As the #MeToo movement spreads around the globe, many women in Asian countries are fighting their own unique battles against legal, cultural and societal norms which entrench gender imbalance. PUJA KAPAI writes.

When allegations of rape and sexual assault against media mogul Harvey Weinstein broke in October 2017, nobody envisaged what would come next. As the number of women reporting details of Weinstein’s transgressions snowballed, the term ‘me too’ – coined in 2007 by activist Tarana Burke to empower young women of colour from less well-off communities to recognise they are not alone – was repurposed by Hollywood actress Alyssa Milano into #MeToo on social media. As millions around the globe named perpetrators and shared details about acts of violence and oppression, they stood in solidarity with others who had experienced their own #MeToo moment. They mobilised, where possible, to bring to account abusers everywhere.

However, just as global history does not begin with the story of colonialism, tracking the development and spread of the #MeToo movement as a trend moving from the West to the East should give us pause to reconsider. The trajectory of #MeToo in Asia reveals the importance of understanding developments within their distinct contexts and local settings in order to map the unique journey undertaken by different communities to forge pathways to gender justice against sexual violence.

Each jurisdiction has varying cultural, social, political and legal contexts. The nature of laws, their scope, the competence and capacities of frontline personnel, including police, lawyers and judges, and the society’s institutions as a whole will often determine the specific mix of challenges victims of sexual violence face, and the effectiveness of the avenues for redress. Added to this mix is often the distribution of men and women in positions of leadership and their role in enabling patriarchal structures and value systems.
When the law fails you

Globally, one in three women will experience sexual violence at least once in the course of her lifetime, and one in two women in Asia will experience sexual violence (GBV) during their lifetime. However, it remains one of the most underreported crimes.

The United Nations Convention for the Elimination of All Forms of Discrimination Against Women is one of the most widely ratified treaties in the world. Despite this, the state of gender equality and laws targeting violence against women is wanting, even across countries that have legislation against GBV. The challenge comes down to the fact that, at the end of the day, law is a reflection of the society in which it is created and enforced.

For example, the fact that India has stringent and updated laws against sexual violence has not seen more victims coming forward or perpetrators ultimately convicted. Between 2012 and 2014, a total of around 31,000 reports of sexual violence were filed, but only 150 of these resulted in a conviction. A 25 per cent conviction rate in the broader legal system and the 30 million cases pending determination almost guarantees the perpetrator can get away with rape and sexual assault. India recently introduced the death penalty for those who rape a minor under 12. However, this hardly acts as a deterrent. It simply places child victims at greater risk of being killed so it is harder for perpetrators to get caught. Coupled with the reality that 98 per cent of victims in such cases know their perpetrators, the pressure on victims, parents and extended families to keep mum about the abuse is crippling.

India’s moment of reckoning came in December 2012, when 23-year-old Jyoti Singh was gang-raped on a bus in the national capital of Delhi and left to die by the roadside. The brutality with which she was violated shook the nation to its core. The people of India found the victim – a young medical student out to see a movie with a friend – deeply relatable. Seldom had the public’s sympathies been triggered in this way, activating their own fears about whether their daughters or sisters were in danger. Protests against GBV ensued, with girls and women barring signs asking #MeInHere? – before #MeToo became a global movement.

However, these protests betray India’s willful ignorance of the plight of the Dalit (the untouchables), transgender people, women and girls in poverty, and orphans and girls with disabilities, who are routinely subjected to sexual violence and trafficking, and whose voices are seldom heard or believed. The atrocities perpetrated against intersectional fault-lines of caste, colour and religion remain invisible.

Cultural codes as gendered constraints

The role and presence of women in the workplace and in certain public domains in Asia is an evolving phenomenon which countries are experiencing differently. In Japan, for example, only 8 per cent of senior roles in companies employing more than 100 people are filled by women. Women working outside of offices are often considered to serve at the pleasure of men. They are expected to laugh at lewd remarks or unwanted touching and to smile politely. In a society where a third of Japanese women have reported being sexually harassed at work, 63 per cent have opted to stay silent.

When a tape recording of Vice Finance Minister Junichi Fukuda reportedly harassing a female reporter by making sexual requests was released, Fukuda said, “Sometimes I have fun playing word games with girls at the club. I’m unaware of saying something that would be defined as sexual harassment.” The Finance Ministry cleared Fukuda of all charges, although he was given a stern warning and eventually stepped down from his position. TV Asahi later revealed it was one of its reporters who had been sexually harassed and acknowledged their inaction despite numerous complaints over a year and a half. This incident gave rise to #withyou, as well as protests at the Lower House of the Japanese Parliament with the message: “silence won’t protect you”. A Japanese hashtag translating to “I won’t be silenced” trended on Twitter.

As in other parts of the world, pan-Asian cultures have hierarchised the sexes, relegating women to the second sex where the role of women has traditionally been (and, in many respects, continues to be) to service the interests of men, families, and society as a whole.

To this end, cultural norms strictly police the appropriate boundaries of conduct for men and women, and the importance of maintaining face and family honour. Honour is distinctly tied to women’s bodies through policing women’s activities, clothes and expressions of sexuality and sexual desire. In India, the response to the rise in sexual violence against women, largely in the wake of the rise of female labour force participation in urban centres, has been to suggest they cover up, not wear Western clothes, and not stay out after dark.

In China, legislation to combat domestic violence has only recently been introduced. This was previously deemed a private matter between families and not subject to state regulation. In Japan, when Shiori Ito, the journalist credited as being the first to use #MeToo in Japan, went public with her story of being plied with alcohol and raped by Noriyuki Yamaguchi, a senior male journalist with close ties to Prime Minister Shinzo Abe, she was called a slut and a prostitute. Her outspokenness was deemed shameful and her nationality was questioned, since “true” Japanese women would “know better than to speak about such a shameful occurrence.” A top police official urged that Yamaguchi’s court-issued arrest warrant on charges of rape be suspended, enabling Yamaguchi to avoid detention. Prosecutors dropped charges of sexual assault, citing insufficient evidence. In May 2017, Ito filed and is still fighting a civil suit to speak about such a shameful occurrence.

Victim named is victim shamed

Pervasive concerns around female and family honour, together with social mores and values that typically shame a victim rather than the perpetrator, act to reinforce silence. Even in the case of Jyoti Singh in the Delhi gang rape, there was much victim-blaming and judgment against her for wearing jeans and watching a Western movie with a male friend after dark. These attitudes are not confined to contexts lacking rule of law or seemingly less progressive states. In Hong Kong, for example, Secretary for Security Lai Tung Lok advised women to drink...
less alcohol to avoid being raped. His comments, which came in response to the statistics released in 2013 revealing a 60 per cent uptick in sexual assault and rape cases in the first three months of that year (25 cases in Tokyo), sparked a city-wide outcry and led to widespread condemnation. The culture remains that women who report are usually judged, disbelieved, seen as troublemakers, demonised, ostracised or blacklisted. In some instances, they are seen as “reputationally ruined”, stripped of dignity and, therefore, entitled to be taken further advantage of since they have already been “stained”.

Patriarchy punishes empowered women who turn to law

In March 2015, China’s “Feminist Five” were arrested for “picking quarrels and provoking trouble.” The group had largely gone unnoticed until their arrest for planning to distribute stickers on International Women’s Day in protest against sexual harassment on public transportation brought them global attention. As single, lesbian and/or queer women, the five have become the face of feminist resistance against patriarchy in China, posing a distinct threat to the Communist Party. Despite this backdrop, China’s response to the use of #MeToo on social media platforms needs to be understood.

China’s #MeToo moment took the form of a Chinese computer scientist residing in the US writing an open letter to the police, her doctoral supervisor, Professor Chen Xiaoyou of Beihang University, someone who sexually harassed her 12 years earlier. She was prompted by the anonymous accounts which other students of Chen posted on an online forum. Her letter spurred five other former students to speak out against Chen’s sexual predatory behaviour. This eventually led Chen to demission from Beihang and prompted students at different institutions in China to share their stories. When they faced the full wrath of state censorship against #MeToo-related posts, they adapted and coined the term “rice bunny”, which phonetically sounds like #MeToo, to circumvent censorship. On the other hand, there are limits to how far victims can expect the system to deliver justice. Take the case of Hong Kong film director Sharon Lam, who sought to file a police complaint after accusing a trainee pilot of attempted rape. Hainan Airline representatives interceded at the police station, advising her to drop the case lest she be sued for assault, since she fought off her attacker. It was not until Lam went public with her story that the pilot was suspended.

In both India and China, the law of defamation has been used as a weapon to fend off charges by victims. In the case against journalist Priya Ramani, who stabbed and published an article against the death of a prominent man, which was big, aggressive, and could not be overcome. Victims have to fight these stereotypes to establish their non-complicity in what has happened – to displace the default blame ascribed to them for attracting such trouble. In doing so, women have to risk contracting a high bar to fit themselves within the societal and legal framing of the “perfect victim.”

The “perfect victim” and rape myths

Apart from these initial hurdles which have overwhelmed the first order of women to share their histories, and thereby destroy their credibility before their cases get off the ground. Aksh Narth, a prominent Bollywood celebrity, has done the same in response to allegations made against him regarding rape. Unusually for India, both men have been charged.

The developments in China show that even state censorship and victim-blaming can be circumvented through the creative use of technology. Institutions and those in power can no longer afford to turn a blind eye or be seen to condone such conduct. The public nature of #MeToo justice has helped galvanise new societal forces that stand with victims of abuse, as evident in South Korea where nearly 60 people showed up in support of the victim in the court case involving politician Ahn.

When allegations of rape and sexual assault against Ahn Hye-Jung, a rising political star in South Korea, gripped the nation, there was initial discussion around how the accusations threatened to mar his chances of accession to political office at the national level. In August 2018, the Seoul Western District Court absolved Ahn of all charges, finding that the victim’s behaviour, including going to a wine bar with him the day after the alleged rape while on a business trip, cast doubt as to whether the victim’s “sexual freedom” had been infringed. However, in a ground-breaking turn of events, in February 2019, the High Court overturned this verdict, convicting Ahn of rape on account of his awareness of the power he wielded over as well as the alignment of her testimony with that of other witnesses. Ahn was sentenced to three-and-a-half years imprisonment.

Breaking the shackles of cultural censorship

Change is certainly afoot. Various universities in China have taken steps to remove sexual predators from their ranks. In China, Korea, Japan and India, the movement is clearly building on decades of feminist organisation and activism to challenge the widespread perpetration and tolerance of sexual violence as a privilege of the elite, powerful and well-connected. In the past 18 months, these communities have begun to mobilise, work around censors, and speak out to deliver their public verdict on such abuse.

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“It is time to... turn bystanders and enablers into allies who act against the perpetrators of such abuse.”

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