

Dealing with Rape and Sexual Assault in China as a Foreign National

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Disclaimer: I am not a legal or medical expert, but I have researched this information to the best of my ability from official/expert sources, which are listed at the end of the document.

While many of you don't expect to be raped or sexual assaulted, the fact is that it is a very real possibility. The difficulty dealing with this tragedy is only compounded by the fact that you are in a foreign country and may be unfamiliar with laws or what to do if you or someone you know falls victim to rape or sexual assault.

This guide is intended to help you know your options and to be prepared in case it happens to you or someone you know.

First things first: emergency contacts and numbers.

It's important in any emergency to make sure you are able to contact someone who can help you. List an emergency contact in your phone. It is also a good idea to have this information in your wallet/handbag just in case. This may be a partner, family member, trusted friend or colleague, or your embassy/consulate. It is advised to keep these numbers handy, as well as Chinese emergency numbers.

Emergency Numbers:

- **110** (Chinese police services)
- **12110** (text the police when you are unable to call)
- **6525-5486** (English police services)
- **999** (English ambulance services)

Reporting to the Police

Rape and sexual assault are criminal offenses in China, and legal action may be pursued if the victim wishes. Below, the description and penalties for rape and sexual assault are described in the Criminal Law of the People's Republic of China:

Article 236. Whoever, by violence, coercion or other means, rapes a woman is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment.

Whoever has sexual relations with a girl under the age of 14 is to be deemed to have committed rape and is to be given a heavier punishment.

Whoever rapes a woman or has sexual relations with a girl involving one of the following circumstances is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death:

- (1) rape a woman or have sexual relations with a girl and when the circumstances are odious;
- (2) rape several women or have sexual relations with several girls;
- (3) rape a woman in a public place and in the public;
- (4) rape a woman in turn with another or more persons;
- (5) cause the victim serious injury, death, or other serious consequences.

Article 237. Whoever, by violence, coercion or other means, forces, molests, or humiliates a woman is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

Whoever assembles a crowd to commit the crimes described in the preceding paragraph, or commits such crimes in the public is to be sentenced to not less than five years of fixed-term imprisonment.

Whoever molests a child is to be given a heavier punishment according to the stipulations in the two preceding paragraphs.

<https://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm>

If you wish to report the crime, you must go to the police as soon as possible. In larger cities with more foreigners, you should be able to find a police officer who can communicate in English. If not, the police should be able to offer you a translator. You may also opt to bring a trusted friend that can communicate in Chinese. If this is not possible, you may contact your nearest embassy/consulate and seek help there, or one of the organizations listed in the [Legal Support](#) section below.

The police will take you to a hospital for evidence collection.

Note: this is NOT for a medical exam or to test for STIs, this exam is purely to collect evidence. Later, you will need to seek medical attention.

According to Beijing Qianqian Law Firm and AVON Equality, evidence is key in rape and sexual assault cases. A representative from Beijing Qianqian Law firm advises:

“In sexual abuse (rape) cases, evidence should indicate that there is sexual intercourse and the intercourse disobeys the willingness of the victim. Evidence can include samples of their vagina secretion which may include the semen or other DNA sample of the offender, clues of resisting such as wounds on the bodies of both the victims and offender and damaged clothes, other bio evidence of the offender. This evidence can be damaged easily. So going to the police as soon as possible can make an advantage. The police can collect this evidence before they are spoiled. Usually, the police come within a few minutes after you call. If the victim is harmed badly, you can call the police while sending the victim to the hospital.”

If you go to a hospital and have an exam on your own before going to the police, or go home to shower, understand that this may jeopardize their ability to collect evidence. This is why it is important to report to the police as immediately as possible so that evidence is not destroyed or compromised (if you wish to take legal action; not all victims choose to do this).

If you believe you may have been drugged, inform the police for their report. Afterwards, insist on obtaining a copy of your report, whether in Chinese or English. This is important so that you have all the information regarding your potential case.

Physical Safety/Health Considerations

Rape and sexual assault come with health risks, primarily the risk of contracting an STI or becoming pregnant if no protection is used.

Preventing Unintended Pregnancy

For preventing pregnancy, you can use emergency contraception (紧急避孕药 Jǐn Jí Bì Yùn Yào).

It is readily available at any pharmacy as an over-the-counter (OTC) medication. There are typically two options: a single dose, or two doses. The single-dose option is taken once, while the two-dose option is two pills taken 12 hours apart. These pills are most effective when taken within 72 hours of unprotected sex.

The copper IUD may also be used for emergency contraceptive purposes. It is more effective than the pills, but also requires a visit to the hospital and can be much more costly. It is effective up to 5 days after unprotected sex. It may also be left in to use as a regular birth control option.

You may want to take a pregnancy test 2-3 weeks afterward to know for sure if you are pregnant or not. In the case of an unintended pregnancy, you may opt to terminate (more on that below).

Unintended Pregnancy: Opting for Abortion

Access to abortion in China should be relatively simple, although there may be language barriers. Many hospitals offer these services, and it should be relatively inexpensive if you go to a local public hospital. For major cities such as Shanghai or Beijing, you could expect to pay at least 3000-4000rmb. If you prefer a private or international hospital/clinic, you can expect to pay 10,000rmb or more. You should contact your insurance provider to see if you are covered.

For abortion options, there are two choices: a medical (药流 yàoliú) or a surgical (人工流产手术 réngōng liúchǎn shǒushù, abbreviated as 人流 rénlíú) abortion.*

Medical abortions are an option in the very early stages of pregnancy, up to 8 weeks. A medical abortion involves going to the hospital and taking medication that will terminate the pregnancy. You will need to go back to the hospital for a follow-up with the doctor to make sure the abortion was successful. If the

abortion was unsuccessful or incomplete, then you will need to have a surgical abortion to complete the process.

Surgical abortions might be more recommended by doctors, as there is less likelihood of failure as with medical abortions. However, they are considerably more invasive and expensive. A surgical abortion can be performed under general anesthesia and should not take very long.

There are pros and cons to each of these options, of course, and you and your doctor must decide what the best course of action is for you.

STIs

Rape or sexual assault may put you at risk for contracting STIs, so it is important to be tested. The most common STIs include:

- Human Papilloma Virus (HPV) 人乳头瘤病毒 *rén rǔtóu liú bìngdú*
- Gonorrhea 淋病 *lín bìng*
- Chlamydia 衣原体 *yī yuán tǐ*
- Syphilis 梅毒 *méi dú*
- Trichomoniasis 滴虫病 *dī chóng bìng*
- Herpes (HSV-2) 疱疹 *pào zhěn*

You may also be at risk of contracting Hepatitis B (乙型肝炎 *yǐ xíng gān yán*) or HIV/AIDs (艾滋病 / 艾滋病 *àizī bìng dú / àizī bìng*).

If you have not been vaccinated against Hepatitis B, then you may decide to get tested for peace of mind. The average incubation period is 75 days, so you must typically wait 10-12 weeks after possible exposure for testing.

If you believe you may have been exposed to HIV, then you should talk to a doctor immediately and ask about Post-Exposure Prophylaxis medication, or PEPs (暴露后预防 *Bào Lù Hòu Yù Fáng*). PEPs must be prescribed by a doctor and begun within 72 hours of exposure, and are meant to be taken for 28 days.

You can be tested for HIV before taking PEP, but will also need to be tested again after the window period to ensure that it has worked. See the information below regarding window periods, and visit the web link to learn more.

WINDOW PERIODS - WHEN CAN HIV BE DETECTED?



The timing depends on the type of test you have:

- A **nucleic acid test (NAT)** can usually tell you if you have HIV infection 10 to 33 days after an exposure.
- An **antigen/antibody test** performed by a laboratory on blood from a vein can usually detect HIV infection 18 to 45 days after an exposure. Antigen/ antibody tests done with blood from a finger prick can take longer to detect HIV (18 to 90 days after an exposure).
- **Antibody tests** can take 23 to 90 days to detect HIV infection after an exposure. Most rapid tests and self-tests are antibody tests. In general, antibody tests that use blood from a vein can detect HIV sooner after infection than tests done with blood from a finger prick or with oral fluid.

<https://www.cdc.gov/hiv/basics/hiv-testing/test-types.html>

Mental Health Support

After being raped or sexually assaulted, you may find yourself suffering from depression, flashbacks, PTSD, and other psychological and emotional reactions to the trauma. One way to overcome trauma is by seeking professional help. You will find psychologists in hospitals (especially international hospitals), and below you will find a list of organizations and professionals that offer support.

Lifeline

Lifeline is a free support hotline for those who need to talk, but may wish to remain anonymous or need immediate attention.

A square QR code with a white background and black modules. In the center of the QR code is a small circular logo with a yellow sun-like icon and the word "Lifeline" in blue text below it.

Need to talk? Call us toll free at **400 821 1215** or you can send us a text via WeChat (ID: **LifelineConnect**) or our website **www.lifelinechina.org**.

Lifeline provides free, confidential and anonymous support.
365 days a year, 10am-10pm

Community Center Shanghai

Community Center Shanghai (CCS) offers counselling and therapy services for those in need. You may contact them directly, and Director Carrie Jones can help connect you with a counselor who is able to help you.

CCS has also partnered with Ferguson Women's Health and United Family Healthcare in Shanghai to offer medical support for victims of rape and sexual assault. Note: United Family is NOT partnered with the local police for gathering evidence and samples.

Please contact CCS Director Carrie Jones, who can connect you with the team from Ferguson Women's Health (for females survivors) or United Family (for male and LGBTQ+ survivors).



Carrie Jones WeChat ID: CarrieYiv

CandleX

CandleX is Beijing-based organization that offers bilingual mental health support to teens and adults. You may join CandleX's WeChat community to connect with mental health professionals.



Global Friendship

For southern China specifically, check out the Global Friendship Community's [mental health directory](#). You can also add their official WeChat account with ID: Globalfriendship.



Female Mental Health Empowerment Network

If you want access to more resources, Female Health Empowerment Network has a group dedicated to mental health resources for women across China. To join the group, please reach out to Hillary (ID: pinkhears963) or me (ID: meganpurvis) on WeChat.



Legal Support

If you decide to report the assault to the police and a case is filed with sufficient evidence, a prosecutor will be appointed for the criminal case.

If you wish to file a civil suit for damages, you will need to hire your own lawyer. Contact your nearest embassy or consulate for aid in finding someone to take your case.

Additionally, the following local organizations should be able to offer some assistance or advice (although they primarily focus on domestic violence).

Local Organizations

Yuanzhong Center



The Yuanzhong Center in Beijing offers support for survivors of domestic violence. The center can help women who want to rebuild their lives and protect themselves in the future.

Beijing Qian Qian Law Firm



用爱心书写公益人生

用法律构建性别平等



北京市千千律师事务所

原北大法学院妇女法律研究中心

免费法律咨询热线:

010-84831639/3270

工作日9:00-12:00, 13:00-17:00

国内首家专业从事妇女法律援助、研究与倡导的民间公益组织

 北京市千千律师事务所

Beijing Qianqian Law Firm is dedicated to protecting women's rights, making sure women are aware of their legal rights, and also have access to legal resources. You may call the number listed above (which is the best way to reach them), or send an email to the following address: ngo@woman-legalaid.org.cn

Avon Weiping (Equality Beijing)



AVON雅芳-为平妇女支持热线：15117905157（推荐求助拨打）

微信求助号：equality-beijing

邮箱：equality-cn@hotmail.com

Avon Weiping (Equality Beijing) is an NGO dedicated to women's rights and gender equality. One of its main focuses is gender-based violence. The best way to reach a representative is to call the hotline, but you may also email or add a direct WeChat contact (ID: equality-beijing).

Specifically for members of China's rainbow community:

Common Language



Common Language is an NGO that may be able to provide legal aid to those suffering from gender-based violence or discrimination.

Email: tongyu.org@gmail.com

Phone: +86 10 64462002

Website: www.tongyulala.org

Rainbow Anti-GBV Center



Common Language also runs the Rainbow Anti-Gender Based Violence Center, which offers counseling/support services.

Hotline: 400-1166-308 (available Mon-Fri 14:00-18:00)

International Organizations

Pathways to Safety

Pathways to Safety provides assistance to Americans living abroad, educating them about the dangers of gender-based violence and offering support for victims. They offer services such as safety planning and help finding a lawyer.

“Pathways to Safety International is currently unable to financially sustain operation of the 24/7 international crisis line. We will continue to provide information, support, and referral through e-mail at – crisis@pathwaystosafety.org . E-mails will be responded to within 72 hours. Please know it is our goal to reinstate operation of the 24/7 international crisis line as soon as possible and as funding allows.”

<https://pathwaystosafety.org/get-help-now/>

Sources

1. https://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap6.pdf
2. <https://www.gov.uk/government/publications/information-for-victims-of-rape-and-sexual-assault-in-china>
3. <https://www.thebeijinger.com/blog/2020/12/31/date-night-china-prep-pep-hiv-prevention-beijing>
4. <https://www.thebeijinger.com/blog/2019/09/24/getting-tested-stds-beijing-where-go-and-what-do>
5. <https://www.avert.org/hiv-testing/when-get-tested-hiv>
6. <https://www.cdc.gov/hiv/basics/hiv-testing/test-types.html>
7. <https://www.thebeijinger.com/blog/2019/11/03/how-and-where-to-get-an-abortion-in-beijing>
8. <https://www.mayoclinic.org/healthy-lifestyle/getting-pregnant/expert-answers/abortion/faq-20058551>
9. <https://www.rainn.org/effects-sexual-violence>
10. <https://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm>
11. <https://chinadevelopmentbrief.cn/reports/chinas-first-rainbow-anti-gender-based-violence-service-center-for-lgbti-people-opened/>
12. <https://outrightinternational.org/reports/discussion-rainbow-anti-gbv-centers-working-models>
13. <https://pathwaystosafety.org/services-provided/>