

## **Asian Feminist Movement: Preventative Legislation on Violence against Women**



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**ABSTRACT:** Women empowerment and gender equality are the most popular topics of the UN 2030 Sustainable Development Agenda. Under the concept of traditional culture, Asian women have experienced certain pressure of marriage from their families and the general public. At the same time, intimate partner violence against women has become a significant problem and a common phenomenon in many Asian countries. According to international human rights law, women have the right to enjoy their basic rights to marriage and childbearing. However, due to social pressure, women's rights have faced more challenges. Asian feminists have begun to realize the importance of encouraging women to use legal 'solutions' to protect their rights. Then several Asian Non-governmental organizations (NGOs) have also continued to take more actions to promote anti-violence against women. This article is mainly based on two case studies in China and Southeast Asia to discuss the importance of strengthening the legal protection network of Asian women's rights and encouraging NGOs to participate in the implementation and formulation of laws for women's protection.

**KEYWORDS:** Asian Feminism, Violence Against Women, Legal Protection of Women, NGOs

### **INTRODUCTION**

Under the Universal Declaration of Human Rights (UN, 1948) civil society has raised awareness for women's equality. For instance, protect women's right to make their own decision on fertility, and support them to access equal health care so that women can improve quality of life during childbirth. Every woman, regardless of her sexuality or identity, has the right under international human rights law to live equally without any discrimination. Other important documents for protecting women's rights have followed the Universal Declaration of Human Rights, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (UN, 1993). According to this convention, countries have to eliminate all forms of discrimination against women and promote women's equal rights. Globally, the Sustainable Development 2030 Agenda has also included promoting gender equality as one of 17 Sustainable Development Goals (SDGs) goals to achieve.

### **“LEFTOVER WOMEN” IN CHINA**

In the case of China, the Declaration and Platform for Action was adopted in 1995 at the Fourth World Conference of the United Nations in Beijing. This declaration aims to promote gender equality and protect women's rights in all aspects of life in China. In 1950, China launched the first marriage law which gave females the opportunity to register a marriage and required that both parties involved agree to the arrangement. However, within the traditional patrilineal family system, some Chinese families prefer to have sons rather than daughters (Yan, 2003) along with China's one-child policies have indirectly led to a demographic imbalance. With the growth in the population of unmarried, educated, and career-minded women, even though both men and women have the same features, generally men will hold more power than women in Asian society. The Chinese word “Sheng Nü” (剩女) or “leftover women” in English is a derogatory term popularized by society that describes women over the age of twenty-seven who remain unmarried status. With the international community's emphasis on women's rights and the feminist movement, there are various opposing forces between society and family pressure, and the phenomenon of “leftover women” has begun.

This Chinese case not only reflects the change in different values of marriage, and the society may also need to rethink the social values which can represent women's rights and gender equality. While the word “leftover women” has appeared on social media, the “leftover women” phenomenon has pushed people to discuss the importance of the law for women's rights protection and marriage values in traditional Chinese society. On the one hand, under the traditional family's concept that if single women get older, they will become “leftover”, and the “leftover women” starts to show discrimination against older single women and even indirect language violations of women's rights. On the other hand, with the increasing cost of getting married and education levels, people are becoming more independent or beginning to reject marriage. Moreover, this phenomenon also leads to unsustainable

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development of society and causes economic and social problems in China. As such, Chinese feminist activists also speak out against the title of “leftover women”, claiming that it violates women's rights. In 2017, a Chinese official media (People.cn, 2017) reported that China Women's Daily issued a ban on the use of sexist words in social media, such as “Sheng Nü” or “leftover woman” to describe unmarried women to advance gender equality. With the feminist movement and raise public attention, more and more Chinese women are seeking to use national laws to defend their rights, such as the Law on the Protection of Women's Rights and Interests of the People's Republic of China was first adopted in (later revised in 2005) (UNHRC, 1992). According to this law, the state will more actively train and select female cadres to take the leadership position, protect the women’s reproductive rights and the right of self-determination in marriage.

### **VIOLENCE AGAINST WOMEN IN SOUTHEAST ASIA**

Violence against women is defined by the United Nations as an act of violence that causes physical, sexual, or psychological harm to women. Until now, violence against women is still a significant issue and a common phenomenon in many countries around the world. The World Health Organization (WHO, 2021) reported that violence against women is a major public health issue that has a negative impact on women's physical, mental, sexual, and reproductive health. Among all forms of violence against women, intimate partner violence is one of the most common forms. According to the World Health Organization (WHO), one in three women in the world has experienced physical and/or sexual violence by their partner. In the case of Southeast Asia, a survey adopted by the Women and Men Progressive Movement Foundation (WMP) in Bangkok, shows that 42.2 percent of respondents were coerced into sexual acts with their partners, another 41.1 percent reported being coerced into having an abortion (BangkokPost, 2017), others also mentioned that they have been subjected to physical and mental abuse at the hands of their partners. A report of (UN Women, 2018) shows 15 percent of women in Lao have experienced physical and/or sexual violence, while 54 percent of women in Vietnam have experienced emotional violence in intimate relationships in their lifetime.

To address violence against women, Southeast Asian countries recognize the importance of promoting legislation to protect women's rights, countries like Thailand launched the “Domestic Violence Victim Protection Act, B.E. 2550” and the Criminal Code Amendment Act (No.19) B.E. 2550 in 2007. Other Southeast Asian countries like the Philippines have implemented the Magna Carta of Women (MCW). In Myanmar, the state adopted Comprehensive Law on the Prevention and Protection of Violence Against Women to aim to protect women’s rights by law. Legislation on violence against women is not only limited to the national level but also the region as a whole, such as the Association of Southeast Asian Nations (ASEAN) also adopted the Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN region. Globally, several international laws can also play a key role in women’s rights protection, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Universal Declaration of Human Rights. etc.

### **NGOs IN PROTECTING WOMEN'S RIGHTS**

This is an important question to consider: who should be responsible for protecting women's rights? Today, civil society pays more attention to comprehensive development in modern society. Scholars (Burger R. and Owens T., 2010) mentioned that the NGOs are critical to socio-economic development in developing countries and their position within the development sector has risen dramatically. One of the most important advantages of NGOs is their ability to maintain political neutrality and institutional independence. Beginning in 1974, a Bangkok-based NGO called the Association for the Promotion of the Status of Women (APSW) has assisted many women and children who come from all parts of Thailand. According to the official information of the organizational website and author's field trip in November 2019, the Women’s Education and Training Center (WE-TRAIN) of the Association for the Promotion of the Status of Women (APSW) offers opportunities for women to receive vocational skills training based on their interests, these training activities are also organized to economically empower them and promote gender equity.

Public interests in the role of NGOs’ contribution to public service delivery did not rise only because it was deeply in touch with locals, also it perceived comparative advantages in reducing the communication gap between different stakeholders. What is the role of NGOs in contributing to legal education and protecting women’s rights by law? One interesting example is that the staff from the Association for the Promotion of the Status of Women (APSW) recognized that it is difficult to solve the fundamental problem of gender issues with only material assistance in the long term. Lack of legal awareness among the women’s community is one of the most important challenges to promote women's rights protection. A sub-project of the Association for the Promotion of the Status of Women (APSW) is to establish a Youth Center for youth in the vicinity and help them keep a positive attitude towards gender equality and social responsibility. From the long-term perspective, education on sexual health and gender equality not only teaches young girls to protect their rights when they are violated, and also promotes the possibility of future gender equality.

It's necessary to think about the relationship between NGOs and governments in the process of implementing policy and enacting the law. For example, the Gender and Development Research Institute (GDRI) is a research project of the Association for the Promotion of the Status of Women (APSW) that takes action on policy issues including advocacy to improve women's status and promote gender equality. Local NGOs like the Association for the Promotion of the Status of Women (APSW) will continue to

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participate in the formulation of national policies and laws. The local government also recognizes the significance of encouraging NGOs to participate in the regulation-making and/or communication process during the local feminist movement, then contribute to rebuilding closer social connections between the women community and the public sector.

### CONCLUSION

Based on those two cases, local government and civil society in Asia have been increasing more attention to the violations of women physically and mentally. Asia feminist activists and NGOs will continue to support national legislation and the implementation of policies that protect women's rights so that Asian women can have more equal rights in marriage, childbirth, and health. However, many critics also argue that establishing a legal protection network must focus not only on women's direct rights, but also advocating a more transparent and gender-inclusive social media space to stop cyber violence against women. First, encourage social media to reduce the use of the word “leftover women” to describe older single women, and give more encouragement and tolerance. Second, the role of strategic government intervention is important to promote localization of national laws that protect “leftover” people's equal rights in their future marriage decision. Third, NGOs can take some role in educating the right to gender equality and raise their awareness of rights protection by using the law, such as the case of the Association for the Promotion of the Status of Women (APSW). In the end, the international and national law should not only target only women or men, the general public in Asia may also need certain social transformations that give more respect and tolerance for women in modern society.

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