

# Water Disappearing into Water: Healing Male Victims of Sexual Violence

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## Abstract

This research paper presents key aspects of the experiences of Chinese male people who identify as sexual assault victims. The paper will also focus on the impacts of their experiences on their livelihoods. Using aspects of law, sex education, and psychological counseling as a lens, the report refers to domestic and foreign sexual assault reports and related policies and documents to explore the potential reasons for an observed lack of support for male victims of sexual assault. It then interprets and synthesizes the results and provides potential solutions. For a period of twenty years, data were collected from multiple sources, including books, journals, and online media. It is worth noting that cases of rape and defilement among men are less likely to be reported than cases involving women. Despite this, male victims of sexual assault are not uncommon, but society, for various reasons, evades the issue. The fact that male sexual violence is not adequately acknowledged and addressed by Chinese society not only affects those who identify as having lived experiences of sexual violence but also leads to larger social problems, such as alienation of oneself from society and dysfunctional social structures. It is, therefore, imperative to find solutions that address the needs of these men. This article proposes action in three areas: to adjust the legal scope of rape and the identification of individuals who need help; to improve the quality of sexual education with regards to its content, deliverance, and accessibility; and to strengthen and regulate professional counseling services, and providing access to competent psychological services through the Chinese health insurance system.

## Keywords

Chinese Criminal Law, Male Rape, Male Sexual Autonomy, Preventative Education, Psychological Counselling, Sexual Assault Victims

## 1. Introduction

Nearly one in four men in the United States will experience contact with sexual violence in their lifetimes (Smith et al., 2018). In China, the situation is also concerning: a report from China Family Planning Association, China Youth Network, & Health Research Center, Tsinghua University (2020) showed that 2.06 percent of girls and 1.47 percent of boys surveyed had been forced to have penetrative sex against their will which amounts to rape. Jorge Luis Borges once said, “Death is like water disappearing into the water (Borges, 2015).” The same can be said of rape: the acts and their effects are not taken seriously, especially when perpetrated against male victims; water disappears into the water, causing ripples that eventually return to stillness. It is difficult to see each drop of water before it disappears into the whole. This does not, however, reduce the damage. Differences in victims’ political, historical, and social environments mean that the psychological impact of their abuse can affect them in various ways and, in extreme cases, can lead to suicide. A report from Tiet, Finney, & Moos (2006) showed that male patients who had been sexually abused were more than four times as likely to attempt suicide within 30 days of the assault than those who had not been assaulted.

## 2. Introducing Reforms in Sexual Offense Legislation

In 2015, China’s criminal law expanded the object of indecent assault to include men, but the offense of rape has not yet been modified. Barring exceptional circumstances, the sentence for indecent assault is less than five years, while that for rape is between three and ten years. In addition, most cases where a male is raped and suffers injury do not fit the legal requirements to be prosecuted for indecency. The widely known “drunk Chengdu woman who raped a male passerby” incident from 2013 (Zhu, 2013) is an example of this. In handling rape cases where the two persons are of the opposite sex or the same sex, gathering evidence is normally difficult for the investigators. This leads to many situations in which it is impossible to determine who is the aggressor and the victim. In turn, education about rape and the social deterrent against its perpetration will weaken, which is unacceptable. If the principle of “law as the minimum moral” is taken into account, in cases involving individuals of opposite genders and the evidence presented is not strong enough, protecting women is an inevitable choice.

In our view, the law discriminates against male victims of sexual violence. Due to the fact that the law is the embodiment of national consciousness, society generally believes that men should be strong, active, and aggressive (Tiet et al., 2006). No official organization in China has conducted a nationwide study on male victims. Data exists from previous reports that monitored the rate of rape, but these were not stratified by gender. The general public, therefore, does not know how many men are raped each year, nor does it know the severity of the physical and psychological harm suffered by male victims. The data currently

available comes from the book by Pan (2004): “Among Chinese men between the ages of 20 and 64, 2.7% had experienced forced intercourse”; and from a regional report issued by Guangdong Provincial Center for Disease Control and Prevention (2013): “Among high school students, vocational school students and college students, out of every 100 boys, 2 - 3 have been forced to have sex.”

In some cases, data were collected from male and female victims, but only the circumstances and reasons for male rape of women were discussed in the summaries and articles. For example, the research from Jewkes, Fulu, Roselli, & Garcia-Moreno (2013) cited the probability of “partner or non-partner rape among all men” in China as 16.8 percent, which includes a 1.7 percent probability of men being raped by other men. After the report was released, the mass media conformed to this stereotype and ignored the survey samples to compound the issue (Ping, 2014). All of these have led to the stigmatization of male victims among the general public. A lagging legal system coupled with social myths about male victims has severely affected the reporting rate of sex crimes perpetrated against men and boys (Tiet et al., 2006).

According to Article 236 of China’s Criminal Law, the crime of rape is “the act of using violence, coercion or other means to force sexual intercourse with a woman against her will”. Further, sexual intercourse during the crime of rape is narrowly defined as sexual organ contact. Other forms of sexual intercourse are regarded as forced indecency. We believe that the legal definition of rape should be partially amended: for example, the offense should be expanded from its current narrow definition to include penetration of the genitals, mouth, and anus, regardless of whether or not the victim suffered internal or external bodily harm; it should include all genders in its definition of perpetrators and victims, and stipulate that the sexual behavior experienced by the victim took place against his or her will, and there should be a full analysis of the Chinese sexual offense legislation and their application to male rape.

### 3. Further Reforming Sex Education

Most victims’ sense of self-worth is heavily impacted by sexual violence, and their sexual attitudes are distorted. According to Tinpo (2015), they cannot deal with the consequences of their abuse, such as problems related to venereal diseases, and often do not realize that what has happened to them is sexual assault. The hidden problem behind this phenomenon is the underdevelopment of sex education in China.

On June 1, 2021, the Ministry of Education issued a revised version of the Regulations on the Protection of Minors in Schools, which stated that “Schools should teach students puberty and sex education in a targeted way that enables them to learn about the physical and health aspects of sex, and improve their self-protection awareness and ability to prevent sexual assault and harassment” (Ministry of Education of the People’s Republic of China, 2021). On the same day, sex education was officially included in the “Law of the People’s Republic of

China on the Protection of Minors”. However, it is worth noting that there is no set of written policies and laws on the specific implementation plan. The previously mentioned Regulations make clear that the purpose of sex education is to teach adolescents about physical health and prevent sexual assault and harassment. Sex education does not appear as a separate concept but rather huddles under the broad framework of health education. This makes it difficult for schools to carry out targeted and comprehensive sex education and to cultivate students’ abilities and moral and legal values from the perspective of their sexuality.

To improve this situation, sex education should be made a compulsory and independent course, and teaching materials should be developed for different age groups. Firstly, the course content should include sexual physiology; physical hygiene and sexually transmitted diseases, sexual psychology; sexual behaviors and fetishes; and sexual crimes and their corresponding laws. Secondly, assessment questions should be divided into knowledge/memory and open-ended questions. The former should relate to the textbook content and focus on the breadth and accuracy of knowledge students have mastered; the latter should be based on current news stories or classroom simulations and test students’ critical thinking on sexual issues and their ability to face unexpected events. Thirdly, a highly professional team of educators should be assembled to implement the course, and sex education should be delivered in a way that normalizes its content. Sex education should also be incorporated into the education quality monitoring system to improve the quality of education offered to the society.

#### 4. Developing Psychological Counselling

Most male victims suffer from long-term depression, anxiety, anger, grief, and confusion about their masculinity and sexuality (Jewkes et al., 2013). Ninety-seven percent reported being depressed after their assault; approximately 93 percent felt anxious; and 90 percent experienced a loss of self-respect (Walker, Archer, & Davies, 2005). This indicates that male victims need urgent psychological counseling. According to a report from Simple Psychology & Guokr (2020), however, only 28.15 percent of those surveyed went to a professional counselor when they noticed something was wrong with their mental state, and nearly 30 percent of them did not think that counseling had helped them much or at all.

The development of the psychological counseling profession in China has stalled since the state abolished its professional qualification in 2017. Currently, the industry has no competent authority and is part of neither the health nor education systems. Further, because the psychology departments of domestic universities have neglected the development of psychological counseling as a discipline, and hospitals do not train psychological consultants, most such consultants are produced by third-party training institutions. They are permitted to work as long as they pass the exam. Usually, however, the examination questions

are theoretical, and none relate to the real-world problems at hand. There is also a lack of real supervision once counselors enter the profession, and the market has not standardized the cost of psychological counseling. This has pushed prices up, making the service too expensive for most people, who consider it a luxury.

The whole industry is in urgent need of targeted and effective growth. First, psychological counseling should be gradually incorporated into the National Health and Family Planning Commission, under whose leadership a national industry association should be established. Corresponding laws and regulations should then be formulated concerning the management methods of physicians and other health professionals as is done in India and France. Practical skills should be added to the examination, and supervised internships should be required for those who pass them. These internships can create an evaluation system for the quality of counselors' services, whose results can, in turn, be used to regulate market prices for the industry. This could include evaluations from patients, supervisors, and peers, which could be used as a determining factor of external price fluctuations among counselors. Finally, many locations should incorporate psychological counseling into the medical insurance system.

## 5. Conclusion

Although the number of rape cases affecting male victims is relatively unknown, if their needs are addressed, there is also likely to progress in combatting sexual assault against men and boys. If the problems in the three areas mentioned in this article, amending legislation, reforming sex education, and developing counseling services, can be solved, it will help people become better social actors and respectful sexual partners. We hope that shortly, adequate legal rights, systematic sex education, and effective psychological counseling will make each of these drops of water a river that will grow in strength to flow steadily without fear of disappearance or invisibility.

## Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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