

**STANDARD FRONT PAGE
FOR
EXAMINATION PAPERS**

To be filled in by the student(s). Please use capital letters.

Subjects: (tick box)	Project	Synopsis	Portfolio	ThesisX	Written Assignment
----------------------	---------	----------	-----------	---------	--------------------

Study programme:	Development and International Relations (CIR)	
Semester:	10th	
Exam Title:	Thesis	
Name, Student No/ Names, Student Nos of group member(s):	Name(s)	Student Number(s)
	Lina Džiaugytė	20132447
Hand in date:	18 th May	
Project title /Synopsis Title/Thesis Title	Civil society's contribution to the development of the first Chinese national law on domestic violence	
According to the study regulations, the maximum number of keystrokes of the paper is:	180,000	
Number of keystrokes (one standard page = 2400 keystrokes, including spaces) (table of contents, bibliography and appendix do not count)*	140,126	
Supervisor (project/synopsis/thesis):	Peer Moller Christensen	

I/we hereby declare that the work submitted is my/our own work. I/we understand that plagiarism is defined as presenting someone else's work as one's own without crediting the original source. I/we are aware that plagiarism is a serious offense, and that anyone committing it is liable to academic sanctions.

Rules regarding Disciplinary Measures towards Students at Aalborg University:

<http://www.plagiarism.aau.dk/Rules+and+Regulations/>

Date and signature(s):

18/05/2015
Deunt -

* Please note that you are not allowed to hand in the paper if it exceeds the maximum number of keystrokes indicated in the study regulations. Handing in the paper means using an exam attempt.

Civil society's contribution to the development of the China's first national law on domestic violence

Master Thesis

Lina Džiaugytė

18/05/2015

Abstract

In 1995, China hosted the UN Conference on Women's Rights, which was internationally and domestically a significant event. While internationally it formulated anti-VAW (violence against women) campaigns, it introduced the term of domestic violence for the first time to the hosting country's society. Moreover, the Conference helped to legitimise civil sphere organisations, and provided them with the framework to operate. In the end of the last year the very first China's national law on domestic violence has been drafted. This thesis gives a detailed analysis of the overall process of creation of this law by applying two theories – David Easton's System Theory to Political Science and Peter Ho's embedded social activism. It discusses the role of the civil organisations in this process while also considering the challenges these organisations had to face. In the following years after the Conference, Chinese government increased women's rights development; however, domestic violence was still politically and socially regarded as a taboo topic. The increased number of women's rights NGOs started launching projects to educate the society over the issue, one of them being "Don't talk to strangers", the very first China's national TV show about domestic violence. This TV show helped to make the topic of domestic violence to lose its political sensitivity, however, it was still considered as family matter, which meant that common people regarded the topic to be shameful to discuss. Afterwards, two stories of Kim Li and Li Yan went public, which not only increased society's awareness of the problem but also pointed out that the country lacks juridical protection for the people suffering from domestic abuses. In the last few years, civil sphere put a great effort to tackle this problem, which peaked with government's willingness to deal with the problem and the very first law on domestic violence was created.

Key words: Domestic violence, Chinese NGOs, embedded social activism, INGOs in China, national law, civil society, women's rights.

Abbreviations

UN – United Nations

NGO – Non-governmental Organisation

INGO – International Non-governmental Organisation

GONGO – Governmentally Organised Non-governmental Organisation

CEDAW - the Convention on the Elimination of All Forms of Discrimination against Women

DEVAW - Declaration on the Elimination of Violence against Women

HRW – Human Rights Watch

MOCA – the Ministry of Civil Affairs

ACWF – All China Women Federation

VAW – Violence against Women

CCP – Chinese Communist Party

US – The United States

DV – Domestic Violence

CCTV – China Central Television

NWCWC – National Working Committee on Women and Children

CLS – China's Law Society

BWS – Battered-Women's Syndrome

Table of Contents

1. Introduction	4
2. Methodology	6
2.1. Motivation, Research Problem, Main Focus and Objectives	6
2.2. Limitations and delimitations	6
2.3. Significance of the study	8
2.4. Research Method and Research Approach.....	8
2.5. Data Collection.....	8
2.6. Definition of Civil society, civil society organisations, and it's meaning in China's context.....	10
2.7. Choice of theories.....	11
2.8. Choice of examples	12
2.9. Structure	12
3. Theoretical Part	14
3.1. David Easton's System Theory to Political Science	14
3.2. China's Embedded Social Activism.....	18
4. Analysis.....	23
4.1. The UN Conference	23
4.1.1. International backdrop.....	23
4.1.2. The impact on conceptualisation.....	25
4.1.3. The impact on civil society	27
4.2. The following years and the influence of a TV show "Don't talk to strangers"	30
4.2.1. The consequent inputs to the political system.....	30
4.2.2. Resulting major and minor outputs	32
4.3. Kim Lee's example and its impact.....	35
4.3.1. Background Information	35
4.3.2. Analysis of the example	37
4.4. The impact of Li Yan's example.....	41
4.4.1. Background Information	41
4.4.2. The arise of defined demand	43
4.5. The role of NGOs and the transformation of demand into issue.....	46
4.6. The role of INGOs and its contribution to the process.....	51
4.7. The draft of a new law.....	54
5. Conclusion.....	56
Bibliography.....	59

1. Introduction

In the end of the last year the very first China's national law on domestic violence has been drafted. Many women's rights activists consider it as a manifesting victory, after going through decades of pushing the government for the creation of this law. The very first steps towards tackling the problem could be seen with the UN Conference on Women's rights, held in Beijing in 1995. However, twenty years is a long period and it is interesting to investigate why China needed so much time in order to develop their own national law, when it seemed like the country was already on the right track, by signing international treaties in the end of the last century. This question asks for further considerations in order to obtain a full picture of the progress on how those changes have been developed. It also asks to analyse what were the obstacles that prevented from the faster establishment of this juridical document.

After the Tiananmen Square demonstrations, Chinese government did everything to prevent new incidents from happening, thus, any actions aiming to build a civil society were under scrutiny. However, in 1995, Beijing hosted the UN Conference on Women's Rights, which brought a new phase not just to a feminist movement, but contributed to the popularization of the concept of NGOs in China. Moreover, Chinese feminists with the help of the mainstream media tried to send the message that NGOs are not anti-government organisations and that the formation of Chinese women's NGOs would help to serve the Beijing's seek to "*connect [China's] tracks with the world*" (Zheng and Zhang 2010, 41). The realization of how important it is to develop civil society has been accepted at the beginning of the 21st century. Indeed, the UN conference, together with the environmental movement, helped to create more space for NGOs to operate. Furthermore, it pointed at many questions related to women's rights development, domestic violence being one of them.

Traditionally Chinese society regarded domestic violence as a private family matter; therefore, the first task, since the Conference took place, was to educate people and spread the idea of violence being a crime no matter if it happens in a private or in a public sphere. This thesis includes three examples in order to better understand the transition from the initial stage of the changes to the publication of this new domestic law. The first one presents the educative TV show called "Don't talk to strangers" aired in 2002. The other two cases picked are those of Li Yan's (2010) and Kim Lee's (2011). Kim Lee's story was regarded as an unprecedented, due to the

victim's decision to bring something that is considered as a private family matter to public for the very first time in China. Li Yan's story, which is still on-going, clearly pointed out at the weaknesses in the Chinese law system regarding the domestic violence and lack of protection for women. These examples have been chosen because they have brought both, national and international attention, and helped not only to increase discussions over the domestic violence but also pushed towards tackling the problem itself. Moreover, civil organisations working on women's rights improvement have been either directly involved in the escalation of these examples or especially active when seeking to drag people's attention and to obtain some achievements in solving the problem.

This thesis aims to analyse this period of twenty years by seeing what the changes are and how they have been developed. It starts with the UN Conference and goes through the specific examples in order to investigate the process. Thus, the problem formulation of this work is: ***"What are the roles of NGOs and INGOs in the developmental process of China's first national law on domestic violence?"*** While seeking to find an answer to this question, this work will also discuss matters as how we can understand the concept of civil society in Chinese context, what it takes for civil organisations to reach their objectives in China's political system, and, finally, why the process of the creation of this new law took twenty years when the first inputs were seen in 1995.

However, China's civil sphere cannot be understood by only applying Western models and theoretical approaches. Therefore, the theories were chosen in accordance with this notion. Peter Ho's theory on embedded social activism, which has been specifically developed for China, is going to be applied in order to increase understanding of China's civil society. Also, David Easton's System's Theory is applied for conducting the analysis on the development of the new law. The analysis includes the whole cycle of this process – from the introduction of the concept of domestic violence to the Chinese society, the raising demands in country's political environment, and the transformation of these demands into issues, to, finally, the government's decision to generate an output in a form of new law. The work focuses on the civil society in this process and seeks to understand its role in it.

2. Methodology

2.1. Motivation, Research Problem, Main Focus and Objectives

The problem formulation of this work, as it was defined in the introduction, is “what are the roles of NGOs and INGOs in the developmental process of China’s first national law on domestic violence?” This chapter is aimed to discuss what methodology of this thesis is, how the objectives are going to be reached in order to find the answer to the research question. The idea to write about domestic violence started from an observation that during the last few years, it was a widely discussed topic in the Chinese media, and the well-known stories of Li Yan and Kim Lee have attracted a severe international attention. It was observed that women’s rights NGOs paid much attention to the discussed examples or dedicated their work to a general women’s rights improvement in China. Consequently, it became interesting to find out what actually these organisations are able to do in order to obtain their objectives, what are their limitations and areas of influence, and are they able to inflict any changes.

The main focus of this work is to figure out how the law on domestic violence was created. In order to do that, this work analyses the civil society in China and its functioning in the environment of its political system while also considering the global civil society playing a significant role. This is one of the objectives – to discuss the patterns of civil organisations’ functioning, find the challenges they face, while concentrating on one specific field and a specific case.

2.2. Limitations and delimitations

Before the analysis of the chosen matter is going to be conducted, clear limitations and delimitations must be defined. As it was stated, the focus of this work is the functioning area of the civil society in China. This study concentrates on the organisations working on the women’s rights issues or the ones that have relations with the development of the national law on domestic violence. However, this is not a case study of any particular NGOs, thus, it contains general considerations, and even if it includes one or another organisation more frequently it is only due to these organisations’ efforts regarding the discussed matter and them being more apparent in the gathered literature. In addition, the author seeks to analyse the influence of the

global civil society, for this reason, this paper also includes discussions over the input from the international organisations. As with the local NGOs, there is the same consideration when discussing INGOs – it is not a study of any particular organisation, it is concentrating on a more general picture of a global civil society's contribution to the development of the new law.

Furthermore, it is important to emphasize that this work does not analyse the law itself. It includes a discussion of the international treaties that China has ratified and its content but only in the relation with the overall process of the creation of the national law. The author of this thesis aims to conduct a research in the political science field and a chosen case of domestic violence is considered only as an object, which is not going to be analysed itself from the perspective of the law. This research analyses the social and political processes of the development within the spectrum of twenty years in the environment of Chinese political system and does not seek to make any juridical analysis.

Finally, as long as this paper applies an historical research model, it is very important to specify what are the starting and ending points of this survey. While keeping in mind that it analyses societal and political changes and the processes, it is very difficult to consider all the events that might have had an influence over the analysed issue, or not to overlook some that could have had an impact. However, the limitations must be set. Considering that the UN Conference on Women's Rights held in Beijing in 1995 is a greatly significant moment on many different levels for Chinese social and political sphere, it is important to include it in this work. This consideration flourishes from academic researches done by numerous Western and Chinese scholars. Thus, it becomes the starting point of this research. The examples for the analysis have been selected based on the author's personal judgment, which derived from a survey of media sources. Any other events, incidents or historical foundations might be mentioned in this work only as relevant matters which provide with important additional information; still it will not be analysed itself.

Nevertheless, there is also a delimitation to be defined here. Media and social media made a great contribution to this matter, thus, their role cannot be omitted. This work includes their input in the overall social environment, especially when discussing the creation of inputs from the society towards the government in regards to the need for the new law. In addition, media have been a main tool when spreading and discussing all three examples that are included in this work. Finally, while the law has

only been drafted in the end of the last year, there are almost no academic articles available on this matter. It becomes crucial not only to gather information from the media but also to consider their role as profoundly significant when conducting the whole research.

2.3. Significance of the study

This thesis aims to discuss the social process of the creation of the new law, which has not been even enforced yet. This signifies that the research question has not been widely discussed, at least not from the academic perspective. For this reason the significance of this study lies within the idea that it could contribute to the scholars seeking to do their researches on China's civil society, China's development of women's rights, the role of international organisations when helping China to improve both, women's rights and other social matters. Moreover it aims to provide with understanding what the limitations of civil organisations are, and what helps them to become successful in their field.

2.4. Research Method and Research Approach

This thesis applies a historical approach method by investigating a period of twenty years. This approach provides the analysis part of this work with a clear structuring principle. It is mainly a qualitative study that includes quantitative data in order to provide with some relevant information for a better picture. It mainly adopts interpretivism as its approach model. This model suggests that the research is based on the examination of the gathered empirical material and it is conducted in a subjective-critical way. Moreover, the knowledge and ideas are generated from indirect observations of the primary and secondary sources. Finally, it is an inductive study and it conducts an exploratory work while remaining within the frame of desk research approach.

2.5. Data Collection

In order to get the best possible results, the author gathered information from various sources. The work employs primary and secondary data collected by

applying a desk research. Since the field research was not applicable in this particular situation, the author of this work had to rely on resources which could provide with necessary information for the investigation. Some primary sources have been used for this work. International treaties, such as, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Declaration on the Elimination of Violence against Women (DEVAW), provided with the information on international law's documents regarding the issue of domestic violence. These documents are also important considering that China has ratified both of them. During the UN Conference, the Beijing Platform for Action was created, which is also has been used for writing this thesis. Moreover, the Report of the People's Republic of China on Beijing Platform for Action has been an extremely valuable resource. Indeed, this document shows not only what China has accomplished in the period of 1995 to 2004, but also provides us with the official considerations of Chinese authorities regarding the development of women's rights and relevant matters, domestic violence being one of them.

Apart from that official governmental, NGOs, GONGOs or INGOs websites have been used. As said earlier, this thesis does not seek to analyse the work of any particular organisation, therefore, the selection was mainly based on accessibility of the published resources. The biggest international players, such as Human Rights Watch or Amnesty International, and their official websites were used for this work. The official websites provide with precise and numerous information regarding their actions which are easily accessed, for this reason these organisations have been chosen for the study. This is also the case of Chinese civil organisations and governmental webpages. Thus, for instance, All-China Women's Federation's website has been accessed to gather data. However, most of the data of this thesis comprises of secondary data, such as academic articles, media sources, social media. Information was collected from both, international and Chinese media, especially when discussing the chosen examples. Using only one type of source would have brought partiality. On the contrary, the chosen way provided the author with information which could have been omitted, overlooked or not emphasised enough in other sources.

2.6. Definition of Civil society, civil society organisations, and it's meaning in China's context

The term civil society is going to be often used in this thesis. Thus, a clear definition has to be provided to a reader in order to understand what the author means by applying it to the research. However, many scholars regard it as a problematic term to define. It could be considered as a public realm of citizens who collectively seek to promote or defend their interests towards the state (Boussard 2002, 159). The sociological definition suggests that a civil society can be regarded as associational sphere between the state and constitutive parts of population. This sphere is created by civil society organisations that are self-organized and self-governed and they are also established by the will and interest of the society members (White, Howell and Shang 1996). As UN Global Compact website declares, civil society organisations are *critical actors in the advancement of universal values around human rights, the environment, labour standards and anti-corruption* (UN Global Compact n.d.). In other words, they could also be described as non-profit organisations which are private and are established in order to serve some societal interests (Davis and Moosmayer 2014, 79). However, in the authoritarian regimes, civil societies are not quite the same. In such countries governments seek to replace autonomous associations with state regulated ones. The civil sphere becomes regime-controlled space, where public actions are limited (Perinova 2005, 7).

However, China's situation could be described as a composition of these two perceptions, having features of democratic and non-democratic civil society. The Chinese term of NGOs 非正组织 *feizhengzuzhi* is often replaced by 民间组织 *minjian zuzhi* (people's sphere organisations), which does not include a word 'non-governmental' in it, and also eliminates undesirable meaning of character 非 *fei*, which signifies not just 'non' but also 'anti' (Spires 2011, 8). Many scholars consider that Chinese NGOs are either "officially organized" or "popular". When the first one by its definition implies its close ties with the government, the second one is a grassroots organisation. The first group could be also described as top-down organisations and the second follows a bottom-up model (Lu 2007, 2). Thus, one can consider Chinese NGOs having a bigger spectrum of types – ranging from fully governmentally organised to

totally independent ones, as of a Western type. Moreover, due to the complicated and ambiguous legal status, many of the NGOs are likely to be sensible towards overall political situation and also narrow the spectrum of its activities to, for example, policy suggestions, education, research (Davis and Moosmayer 2014, 81). Chinese civil society is distinct from the Western one. On the same time, it is also different from the authoritarian countries'. The more detailed analysis of Chinese NGOs is going to be presented in the analysis and theoretical part of this work, where Peter Ho's theory suggests that China is a semi-authoritarian country where embedded social activism represents the features of civil sphere.

2.7. Choice of theories

The analysis of this research is based on an application of two theories. The first one is David Easton's System Theory to Political Science; the second one is Peter Ho's Embedded Social Activism. The first theory helps to understand the processes of a political system; including how demands are generated and how do they evolve into issues which government deals with. In the case of this study, starting with the UN Conference, the societal environment is going to be analysed with its creation of inputs towards the government. On the same time, the outputs, if there is any, are going to be considered in the same way. This theory is considered as a tool which helps to see how the state and society works together by generating the inputs/outputs and leading the country to further development. For this reason this theory will be used to find answers to several questions. It will be used to discuss the process of law's development, what each example and decision generates new to the society and state's environment, what does it create as inputs, how does the government react to it and how does a need of a societal group is transformed into an issue that government chooses to deal with.

The second theory has been chosen in accordance to the author's personal belief that it introduces a major explanation on how the civil society functions in China. This theory has specifically been developed for China, thus, it provides us with some profound insights on the civil organisations' existence and functioning. Every academic work seeks to diminish a possibility of bias. Therefore, the author believes that choosing any other theory on civil society might generate some partiality due to its lack of consideration about China's specific political and societal framework. For this reason, applying a theory, which has particularly been constructed for the concrete state,

increases a possibility of obtaining a deeper understanding and helps to comprehend the situation better. Moreover, Ho's theory provides with the insights for answering the questions, such as why there were challenges on the way of law development, how does Chinese government interact with the social sphere and how did it affect the whole process of law construction.

2.8. Choice of examples

This work includes examples that are analysed in order to understand better the overall process of development of the law. It includes TV show „Don't talk to strangers” and two cases – Kim Lee's and Li Yan's. The TV show has been selected due to the fact that it was the first TV show in China focusing on this issue, thus, analysing its effect on the society was interesting. Moreover, this TV show has been mentioned by the Chinese government in its Report to UN on the Beijing Platform for Action. This means that the government itself considered this TV show being influential to Chinese society and aiming to tackle the problem.

The other two stories have been chosen because they attracted attention in both Chinese and international media. During the period of data selection the author of this thesis observed that these two cases are often being mentioned when talking about the domestic violence situation in China, or discussing the development of the new law. Thus, it suggested that these two stories made an impact on Chinese society when formulating demands towards the government for the new law. Therefore, they have been included in this research. Also, it was observed that civil society organisations have been active in regards to these two stories, especially to Li Yan's. Thus, while analysing the role of these organisations in the overall process it was important to have a better look if their work was influenced by these stories too.

2.9. Structure

This work is composed of five parts. The paper starts with an introduction, which presents an overall situation, defines the problem and explains what this work seeks to analyse. The second part is methodology which itself consists of nine sections. Each of them represents how this research is going to be done, what does it include, what is the main focus of it and what does it aim at. The methodology section is an

extremely important part of this work because a reader is introduced to the technical details of this paper. The third part of this work is the theoretical part. This segment consists of two sections; each of it is dedicated to discuss one of the chosen theories. It provides with an explanation of the theories, their main features, provides a reader with the theoretical background before the application of the chosen problem starts in the analysis.

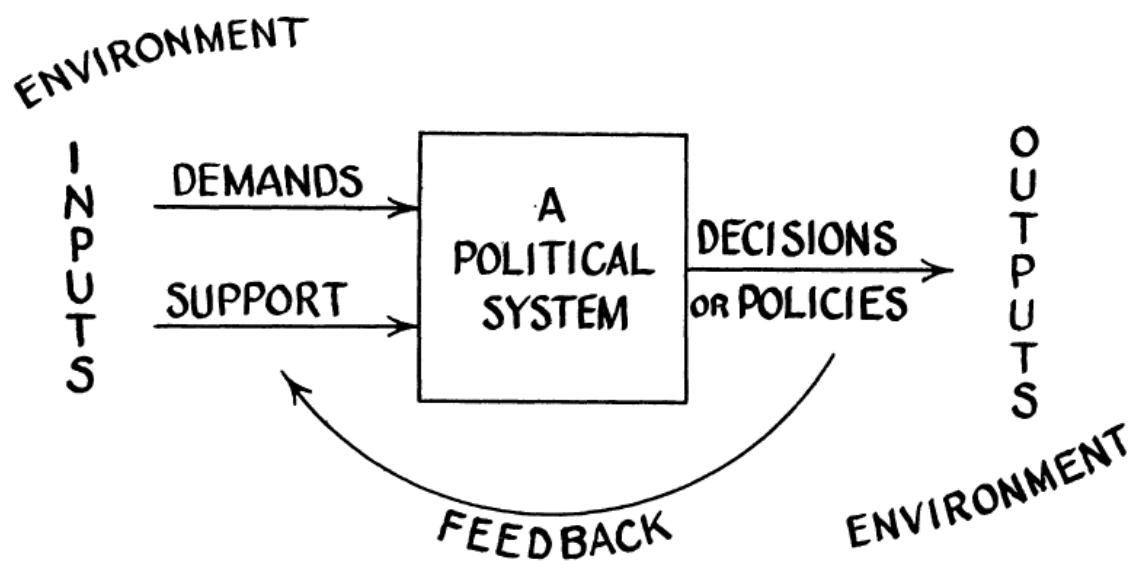
The fourth part is the analysis that consists of seven sections dedicated to either different examples or different questions of analysis. Some of them are composed of few parts themselves, which include theoretical and factual information, in order to combine them together and conduct a theoretical analysis of the research question. The whole segment follows the historical approach pattern, meaning that it starts with the UN Conference, goes through specific moments, and ends with the discussion of the new law. However, two sections are dedicated to discuss the features of NGOs and INGOs. The first one (4.5) aims to analyse how the demand for law was transformed into an issue and, in order to understand it better, the role of NGOs is presented together with its specific features and patterns of embedded social activism. The second one (4.6) is dedicated to have a deeper view on INGOs contribution and discusses it theoretically. The paper ends with the fifth part, the conclusion. This final part presents findings, discusses if the objectives have been reached and if the research question has been answered.

3. Theoretical Part

3.1. David Easton's System Theory to Political Science

David Easton is one of the most famous and influential Political Scientists of the 20th century. Regarded as behaviouralist and post-behaviouralist revolutionary, he contributed to political science by creating the Systems Theory. He was seeking to place a political theory (moral and causal) at the core of the study of political society (Strong 1998, 267). In 1953 he published *The Political System* which was already an attempt to reformulate a political theory while including more of empirical research. He considered a political system being a compound of interactions, which would be related to the authoritative distribution of values (Rogow 1966, 142). To him, political system has to accomplish a minimum amount of tasks in order to function successfully. He suggested that there is a need to discover those minimum tasks, based on demands generating from the society (Rogow 1966, 142).

David Easton considers the political system as composed of many actors that can be analysed separately. All of them together make one piece of a structure and all the actors involved have some connections, ties and relations with each other, thus, he suggests seeing the political life as *a system of interrelated activities* (Easton, *An Approach to the Analysis of Political Systems* 1957, 384). He argues that political life can be separated from the rest of social activities, which helps to see it being a self-contained entity and being placed in some environment (Easton, *An Approach to the Analysis of Political Systems* 1957, 384). Therefore, Easton, by creating this distinction, suggests that political structure mainly puts an emphasis on the actors of the system whose decisions affect the other members.



(Easton, *An Approach to the Analysis of Political Systems* 1957, 384)

In this model published together with his article *An Approach to the Analysis of Political Systems*, in *World Politics*, in 1957, Easton situates a System within a field of environments, which are the spheres generating inputs. He considers two kinds of inputs – demand and support, meaning that social and physical environment, first, influences the needs (demands) to arise, which are the inputs towards the political system. Then, the decision makers have to generate some outputs (authoritative allocations of values) by making decisions how to deal with those demands. The outputs (decisions and actions) made by the government makes a new impact to the other components of the system and the environment and that is where the new inputs arise – this time in a form of a feedback: either support or creation of new demands. Therefore, the whole Easton’s model suggests the system being a constant process of interactions where the inputs are being transformed into outputs and vice versa. This cyclic decision making system suggests how a stable political system should be managed and in an occurrence of an error a political system might even be challenged with a break down. In the analysis part of this thesis, these considerations are going to be applied to the environment of China’s political system. The question of how a demand for a law on domestic violence has arisen is going to be discussed.

Easton argued that the political system is being inclined to follow two patterns. In situation where the government is not able to satisfy the needs of the society at least at some extent then this will just terminate in growing dissatisfaction towards the political system of the country. In the situation where some of the needs are being

hindered or ignored, the spill-over effect might happen from the dissatisfied society members and be spread around (Easton, *A Framework for Political Analysis* 1965, 119). He also mentions that the government has to be aware that if the dissatisfaction keeps growing, there is a possibility for it to grow even into some kind of a separatist movement. This can be called as an output failure of the government, which later on might turn into a lack of support (Easton, *A Framework for Political Analysis* 1965, 120). The main idea is that if government fails to meet the needs of some group of individuals, it loses their support. Political life can be regarded as a dialogue, where the decision makers answer to needs, demands, questions, angers and other actions and reactions of the ordinary people. This knowledge is also going to be included in the analysis, while connecting it with the input from China's society towards the law on domestic violence.

However, Easton admits that not every need has to be satisfied by the authorities. Some of the demands might be satisfied by private settlements while others may remain unattended (Easton, *An Approach to the Analysis of Political Systems* 1957, 387). There are some features of a demand which determine if it is going to be transformed into an issue which government decides to solve and provides an output. Thus, there are several determinants. Firstly, it is important to consider the ties between demand and where the supporters of this demand find itself within the power structures of the society. Secondly, there is a question of secrecy in opposition to publicity of the particular demand. Thirdly, the question of timing is also important to consider. Fourthly, there is a question of political knowledge of the initiators of the demand – their know-how skills when approaching the authorities, their access to the channels of communication, their abilities to judge the ways how things are being done in a particular system and them being able to use this knowledge. Finally, the general public opinion on the particular matter is also very important (Easton, *An Approach to the Analysis of Political Systems* 1957, 387-388). Thus, Easton does not say that all of these criteria need to be met in order to make a demand to become an issue; however, he believes that they are the ones that determine how it is done. These considerations are included in the analysis part of this thesis. After finding how the demand for the new law has been generated there is a discussion on how this demand was transformed into the issue (if and how these determinants were met) that Chinese government decided to deal with.

Thus, before applying the theory to the analysis of China's political system and development of a law on domestic violence it is important to keep in mind that Easton provides four premises in order to accomplish an analysis of a state (Rogow 1966, 144). Firstly, he considers political life as a system. Secondly, he suggests that system lies within an environment, which makes a constant impact on it. Thirdly, the system holds variations in the structures and processes within it, those variations can be regarded as attempts of its members to deal with the stresses deriving from both – the environment and internal sources. Finally, the way system manages those stresses is considered as a function that later comes back to its actors. Easton suggests, that no matter the regime of the country, the system lies within this framework, and what matters for its functioning and stable existence is how it manages to deal with the stresses (Rogow 1966, 144). Also, he adds that every system is distinct. While suggesting that every system has the same feature of coping with the stress and experiencing constant changes, *this does not mean that all systems must be have adaptively or equally successful in doing so* (Easton, A Framework for Political Analysis 1965, 88). Thus, there are alternative strategies to choose from which means having a room for innovation. Moreover, the uniqueness of every system lies between the capacity to transform its goals, practices, and even its organisation (Easton, A Framework for Political Analysis 1965, 99-100). This is related to the notion that Easton sees the political system as a living organism. He says that the system consists of human beings who are reflecting the changes and are evaluating them (Easton, A Systems Analysis of Political Life 1965, 225). That is where the constant modification comes from, which challenges and changes within the environment of the system, the system itself or both. Important to say, Easton agrees that every theory within a state system needs to be challenged with a revision and this is a crucial thing for a system to remain open, self-regulating and goal-setting (Easton, A Systems Analysis of Political Life 1965, 21; 225; 479).

However, Easton's model has been criticized for not providing the tools to quantify inputs and outputs, in order to be aware the quantity of outputs for system to generate when seeking to reach equilibrium. Also, while suggesting the needs arising from the environment, it does not include a notion of possibility that those needs can be created and shaped by the government itself (Thompson 1968, 633), a.k.a. demands being constructed by the decision makers intentionally. Moreover, from modernization perspective, it is regarded as functionalist approach to modern state (Bang 2011, 3). It

has been criticized for diminishing possible disruptive actions within the system. The critics arise from Easton's idea, which states that the *system may persist even though everything else associated with it changes continuously and radically* (Easton, A Framework for Political Analysis 1965, 88). It also received critics for developing a theory by applying an image of British and American development, which overlooks distinct features of *a specific moment in the history of a society* (Badie or Birnbaum 1983, 26). However, the application for this work is based on the consideration that Easton does not deny development of the actors and even fundamental changes within the system. Moreover, he never disregarded the distinct features of different systems. He believes that every system functions within the universal framework.

3.2. China's Embedded Social Activism

Applying Western theoretical ideas and perspectives, when discussing China's civil society and its features, can quite often be the source for misunderstandings, approximations and partiality. While some scholars support an idea that the mushrooming NGOs signalize the process of democratization, others, however, argue that China has its own way of development and Western example cannot be applied to China. The last decade saw many different researches on the topic; some of them suggested a new set of concepts, ideas or other theoretical tools that can be used when analysing the processes regarding existence of civil society in China. Thus, in order to get a deeper understanding of the civil society's roles in the development of a new law, the author of this thesis looked for a theory which would consider the specific features of China's political system's functioning.

One of the scholars, developing a theoretical approach which would help to understand China, is Peter Ho, who constructed the theory of "embedded social activism". The concept derives from an idea that China's civil society is not under a full and strict control of its government and there is no direct confrontation between them. He describes China's political sphere holding a semi-authoritarian environment and argues that the government provides a set of rules for controlling and regulating the civil society organisations, however, those rules in the end subordinates a symbiosis between them (Wang 2008, 934). Ho uses his theory to compare the NGO's and the civil sphere working on environmental issues. Regardless, the theory can be applied to any sphere and any type of NGOs in China, because the scholar establishes general

rules (Ho, Introduction: Embedded activism and political change in a semi-authoritarian context 2008, 3). He questions how the Chinese civil sphere in general is, emphasizes its difference comparing it to the Western practices, and analyses the features of China's social and cultural habits that are relevant to develop the theoretical framework.

First of all, on the contrary to the authoritarian regimes, embedded activism can be formed in a semi-authoritarian state. Indeed, this kind of political environment does not fully possess a stringent control and this provides with some space for civic sphere to exist. Thus, Ho argues that since the end of 1970s and the launch of the major reforms in China, one can observe a widening separation between the state institutions and the Party. According to him, during the last decades, judiciary and legislative powers step by step created their more defined autonomous spheres (Ho, Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution? 2008, 20-21). The relations between the state, party and society have experienced some changes; therefore, the attitude towards civil organisations has never been fixed. Moreover, the speech given by the former president Hu Jintao in the end of 2004 has been regarded as government's recognition of how important civil organisations are for the further development (Ho, Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution? 2008, 22). The president addressed the attention towards people-oriented policy. According to a sociologist Lu Shouxin, this speech covered government's realization that a cultivation of the NGOs may increase the chances for a stable development of China (Xin 2005). Thanks to these processes, the civil activism found its area for existence.

Thus, semi-authoritarian political environment has another distinct feature when discussing the ties between the Party, the state and society. While normally one expects the authoritarian regime to create politicized and repressed interactions, semi-authoritarian one is on the contrary – it is de-politicised and free (Howell 2004, 163). Based on that, Ho suggests that China's social activism is set in a paradoxical political environment – both restrictive and conducive (Ho, Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution? 2008, 21). He agrees that Chinese government narrows the fields of activities for civil organisations by establishing restrictions; however it would be short-sighted to see them only in this way (Ho, Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution? 2008, 21). This paradoxical environment creates one of the main characteristics of the embedded activism, which could be called as 'negotiated

symbioses'. As it was said, there are frameworks and sets of rules for the civil organisations to follow. While the government does not base a strict control over their interactions and existence in the end it develops into a symbiotic relation between them. (Ho, Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution? 2008, 22). While not going to a deeper analysis of the NGOs functioning, which will be discussed later in this thesis, Peter Ho's theory explains that in order to be able to successfully operate and empower changes in their field, the society organisations have to keep their profile low. This means, they should be conscious about their activities and depoliticize them, not to conduct anything that would challenge the state's regime (Wang 2008, 934) and be aware of any contradictory actions they may conduct which potentially could attract unwanted government's attention. This knowledge is going to be very important when analysing the roles of civil organisations in the process of new law's development. Thus, it will be applied accordingly to the findings when discussing this process in the analysis of this thesis.

Ho states that by applying the former idea of negotiated symbiosis, this embeddedness for civil organisations may remain unnoticed while on the same time is successfully far-reaching (Ho, Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution? 2008, 25). Due to the limitations set for those organisations, it is quite impossible to stand alone in the field – most of the organisations have some kind of ties and relations with the Party or the State. Especially, in the case of GONGOs, the actual power is still being held by the Party Secretary. Thus, civil organisations can be often regarded as extensions of the government (Ho, Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution? 2008, 25-26). But even in the case of unregistered, grassroots NGOs, those activists often maintain diffuse and informal network relations with the State. Ho argues that in China, an informal side of politics exists, playing a significant role in the existence and operating of civil sphere. The civil organisations find ways how to *approach and influence relevant government departments with policy suggestions* (Ho, Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution? 2008, 27). Even according to the statistics, many NGOs manage to contribute by giving a policy advice to the government (Deng 2001, 23). Also, those organisations launch projects, conferences, workshops, where international or national experts together with the Chinese officials are being invited and an issue being discussed. However, apart from that there is a strong entrenchment of *guanxi* (Chinese

cultural concept that could be explained as relations, ties). *Guanxi* is strongly intertwined with the Party, state and those organisations. It can often be observed that a leader of one of the civil organisation happens to be also a state official. Also, while NGOs for their registration process need to obtain a supervisor body from the government, later on their relations might become close enough to help each other to reach mutually beneficial gains (Spires 2011, 16,20,21). The question of the ties, in accordance to this theory, is going to be applied when discussing the role of NGOs in development of the law on domestic violence. This consideration is important to investigate when considering David Easton's idea on how demands are being turned into issues – determinants for successful transformation includes a notion that the so called political skills of the initiators play a significant role when seeking to convince the authorities to satisfy their demand by generating an output.

Thus, there are two main features that Ho develops in the theory of embedded social activism: first, negotiated symbiosis, second, self-imposed censorship and de-politicisation. In short, the theory of embedded social activism explains that there are no clear boundaries between the state, the Party and the civil society in China. Ho argues that there is a contradictory duality within the political sphere – the government is both restrictive and conducive which is the fundamental source for this embedded social activism to be created. Ho also believes that China is not following other countries' examples due to its unique features, thus, nothing else but this form of social activism could ever provide some political changes (Ho, Introduction: Embedded activism and political change in a semi-authoritarian context 2008, 3). He points out that the successfully modernizing state as China is today, is not likely to go back to totalitarian regime. For this reason, he considers that the embedded social activism might signalize a *transitory stage in China's developmental experiment* (Ho, Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution? 2008, 34).

The analysis of this work is going to be based on the application of these theories. As for Easton's model, there is a labour division in each political system which helps not only equip other members of the society for contribution but also increases the effectiveness of the system. The civil organisations often take place in this contribution of the system's effectiveness. However, in Chinese context it works with the application of negotiated symbiosis with the government, meaning that the features of embedded activism help not only reach the objectives of civil organisations but also helps the

inputs being transformed into issues. These considerations, coming from mingling both of the theories together, are going to be applied when looking for the answers of the research question. These two theories do not contradict and provide with a more profound insight into the process of development of the first law, while also depicting the specific features of Chinese civil sphere that can be observed in this process.

4. Analysis

4.1. The UN Conference

4.1.1. International backdrop

Before discussing the UN Conference on Women's Rights and its impact on the global women's rights development, and, consequently, its development in China, it is significant to consider what international law documents have been enacted and China's standpoint towards them. One of the most significant documents was written in 1979 by the United Nations General Assembly. It is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and is often called an international bill of women's rights (UN Women 2009). The Convention recognises women's historical inferiority, which created systemic disadvantage and negative stereotypes towards them. The aim of the Convention is to terminate this stereotyping and develop the equality within the societies (United Nations 1979) (Cook 1995, 9). Another important treaty that recognises violence against women as a human rights violation is Declaration on the Elimination of Violence against Women (DEVAW) created in 1993 (Kozma and Dauer 2001, 28). The declaration starts with an expressed concern towards violence against women being an "*obstacle to the achievement of equality, development and peace*" (United Nations 1993). It defines violence against women being any gender-based action of violence that eventuates in physical, sexual or psychological infliction or torment towards females, regardless whether it happens in public or private sphere (United Nations 1993). Countries that sign these international law treaties assure their commitment to make steps in order to end such discriminations. The states agree on including the principles in their legal systems, giving up on discriminatory laws, establishing institutions that would guarantee the protection against discrimination and seeking to abolish all acts of inequalities and violence. Any customs, traditions or religious considerations cannot be invoked for the continuation of these problems. By signing these documents, states become legally bounded to assure the defined matters (UN Women 2009) (Cook 1995) (United Nations 1993).

China ratified CEDAW in 1980 and DEVAW in 1993. When accepting an international treaty it has to be adjusted to the domestic juridical system. There are two ways to accomplish that. First one is a direct incorporation, when international law becomes a part of domestic law. The second approach transfers the content to the

domestic law by adjusting it. China uses both approaches because Chinese Constitution does not set up clear boundaries between international treaties and country's law. (Ruijun n.d.). There are two main perceptions: one perceives international treaties not being a part of Chinese legal system while the second one regards treaties signed by the Chinese government as a source of Chinese law (Ruijun n.d.). Thus, the second approach considers these documents being an equally legitimate part of the state's juridical system. However, not having a clear definition leaves a room for interpretation. The information discussed in these two paragraphs is important because it explains what the international treaties that China has ratified are and what are their consequences on Chinese legal system. While the development of the national law on domestic violence is the central discussion of this thesis, signed international treaties have to be presented together with Chinese approaches towards its implementations for a better understanding.

The Fourth UN Conference on Women's Rights held in Beijing in 1995 had a great impact on global women's rights' improvement. It was the biggest of the four UN conferences and is often regarded as the culmination of the global women's rights movement of the 1990s. The event was successful because of its articulated "gender mainstreaming" and establishment of transnational anti-VAW (Violence against Women) campaign (L. Zhang 2009, 70). The Conference was mainly focusing on the issues related to the different forms of violence against women, thus, the issue of domestic violence was not forgotten. The conference defined that acts or threats of violence, regardless the place of its occurrence, are obstacles for development and peace (UN Women 1995). The Conference created a document called The Beijing Platform for Action, which states domestic violence being a violation of human rights. The Platform for Action is closely related to the DEVAW and defines the issue as a "Critical Area of Concern". The document provides detailed outlines for governments and civil organisations' groups while emphasising a need for better policies and the improvement of legal systems over the domestic violence (Minnesota Advocates for Human Rights 2003).

As it was mentioned, the Conference represents the peak of the global women's rights movements. Thus, the decisions that were made there could be regarded as an output which was spread into the international political environment for a feedback to receive. Therefore, considering China already being a global player, its political system found itself in this global environment where those outputs have been

released. Based on that, we can say that the outputs in the global environment pushed towards the creation of the external inputs of the domestic environment of Chinese political system.

4.1.2. The impact on conceptualisation

The UN Conference brought great challenges to the hosting country. Many scholars consider two types of changes it brought – firstly, to China’s civil society and civil organisations, secondly, to the national understanding and conceptualisation of feminism and women’s rights (Tinker and Summerfield 1997, 197). This chapter and the following one analyse these changes. In order to apply Easton’s model, first we need to set the boundaries of the Chinese political system and describe what Easton calls its units. According to him, the units of a political system are the acting elements within it. Normally, the units are political actors which can be seen as the ones fulfilling political roles or being in political groups. It is important to keep in mind that any political system is not placed in a vacuum and we need to consider the environment that the system is placed in. Moreover, when setting up the boundaries, all the actions that are related to the decision making process must be included (Easton, *An Approach to the Analysis of Political Systems* 1957, 385). Thus, in the case of our research question, we consider as units the Chinese government – the party, the officials and political bodies who have legislative power regarding development of women’s rights and national laws. Also, we regard feminists, women’s rights activists and civil society organisations as other political units acting within the system. As it was discussed in the previous chapter, the environment of China’s political system was affected by the global movements, especially when considering the impact on its environment during the UN Conference.

The communication between Chinese and foreign feminists started around 1980s, however, the UN conference gave a crucial impulse to implement changes. First of all, when preparing for the event, Chinese government had to consider the actual country’s situation. Therefore, the preparation period already brought some positive changes. Some small projects were launched which were directly improving women’s living conditions, the National Women’s Federation and its local branches received financial funds for renovation, new women’s studies were launched at the universities, media started paying more attention to feminism, the upcoming conference and other

relevant questions (Wang Zheng 1996, 194). According to Easton, some of the demands arising in the political system are not being transformed into outputs on the big scale but can be satisfied through private negotiations or other settlements only for a small group of people (Easton, *An Approach to the Analysis of Political Systems* 1957, 387). Thus, the government was implementing some changes, yet on a very small scale, satisfying demands only for particular groups. This can be regarded as seek to satisfy some activists and preventing their ideas and demands from turning into the nationally wide movement. Having in mind the political environment in China in 1995, only six years after the Tiananmen demonstrations, we could understand the government's need to provide some settlements while hoping that in this way the environment of the political system will be less affected and will not generate more stresses to cope with.

One of the most important changes the Conference brought was the introduction of the conceptual frameworks that helped transforming Marxist ideas on gender equality into a modern perception. 男女平等 *nannv pingdeng*, a concept coming from a translated English term “sexual equality”, was endorsed by the CCP by advocating women's rights as their revolutionary agenda. It communicated a message of sexual inequality between genders being a form of class inequality. The equality between genders could be gained by “*women's equal participation in production under public ownership*” (Zheng and Zhang 2010, 42). Even at the time it looked progressive, by the 1980s it was clear that this policy was not sufficient to terminate the sexual inequality. The country was in need to find the ways to improve the lives of the females and the UN conference offered some new theoretical frameworks to apply. During the event, Chinese feminists were introduced to the ideas such as the transnational feminist concept of gender, women-centred sustainable development, women's empowerment, mainstreaming gender (Zheng and Zhang 2010, 41-42). It initiated the appearance of the new slogan “Connect the Rails” (接轨 *jiegui*) which signified China's linkage with the global women's movements (Wang Zheng 1996, 195). Thus, the Conference could be regarded as the moment where Chinese women's rights movement converged with the global feminist ideas. According to Easton, demands arise either in the environment of a political system (external demands), or within the system itself (internal demands). We can consider a need for reconceptualisation on gender equality being both – an internal and external demand. Realisation that the applied concept of *nannv pingdeng* is not sufficient, gave an impulse for developing an internal demand towards the new concepts.

On the same time, China's opening up affected the environment of China's political system and this is how the external demand for reconceptualisation was created. The demand was satisfied by the new ideas introduced to the women's rights activists during the conference.

Chinese scholar Lu Zhang who did a research specifically on the development of women's rights movements over the domestic violence issue also regards Conference as the main moment for changing the society's perception. She states that even though there were some intentions before 1995 to do some investigations and educate the society about the matter, things have really started changing after the event. The main reason for that was the cultural and political consideration that the matter was taboo. According to her, there were two main achievements of the Conference that inspired changes over the problem. While making an impact on the state's civil society and, as a result, on the women's rights organisations, it was the moment when the very first discourse and the notion of domestic violence were presented to the Chinese society (L. Zhang 2009, 70-71). Thus, we can consider that not possessing an internal demand towards domestic violence issue can be regarded as a cultural matter. Keeping in mind that the Conference was the moment when the term was only introduced to the Chinese society for the very first time, it means that it also marks a moment when the first impulses over the need for law started to be constructed.

Furthermore, the Chinese government accepted the transnational consensus and policy initiatives, coming from the documents created during the Conference. Furthermore, based on the documents issued during the event, government created Plans and Guidelines for the Development of Chinese Women (1995-2000), which is the very first strategy aiming at protecting women from domestic violence, inequality within the family, etc. (L. Zhang 2009, 71). At this moment, we can consider that the inputs were mainly produced by the global society. However, the Chinese government created the outputs, and these Plans and Guidelines for the Development of Chinese Women's rights are exactly one of them.

4.1.3. The impact on civil society

When the Chinese government obtained the opportunity to host this event it also made the authorities to learn more about civil organisations (L. Zhang 2009, 73).

Additionally, many common Chinese people heard of NGOs for the very first time (Wang Zheng 1996, 195). The Chinese government decided to host the event because they saw it as an opportunity for China to reshape the negative global image Beijing acquired after the Tiananmen incidents in 1989 (Wang Zheng 1996, 193). Unfortunately, the positivity about the event did not last long. The situation changed when the Chinese leaders observed the possible risks that this Conference might bring to the political environment. Those fears were highly caused by the international human rights organisations and their protests against China's policies at some global meetings that China's officials attended to. (Wang Zheng 1996, 196). This caused concerns in the government and they decided to take some actions in order to make sure the event will not bring some unwanted impact on Chinese society. The NGO forum was moved from Beijing to Huairou, a number of foreign participants got their visas' permissions cancelled, the control of the event was increased, Chinese panels had to adjust their speeches to follow official rhetoric, etc. (Cad 1995, 5) (L. Zhang 2009, 73) (Wang Zheng 1996, 196).

The changes of the perception made some Chinese researchers worried. Before the Conference the women's rights issues often were forgotten or overlooked by the government, now there was a risk that the government might start seeing it as too political. Things being political in China mean them having a relation with the *interest, position and power of the government* (Wang Zheng 1996, 194). When something is considered being political, it attracts much more attention from the government, which also brings additional regulation. Thus, the activists became concerned that making women's rights activism a political issue would complicate their abilities to achieve their goals. Therefore, the situation did not leave any other choice for them but to try to diminish the level of political tension as much as possible. Chinese scholars and activists knew that in order to maintain their admittance to the conference the best way was to keep their profiles low and try to depoliticise the researches by staying away from any sensitive issues (Wang Zheng 1996, 197). In the official discourse they were using the officially affirmed expressions, always specified women's rights, women's status, developing women's living conditions, etc. instead of using the politically suspicious term of human rights (Wang Zheng 1996, 197).

In the end, things went well and Chinese officials realised that their fears did not come true and that women's rights activists and feminists were not a threat to the government's legitimacy. It resulted in a great smugness and celebrations, the

Chinese participants of the conference and forum received certificates stating their great contribution to the state's development (Wang Zheng 1996, 198). Moreover, as it was presented in the previous chapter, it even terminated with Chinese government creating their own outputs in a form of Plans and Guidelines for the Development of Chinese Women. Therefore, we can consider that this satisfactory reaction brought a positive effect on succeeding progress of women's rights' development too.

Here, the theoretical discussion with an application of Peter Ho's theory can be brought in order to understand the situation better. He suggests that the Chinese government is both restrictive and conducive in regards to the civil society. Thus, when considering Chinese civil organisations on women's rights, we can also see the formation of this framework taking place during the UN Conference. When the concerns towards the event started rising, the government put restrictions and set the boundaries, in this way diminishing politicisation of the event. Moreover, the language set up by the government as the officially accepted one was suggesting that the activists should concentrate only on the issues regarding women's rights while leaving politically sensitive issues away. It also provided with the guidelines for consideration which topics are open for broader discussion and which ones are regarded as politically sensitive ones. In this way, the researchers and the women's rights activists understood that keeping a low profile would be the way to make things work. On the same time, the Conference proved to the government that this field is not that politically serene and suggested that improving it would be beneficial for all China's development. Consequently, the government contributed more. It not only started launching the programs itself but the increasing number of mushrooming NGOs within the women's rights field and the governments peaceful attitude towards it also suggests that the matter became much more settled. Thus, we can consider that the Conference was also setting up the boundaries for the ties between the government and women's rights organisations, and we can see that the features of the embedded social activism were being followed.

On the other hand, the global civil society received not so positive considerations from the Chinese government. As mentioned before, the global human's rights organisations increased the Chinese government's vigilance and strong concerns towards the event in the first place. Moreover, the slogan "Human rights are women's rights and women's rights are human rights" chosen by the UN was also not perceived positively. The Chinese participants felt cautious about it, thus, adjusted their rhetoric

by avoiding the term human rights. However, the foreign counterparts did not accept the same approach as Chinese participants did. Moreover, there were some disagreements and incidents during the Conference when some sensitive issues were touched. The US first lady Hillary Clinton, Pakistan president gave speeches on the matters that contradicted with China's official policies, or even questioned China's situation directly (Tinker and Summerfield 1997, 197). A Chinese foreign ministry reacted by saying that the officials should not insult the hosting country of the conference (Cad 1995, 5). Thus, while seeing how the Conference set the boundaries for embedded social activism on the domestic scale, we can assume that it did the opposite for the INGOs. The incidents that happened showed those international organisations or foreign officials not adopting the same path, increasing the negative perception of the government towards them.

To sum up, in the beginning the government was cautious, later it learned that non-governmental does not mean anti-governmental, thus, the conference helped to legitimise NGOs in China (Zheng and Zhang 2010, 41). Furthermore, many new NGOs were established. Even though many of them had a nature of GONGOs and were associations strictly following the governmental policies, it still provided with more space for discussion about women's rights (L. Zhang 2009, 73). Therefore, this chapter conveyed four main findings regarding the research question. Firstly, at this moment there was a demand for reconceptualization and more attention towards women's rights development in general. Secondly, the concept of domestic violence was introduced to the Chinese society for the very first time. This also means that only after the introduction an input for the law could have started to be formed. Thirdly, the civil society established its ties with the government based on the principles of embedded social activism. Finally, the INGOs were reluctant to follow the same pattern which increased negative perception towards them.

4.2. The following years and the influence of a TV show “Don't talk to strangers”

4.2.1. The consequent inputs to the political system

The UN Conference generated some outputs to China's political system. These outputs started affecting the environment, thus new demands started to be formed. This thesis aims to analyse the process of the creation of the law on domestic violence, thus, as it was observed in the previous chapter, the UN Conference could be regarded

as its initial stage – the introduction of this concept to Chinese feminists and society. This chapter aims to present the further development of this process by looking at the years following the UN Conference.

In 2000, some women's rights activists created a new organisation (*minjian* 民间), called DV Project, which was the first and the only organisation exclusively concentrating on the domestic violence issues (L. Zhang 2009, 67). The founding of the organisation was supported by China Law Society, funded by some international donor organisations, and received support from university professors, social workers, judges, doctors, policemen and officials from Women Federation. From June 2000 to June 2003, the organisation launched four types of actions. First of all, they conducted a survey and investigated the current situation. Secondly, there were domestic and international conferences held in order to develop theories which would be applicable for Chinese context. It was followed by research on legal aid and hotline counselling. Then, some experimental projects were launched in urban and rural communities, in order to see how the intervention strategies could work. Finally, a Resource Centre was established, which was aiming to educate people about the issue. For the next three years organisation started a new set of activities while applying gathered knowledge and information and aimed at developing a national network (Wei 2005, 48-49). Since its beginning the DV Project conducts a great amount of diverse programs, which can be put under four categories, such as, spreading information, launching training, providing legal advocacy and conducting action research.

Moreover, the role of mass media cannot be forgotten. Media are one of the tools to spread the ideas to the environment of a Political System. *Mass Media has become an important means to legitimize the development of feminist popular organisations in China and to change attitudes in society* (Wei 2005, 49). The most popular channels among ordinary people are the ones that are highly sponsored by the government. Thus, there is cooperation between the GONGOS, the government and the popular channels, such as China Women's News, CCTV, Xinhua Press, People's Daily, etc. The established Domestic Violence Network became partners with the Media Watch Network, and by doing so, the issue of domestic violence could be addressed to public by using the media. Moreover, when discussing the matter outside of big cities, the Domestic Violence Network applied other forms to reach the common people. There more traditional forms of media and even arts were being used, such as drama, wall-

posters, blackboards, folk dance (*yangge* 秧歌), comic talk (快板儿 *kuaibanr*), and local opera. (Wei 2005, 49).

Thus, the Women's Federation by being a GONGO possesses the ties with the media and is able to seek for their objectives more easily. Holding such powers, it is able to make communicative and educative activities accessible by the public on a big scale. One of the most effective projects, launched with the help of some Canadian-based campaign and the UN (HinduPress International 2002), was the TV show Don't Talk to Strangers, China's very first TV plays on domestic violence. This series became a nationwide phenomenon which helped to educate people about the issue in a very direct manner (Report of the People's Republic of China 2004, 14). Women's rights activists considered the TV show being an eye-opener for many common Chinese people. While culturally perceived as a family matter and considering that family matter always stays within the household, the TV show aimed at provoking a discussion over the abusive and violent behaviour in a private sphere. The director of the show Zhang Jiandong was aware that touching such a sensitive matter would bring reactions. However, he did not expect such a great success and he perceived it as "*a sign of progress for Chinese society*" (Bodeen 2003, 1). Moreover, to shake up the viewers, the director intentionally chose the characters being from the upper middle class, pointing that the problem is inherent in the common perception, not depending on person's education, wealth or other issues. The TV show passed the government's censorship, which was surprising for the director himself (Bodeen 2003, 1). The Chinese government tends to deny discussions over socially sensitive issues, thus, the domestic violence was also seen as too politically sensitive topic to be presented on the media (Huang 2007). The decision to air the show proved that the government was changing its attitude towards this issue.

4.2.2. Resulting major and minor outputs

The participants of UN Conference that signed the Beijing Platform for Action received a questionnaire on its implementation that had to be submitted to the UN Commission by the end of April, 2004. China's report states that during the period from 1995 to 2004, China was working on women's rights development and established a legal system for protecting them. It conveyed that the achievements were observable in the increased numbers of women participating in the political life, the rate of

employment, the level of education and the health status. The government presented the main targeting areas, namely reduction of poverty and improving living conditions for women in rural areas, improvement of health care and reduction of illiteracy. (Report of the People's Republic of China 2004, 1-3). This meant that these areas had received the main attention from the government during this period.

Seeing Chinese government focusing on these fields brings in considerations of global women's rights development which went through three phases. The first phase was emphasising specific legal rights and developed relevant treaties, such as, the International Convention for the Suppression of the Traffic of Women of Full Age in 1933 and the Convention on the Consent to Marriage, 1962. The second stage contained prohibition of gender based discrimination, one of the most important documents being Universal Declaration of Human Rights, created in 1948. The declaration was followed by the two more significant international covenants – on Civil and Political Rights and on Economic, Social and Cultural Rights both developed in 1966. Finally, the last phase focuses on the nature of violation of women's rights (Cook 1995, 9) CEDAW and DEVAW being the main sources. Today every country finds itself at one of these distinct stages while developing women's rights and implementing the treaties. As for China, this country has signed all of the above mentioned documents (Moore 2001, 23-24); however, the implementation of these laws is a different issue. Thus, we could see that the focus of China's government presented in the report shows China being on the second stage of women's rights development during that period.

China's response also stated its government being in a close cooperation with the NGOs, namely the five members of National Working Committee on Women and Children (NWCWC). Even more, it specifically stated the ACWF being the biggest women's rights organisation and provided with the examples what this organisation had been working on during the discussed period (Report of the People's Republic of China 2004, 3). The organisation got more autonomy and focused more on women's issues instead of concentrating on governmental policies. Moreover, the organisation started creating connections with other women's groups (U 2008, 21). It aimed at becoming a moderator between these groups and the government, while seeking for improvement on women's rights.

Regarding the domestic violence issue, the report admitted that China did not possess any specific law on it. However, it presented that the state created some new sets of laws, as, for instance a new Marriage Law in 2001, which replaced the old one

and was supposed to provide with the necessary tools when dealing with the relevant matters. It also mentioned provincial level laws on domestic violence being developed in four regions during this period. Finally, the educative and communicative programs were launched in order to increase awareness of the problem. In 2000 China's Law Society conducted a project and opened a website where the data from all over China was collected and presented to public. Moreover the CLS founded a non-governmental research centre on fighting with the domestic violence (Report of the People's Republic of China 2004, 14).

Therefore, if trying to apply Easton's model for this period within Chinese society, we can consider that the previous outputs were starting generating new impulses. However, the government was concentrating mainly on the other spheres of development, therefore, there was not much done by the government in regards with the domestic violence issue. On the other hand, we can consider the other units of the system playing the main role during this period. As it was discussed, the Conference taught women's rights activists that in order to diminish the risks of unwanted attention from the government, their profiles must be kept low. The previous chapter of the analysis suggested that women's rights civil organisations were starting applying the model of embedded social activism and at this point, we can observe that it was developed even further. Peter Ho's theory presents an idea that civil organisations not only can successfully live in the semi-authoritarian regime, but it also develops the symbiotic relations with the government. In the case of above mentioned organisations we can already see this being the case. The problems are starting to be tackled and an NGO can receive the permission from the government as long as it stays away from politicisation of the problem. Thus, even discussing the matter of domestic violence in a very direct manner, it got authorisation from the government. As for the TV show, we can assume that it was approved because it was not pointing at the problem flourishing from the regime but it was showing that it generates from the society itself. As long as it restrained from politicisation it obtained the approval.

Moreover, we can observe the government's willingness for cooperation being increased. The cooperation remains only with the main GONGOs which are dedicated to work on the issue; however, the distribution of work is already a sign of the government's amiability. As Easton points out, there must exist at least a minimal division of labour between the members of a political system and as a consequence this generates a structure of the system where action may take place (Easton, An Approach

to the Analysis of Political Systems 1957, 386). Thus, while admitting the existence of the civil organisations, the government also must provide it with the role to play in this distributed labour. Moreover, Peter Ho suggests that Chinese government limits the fields of activities for the civil organisations, or, in other words, sets the boundaries by defining the spectrum for their actions. We can perfectly see that by considering examples that have been given in this chapter. For instance, Chinese Law Society established their field of concern; the DV Project has a specific field of concern. In this way, not only there is a division of labour for the units of a Political system to comport oneself, it is also showing the organisations not tackling any politically sensitive issues, only the ones that the government allows them to, which results in their ability to reach their objectives.

Finally, the airing date of the TV show points out that the discussion over the domestic violence issue on the national level has been raised for the first time only in 2002. While many Chinese people regard that it is normal for couples to fight, the public reactions to the show suggest that it is not that easy to make people to change their perceptions (Greenberg, Bruess and Conklin 2011, 543). Therefore, this marks the moment where the new impulses to the environment of the China's Political System have been generated and, on the same time, it proves that there was not a strong input in a form of demand for a domestic law been formulated yet.

4.3. Kim Lee's example and its impact

4.3.1. Background Information

A very famous divorce case of an American woman Kim Lee and her Chinese husband Li Yang shook Chinese society in 2011. Media called it as "unprecedented" and as the one that all silenced victims "have been waiting for a long time". Her case was the first one that publicly showed Chinese legal system lacking of support and help towards the women suffering from domestic violence (E. Osnos 2013). After some years of on-going violence, one night Li beat his wife till concussion and bruised ribs in front of their kids. Kim went to the police right away, but the answer she received was that she should relax and go home. The woman took photos of her injuries and posted them on her account of Chinese social media *Weibo*. It attracted a great public interest and photos with her messages were shared at a great extent, due to the

fact that her husband is very famous in China (Tung 2014). Receiving such attention from public and none from the authorities, Kim understood that using social media might be the only way for her to go on. In the following days it turned to a sensation all over the country, becoming a greatly discussed issue everywhere on the internet. Many people denounced Li Yang, who responded using his micro blogging with the admittance of the violent actions and apology to his wife (Yinan 2011). However, he reasoned that this happened due to his wife's complicated personality and cultural differences. Moreover, he stated that it was surprising to him that Kim went public escalating their conflicts and that he did not expect this to happen (E. 2. Osnos 2011). He questioned her actions for *airing the dirty laundry* while this was not a big deal only a *part of Chinese culture* (L. Zhang 2013).

Kim decided to divorce Li, however, there was the traditional Chinese perception that woman had to deal with. The authorities were constantly rebuffing her intentions because they did not regard domestic violence being a crime. The officers were trying to convince her to drop the case, while telling that her evidences were not legitimate because she went to the wrong hospital, the officer in charge was not present when she filled in the file or that the evidences were insufficient because she should have presented filmed or recorded data. Kim described the whole system pushing women to give up (Lim 2013). Moreover, going public did not only bring supporters, there were people insulting and condemning her publicly too (Tung 2014). For instance, the lawyer of Li Yang was arguing that domestic violence is only when a person is being beaten for no reason, thus, this is not the case because his client had a reason to beat his wife (E. Osnos 2013).

The case culminated in the beginning of 2013 with the decision in favour to Kim Lee. The divorce on grounds of abuse was granted, giving her full custody of their kids and ordering a great amount of money for the settlement. Guo Jianmei, Kim Lee's lawyer, said that there were three victories and one defeat obtained with this juridical decision. First victory was the fact that for the first time in Chinese legal history Beijing court gave a restraining order to defend a victim. Second victory was the recognition of domestic violence being a reason for divorce, which also happened for the first time. The third victory, was the fact that the court ordered a financial compensation, the only lost was the amount not being high enough (Tatlow, In China's Most-Watched Divorce Case, 3 Victories, 1 Defeat 2013).

4.3.2. Analysis of the example

The first public discussion on domestic violence was encouraged by the TV show “Don’t talk to strangers”. However, that was not enough for the political system’s environment to generate inputs and form firm demands towards the government for changes. What it did cause was a greater interest of NGOs to work on the relevant matters, while continue settling their activities in a way suggested during the UN Conference – applying the embedded social activism. However, Kim Lee’s story revealed that traditional perception was not changing that fast. Kim became a model for many women suffering from domestic violence because she was the first one talking about her own experience publicly, despite the traditional consideration that it should remain within the household. Kim Lee had received thousands of support messages, many from the women suffering from abusive husbands themselves. Her story became the one talking for the rest of the victims (E. Osnos 2013). It also once more helped to attract public’s attention towards the issue of domestic violence. Furthermore, while it is commonly seen as a problem happening in rural areas, in poor families, between undereducated people, this case highlighted that in reality this can take place everywhere.

Kim Lee’s story showed how social media can be used when seeking for changes in a country with a media censorship. *Sina Weibo* and other social media services give a chance for Chinese people to share and receive information which is not being directly scanned by the censors. The censorship of social media pays greater attention to sensitive political issues and seeks to prevent discussions over them (Xu 2015). In this way, there is some space left for the less sensitive issues to be discussed. At this point we see how both, media and social media, not only stimulate the environment of political system but also are following the principles of embedded activism. As we discussed before, Ho argues that civil society is able to reach its objectives by depoliticising its activity. In this case, when using social media, those rules are being followed, and then the problem can be tackled. The space in the media, which can be considered as overlooked or not vigilant enough, becomes a tunnel for the problem to reach the public. Thus, in Kim’s situation her tactic became a representation of similar situations of many women. Moreover, seeing it on the media made common people not only to be aware of the problem itself but it also created an idea that this topic had passed the censorship, meaning that this was not too political, neither too

sensitive topic for a discussion. While “Don’t talk to strangers” encouraged the awareness of the problem, Kim Lee’s story gave a push towards open discussion. Therefore, while being a trailblazer to publicly discuss her own family matters, Kim Lee also was the one that let people to be equipped for the further steps towards tackling the problem. People with the similar opinion could feel less stressed when joining the social activists’ groups and these organisations were encouraged to undertake the issue.

Thus, this story was significant on many different levels, one of the greatest being the realisation that this is not a too sensitive issue for a greater public discussion. For this reason, an increased number of more often published researches, surveys and studies followed it. In 2011, All China Women’s Federation shared statistics that 64 per cent of Chinese adult people have undergone some forms of abuse in their domestic environment. Another research revealed that the numbers are a bit lower, yet, still high – one third of the population has faced violence and the greater part of the victims were females (McLaughlin 2011). One of the most famous Chinese women’s rights activists Wang Xingjuan, revealed that half of the times domestic violence occurs in the families where its members are educated, have senior jobs and are of a higher social status. Her explanation was the consideration that such people experience more stressful situations (Yinan 2011). She explained that the problem of domestic violence increased with the economic changes when state-owned companies were shutting down, leaving many family men without a job. It became an often seen problem when the unemployed men would express their emotions by becoming violent against their wives (McLaughlin 2011). As being a pioneer for women’s rights in China, Wang was also a founder of the first hot-line psychological centre called Red Maple Leaf. According to her, while China gets more developed and wealthy, on the same time the hotline gets swamped, mainly because of the increasing income gap which affects families’ and increases domestic violence (CriEnglish 2008).

There is an ambiguity if the open public discussion over domestic violence does not make it seem like the problem is on the rise. There is a possibility that while increasing the awareness and aiming at changing people’s consideration towards the issue, more respondents will answer positively to the question if they have undergone violence in their private sphere. This means, that increased numbers in the statistics not necessarily signify the raising problem but rather represent increased awareness of what domestic violence is. However, a professor Wu Changzhen from China University believes that the economic pressure, loosening family ties contribute to the growing

women's vulnerability, which she regards as a today's problem of Chinese society (L. Zhang 2013). Furthermore, she agrees with the scholars who believe that the main reason for this problem is the traditional perception.

Domestic violence in many countries traditionally are regarded as a family matter. Even after discussions over women's rights issues have started and laws were implemented, it remained as a continuing problem in many even the most developed societies (Christine Arthur 2009, 147). An American scholar David Levinson in his research on domestic violence presented four root causes of this matter – resource, exchange, culture of violence and patriarchal theories. According to his work, domestic violence depends on these four aspects, which could be summarised in a following: while women get more access and gain more roles in the society, men consider it as losing their power and importance in their provided resources to the family, thus, in such societies the domestic violence will increase. Secondly, a well-developed law against such crimes would have a preventive affect. The culture of violence theory suggests that when the nation is going through a “stress” it terminates with increased number of domestic violence incidents. Finally, deeply rooted patriarchal norms increase the chance of these crimes and countries, where a greater age difference between spouses exists, tend to undergo higher tendencies for domestic violence (Christine Arthur 2009, 149-151). In China's case, we can assume that three out of four of his determined aspects are applicable. First, since the end of the last century Chinese government is working on increasing women's roles in the society. Second, there is no active law which would be directly dealing with this problem. Thirdly, we can consider China's society going through stress, while taking in mind the findings of Wu Chengzhen or Wang Xingjuan surveys. Finally, the question of patriarchal norms in China asks for a further analysis, thus, we cannot answer if all four determinants are applicable to China's case. However, this paper does not seek to analyse the reasons why domestic violence is a rising issue in Chinese society, on the other hand, this knowledge might also suggest a better understanding of China's case. It also contributes to the understanding why the society started being more demanding – observing the problem being on the rise created an input for the government to deal with the issue.

Looking to China's situation we may observe that the traditional perception contributes to the challenges when seeking to tackle the problem. A widely accepted consideration that the abuses are mainly a family matter prevents people from talking openly about it. Domestic violence in Chinese is 家丑 *jiachou* which literally

means family's ugliness or family's embarrassment that could also be translated as a "dirty secret". There are two traditional Chinese sayings which also represent this way of thinking being rooted within the culture. 家丑不可外扬 *jiachou bu ke waiyang* tells people that family's dirty laundry cannot be hanged outside to dry; 清官难断家务事 *qingguan nanduan jiawushi* expresses the idea that even a very objective person is not able to discern family matters (Huang 2007). Both of these sayings represent the idea that it is a shame to discuss things like this, or, as a matter of fact, often these things can be considered as being normal and not for others to intervene.

The Anti-Domestic Violence Network states that more severe cases remain in the remote areas, where conservative traditional attitudes are accepted as a norm. Sometimes such behaviour can be even encouraged due to traditional perception of men being superior to women (L. Zhang 2013). In 2013 UN conducted an international survey over domestic violence issues in several countries, one of them being China. While the survey included questionnaires for men, it was revealed that 52 per cent of them admitted conducting abusive actions against their partners. The survey showed that many of the issues are related to the popular attitude about masculinity. Majority of both, men and women, agrees that men should be the ones making important decisions and also believes that men should be strong. Half of the male respondents and one fifth of females agreed on conducting violent actions in order to defend ones reputation (China Daily 2013). Also Chinese men believe that using violence against their wives is a part of family conflict and that they do not think women would do anything about it. Moreover, women often think that they should not provoke their husbands and the problem would not occur again. Only 5 per cent of the women who are victims of domestic violence consider their marriages being unhappy (Thomas 2013). Taking in mind that those surveys are recent, it shows that there is still a work to do on changing the society's perception. However, civil society organisations by conducting the researches and publishing it contribute to the transformation of the attitude towards the problem.

Thus, a pioneering consequence of Kim Lee's story was a push towards changing the traditional perception. Her going public was unprecedented thing in China and it showed that women should not be afraid of talking loudly in order to get help. Moreover, the NGOs were expressing its support to her by conducting demonstrations during the time of the court. On the same time, the organisations have also felt

encouraged by Kim Lee to talk more openly and in this way animated women to do that too. Civil society groups, activists or individuals started talking more freely and more often on the media, more researches and studies were done aiming at increasing awareness and knowledge about the matter, pushing people to reconsider traditional perceptions. People got to know about the services NGOs can provide to women in need – hotline services, battered women shelters, psychological help, etc. Conducting the researches and making them public also helped to realise that changing the traditional attitude towards the problem is a key to tackle it. This means that on the political state level, the NGOs started to seek to strengthen the internal inputs for changes. The publicity generated a great stimulus to the environment, while also aiming at the internal sphere for the attitude to change and become out-dated. Making it out-dated would serve for reconsideration of the judicial system being in need to change.

4.4. The impact of Li Yan's example

4.4.1. Background Information

One of the most notorious cases that have been widely discussed in both, national and international, media is the one of Li Yan's. Her story started in March, 2009 when she married to Tan Yong. The physical, sexual and psychological abuse started soon after their wedding. (Branigan 2013). Tan was beating and kicking her, locking her up in the balcony for the night in winter, closing her and leaving without any food or water, burning cigarette butts on her body, dragging her down the stairs by hair, banging her head against the wall, he had even cut one of her fingers (Yu 2013) (HRW 2013). Thus, in summer 2010 women asked for help from the local women's association and the police. Unfortunately, she received an answer based on the traditional perception, saying that many families go through similar situations, so they will not help her (Branigan 2013). Li Yan continued repeatedly complain to the police, neighbourhood committee, local branch of ACWF bringing them evidences, however , the officials refused investigating her case repeating that this is a "family matter" (HRW 2013).

Finally, the marriage ended up tragically. Three months after she started asking for help, her drunken husband was kicking, beating and threatening to shoot her with the air rifle on the night of November 3, 2010. Li Yan managed to grab the gun

from her husband and then she killed him during the fight by hitting his head with the rifle. After that she dismembered his body, boiled parts of it, seeking to dispose of them. She was arrested by the police after asking her friend to report the homicide (Yu 2013) (Wu 2014). During the trial Li Yan and her lawyer tried to prove that the murder happened because of self-protection. They presented many evidences such as police and hospital records, pictures of her injuries, witness testimony seeking to show that Li was pledging for help. However, the court decided that the evidences were not sufficient because the testimonies were done by Li's family and friends; also, the refusals of the authorities to start investigation were taken as a proof that there were no abuses. Thus, the trial announced her being guilty of committing an intentional homicide and sentenced her to death (HRW 2013).

After the appeals court and Supreme People's Court, where the same decision was issued, her case went public attracting a great sympathy from the society. Chinese citizens, including lawyers, scholars, legal experts and non-governmental groups signed petitions, an opened letter to the government seeking for revocation of the sentence (Branigan 2013), and the case being reinvestigated, saying that *sentencing should be appropriate to the crime* (Wu 2014). Teng Biao, the director of NGO China against Death Penalty, said that they regard Li being a victim not her husband. He pointed at the court's refusal to consider her being a victim of domestic violence by discarding the evidences. Moreover, he stated that there is a flaw in the legal system by not considering mental state of the convict and that it should be investigated right after the crime happens. Guo Jianmei, the Li Yan's lawyer, agreed by adding that in the cases like this, the court should provide an instantaneous psychiatric evaluation, to figure out if the person is not suffering from a battered-women's syndrome (Yu 2013). The BWS is a legal term, used in judicial language when talking about women's right to self-defence when experiencing domestic violence. This term has already been included in the international law and the ways for applying it have been determined (Wallace 2004, 1749). However, since China does not have a specific national law to protect women from their abusers, the question of BWS becoming a legal term is premature.

Therefore, the activists were seeking for overturn of the death penalty for Li Yan and in the end of June, 2014, the death penalty was revoked (Wu 2014). The news were warmly welcomed by women's rights activists giving them hope that this will teach a lesson on domestic violence finally going to be punished (Wu 2014). They also received it as a sign of the government's willingness to tackle the problem. Li Yan's lawyer also

perceived it as an example for the similar cases. This case is the very first one in the history of China's law that a victim of domestic violence gets death penalty being revoked (Hui and Wee 2014). The Supreme People's Court has devolved the case to a higher court in the South-western province of Sichuan, ordering to reinvestigate it. In the end of April, 2015, the court made a decision to suspend the death penalty with the acknowledgment of domestic abuse, which is also a very first recognition in Chinese legal history. This means that after two years it will be changed to the life sentence and it may be even shortened in terms of good behaviour (Tatlow, China, in *Suspending Woman's Death Sentence, Acknowledges Domestic Abuse* 2015).

4.4.2. The arise of defined demand

Kim Lee's story went public first and later was followed by the case of Li Yan. Both stories were attracting public attention simultaneously, increasing awareness of the situation and pointing at the drawbacks of the juridical system. While not possessing a specific law, China has two legislations which supposed to deal with the domestic law cases. However, neither criminal law, nor marriage law are not comprehensive enough, and none of them aims at tackling domestic violence particularly (L. Zhang 2013). Therefore, it terminates with inconsistency and gives space for personal judgement instead of professionalism. In both of the examples chosen for this study it was observable that the authorities applied traditional perception when asked for help. In China's Report on the Beijing Platform for Action some provincial level legislatures on domestic violence are mentioned; however, they seem to be insufficient and ineffective. For example the one of Sichuan province does not include protective orders for the persons suffering from these crimes (HRW 2013). Thus, the cases of Kim Lee and Li Yan pointed out that the laws China have are insufficient when dealing with domestic abuses and government needs to tackle the problem.

Dr Xing Hongmei from China Women's University conducted a research in 2011 investigating cases similar to Li Yan's. He found out that there are quite a number of imprisoned women who were sentenced for killing or injuring their abusers. The statistics, provided by local women's federations in 2008, revealed that out of all in jailed women, 80 per cent in Fuzhou and 60 per cent in Anshan provinces, are the ones who have been suffering from domestic violence. His study also showed that the great majority of the similar cases are considered as intentional murder and that almost 60 per

cent of the women were given suspended death penalties. His research once more pointed out that authorities almost never consider the violent abuse when sentencing (Yu 2013).

In the beginning of 2013, the Supreme People's Court also ran an investigation over this matter because of the growing public interest and a push from the NGOs. Thus, they observed that the laws China holds right now are scarce and cannot provide protection for the victims of domestic violence. It revealed that it mainly lacks a standard for investigations and prosecutions to be insinuated, therefore, they do not occur often. In those rare cases when there is a process held, the judges consider it as a family matter and as a result the sanctions tend to be not strict. Furthermore, in the situations similar to Li Yan's, the judges refuse the evidences about domestic violence and ignore those facts when carrying out the sentence (HRW 2013), which is similar to the findings of the research done by Dr Xing Hongmei.

Since 2008 the ACWF has been giving recommendations to the National People's Congress to develop a law on domestic violence. Moreover, since November, 2012, more than 8,000 Chinese citizens signed a petition seeking for anti-domestic violence law being created (HRW 2013). There were other initiatives from the women's rights activists when seeking to attract public and government's attention. On the Valentine's Day in 2012 women were demonstrating wearing bridal dresses with the stains of blood on it, representing the public interest in the matter. The leader and co-founder of Anti-Domestic Violence Network, Feng Yuan has discussed that the mishaps as the ones of Li Yan will continue to happen due to the lack of efficient law (Branigan 2013). She pointed out that the main lesson of Li Yan's case is that an early intervention could prevent a tragedy and now the authorities should step up and show their willingness to tackle the problem (Yu 2013). The recommendations received from GONGOs, NGOs, INGOs and the signed petitions have pushed the National People's Congress to react and finally it made a promise to create a draft in the beginning of 2012. However, it did not provide with any more information on when this law could be adopted (HRW 2013). Moreover, the Supreme People's Court has also promised to promulgate guidelines for the authorities specifying how domestic violence cases should be dealt with and also that it would contribute to accelerate for legislation to be carried out (Yu 2013).

During the 12th National People's Congress some female delegates expressed their consideration on creating the law as soon as possible. Later, the National

People's Conference responded that it will be included in the review of important laws in 2013 (The Thomson Reuters Foundation 2013, 36). Then, in 2013, Anti-Domestic Violence Network conducted a legal research with the Thomson Reuters Foundation in order to receive knowledge on how anti-domestic violence law is created in other countries. This was done in seeking to gather information which would help them with their advocacy activities when providing suggestions to the government while creating the law (The Thomson Reuters Foundation 2013).

Thus, we can observe that a great public, NGOs and GONGOs attention towards the issue escalated into demands towards the government. Starting with the educational programs aiming at changing a common perception, the work of NGOs made an impact on the people's general awareness of the problem. Later, when the cases became a sensation it also signalled the topic not being politically sensitive, giving a green light to the civil organisations to tackle the problem even more ambitiously. Thus, they went further with the protests, open discussions, conferences, projects and other activities to increase society's concern. While applying the structure of embedded activism, they also affected the environment of China's political system and pushed it to formulate demands and address it towards the government. The input became clear – a national law is needed.

According to Easton, some demands are destined to die or linger within the system, if it is a demand of insufficient or insignificant fraction of the society. Moreover, there are other features which determine if the demands can be transformed into issues and help to understand if the government will deal with it or not. There are several factors, first, relations between demands and the location of the initiators within the system; second, the extent of the demand's importance to the population; third, there is a matter of timing; fourth, the question of initiators' access channels towards the government for the support, and, finally, an overall public attitude towards the issue (Easton, *An Approach to the Analysis of Political Systems* 1957, 388). Thus, looking to the actual example of China's political system and the issue of domestic violence, we can observe that the public attitude towards the problem has been changed with the help of media sources. Moreover, the importance of the question as well has been escalated by applying this tool. On the same time it started to be considered as a significant demand by changing traditional perception and this has been an aim of the civil organisations since the UN Conference took place. However, the question of relations between the initiators and the government and their access channels is a bit more

complicated question, considering the complex nature of the civil organisations and their ties to the government. The analysis of this question is going to be discussed in the following chapter.

4.5. The role of NGOs and the transformation of demand into issue

As shortly discussed in the previous chapter, there are some determinants that explain how demands are transformed into issues. While some of them have been already considered, the others are going to be analysed in this chapter. Firstly, it is important to know the ties between the specific demands and the place of its initiators in the structure of the system. Secondly, there is a question of political skills, a.k.a. know-how access to channels of the initiators towards the government for its support; third, the initiators' knowledge on how things are being done in the particular system (Easton, *An Approach to the Analysis of Political Systems* 1957, 388). This chapter seeks to find out how these three things were met when seeking for development of national law on domestic violence.

During the last decade China experienced a great mushrooming of women's NGOs and many of those newly established organisations are managed by women (Tingting 2012). According to the Xinhua News Agency, there were more than 10,000 NGOs in 2006 which were working on women's rights' issues (Xinhua News Agency 2006). According to some scholars, such as Monica Erwer and Yang Cheng, there are two approaches adopted by the women's rights organisations - an integration approach and an autonomy approach. The integration approach suggests that a state attempts to maximize women's interests by equalising their access to education and employment. Thus, the efficiency can be achieved by integrating women's organisations into the political environment. The autonomy approach revolves around the idea that only independent organisations could be successful. Independence refers to the autonomy from political patriarchy, where the gender-blind policies might be developed. (Erwer 2003, 96) (Cheng 2004, 5,6). Chinese NGOs tend to focus on a specific field for activities due to regulations established by the government. Thus, one can observe that the organisations focusing on domestic violence are often of the autonomous type.

There are different types of women's NGOs. The ACWF, is the biggest women's rights NGO in China, has a bureaucratic identity holding a symbiotic tie between the state and Chinese women. However, this symbiotic tie sometimes could be

considered as cooperation of two unequally strong partners. The actions organisation takes are never in opposition to the official policy of the state, which, on the other hand, guarantees permission from the state for its activities (L. Zhang 2009, 72). We could consider the functioning of this organisation being a set example for other organisations to follow. By the actions it takes, it shows which topics are not politically sensitive, by the language it chooses, it provides with defined rhetoric. Thus, this biggest women's rights' organisation is situated within the framework of embedded activism. Many other organisations do not hold such close ties with the authorities. These organisations, are more of autonomous types, and are suggested to be called as "popularly organized" representing their origins rather than their autonomy (L. Zhang 2009, 72). For instance, the Women's Media Watch Network and the Women's Law Centre, created right after the UN Conference, paying a lot of attention to domestic violence, are representing non-hierarchical relations and seek for mutual cooperation within an open framework (L. Zhang 2009, 76). This idea depicts the Peter Ho's idea of negotiated symbiosis.

The process of founding an NGO in China is quite complex. One of the most complicated requirements is a rule to find a competent governmental agency for supervision (Shieh, Shawn; Deng, Guosheng 2011, 184). This legal counterpart is not just providing an organisation with administrative and financial help but also has a right to interfere with the institution's activities and its leaders' selection (Macbean 1994, 59). Moreover, this supervisory agency (主管单位 *zhuguan danwei*) provides the government with an access to regulate and monitor the organisation (Spires 2011, 8). However, it did not stop the establishment of grassroots NGOs as observed in the last decade. The first wave of these grassroots organisations started in the beginning of 1990s, the Red Maple Women's Psychological Counselling Centre being one of the trailblazers (Shieh, Shawn; Deng, Guosheng 2011, 185). On the other hand, many organisations decide to remain unregistered or chose to become for-profit businesses, which are easier to launch.

A research conducted by A. Spires suggests that every case is situational. His research reveals that oftentimes government officials individually are much more supportive than the government itself. The government is not monolithic, thus, different parts of it possess distinct agendas, which in some cases can be beneficial for NGOs establishment and existence (Spires 2011, 15). Moreover, his research on grassroots organisations suggests that many of the problems related to the establishment, taxation

and operation may depend on a notion of *guanxi* 关系 (relations, ties) – “*it is not about policies, it is about relationships*” (Spires 2011, 16). This is also being suggested by Peter Ho’s theory where he explains that one of the characteristics of embedded social activism is the negotiated symbiosis between the state and the civil organisations. Thus, the traditional notion of *guanxi* might be the one explaining the main idea of this symbiosis. For instance, the Women’s Media Watch Network, formed by women journalists of China Women’s News, can use their institutional positioning when it comes to their objectives (L. Zhang 2009, 76). The idea of *guanxi*, or negotiated symbiosis, also represents the place of initiators in the structure of the system and their political skills, access channels towards the government.

Furthermore, there is a notion of political credit (政绩 *zhengji*), which gives a better picture of the Chinese NGOs and their relations with the government. In the Chinese governmental system, the lower ranking officials depend on the higher ranked ones because the formers’ performance is being evaluated by the latters (Spires 2011, 20). Most commonly they are appraised by acquired economic objectives and building social stability. Thus, the second criterion is important when considering officials’ ties with the NGOs. The *zhengji* becomes an important matter for both sides – while for NGOs it is important to get support from an official who is able to claim *zhengji*, for an official, relations with the NGOs might affect his performance and, thus, his political credit would be increased. The idea of *zhengji* can be compared with the notion of face (*mianzi* 面子) in Chinese culture and can be considered as “political face” (Spires 2011, 20, 21). Therefore, the NGOs understand that their work and ideas can be useful for some officials, thus, they have to find a way how to deserve a good “face” not only for them but for supporting politicians too. The notion of political face can be observed even better when considering the features of the embedded activism. This is one of the ways how the symbiosis between the state and the civil society organisations are being created. Moreover, it helps to understand the process of a political system, when transforming demands into issues. It seems that this is the aforementioned skills or the know-how approach needed to be applied by the initiators when seeking for their inputs to reach the government. Moreover, the ties, organisations hold with these supervisory units, represent their place in the structure of the system as well. Thus, when it comes to the development of domestic violence law, it seems that after

depoliticising the issue – making it less politically severe – those ties became significant to turn the demand into issue.

Depending on the NGOs location, field of work and ties with the government, some NGOs do not receive much interrogation from the state. Some of them declare that their supervisory bodies do not interest much in their activities, do not pay much attention to their work or do not even communicate with them often (Spires 2011, 23). It can be explained by the fact that the MOCA's Popular Organisation Management Bureau does not have enough capabilities to perform its responsibilities. The staff number is too low to conduct all the required duties; thus, it terminates with a lack of attention towards the supervised organisations, over-looking some of the NGOs activities (Lu 2007, 5). In this way, the space for NGOs to act becomes less supervised. The main objective is to make the area of interest to be of a low political sensitivity, reducing the risk of attracting governmental attention once again. Thus, for the domestic violence, organisations were able to launch projects and tackle the problem, since their activities were not questioning the government, regime and were holding a clearly defined focus. This, once more represents the notion of knowledge of how things are being done in the particular system for a demand to be turned into issue.

When it comes to GONGOs, there is a negative feature of ineffectiveness. One of the problems of these organisations is that many staff members are government officials who have been ascribed to work with them while often not having any interest in the area the NGO is working on. Another problem is that sometimes the leaders of the NGOs regard themselves as the only ones who can make decisions which also results in a lack of interest or even the activities can turn into a private enterprise, seek for fame, *zhengji* and other personal interests of the leader (Lu 2007, 8). However, this more general feature cannot really be applied for Chinese women's rights organisations considering that they are run by choosing the autonomous approach. This considers that, first of all, the leader of the organisation quite likely will be a woman who will also seek to avoid political patriarchalism. Moreover, the activists working on domestic violence have several different interests in solving this matter, namely, a research, a moral, a strategic, a practical, or an alliance or institutional interest (L. Zhang 2009, 86-89). This already points out that the leader will be appointed to seek for the objectives due to their own goals. In this case, we can also consider that this implies two of the considerations of the political systems process of transforming demands into issues. This answers both – know-how access to channels to the government and the place of

initiators within the structure. While the initiators are part of the government themselves, they hold the access channels and can raise the propositions.

As the researcher Anthony J. Spires argues, the grassroots NGOs can live long in authoritarian regimes as long as the state remains fragmented, censorship prevents from spread of unwanted information, and the organisations are cautious and stay away from making democratic claims or do not inspire complaints towards the government (Spires 2011, 1). This is exactly what Peter Ho explained in his theory of embedded social activism. Keeping one's profile low and tackling particular not politically sensitive issues helps the organisations not only to settle in this semi-authoritarian political environment, it also helps creating the relationship with the government; which will be determined as conducive and restrictive. Restrictive means, that the behaviour of those organisations has to follow the rules and always remain in the safe field of activities. Conducive means, that when the issue seems as receiving a green light to be tackled, the government will let the organisations work on the issue and, in this way, the objectives can be reached, which will be beneficial to many. Moreover, this explains that in order to find the way how to transform demands into issues, the initiators have to follow this pattern of behaviour. Furthermore, this also represents the ties between demands and the place of its initiators within the structure of the political system. As it has been analysed, women's rights NGOs have been following this framework; therefore, the demand was reaching the government's consideration for generating outputs. Thanks to the media, the issue of domestic violence turned out to be a depoliticised issue. Thus, the organisations managed to transform the problem into a matter, which would be regarded as an interest for the government to deal with.

To sum it all up, it seems that Chinese NGOs have a feature to possess local knowledge and networks that let them reach the channels towards the government, which also helps them obtain some influence through it. The main requirement for the organisation to reach its objectives is refrain from challenging the government and stay away from everything that could be considered as politically sensitive. If so, the goals can be reached. That is what the embedded social activism is, moreover, that is also a know-how framework for the initiators of women's rights activists when seeking that their needs would not only be heard by the government but also that it would react to it by generating outputs back to the environment of China's political system. Finally,

considering the issue of domestic violence, it seems that this was a long process' approach chosen by the activists which terminated with an output.

4.6. The role of INGOs and its contribution to the process

When it comes to INGOs and their operation in China, the perception of them can be described as a tolerance without a clear set of laws. While understanding its importance and role in China's development, the government does not provide with a clear regulatory system which might be caused by inner disagreements with Western values. On the other hand, a lack of rules creates a space for the organisations to interfere and operate. However, the INGOs have to be careful with their activities which also refrains their possible contribution to the China's development process (Shieh and Knutson 2012, 19-20). Together with the appreciation of provided help there is a cautious feeling that some INGOs might *"spy on and gather information on China's military, political, and economic information."* (UK Essays 2013). Furthermore, the government is also wary about the influence the INGOs might bring to the China's society. They acknowledge that it already affects the civil organisations, universities, governmental organs and even the Communist Party. There is a concern that Western liberal ideas might endanger government's control with its spread into the society, based on the examples of "colour revolutions" in Eastern Europe and central Asia. Thus, the INGOs addressing issues more related with political perceptions, such as human rights, labour or religion are regarded with more suspicion than the counterparts focusing on environmental healthcare or education issues (UK Essays 2013). Therefore, we could consider that while embedded social activism is being accepted by the local NGOs, Chinese government is expecting the International organisations to apply the same way of conduct. In reality, not all of them accept such rules; and as a consequence, many of them have problems when dealing with Chinese government and setting up their offices within the state, running some projects or even being let into state's social environment.

In regards to domestic violence, the tragic details of Li's case caused not only domestic but also an international outcry for justice. For instance, Human Rights Watch (HRW), one of the biggest INGO contributing to Li Yan's case, has been seeking to attract international attention. The HRW's director for China, Sophie Richardson commented that it is not fair for the state's officials to sentence a person to die when not providing with any help. She said that HRW is seeking to urge the

Chinese authorities to consider the circumstances in which the crime was committed and treat it as self-defence. The Human Rights Watch encourages China to look for examples in other countries when dealing with the issues of domestic violence, in order to develop an efficient law. The organisation publicly stated that China is in an urgent need to take actions in order to tackle the problem (HRW 2013).

Amnesty International, another major INGO, usually seeks their objectives *through petitions, letters and protests, campaigner's worldwide press for action from the people and institutions who can make change happen* (Amnesty International 2015). This organisation protests against death penalty under all circumstances, thus, it also called for changing Li's penalty to imprisonment. Roseann Rife, the director of East Asia for Amnesty International, stated that death penalty would be injustice, considering that Chinese authorities did not follow the international law and did not provide the tools for ensuring protection for Li Yan, which would have helped to prevent the crime (Branigan 2013). When the case went public in 2013, the organisation has called for action using their social media sources. For instance, they created a page on Facebook with short introduction of the case asking people to call for action by signing the petition. The petition was posted on their twitter account and other sources (Amnesty International 2015). Finally, in the last year, when the court decided to revoke the sentence, a researcher for Amnesty International, China, William Nee said that this decision was the *right course of action*. Also, he commented this case indicating China's need to do something in order to protect women. He also pointed out that based on the International Law, China is obliged to make investigations and ensure justice, which is not efficient at the moment (Wu 2014).

However, both of the examples show that the way INGOs operate and work on this specific issue is not being that affective as it could be. The main reason is that their way of approaching the problem might be well presented in the West; however, Chinese government blocks this information from its citizens. Both of these organisations' websites are blocked by the Great Firewall; the other social media they use to equip people for petitions and calls for actions are neither being accessible in China. Moreover, there are many other organisations experiencing the same problems and the main reason for that is that they do not follow the main principle of the embedded activism when approaching China – leaving politically sensitive issues out of their interest. Even if some of those organisations are aiming to tackle only a question that could be regarded as open for discussion, they often fail to restrain themselves from

criticising political regime which makes them being unwelcome to reach Chinese society.

On the other hand, Chinese government regards the international organisations as contributing to China's development and assisting with money, manpower, technology and expertise, therefore, from this point of view, they are regarded with tolerance (Shieh and Knutson 2012, 9). The Chinese NGOs have a feature of being dependent on foreign donors due to a restriction for prohibited public fundraising for almost all NGOs but few (Shieh, Shawn; Deng, Guosheng 2011, 184). Another reason for that is a lack of philanthropic tradition together with a negative cultural perception of charity as such. Third, as long as the civil sector is regarded with suspicions by the government, its funding is very limited. Finally, while the state is not willing to fund the NGOs, the international aid is on the contrary. Western funding is eager to promote the improvement of civil society in China mainly because of economic investment and spread of the Western democratic values (L. Zhang 2009, 78-79). Furthermore, INGOs are also dealing with social development issues, gives human support, helps to communicate with Western universities and research centres (UK Essays 2013). Finally, in regards to domestic violence, the international organisations fund pedagogical trips for local activists to be taught how to deal with the problem (L. Zhang 2009, 80). For instance, the DV Project was co-funded by the Norwegian Centre for Human Rights, the Ford Foundation, Oxfam Novib, and the Swedish International Development Cooperation Agency (L. Zhang 2009, 78). Moreover, the Ford Foundation has contributed to numerous women's rights' NGOs establishment, functioning and operation, especially regarding the domestic violence issue (L. Zhang 2009, 79).

To sum up, the situation for INGOs working field in China is quite controversial. In regards to domestic violence issue their aid and technical assistance is welcomed, but the government remains suspicious when it comes to their social activities. Their financial and pedagogical support is significant and is even described as a "*contribution that cannot be missed*" (UK Essays 2013). However, we can observe that the INGOs quite often are not welcome to be involved in China's political system and often the way to contribute to the tackling of problem is to generate impulses into the global political system and its environment, hoping that this will affect the national environment of China's political system as well.

4.7. The draft of a new law

When the input in a form of demand was clearly formulated and it met all the considerations to become an issue, the output was generated. In the end of November, 2014, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice issued the draft of a law on domestic violence. This law provides a clear definition of what domestic violence is, and also gives clarification of juridical measures that can be taken in an occurrence of such crime. The authorities have to make actions immediately after receiving a report, make sure to guarantee a safety for the victim, and help to gather evidences if it is needed (Xiaodong 2015). Victims can also pledge for restrictive orders, it requires local governments to found more shelters. It also includes consideration that self-defence is allowed in order to protect oneself from domestic abuse. This point out that self-defence has to be considered by a judge when making a juridical decision in the cases like Li Yan's (Denyer 2015).

However, it has already received some critics. It has been pointed out that the law does not include unmarried, divorced and same sex couples (Rauhala 2014); it lacks considerations on sexual abuses, health and social services (Denyer 2015). The country programme manager for UN Women, Julia Broussard, positively regards the new law but agrees with its drawbacks, expressing a concern that some of the violence will remain overlooked. Moreover, she felt dubious about the requirement for a victim to start a case within 30 days after the restraining order is being granted, otherwise it will be dropped. According to her, victims are often undecided about their further actions, thus, this rule should not be included (The Guardian 2014). Leta Hong Fincher, a scholar investigating the situation of domestic violence in China, says that, despite the flows, the draft is already a great step towards solving the problem (Rauhala 2014). Cai Yiping, a women's rights' activist, comments that, even though it is a great accomplishment, its drawbacks signalise that this is not the end of the story (Denyer 2015). Additionally, Hou Zhimming, the director of the Maple Women's Psychological Counselling Centre, stated that the law is not everything. In order to make it work, people's perception has to be changed first (Rauhala 2014).

The spokeswoman of the National People's Congress Fu Ying welcomed discussions about the draft. She said that domestic violence is something that every contemporary society should challenge, and added that the discussions over the new law

and its drawbacks are already a good sign of society's knowledge and interest in the matter (Denyer 2015). Thus, we can see that after the outputs came to the environment of China's political system it received a feedback from the initiators of the demand. The feedback either is a support towards the generated output or it becomes a stimulus for new demands. Here we can observe that the output (the new law) has been met with both – support and new demands. While, the majority is satisfied with the appearance of the draft and inflicted changes, there are voices considering the law needing improvements. However, these inputs might take time to become issues once again. On the other hand, the experience gained, might be already beneficial for the women's rights organisations. Their way of conduct, by applying embedded social activism, will help these organisations to find ways to tackle problems faster.

5. Conclusion

A consideration of domestic violence being a great problem in China has been actively discussed during the last few years on Chinese and international media. Keeping in mind that it was regarded as a taboo topic not long time ago, it becomes clear that there have been great changes in the perception of this issue. Moreover, the first law on domestic violence being drafted in the end of the last year also marks that the government has not only changed its attitude towards the problem, but that it has also started solving it. The analysis of this thesis presented the full cycle of how a matter arouses in Chinese political system, how demands towards the government are formulated, transformed into an issue and later generated an output back to the system's environment. Thus, the development of the national law on domestic violence has been presented as a long process of work of the actors within the China's political system.

Looking through the whole process and coming back to its initial stage, first of all, there was the consideration on the international scale with realisation that domestic violence is a human's rights violation. This gave an impulse to create legislations which would help countries to tackle the problem on their national levels. Not all states reached a different phase of women's rights development, China being itself on the second stage. This means that, while ratifying international treaties and seeking to increase women's living conditions in many different areas, the authorities first considered prohibition of gender-based discrimination being the first objective to deal with. Therefore, even if the UN Conference on Women's rights held in 1995 in Beijing was emphasising the fight against all forms of violence being the main target globally, the hosting country was only in the initial stage of dealing with these problems itself. Many conceptual frameworks that have been at the peak of women's rights movements during the time of the conference were presented to the Chinese society for the very first time. Thus, it did require some time to be regarded as an issue within the environment of China's political system.

Until the UN Conference, the issue of domestic violence was politically and socially regarded as a taboo topic. The political perception has changed as observed with the TV show "Don't talk to strangers" aired in 2002. Initiated by the civil organisations, which mainly have been focusing on educating the society over this matter, the TV show helped to realise how the issues can lose its political sensitivity. It showed that as long as it does not consider the problem as stemming from the political

regime, it can be presented to the society for discussion. Later, two stories have reached publicity, which prompted many debates on what the government should do in order to solve the matter. Considered that the cultural perception is one of the main causes of this problem, the authorities not only let the censorship remain silent but also started paying attention in order to find the ways to deal with the issue.

The main goal of this thesis was to figure out what were the roles of the NGOs and INGOs within this process of the creation of the new national law on domestic violence. Two theories have been applied helping to gather and analyse the findings. While Easton's theory was useful to observe the overall process, Ho's theory provided with the insights on how those organisations were able to work towards their objectives. Thus, it was found that while following the pattern of the labour distribution within a political system, NGOs gave the initial impulse when tackling the problem. With the help of some media, they were launching educative programs, conferences, projects and other activities, which were aiming to increase people's awareness about the problem. Later on, when the society was getting introduced to the issue and the cases of Li Yan and Kim Lee broke out, civil organisations conducted researches, published articles and other important information seeking to encourage the society to discuss the problem, understand its roots, change its traditional perception and equipping them to join their activities and signing the petitions. Moreover, these organisations were providing the authorities with suggestions on how the law could be created, where it should put its emphasis on, in order to avoid important points to be overlooked. Finally, with the great support from the society, these organisations were able to keep pushing the government to consider the inputs from the society being strong enough to be transformed into issues and, thus, to develop the new law.

Furthermore, this thesis was also considering finding out the challenges these organisations had to face during the process. Considering China's political regime and its suspicious perception towards these organisations, there was a question of how they can actually obtain their objectives within this system. It was found that since the UN Conference the organisations figured out that the best way to seek for their goals is to de-politicise their activities, refrain from sensitive topics, adopt officially accepted language and not to question the regime. While there is a shortage of clear laws and regulatory apparatus towards those organisations and while they are still strongly dependent on the officials, the best way to avoid the challenges is to keep their profiles

low. If successfully adopting this way of conduct, the organisations found themselves being in collaboration with the government while reaching their objectives.

However, it is not quite the same for the INGOs. These organisations are also expected to follow the same pattern of conduct, nevertheless, many of them do not consider or are not aware of this way being far-reaching. Therefore, the role of those organisations in the overall process is less observable than the Chinese counterparts'. On the other hand, the INGOs are able to spread the impulses into the environment of the global political system, and while China is a part of it, it also affects its domestic environment by providing with some new impulses, consideration of international support towards their actions, encouragement for creating inputs towards the government. Finally, there are international organisations which provide the local counterparts with the necessary funding, technical skills or even teachings on how the domestic violence issue could be tackled.

The research question of this thesis was *what are the roles of the NGOs and INGOs and what challenges did they face in the development of the first national law on domestic violence*. Thus, as presented in the previous paragraphs, the objectives have been met and the answers found. Considering the characteristics of Chinese NGOs being very well represented by the notion of embedded social activism, we can observe that the challenges they face actually are part of their features. Finally, the work was raising a question why did China need twenty years to create such law when the first initiatives have been seen in the beginning of the nineties. As it was said, it was a process, which actually was only in the very initial stage at the moment when UN Conference took place. Thus, the society's traditional perception has to be considered as one of the obstacles as the term domestic violence was only introduced to the common people at that point. It took time not only to change the government's perception to regard the topic as not being a taboo, it was a much greater challenge to change the common people's attitude and educate them that this is not a part of a culture but an actual problem which has to be solved.

Bibliography

- Amnesty International. *amnesty.org: what we do*. 2015.
<https://www.amnesty.org/en/what-we-do/> (accessed April 13, 2015).
- . *Good news: death sentence for Li Yan overturned*. 27 April 2015.
<http://www.amnesty.ca/our-work/good-news/good-news-death-sentence-for-li-yan-overturned> (accessed April 30, 2015).
- Badie, Bertrand, and Pierre Birnbaum. *The Sociology of the State*. Chicago: University of Chicago Press, 1983.
- Bang, Henrik Paul. "Revisiting the political system: The ironical fate of a legend in political science." *ECPR General Conference 2011*. Copenhagen: University of Copenhagen, Department of Political Science, 2011.
- Bodeen, Christopher. "Chinese Television series stirs debate about domestic violence." *Herald-Journal*, 3 January 2003: 1.
- Boussard, Caroline. "Civil Society and Democratization." In *Development and Democracy: What Have We Learned and How?*, by Ole Elgström and Goran Hyden. London, New York: Routledge, 2002.
- Branigan, Tania. *Chinese officials urged not to execute domestic violence victim*. 28 January 2013. <http://www.theguardian.com/world/2013/jan/28/chinese-officials-domestic-violence> (accessed April 8, 2015).
- Cad. "U.N., NGO women meet despite obstacles." *Off Our Backs* 25, no. 9 (October 1995): 5.
- Cheng, Yang. *Women's Organizations in China: from Affiliation to Autonomy*. Master's Thesis, Lund University, 2004.
- China Daily. *Domestic violence by men 'shocking': survey*. 10 May 2013.
<http://en.people.cn/90882/8238890.html> (accessed February 23, 2015).
- Christine Arthur, Roger Clark. "Determinants of Domestic Violence: A Cross-National Study." *International Journal of Sociology of the Family* 35, no. 2 (Autumn 2009): 147-167.

- Cook, Rebecca J. "Enforcing Women's Rights through Law." *Gender and Development* (Taylor & Francis, Ltd.) 3, no. 2 (June 1995): 8-15.
- CriEnglish. *Wang Xingjuan, a Pioneer of Women's Issues*. 7 November 2008.
<http://english.cri.cn/4406/2008/11/07/1141s422029.htm> (accessed February 23, 2015).
- Davis, Susannah M., and Dirk C. Moosmayer. "Greening the Field? How NGOs Are Shaping Corporate Social Responsibility in China." *Journal of Current Chinese* 43, no. 4 (2014): 75-110.
- Deng, G.S. "A Preliminary Analysis of the NGO Survey." In *Research on NGOs in China*, by M. Wang. Beijing: UNCRD Research Report Series, 2001.
- Denyer, Simon. *China's domestic violence victims could benefit from new legal protections*. 15 March 2015.
<http://www.theguardian.com/world/2015/mar/15/china-women-domestic-violence-new-law> (accessed April 20, 2015).
- Easton, David. *A Framework for Political Analysis*. New Jersey: Prentice-Hall, 1965.
- . *A Systems Analysis of Political Life*. New York: John Wiley, 1965.
- Easton, David. "An Approach to the Analysis of Political Systems." *World Politics* (Cambridge University Press) 9, no. 3 (April 1957): 383-400.
- Erwer, Monica. *Challenging the Genderparadox: Women's Collective Agency and the Transformation of Kerala Politics*. Goteborg: Department of Peace and Development Research, Goteborg University, 2003.
- Greenberg, Jerrold S., Clint E. Bruess, and Sarah C. Conklin. *Exploring the Dimensions of Human Sexuality*. Sudbury, MA: Jones and Bartlett Publishers, 2011.
- HinduPress International. *Increasing Awareness of Domestic Violence in China*. 6 December 2002. <http://www.hinduismtoday.com/blogs-news/hindu-press-international/increasing-awareness-of-domestic-violence-in-china/2489.html> (accessed April 7, 2015).

- Ho, Peter. "Introduction: Embedded activism and political change in a semi-authoritarian context." In *China's Embedded Activism: Opportunities and Constraints of a Social Movement*, by Richard Louis Edmonds Peter Ho, 1-19. New York: Routledge, 2008.
- Ho, Peter. "Self-imposed censorship and de-politicized politics in China. Green activism or a color revolution?" In *China's Embedded Activism. Opportunities and constraints of a social movement*, by Peter Ho and Richard Louis Edmonds, 20-43. New York: Routledge, 2008.
- Howell, Judd. *Governance in China*. Boulder: Rowman and Littlefield, 2004.
- HRW. *Human Rights Watch. China: Commute Death Sentence in Domestic Violence Case*. 30 January 2013. <http://www.hrw.org/news/2013/01/30/china-commute-death-sentence-domestic-violence-case-0> (accessed April 8, 2015).
- Huang, Cecily. *The Beijinger*. 8 December 2007. <https://www.thebeijinger.com/blog/2007/12/08/domestic-violence> (accessed April 7, 2015).
- Hui, Li, and Sui-Lee Wee. *China's Supreme Court overturns death sentence for victim of domestic violence: lawyer*. 24 June 2014. <http://www.reuters.com/article/2014/06/24/us-china-crime-abuse-idUSKBN0EZ1GG20140624> (accessed April 13, 2015).
- Yinan, Zhao. *Renowned teacher admits abusing his wife*. 13 September 2011. http://www.chinadaily.com.cn/cndy/2011-09/13/content_13670686.htm (accessed April 13, 2015).
- Yu, Verna. *South China Morning Post*. 3 February 2013. <http://www.scmp.com/news/china/article/1142160/li-yan-one-thousands-facing-death-or-jail-abuse-victims-denied-justice> (accessed April 8, 2015).
- Kozma, Alyson, and Sheila Dauer. "Domestic Violence as Torture: Integrating a Human Rights Framework into The Domestic Violence Movement." *Off Our Backs* 31, no. 11 (2001): 28-30.

- Lim, Louisa. *American Woman Gives Domestic Abuse A Face, And Voice, In China*. 7 February 2013. <http://www.npr.org/2013/02/07/171316582/american-woman-gives-domestic-abuse-a-face-and-voice-in-china> (accessed April 13, 2015).
- Lu, Yiyi. *NGOs in China: Development Dynamics and Challenges*. Discussion Paper 18, Nottingham: The University of Nottingham China Policy Institute, 2007.
- Macbean, Nicola. "Breaking down the Barriers: European and Chinese Women Linking." *Focus on Gender* (Taylor&Francis Group) 2, no. 3 (October 1994): 58-61.
- Mclaughin, Kathleen E. *China's Domestic Violence Problem*. 14 September 2011. http://www.salon.com/2011/09/14/china_domestic_violence/ (accessed February 23, 2015).
- Minnesota Advocates for Human Rights. *Stop Violence Against Women: Domestic Violence - Law and Policy*. 2003. <http://www1.umn.edu/humanrts/svaw/domestic/laws/international.htm> (accessed March 31, 2015).
- Moore, Greg. "China's Cautious Participation in the UN Human Rights Regime." *Human Rights & Human Welfare* 1, no. 1 (2001): 23-29.
- Osnos, Evan 2. "Crazy English" Teacher Admits to Domestic Violence. 13 September 2011. <http://www.newyorker.com/news/letter-from-china/crazy-english-teacher-admits-to-domestic-violence> (accessed April 13, 2015).
- Osnos, Evan. *A Landmark Domestic-Violence Case in China*. 5 February 2013. <http://www.newyorker.com/news/letter-from-china/a-landmark-domestic-violence-case-in-china> (accessed February 23, 2015).
- Perinova, Marie. *Civil Society in Authoritarian Regime. The Analysis of China, Burma and Vietnam*. Thesis, Lund: Lund University, 2005.
- Rauhala, Emily. *China Has Finally Drafted a Domestic-Violence Law*. 26 November 2014. <http://time.com/3606802/china-domestic-violence-law-spousal-abuse-legislation/> (accessed April 20, 2015).

Report of the People's Republic of China. "Report of the People's Republic of China Regarding the Questionnaire on the Implementation of the Beijing Declaration, the Platform for Action and the Outcome of the 23rd Special Session of the General Assembly on Women Issues." *United Nations Division for the Advancement of Women*. 30 April 2004.
<http://www.un.org/womenwatch/daw/Review/responses/CHINA-English.pdf> (accessed April 7, 2015).

Rogow, Arnold A. "A Framework for Political Analysis and A Systems Analysis of Political Life by David Easton." *Midwest Journal of Political Science* 10, no. 1 (February 1966): 142-146.

Ruijun, Dai. *Promoting Domestic Implementation of CEDAW in China*. n.d.
<http://www.iolaw.org.cn/global/en/shownews.asp?id=18172> (accessed March 6, 2015).

Shieh, Shawn, and Signe Knutson. *The Roles and Challenges of International NGOs in China's Development*. Beijing: Social Sciences Academic Press, 2012.

Shieh, Shawn; Deng, Guosheng. "An Emerging Civil Society: The Impact Of The 2008 Sichuan Earthquake On Grass-roots Associations In China." *The China Journal* (The University of Chicago Press), no. 65 (January 2011): 181-194.

Spires, Anthony J. "Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China's Grassroots NGOs." *American Journal of Sociology* (The University of Chicago Press) 117, no. 1 (July 2011): 1-45.

Strong, Tracy B. "David Easton: Reflections on an American Scholar." *Political Theory* 26, no. 3 (June 1998): 267-280.

Tatlow, Didi Kirsten. *China, in Suspending Woman's Death Sentence, Acknowledges Domestic Abuse*. 24 April 2015.
<http://www.nytimes.com/2015/04/25/world/asia/china-suspends-death-sentence-for-li-yan.html> (accessed May 4, 2015).

—. *In China's Most-Watched Divorce Case, 3 Victories, 1 Defeat*. 4 February 2013.
http://rendezvous.blogs.nytimes.com/2013/02/04/in-chinas-most-watched-divorce-case-3-victories-1-defeat/?_r=0 (accessed April 13, 2015).

- The Guardian. *China's first anti-domestic violence law hailed as a step forward*. 26 November 2014. <http://www.theguardian.com/world/2014/nov/26/china-draft-anti-domestic-violence-law> (accessed April 20, 2015).
- The Thomson Reuters Foundation. *A Landscape Analysis Of Domestic Violence Laws*. TrustLaw Connect Publication, 2013.
- Thomas, Natalie. *Can an American Woman Stop Domestic Violence in China?* 7 February 2013. <http://www.theatlantic.com/international/archive/2013/02/can-an-american-woman-stop-domestic-violence-in-china/272954/> (accessed February 23, 2015).
- Thompson, D. F. "A Framework for Political Analysis, A Systems Analysis of Political Life and Varieties of Political Theory by David Easton." *Political Science Quarterly* 83, no. 4 (December 1968): 632-634.
- Tingting, Shen. *Opportunities and Challenges-Women's NGOs in China*. 3 May 2012. <http://asiacatalyst.org/blog/2012/05/commentary-opportunities-and-challenges--womens-ngos-in-china.html> (accessed February 21, 2015).
- Tinker, Irene, and Gale Summerfield. "Background of the NGO Forum and Overview of the Family and Economic Transformation: Problems and Strategies." *Review of Social Economy* (Taylor&Francis, Ltd.) 55, no. 2 (1997): 196-200.
- Tung, Liz. *Interview: Domestic violence activist Kim Lee*. 17 October 2014. http://www.timeoutbeijing.com/features/Around_Town-Around_Town/33406/Interview-Domestic-violence-activist-Kim-Lee.html (accessed April 13, 2015).
- U, Ling. *Advocating at the margins: women's NGOs in China*. Paper 286, Honors Theses, 2008.
- UK Essays. *International Ngos In China Media Essay*. November 2013. <http://www.ukessays.com/essays/media/international-ngos-in-china-media-essay.php> (accessed February 20, 2015).

- UN Global Compact. *Participants&Stakeholders Civil Society Organizations*. n.d.
https://www.unglobalcompact.org/participantsandstakeholders/civil_society.htm
 1 (accessed February 03, 2015).
- UN Women. *Convention on the Elimination of all forms of Discrimination against Women*. 2009. <http://www.un.org/womenwatch/daw/cedaw/> (accessed March 03, 2015).
- . *The United Nations Fourth World Conference on Women*. September 1995.
<http://www.un.org/womenwatch/daw/beijing/platform/violence.htm> (accessed March 31, 2015).
- United Nations. "CEDAW." *UN Women*. 18 December 1979.
<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (accessed March 03, 2015).
- . "Declaration on the Elimination of Violence against Women." *UN.org*. 20 December 1993. <http://www.un.org/documents/ga/res/48/a48r104.htm> (accessed March 03, 2015).
- Wallace, Shana. "Beyond Imminence: Evolving International Law and Battered Women's Right to Self-Defense." *The University of Chicago Law Review* 71, no. 4 (Autumn 2004): 1749-1781.
- Wang Zheng. "A Historic Turning Point for the Women's Movement in China." *Signs* 22, no. 1 (Autumn 1996): 192-199.
- Wang, Zhengxu. "China's Embedded Activism: Opportunities and Constraints of a Social Movement by Peter Ho and Richard Louis Edmonds. Review." *The China Quarterly* (Cambridge University Press), no. 96 (December 2008): 934-935.
- Wei, Bu. "Organizing Against Domestic Violence - Exploring the Use of a Popular Theatre Troupe as Alternative Media in Rural China." In *Women and Gender in Chinese Studies*, by Nicola Spakowski and Cecilia Nathansen Milvertz, 48-63. Berlin: Transaction Publishers, 2005.

- White, Gordon, Jude Howell, and Xiaoyuan Shang. *In Search of Civil Society: Market Reform and Social Change in Contemporary China*. Oxford: Clarendon Press, 1996.
- Wu, Yuwen. *China court overturns death sentence for abuse victim*. 24 June 2014. <http://www.bbc.com/news/world-asia-china-27993967> (accessed February 24, 2015).
- Xiaodong, Wang. *Law to get tough on domestic violence*. 5 March 2015. http://www.chinadaily.com.cn/china/2015-03/05/content_19721383.htm (accessed April 20, 2015).
- Xin, Qiu. "China curbs civil society groups." *Asia Times Online*, April 2005.
- Xinhua News Agency. *Researcher: Over 10,000 NGOs Working for Women's Rights in China*. 23 November 2006. <http://www.china.org.cn/english/features/bjrenquan/190870.htm> (accessed February 21, 2015).
- Xu, Beina. *Media Censorship in China*. 7 April 2015. <http://www.cfr.org/china/media-censorship-china/p11515> (accessed April 12, 2015).
- Zhang, Lijia. *China's big divorce case exposes a hidden epidemic of domestic violence*. 5 February 2013. <http://www.theguardian.com/commentisfree/2013/feb/05/china-divorce-case-kim-lee-domestic-violence> (accessed April 13, 2015).
- Zhang, Lu. "Chinese Women Protesting Domestic Violence: The Beijing Conference, International Donor Agencies, and the Making of a Chinese Women's NGO." *Meridians* (Indiana University Press) 9, no. 2 (2009): 66-99.
- Zheng, Wang, and Ying Zhang. "Global Concepts, Local Practices: Chinese Feminism since the Fourth UN Conference on Women." *Feminist Studies* 36, no. 1 (Spring 2010): 40-70.