China's Anti-Domestic Violence Measure Falls Short, Critics Say

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China has drafted its first law specifically against domestic violence. It lays out guidelines for restraining orders and getting the aggressor out of the residence.

STEVE INSKEEP, HOST:

We are also tracking a development in China, which involves the safety of Chinese women. The government last month released a draft law directed at domestic violence. And that's a big change for a country where a woman's traditional duty was simply to obey her husband. And what the husband did was nobody's business. Women's groups want the new law to go even farther. NPR's Anthony Kuhn reports from Beijing.

ANTHONY KUHN, BYLINE: Women's rights activist Feng Yuan (ph) has been campaigning for more than a decade for a law against domestic violence. She has surveyed citizens who didn't know what the term meant. And she has lobbied lawmakers who told her...

FENG YUAN: (Through interpreter) Chinese women's status is already high enough. What are you women's groups trying to do? What do you want?

(SOUNDBITE OF TV SHOW, "DON'T SPEAK TO STRANGERS")

UNIDENTIFIED ACTRESS: (As character, singing in Chinese).

KUHN: In this Chinese TV drama called, "Don't Speak To Strangers," a husband does just that. He forbids his wife from speaking with strangers. When it came out in 2001, the drama opened the eyes of many viewers to a problem that is often hidden but all too common in China. A 2013 survey by the All-China Women's Federation found a quarter of married women have suffered domestic violence at the hands of their spouses. Activist Feng calls the current draft law a milestone, a change that came from the grassroots up. But she and others say the nation's new draft law has serious flaws.

(SOUNDBITE OF ARCHIVED RECORDING)

UNIDENTIFIED WOMAN: (Speaking in Chinese).

KUHN: In Beijing, women's groups hold a meeting to lobby the government to fix the draft law and include people that the law doesn't protect. A young lesbian named Sarah Shu (ph) tells her story and describes how her former partner inflicted mental suffering on her.

(SOUNDBITE OF ARCHIVED RECORDING)

SARAH SHU: (Through interpreter) When I tried to communicate with her and resolve the problem, she would appear very hurt, then cry and cry and even try to harm herself by hitting her head with her hands, slamming into walls or clawing at them with her fingernails.

KUHN: The draft antiviolence law does not help Shu or any couples that are unwed, divorced or simply living together. China does not permit gay marriages. It also doesn't help Lau Mien (ph) and her sister, Lau Mian (ph), two migrants working in factories in southern China's Pearl River Delta. Lau Mien remembers getting a phone call from a hospital last fall. They told her that her sister had been seriously injured in a fight with her boyfriend.

LAU MIEN: (Through interpreter, crying) When I got to the hospital, my sister was lying on the bed. She couldn't move her hands or feet, and she couldn't speak. Her whole head was swollen, and her neck was bruised as though she had been strangled.

KUHN: Lau Mien says her sister remains unconscious. Her family has run out of money to pay the hospital. The draft law would not protect Lau Mian because she and her boyfriend were not married. The injuries were serious enough for the police to arrest the boyfriend. He could be charged with assault or other crimes. A positive feature of the draft law is that it allows courts to issue restraining orders against perpetrators of domestic violence. The problem, activist Feng Yuan says, is that applicants for the restraining orders need to apply for divorce first.

YUAN: (Through interpreter) Many of those affected by domestic violence don't necessarily want a divorce. They just want to stop the violence.

KUHN: Feng Yuan says she doesn't know whether the government will adopt her suggested changes to the draft law. But she sees some reasons for optimism.

YUAN: (Through interpreter) I'm not sure whether to feel relieved or grieved about it. But in China, defending women's rights appears less politically sensitive. This is because equality of the sexes is an important slogan and basic policy of the Communist Party.

KUHN: Chairman Mao famously summed up the policy by saying, women hold up half the sky. The anti-domestic violence law comes about half a century after he made that remark. Anthony Kuhn, NPR News, Beijing.