows:

2.1. EXPANSION, ACCELERATION AND RELAY: PROGRESS IN THREE PHASES

Over the past 25 years, from active participation in preparations for Cairo ICPD and Beijing FWCW in around 1993 to present, China's fight against gender-based violence could be roughly divided into three stages: expansion, acceleration and relay.

2.1.1. EXPANSION—PHASE I MID-1990s-2005

In this phase, with China's active participation in the preparation of the UN Cairo ICPD and Beijing FWCW and their convening, there emerged the concepts of violence against women and gender-based violence gradually. Since 1993, media gradually increased its coverage of domestic violence and sexual harassment. Experts, officials and journalists participating in international exchanges, especially officials of the then National Family Planning Commission, General Office of National Working Committee on Children and Women under the State Council and All-China Women's Federation, all adopted the concept of gender, gained and promoted gender equality awareness, and gradually regarded the long-standing violation of women's rights and interests from the perspective of eliminating gender-based violence. Accordingly, former Chinese terms, such as "maltreating women", "molesting women", "raping women" and "abducting and trafficking women", gained new understanding such as "domestic violence", "sexual harassment", "sexual assault" and "gender-based violence" and "women's human rights". And the new concept gradually came to the government, the media and the public. In May 2001, the statement of "prohibition of all forms of violence against women" appeared in the second *Program for Development of Women (2001-2010)* promulgated and implemented by the State Council.

During this period, bilateral and multilateral intergovernmental international cooperation focusing on gender-based violence and promotion of women's rights, as well as relevant cooperation between international institutions and domestic academic and civil institutions, were carried out successively. Nongovernmental groups and networks focusing on gender-based violence were set up and covered most provinces

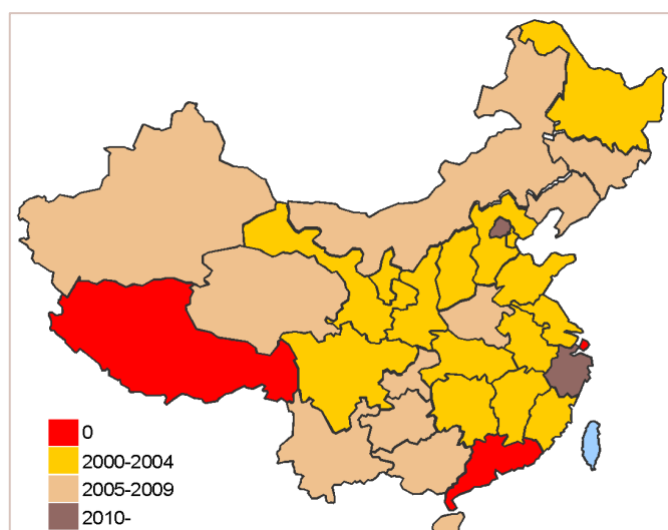
nationwide. These activities formed a highly visible social movement, including policy and law promotion, awareness and skill improvement and direct services. Information dissemination, education, research and direct intervention work relating to gender-based violence were gradually carried out. In this way, the general public and relevant professionals gradually obtained new concepts and tools to recognize sexual assault, sexual harassment, domestic violence and other deep-rooted problems, and took actions to solve problems and root causes.

At "Beijing +10" in 2005, the report submitted by the Chinese government to the UN pointed that international cooperation, experience accumulation and increased financial input were important ways to protect women's human rights, prevent and terminate violence against women.⁴

On August 28, 2005, the 17th Meeting of the Standing Committee of the 10th National People's Congress adopted an important amendment to the *Law of the People's Republic of China on Protection of Rights and Interests of Women*, adding "Article 40 Sexual harassment of women is prohibited. Victims are entitled to complain to the unit and relevant authorities."

By then, the 10-year warm-up process of fight against gender-based violence in China since the mid-1990s had been roughly completed.

FIGURE 1 Provincial legislations and policies development in mainland China in the first decade of the 21st century



⁴ Questionnaire report on China's implementation of *Beijing Declaration, Program for Action* and the *Outcome Document* of the 23rd Special Session of the UN General Assembly on Issue of Women is available at <https://www.un.org/womenwatch/daw/Review/responses/CHINA-Chinese.pdf>

The above chart shows the process of provincial legislations and policies development in Chinese mainland by every five years. (Taiwan adopted the *Domestic Violence Prevention Law* on 24 June 1998, making Taiwan the first region in Asia to have a domestic violence prevention law and a protective order of the Civil Law.)

2.1.2. ACCELERATION—PHASE II 2006-2015

Features of this phase: international cooperation continued to advance; non-governmental forces were more diverse and active; sensitivity in concepts of social culture was further enhanced; prevention, response and services continued to be carried out; the state attached more significance to different forms of gender-based violence with the introduction of more laws and policy measures against gender-based violence; and the model of multi-institutional interventions in domestic violence was further explored.

International cooperation during this period continued to be carried out among governments, non-governmental organizations and academic institutions. From the perspectives of legal policy reforms, specific intervention and service capacities, etc., we deepened our efforts in the areas of anti-domestic violence, anti-sexual harassment, anti-trafficking, population and family planning by replacing previous administrative orders with informed and quality services, and control of the sex ratio at birth, which made constant progress. The specific progress will be described in other parts of this report.

As the unique role of online media has become increasingly prominent, women's organizations cooperated closely with selected online media. NetEase Women's Channel released a series of in-depth reports around 2010, such as a research report conducted by the Anti-Domestic Violence Network on *Interpretations of the Supreme People's Court about Several Issues Concerning the Application of the Marriage Law of the People's Republic of China (III)* (the “*Interpretations III*”) during the two sessions in 2012, revealing its possible adverse effects on divorced women. In particular, the identification and division of housing property rights actually affirmed the economic control and exploitation of women in marriage. The coverage dated February 5, 2013 about the husband murder by the woman Li Yan having suffered from domestic violence analyzed the social and institutional factors of the tragedy and explored how to strengthen the protection of victims under domestic violence⁵. The

⁵ Hold the Execution - Li Yan was convicted of a crime of murdering her husband due to domestic violence but the crime does not lead to death penalty to her - Interview record by NetEase Woman Channel, http://lady.163.com/13/0205/19/8MVNAO1O002626I3_all.html

analysis and appeals of civil women's organizations and the resulting media attention enabled the in-depth issues of some typical cases and gender-based violence to be concerned, which became an opportunity to promote cultural and legal changes in the next step.

Local regulations on the scope of "family" broadened the narrowly defined legal family relationship. For example, the *Regulations on Prevention and Stop of Domestic Violence in Changchun City* implemented on March 1, 2009 covered "other family members living together" in the definition of family members, and first to expanded the scope of relief to those unmarried, single-parent, and same-sex victims. Thereafter, the regulations of Hangzhou and other places also adopted this definition. Practices at home and abroad have shown that if "family" is narrowly defined, violence under unmarried, breakup and same-sex relationships often becomes a blackout area for public power. In this regard, some breakthroughs in local legislation in China have promoted national-level laws to respond to realities.

Various services were furthered. Following the hotline and other services set up by non-governmental women's organization, the Women's Federation launched the opening of the "12338" women's rights protection service hotline and gradually covered more than 2,800 districts (counties) across the country, and established 250,000 women's rights protection stations, rights protection posts, and domestic violence complaint stations. In 2007, the Shanxi Provincial Women's Federation launched a legal aid project, unconditionally providing legal aid to women and children who were victims of domestic violence. In 2011, the provincial finance funded the Provincial Women's Federation with 18 million yuan for women's and children's livelihood projects, and the Provincial Women's Federation allocated 3 million yuan for women and children protection and rescue to facilitate a package of services including "psychological assistance, social work services, medical assistance, appraisal of injuries and disability, assistance in difficulties, and temporary life placement" to women and children having suffered from abuses inclusive of domestic violence.⁶ In September 2015, the All China Women's Federation and the Ministry of Civil Affairs jointly issued a document requiring all counties and districts across the country to set up or designate places for shelter and assistance to victims of domestic violence.

⁶ http://www.women.org.cn/art/2014/11/24/art_285_129527.html. Thoughts and Practices on Preventing and Stopping Domestic Violence

A large number of women have been rescued from trafficked situation. At this phase, the women abduction and trafficking cases annually solved totaled 2000-3000. In December 2009, China's ratified its access to *the Palermo Protocol*, and this signified that China's vision of combating women and children trafficking had been further in line with international standards. The government issued *the Plan of Action on Combating Trafficking in Women and Children (2008-2012)* and *China National Plan of Action on Combating Human Trafficking (2013-2020)*⁷.

There appeared cases in which the violation of "sexual rights" was used to adjudicate on the disputes over personality rights. On January 21, 2013, the Chaoyang District Court of Beijing ruled on a personality rights dispute over a fraudulent marriage. The court held the defendant Li had infringed on Yu Jia's (under pseudonym) "sexual rights" and decided Li shall apologize to Yu Jia in writing and compensate Yu Jia for mental damages of 150,000 yuan. CHINA WOMEN'S NEWS commented that the definition of sexual rights did not exist in *the General Principles of the Civil Law of PRC*, while in this case, the court affirmed sexual rights as personality rights in a general sense, and decided that the defendant had violated sexual rights of the woman, thereby constituting a legal sample to face and take sexual rights seriously; when sexual autonomy became a universal right claim for citizens, "sexual right" was expected to become a personality right provided separately by law.

2015 is the 20th anniversary of the Beijing World Women's Conference. The achievements of its follow-up actions by China were marked by two legislative developments: firstly, the *Amendment IX to the Criminal Law of the People's Republic of China* (the "Amendment IX") was implemented on November 1, 2015, the updates include more severe penalties for sexual assault on girls, inclusion of men as the victims of forced indecency, abolition of the crime of prostituting underage girls in response to years of appeals; and conviction of those abducting and trafficking women and children to further curb the buyer's market. Secondly, the "*Anti-Domestic Violence Law of the People's Republic of China*" was adopted at the end of 2015, and the law shows a clear

⁷ <http://www.eeo.com.cn/2011/1229/219024.shtml> disclosed by Chen Shiqu, and Pishu Encyclopedia: Personal Rights and the Crime of Trafficking in Women and Children, <https://www.pishu.cn/psbk/psgd/fl/228951.shtml>, "*China Human Rights Development Report No.3 (2013)*" P231-252, Social Sciences Academic Press, published in July 2013, which greatly differs from data in Lan Qing's following speech. And April 28, 2021, The another action plan for 2021-2030 issued by the State Council ([国务院办公厅关于印发中国反对拐卖人口行动计划（2021—2030年）的通知（国办发〔2021〕13号）](#) 政府信息公开专栏 (www.gov.cn)

attitude that "the state prohibits any form of domestic violence" and endows parties in action with more confidence in protecting their rights.

2.1.3. PHASE III 2016-2020

Features of this phase: on the one hand, the state continued to formulate laws and policy measures and establish new working mechanisms, and the implementation of laws and policies became a new task; on the other hand, social sensitivity and vigilance and the voice for effective intervention in gender-based violence continued to rise, and non-governmental participation received new impetus and faced new constraints. The Chinese government has timely submitted the compliance reports on relevant international conventions and published progress and data on the elimination of gender-based violence.⁸ The number and scale of international cooperation projects have become smaller, and inter-governmental cooperation has continued mainly in anti-trafficking by public security organs. The outbreak of the COVID-19 pandemic in 2020 heralds new challenges and requires new efforts to deal with gender-based violence.

"Prevention and stop of sexual harassment against women" were included in the agenda of *the China National Human Rights Action Plan (2016-2020)* for the first time. In addition, it also includes: implementing the anti-domestic violence law; improving the multi-sectoral cooperation for combating domestic violence as well as the work mechanism integrating prevention, stop and relief; encouraging and supporting social organizations to participate in anti-domestic violence; and implementing the *China National Plan of Action on Combating Human Trafficking (2013-2020)* to effectively prevent and legally crack down on crimes of women trafficking.⁹

The focus lies in the implementation of *the Anti-Domestic Violence Law*. Relevant departments and localities successively introduced following up policies and regulations. The joint conference system was expanded. In recent years, an anti-domestic violence joint conference system has been established in Inner Mongolia

⁸ The third implementation report of the International Convention on Economic, Social and Cultural Affairs was submitted in December 2019 and went online in August 2020. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2f3&Lang=zh ; CEDAW The Ninth Periodic report submitted by China https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fCHN%2f9&Lang=en

⁹ See China Human Rights Network: China National Human Rights Action Plan, <http://www.humanrights.cn/html/wxz/3/>

Autonomous Region, Nanjing City, Liu'an in Anhui, Yuncheng in Shanxi and other places. Civil society groups became a pivotal source for anti-domestic violence information. Non-governmental monitoring reports on the implementation of *the Anti-domestic Violence Law* have been released regularly since March 1, 2017.

More and more cases concerning sexual harassment and sexual assault in education institutions were disclosed. The “# Me Too” campaign in 2018 made the topic of sexual assault and harassment “go public”. Public awareness of this has been increased. More people began to reject the concepts of “slut shaming” and “perfect victim”. There appeared a large number of bystanders holding proactive and supportive attitudes towards such cases.

The control of school bullying and violence was strengthened. In 2016, nine departments, including the Ministry of Education, issued the *Guiding Opinions on Prevention and Control of Bullying and Violence among Primary and Secondary School Students*, and in 2017, the Ministry of Education and 11 other departments issued the *Plan for Strengthening Comprehensive Management of Primary and Secondary School Students' Bullying*.

Judicial relief fund was further developed, and some victimized women or their families have been aided. For example, for a Guangxi woman who was severely disabled by her husband's acid pouring, the judicial relief fund provided by the court of the autonomous region met her urgent needs;¹⁰ After learning that the victim's family was under extreme poverty during the handling of an intimacy murder case, the Mianyang City Procuratorate of Sichuan Province timely initiated judicial relief to help the victim's family out of life difficulties. The case was later awarded as one of the top ten excellent cases in protecting women and children's rights and interests in Sichuan Province.¹¹

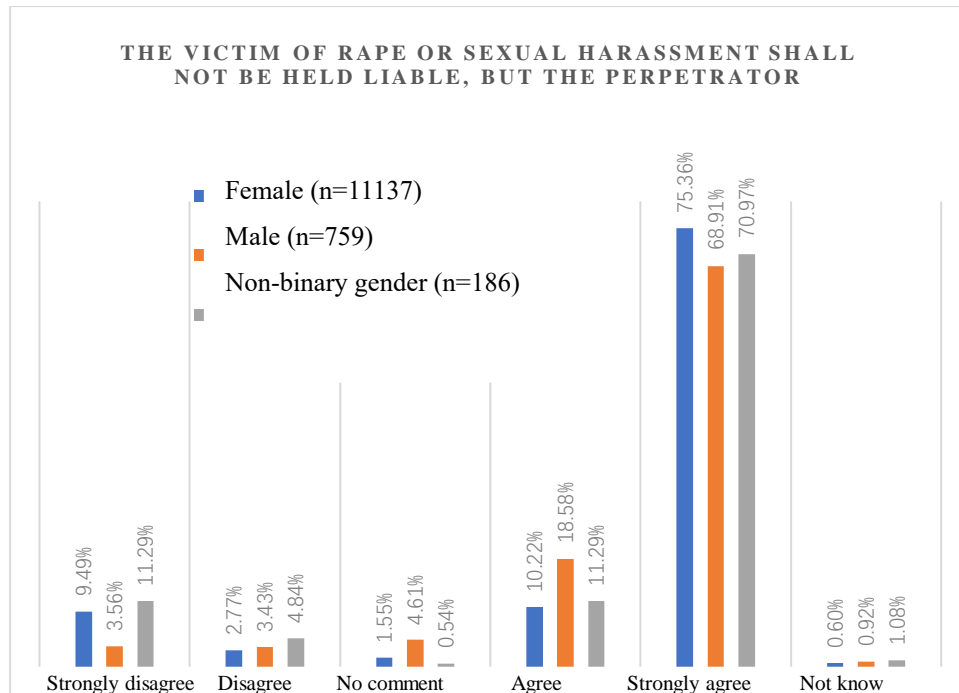
The conceptual culture has changed significantly. In a 2015 online survey involving 3000 participants, 9% of the respondents agreed or strongly agreed “women who have been victims of sexual violence would not be stigmatized”, while 72% of the respondents disagreed or strongly disagreed. In an over 10,000-person online survey in 2020, 85% of respondents believed that the perpetrator should be held liable for

¹⁰ Timely judicial relief fund for a woman severely disabled by her husband's sulfuric acid pouring:
http://mp.weixin.qq.com/s?__biz=MzA3Njg5MTUyMA==&mid=2650722678&idx=1&sn=a40f37f9eb3621e82580376f2b0fe2a9&chksm=87502599b027ac8f16a9695e6942025a18526d4b10d8cc887f3e4719dd6207f48a24f0991f69&mpshare=1&scene=1&srcid=1017ns9Blq8WqZ15Y6TRSLi5&sharer_sharetime=1602899524390&sharer_sharid=9d02eccc4bca64cf71da2a89cefd9ff6#rd;

¹¹ Prosecutors on the move to protect women's rights and interests, the 2nd edition of the Procurator Daily, April 10, 2017, http://newspaper.jcrb.com/2017/20170410/20170410_002/news-zgicb-8149-20170410-m-002-300.pdf

sexual harassment and assault, while the victim should not be blamed. The proportion of male respondents was 88%, higher than that of females (86 percent) and non-binary gender respondents (85 percent) .

FIGURE 2 The victim of rape or sexual harassment shall not be held liable, but the perpetrator?



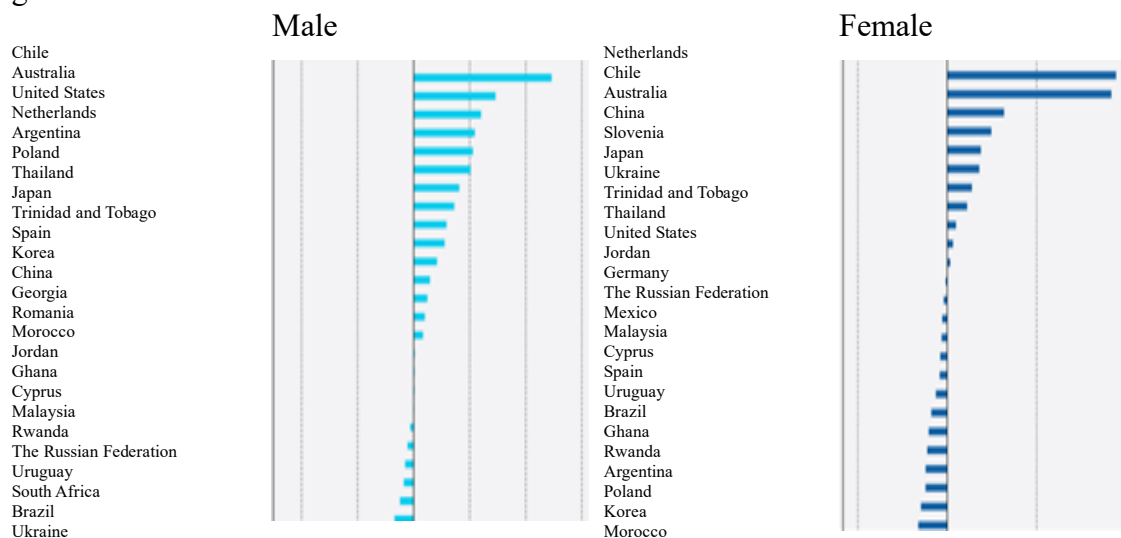
According to UNDP’s Human Development Report in 2020, the number of Chinese women who do not have gender social norms bias¹² has increased sharply, topping the 32 countries, and the number of Chinese men concerning this has also increased. Only 14% of women and 10% of men worldwide are free of gender social norms bias. ¹³This change has far-reaching implications for the elimination of gender-based violence.

¹² According to “2020 HUMAN DEVELOPMENT PERSPECTIVES TACKLING SOCIAL NORMS: A game changer for gender inequalities” published by United Nations Development Programme(UNDP), gender social norms bias can be summarized as “discriminatory beliefs, attitudes, and stereotypes reinforce gendered identities and determine power relations that constrain women’s and men’s behaviour in ways that lead to inequality”. http://hdr.undp.org/sites/default/files/hd_perspectives_gsni.pdf

¹³ United Nations Development Program: “Human Development Report 2019”, P157, http://www.hdr.undp.org/sites/default/files/hdr_2019_cn.pdf

FIGURE 3 The change of awareness of women and men without gender social norms bias in selected countries

From 2005-2009 to 2010-2014, Chile, Australia, the United States, and the Netherlands saw the largest increases in the proportion of men without gender social norms bias, while in most countries, there was a great rebound in the proportion of women without gender social norms bias.



Source: Page 157 of the 2019 Human Development Report. For details, please refer to the UNDP Human Development Report website, http://www.hdr.undp.org/sites/default/files/hdr_2019_cn.pdf

2.2. UNDERSTANDING AND RESPONDING OF DIFFERENT FORMS OF GENDER-BASED VIOLENCE

People who participated in the United Nations 94' Cairo People's Development Conference and prepared and hosted 95' Beijing World Women's Conference, and gradually formed and deepened the understanding of gender-based violence: physical, mental, sexual, and economic violence caused by gender norms, gender division of labor, and gender power relations, or threats of conducting such behaviors. Women (including girls) are the overwhelming majority who suffered gender-based violence so it is often used interchangeably with "violence against women". Gender-based violence may occur in the family, society, or even occur due to act or tolerance of the state.

With such an international consensus, China has made specific progress in its understanding and governance of gender-based violence in the past 25 years, including the following aspects:

2.2.1. DATA AND MONITORING

The experience of many countries shows data only reveals a tiny part of the gender-based violence issue. The actual prevalence of gender-based violence may be several or even 10 times the number from data. However, data still helps us understand the situation, acquire basic information, and make targeted decisions and measures.

Surveys show occurrence of spousal violence is about 24-35% in China.

The data of the first survey on the status of women published in 1992 (conducted by the All-China Women's Federation and the National Bureau of Statistics in September 1990) indicated that 75.57% of married women confirmed that their spouses never hit them first at the time of "aggravated conflicts between husband and wife"; men who responded similarly accounted for 82.15% of the total. Under the above-mentioned conditions, 0.94% of the women were frequently beaten by their husbands, among whom those in urban areas and those in rural areas were proportioned by 36, 36% and 63.64%, respectively. ¹⁴The *Overview of the Status of Chinese Women* published in 1993 further revealed: for 21% of urban women and 31% of rural women, their husbands would begin the fights at the time of acute conflicts, while 78% and 68% of the husbands never did so.

After its establishment in 2000, the Anti-Domestic Violence Network launched a survey on the domestic violence situation in China. It conducted 3543 questionnaires in nine regions with varying economic, cultural, and social conditions in three different provinces in the eastern, central and western China, and this was China's first comprehensive and scientific survey on domestic violence. The survey found the prevalence of spousal physical violence is about 34.7%. This survey, in addition to incidence of domestic violence, also involved coping and help-seeking behaviors after domestic violence, and expectations of policies and laws governing domestic violence.

Data from the third survey on the status of women in 2010 indicated that 24.7% of married women have gone through at least one form of spousal violence.

¹⁴ Research group for "Survey on Chinese Women's Social Status": "Preliminary Analysis Report on the Survey on Chinese Women's Social Status", *COLLECTION OF WOMEN'S STUDIES*, P24, Issue 1, 1992

There are not many surveys on the incidence of recent domestic violence. The 2006 "Report of Survey on the Rights and Interests of Rural Women in China and their Demand for Rights Protection" suggested that 11.6% of rural women had fights with their spouses in the past year, and the proportion for female migrant workers was as high as 13.5%.¹⁵

An online survey of 10,000 people in 2020 showed that during the COVID-19 epidemic, 27.35% of cisgender women and non-binary gender groups had experienced various forms of domestic violence, sexual harassment and sexual assault. Up to 84.3% of the violence occurred within families, and 84.18% of the perpetrators were family members. In addition, 31% of abuse, 43.4% of preventing medical treatment, 10.53% of sexual assault came from family members, and 7.31% of cisgender women and non-binary gender respondents suffered financial control, which is believed to come mainly from family members.

The research on demands and services are mainly conducted through life stories, organizational research and media monitoring. In the early period, the oral transcripts of 28 abused women clearly and vividly indicated, from the women's perspective for the first time, the demand for domestic violence prevention. The feedback to 473 women seeking help from institutions in 7 provinces and cities further helped to understand women's various needs and how well the existing services can meet the needs.¹⁶ The Anti-domestic Violence Network monitored reports by five Beijing newspapers from September 2009 to August 2010 and found that 29% of the reports expressly opposed to violence, 69% did not show a clear attitude, and 1.2% advocated violence; 23% reflected the victims' subjective initiatives, 5.5% proposed solutions to violence and 70% of the solutions were consistent with the claims of non-governmental women's organizations. Government interventions in violence were the most reported, while actions of non-governmental organizations (including the Women's Federation) were rarely reported. On the whole, 17% of reports of violence can actively promote the resolution of violence problems.¹⁷

¹⁵ Wei Minli and Sun Wen: The All-China Women's Federation: the phenomenon of female migrant workers suffering from domestic violence urgently calls for social attention, Xinhua News Agency, Beijing, November 25, http://www.gov.cn/jrzq/2007-11/25/content_814840.htm;

¹⁶ Anti-Domestic Violence Network: "2009 Report of Survey on Demands of Battered Women", printed internally by Anti-Domestic Violence Network

¹⁷ Lu Pin and Pang Minghui: "How the Mass Media Reports Violence against Women", Anti-Domestic Violence Network, 2009.

In 2001, the Anti-domestic Violence Network conducted a survey on judicial staff's perceptions of domestic violence. It was found that more than 1,600 judicial staffs interviewed were unanimously aware of the existence of domestic violence and physical violence in our country, but they rarely perceived various kinds of mental violence and marital rapes as domestic violence. More than one-third of the judicial staffs held the subjects convicting rape excluded the husband.¹⁸

According to a report released by the Beijing Equality in 2020, from the implementation of the Anti-domestic Violence Law on March 1, 2016 to December 31, 2019, only at least 942 cases of domestic violence were publicly reported, killing 1214 people, of which at least 920 were women, accounting for 76%, that is, an average of at least three women died of domestic violence every five days.¹⁹

The earliest investigation on sexual harassment was published in 1995. 84% of the 169 women in Beijing, Shanghai, Changsha, and Xi'an have experienced at least one of the 12 forms of sexual harassments, and 63% of them have experienced sexual harassment more than twice.

Recent data shows that 93% of the 212 female journalists²⁰ and 65% of the 141 female legal service providers (including multi-gender) have experienced one or more of the 16 types of sexual harassments and sexual coercions.²¹

According to the survey of 141 women and multi-gender legal service workers from September to October 2020, 65% of respondents had experienced one or more of 16 types of sexual harassment and sexual coercion. The most common sexual harassments are: unfriendly/hostile remarks toward a certain gender (32.7%), and unwelcome comments on their bodies, clothing and appearances (31.5%). Among the respondents who have experienced such gender-based discrimination, harassment and violence, 53 had relevant experiences in the last 3 months and 67.6% of the respondents

¹⁸ "Research on the Basic Construction of Law on Domestic Violence Prevention" edited by Chen Mingxia and others, "A Series of Theories and Practices against Domestic Violence", China Social Sciences Press, P186-187, 2005

¹⁹ Beijing Equality: Monitoring report on the fourth Anniversary of the implementation of the Anti-domestic violence Law of the people's Republic of China (with full download link), released in April 2020 <http://www.equality-beijing.org/newinfo.aspx?id=80>

²⁰ International Women's Day report | gender violence is a serious threat to the occupational safety of female journalists, 2020.3.8, <https://posts.careerengine.us/p/5e64f2460a47dd42838a90f4>

²¹ Gender-friendly lawyers: investigation report on Occupational Safety in the legal Services Industry, released on December 10, 2020

<https://www.equalityrights.hku.hk/post/%E5%9C%8B%E5%85%A7%E9%A6%96%E4%BB%BD-%E6%B3%95%E5%BE%8B%E6%9C%8D%E5%8B%99%E8%A1%8C%E6%A5%AD%E8%81%B7%E6%A5%AD%E5%A E%89%E5%85%A8%E8%AA%BF%E6%9F%A5%E5%A0%B1%E5%91%8A-2020%E5%B9%B412%E6%9C%8810%E6%97%A5%E7%99%BC%E4%BD%88>

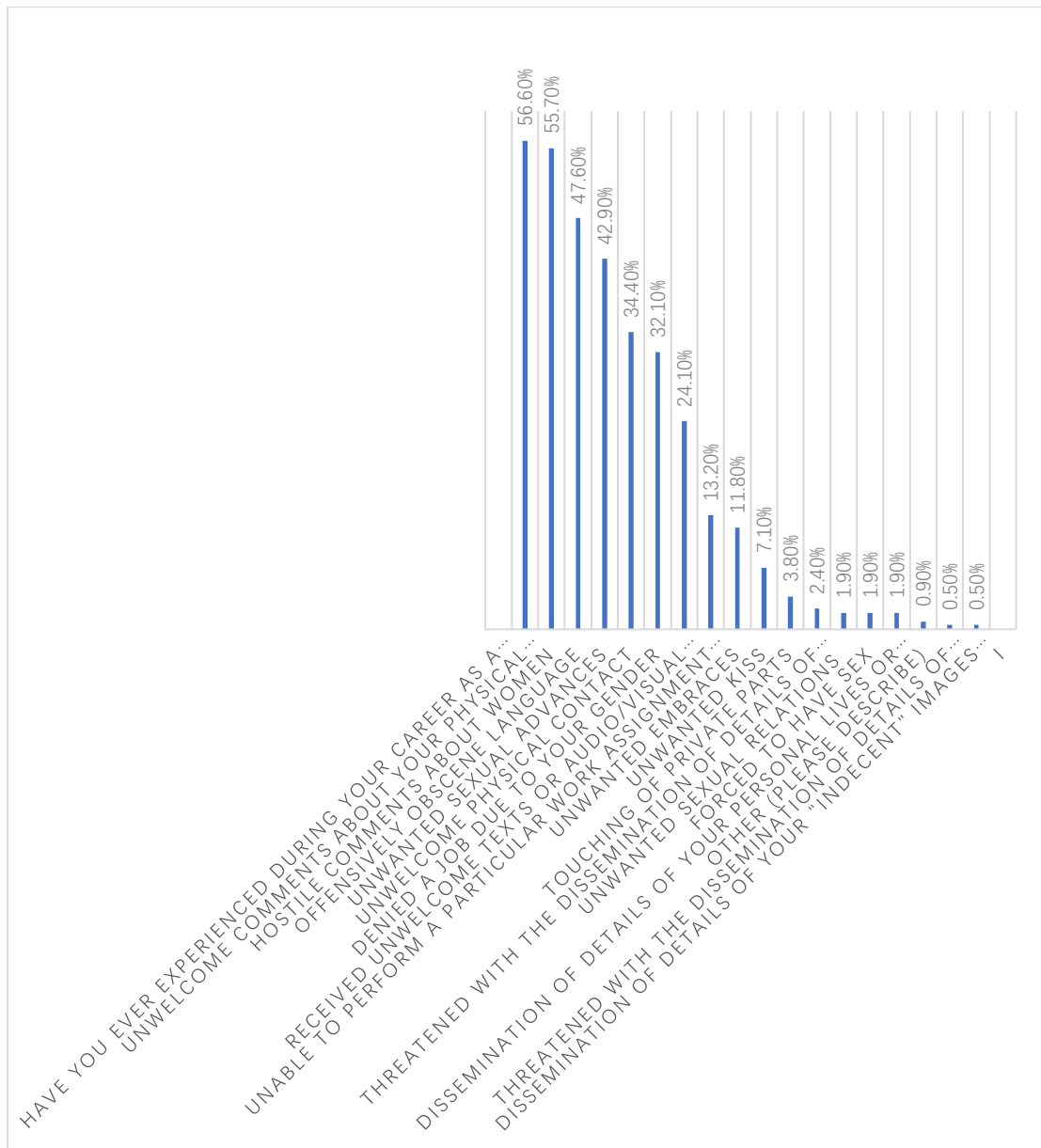
had in 3-12 months. 90.4% of victims chose to swallow their anger after encounter, and less than 10% (9.5%) actively asked for relief by seeking help or reporting. However, all sex discrimination, harassment or violence incidents have not been formally and officially handled.²²

A survey of female journalists (including multi-gender women) in March 2020 showed that up to 93% of the 212 female journalists had experienced one or more of the 16 types of sexual harassment and sexual coercion.

Female journalists (including multi-gender women) reported experiencing sexual harassment and coercion, with the three highest rates being unwelcome comments on their bodies and appearances (56.6%), unfriendly/hostile remarks towards women (55.7%) and unwelcome sexual languages (47.6%). In addition, 34.4% have endured indecent touches; and 24% have encountered threats or actual online/network violence, such as, sending unwelcome sex-related texts or audiovisuals to their mobile phones/computers/social media accounts, threatening or actually spreading (including online/through mobile phone or email) the interviewee's private life information, "indecent" images/audio and video.

[Figure 4, Women Journalists who experienced sexual harassment \(Survey in 2020\) \(n=212\)](#)

²² Team of Investigation on Occupational Safety in the Legal Service Industry, *Report on Occupational Safety in the Legal Service Industry*, presented on November 25, 2020 at the "China's Seminar on Gender Violence" hosted by the United Nations Gender Theme Group and organized by Beijing Equality.



Only 20% of them reported and asked for help, and it turned out that the percentage of those who were satisfied with the feedbacks exceeded the percentage of those that were not. The offender was dealt with in 4.8% of the cases reported, while not in 59.5% of the cases reported. Nearly half of the media or localities involving the interviewees had activities or measures for preventing gender-based violence, such as, holding lectures (47%), introducing complaints/reporting methods (45%), and providing informational, psychological and legal supports to victims (44%), etc. However, the

interviewees did not think highly of these activities and measures due to their impracticability, and most of them were rated as the least practical (1 point).²³

A survey of more than 6,500 college students by the Guangzhou Gender Education Center in 2016 suggested that 70% of them had experienced sexual harassment; the percentage of women suffering from sexual harassment was even higher, at 75%. Among them, 4542 respondents answered that 90% of the perpetrators of sexual harassment were men; more than 60% of the perpetrators were strangers, followed by fellows and alumni, and nearly 10% were the school superiors. In addition, according to the results of the applications sent to 113 universities for information disclosure, "no university currently has a department and special procedures for handling sexual harassments (wherein, 8 universities responded they had security and other departments for tackling such matters)." ²⁴

The data on sexual assault involve only the number of cases docketed and solved by the public security organs, the number of prosecutions by the procuratorates, and the number of court convictions. For example, in 2019 alone, procuratorial organs arrested 26,648 rape suspects accounting for 2.4% of the total arrested, the proportion ranking top eight in the list of arrests; and prosecuted 27,070 suspects accounting for 1.5% of the total arrested, the proportion ranking the ninth in the list of the most accusations.²⁵

On September 13, 2013, the China Children and Teenagers' Fund released the *Research Report on Girl Protection* in Beijing. ²⁶Surveys showed in 9 high schools in Beijing and Lanzhou, the incidence of sexual assaults was between 6.7% and 21.8%. Besides, some studies collecting data from retrospective surveys conducted in universities and colleges in various parts of our country suggested that the incidence of sexual assaults was between 7% and 25%. From January 2011 to June 2013, 2.4 million

²³ See Echo Project released on March 8, 2020: "Women's Day Report | Gender-based violence seriously threatens the occupational safety of female journalists", cite from <https://posts.careerengine.us/p/5e64f2460a47dd42838a90f4>

²⁴ Guangzhou Gender Education Center: "*Survey on Sexual Harassments Encountered by Chinese University Students and Graduates*", quoted from <https://www.ellemen.com/spotlight/a27174548/saorao-190417/>, April 17, 2019.

²⁵ China News.com: Procuratorates nationwide handled 935,432 cases of arrests upon review and approval in 2019, <http://www.chinanews.com/gn/2020/06-02/9200984.shtml>;

²⁶ Li Fei and Wu Tianyi: the incidents of girls being abused can hardly break through from being classified as "social scandals", Xinhua News Agency, September 13, 2013, quoted from <http://edu.people.com.cn/n/2013/0913/c1053-22917952.html>

media reports were about child abuse incidents, of which the largest number (about 450,000 reports) came with sexual assault.

The number of women victims of abducting and trafficking crimes has dropped sharply in the past 25 years, from several thousand to less than 500 per year.

Table 1 Solved cases of various violations against women and children during 2005-2018

Year	Cases of rape	Cases of women trafficking	Cases of child trafficking	Cases of organized prostitution, including forcing, seducing, accommodating and introducing women
2005	33158	2101	1656	12236
2010	30740	3228	2827	15133
2015	22431	637	756	10180
2016	21091	493	618	10549
2017	21604	661	546	11162
2018	23724	434	606	14797

Source: The Ministry of Public Security

2.2.2. LEGAL FRAMEWORK AND WORKING MECHANISM

Internationally, China acceded to the International Convention on the Elimination of all Forms of Discrimination against Women in 1980, joined the Economic, Social and Cultural International Convention in 1998, and actively supported the action programs of the Cairo Conference on Human Development and the Beijing World Conference on Women. These international laws and instruments constitute China's international commitment to combat gender-based violence.

Relevant domestic laws include:

- Marriage Law (adopted in 1950, and revised in 1980 and 2001)
- Constitution (adopted in 1954) (Article 48)
- Criminal Law (1979)
- "General Principles of Civil Law of the People's Republic of China" (1986)
- Law on the Protection of Rights and Interests of Women (1992)
- [Law on Maternal and Infant Health Care](#) (1994)
- Anti-Domestic Violence Law (2015)

- Civil Code (2020)

The above-mentioned basic laws are the backbones of China's legal framework for protecting women's rights and combating gender-based violence, including prevention, disposal and victim support in respect of domestic violence, sexual harassment, rape, forced indecency, and women trafficking.

Specifically, the legal framework on domestic violence has been developed and enriched over 20 years.

In 2001, the *Marriage Law of the People's Republic of China (Amendment)* (revised on April 28, 2001) clearly stipulated in its general rules "prohibition of domestic violence" for the first time. The Marriage Law has provisions on determination of domestic violence, prohibition of domestic violence, and liabilities arising from domestic violence in its Articles 3, 32, 43, 45, and 46.

The content of anti-domestic violence in China's national laws and policies before 2015 can be summarized into "10 laws and more than 10 articles":

The Law of the People's Republic of China on the Protection of Women's Rights and Interests (Amendment) (adopted on August 28, 2005) puts forward "the state shall take measures to prevent and stop domestic violence" and stipulates anti-domestic violence responsibilities for public security, civil affairs, judicial and other departments and organs. *The Law on the Protection of Minors* (revised on December 19, 2006), *the Law on the Protection of Disabled Persons* (revised on April 24, 2008), and *the Mental Health Law* (adopted on April 26, 2012) clearly stipulate prohibition of domestic violence against minors, the disabled, and people with mental disorders.

The laws that incorporate indirect provisions on domestic violence also include: *The Law on Penalties for Administration of Public Security*, *the Criminal Law*, *the General Principles of Civil Law*, *the Inheritance Law*, and *the Law on Protection of Rights and Interests of the Elderly*. For example, major amendments to the *Criminal Law* after 1998 included new adjustments to case types. The previous "crime against marriage and family" was merged into "crime against citizens' personal rights and democratic rights."²⁷ *The Law on Penalties for Administration of Public Security* adopted in August 2005 states that public security organs can impose administrative detention and fines to those who "abuse others or intentionally injure the bodies of

²⁷ The website of the Supreme People's Court: 60 years of trial work by the People's Courts, released on February 21, 2010, <http://www.court.gov.cn/fabu-xiangqing-119.html>;

others”, and this provision breaks through from the original “penalties can be imposed only on those having caused at least minor injuries”.

In December 2015, China promulgated the first law specifically targeting domestic violence, i.e., *the Anti-Domestic Violence Law of the People's Republic of China*, which clearly stipulates that the state prohibits any form of domestic violence. It further applies to violence that occurs between people living together besides the family. It stipulates prevention and handling of domestic violence, and mechanism for victim rescue, including mandatory reporting system (for persons without civil capacity only), warning system, system of personal safety protection order and its on-behalf application, etc. The *Amendment IX*, implemented on November 1, 2015, expanded the scope of offenders for crime of abuse, and the offenders were no longer limited to family members but extended to those who are obligatory to guard and care for minors, the elderly, the sick, and the disabled. The *Amendment IX* also stipulates that the crime of abuse under certain conditions can become publicly prosecuted from privately prosecuted, and a public prosecution can be initiated accordingly by the state prosecutors.

For implementation of the legal framework and specific tasks for combating gender-based violence, joint conferences on safeguarding the rights and interests of women and children came into stage. In 2001, the All-China Women’s Federation, in conjunction with 13 other central and state organs, established a national coordination group for safeguarding the rights and interests of women and children.²⁸ By 2007, 29 provincially administered municipalities and most prefecture-level cities across the country had established rights protection coordination groups or joint meetings, and more than 35,000 rights protection coordination institutions had been in place.²⁹ The State Council’s inter-ministerial joint conference on action against trafficking women and children was established in 2007. It consisted of 31 departments and units including the Ministry of Public Security taking the lead, the Publicity Department of the Central Committee of the Communist Party of China, the Office of the Central Committee for Comprehensive Management of Public Security, the Legal Work Committee of the National People’s Congress, and the All-China Women’s Federation, etc., and each department and unit has a liaison officer.

²⁸ http://www.gov.cn/jrzq/2007-11/25/content_814840.htm

²⁹ http://www.gov.cn/jrzq/2007-11/25/content_814840.htm

2.2.3. GOVERNANCE OF DOMESTIC VIOLENCE

China's process of combating domestic violence over the past 25 years can be summarized as follows: awareness has been continuously expanded; services and treatment have been developed from scratch; and multi-institutional cooperation and intervention have been recognized.

In the early 1990s, domestic violence was not a topic in China. Pi Xiaoming, a cadre and lawyer for rights protection in the Women's Federation of Dongcheng District, Beijing, published the *White Paper on Domestic Violence* in the *Chinese Women* magazine, putting forward the concept of domestic violence through the media for the first time. In 1992, the data office of the *CHINA WOMEN'S NEWS* announced after search that the term "domestic violence" was mentioned, over the year, in two reports by the *CHINA WOMEN'S NEWS* and in one report by the *Xinmin Evening News* published in Shanghai.

Since the held of Cairo Population and Development Conference in 1994, especially since the Beijing World Conference on Women in 1995, domestic violence has gradually become the most concerned gender-based violence in China. Media reports attracted attention. In 1994, the number of media reports on domestic violence reached double figures throughout the year. At the beginning of 1996, a woman in Changsha was dropped to death by her ex-husband from a high-rise building. The *CHINA WOMEN'S NEWS* triggered a series of reports and discussions on "declaring war against domestic violence". It was the first time that such vigorous and in-depth publicity was made in China. In 2002, a hit TV series *Don't Talk to Strangers* made the term "domestic violence" a household word; *Women's Prison Investigation* (2005) of the CCTV News Probe gave a vivid account of different situations behind "to counter violence with violence" and informative content of abused women urgently needing understanding and relief and how to prevent tragedy occurrence. During the two sessions in 2005, the three top-rated CCTV programs (the *Two Sessions* on the Economic Channel, the *Newsroom* on the News Channel, and the *To tell the truth* of the Comprehensive Channel) all produced and broadcast their own shows concerning anti-domestic violence.

Subsequently, there appeared thousands of anti-domestic violence reports annually. Since 2010s, the case of Beijing Li Yang's domestic violence and divorce, the

case of beauty blogger Yu Ya's video disclosure of domestic violence and other typical cases have been heatedly discussed in the whole society.

Women's organizations continued to promote local and central policies and laws. In 1996, the Changsha Municipal Government of Hunan Province issued China's first local policy against domestic violence, i.e., the *Regulations on Prevention and Stop of Domestic Violence*. On March 31, 2000 and September 5, 2000, the Standing Committees of Hunan and Sichuan Provincial People's Congresses first adopted the *Resolution on Prevention and Stop of Domestic Violence*. The four years from 2003 to 2005 were a peak time for local legislations. The Standing Committees of the People's Congress in 12 provinces passed resolutions, decisions and regulations. Much content in local regulations and policies played an introductory role in the formulation of the later national-level laws and policies. By 2015, only Shanghai, Guangdong and Tibet had not formed specific local regulations and/or multi-institutional regulative documents for preventing and stopping domestic violence. Promoted by the All China Women's Federation, 13 Opinions in the document of seven ministries and commissions were successfully issued on July 31, 2008, providing unified and normative guidance for prevention and stop of domestic violence, setting forth requirements for work principles, funding, guarantee mechanism, and increased publicity and training on anti-domestic violence, thereby preliminarily taking the shape of policies and mechanisms for a working mode featured with pre-prevention, mid-intervention and post-relief.³⁰ After 12 years advocacy, the *Anti-Domestic Violence Law of the People's Republic of China* passed and came into effect on March 1, 2016. Since then, at least 27 provinces across the country issued 254 supporting local regulations and multi-institutional policy documents. Since December 2018, local supporting legislations have been adopted and implemented in 10 provincial places as Shandong, Hubei, Hunan, Guizhou, Xinjiang, Inner Mongolia, Jilin, Hainan, Guangdong, and Shanxi.

³⁰ The "*Several Opinions on Prevention and Stop of Domestic Violence*" (referred to as "Documents by the Seven Ministries") was jointly issued and promulgated by the Publicity Department of the CPC Central Committee, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of Civil Affairs, the Ministry of Justice, and the Ministry of Public Health, in conjunction with the All-China Women's Federation. The report, issued on February 16, 2012 and combining the 7th report and the 8th report, on China's implementation of the "*Convention on the Elimination of All Forms of Discrimination against Women*" referred in the above documents as "State Promulgation".

The intermittent hotline services were updated into continuous ones. In October 1994, the Jinglun Family Science Center of the Chinese Association of Social Workers set up the first "hotline on domestic violence" in China. At the beginning of 1995, the *CHINA WOMEN'S NEWS* opened a consultation hotline titled "the national laws become accessible to families" to give a helping hand to women facing difficulties in marriage and family disputes. Since the hotline was opened, there have been numerous calls from Beijing, Hubei, Inner Mongolia, Sichuan, Shandong and other places.³¹ Since 2000, the Red Maple Women's Hotline has been offering anti-domestic violence services up till today, followed by dozens of anti-domestic violence public welfare hotlines across the country,³² among which the Beijing Equality Women's Support Hotline has been rendering year-round services in both Chinese and English since September 2014.

The shelter service has gone through a tortuous process. In December 1993, a shelter was established in Yutian County, Tangshan City, Hebei Province, and it was positioned in Yutian Embroidery Factory owned by Chen Yuyun, a private business owner entrusted by the Yutian County Women's Federation. As the factory got stuck in trouble in 2002, the shelter was basically closed in 2005. Afterwards, private person in Wuhan, Shanghai and other places successively and spontaneously established "New Sun Women's Marriage Station" (1995) and "Shanghai Relief Center for Southern Women and Children against Domestic Violence" (1996), which, however, became unsustainable due to various difficulties and pressures. Nevertheless, these efforts were not in vain but motivated the government's investments. In 2003, the Xuzhou Women's Federation and the local Civil Affairs Bureau jointly established a Shelter Center against Domestic Violence, and the center attracted a lot of attention and support at home and abroad. In 2015, the All-China Women's Federation and the Ministry of Civil Affairs jointly issued a document requiring all districts and counties in both urban and rural areas to set up or designate places to provide short-term shelter and life assistance to victims and their children. In 2015, the Women's Federation system provided 2009

³¹ Zhong Ying: the *CHINA WOMEN'S NEWS* opened a consultation hotline titled "the national laws become accessible to families", the 3rd edition of *People's Daily*, February 19, 1995, <https://cn.govopendata.com/renminribao/1995/02/19/>;

³² A Summary of Nationwide Public Welfare Hotlines against Anti-Domestic Violence, http://www.worldvision.org.cn/cn/index.php?route=wedo/story&story_id=81&project_id=37

rescue centers (shelters) to the battered women and their children, and nearly 9,200 women and children received assistance and sheltering (National report).

Other initiatives for anti-domestic violence system have been activated one after another. The compulsory reporting system for domestic violence encountered or suspected of encountering by those having no or limited civil capacities has been activated in some areas of Hunan Province and Shenzhen, Guangdong Province. The warning- letter system has been fully implemented in Jianli, Hubei Province. Issuing a warning letter has become a routine action for the police to intervene in domestic violence. The public security organs issued relevant regulations on police' acting on report. After receiving a "110" call, they should act by following six steps: "first, immediately stopping the ongoing domestic violence; second, promptly investigating and collecting evidence to ascertain the basic facts; third, assisting to contact medical institutions for treatment and injury appraisal; fourth, assisting the civil affairs bureaus in placing those having no or limited civil capacities but facing personal safety threats, being unattended, or being in some other dangerous situation; fifth, criticizing and educating or issued a warning letter to those who are less likely to be imposed with public security penalties; sixth, punishing in accordance with laws those in violation of public security management or suspected of crime".³³The personal safety protection order has become an anti-domestic violence tool receiving the most media attention, and its number of issuances has increased year by year from 687 in 2016 to 1469 in 2017 and to 1589 in 2018, and significantly to 2004 in 2019. As of the end of December 2019, a total of 5,749 personal safety protection orders had been issued by courts across the country.

Legal responsibility: more and more perpetrators were beginning to bear legal consequences for their violence. The Supreme People's Procuratorate prosecuted 5134 people for their domestic violence crimes in 2016. Changsha City, Hunan Province issued a policy in 2018 to take "domestic violence cases (incidents)" as one of the 13 circumstances in the list of negative performances in the evaluation of comprehensive management, and the policy expressly stated in case of domestic violence cases (incidents) in any of the 140 units either under Changsha's administration, or directly

³³ Wang Chunxia: Interview with the heads of relevant departments of the All-China Women's Federation, the Supreme People's Court, and the Ministry of Public Security on the fourth anniversary of the Anti-Domestic Violence Law, China Women's Federation News, March 1, 2020, <https://mp.weixin.qq.com/s/ocgXYARtoRVAcBRuVUHARg>

under the central administration or under provincial administration but with their residence in Changsha, or in any of the parks (including secondary institutions), as well as in any cadre and working staff thereof (including regular staff, employees, hired personnel, labor dispatch personnel, temporary workers, and retired personnel), such case shall be reported to the Office of Changsha Comprehensive Management on a quarterly basis, and shall be counted as a minus in the annual evaluation.

2.2.4. OPPOSITION TO SEXUAL HARASSMENT

The *Civil Code of the People's Republic of China*, which will take effect on January 1, 2021, was passed with votes at the 3rd Session of the 13th National People's Congress on May 28, 2020, wherein, Article 1010 stipulates: "in case of encountering, against one's wish, sexual harassment by others by means of words, text, images, physical behaviors, etc., the victim is entitled to request the offender to bear civil liabilities in accordance with the law. Institutions, enterprises, schools and other units should take reasonable preventing, complaints accepting, investigating and handling measures to prevent and stop sexual harassments conducted by virtue of powers, affiliation, etc." This huge progress has absorbed many suggestions from scholars and practitioners.

In 1998, a legislative proposal on sexual harassment was put forward for the first time. When the 3rd Session of the Standing Committee of the 9th National People's Congress reviewed *the Law of the People's Republic of China on Practicing Physicians*, Chen Guizun, a member of the Standing Committee of the National People's Congress and Director of the Standing Committee of the Jiangxi Provincial People's Congress, proposed addition of provisions for punishing those who sexually harass patients during their professional practices. After the move was reported by the media, Chen Guizun received letters from victims of all walks of life across the country, and this made him realize a special law might be needed. In March 1999, Chen Guizun together with another 31 deputies to the National People's Congress formally submitted a motion on the *Anti-Sexual Harassment Law of the People's Republic of China* at the 2nd Session of the 9th National People's Congress. Chen Dapeng, the deputy to the National People's Congress and Professor of Southwest Jiaotong University, submitted once again the "*Motion on Enacting the 'Anti-Sexual Harassment Law'*" in 2002, pointing out that

sexual harassment has been widespread in all countries, and China's laws and regulations have not practically covered this.

In 2001, starting from the case of Ms. Tong in Xi'an, one-after-another indomitable parties in action brought cases of sexual harassment to court and for media coverage. From December 2001 when the first victim won its case to December 2, 2020 when hundreds of netizens were to be present at the Haidian District Court in Beijing to support the hearing of Xianzi v. Zhu Jun case, we saw the parties' endeavors were helping to raise social awareness step by step.

In this process, non-governmental women's organizations mobilized multiple forces to continuously make legal suggestions, carry out awareness and skill training, give pilot interventions, conduct investigations and studies, and strengthen control of sexual harassment. (See attached Table 1 for details).

In 2005 when the UN made the 10-year global review of the Beijing World Women's Conference, for the purpose of demonstration at this very time that China had attached great importance to its international commitments, the amendment to *the Law on the Protection of Rights and Interests of Women* was adopted only after the "two readings" (rather than the conventional "three readings"). The provisions on sexual harassment were as followed: "sexual harassment of women is prohibited, and the victimized woman has the right to complain to relevant unit and institutions" (Article 40); "in case of sexual harassment or domestic violence against women in violation of the provisions of this law, if such behavior constitutes violation of public security management, the victim can request the public security organ to impose administrative penalties on the offender in accordance with the law, or bring a civil lawsuit to the people's court in accordance with the law" (Article 58). The *Special Regulations on Labor Protection of Female Employees* promulgated by the State Council on April 18, 2012 stipulates sexual harassment and employers' responsibilities for the first time in a national-level labor law. Supporting laws and regulations of Anhui, Guangdong, Zhejiang, Shanxi, and Jiangxi provinces furthered provisions on prevention, stop and handling of sexual harassment, and Jiangsu made the most detailed regulations on employers' establishment of rules, education and training, and complaint channels.

Since 2014, in response to the calls from many parties, anti-sexual harassment regulations have been incorporated into the Code of Conduct for Teachers in educational institutions at all levels issued by the Ministry of Education. The Supreme

People's Court listed these regulations as additional grounds for litigations in December 2018. Legal progress about this is reflected in the amendment to the Criminal Law adopted in December 2015, wherein, Article 237 of the Criminal Law was amended as "whoever acts indecently against others or insults a woman by violence, coercion or any other forcible means shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention. Whoever gathers a number of people to commit the crime mentioned in the preceding paragraph or commits the crime before the public place shall be sentenced to fixed-term imprisonment of not less than five years. Whoever acts indecently against a child shall be given a heavier punishment in accordance with the provisions of the preceding two paragraphs". The provisions against sexual harassment are finally embodied in Article 1010 of the Civil Code, which was adopted in 2020 and implemented on January 1, 2021.

In August 2018, the Xihu District People's Procuratorate and the Xihu District Education Bureau in Hangzhou, Zhejiang Province took the lead in jointly printing and distributing the first campus anti-sexual harassment document in China, i.e., *Opinions on Establishment of a System for Handling Sexual Harassment of Minors on Campus*, and the *Opinions* clearly defines sexual harassment on campus, and requires report of sexual harassment within 6 hours once it is found and an investigation within 24 hours or a direct report to the public security organ.

In October 2018, the Supreme People's Procuratorate issued the first procuratorial proposal in history (Gao Jianjian [2018] No. 1), requiring the Ministry of Education to deal with of the issue of sexual assault on students. Shortly after this proposal, the Ministry of Education, as well as leaders of 26 provinces have following up actions.

In December 2018, the Supreme People's Court laid further emphasis on "disputes over sexual harassment damages", which resolved difficulties in docketing a case of sexual harassment in the education field and cleared obstacles for victim relief. In 2019 and 2020, in the case of Liu Li (under pseudonym) v. Liu Meng, sexual harassment was affirmed in both the first and the second trials. Due to Liu Meng's failure to fulfill the judgment to make an apology, the court enforced it, and the people's Court announced the contents of the judgment on page 8 on December 18, 2020.³⁴ In the case of

³⁴ 卫佳铭:《公益人刘猛被判构成性骚扰后未道歉,法院发登报公告强制执行》,澎湃新闻,2020年12月18日, https://www.thepaper.cn/newsDetail_forward_10446894

Guangzhou Female Sanitation Workers v. Stationmaster in 2020, the plaintiff's all claims were finally supported through court mediation.³⁵

2.2.5. ABOLISHMENT OF CRIME OF PROSTITUTING GIRLS UNDER THE AGE OF 14

Two years after the Beijing World Conference on Women of the UN, the "crime of prostituting underage girls" officially entered the criminal law. On March 1, 1997, in the draft amendment to the Criminal Law issued by the Secretariat of the 5th Session of the 8th National People's Congress, those "prostituting underage girls" were still convicted of rape. On March 13, 1997, the draft criminal law passed by the Presidium of the National People's Congress defined "prostituting underage girls" as a separate conviction. The text formally adopted the next day read, "Whoever convicted of prostituting girls under the age of 14 shall be sentenced to fixed-term imprisonment of not less than five years and imposed with a fine."

After the "crime of prostituting underage girls" appeared, the "virgin value" became as high as tens of millions of yuan in some prostitution advertisements, and more and more reports about underage girls have become criminal gangs' tools for making profits, and the number of underage girls victimized in each type of case has become larger and larger. However, according to the Criminal Law, the minimum sentence for "prostituting underage girls" is higher than that of rape, but its maximum sentence is much lower than that of rape. From 2007 to 2008, a case of "prostituting (raping) underage girls" took place in Xishui County, Guizhou Province, which made the place a hotspot, as the case involved a number of victims and many government officials who whored with the victims many times, consequently, 7 persons who had sex with underage girls were sentenced to fixed-term imprisonments of 7 to 14 years, three of whom were sentenced to imprisonments of 10 years or more.³⁶

There were growing voices in the women's community against the term of prostituting underage girls. In accordance with the Platform for Action adopted by the FWCW, which was also a common commitment to future actions by all UN member states that the Chinese government had actively promoted, and girls were a priority concern of the plan. The governments of all countries agreed that "children's best

³⁵ 谭铮:《广州越秀环卫女工状告站长性骚扰案, 双方已达成和解》, 羊城晚报, 2020年8月15日, 转引自 https://www.thepaper.cn/newsDetail_forward_8742824

³⁶ For details, please refer to Xinhua net: the topic of public official's prostitution with underage girls in Xishui, Guizhou, <http://www.gz.xinhuanet.com/ztpd/xssj/zxxx.htm>

interests should be prioritized in all children-related actions". However, legislating the "crime of prostituting underage girls" contradicts this. In 1995, the Beijing FWCW set strategic goals in the prioritized area, i.e., "underage girls", including "promulgating and implementing laws to protect girls from all forms of violence including... sexual abuse, sexual exploitation, children whoring and children prostitution, and developing age-appropriate safety and confidentiality programs as well as medical, social and psychological supporting services to assist girls who have suffered from violence."

The legislative arrangement that the minimum sentence for "prostituting underage girls" is higher than that of rape, but its maximum sentence is lower than that of rape has attracted increasing attention from the public. The women's community strongly calls for following international consensus and commitments to abolish the crime of "prostituting underage girls". Since 2010, Beijing Qianqian Law Firm (previously known as the Peking University Women's Legal Research and Service Center established in December 1995) has been cooperating with Sun Xiaomei, the deputy to the National People's Congress and Professor of China Women's University, to submit during the two sessions a proposal for abolishing the crime of prostituting underage girls. In the process of representing the litigant in the Yingkou case broke out in 2011, Qianqian Law Firm held a "Symposium on the Crime of Prostituting Underage Girls" in Beijing. The symposium invited more than 60 people, including officials from the National People's Congress, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Justice, the All China Women's Federation and other relevant functional departments, well-known legal experts, psychology experts and gender experts from Peking University, Renmin University of China, Beijing Normal University, People's Public Security University of China, China Women's College, and Institute of Law, Chinese Academy of Social Sciences, etc., well-known women's NGO representatives, and media professionals from *Legal Daily*, *CHINA WOMEN'S NEWS*, *Procuratorate Daily* and other domestic media. After the symposium, legal opinions on the crime of prostituting underage girls were summarized and submitted to the following 7 departments: the Legal Work Committee of the National People's Congress, the Internal and Judicial Affairs Committee of the National People's Congress, the Legislative Affairs Office of the State Council, the Women's and Children's Work Committee of the State Council, the Supreme People's Court, the Supreme People's

Procuratorate, and the All China Women's Federation, in order to promote reconsideration of the crime of prostituting underage girls in the Criminal Law.

In response to the voices of all parties, Article 20 of the "*Opinions on Punishment of Sexual Assaults on Minors in Accordance with Laws*" was issued by the Supreme People's Court in 2013. Article 20 of the *Opinions* stipulates whoever induces, by means of money or property, an underage girl to have sex with himself, or whoever knows or should know the underage girl has been forced for prostitution but still has sex with her shall be convicted of rape.

In 2015, when the *Amendment IX* (draft) was open to the public for comments, the women's groups promptly mobilized professionals, lawyers, college students, and netizens interested in this topic to send emails, mail written opinions, or directly post on the website of the National People's Congress of China, etc., actively promoting the amendment to the crime of prostituting underage girls.

On August 25, 2015, the Standing Committee of the National People's Congress made the third review of the draft *Amendment IX*. The crime of prostituting underage girls was abolished in this review, meanwhile, it was expressed that "those committed such crime can be convicted of rape and shall be severely punished."

2.2.6. FIGHT AGAINST CRIME OF ABDUCTING AND TRAFFICKING WOMEN

Before the 1990s, trafficking women and girls were mainly for the purpose of marriage, childbirth and illegal adoption. Since then, especially with the acceleration of globalization, trafficking for the purpose of labor exploitation and sexual exploitation (such as, forced labor, forced begging and forced prostitution) has received increasing attention. Incomplete data indicated cases of cross-border abduction of women are on the rise. Women mainly from Vietnam, Russia, South Korea and Myanmar were abducted to China, and some Chinese women were abducted and sold to farther countries mainly through neighboring countries. Information from the Ministry of Public Security in 2006 suggested that the number of abducting and trafficking young women for sexual exploitation had increased, that the cases of abducting and trafficking females for their forced work in entertainment places accounted for 50-60% of the total such reported cases, and that girls of 16-20 years old became the main target of such

trafficking cases.³⁷The online abduction of underage girls for prostitution is on the increase, and the number of Internet users in China currently topped the world.³⁸

The progress of anti-trafficking is presented with the following three most notable characteristics: legal reform, international cooperation and implementation of the National Action Plan.

The biggest feature of legal reform is that the buyer shall be convicted. In 1996 and 1997, criminal charges such as bribing women were added, and sentencing criteria for relevant crimes were raised in *the Criminal Procedure Law and the Criminal Law*. After the *Amendment IX* became effective on November 1, 2015, the public security organs would uniformly adopt compulsory measures, such as, criminal detention for bribing abducted women and children, etc., and transfer them to prosecution for criminal liabilities. Meanwhile, those who committed rape, deliberate injury, or illegal detention at the time of bribery shall be subject to concurrent punishment for several offenses. Preceding the implementation, the buyer who followed the wishes of the bought woman, did not prevent her return to the original place of residence, did not abuse the bought child, and did not hinder rescue of the child might not be held criminally liable. After the implementation, those under the circumstances above shall not be exempted from criminal penalties", and "could be imposed with slight or mitigated penalties" at best. The Ministry of Public Security urged those suspected of buying abducted women and children to surrender as soon as possible. Those who voluntarily surrendered to the public security organs before October 31, 2015 might not be held criminally liable in accordance with the original criminal law.

In April 2009, the state took the fifth special action against abduction. By November 2011, a total of 16,137 cases of women abduction and trafficking and 11,777 cases of child abduction were solved across the country, along with this, a total of 7,025 criminal gangs were destroyed; 49,007 perpetrators were criminally detained, and 18,518 abducted children and 34,813 abducted women were rescued.³⁹From 2011 to

³⁷ Xinhua Net Yunnan Channel, December 31, 2006, "Sorrowful Mekong-Witnessing Human Trafficking (Series Report)", quoted from SIREN Human Trafficking Data Sheet-China, <http://kidnap.bz.cn/UserImages/00000532.pdf>;

³⁸ <http://kidnap.bz.cn/UserImages/00002447.pdf>

³⁹ See News from the Ministry of Public Security, <http://www.eeo.com.cn/2011/1229/219024.shtml>, and Pishu Encyclopedia: Personal Rights and the Crime of Trafficking in Women and Children, <https://www.pishu.cn/psbk/psgd/fl/228951.shtml>, "China Human Rights Development Report No.3 (2013)" P231-252, Social Sciences Academic Press, published in July 2013;

2017, the public security organs solved more than 16,000 cases of women abduction and trafficking and nearly 12,000 cases of children abduction and trafficking.⁴⁰The Ministry of Finance arranged a special fund of 50 million yuan for anti-trafficking to support local public security organs in actively and properly resettling abducted women.⁴¹From 2010 to 2014, courts at all levels across the country concluded 7,719 cases of trafficking women and children, and imposed sentences to 12,963 criminals, of whom 7,336 were sentenced with penalties from five-year imprisonment to death, and the heavy sentence rate reached 56.59%.⁴²

From 2015 to 2018, the numbers of cases of abducting and trafficking women were 637, 493, 661, and 434, respectively, drastic decreases from 2,101 in 2005 and 3228 in 2010.⁴³

International cooperation in the field of anti-trafficking has continued, especially in the Mekong Subregion. The government representatives of China, Laos, Myanmar, Thailand, Cambodia, and Vietnam have been working with the United Nations Action for Cooperation against Trafficking in Persons (UN-ACT) for many years.⁴⁴China also participated in the Mekong Ministerial Anti-Trafficking Action (COMMIT) that started in 2004.⁴⁵There were still project actions in 2018. The Ministry of Public Security called for continued strengthening of international cooperation in 2019.⁴⁶

Since 1999, the Ministry of Public Security, the United Nations International Children's Emergency Fund (UNICEF) and the All China Women's Federation have jointly launched a number of international cooperation projects to combat trafficking women and children, such as, setting up transit, rehabilitation, and training centers for

⁴⁰ http://www.stats.gov.cn/statsinfo/auto2074/201811/t20181109_1632540.html, 2017 Statistical Monitoring Report on the "Program for the Development of Chinese Women (2011-2020)".

⁴¹ Meng Xiaosi, Lan Qing: Statement by the Chinese Delegation at the Themed Ministerial Meeting of the 60th Session of the United Nations Commission on the Status of Women, March 15, 2016, <http://chnun.chinamission.org.cn/chn/zgylhg/shhrq/fndw/t1348747.htm>;

⁴² Luo Shuzhen: The Supreme People's Court announced punishments on the crime of abduction and trafficking in women and children: 7,719 cases have been concluded and 12,963 criminals have been sentenced in the past five years, and the Court also announced 8 typical cases, the People's Court Journal, February 28, 2015, <http://www.court.gov.cn/zixun-xiangqing-13550.html>;

⁴³ See "Statistics and Facts, Women and Men in Chinese Society" (2019);

⁴⁴ See the website of the United Nations Action for Cooperation against Trafficking in Persons (UN-ACT) of United Nations Development Program, (2014-2018) <http://kidnap.bz.cn/>;

⁴⁵ Luo Yanhua: "Combating Human Trafficking: China is an Active Practitioner of International Cooperation", 09:44:26, July 13, 2017, Source: Overseas Edition Of People's Daily, quoted from China Human Rights Network, http://www.humanrights.cn/html/2017/4_0713/30201.html;

⁴⁶ <http://www.scio.gov.cn/xwfbh/gbwxwfbh/xwfbh/gab/Document/1657645/1657645.htm>;

rescuing trafficked women and children in Yunnan, Jiangsu, and Sichuan to provide specific aids to them,⁴⁷ carrying out a pilot project of "Eliminate Trafficking - Rural Project Zero" in Xinye County, Henan Province, and establishing a liaison station for "Joint Law Enforcement against Transnational Trafficking" in Dongxing City, Guangxi Zhuang Autonomous Region to actively cooperate with the Vietnamese police in combating transnational trafficking.⁴⁸ By 2010, China had 1,372 relief stations and more than 200 minor protection centers to provide temporary assistance to victims of trafficking. In 2009, the relief stations across the country provided aids and services to more than 12,000 abducted women and children, some of whom were transferred there by the police, and some directly went there for help.⁴⁹

Anti-trafficking international cooperation has given its concern in part to human trafficking for exploitation. In 2000, the International Labor Organization's "Mekong Subregion Anti-Trafficking Women and Children Project" was launched in five countries in the Mekong Subregion and Yunnan Province, China.

Another progress in international anti-trafficking cooperation lies in cooperation between official institutions and non-governmental organizations. Some important participants in international cooperation come from non-governmental international organizations, such as, Save the Children, World Vision, etc., as well as from academic institutions, such as, the Center for International Cooperation and Protection against Human Trafficking in the China University of Political Science and Law, etc. For example, in 2011, the United Nations Inter-Agency Anti-Trafficking Project (UNIAP) cooperated with relevant Chinese government organs to develop a series of tools for identifying service agencies and serving victims of trafficking. In order to promote the achievements of the project and support more grassroots organizations serving victims of trafficking, the UNIAP China Office began to fund a series of capacity-building activities in 2012.

In December 2009, China ratified its accession to the *Palermo Protocol*, marking that China's actions against trafficking women and children have been further integrated with the international consensus. Up till then, the Criminal Law had not been

⁴⁷ Fu Zhenghua, October 31, 2002, "Countermeasures and Practices Taken by Chinese Public Security Organs to Combat Trafficking in Women and Children"

⁴⁸ Li Bin, Wu Jingjing, "the Fourth Women and Children Working Committee Meeting Held", Xinhuanet, Beijing, August 17, 2004

⁴⁹ "Information Manual on Anti-Human Trafficking in Countries in the Mekong Region 2010", P11

revised, but Article 3.1 of the *"Interpretations on Several Issues Concerning the Specific Application of Laws in the Trial of Criminal Cases of Abducting and Trafficking Women and Children"* by the Supreme People's Court of China, officially implemented on January 1, 2017, provides whoever sells a woman to others against her wish, by means of marriage intermediary, illegal seizure of identity documents, restrictions on personal freedom, etc., or by taking advantage of the woman's language barriers, isolation, helplessness or other circumstances, shall be convicted of women abduction and trafficking for criminal liabilities.⁵⁰

During international cooperation, the Chinese government has been valuing and strengthening the protection of the legal rights of abducted women and children and reinforced the management of abducted/trafficked women in their destinations. The local governments, community organizations and non-governmental organizations have taken measures for the survival and development of these women.⁵¹ For rescue of foreign women who have been abducted, the Chinese public security organs, in observance of *China's Anti-trafficking Action Plan*, relevant international conventions and bilateral treaties, timely provided resettlement and rescue while paying attention to protecting the legal rights of victims. The treatment of abducted foreign women was also different from that of those who "entered or stayed in China illegally", that is, anyone who was identified as a victim of trafficking shall not be detained despite that she might also have entered or left China illegally but was forced by criminals to do so. For abducted foreign women who were willing to continue to live in their current places of residence, they would be notified to go through the formalities of marriage registration and residence in China in accordance with the laws. As long as the transnational marriage procedures were completed, she would be allowed to stay in China. Chinese public security organs would resolutely repatriate those abducted foreign women who requested for return after being rescued. In 2019, a total of 1,130 abducted foreign women were rescued. So far, 530 have been repatriated as they wished,

⁵⁰ Li Yukun, Ying Yue: the Beijing News: "the Ministry of Public Security released the results of the six countries' anti-trafficking operations; all abducted foreign women will not be detained after rescued", June 22, 2019, quoted from <http://www.chinanews.com/sh/2019/06-22/8871960.shtml>;

⁵¹ Wang Jinling, 2005, "the General Report of the Project Studying Cases in the destinations of the trafficked/abducted Women/Children from Yunnan/Guangxi/the Five Provinces in East China", *"Zhejiang Academic Journal"* Issue No.3

and the rest have been properly placed locally. The main task was to let them go through the transnational marriage procedures and then they could continue living in China.⁵²

Two national action plans have also been issued and implemented in succession. Following *the Plan of Action on Combating Trafficking in Women and Children* (2008-2012) in December 2007, the State Council issued in 2013 the *China National Plan of Action on Combating Human Trafficking* (2013-2020), adding new prevention, combat and service measures to ensure that victims of trafficking receive timely relief, rehabilitation and proper placement.

2.2.7. PREVENTION OF CHILD MARRIAGE

The phenomenon of minors having de facto marital relations and giving birth has increased these years. The impact of child marriage on females is far greater than that on males, and the closely related constraints of early childbearing on the education, employment and income of female teenagers will affect her own life and the well-being of her family.

In 2015, there were 1.2 million married people aged 15-19 in China and the rate of being married was 1.6%. According to the most recent population census (2010), in our country among the people aged 15-17 having spouses, females were three times as many as males. In a county in eastern Guizhou, the county's registered early marriage rate for females aged 10-19 was 11.47% in November 2019, of whom 73 were under 14; 778 had given birth to 1 child; 204 had given birth to 2 children; 16 had given birth to 3 children; and 1 had given birth to 4 children.⁵³ Early marriages occur in not only remote poverty-stricken and ethnic areas but also in cities, such as, Shanghai and Zhejiang. Among Shanghai's permanent population aged 15-19, the proportion of males with spouses rose from 0.1% in the fifth census to 1.1% in the sixth census, and the proportion of females rose from 0.7% to 3.1%; Zhejiang's male early marriage population jumped from 0.56% to 2.78% and the female early marriage population also increased by 2.06% during the same period.⁵⁴

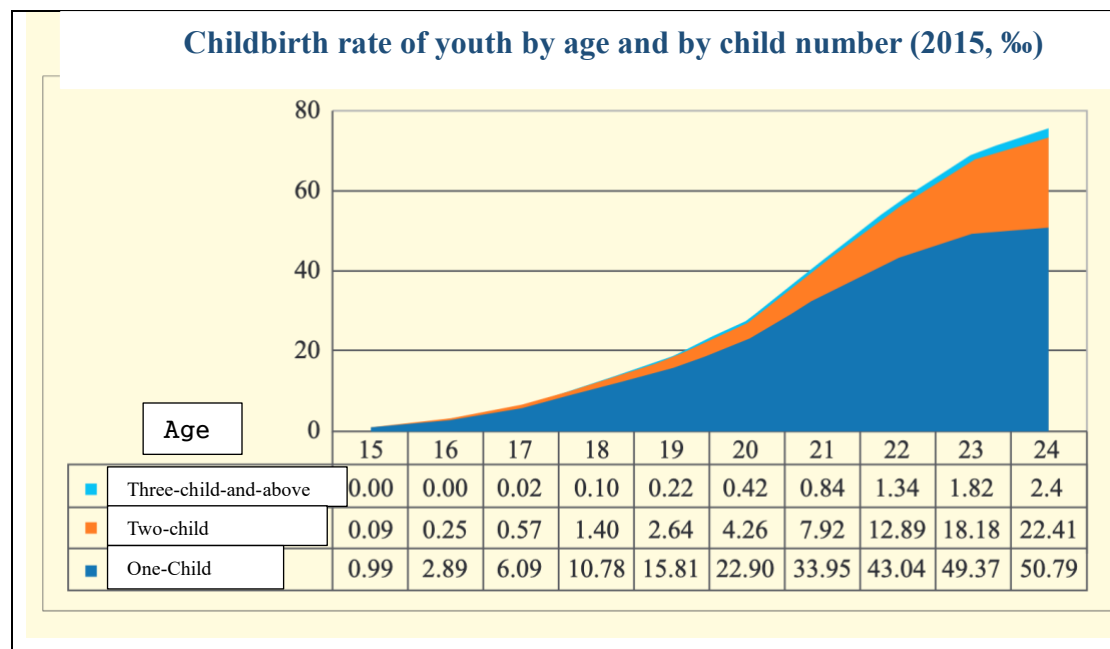
⁵² The website of the Ministry of Public Security: the Ministry of Public Security held a press conference concerning a six-nation joint anti-trafficking action, June 21, 2019, <http://www.scio.gov.cn/xwfbh/gbwxwfbh/xwfbh/gab/Document/1657645/1657645.htm>;

⁵³ Yang Zhe: "Guizhou: Making Special Control of Early Marriage and Early Childbirth", THE PAPER, January 16, 2020, https://www.thepaper.cn/newsDetail_forward_5536725

⁵⁴ Beijing Equality Women's Rights Organization, Research Report, February 2016

The national fertility rate of girls aged 15-19 is 5.93‰. Teenage mothers are not a small group in contrast with the total population of China. In the last census, the fertility rate of women under 19 in 10 provinces exceeded the national average, including developed provinces and cities as Jiangsu, Zhejiang and Shanghai. The most affected are young girls in some rural areas and ethnic regions. For example, the fertility rate of females aged 15-19 in rural areas of our country is 9.38‰, which is about 5 times as large as that (1.94‰) in cities, and the fertility rate (4.41‰) of females aged 15-19 in towns is more than twice as large as that in cities.

FIGURE 5 Childbirth rate of youth by age and by child number (2015, ‰)



Source: United Nations Population Fund website, https://china.unfpa.org/sites/default/files/pub-pdf/The%20Youth%20Population%20in%20China%20%282018%29-CN_1.pdf

The Program for the Development of Chinese Women (1995-2000) has content that prohibits early marriage, and *the Program for the Development of Chinese Women (2001-2010)* has content that "prohibits forcing minors to marry or entering into marriage contracts for minors." However, there is no such content in the third *Program for the Development of Chinese Women*.

The female early marriage rate in Yunnan Province increased from 6.79% (1995) to 7.04% (2010), while the male early marriage rate dropped from 2.73% (1995) to 1.58% (2010) there. At present, 16 prefectures and cities in Yunnan province have established special action mechanisms and introduced implementation plans to accelerate the special actions. It is said that the province's control of early marriage and early childbirth is getting better, and the increases of early marriage and early childbirth are steadily falling.⁵⁵

On June 29, 2020, a piece of news from Xinhua News Agency entitled “Ten Departments: It is strictly forbidden that students drop out of school due to early marriage and early childbearing and the pandemic should be prevented from causing new dropouts” was widely reproduced. Ten ministries and commissions including the Ministry of Education jointly issued the *Several Opinions on Further Controlling Dropouts and Guaranteeing Compulsory Education, and on Improving the Long-term Effective Mechanism for Guaranteeing Compulsory Education* (Education Basics [2020] No. 5) to effectively solve the problems of early marriage and early childbearing, and child laborers during compulsory education and to resolutely prevent early marriage and early childbearing among minors. It is strictly forbidden to prove marriage relationship for minors by following traditional customs, or holding family or religious ceremonies, or to encourage minors to marry and give birth early in a disguised form. In case that school-age children and adolescents are caused to marry and give birth early, their parents or guardians or other personnel in charge shall be subject to criticism and education, administrative penalties, or even criminal liabilities under serious circumstances.⁵⁶ It should be guaranteed that the proportion of non-dropouts to all students enrolled for the nine-year compulsory education reaches 95% in 2020. The work to control dropouts and ensure school attendance should be normalized, so as to form a long-term effective mechanism for guaranteeing compulsory education. *The Opinions* requires, while strictly prohibiting early marriage and childbirth and dropouts,

⁵⁵ Zhong Yuhao: "Authorities responded to recommendations by members of the national committee of CPPCC to effectively curb early marriage and early childbirth and illegal cohabitation in the society", THE PAPER, December 6, 2020, <http://www.chinanews.com/gn/2020/12-06/9355539.shtml>

⁵⁶ The ten departments are: the Ministry of Education, the Poverty Alleviation Office of the State Council, the United Front Work Department of CPC Central Committee, the National Development and Reform Commission, the Ministry of Public Security, the Ministry of Civil Affairs, the Ministry of Justice, the Ministry of Finance, the Ministry of Human Resources and Social Security, and the National Health Commission. See http://www.moe.gov.cn/srcsite/A06/s3321/202006/t20200628_468793.html for the full document

and imposing punishments in accordance with laws and regulations, we must also work earnestly for children and adolescents' return to school and give them special care.

The Opinions also requires listing and supervising the key area, taking the 52 impoverished counties as the main battlefields, making an overall statistical review of students who have and haven't returned to school, customizing one scheme for one dropout and stepping up the persuasion for return to ensure the dropouts return to school. It is reported that, as of June 14, the number of nationwide dropouts from compulsory education has drastically decreased from 600,000 at the beginning of 2019 to 6,781 at present, a drop by nearly 99%.⁵⁷

2.2.8. ABOLISHMENT OF “CUSTODY AND EDUCATION” SYSTEM

On December 28, 2019, the Standing Committee of the National People's Congress passed a resolution that took effect the next day to formally abolish the “Custody and Education (CE) policy that was implemented in 1991.

The CE policy is a measure of imprisonment without trial. During its implementation in nearly three decades, the most vulnerable female sex traders were the most affected by this policy. According to scattered data, there was an apparent phenomenon that “women were preferred over men” among those to receive CE. There are more women than men in the CE centers, in some of which the “trainees” were all “women who had gone astray” but no “men who had gone astray”, as some local public security organs “accepted women only”, and they only detained, fined, but did not shelter the whoremongers. In some places, women who were engaged in sexual transactions did not have to receive education as long as they could afford to pay a fine of 5,000 yuan. Therefore, most of the trainees in CE Centers were female sex traders with poor economic conditions and some whoremongers at the bottom of the society. Many of them had to receive CE as they were unable to pay the fines.

There are no data on how many people have been detained for education. Experts estimated that the number ranged from 600,000 to 1 million. According to researches, from 1987 to 2000, more than 300,000 prostitutes and whoremongers had been accumulatively accommodated. After 2000, only the number in 2002 was 28,000. If the number in 2002 is taken as the average of the past 13 years, the total number of people

⁵⁷ Feng Qi: the Ministry of Education: the number of dropouts in compulsory education nationwide has dropped by nearly 99%, June 29, 2020, the Beijing News, <http://www.bjnews.com.cn/edu/2020/06/29/743213.html>

detained for education throughout the country had been approximately 600,000 to 700,000 by 2014.⁵⁸

One woman (Yi) ever lodged a lawsuit with the court, claiming that she was a first offender and she still had a two-and-a-half-year-old child to raise. The defendant still argued the decision of imposing one-year DE to her was appropriate. The case of Ms. Wang v. Linwei Sub-bureau of Weinan Public Security Bureau in Shanxi Province in respect of DE and administrative compensation (1999, Nanzhong Law Administrative Final Instance No. 145) involves post-investigation, and pre-detention in the name of "surveillance of residence" during which Wang "was forced to undergo an abortion", etc. In the end, the court only found that it was inappropriate for the Linwei Sub-bureau to detain and interrogate Wang Hongmei for more than 48 hours, and illegally restrict her personal freedom and impose DE to her.

The main legal basis for the CE system is the *Decision on Prohibition of Prostitution and Whoring* adopted at the 21st Session of the Standing Committee of the 7th National People's Congress in 1991. Article 4.2 of the *Decision* stipulates that the public security organs, in conjunction with relevant departments, can forcefully and intensively carry out legal and moral education to those engaged in prostitution and whoring and encumber them with productive labor for a period of from 6 months to 2 years, so as to get rid of their bad habits. The specific measures shall be formulated by the State Council." Subsequently, the State Council formulated the *Measures for Detention Education of Prostitutes and Whoremongers*. (September 1993). The criminal content stipulated in the *Decision* was incorporated into the Criminal Law when revised in 1997, but the DE system stipulated in the *Decision* has been maintained as an administrative measure.

In response to voices from many sides, in particular, the intensive public opinions in 2013 and 2014,⁵⁹ as well as the recommendations by the UN Committee on the Elimination of Discrimination against Women while reviewing in 2014 China's implementation of the *International Convention on the Elimination of All Forms of Discrimination against Women*, the Legal Work Committee of the National People's Congress proposed in 2018 to abolish the CE system.

⁵⁸ He Haibo: "On Detention Education", Chinese and Foreign Law Science, P451-463, Issue 2, 2015;

⁵⁹ 徐枣枣: "收容教育终于废止! 这些人的努力我们不能忘记", 回声, 2019年12月28日, <https://mp.weixin.qq.com/s/CgAeqLx8cK5tEWIrK3SRPQ>

In 2018, the Legal Work Committee conducted a joint research with relevant departments to understand the implementation of the CE system, held a symposium to listen to the opinions from relevant units, some NPC deputies, CPPCC members, and experts and scholars, and solicited written opinions therefrom. Considering the decrease in the application of CE measures year by year, and the number of people under CE has dropped significantly, some places have stopped their application. "Through research and demonstration, all relevant parties have reached a consensus on the abolition of the DE system, and it was time to start the abolition".

On December 28, 2019, the 15th Session of the Standing Committee of the 13th National People's Congress passed the *Decision of the Standing Committee of the National People's Congress on Abolishing DE Legal Regulations and Systems*, which came into force on December 29, 2019, through which Articles 4.2 and 4.4 of the *Decision of the Standing Committee of the National People's Congress on Prohibition of Prostitution and Whoring* and the DE system implemented accordingly were abolished. At the same time, the decision also clearly stipulates the CE decisions legally made before the abolition of the CE system are valid; any ongoing DE after the abolition will be lifted and the remaining CE term shall not be executed.

On March 27, 2020, the State Council Decree No. 726 of the State Council of the People's Republic of China signed by Premier Li Keqiang, *Decision of the State Council on Amending and Repealing Certain Administrative Regulations* was promulgated, which will come into force as of the same day. The Decree includes *the Measures for Detention Education of Prostitutes and Whoremongers* (announced by Decree No. 127 of the State Council of the People's Republic of China on September 4, 1993, and revised in accordance with the *Decision of the State Council on Repealing and Amending Certain Administrative Regulations* on January 8, 2011).

2.2.9. REVERSE OF THE ABNORMAL IMBALANCE OF SEX RATIO AT BIRTH

The abnormal sex ratio of 100 girls to 121.18 boys at birth in China in 2004 hit a historical high. The serious imbalance in the sex ratio at birth is the consequence of various forms of gender-based violence, such as, forced marriage, forced pregnancy, gender-selective abortion, female infanticide, etc., and it will then aggravate such gender-based violence and harmful behaviors, such as, violence against women, widespread of excessive betrothal gifts and women trafficking. The state has gradually

attached more importance to the imbalance in much more birth of boys than that of girls, and the imbalance has been expanding from the east and the west, from a few places to the whole country, and from the post-second-child birth to the first-child birth. The state addresses this issue mainly through combatting "two Nons" (Non-medical Necessary Fetal Gender Testing and Non-medical Necessary Sex-Selective Abortion), "Caring for Girls", altering folk rules and practices, and other measures.

Cracking down on the "two Nons" has become a legal policy. Non-medical fetal gender testing and non-medical sex-selective abortion are briefed as the "two Nons". Article 36 of the *National Population and Family Planning Law* adopted in December 2001 clearly states the "two Nons" are legally prohibited. On November 18, 2002, the Publicity Department of the CPC Central Committee, the National Health and Family Planning Commission, the Ministry of Education, the Ministry of Public Security, the Ministry of Civil Affairs, the Ministry of Labor and Social Security, the Ministry of Agriculture, the Ministry of Public Health, the National Bureau of Statistics, the Drug Inspection Bureau, and the All-China Women's Federation jointly issued the "the *Opinions on Overall Control of the Increase in the Sex Ratio at Birth*" requiring severe crackdowns on non-medical fetal gender testing, non-medical sex-selective abortion, female infant drowning, and other illegal practices.

Measures to combat the "two Nons" have been continuously strengthened. The *Regulations on Prohibition of Non-medical Necessary Fetal Gender Testing and Non-medical Necessary Sex-Selective Abortion* jointly enacted by the National Health and Family Planning Commission, the State Administration for Industry and Commerce, and the State Food and Drug Administration in 2002 was revised in 2016. The revised Regulations introduced a working mechanism for joint management of high sex ratio at birth, incorporated the prohibition of "two Nons" into the target responsibility system for population and family planning, clarified legal liabilities for organizing and introducing the "two Nons", and established a regulatory system covering medical advertisements and medical equipment and drugs, a rewarded reporting system, and other systems. Specifically, in order to enhance the overall control of the sex ratio at birth, a "3+3+3" model was adopted: **establishing three mechanisms** including inter-department joint action mechanism, promissory responsibility mechanism, and guarantee responsibility mechanism; **reinforcing three managements**, namely, **management of** medical and health care institutions, population and family planning

service departments and units selling and using drugs for abortion, inclusive of all types of aforesaid organizations at all levels, **management of** B-ultrasound practitioners, approval of abortion surgery on those in more than 14 weeks of pregnancy, and physician and department chief's double signature for reports on fetal dysplasia, and **management of** law enforcement personnel to establish joint law enforcement teams for handling "two Nons" cases; **and strengthening three tasks**, namely, publicity task, clue-gathering task by establishing a rewarded reporting system, and law enforcement task by strictly carrying out "backward check" on disappearance of pregnancy to filling in loopholes.

In terms of the "Caring for Girls", the state launched in 2003 a pilot project in 11 counties in 11 provinces with a high sex ratio at birth. In 2004, the pilot project was expanded to 24 counties in 24 provinces, and altogether 638 pilot programs at or above the county level were self-initiated in respective provinces (autonomous regions and municipalities directly under the Central Government), thus, the areas with a high sex ratio at birth have been mainly covered.⁶⁰

In addition, other measures, such as, altering folk rules and practices, encouraging girls to follow their mother's surname, etc., have also become an exploration of reversing the imbalance of the sex ratio at birth to change the customs of patriarchal preferences.

In the face of some radical practices, the Chinese government has made it clear that it "opposes any form of coercive orders, including the mandatory implementation of contraceptive measures, forced artificial termination of pregnancy, and so on." Personnel of administrative organs and family planning technical service units who violate the law shall be seriously investigated and punished in accordance with the law.

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⁶⁰ China State Council Information Office, April 2005, White Paper *for* "Progress in China's Human Rights Cause in 2004", Beijing

By 2015, the interim objective of the sex ratio at birth falling below 115 nationwide at the end of the 12th Five-Year Plan had been achieved. With the implementation of the comprehensive two-child policy in 2016, the sex ratio at birth has continued to decline. The latest official figure released in 2019 is 110.1, but it is still much higher than the normal value (103-107). *The National Population Development Plan (2019-2030)* proposes that the sex ratio at birth in China shall return to normal by 2030. To achieve this goal, further attention is still necessary to explore both temporary and permanent solutions.



FIGURE 6 2020 International Girl's Day Poster issued by the National Health Commission Promotional Poster

2.3. INTERACTION AND COLLABORATION: PARTNERSHIP-BASED SUCCESS

Bottomed-up facilitation and collaboration home and abroad. China’s progress of 25-year fight against gender-based violence is attributed to the active interaction among facilitators and synthesis of multi-actors’ partnership. The crucial spirit of ICPD in Cairo and FWCW in Beijing is to promote governments’ principal responsibility for gender equality as well as partnership with civil society organizations and other sectors.

As gender-based violence is deeply rooted and affects every aspect of our lives, the progress of the fight against it requires separate and joint efforts of all stakeholders. As shown by the records available today, since the first half of 1990s, various facilitators have made efforts and achieved outcomes as follows: cadres of local women’s federations have identified problems and raised questions from the frontline work; international institutions have been providing great support since they started preparing for ICPD in Cairo and FWCW in Beijing, thus broadening the horizons of government officials, cadres of women’s federations, experts and scholars, and civil personnel, building up their awareness of gender-based violence, enlightening them with international experiences, forming ties at home and abroad, providing them with more tools and skills, as well as funds and technical support; experts and scholars, have cooperated with grassroots women and civil society groups for women, bringing out new academic outcomes and impacts upon the society; women in civil societies, particularly women’s NGOs, concerned parties who safeguard their legal rights, and citizen activists all have demonstrated women’s initiatives by raising questions, conducting social experiments, widely mobilizing people and pushing legal and policy reforms, and affecting media and leading changes to social views. These facilitators’ roles and the time when they started their roles are shown in the simplified table at below.

Table 2 Facilitators and Their Simplified Features and Functions

Facilitator	Start time	Key topics	Facilitation method	Key effects
Cadres of women’s federations	Early 1990s-	Raising the domestic violence issue	Survey report Coordinating with functional	Drew media’s attention

		<p>Pushing forward the introduction of local policies</p> <p>Providing services to safeguard rights</p>	<p>departments for introduction of instruments</p> <p>Pushing forward legislation and decisions at local and national level</p>	<p>Triggered national response</p> <p>Pushed forward the establishment of multi-institutional invention mechanism</p> <p>Have drafted legal proposals</p> <p>Provided consultation for the nation</p>
<p>International institutions (UN, multilateral or bilateral assistance, international civil society institutions)</p>	<p>Around 1993-</p>	<p>Sex and maternity health and rights</p> <p>Gender ratio at birth</p> <p>Fight against domestic violence</p> <p>Combating trafficking</p> <p>Prevention sexual harassment</p>	<p>Convention mechanism</p> <p>Providing conceptual, technical and financial support for the domestic projects and international engagement of national agencies, academic organizations and civil society groups</p>	<p>Some officials of government agencies, NPC and jurisdiction authority already knew international situations against gender-based violence.</p> <p>Facilitated the emergence of experts and scholars.</p> <p>Supported NGOs generation by generation.</p>

				Brought about new research outcomes and guidance for tools
Experts and scholars	In the first half of 1990	Sexual harassment Sex and maternity health and rights Domestic violence Sexual harassment Combating trafficking Violence for sex workers	Survey research, countermeasures and suggestions, proposing policy and legal programmes	Brought about new media discourse and agenda Developed new knowledge and tools
Civil society groups/NGOs for women	1994-	Sexual harassment, Domestic violence Violence against sex workers Advocacy for sex and maternity health and rights (incl. pluralistic gender equality)	Hotline and legal service, Proposing policy and legal drafts Capacity building, e.g., training, Influential litigation Action research Media advocacy Building alliances	Put forward new policy and law proposals Actively influenced mass media and new media Changed social views Drove performance of national duties, and responded to women's claims

				Created a spirit of social engagement and public benefit
The affected people who actively safeguard their legal rights (victims)	2000-	Trafficking Sexual harassment Sexual assault Domestic violence	Case reporting Filing a lawsuit Resorting to media Providing research materials Calling on legal reforms Calling on service innovation	Highlighted victim's subjectivity Busted social myths and Aroused media's attention Improved public awareness Brought about research outcomes Improved the nation's awareness
New citizen agents (individuals and groups)	2012-	Domestic violence Sexual harassment Sexual assault Violence against sex and gender identity	Behavior art Online mobilization Offline support Policy and law advocacy Influential litigation Ties at home and abroad	Amplified women's voice Expanded the space for discussion Revealed social tension Highlighted women's leading role Drove the performance of national duties

Due to article size, the following is a brief overview of the experiences of civil society women's organizations in combating gender-based violence.

2.3.1. LONG-SIGHTED BOTTOMED-UP AIM AT REFORMING POLICIES AND LAWS

Breakthroughs have been made from the local to the central level, pushing forward specific legislation against domestic violence.

Civil society organizations for women are pushing forward the work on laws and policies against domestic violence mainly by (1) directly driving special legislation from different aspects; (2) analyzing and interpreting current laws and current situation of law enforcement, driving the rule of law against domestic violence, proposing strategic and specific advices for improvement; (3) providing thematic and special legal opinions and advices, laying foundation for comprehensive legislation; (4) expanding topics to provide prospective thinking for future legislation that is more comprehensive, integrated and accessible to service targets, such as paying attention to economic exploitation and control, dating violence, post-breakup violence.

Anti-Domestic Violence Network (known as Anti-Domestic Violence Network/Research Center, China Law Society during 2000-2011, and later registered as an independent company in Mar. 2011 named Beijing Fanbao Culture Development Co., Ltd., which was dissolved in Apr. 2014), was the only institution specialized in combating gender-based violence in China. One of its missions was to promote introduction and improvement of relevant policies and laws.

In 2003, the expert proposal of the Law of the People's Republic of China on Prevention and Control of Domestic Violence drafted by Anti-Domestic Violence Network was finished and submitted to NPC via NPC members. The proposal, for the first time, determined the social intervention mechanism, making it an important part in the integrated intervention mechanism against domestic violence; proposing to take as a reference the civil protection order system, one of the main jurisdiction means addressing domestic violence worldwide; in particular establishing Anti-domestic Violence Committee as a special anti-domestic violence institution, to plan and coordinate domestic violence prevention and control work. The proposal of the Law on Prevention and Control of Domestic Violence consists of more than 70 articles prescribed in 6 chapters including General Provisions, Administrative Measures,

Jurisdiction Interventions, Social Assistance, Legal Liabilities and Supplementary Provisions. Its updated edition was presented to legislation agency by NPC members again in 2009.

2.3.2. FOCUS ON GRASSROOTS INTERVENTIONS FOR EXPLORING WORKING MECHANISMS AND MODELS

Joint efforts have been made to explore working models and collaborative mechanisms involving multiple institutions. Since 2000, institutions like Anti-Domestic Violence Network, Shaanxi Gender Development Solution (GDS), Maple Women's Psychological Counselling Center in Beijing, have carried out various trial programmes jointly with government agencies, international institutions and local governments, such as multiple-institution domestic violence intervention mechanisms set up between Anti-Domestic Violence Network and You An Men Neighborhood, Fengtai District, Beijing, and between Anti-Domestic Violence Network and Yanqing County, Beijing, exploring for domestic violence intervention mechanisms involving multiple institutions in urban and rural communities. Such community-based domestic violence intervention model involving multiple institutions is reflected in the opinions issued by All China Women's Federation jointly with the seven Ministries in 2008.

Interventions by medical institutions are an important part of the trial programs as well. Anti-Domestic Violence Network started to cooperate with Tie Ying Hospital, Fengtai District, Beijing in 2000 to carry out a trial programme on medical intervention against domestic violence in China. In 2005, Anti-Domestic Violence Network cooperated with Zhangjiakou Women's Federation and Zhangjiakou Health Bureau, conducting trainings for presidents in charge business of a couple of large and medium-sized hospitals as well as directors of their health department, outpatient department and nursing department⁶¹. As a result, Zhangjiakou Women's Federation and Zhangjiakou Health Bureau jointly issued the Notice on Conducting Medical Interventions against Domestic Violence across Healthcare Institutions in Zhangjiakou in Jun. 2005, requiring medical institutions at all levels to integrate interventions against domestic violence into their practice management, offering to women who have experienced violence three priorities including clinical reception, treatment and

⁶¹ See final report of projects, on page 61 of issue 11 of Newsletter of Anti-Domestic Violence Network published in Aug. 2005 (issue 29 overall)

processing, and providing those in difficulty medical assistance⁶². In the fall of 2005, the first designated hospital for medical intervention against domestic violence in Hebei was opened in the Third Hospital Affiliated to Hebei North College in Zhangjiakou, and an Anti-domestic violence assistance center was also set up there⁶³.

After that, the Women and Social Division of Ministry of Health, and National Center for Women and Children's Health, China CDC conducted medical interventions combating violence against women, in project VI of Reproductive Health/Family Planning under United Nations Population Fund country programme from 2006 to 2010 and in project VII of the country programme on eliminating gender-based violence from 2011 to 2015, aimed at building up working mechanisms where hospitals can assist women who have experienced violence, and cooperative mechanisms involving multiple departments and institutions, and improving service capacity of medical institutions in pilot areas (Liuyang city and Chengde county) to address violence against women. Medical interventions were carried out as well in the projects of UN Trust Fund Combating Violence against Women, and those of Ministry of Health in 2011⁶⁴.

In order to further give a play to the unique role of medical institutions in preventing and stopping domestic violence, such as screening, diagnosis and treatment, and referral, Anti-Domestic Violence Network submitted to the Third Session of the 11th NPC via NPC members in 2010 the Proposal for the Identification and Assistance of Victims of Domestic Violence in Medical and Health Institutions.

2.3.3. TOOLS FOR HELPING RELEVANT AGENCIES AND THEIR STAFF IN EFFECTIVE RESPONSE TO GENDER-BASED VIOLENCE.

In the early time, the Maple Women's Psychological Counselling Center published books written by their physiological consultants addressing domestic violence. Since its establishment, Anti-Domestic Violence Network has made many inputs to introduce, use for trial, adapt and develop various resource manuals and professional guides, offering effective tools to institutions in various industries and their staff in response to

⁶² See Medical Intervention written by Cai Yiping, on page 71 of Report on Anti-Domestic Violence Actions in China compiled by Lv Pin, published by China Social Sciences Press in 2012.

⁶³ See the article written by Yi Han, published on Ecns.cn on Nov. 28, 2005 at <http://www.heb.chinanews.com/news/kjws/2005-11-28/1690.html>

⁶⁴ See Final Report on Advocacy Project against Domestic Violence at <http://www.stopdv-china.org:801/stopdv/detail.jsp?fid=4656&cnID=90000>

domestic violence. Over 14 years of its existence , Anti-Domestic Violence Network has developed and published several dozen of books such as: "Professional Guidelines on Reporting Domestic Violence" for journalists⁶⁵, resource manuals and trainers' manuals for medical workers, training manuals on assistance and counselling for women who have experienced violence, training manuals on education and counselling for perpetrators, training manuals for community administrative staff and social workers, and a series of training materials, manuals and guides for police, judges, prosecutors, legal workers, journalists, youth peer educators, etc.

Civil society organizations have conducted numerous studies and researches to reveal various manifestations of domestic violence and sexual harassment, as well as the attitudes and behaviors of relevant institutions and professions towards domestic violence, and developed various guides, resource manuals, assessment tools and training materials, providing reference and basis for policy makers to set policy frameworks and priorities, and for different professions and sectors to enhance their capacity to identify, prevent and respond to domestic violence.

2.3.4. TRAINING FOR IMPROVING AWARENESS AND SKILLS OF KEY DEPARTMENTS AND PROFESSIONALS

Women's organizations such as Shaanxi GDS, the Beijing Zhongze Women's Legal Counseling and Service Center, Yunnan Xishuangbanna Prefecture Women and Children Psychological and Legal Consultation Service Center and Anti-Domestic Violence Network have been providing trainings for judges, prosecutors, police officers, lawyers, community workers and cadres of grassroots women's federations,

⁶⁵ See "Professional Guidelines on Reporting Domestic Violence——Establishing a Code of Self-Regulation for the Media", compiled by Anti-Domestic Violence Network/Research Center, China Law Society, and Media Monitor for Women Network, and finalized after a collective discussion among media workers participating in the network's activities in March 2003, available at <http://www.stopdv-china.org:801/stopdv/detail.jsp?fid=300832&cnID=90010>

psychological counsellors, social workers, school and university teachers, media workers, medical workers and other government officials.

In addition to improvement of general awareness, these trainings have focused on the practical skills needed by different groups of people at work, such as what judges should consider before granting a protection order, in what circumstances a writ of habeas corpus can be issued, how civil or criminal judges identify domestic violence and defensive behaviors in



FIGURE 7 The first training of heads of police station in Human Province on DV in 2009

different cases, what the police must do and what they should avoid at work, mediation skills required for settling family disputes, and combating gender-based violence, support and services for women who have experienced violence, treatment of perpetrators, and identification of and assistance for children who witness violence.

Civil society organizations for women also deliver trainings to schools and communities, such as training teachers and parents against domestic violence in schools for children of migrant populations, and training homemaking service attendants from different provinces on skills in response to gender-based violence, so as to help empower vulnerable groups.

3. CHALLENGE: FOCUS ON PRESENT AND FUTURE

On 1 October 2020, Chinese President Xi Jinping, in a speech delivered by video at the high-level meeting of the United Nations General Assembly to commemorate the 25th anniversary of the World Conference on Women in Beijing, called for taking steps to eliminate prejudice, discrimination and violence against women and make gender equality a social norm and moral imperative observed by all.⁶⁶

⁶⁶ English edition of the speech can be seen at <https://news.cgtn.com/news/2020-10-01/Full-text-Xi-s-UN-speech-25-years-after-Beijing-women-s-conference-UeVN8o9iBa/index.html>

Achieving the above proposition is not only the requirement of Chinese laws, but also the common sustainable development target pursued by the international community, as reflected in Sustainable Development Target 5.2 “To eliminate all forms of violence against women and girls in both public and private sectors, including trafficking, sex exploitation and other forms of exploitation”.

The survey shows that the public, especially women and non-binary gender groups, do not rate the effectiveness of existing laws and measures highly. There is a further decrease in 2020 compared with 2015.

FIGURE 8 Effectiveness of the existing legislation and enforcement on domestic violence against women

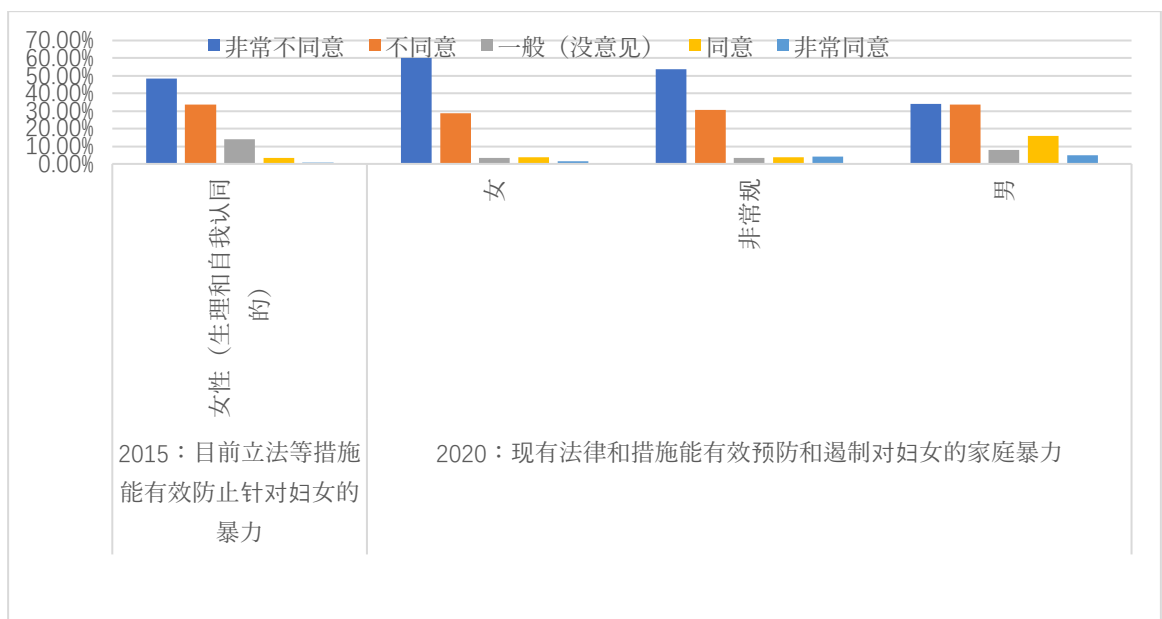
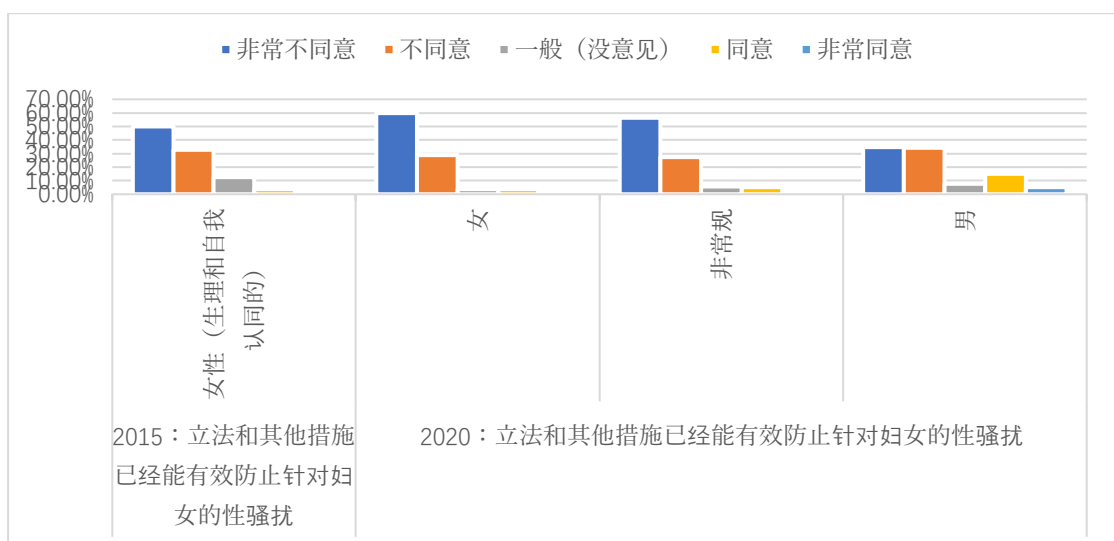


FIGURE 9 Effectiveness of the existing legislation and enforcement on sexual harassment



To this end, the following challenges need to be overcome urgently.

3.1. AWARENESS OF GENDER EQUALITY AND WOMEN'S RIGHTS NEED TO BE STRENGTHENED IN LAWS

The lack of a definition of discrimination in law. Since 1999, the three Concluding Comments of the UN Committee on the Elimination of Discrimination against Women, following the deliberation of Chinese government's compliance, have noted that China failed to define discrimination against women as required by CEDAW. The last time (in 2014), Concluding Comments on China's Consolidated Seventh and Eighth Periodic Reports explicitly proposed "the adoption of a comprehensive definition of discrimination against women in national legislation" to "ensure that women are not subject to direct and indirect discrimination in all fields of life". The lack of a definition of discrimination in law means that "there is insufficient awareness (in the nation) of the relationship between gender bias and gender-based violence".⁶⁷ The lack of a definition of discrimination has many implications, including lack of consensus among state agents, lack of unified perception and actions within institutions, for example, public security authorities do their duty of cracking down trafficking in women but often fail to take action to domestic violence.

The Marriage Law and the Civil Code only recognize registered marriages, and ignore de facto marriages and early marriage and procreation, making it difficult to protect the rights of affected women and girls, particularly women who have experienced domestic violence, including economic rights and parental rights; leading to insufficient awareness of and response to the violent nature of interference with freedom of marriage and love, not to mention that of disabled women and LGBTQ.

Shortcomings of the Anti-Domestic Violence Law include: the use of primarily gender-neutral language that does not reflect the essence of domestic violence as gender-based violence; failure to include dating and post-breakup violence, failure to explicitly include economic and sexual violence, lack of mandatory modification of perception and behavior of perpetrators, and inadequate police role in protection order enforcement. All these affect the prevention, response and service of domestic violence.

⁶⁷ Rong Weiyi: *Elimination of All Forms of Violence against Women -- An Assessment of Violence against Women in China's Governance in the Past Five Years*, Journal of Shandong Women's University, No. 1st, 2020

Provisions against sexual harassment in Article 1010 of the Civil Code, which came into force on January 1, 2021, are certainly historically progressive, and have incorporated repeated recommendations of experts and front-line practitioners of women rights, but problems still remaining: 1. The definition of sexual harassment adopts the criminal standard of “against the will”, which requires proof of force imposed by the other party and resolute resistance on the part of the victim, rather than the internationally accepted qualitative term “unwelcome”. 2. In terms of liability, emphasis is laid only on “preventing and stopping sexual harassment where powers, subordination, etc. are utilized”, ignoring the fact that employers, educational institutions and management bodies of public places should take measures to prevent and stop all forms of sexual harassment, including sexual harassment between acquaintances, classmates, colleagues and strangers; it is far from enough using the word “etc.” that is easily overlooked and left out.

Some gender-based violence has not been fully recognized by law, including technology-facilitated gender-based violence, such as dissemination of private images, audio and video on the internet, and in this case the victims’ rights could not be effectively remedied.

3.2. PROBLEMS IN LAW IMPLEMENTATION NEED TO BE SOLVED EFFECTIVELY

The process of reporting domestic violence, sexual harassment, indecent assault by force and sex assault is very unfriendly to women.

The process of reporting sexual harassment and sexual assault is prone to secondary victimization. It is very difficult to file a case, and the process is not standardized, not supported by tools such as rape kits. The decreasing number of rape cases year by year is to some extent a reflection of the difficulty in reporting, filing and handling cases. For example, from 2014 to 2016, the number of rape cases filed with

public security authorities was 33,417, 29,948 and 27,767 respectively, showing a clear downward trend year on year⁶⁸.

The police hotline 110 still shirks its duties from time to time in response to domestic violence, with instances of only picking phone calls but not sending police officers over, sometimes placing the victim in a more dangerous situation; the written admonition mechanism sat idle in many places and failed to fulfill the original design intent. Even in Nanjing, where the public security authorities have done a good job, there are shortcomings as well. For example, from January to October 2019, 2,772 cases of domestic violence were reported to the city's public security authorities, only 151 admonition letters (written warnings) were issued, accounted for only 5.5%.⁶⁹ The Anti-Domestic Violence Law does not set specific conditions for the issuance of warning letters. Nanjing expressly provides that one of the following circumstances, "can" a warning letter be issued to warn a perpetrator: the perpetrator refuses to stop the violence even the police verbally stops it at the scene; the perpetrator refuses to repent after the police have criticized and educated him; it is found via investigation that the perpetrator has committed domestic violence twice or more; the perpetrator commits domestic violence again after the public security authority accepts the administrative case and close it following mediation, to name a few.

In August 2018, five agencies in Ma'anshan of Anhui Province including the joint court, procuratorate, public security bureau, judicial bureau and bureau of civil affairs took the lead in issuing the Implementation Measures of Ma'anshan City on Domestic Violence Caution System in the province, and developed a standardized domestic violence caution letter, which as a normative document, for the first time, provided victims of domestic violence with the access to rights protection and remedies. Subsequently, to promote the implementation of the domestic violence caution system, the Office of Municipal Joint Meeting Safeguarding the Legitimate Rights and Interests of Women and Children successfully held a "Law against Domestic Violence" training, inviting the police officers of the municipal Public Security Bureau to explain key elements of the domestic violence caution system, and to teach grassroots women cadre

⁶⁸ SEE REPORT ON THE COMPREHENSIVE NATIONAL REVIEW AT THE FOURTH WORLD WOMEN CONFERENCE, I.E. THE TWENTY-FIFTH ANNIVERSARY OF THE ADOPTION OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION (2019) SUBMITTED BY THE CHINESE GOVERNMENT TO THE UNITED NATIONS

⁶⁹ See the article The City Released the First White Paper on Anti-domestic Violence Work in China published in Nanjing Daily on November 26, 2019, at http://www.nanjing.gov.cn/njxx/201911/t20191126_1718165.html

and police officers the skills for rights protection. However, according to the report released in October 2020, the city's public security authorities issued only two domestic violence caution letters.⁷⁰

The victims had inadequate access to justice and other sources of support and assistance, such as judicial remedies.

Problems on protection orders include insufficient publicity, low number of applications, high percentage of rejections and cancellations following mediation work done by the court, low approval rate, and frequent derogations from approved protection measures and low approval of eviction measures.

The rate of recognition of domestic violence in divorce cases involving domestic violence remained low, and even if divorce petitions were approved to women who were victims of domestic violence, the courts rarely explicitly recognize domestic violence, especially when the courts often denied divorce of the disabled for financial/support reasons, and as a result women who had experienced violence were unable to get rid of the violent relationship. Besides, there was a lack of actions against “child snatching”.

The judicial practice of awarding repayment in bride price disputes, while helpful in alleviating the financial hardship of the families of the men involved, had in general made no contributions to reversing the high amount of bride price, and instead disguised the recognition of current practice of bride price and exchange marriages, virtually reinforcing established gender norms and the use of cohabitation and marriage for the sexual exploitation of women.

There were also loopholes in the way family matters were judged and in the related working mechanisms. In practice, there are cases where mediation is given priority over protection orders and divorce is generally not allowed in the first lawsuit. For example, the Yiling District People's Court in Yichang City, Hubei Province, set a marital cooling-off period for 60 cases and withdrew 52 cases following mediation, leading to a high removal rate of 86%. The challenges posed by this practice to the fight against domestic violence are the low success rate of applications by women who have experienced violence for protection orders, even lower approval of eviction measures

⁷⁰ REPORT OF SURVEY ON ANTI-DOMESTIC VIOLENCE WORK BY MA'ANSHAN WOMEN'S FEDERATION SOURCE: OFFICE ISSUED ON OCT. 26, 2020 AVAILABLE AT [HTTP://WWW.MASWOMEN.ORG.CN/SHOWYE.ASPX?INFOID=40174](http://www.maswomen.org.cn/showYe.aspx?infoID=40174)

for perpetrators, and difficult divorce; mediation process which ends up with divorce or not, tends to reduce the trouble of domestic violence to the minimum, making it not easy for the perpetrators to learn a lesson, or to prevent them from continuing to commit violence in future. In this way, the acquiescence, violence-promoting stereotypical gender norms and approaches to violence that have been established among judges and court mediators have been rationalized and perpetuated.

In the fight against trafficking, trafficking women and trafficking children were often mentioned together, without making a distinction between them. Although there were more cases of abducting and trafficking in women, less attention was paid to cases of abducting and trafficking in women than to cases of trafficking in children when typical cases were published. For example, of the 72 released major typical cases, only 22, or 31 per cent, of the cases were women trafficking cases.⁷¹

3.3. SERVICE COVERAGE AND QUALITY NEED TO BE IMPROVED URGENTLY

There was a lack of 24-hour hotline. 12338 was only available during office hours in most places; in some places it was even difficult to get through and not all the operators have the concepts and skills required to deal with gender-based violence. The hotline service provided by non-governmental organizations was difficult to be publicized in the news media, which affected its awareness.

Factors such as low awareness (even unknown to the staff concerned), understaffing and lack of professionalism had resulted in a large number of government shelter facilities unused and inaccessible to women with residential and emergent financial needs.

Without long-term support, such as employment support and residential support, women and their children affected by gender-based violence had difficulties in reasonably facilitating their migration, name change, and schooling.

Legal services are inadequate and there is a lack of information and indicators to measure the match between supply and demand. There is no way to know how much legal services and legal aid have been provided to victims of domestic violence, sexual

⁷¹ See Report on Data Analysis of “Crimes of Trafficking and Buying Women and Children” Judicial Cases (issue 1 in 2019, issue 8 of case reports overall) , on PKULAW.CN at <http://weekly.pkulaw.cn/Admin/Content/Static/b8b7ac46-0b3a-4760-9355-313b2f8ecb0d.html>

harassment and sexual assault by the legal services network that has reportedly covered over 99% of area of the nation, i.e., nearly 3,000 counties and 650,000 villages/residential committees. In terms of legal aid, reports indicate that legal aid lawyers in Xinjiang, Sichuan and Guangdong, etc. have helped victims of domestic violence obtain personal security protection orders and start divorce proceedings; domestic violence injury identification services of a public interest nature have been launched in Ningxia, Jiangxi and many other places. However, it is reported that in recent years at most 24-26% or a quarter of the total number of legal aid recipients nationwide are female, so it is clear that women have not had equitable access to legal aid resources; and the percentage of female victims of gender-based violence who urgently need legal aid and have received it is even lower and unknown. In a case verdict on January 15, 2021, a man in Zhaotong, Yunnan Province, was sentenced to five years for raping his 5-year-old niece in a public restroom, with compensation of 3310 yuan. The defendant had an appointed lawyer, while the victim was only represented by her guardian, showing that she did not receive adequate legal services. The victims should be the priority for legal aid. In terms of quantity and quality, there is a lack of information and indicators to measure and monitor.

Table 3 Number and sex composition of people receiving assistance from legal aid institutions

Year	Number (10 thousands)		Sex composition (%)	
	Female	Male	Female	Male
2003	6.5	22.9	22.1	77.9
2005	7.6	35.8	17.5	82.5
2010	19.6	62.5	23.9	76.1
2015	35.9	111.0	24.5	75.5
2016	36.7	106.6	25.6	74.4
2017	36.1	103.5	25.8	74.2
2018	36.1	115.8	23.8	76.2

Source: Statistics from the Ministry of Justice

Pilot experiences with medical services and assistance have not been sustained and replicated, making it easy to miss opportunities to identify and curb gender-based violence.

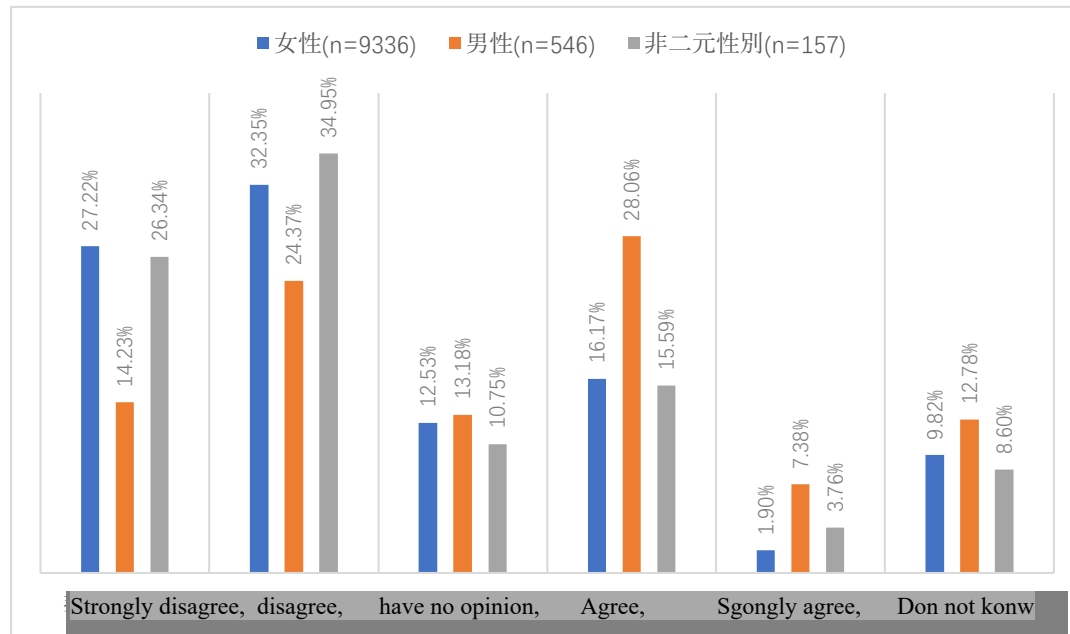
Limited space for civil society institutions and hindered social contributions affected the quantity and quality of services. Sixty percent of civil institutions against domestic violence reportedly raised less than RMB 100,000 in 2018. Government funding (51.21% for purchased services and 7.67% for earmarked funds) accounted for 58.88%, 1.75 times the total share of corporate donations, public donations and donations from domestic and international foundations. Next to government funding were corporate and public donations respectively, followed by funding of domestic foundations, standing at 7.89%.⁷²

Training and supervision were inadequate as well, and awareness and capacity building of service providers and their staff improved slowly. According to the media reports and feedback from parties concerned, major problems are as follows: service providers did not have sufficient knowledge and awareness of laws and measures on women's rights, and against gender-based violence, domestic violence and sexual harassment. For example, domestic violence was easily confused with general family conflicts with the crucial point being avoided, so it was mediated and dealt for the sake of family harmony; it was less likely for the elderly, disabled and migrant women to obtain effective services; and there were still instances where people got hurt again, such as personal information getting disclosed, and victims being blamed for what they had experienced.

The public had low satisfaction with such services and support. Regarding the services and support for victims of gender-based violence in the last five years, almost 20% of the approximately 12,000 respondents thought they had improved significantly, around 58% did not think they had improved significantly, and around 22% had no opinion or did not know.

⁷² See the article written by Li Qing, "Report of Funding Status and Development of Society Organizations against Domestic Violence issued and 60% of institutions against domestic violence raised funds of less than RMB 100,000 in 2018", published in China Philanthropy Times on December 9, 2019, at <http://www.gongyishibao.com/html/gongyizixun/17836.html>

FIGURE 10 Huge Improvement of Services and Social support for Survivors of Domestic Violence, Sexual Harassment and Sexual Assault over the Past 5 Years

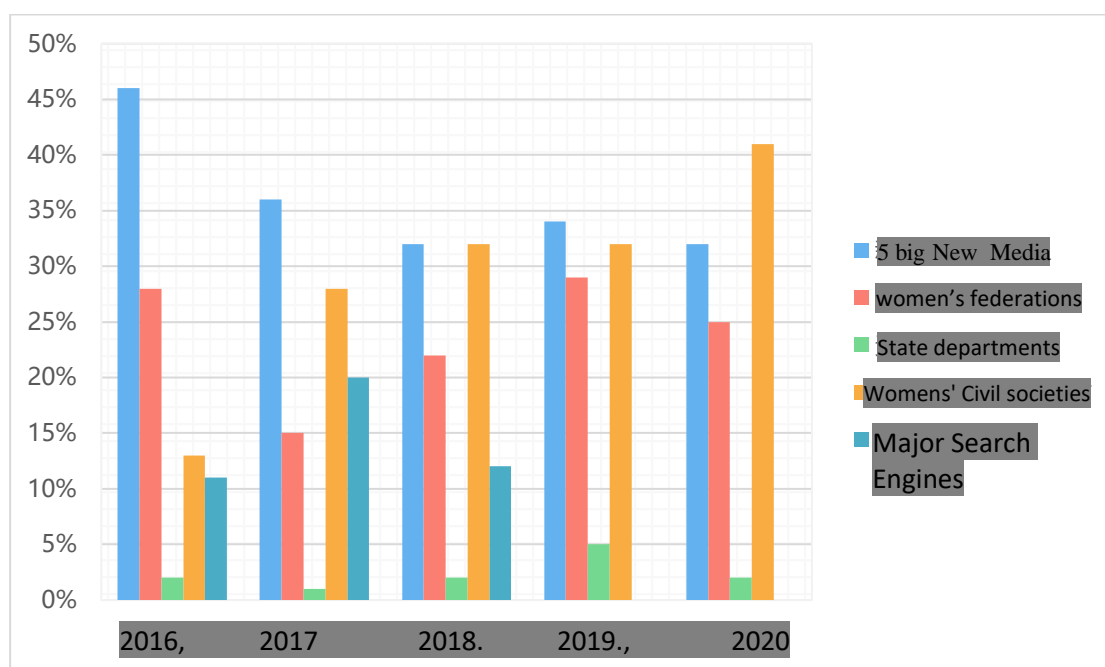


女性：Female=9336 男性：Male=546 非二次元性别：Non-binary=157

3.4. INFORMATION AND DATA COLLECTION AND RELEASE ARE INSUFFICIENT SERIOUSLY

Media coverage on these topics has decreased year by year. According to the four-year monitoring report of Beijing Equality on the implementation of the Law against Domestic Violence, from March 1, 2016 to February 28, 2020, a total of 7,401 pieces of anti-domestic violence information had been posted on the websites of news media, official websites of various related entities, websites of public interest institutions and their microblogs within the scope of the report monitoring, showing a sharp year-on-year decline: 3,227 pieces were posted in the first statistical year, accounting for 44% of the total for four years; in the fourth statistical year, only 815 pieces were posted, accounting for 11% of the total, a significant and worrying downward trend. In particular, the official websites of the responsible state agencies contained even less information on gender-based violence, and over the four years since the implementation of the Law against Domestic Violence, the Ministry of Public Security website had nothing on domestic violence.

FIGURE 11 Overview of information of DV release by different Sectors over five years



Media coverage on specific topics or individual cases gender-based violence faced increasing restrictions, including bans and deletions.

Information on anti-domestic violence services, such as hotlines, especially those from civil institutions, was rarely presented in media press and official channels.

Data and statistics on gender-based violence remained seriously inadequate and public access to information was limited. For example, *Women and Men in China, Facts and Figures*, a continuous publication, is difficult to find in bookstores and has not been uploaded to the websites of the National Bureau of Statistics and the Committee for Women and Children's Work under the State Council in due time, and relevant data from various departments and local areas were even less disclosed and harder to find.

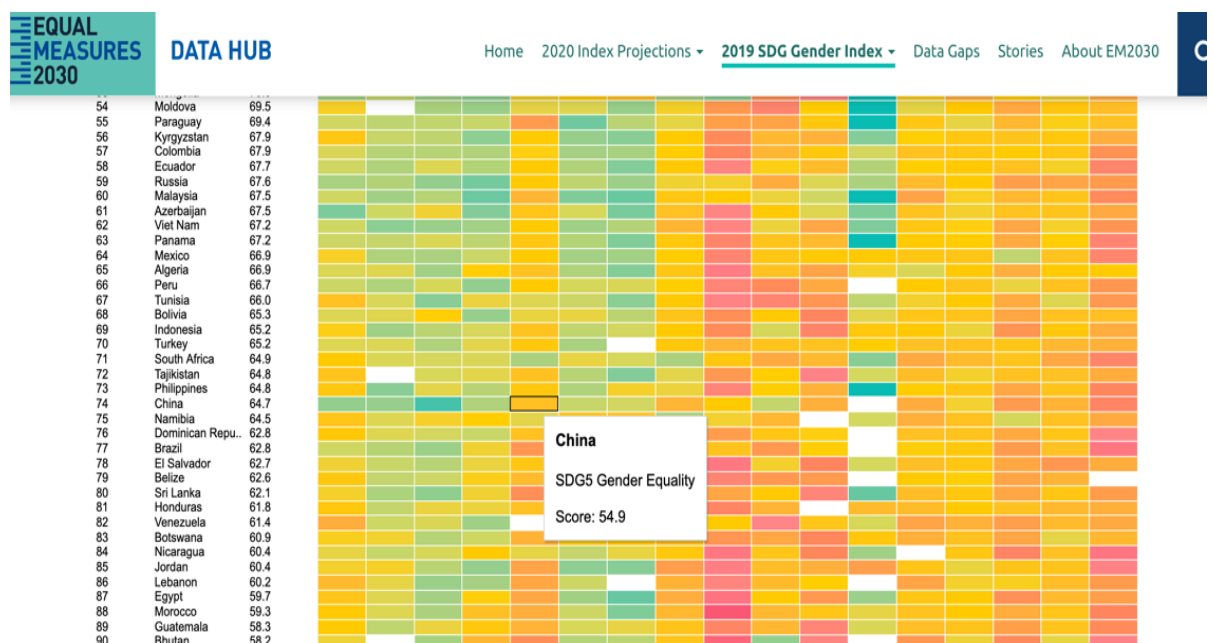
Information and data on cases of gender-based violence and judicial aid from the courts, procuratorates, public security authorities and the Ministry of Justice were not sufficiently collected and opened to public, and the available data were too few and fragmented, and are not gender differentiated and interrelated, making it impossible to make scientific decisions, set work targets and allocate human and financial resources on the basis of data. For example, regarding anti-domestic violence work, it is difficult to set targets based on actual needs as to how many services related to the elderly and

the disabled are needed additionally and how many female police officers are needed additionally.

As required by the SDG agenda, a set of data is needed to identify progress and gaps. The Chinese government responded to it quickly by issuing a national plan in October 2016. However, except for making position declaration, this national plan, as well as the national action reports issued in 2016 and 2019, did not present indicators such as: the percentage of women with partners and girls aged 15 and over who have experienced physical, sexual or psychological violence by current or former intimate partners in the past 12 months, grouped by age and type of violence; the proportion of women and girls aged 15 and over who have experienced sexual violence other than their intimate partners in the past 12 months grouped by age and place of occurrence. What is more, it had not put forward specific targets and measures according to the actual situation in China.

In practice, China’s data on these indicators is also mostly blank and need to be obtained urgently so as to measure China's progress and gaps in achieving its promises for SDGs, thus turning the color of the field of eliminating gender-based violence from its current cautionary yellow to the green that heralds the harvest.

FIGURE 12 China’s Process toward SDG5 is in warning yellow in 2019

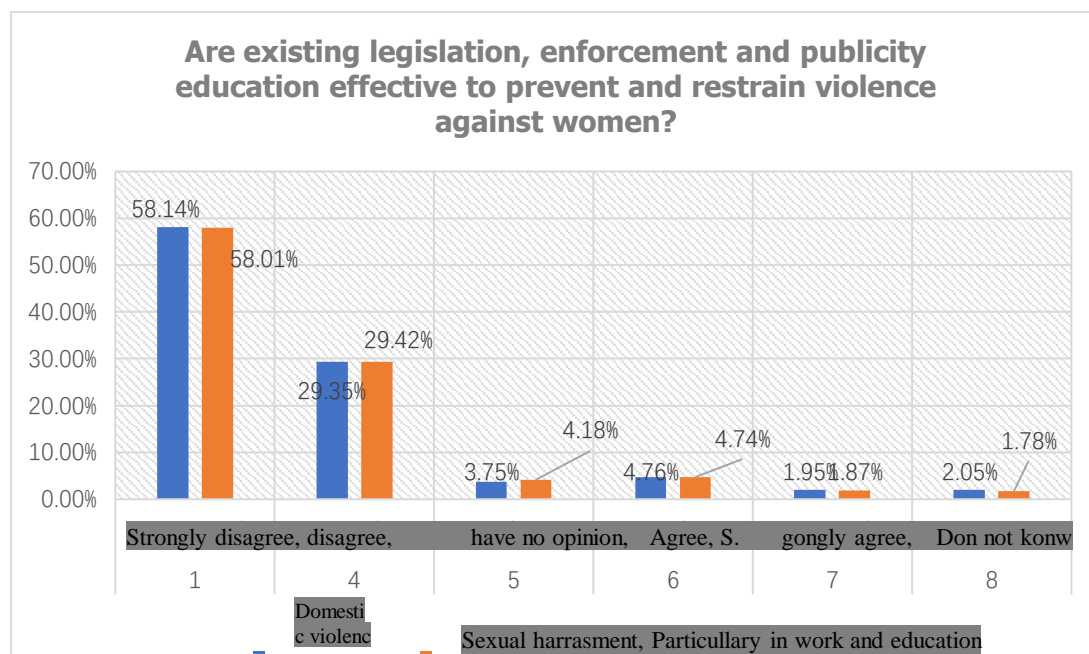


3.5. NEARLY 90 PERCENT OF THE POPULATION, MAINLY YOUNG WOMEN, ARE DISSATISFIED WITH EXISTING RESPONSES TO GENDER-BASED VIOLENCE

On the occasion of the 25th anniversary of Beijing World Women’s Conference, “Beijing - Sustainable Development Goal 5 Promotion Group” conducted an online survey from September to October in 2020. Young women make up two-thirds of the 17,000 participants, covering 53 ethnic nationalities in all provinces, cities and autonomous regions in China. 11024 respondents with a questionnaire completion rate of more than 96% covered 43 ethnic groups, with 8% being disabled and 4% being non-binary gender.

About 88% respondents dissatisfy the status quo. How effective are the existing legislative, enforcement and publicity measures to prevent and restrain violence against women? On domestic violence and sexual harassment, about 88% of the respondents disagreed with the effectiveness of current legislative, enforcement and advocacy measures respectively, with 58 percent strongly disagreeing. Respondents who agreed with the effectiveness of existing legislation and measures accounted for 6-7%. About 6% of the respondents said they had no opinion or didn’t know.

FIGURE 13 Are existing legislation, and enforcement effective to prevent and restrain violence against women?



Feminist Voices conducted a similar online survey in 2015. At that time, 83% of the over 3900 respondents strongly disagreed; they didn’t think that “the existing

legislation and measures had been effective in preventing” sexual harassment and violence against women; about 13% of the respondents thought it was ok and less than 5% disagree with that.

There were 122 pages about the opinions from the respondents. Some of the respondents wrote very detailed suggestions. Here’s a short excerpt:

- For domestic violence, each and every one who is involved is an accomplice to domestic violence deaths!
- As for the incident in Shenzhen where a gay girl was sexually assaulted by a colleague, I think it is necessary to popularize knowledge about LGBT in current law enforcement departments. What’s more, in the case of domestic violence, there should be no such idea that “even an upright official finds it hard to settle a family quarrel”. Instead of using “emotional disputes” to get rid of the affair, they should intervene in the first place. For the role of “ex-boyfriends” and “ex-husbands” and the act of harassing women, they should enforce them to keep physical distance. The penalties for sexual assault and harassment found in special industries should be stronger. And more policewomen are needed to deal with such incidents.
- I see some progress: for example, in “Wolf Hunting” action in Beijing subway, the perpetrators of sexual harassment were cracked down; But I also see some regressions: for example, some universities even require women not to “dress in a way that exposes them too much so as to arouse others’ desires”-- which shifts the responsibility for sexual assault onto the victim, believing that “the victim is victimized because he or she dresses inappropriately”. But the reality is that sexual assault takes place mainly among acquaintances. The Arab region where the citizens don’t dress in a way that exposes them too much even cannot completely eradicate sexual assault; and above all, a crime is a crime, and it is foolish to expect victims to “behave perfectly”. So is domestic violence. The public awareness of domestic violence has improved, but when it comes to domestic violence, many people still think “it’s a family matter” and cannot be unaware of stopping the violence. In addition, many victims of domestic violence do not know how to collect evidence, which requires law enforcement.
- Primary-level workers sometimes make Right-deviationist mistakes in their judgments of domestic violence. Out of the traditional thinking -“Better tear down ten temples than one marriage”, they try to persuade the parties concerned not to get

divorced instead of stopping some domestic violence, which often makes domestic violence incidents escalate, resulting in adverse consequences. They should distinguish different kinds of marriage situation and should not blindly implement the marriage cooling-off period or reject divorce request.

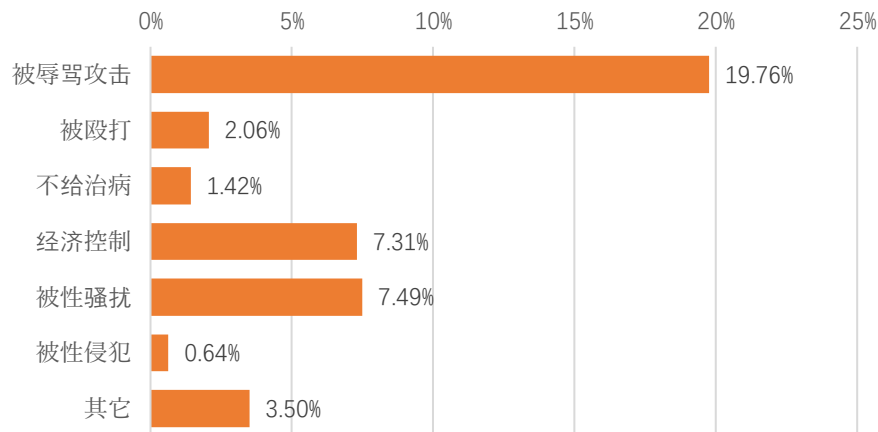
- Women are human beings, not instruments for keeping stability. Please respect their rights as human beings, as they account for half of the gender population.
- Most of the girls around have encountered obscenity and verbal abuse, and even on the Internet, men have often publicly humiliated them verbally. And I reported five such people, only the action of one of whom could be considered a verbal insult by Tencent robot.

3.6. INCREASED GENDER-BASED VIOLENCE DURING COVID-19

Statistics from Jianli Public Security Authority in Hubei province and Beijing Weiping Women's Support Hotline show that the number of domestic violence requests from January to February in 2020 increased by about one to three times compared with that of the same period of the previous year.

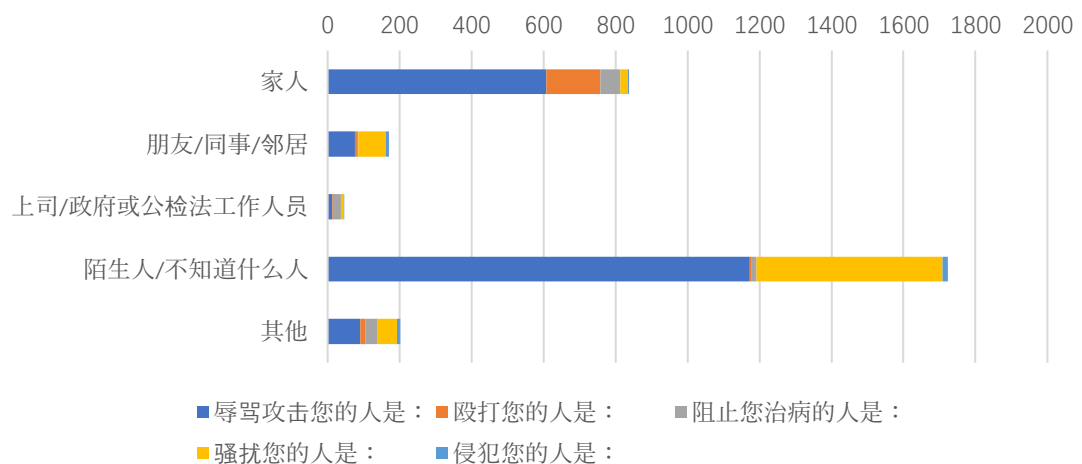
Of 17,016 respondents with valid data from the online survey, a total of 18.5 percent experienced abuse, assault, sexual harassment, sexual assault or other forms of violence against themselves or their families during the epidemic, with 38 percent experiencing multiple forms of violence. In terms of gender, 19% of respondents were female, and 12% were male and 26% were from multiple genders. Of 13,583 people who responded to this question, 37 percent reported experiencing abuse, assault, sexual harassment, sexual assault and other forms of violence, and 63 percent (8,526) reported no violence at all. Of the respondents who experienced violence, the majority were verbally abused (17%), 6.5% were sexually harassed, 6.3% were economically controlled, 1.8% were physically assaulted, 1.2% were not treated for medical treatment, and 0.63% were sexually assaulted.

FIGURE 14 Violence experienced by women and gender non-confirming individuals during the epidemic



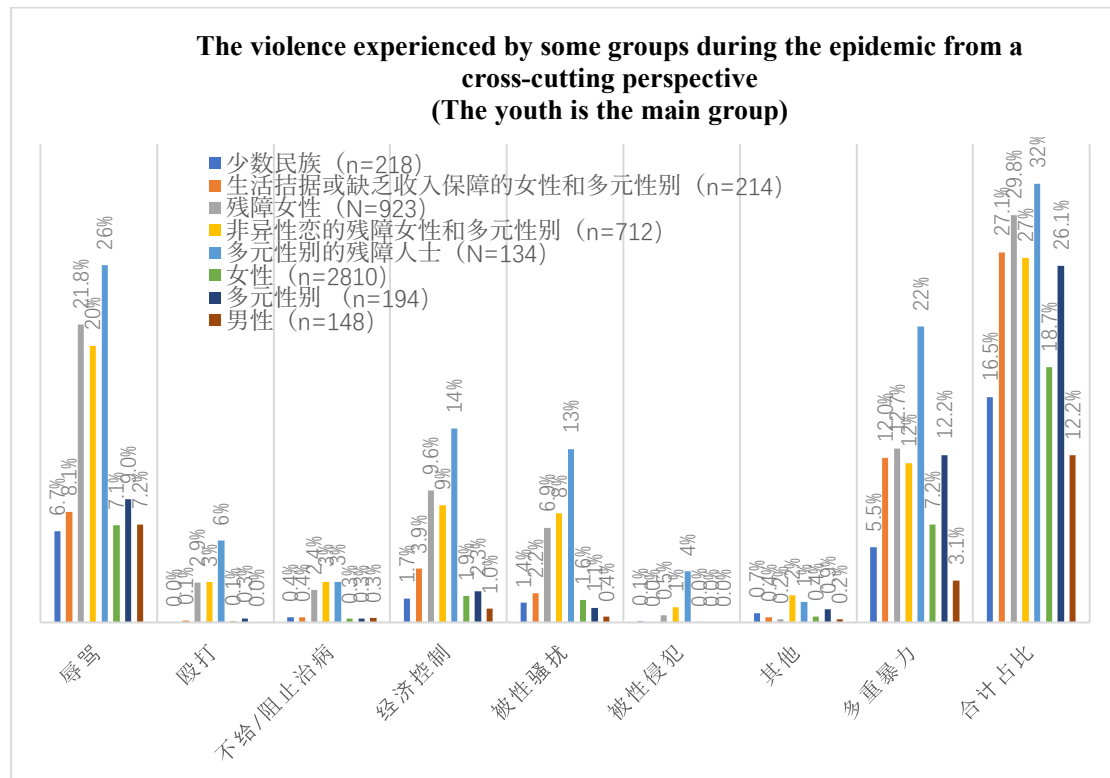
Among them, the gender claiming to have experienced abuse, assault, sexual harassment, sexual assault or other forms of violence during the epidemic were: 24% of biological females (3799:15545), 14% of males (175:1212) and 26% of other genders (126:259) reported experiencing the above conditions.

FIGURE 15 Who imposed violence during the epidemic



A high percentage of disabled people surveyed also reported experiencing violence of all kinds. From a perspective of intersectionality, women with disabilities, especially non-heterosexual women with disabilities and non-binary women with disabilities, had the highest rates of gender-based violence, at 30% and 32% respectively.

FIGURE 16 The violence experienced by selected groups during the epidemic from intersectional perspective



少数民族 (n218) : Ethnic minorities (n=218)
 生活拮据或缺乏收入保障的女性和多元性别 (n214) : Women and non-binary gender with limited or no income security (n=214)
 残障女性 (N-923) : Disabled women
 非同性恋的残障女性和多元性别(n-712): Non-heterosexual women and non-binary genders with disabilities (n=712)
 多元性别的残障人士 (N=134) : Non-binary gender with disabilities
 女性 (n=2810) : Female (n=2810)
 多元性别 (n=194) : Non-binary gender (n=194)
 男性 : Male (n=148)
 辱骂 : Abuse 殴打 : Assault 不给/附上治病 : No medical treatment /prevention of medical treatment 经济控制 : Economic control 被性骚扰 : Sexual harassment 被性侵犯 : Sexual assault 其他 : Others 多重暴力 : Multiple violence 合计占比 : Total and percentage

Most of the violence during the epidemic occurred at home, but many occurred on the Internet. Of the violence, 84 percent of assault, 43 percent of non-medical treatment, 31 percent of abuse and 10.5 percent of sexual assaults committed by family member. Sexual harassment is most common on the Internet (52 percent) and in other public places (24 percent) and in workplaces (15 percent). The Internet was the most popular place for abuse and sexual harassment, with 62 percent and 53 percent respectively.

Gender difference is obvious as responding the question of whether yourself or your family member experienced violence or assault during the pandemic. Of 11462 cis-women, 36 percent report yes. 63 percent of intersexual person (total number is 52) report so. 53 is the percentage of self-identified women (47 person in total) and self-identified “other” respondents (138 in total), respectively. To bio-women but self-identified as other than women (370 in total), 50 is the percentage. The lowest percentage is 27, of the group of cis-men (744 in total).

Table 4 Myself or my family member experienced violence during the epidemic

Experience of yourself or your family member during the pandemic	cis-women	intersex	Self-identified women	female but self-identification is not-women	Self-identification as other	Cis-men
Total	36%	63%	53%	50%	54%	27%
verbal insults	16.86%	30.77%	21.28%	22.70%	24.64%	15.05%
physical attacks	1.71%	1.92%	6.38%	2.70%	5.07%	0.81%
medical control	1.19%	3.85%	4.26%	1.89%	1.45%	0.94%
economical control	6.21%	7.69%	8.51%	8.92%	10.87%	3.90%
Sexual harassment	6.39%	15.38%	8.51%	8.65%	7.97%	2.82%
Sexual assault	0.52%	1.92%	0.00%	1.08%	1.45%	0.13%
other	3.03%	1.92%	4.26%	4.05%	2.17%	3.09%

Respondents shared hundreds of specific experiences and opinions on the cross-impact of COVID-19 and violence on women. Here are three excerpts.

Voice from the respondents:

- The epidemic lockdown has prevented some women from escaping, giving some families an opportunity for domestic violence. *The Most Beautiful Rebels* not only kills off the female merits but also throws mud at them, which is disgusting.
- The isolation brought by COVID-19 has led to more time spent with families and more domestic violence, but the corresponding punishment measures are lacking.
- During the epidemic, I lost my job, but it was not the epidemic that made me lose my job. Moreover, the male leader wickedly dismissed me and did not pay or delay the salary.

COVID-19 exacerbates existing gender-based violence and adds justification for ignoring it. Some cases of violence that become “public” will be dealt with, but more generally, “minor” gender-based violence will be trivialized and marginalized; For example, in the fight against domestic violence, the mandatory reporting, protection orders, cautionary notes, shelter services and other systems continues to exert no functions, which even becomes more prevalent. It is not uncommon to find excuses for the perpetrators and blame the victims. The good practice of active legal protection orders in Chongqing Banan and other places has not received enough attention and dissemination.

The programs and preplans of the state and relevant authorities to respond to emergencies such as epidemics lack a gender perspective and are particularly insensitive to gender-based violence. Almost none of the hundreds of documents on prevention and control of the epidemic mention gender-based violence. Only the All-China Women’s Federation and authorities in Changsha include anti-domestic violence in their anti-epidemic propaganda. Civil efforts to combat gender-based violence often encounter more obstacles than support, such as the forced cancellation of Little Vaccine (Xiaoyimiao’s) weibo account and the loss of contact between those victims of domestic violence and volunteer helpers who had established a relationship of trust.

3.7. ACCOUNTABILITY NEEDS TO BE STRENGTHENED URGENTLY

The perpetrator should bear the legal consequences of his acts of violence. The Supreme People's Procuratorate (SPP) prosecuted 5,134 people for domestic violence crimes in 2016 but did not mention that number in its work reports for 2018 and 2019. It is also impossible to know how many people have been convicted by the courts. There are reports in Guangxi and other places that public security authorities imposed public order/administrative and criminal penalties on the perpetrators, but there were still no national data. Four provinces that have enacted local regulations in 2019 have further provisions on violations of protection orders for personal safety. For example, if the perpetrator "is subject to criminal punishment, public security management punishment or is issued by the People's Court with a protection order for personal safety, he/she shall be recorded as bad information in the perpetrator's credit file and accept punishment recording. However, there is no report that the subject who is responsible for anti-domestic violence should take legal responsibility for his inaction or wrong action. For example, the case of Yang Ruili, a schoolgirl in Shandong province, who was killed by her father after a long period of domestic violence, and the case of a female teacher in Inner Mongolia who also wrote a letter asking for help before she died. She appealed to the complaint division of her ex-husband's work unit, the municipal Women's Federation and local police station. After calling the police many times that day, she was still killed by her ex-husband's maltreatment. In these two cases, the responsible departments subsequently were not held accountable nor took remedial action.

The recent domestic violence tragedy involving the deaths of Fang Yangyang and Lamu has once again sent out an urgent warning: the problem of inaction and ineffective intervention by responsible units and persons needs to be reinforced.⁷³In particular, the following aspects of accountability need to be addressed:

There is a lack of specific provisions on how schools and kindergartens at all levels should carry out sexual and gender equality education, change outdated gender norms, and prevent gender-based violence.

The mandatory reporting of people without civil capacity, guardianship transfers, protection orders, cautionary notes and shelter and assistance systems under the Anti-

⁷³ English report can be seen at <https://www.whatsonweibo.com/shandong-woman-dies-after-suffering-abuse-by-in-laws-over-infertility/>, <https://www.shine.cn/news/nation/2012121506/> , and <https://www.bbc.com/news/world-asia-china-55312878>

Domestic Violence Law are underused and somewhat ineffective. In the four years since the law came into force, just over 5,000 protection orders have been issued, less than two-thirds of them. In many ways, the system of cautionary notes has not worked. For example, the Women's Federation, in Maanshan City, Anhui Province, in conjunction with the court, the Procuratorate, the Public Security Bureau, the Justice Bureau and the Civil Affairs Bureau, took the lead in issuing the implementation measures of cautionary system for domestic violence in Anhui in August 2018, and also carried out some training. However, by 2020, the public security department had issued two cautionary notes for domestic violence.

Legal provisions on the role of relevant organizations, especially the employers, are too principled, whether it's fighting domestic violence or preventing sexual harassment, there is no cost to inaction and ineffective response. Good practices, such as the fact that civil servants in Changsha are not only subject to personal accountability, but also need to be held accountable for their comprehensive scores, have not been popularized. In the *Interim Provisions on The Punishment of Staff members of Public Institutions*, domestic violence is not explicitly included, let alone sexual harassment.⁷⁴ The Law of the People's Republic of China on Administrative Discipline for Public Officials (effective since July 1, 2020) does included domestic violence but not mentioned sexual harassments at all.

4. PERSPECTIVE FOR 2030: EXPECTATION AND SUGGESTIONS FROM A NGO'S PERSPECTIVE

To achieve the goals of the 2030 Agenda, the situation regarding GBV is not optimistic. The committee on the Elimination of Discrimination against Women expressed a strong sense of urgency in its General Recommendation No. 35 issued in 2017. It uses the unusual phrases “as soon as possible”, “to be performed immediately” and “not for any reason... delay in implementation: “The overall obligation of States parties is to adopt policies to eliminate discrimination against women, including gender-based violence against women as soon as possible and by all appropriate means;

⁷⁴ Article 21 of Decree No. 18 (August 2012) of the Ministry of Human Resources and Social Security and the Ministry of Supervision stipulates that those who maltreat or abandon a family member, or refuse to undertake the duty of supporting and bringing up family members shall be given disciplinary warning or demerit recording. If the circumstances are relatively serious, a punishment of lowering the position grade or removing the post shall be imposed; if the circumstances are serious, a punishment of discharging from office shall be imposed, see http://www.gov.cn/flfg/2012-09/03/content_2215755.htm for Chinese government

the obligation should be fulfilled without delay; its implementation shall not be delayed for any reason, including economic, cultural or religious reasons”.⁷⁵

To this end, we appeal to:

4.1. STRENGTHEN THE POLITICAL WILL TO ATTACH IMPORTANCE TO SDG5.

Specifically, they include:

- ◆ Refine the specific goals in China's SDG, especially in response to 5.2 "Eliminate all forms of violence against women and girls in both the public and private sectors, including trafficking, sexual exploitation and other forms of exploitation" and 5.3 "Eliminate all harmful practices such as child marriage, early marriage, forced marriage and circumcision", and set specific goals, indicators and measures. For example, propose specific goals and measures to meet the challenges and achieve the goals in eliminating domestic violence, sexual harassment, sexual assault, anti-trafficking, sex ratio at birth, child marriage, betrothal gifts, etc. In future national progress reports, there will no longer be a mere listing of the names of existing laws and regulations, but a substantive practice.
- ◆ Increase awareness of promoting women's participation and gender equality at the central and local levels of leadership: The Political Bureau of the Central Committee of the CPC collectively studies gender equality and anti-violence that have not been included in the past years. On October 1st, 2020, President Xi Jinping called for another Global Summit on Women in 2025 at the UN high-level meeting. It is expected to add such learning contents before the Summit, and explore ways to promote a balanced gender ratio among national and local leaders, including the decision-making levels of the People's Congress and the Chinese People's Political Consultative Conference at all levels, as well as the leadership levels of the Public Security and law departments and bar associations.

⁷⁵United Nations Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35 on Gender-based Violence against Women, updated General Recommendation No. 19*, paragraph 21. Released on July 14th, 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?SymbolNo=CEDAW/C/GC/35&Lang=en, last accessed: October 26th, 2017.

- ◆ Strengthen the national mechanism, enhance the functions and resources of the General Office of National Working Committee on Children and Women under the State Council in promoting gender equality, and pay more attention to the gender equality perspective in the implementation and monitoring of *the Program for the Development of Chinese Women (2021-2030)*, and the *Program for the Development of Chinese Children (2021-2030)*, especially in the *Program for the Development of Chinese Children*, including the elimination of early marriage and early childbearing, bride price and other phenomena, and the recognition and governance of gender-based violence and women's human rights.
- ◆ Consider amnesty for eligible female victims of violence: in the past five years, the state has granted amnesty twice, including four and nine categories of prisoners who do not have real social danger after their release. And the second amnesty included "women who are widowed and have minor children or children who are severely disabled and unable to take care of themselves, and those who is sentenced to less than three years of imprisonment or have less than one year left in their sentences". It is hoped that in the future, when another amnesty is granted, consideration will be given to include women who have spent years in prison for resisting gender-based violence and who do not threaten public safety.
- ◆ Continue international cooperation: China's progress in tackling gender-based violence over the past 25 years is closely related to the cooperation with the United Nations, with relevant countries, and with relevant international organizations. In the future, in areas other than "anti-trafficking", international funds, technology, expertise and knowledge are still needed to continue to contribute to China's efforts to eliminate gender-based violence.
- ◆ Further enhance the power of civil society: people from all walks of life and non-governmental institutions, advocating for legislation and initiating various services are the positive driving force in the country's response to gender-based violence. Today, the role of social organizations is explicitly defined in several laws, including the *Anti-Domestic Violence Law*. However, the number of organizations focused on gender-based violence is currently low, with little funding and few sources of funding, and difficulties are often encountered in

carrying out their work. There is an urgent need for more friendly and supportive legal policies and social environment in terms of registration, financing, activities, etc.

4.2. IMPROVE THE LAW, PROMOTE IMPLEMENTATION, AND STRENGTHEN ACCOUNTABILITY

4.2.1. FURTHER ESTABLISHMENT AND IMPROVEMENT OF RELEVANT LAWS

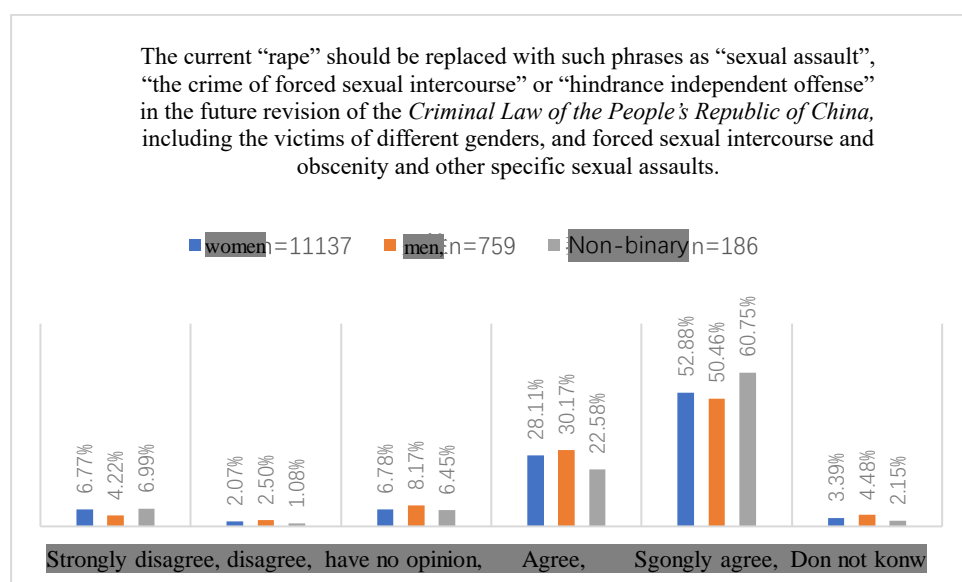
Our specific suggestions are as follows:

- ◆ To have definition of “discrimination” in national law. China has laws to prohibit discrimination, but so far, the law has not defined discrimination, which seriously affects the implementation of the principle of prohibiting discrimination. It is hoped that a timetable for the legal definition of discrimination is provided before the UN Commission on Disambiguation discusses China’s enforcement report and the accountability system for acts of discrimination is specified in legislation and amendments.
- ◆ Infringing sexual autonomy should be considered as an independent type of crime when revising Criminal Law, it should include a list specific violence such as forced sexual intercourse, different levels of sexual aggression, to replace the current charges of rape and forced obscenity, for changing Phallogocentrism in the current legal thinking regarding rape that suggests that victims of such crime are no longer pure, and male victims are excluded. This is also necessary to further fulfill China's implementation of the UN Convention on the *Elimination of all forms of Discrimination against Women*.
- ◆ Put the revision of the *Law on the Protection of Women's Rights and Interests* on the agenda as soon as possible, and strengthen accountability when it is revised, make those responsible for committing gender-based violence or ineffective prevention bear specific legal consequences, and make the *Law on the Protection of Women's Rights and Interests* actionable.
- ◆ Timely implement revisions of anti-domestic violence, and further improve the relevant provisions in terms of definition, prevention, data collection, services, disposal by public security organs, issuance of protection orders and trial of domestic violence cases by the court, as well as training, performance

of duties and legal responsibilities of the responsible agencies, so as to give full play to the effectiveness of the anti-domestic violence law.

In the online survey on ten thousand people, more than 80% of the respondents agree that the current “rape” should be replaced with such phrases as “sexual assault”, “the crime of forced sexual intercourse” or “hindrance independent offense” in the future revision of the *Criminal Law of the People’s Republic of China*, including the victims of different genders, and forced sexual intercourse and obscenity and other specific sexual assaults. Fifty-three percent of the respondents strongly favored such revision. Those who disapprove of the revision accounted for 8.6%.

FIGURE 17 Do you support “rape” should be replaced with concepts like “sexual assault” in the future revision of the *Criminal Law of the People’s Republic of China*



4.2.2. FURTHER IMPROVE SPECIFIC POLICIES AND IMPLEMENTATION MEASSURES AND IMPROVE SERVICES

Any good law needs to be reflected in the concrete implementation. At present, the legal framework for responding to gender-based violence in China has been basically established, and in the concrete implementation, we believe that there is an urgent need to pay attention to the following aspects:

- ◆ The relevant state agencies should enrich the induction and annual training for staff in their departments, especially those of public security bureaus, procuratorates and

court institutions, including awareness-raising and capacity-building in response to domestic violence and sexual assault.

- ◆ When dealing with cases involving domestic violence, sexual assault, abduction and trafficking, especially the purchase of women and girls, and bride price disputes, procuratorates and courts need to recognize them from the perspective of gender equality; learn to understand the UN Convention on the *Elimination of all forms of Discrimination against Women* and the concluding observations of the Convention Committee on China's compliance, so as to avoid direct and indirect discrimination against women; in particular, it is necessary to put an end to the phenomena such as those who buy abducted women and girls being exempted from criminal liability, employers being sued and losing the case after actively dealing with sexual assailants, award children to abusers, and do nothing about “children snatching”; and strengthen the issuance of protection orders.
- ◆ Public security organs: enhance the role of policewomen according to realistic needs. In responding to domestic violence, to strengthen the requirements for police response, police handling and shelter referrals, and to put an end to prevarication and inaction, it is necessary to try out and improve the police workbook on preventing and stopping domestic violence issued in cooperation between the Public Security Bureau of the Ministry of Public Security and the Rights and interests Department of the all-China Women's Federation. Make full use of the advantages of the warning letter system so that it can kill three birds with one stone —— preventing re-victimization, curbing repeated violence and reducing the increased workload of the police caused by repeated police reports. In the reporting and filing of compulsory indecency and rape, we should enhance normative operations, such as introducing and promoting Rape Kit (evidence collecting kit for sexual assault) to change the situation that it is difficult to file, collect evidence and convict for sexual assault from the source.
- ◆ Improvement of services: to change the situation of idle shelter facilities in various places, make them function and improve their operation, we should strengthen the publicity of shelter services and the referrals from public security organs and women's federations to those in need. Attach importance to legal aid to women victims of violence and avoid situations where the suspect or the perpetrator has a lawyer, but the victim does not, especially when public prosecutors may not always

understand gender-based violence and may not always be able to defend women's rights to the greatest extent possible in civil criminal cases.

- ◆ Improvement of data collection and dissemination: current gender-specific data is still scarce, even less so for gender-based violence, and is not always published consistently; and relevant publications are often not timely and sufficiently available in bookstores, libraries and on the official websites of the relevant national departments. In conjunction with the requirements for the monitoring the SDGs, there is an urgent need to enrich the collection of gender-specific data and to make it easily accessible to the public.

4.2.3. STRENGTHEN ACCOUNTABILITY AND ENFORCE LEGAL OBLIGATIONS

Overcoming the lack of accountability and enabling responsible departments and their staff to fulfill their obligations to prevent, respond, serve and protect victims is a growing concern and a strong voice especially after the deaths of Lamu and Fang Yangyang in the second half of 2020.

- ◆ In terms of top-level design, we call on a specific costed national action plan for prevention and response to GBV, and the Committee for Women and Children's Work under the State Council to continue to implement the target responsibility system for member units, strengthen coordination and supervision, and implement the commitment of member units to implement the target responsibility.
- ◆ In terms of mechanism, we call on strengthen inter-ministerial/inter-sectoral coordination for the delivery of comprehensive and coordinated response services for GBV survivors (health, legal, justice, police, shelter, psychosocial), continuity and effectiveness of the joint meeting system formed by the central and local governments should be maintained. For example, there were no media reports of continued work following the sixth plenary meeting of the National Coordination Group for the Protection of the Rights and Interests of Women and Children held on 23 January 2007.
- ◆ In terms of information: all responsible departments timely release relevant information through their official websites or the news media, including the operation of relevant agencies and mechanisms, and the progress of handling major events, enhancing the transparency of their work, and promoting the public's right to know, to realize the effectiveness of their working mechanism and relevant

regulations. For news media and Internet reports, news and comments on gender-based violence, we should see their positive role in promoting social attention and problem solving and minimize excessive practices such as deleting posts and blocking accounts.

- ◆ In terms of first responsibility system: implement the first responsibility system that has been carried out in some places, whether it is village residents' committees, women's federations or public security organs, the first staff to receive a request for help shall not pass the buck, but standardize records and link to the resources of other relevant agencies, follow up cases that must be referred and record the follow-up situation. If there are cases that do not comply with the standard operation, regardless of whether "serious consequences" have occurred, they shall be remedied and taken into account, as appropriate, in the periodic work evaluation of the direct operators and their supervisors by the relevant agencies. This will help to put an end to extreme situations where local responsible departments fail to find or ignore the help of victims of domestic violence, resulting in injuries or even death, and reduce the occurrence of tragedies such as the death of Lamu and Fang Yangyang, and enable more victims of domestic violence, sexual assault and sexual harassment receive timely and effective help.
- ◆ In terms of unblocked channels: although many departments have complaint mailboxes or complaint hotlines, as well as reception days for the person in charge, from the experience of the parties and front-line workers, these channels are often blocked, with the mailbox being repeatedly no response, the phone always being busy, and the reception window sometimes not even accepting materials, leaving the parties who ask for help helpless. We call for a change in this phenomenon to activate self-supervision within agencies and to strengthen the first foundation of accountability.

One respondent wrote a detailed list of 16 points of suggestions:

1. Establish and publish specific *Anti-Sexual Discrimination Law/Gender Equality Law*, which defines in detail the anti-discrimination rules and safeguards and penalties.
2. Change “the crime of forced prostitution” to “the crime of sexual exploitation”. The former defines the victim as “a prostitute”, while the victim’s stigmatization is not conducive to protect her/his rights.
3. As long as a minor is sexually assaulted, whether by force or inducement, etc. it is defined as “rape”.
4. Expand the definition of rape to include acts of penetration (penis, fingers, objects, etc., penetrate into vagina/anus, penis into mouth; penis touch any part of the victim; the perpetrators’ hand touch the females’ body and the perpetrators undress the victim).
5. Include men in the legal protection of rape.
6. *Gender Equality Law* is added to judicial examinations.
7. Education of gender equality is included in on-the-job training and assessment of civil servants.
8. Amend the definition of rape: if one party does not agree to have sexual relations, it constitutes rape. Agreement means that both parties agree unanimously. Sexual intercourse in which one of the parties does not consent, regardless of the relationship, is defined as rape.
9. Raise the age of the parties who agree to have sex to 18.
10. Increase the proportion of female policemen, judges and prosecutors. Domestic violence/sexual assault must be solved, questioned, investigated and collected by female police officers. Female judges are also involved.
11. No means no. Any relationship is considered as sexual rape as long as one party disagrees.
12. Stop ignoring the issue of domestic violence by saying that “even an upright official finds it hard to settle a family quarrel”.
13. Don’t let the “marriage certificate” become a palliative for male domestic violence and homicide.
14. Let alone domestic violence, beating people are violence.
15. It is required that all units establish preplan for anti-sexual assault and anti- sexual harassment in workplace and set up a special team to conduct anti-sexual harassment training for new employees, and conduct assessment and punishment system for sexual harassment in the company. In case of sexual harassment, both the harasser and the company will be punished.
16. All media are required to broadcast their anti-sexual discrimination, anti-sexual harassment, anti-sexual assault and anti-domestic violence helplines in a circular manner.

4.3. EXPECTATION FOR NEXT NATIONAL PROGRAM FOR WOMEN'S DEVELOPMENT

In 2021, the next *China National Program for the Women's Development* and *China National Program for Child Development(2021-2030)* are about to be implemented, and the end time period fits perfectly with the expected time of the SDG. Here, we would like to reiterate our recommendation on gender-based violence during public consultation in 2020:

- ◆ Women and education: create an equal, just, safe, inclusive and non-violent educational environment; Establish gender-friendly and safe campus facilities, such as improved space layout, sports, toilets and other facilities, to ensure girls' rights to equally and safely have access to the facilities; Revise existing policies and measures against school bullying to strengthen the perspective of gender equality; strengthen implementation of Comprehensive sexuality education programme with the focus on strengthening the component on social norm change
- ◆ Women and the economy: Protect rural women's rights and interests in contracted land and homestead, and their equal rights and interests in housing ownership and use, and prevent their economic rights and interests from being deprived and encroached upon
- ◆ Women's participation in decision-making: Ensure that ordinary women have the right to be informed and to participate in the decisions and implementation of public affairs and policies; in the process of national and local legislation and decision-making, it is ensured that women from all walks of life have access to participate and make decisions.
- ◆ Women and family building: Encourage and support women's efforts to establish equal and harmonious family relations, including equality, respect and care in husband-wife relations, parent-child education, and intergenerational relations; put an end to the phenomenon that guardians marry minors or allow minors to marry; Support female adolescents' refusal to marry and have children at an early age; Ban traditional customs such as the bride price, which disguises women as commodities; Interference in the freedom of marriage of family members is prohibited.
- ◆ Women and the environment: include gender equality and anti-gender-based violence in on-the-job training for media professionals; Encourage the media to

actively publish public service information about gender equality and services against domestic and other gender-based violence in the form of public service advertisements, such as hotline numbers; Establish mechanisms for the prevention and response of sexual harassment in educational institutions, employers and management units of public places at all levels, including requiring the publication of complaints and helplines, as well as penalties for misconduct of actors and persons with management responsibilities; Employers are encouraged to include zero tolerance for domestic violence and sexual harassment in their institutional policies and to take appropriate measures.

- ◆ Women and the law: promote the definition of “discrimination” in legislation and specify accountability for acts of discrimination in legislation and amendments; Conduct gender equality and anti-discrimination training in national judiciary authorities and government law enforcement departments, and integrate them into in-service training and operational assessment systems; Integrate gender equality and law related courses into the curriculum of law schools and judicial cadres’ colleges and universities; improve the understanding and implementation ability of judiciary authorities and law enforcement departments on *Anti-Domestic Violence Law*; more actively use cautionary notes, protection orders and other institutional measures, and put an end to the phenomenon that minors are sentenced to or connived in judicial and law enforcement practices to be directly raised by the party who commits domestic violence, robbery or concealment; increase the number of female police officers, and they will have substantial participation in the trial of sex crimes and the handling of domestic violence cases.

Working together towards 2030 to pursue zero violence and achieve SDGs, we also appeal other stakeholders :

- ◆ UN agencies in China and multilateral and bilateral agencies: attach greater importance to and enhance collaboration, and continue to work with civil organizations
- ◆ Peer civil organizations: enhance their abilities, actively cooperate, and offer better services, and more effective public education and advocacy.

- ◆ Academic institutions: conduct more empirical research and action research and curriculum development based on the rights and interests of those affected by violence.
- ◆ Employers: recognize that gender-based violence affects workplace safety and business efficiency, take precautionary and preventive measures, and fulfill their statutory duties under the Anti-Domestic Violence Law and the Civil Code (Article 1010)

Finally, we call on the state to enhance multi-department approach for the delivery of comprehensive and coordinated response services for GBV survivors, all stakeholders to strengthen their commitment to do more to achieve the goal of combating gender-based violence, and to contribute to the full realization of Sustainable Development Goals.

Selected Reference Materials:

- [1] Programme of Action of Cairo Conference on Human Development (1994.9)
- [2] Nairobi Summit Statement on the 25th Anniversary of International Conference on Population and Development: Accelerating the Realization of Commitments (link to English and multi-text: Nairobi Summit, 2019.11)
- [3] *The Beijing Declaration and Platform for Action* adopted in Beijing in the Fourth World Conference on Women (1995.9)
- [4] The State Council Information Office, *Equality Development and Sharing: Development and Progress of Women's Cause in the Past 70 Years of New China* (White Paper, 2019.9)
- [5] Chinese government submitted to the United Nations *the Adoption of Comprehensive National Review Report on the 25th Anniversary -Beijing Declaration and Platform for Action by the Fourth World Conference on Women* (national review report, 2019)

[6] Rong Weiyi, People's Public Security University of China, wrote the article *Elimination of All Forms of Violence against Women -- An Assessment of Violence against Women in China's Governance in the Past Five Years*.⁷⁶

[7] *Feminist Voice* Internet Survey report: *What is the Status of Gender Equality? -- Network Survey Data Results on Chinese Women's Status* (September 2015).⁷⁷

[8] *Beijing Equality: a series of monitoring reports on the implementation of the Anti-domestic violence Law* (2017.3-2020.4)

⁷⁶ Rong Weiyi: *Elimination of All Forms of Violence against Women -- An Assessment of Violence against Women in China's Governance in the Past Five Years*, Journal of Shandong Women's University, No. 1st, 2020

⁷⁷ More than 3,000 women participated in this survey are distributed in all provinces, autonomous regions and municipalities directly under the Central Government in mainland China. 85% of them are under the age of 39 and belong to 31 ethnic groups, covering more than half of the 56 ethnic groups in China. The proportion of ethnic minorities is about the same as its proportion in the total population of China, and the Han nationality accounts for 91.01%.

ATTACHED TABLE I: A SUMMARY OF CHINA'S RESPONSE TO GENDER-BASED VIOLENCE SINCE 1994

Time	Event
1994	<p>China has taken an active part in the United Nations Conference on Population and Development held in Cairo, and according to the national consensus, put forward “two changes” in the ideas and methods for family planning work at the end of the year, gradually change the past violent family planning practice with forced command, emphasis on the informed choice and high quality service based on reproductive health and rights of women of reproductive age. Preparations were under way for the UN’s fourth World Conference on Women. Media coverage of domestic violence has risen to double digits throughout the year. The first counseling hotline for domestic violence was briefly opened.</p>
1995	<p>Tang Can, a researcher at the Chinese Academy of Social Sciences, published a study entitled <i>The Existence of Sexual Harassment in China</i>. Beijing World Conference on Women adopted a Programme of Action, in which violence against women was one of 12 priority areas of concern and governments committed to follow up to achieve strategic goals.</p> <p>In December 1995, Centre for Women’s Legal Studies and Services of Law School of Peking University, a nonprofit organization which is specialized in women’s legal aid, research and advocacy was established; violence against women was its focus of attention, research and promotion field; it promoted the work of anti-family violence mainly through providing free legal consultation and dealing with typical cases, awareness and skill training, spreading law in the countryside (community), establishing trial areas and promoting legislation.</p>
1996	<p>In early 1996, when a woman in Changsha was thrown to her death by her ex-husband from a tall building, <i>China Women’s News</i> started a series of reports and discussions about “declaring war on domestic violence”. This is the first time for China to conduct such extensive and in-depth publicity.</p> <p>In the same year, Changsha Women’s Federation urged Changsha Municipal Party Committee and Changsha Municipal Government of Hunan Province to issue China’s first local policy on anti-domestic violence- <i>Provisions on The Prevention and Suppression of Domestic Violence</i>.</p>

1997	The crime of indecent assault was abolished when the Criminal Law was amended, and the crime of forced obscenity or insulting women was established. The much-criticized crime of “prostituting underage girls” was established.
1998	<i>Canada-China Women’s Law</i> is implemented
1999	<p>Chen Guizun, together with 31 deputies to the National People’s Congress, put forward the bill of <i>Law of the People’s Republic of China on Anti-sexual harassment</i>. Last year, Chen Guizun, then the standing committee of the National People’s Congress, argued adding clauses when reviewing <i>Physician Act</i> in which the act of sexual harassment on patients by the convenience of their work should be punished.</p> <p>Ministry of Public Security began to cooperate with United Nations Children’s Fund and All-China Women’s Federation to carry out a number of international cooperation projects in combating trafficking in women and children, and has set up transit, rehabilitation and training centers in Yunnan, Jiangsu and Sichuan provinces to rescue abducted women and children.</p> <p>Hongfeng Women’s Hotline has opened a 24-hour service on “automatic voice communication for legal consultation on Women’s Hotline”, including the service content of “How to Deal with domestic violence”. A domestic violence hotline was opened in 2004.</p>
2000	<p>In March and September 2000, the People’s Congresses in Hunan and Sichuan provinces adopted resolutions on anti-domestic violence, which was the earliest local law on anti-domestic violence in China.</p> <p>On June 10th, 2000, China Law Society launched the project/network of “Research and Intervention against Domestic Violence against Women”. In the 14 years since, the network has had members in 28 provinces and municipalities throughout China, promoting the introduction of China’s <i>Anti-Domestic Violence Law</i>, exploration of multi-agency intervention models, investigation, research and publication.</p> <p><i>Shenzhen Weekly</i> and Shenzhen University conducted a large-scale sample survey on sexual harassment.</p> <p>In 2000, “comfort women” went to Japan to file a lawsuit demanding that Japan bear the responsibility for war sexual violence.</p>

	<p><i>International Day for the Elimination of Violence Against Women</i> is commemorated for the first time on 25th November.</p>
2001	<p>The Marriage Law has been amended to officially introduce domestic violence in China, stipulating that “domestic violence shall be prohibited” and that domestic violence is one of the legal conditions for granting divorce, as well as the assistance measures for victims of domestic violence and the legal responsibility of the abuser.</p> <p>The first case of sexual harassment lawsuit (Xi ‘an) and the first case of successful lawsuit (Hainan) have been reported by media all over the country and have been reported by CCTV prime time program and Beijing Youth Daily for many times.</p> <p>In May 2001, The State Council promulgated and implemented the <i>Program for The Development of Women (2001-2010)</i>, which proposed to “prohibit all forms of violence against women” and incorporated it into the responsibilities of relevant government departments.</p>
2002	<p>The hit TV series <i>Don’t Talk to Strangers</i> is still an important way for many people to learn about domestic violence.</p> <p>In 2002, Chen Dapeng, a professor at Southwest Jiaotong University and a deputy to the National People’s Congress, submitted a proposal to enact an <i>Anti-sexual harassment Law</i>, pointing out that sexual harassment is widespread in all countries, but China’s laws and regulations do have blind spots.</p> <p>On November 18th , 2002, the Propaganda Department of the Central Committee of the CPC, Family Planning Commission, the Ministry of Education, Ministry of Public Security, the Ministry of Civil Affairs, Ministry of Labor and Social Security, the Ministry of Agriculture, the Ministry of Health, Bureau of Statistics, Drug Enforcement Administration, and All-China Women’s Federation jointly issued <i>Opinion on Increased Comprehensive Management of Sex Ratio at Birth</i>, requiring to crack down on the identification of the sex of the fetus for non-medical purpose, termination of a pregnancy once the sex of a fetus identified is not desired and female infanticide and other illegal activities;</p>
2003	<p>The death of Huang Jing, a teacher in Xiangtan, Hunan province, on Feb. 24th sparked a debate about date-rape</p>

	<p>Advocates for women’s rights and interests continued to advocate attaching importance to intimate relationship, gender-based violence and proposing special legislation against domestic violence during the trial of Huang Jing’s death, which was submitted to the NPC for the first time. The expert draft of the law, drafted by Anti-Domestic Violence Network, was submitted as a motion by a jiangsu delegation to the National People’s Congress, calling for special legislation to prevent and restrain domestic violence.</p> <p><i>Professional Guidelines for Reporting Domestic Violence</i> was published in March 2003.</p> <p><i>Vagina Monologues</i> premiered in Shanghai and Guangzhou</p>
2004	<p>The national trial of the Action for Caring for Girls has been extended to 24 counties in 24 provinces, and 638 trials have been launched by provinces (autonomous regions and municipalities directly under the Central Government) at or above the county level, basically covering areas with a high sex ratio at birth. At the same time, China has been cracking down on the identification of the sex of the fetus for non-medical purpose and termination of a pregnancy once the sex of a fetus identified is not desired to curb prenatal gender selection, one of the acts of violence against women identified in Platform for Action of Beijing World Conference of Women.</p>
2005	<p>The anti-domestic violence hotline (16838198) from All-China Women’s Federation (ACWF) was fully operational on August 18th , and 12338 has become the national uniform number</p> <p><i>The Law on the Protection of Women’s Rights and Interests</i> has been amended, prohibiting sexual harassment for the first time.</p>
2006	<p>In December, the CPC Central Committee and The State Council promulgated the <i>Decision on Comprehensively Enhancing Population and Family Planning in order to Addressing Population Issues in a Coordinating Way</i>, marking a new stage in the Chinese government’s comprehensive efforts to address the imbalance in the sex ratio at birth. In the same year, The State Council officially launched a nationwide “Care for Girls” campaign to promote the value of girls in society.</p> <p>The United Nations Population Fund (UNFPA) and the All-China Women’s Federation (ACWF) jointly launched a five-year gender equality project to</p>

	<p>establish experimental bases against violence against women in Liuyang and Chengde, with the theme of combating violence against women and promoting male participation, based on research and administrative intervention.</p>
2007	<p>With the support of the International Labour Organization, the Center for Women’s Legal Studies and Services of Law School of Peking University has begun to promote the establishment of mechanisms to prevent and control sexual harassment in enterprises.</p> <p>In May, Shenzhen Pengxing Center for Domestic Violence Protection was established to launch a social worker assistance program against domestic violence.</p> <p>In December, China released its first national Action Plan against Human Trafficking –<i>China National Plan of Action on Combating Trafficking in Women and Children (2008-2012)</i></p>
2008	<p><i>Provisions on The Trial of Sexual harassment Cases by the People’s Courts (expert draft)</i> drafted by the Anti-Domestic Violence Network was submitted to the National People’s Congress (NPC) and the National Committee of the Chinese People’s Political Consultative Conference (CPPCC).</p> <p>The Institute of Applied Law of the Supreme People’s Court of China has introduced <i>Guidelines for Handling Cases Involving Domestic Violence</i> which the judges can regard as a reference, officially introducing the system of protection orders for personal safety into China. Subsequently, the Supreme People’s Court selected nine basic People’s Courts as pilot units. In August, People’s Court in Chongan District, Wuxi, Jiangsu Province issued China’s first ruling on personal safety protection against domestic violence, valid for three months.</p> <p>The All-China Women’s Federation, together with the Supreme People’s Procuratorate, the Ministry of Public Security, the Ministry of Justice, the Ministry of Civil Affairs, the Ministry of Health and the Publicity Department of the CPC Central Committee, jointly formulated the <i>Several Opinions on Preventing and Stopping Domestic Violence</i>, stipulating the duties of all agencies in combating domestic violence. In particular, the report of domestic violence is included in the “110” scope of police duty.</p>

2009	<p>Deng Yujiao, a waitress from Hubei, who killed in self-defense for resisting coercion, caused a sensation.</p> <p>China joined in the <i>Palermo Optional Protocol</i> (called <i>the Supplementary Protocol of United Nations Convention against Transnational Organized Crime on Preventing, Forbidding and Punishing Trafficking in Persons, Especially Women and Children</i>). So far, China has joined in most of the international legal documents on the anti-trafficking population, marking China enters a new situation in the field of international cooperation on human trafficking crime.</p>
2010	<p>The “Hotline (4000 110 391) for White Ribbon Male Ending Gender-based Violence” has been established, serving for 365 days a year, from 8:00 to 22:00 every day. By the end of October 2015, more than 3000 lines had been connected.</p>
2011	<p>Domestic violence by billionaire Li Yang has been exposed</p>
2012	<p>On Valentine’s Day, a performance art featuring “a wounded bride wearing a bloody wedding dress” appeared on Beijing’s Qianmen Street, attracting media attention.</p> <p>In June, in response to an improper advertisement for the prevention of sexual harassment by Shanghai Metro No. 2 operating company, young women in Shanghai held up signs such as “Be cool, not for a sexual predator” and “I can be sexy, but you cannot disturb me”, which triggered a great debate about women’s body autonomy and anti-sexual harassment.</p> <p>Feng Jianmei, a pregnant woman from Ankang, Shaanxi province, accepted forced abortion on June 11th, 2016, which aroused the attention of domestic and international communities on forced abortion. On June 26th, the investigation team confirmed that Feng did not have the legal right to have a second child, but despite that, her rights were violated by the local family planning bureau, leading to the dismissal of two officials and the punishment of five others. On June 27th, the National Population and Family Planning Commission dispatched inspection teams across the country to examine the practices of local family planning departments. Since then, the practice of forced abortion has largely disappeared.</p>

2013	<p>A “Beautiful Women’s Rights Hike” from Beijing to Guangzhou calls for prevention of sexual assault on campus</p> <p>People from all walks of life are calling for “Hold the Execution” to fight for justice for Li Yan, a domestic violence victim sentenced to death.</p>
2014	<p>There were strong calls for the abolition of institutionalized education</p> <p>The case of doctoral advisor in Xiamen University was disclosed.</p> <p>Many people called on the Ministry of Education to take measures to prevent sexual harassment of university teachers. The All-China Women’s Federation and China Women’s Studies Association urged 22 universities to take the lead in establishing a mechanism</p> <p>Weiping Women’s Support hotline (15117905157) was open all year round, in Both English and Chinese</p>
2015	<p>On March 7th, five young female activists were detained for 37 days for planning a campaign against sexual harassment at a bus stop, drawing attention at home and abroad</p> <p>The <i>Anti-Domestic Violence Law</i> was passed in December and went into effect on March 1st, 2016</p> <p>The amendment to the Criminal Law abolished the crime of “prostituting underage girls”; Male victims of sexual violence can receive certain protection in the case of “forced obscenity”; and the recipients and buyers of trafficked women will be sentenced to prison.</p>
2016	<p>Actions of anti- sexual harassment were carried out on campus.</p> <p>More attention has been paid to the investigation report on campus safety of Beijing Normal University- “Silent Iron Lion” and the sexual harassment case of students in the library of Nanjing University. Guangzhou Gender Education Center conducted an online survey, attracting more than 6,000 participants and sending information applications to more than 100 colleges and universities.</p> <p>Rainbow Violence End was founded to focus on domestic violence issues in sexual harassment groups</p>
2017	<p>Anti-Girls’ Day, and celebrate Women’s Day ; banner with sexual harassment on Girls’ Day sparked discontent</p>
2018	<p>Luo Xixi, a graduate student from Beijing University of Aeronautics and Astronautics, revealed sexual harassment by her mentor Chen Xiaowu in her</p>

	<p>real name on January 1st, sparking many women to take part in the campaign against sexual harassment and be socially concern about the topic of “# Me too”.</p> <p>October, The Supreme People’s Procuratorate issued the first procuratorial proposal in history (Gao Jianjian [2018] No. 1), requiring the Ministry of Education to pay attention to the issue of sexual assault on students. The Ministry of Education and 26 provinces responded positively.</p>
2019	<p>The “liability dispute for sexual harassment” became an independent case, allowing parties to go to court for justice.</p> <p>Video on Yu Ya’s domestic violence has sparked a national debate.</p> <p>Institutionalized education was officially abolished.</p>
2020	<p>Lamu, a Tibetan woman who was set on fire by her ex-husband in a live broadcast, was sent to hospital and died. This has triggered heated public opinion on how the Women’s Federation and public security can effectively intervene in domestic violence. The “Lamu Bill” was proposed, calling for no tolerance and accountability.</p> <p>Hundreds of people showed up to support the trial of Xian Zi v. Zhu Jun, and thousands of people expressed their support online, looking forward to a fair trial.</p>

ATTACHED TABLE II: LIST OF SUPPORTING REGULATIONS FOR ANTI-DOMESTIC VIOLENCE LAW ENACTED IN EACH PROVINCE SINCE 2018 (BASED ON ISSUE TIME)

Province	Title	Passed on	Implemented on
Shandong	Anti-Domestic Violence Regulations of Shandong Province	2018.11.30	2019.1.1
Hubei	Anti-Domestic Violence Regulations of Hubei Province	2019.3.29	2019.6.1
Hunan	Implementation Measures of Hunan Province for Anti-Domestic Violence Law of the People's Republic of China (hereinafter referred to as the Implementation Measures)	2019.5.30	2019.7.1
Guizhou	Anti-Domestic Violence Regulations of Hubei Province	2019.12.1	2020.3.1
Xinjiang	Implementation Measures of Xinjiang Uygur Autonomous Region for Anti-Domestic Violence Law of the People's Republic of China	2020.3.31	2020.6.1
Inner Mongolia	Anti-Domestic Violence Regulations of Inner Mongolia Autonomous Region	2020.4.1	2020.5.1
Jilin	Anti-Domestic Violence Regulations of Jilin Province	2020.6.5.	2020.8.1
Hainan	Implementation Measures of Hainan Province for Anti-Domestic Violence Law of the People's Republic of China	2020.6.16	2020.8.1
Guangdong	Implementation Measures of Guangdong Province for Anti-Domestic Violence Law of the People's Republic of China	2020.7.29	2020.10.1

Shaanxi	Implementation Measures of Shaanxi Province for Anti-Domestic Violence Law of the People's Republic of China	2020.7.30	2020.12.1
Yunnan	Anti-Domestic Violence Regulations of Yunnan Province	2020.11.25	2021.3.1
Shanxi	Measures to prevent and deal with domestic violence of Shanxi Province	2020.7.30	2020.12.1

ATTACHED TABLE III: LIST OF RELEVANT JOINT-DOCUMENTS OF STATE ORGANS AND GOVERNMENT DEPARTMENTS AFTER THE IMPLEMENTATION OF THE ANTI-DOMESTIC VIOLENCE LAW (BASED ON ISSUE TIME)⁷⁸

⁷⁸ Beijing Equality: *Monitoring report on the fourth Anniversary of the implementation of the Anti-domestic violence Law of the people's Republic of China* (with full download link), released in April 2020 <http://www.equality-beijing.org/newinfo.aspx?id=80>

Province	Enactment departments and time	Title	Important regulations	Original URL link
Central Department	Ministry of Education . 2016.3.1	Working Rules for Kindergartens	It is clearly put forward that "kindergartens should carry out anti-domestic violence education in the light of children's age characteristics and receptive ability, and if children are found to have suffered or suspected to have suffered domestic violence, they should report to the public security organs in time in accordance with the law."	http://news.youth.cn/jy/201603/t20160302_7693977.htm
	National health and family planning commission. 2016.5.25	Notice of the National Health and Family Planning Commission on Improving Health Care for Children Left Behind in Rural Areas	Cases of rural left-behind children found in the work of medical institutions and staff at all levels living alone out of guardianship or missing, guardianship incapacitated or not fulfilling guardianship responsibilities, suspected of domestic violence, suspected of accidental injury or unlawful infringement, etc., must be reported mandatorily.	http://www.nhfpc.gov.cn/drks/s7846/201605/db26bb1b7f9140b8b4b8c2e019edca69.shtml
	Supreme people's court. 2016.7.13	Response to Procedural questions Related to personal safety protection order cases	No legal fees are charged for applying to the court for the personal safety protection order, and the applicant is not required to provide guarantee.	http://www.court.gov.cn/zixun-xiangqing-23451.html
	Supreme people's court. 2016.11.30	Minutes of the Eighth National Conference on Civil and Commercial Judicial Work of the Courts (Civil Part)	To clarify, in the trial of marriage and family cases, attention should be paid to the protection of the rights and interests of minors, especially in divorce cases involving domestic violence, based on the principle of maximizing the interests of minor children, for the parent who has committed domestic violence, it is generally not appropriate to judge their direct custody of minor children.	http://www.cn.com.cn/chanjing/201612/wpyez01085807.shtml

	<p>15 departments, including Supreme people's court and the Office of the Central Committee for Comprehensive Management of Public Security. 2017.7.20</p>	<p>Opinions on the establishment of a joint conference system on the reform of methods and working mechanisms for trial of family matters</p>	<p>The Ministry of Public Security will instruct local public security organs to promptly respond after receiving reports of domestic violence or violating personal safety protection orders to commit violence again, and to deal with them in accordance with laws and regulations such as the <i>Anti-Domestic Violence Law</i> and <i>Public Security Administrative Punishments Law</i>. To guide local public security organs to investigate the legal responsibility of negligent parents or infringers in accordance with the law. The Ministry of Civil Affairs will do a good job in the relief and protection of minors in difficulties in accordance with the law and set up anti-domestic violence shelters in places with conditions.</p> <p>The National Health and Family Planning Commission will guide medical institutions and their staff to establish the mandatory reporting awareness for people with no or limited capacity who suffered or suspected of suffering from domestic violence, to carry out mandatory reporting work.</p> <p>The opinion also clarifies the responsibilities and division of labor in the reform of family trial in departments like the Office of the Central Committee for Comprehensive Management, the State Administration of Press, Publication, Radio and Television, the Committee for Women and Children's Work under the State Council, the Constitution Of All-China Federation of Trade Unions, the Central Committee of the Communist Youth League, the All-China Women's Federation, the China National Committee For The Well-Being Of The Youth and China National Committee On Aging.</p>	<p>http://news.xinhuanet.com/yuqing/2017-07/21/c_129660613.htm</p>
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	Rights and interests department of the All-China Women's Federation. 2018.3.5	Notice on issuing the working regulations for Women's Federation organizations to accept domestic violence complaints (for trial implementation)	To standardize the work of women's federations above the county level and the “windows for complaints by letters and visits” in receiving and handling public consultation and complaints about domestic violence. Including the prevention and detection of domestic violence, what do women's federations at all levels do? How do women seek help? How to deal with domestic violence complaints at different levels? Under what circumstances should the case be reported to the public security organ in time?	http://www.nwccw.gov.cn/2018-03/05/content_198878.htm
	Ministry of education. 2019.4	Opinions on Further Improving the Care and Service System for Rural Left-Behind Children and Children in Difficult Situations (Minfa [2019] No. 34)	Explicitly proposed to strengthen the construction of the working team for children at the grass-roots level, set up children's supervisors in villages and towns (streets), and set up children's directors in villages (community) to effectively do a good job in publicizing the policy on the protection of minors, and to report suspected cases of domestic violence or unlawful infringement to the public security organs in time.	http://www.moe.gov.cn/jyb_xxgk/moe_1777/moe_1779/201907/t20190709_389554.html
	Supreme people's procuratorate, All-china Women's Federation. 2020.1	Notice on the Establishment of Cooperation Mechanism for Jointly Promoting the Work of Protecting the Rights and Interests of Women and Children	If women's federations at all levels find clues of domestic violence or sexual assault of women and children, or infringement of their civil and administrative legitimate rights and interests, or letters and visits related to the procuratorate, they shall promptly transfer the case clues or materials of letters and visits related to the procuratorate to the procuratorate at the same level. The procuratorate that accepts it shall deal with it in time, handle it quickly, and feedback the results to the women's federation.	http://www.nwccw.gov.cn/2020-01/08/content_278244.htm