

Analysis on the Status Quo of Sexual Violence in China

Yan Yun*

Durham University
Email: btqz28@durham.ac.uk

ABSTRACT

Sexual violence is a serious exploitation of civil rights and has caused serious and long-term harm to the victim's psychology. This article will focus on the current status of sexual violence in China. This article will classify the place where sexual violence occurs, and analyze the status quo and causes of the two types of sexual violence. This article hopes to help readers understand the current status of sexual violence in China and promote victim assistance and legal progress.

Keywords: *Domestic Sexual Violence, Campus Sexual Violence, laws against Sexual Violence, victim's psychology*

1. INTRODUCTION

At present, with the popularization of sex education and legal knowledge, people have a certain impression of sexual violence. However, many people still confuse sexual violence with rape. Strictly speaking, rape is only one type of sexual violence. Sexual violence has a broader meaning. Some people may not realize that they have suffered sexual violence after experiencing sexual violence. Rape has attracted more attention due to its cruel methods, clear goals and relatively easy retention of evidence. However, according to the UN's definition of sexual violence: rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable severity to women, men or children[1]. Due to some forms of sexual violence, such as sexual harassment and verbal sexual slander, it is difficult to compensate the victims and the judicial trial is difficult due to the difficulty of retaining evidence and concealing the means. And in recent years, sexual violence crimes have shown an increasing trend. Between 2014 and 2017, the number of rape cases handled by the people's courts at all levels in China increased from 1,473 to 2,881, and indecent and insult cases increased from 440. The increase was 1117, of which more than 20% of the defendants did not realize that they had committed a criminal act [2]. This essay will argue that the current situation of domestic sexual violence and school sexual violence in China. Through the analysis of these two types of sexual violence, we hope to understand the current situation of sexual violence in China.

2. DOMESTIC SEXUAL VIOLENCE

Domestic sexual violence is more common in men's sexual violence against women, but this essay will discuss sexual violence between members of family relationships. Domestic sexual violence is not the same as marital rape. Marital rape is only one type of domestic sexual violence. The scope of domestic sexual violence is larger. Domestic sexual violence is not limited to rape. Sexual harassment, forced pregnancy and forced sterilization are also included. However, due to current news reports and the popularization of laws, many people equate domestic sexual violence with marital rape. Domestic sexual violence may be sexual violence by one or more of the family members against the other or more family members.

2.1. Status and Characteristics

At present, due to the influence of "family scandals cannot be publicized" in traditional Chinese culture, many family members who have suffered domestic sexual violence are unwilling to tell others about the harm they or other family members have suffered, or even call the police or seek help from other agencies. Some victims even choose to conceal the abuse for the perpetrator. This situation is not conducive to a complete solution to domestic sexual violence. It is obvious that most of the cases that choose not to conceal anymore are marital rape. However, some domestic sexual violence by both parties in a non-marital relationship is only noticed by others after a very long period of continuous injury. Some very young victims

even suffer from sexual diseases, which is physically and psychologically affected. All have caused damage that may not be recovered in a lifetime. For example, in 2009, CCTV reported that a 13-year-old girl was raped by her stepfather and uncle and forced to become a sex slave[3]. This experience had a serious impact on her body and she did not receive a normal education during this period. However, the girl did not dare to resist. Because at present, in the power structure of Chinese families, husbands have relative authority over wives, while parents have relative authority over children. Therefore, when the wife is sexually assaulted by the husband and the child is sexually assaulted by the parents, the victim is afraid of telling others what happened to them for help. However, some of the victims did not choose to report to the police or seek help from others after being subjected to multiple sexual violence. Instead, they chose to use violence to control violence, inflicting more serious acts of violence on the perpetrator or even killing the perpetrator. For example, in October 2015, a woman in Yunnan Province stabbed her husband to death because she could not bear her husband's years of sexual violence [4].

2.2. Causes of Domestic Sexual Violence

First of all, due to the traditional Chinese family concept of women's dependence on their husbands and children's dependence on their parents, husbands have relative control and authority over their wives and parents over their children. Family members in power will control other people in the family. Satisfying the vanity of the abuser through sexual violence. Moreover, in the initial stage of sexual violence, when the victim does not report to the police or seek help from others in time, the perpetrator will think that the victim is weak and dare not defy his feelings, and then will intensify sexual violence against the victim. Secondly, bad habits such as alcohol abuse also promote the behavior of the abuser. In some cases, some victims stated that sexual violence will occur after the abuser drank, but this behavior will not occur when the abuser is sober. Moreover, some abusers who commit violence after alcohol abuse will apologize to the victim and make compensation after sober, which will cause the victim to mistakenly believe that this sexual violence is just an accident after alcohol abuse. However, the abuser will use alcohol as a reason to commit multiple sexual violence to the victim. Some victims may even suffer from Stockholm syndrome, believing that the abusers did not kill the victim while committing sexual violence and it is benevolent to compensate when abusers are awake. Third, the native family has a very large influence on the abuser. If a person is born in a family with sexual violence, that person may think that sexual violence is a normal thing in the family. Regardless of whether this person becomes the abuser or the victim, this person will not think that this behavior is wrong and

violates the law. Fourth, in traditional perceptions, it is normal for married couples to have sex, so when one party forces the other to have sex, it is sometimes mistaken as legal and reasonable [5]Sexual behavior is indeed a part of married life, but at no time and in any relationship should not force others to have sex.

3. CAMPUS SEXUAL VIOLENCE

The definition of school sexual violence adopts the definition of the Bangkok Conference, that is, sexual violence incidents where violent acts occur in educational settings[6]. School sexual violence is not only mainly physical sexual violence but also mental sexual violence. School sexual violence may occur between the opposite sex or between the same sex.

3.1. Status and Characteristics

Due to the rapid development of the news media and the increase in the legal awareness of children's parents, many incidents of sexual violence in schools have been exposed. Because the parents of the victimized children understand how to protect their children's legitimate rights and interests through legal means and can use social media to independently publish information about the incident to the public to gain support from the public. The survey shows that between 2008 and June 2011, there were 1708 cases of sexual assault involving underage girls in Guangdong Province[7]. Many of the offenders in this type of case are faculty members. Moreover, due to the current development of network technology, online courses have appeared, and some offenders believe that sexual violence against minors through the Internet will not be discovered, so the video time in the online courses is used to induce minors to commit sexual violence. In fact, this type of infringement through the Internet has indeed increased the concealment. Therefore, sexual violence through the Internet also increases the difficulty of police investigation. In traditional Chinese culture, parents and students have a certain sense of admiration for faculty members and believe that the ideological and moral character of faculty members is very high[7], so many students do not realize that some behaviors are acts of sexual violence, and some parents sometimes fail to discover the students' abnormalities in time. This situation leads to a strong concealment of school sexual violence incidents. At present, incidents of sexual violence against minors by minors are constantly occurring[6], and many minor offenders sometimes fail to realize that they are committing sexual violence. Many sexual violence among minors is more difficult to detect, because they may only use language, and this form of sexual violence is often ignored or considered to be a joke. Even when the victim resists, he will be ridiculed or hurt more seriously. When teachers understand the situation, most of them will focus on

criticism and education. Parents think that their children's classmates are all minors, and they will not behave in a way that hurts others. If there are disputes in time, they will not be very serious. Sometimes they do not pay attention to the words of the victim. Moreover, at present, school sexual violence may also appear together with other violence. According to statistics, among 147 reports, there are 11 reports of sexual violence and mental violence appearing together, and 13 mentions of sexual and physical violence. There are 67 articles about sexual violence, mental violence and physical violence[6]. Additionally, when sexual violence occurs in schools, some management teachers or principals will choose to conceal that the purpose is to protect the reputation of the school. However, this is extremely unfair to the victimized students, because suffering from sexual violence not only affects their body, but also has a very serious psychological blow, and those who should protect the victimized students choose to stand on the side of the abuser. The victim's student blow was very serious and indelible

3.2. Causes of School Sexual Violence

Teachers and students are not equal in the power relationship. Teachers have certain power over students. Sometimes some teachers cannot strictly abide by the teacher's norms and choose minor students who are better controlled than adults. Additionally, some students who were victimized were also afraid that the abuser would engage in other retaliatory behaviors and chose not to expose them. Secondly, the dissemination of some unhealthy cultures has also increased the risk of students being subjected to sexual violence[8]. Some bad film and television works are quickly and widely spread through the Internet, and some students are easily accessible in their spare time, and then some students have the curiosity to imitate such bad works. Third, some students are pure-minded, and some parents and teachers have not noticed the importance of sex education. Therefore, some students cannot accurately distinguish between normal romantic relationships and sexual violence. Fourth, legal awareness is weak. Some abusers believe that verbal sexual violence is not a crime, or even that it is a joke. But in fact, any form of sexual violence is not allowed.

4. RELATED LAWS

At present, according to the provisions of the Criminal Law of the People's Republic of China on the crime of rape and the heavier punishment for assault on underage girls[9], it is currently one of the most important criminal laws for crimes of sexual violence. But at the same time, it also has limitations. For example, the protection of men, especially boys, is not mentioned. In the crime of child molestation, it is pointed out that the use of methods other than sexual

intercourse to satisfy the sexual desire violates the child, but this is only an aggravated penalty and there is no separate sentencing[10]. However, in the "Opinions on Punishment of Crimes against Juveniles in accordance with the Law," more detailed provisions are made, which are more effective in judicial practice, but they are not sufficient to make up for all loopholes. For example, the sentencing standards in this opinion are not accurate and detailed enough, leading to different judgments by judges of different abilities, which may affect the justice and authority of justice. In some cases of sexual violence, the perpetrator's methods were too cruel and caused the victims to suffer serious psychological and physical harm. Therefore, some people suggested introducing chemical castration as one of the punishment methods[11]. However, since the current technology of chemical castration is not sufficiently developed and the criminal psychology of causing the perpetrator to engage in sexual violence cannot disappear, it is not a good time to introduce chemical castration. As people continue to increase their awareness of sexual violence, the law is also constantly being developed and improved and can better protect the rights and interests of more people. However, some victims will choose to report to the police when sexual violence, especially domestic sexual violence, occurs. However, some police officers sometimes think that this is a conflict within the victim's family. The police and the judge are strangers and should not interfere with the family conflict. This has led to many discussions on the Internet. Many people believe that the police's handling of domestic sexual violence in accordance with the law is legal and reasonable and should not be punished lightly. After many discussions, many sexual violence incidents are currently handled more objectively and calmly.

5. CONCLUSION

At present, the form of sexual violence crime is getting more and more serious, but many people are not aware of the seriousness of this problem. Domestic sexual violence and school sexual violence both occur between acquaintances who have a relationship. This will lead to higher concealment of this kind of crime. Many victims take into account the relationship and friendship between each other and do not choose to report to the police, and there may be other related acquaintances to help conceal. However, this situation may lead to the emergence of another type of criminal behavior, that is, the victim may retaliate more cruelly against the aggressor after it cannot bear the sexual violence of the aggressor. When sexual violence first appears, the best way for victims to protect themselves is to call the police or ask others for help. In addition, with the continuous improvement of relevant laws, victims can have more choices and powers to protect themselves. For minors, parents and teachers should

assume the responsibility of education and protection, not only to teach them how to protect themselves but also to teach them not to harm others. There is still space for improvement in the laws on sexual violence. Law enforcement officers must enforce the law in accordance with laws and regulations, and cannot choose to reduce punishment because of circumstances. This is unfair to the victim and the perpetrator will not be punished and will continue to commit the crime.

ACKNOWLEDGMENT

First and foremost, I would like to show my deepest gratitude to my teachers and professors in my university, who have provided me with valuable guidance in every stage of the writing of this thesis. Further, I would like to thank all my friends and roommates for their encouragement and support. Without all their enlightening instruction and impressive kindness, I could not have completed my thesis.

REFERENCES

- [1] UN documents: U.N.Doc.A/66/657-S/2012/33[Z]
- [2] China Sexual Assault Judicial Case Big Data Report, 2019 Available at: <
<https://www.chinacourt.org/article/detail/2016/12/id/2491752.shtml>>
- [3] CCTV .2009 Available at:<<https://news.cctv.com>>
- [4] China Youth Network, 2016 Available at:<
http://mip.youth.cn/gn/201609/t20160924_8688951.htm>
- [5] Z. Liu, On Social Support for Women with Sexual Violence in Marriage, Journal of China Women's University, No.1, 2012
- [6] W. Bu, X. Liu, Research on Media Representation of Gender Violence in Campus, Journal of Chinese Women's Studies. No.151, 2019
- [7] L. Lian, Campus sexual assault crime feature, cause and prevention and control, YunNan University, 2015
- [8] H. Liu, The Empirical Research on Minors Sexual Assaulted Crime in China, JiLin University,2013
- [9] L. Lu, Research on the Crime of Sexual Assault on Minors in my country, Journal of HeNan University of Engineering, No.3, 2020
- [10] X. Wen, Research on the Penalty and Regulation of the Crime of Sexual Harassment, Inner Mongolia University, 2020
- [11] X. Xu, Chemical castration cannot eradicate sex crimes, People's Court News,2013