

**What is sexual harassment?**  
**May you have limitless courage to resist against power**

1.

“Rainy Day ” is an animated Chinese short film that vividly portrays the story of a girl who experienced shame and fear after being sexually harassed.



Scene from “Rainy Day”

Sexual harassment is when an assaulter forces a victim to comply with sexual insinuations through words or actions **without the victim’s consent** that causes discomfort or even fear. **It is important to note that any individual, regardless of gender, can become a victim of sexual assault**; it is an aggressive means of expressing sexual desires that are usually hidden within daily life.

Some criminal policies in China address measures against sexual harassment, which can help individuals in their legal recourse following an encounter with perpetrators. These legal regulations encompass:

- “Constitution of the People’s Republic of China” (Revised in 2018) addresses combating sexual harassment from standpoint of **preserving fundamental civil rights**.
- “Criminal Law of the People’s Republic of China” (Revised in 2019) addresses combating sexual harassment from standpoint of **criminal offenses**.
- “Civil Code of the People’s Republic of China” (Enacted in 2020) addresses combating sexual harassment from standpoint of **preserving civil interests**.
- “Law on the Protection of Women’s Rights and Interests of China” (Revised in 2018) addresses combating sexual harassment from standpoint of **preserving women’s rights**.

- “Law on the Protection of Minors of the People’s Republic of China” (Revised in 2020) addresses combating sexual harassment from standpoint of **protection of minors’ rights and interests**.

In cases of sexual harassment, it is advised to seek legal advice for more detailed information and guidance on appropriate courses of action. **However, it is noteworthy that, there is no explicit legal protection for men who may become victims of sexual harassment under China’s current legal system.**

2.

**There are numerous types of sexual harassment**, common occurrences including but are not limited to sexual harassment in the workplace, in families, on campuses, online, and in public areas. **Sexual harassment can fall into explicit and implicit forms**, with the latter being more difficult to distinguish, thus requiring closer examination.

“Am I being sexually harassed? Am I simply being too sensitive? Maybe it was just an accident right?” These are common reactions among victims of implicit sexual harassment.

Implicit sexual harassment causes **discomfort, perplexity, and even self-doubt**. For instance, repeated hand-touching in a spacious subway, engaging in provocative behaviors like whistling or leering in public places while the victim is passing by, or simply being gazed at.



“Gaze” – An anti-sexual harassment sign from London Underground

Perpetrators frequently use the concept of vague boundaries to **justify their behavior** — “I didn’t do anything wrong; why are you so sensitive?” or “I just accidentally touched you; I didn’t even notice that, you’re probably overthinking” and etc. **Sexual harassment therefore is much more common than we think**; victims may struggle to define such actions due to a lack of clear signals from their environment about what constitutes inappropriate behavior. This may lead to them being reluctant to seek help or even experiencing feelings of shame and guilt.

When you experience actions, remarks, or even glances from others that make you feel uneasy, there is no need for self-doubt:

**This IS sexual harassment. It's NOT your fault.**

3.

In the face of sexual harassment, there is no need to be afraid, please remember:

**You have the right.**

In the United Nations' "Universal Declaration of Human Rights," Article 19 addresses that **"Everyone has the right to freedom of opinion and expression."** One has the right to voice criticism; when they resist something, they have the right to refuse. As a result, there is no reason to fear, to fear resistance, to fear saying "no", or fear to express oneself clearly. **You have the right to say "no!"** One has the right to express their worries, discomfort, anger, and, of course, also the right to resist.

Your ability to express yourself is inextricably linked to your **confidence and resilience**. In an intimate relationship, **you have the right to assert your sentiments and rights, making it clear that your partner's behaviors are unwanted** when they engage in behaviors or conversations with overt sexual overtones that make you uncomfortable. If your partner continues to act this way after being informed of your unease, **it is sexual harassment**. While you may feel uncomfortable, you still have the right to confront and address this issue.

## Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

"Universal Declaration of Human Rights" Article 19

However, **"right"** is not the same as **"power"**

The "Universal Declaration of Human Rights"'s objective is to preserve protection of **each person's rights**. As Simone de Beauvoir claimed in her existentialist work, "The Ethics of Ambiguity":

“And it is not true that the recognition of the freedom of others limits my own freedom: **to be free is not to have the power to do anything you like**; it is to be able to surpass the given toward an open future; the existence of others as a freedom defines my situation and is even the condition of my own freedom.”

**While power is the exploitation of others and the suppression of their rights, rights should be held equally.** Therefore, your harassment or filthy remarks about others do not represent a form of freedom or right to do or say something, but rather an actual intrusion and exploitation. Existentialists like Simone de Beauvoir assert that the essential principle of personal freedom should be the respect for the rights of others;

**Similarly, your rights should be preserved on the rights of others.**

4.

Ten years ago, China marked a milestone with the **first successful verdict in sexual harassment lawsuit**. The triumph of “right” over “power” showcased its authority to the world.

The complainant in this historic case, Ms. He, accused her boss, Mr. Sheng, of sexual harassment. Ms. He stated that both were educators at a commercial school in Wuhan’s department of Chinese and foreign languages, and Mr. Sheng was serving as deputy director. In 2000, Mr. Sheng took advantage of their interactions in the workplace to make inappropriate sexual approaches toward Ms. He. **Even after receiving her clear rejections, Mr. Sheng persisted with the harassment.** In 2001, Mr. Sheng followed Ms. He to her room at night under the pretense of work-related discussions, **he inappropriately grabbed her private areas and forcibly kissed her.**

Following that, Mr. Sheng would frequently touch Ms. He inappropriately in private settings and frequently sent her pornographic text messages with sexual overtones. Although Mr. Sheng argued in court that he and Ms. He had no improper interactions, he still unwillingly agreed to sign a pledge under Ms. He’s husband’s coercion which he stated that he will “maintain a professional, normal working relationship with Ms. He in the future and extend apologies to Ms. He’s husband, Mr. Liu, for past actions.” The court, in its final judgment, officially affirmed the veracity of the harassment claim. The court supported its ruling with the following pieces of evidence: Mr. Sheng harassed Ms. He without her consent and made Ms. He feel uncomfortable in private indoor settings where no other witnesses were present and forcibly kissed her in public. Mr. Sheng’s signed pledge also validated his culpable conduct.

**Therefore, Mr. Sheng’s harassment of Ms. He is firmly established.**

This case's victory is a tribute to the power of rights, courage, and reason. It lays the foundation for the countless victims of sexual harassment today, **encouraging and guiding them to shed the veil of silence, expose the intruders' indetities, and confront them to reclaim their fundamental human rights.**

5.

It is important to note, as previously mentioned, that individuals of any gender can potentially become victims of sexual harassment, and this includes the possibility of men being subjected to harassment too.

**Gender, in itself, does not stand in opposition to sexual harassment and sexual assault.**

According to numerous databases, the percentage of male victims is gradually increasing and has reached 35%. According to China's "College Students' Sexual and Reproductive Health Survey Report," women make up 34.8% sexual violence victims, while men make up a slightly greater percentage of 35.6%. Studies also report that in American workplaces, one in every five men are a victim of sexual harassment.

It is worth noting that with China's legal framework, the classification of rape victims is defined as "women," **making it difficult for men to receive legal protection in cases of sexual harassment and intrusion.** However we must acknowledge that sexual harassment victims are not confined to being "female," and that the repressive party is not necessarily "male," but rather stems from the **patriarchal society**. In a patriarchal society, no gender benefits solely; it affects our society and universally puts individuals in the position of being prospective sexual harassment victims through transcending gender boundaries. Sexual harassment, as a social phenomenon, **originates from unequal power systems inherent in a patriarchal society.**

Hence, gender cannot be determined only by gender; rather, it is the outcome of a complex interaction of factors, such as power dynamics and cultural norms within society. **In reality, sexual harassment of the same sex is also a common issue.** Although many people might believe that sexual harassment does not happen with same-sex relationships, research shows that verbal sexual harassment against women can happen from 10% to 25% of the time; and at least one in seven men report that they have been the victim of same-sex harassment or assault at some point in their lives. **However, those subjected to same-sex sexual harassment often choose to remain silent due to the fear of social stigmatization or the consideration that harassment is embarrassing. As a result, they become hesitant to seek help. This psychological pressure leads victims to silently suffer in distress.**

**Sexual harassment, is the exploitation of the vulnerable by the powerful; and the vulnerable are not only women.**

6.

On many occasions, the shame brought on by sexual assault and harassment can suppress a victim's desire to lead to self-doubt, fear, and anxiety. Due to the lack of sexual education, many victims may not even be aware of their victimization, causing the ensuing unpleasant emotions to go unrecognized and eventually dominate them.

The boundaries of sexual harassment are ill-defined, but when you feel uncomfortable because of unwanted touches, gazes, or words from someone, **don't self-blame or self-doubt because it is not your fault.** If this discomfort is caused by people close to you, such as a same-sex friend, your partner, a family member, or someone else close to you, do not conceal your feelings in consideration of your relationship. Though expressing your true feelings requires courage, **expressing your thoughts is one of your rights and a form of resistance against power.** Anyone can become a victim of sexual harassment, and anyone can become a perpetrator. Their gender or relationship with you cannot be used as a justification for their transgressions.



"Your body is a battleground"

**May you have limitless courage - to confront and challenge authority, to fight for yourself.**

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