

Comparing criminal justice responses to violence against women in Canada and China

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(Received 4 August 2011; final version received 23 July 2012)

Canada and China are two very different countries in terms of their socio-economic and political contexts; however, neither country is immune to the social problem of violence against women. This paper compares the criminal justice responses to violence against women in Canada and China in order to explore the pathway of responses to violence against women in different cultural contexts, and discusses the implications for addressing violence against women on an international horizon.

Keywords: violence against women; justice responses; Canada and China

Introduction

Violence against women occurs across socio-economic strata and cultures; nevertheless, there are variations across countries in terms of how violence against women is perceived and the types of preventive measures and interventions that have been adopted. This paper attempts to compare criminal justice responses to violence against women between a developed country, Canada, and a developing country, China,² in order to explore the pathway of responses to violence against women in different cultural contexts and to discuss future policy and programme developments on an international horizon. This paper is structured in three sections. The first section provides the context of the two countries, focused upon including the prevalence of violence against women. It follows with a comparison of the countries using the five-dimension framework in the *In-Depth Study on all Forms of Violence Against Women Report of the Secretary-General* of the United Nations (United Nations, 2006). The last section discusses implications for future policy and program development in relation to responses to violence against women and suggestions for international collaboration.

Context

Violence against women refers to male violence against women in intimate partner relationships, including violence committed by a husband, a common-law partner, an ex-husband or an ex-common-law partner³. It includes any acts or threats of such acts that

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result in, or are likely to result in, physical, sexual or psychological harm or suffering to women (United Nations, 1993).

Canada and China were selected for comparison for theoretical and practical reasons. Theoretically, the selection of the two countries with different cultures and economic development stages can contribute to a greater understanding of the pathways of policy and program development in relation to responses to violence against women in different contexts. Canada is a western-developed economy with a gross domestic product (GDP) per capital of US\$39,600 in 2011 and has developed initiatives to respond to violence against women over more than three decades. In contrast, China is an East Asian developing country and its GDP per capita has grown from less than US\$500 in the 1970s to US\$3740 in 2011 (Chan, Ngok, & Phillips, 2008; Economist, 2011). China began to develop policies and programs to address violence against women issues after the Fourth UN World Conference on Women in Beijing in 1995. However, the criminal justice and community responses on violence against women in China have not yet developed into the desired ends for achieving gender equality and protection for women at the same pace as its economic development. On the contrary, the economic development has escalated gender inequity in the forms of higher unemployment among women (Chan et al., 2008; Hester, 2005) and increased numbers of married men with better economic advancement involved in extramarital affairs, and that has triggered different forms of violence against women (Tang & Lai, 2008) and the economic and sexual exploitation of migrant women working in urban cities (Woo, 2006). This paper takes the socio-economic contexts into consideration and examines what China could learn from the experience of Canadian initiatives, whereas Canadians could acquire knowledge to become more culturally responsive in this area in their own country since the Chinese, with 1.35 billion, are their second-largest racialized minority group (Statistics Canada, 2008a). As such, the comparison is expected to bring benefits to both sides.

Violence against women in Canada

Victimization data from the General Social Survey (2009) demonstrate a stable pattern of 6% of the respondents reporting that they had been physically or sexually assaulted by a partner at least once during the previous five years (Statistics Canada, 2011). Some argue that this supports the parity of male and female violence in intimate relationships; however, this ignores the fact that victims of serious, chronic and often fatal violence are primarily women. For example, females were three to four times more likely than males to be victims of spousal homicide (Statistics Canada, 2011).

Canada began developing its criminal justice response to violence against women in the mid-1970s. The past 30 years have achieved a number of important initiatives such as amendments to the *Criminal Code*; the implementation of pro-charging and pro-prosecution policies for police and Crown attorneys; and the creation of specialized domestic violence court programmes.

Prior to those initiatives, violence against women was not regarded as a crime similar to other acts of violence occurring outside the home and this view was common among criminal justice professionals (Hannah-Moffat, 1995; Landau, 1998; MacLeod, 1995; Rigakos, 1997; Ursel, 1998). It was non-governmental organizations (NGOs) and those involved in the women's movements that brought the seriousness of violence against women to the attention of policymakers, arguing that this type of violence is a crime and should be treated as such. Due to their efforts, the first two changes – pro-charging and pro-prosecution policies – were introduced in Canada in the early 1980s. Since this time, police

and prosecutors are required to charge and prosecute all cases of spousal violence⁴ for which there are reasonable and probable grounds to believe an offence has occurred. The aim of the policy was to increase the certainty of the criminal justice response to violence against women in the context of intimacy (Brown, 2000; Pottie-Bunge & Levett, 1998).

Building upon these policies, some provinces/territories have implemented specialized domestic violence courts and procedures that bring together legal and victim service professionals to deliver these initiatives. The main goals of specialized domestic violence courts are to accelerate the court process, to increase victim co-operation and to deliver appropriate sentences that are in the best interests of the victims. Common components of these specialized courts include victim/witness assistance or advocacy programmes, a specialized Crown attorney, specially designated courtrooms in some sites, specialized probation units in some sites, and court-mandated treatment programs (Federal-Provincial-Territorial Ministers Responsible for Justice, 2003; Ursel, Tutty, & LeMaistre, 2008).

In addition to specialized courts, various types of domestic violence legislation have been proclaimed that provide a wider range of options for victims of violence, such as allowing the victims to apply for restraining orders through a simplified legal procedure (Busby, Koshan, & Wiegers, 2008; Federal-Provincial-Territorial Ministers Responsible for Justice, 2003) or imposing a peace bond or mandatory counseling for first or minor offences. These reforms are an attempt to address the issue that some cases do not result in justice or protection for victims and, further, to ensure that these cases are dealt with effectively and appropriately (Busby et al., 2008; Ministry of Attorney General of British Columbia, 2003).

Specialized police units in which officers are trained to handle domestic violence incidents were also established in various parts of Canada. Police training emphasizes multidisciplinary teamwork to understand the dynamics, legislation and policies that surround domestic violence (Federal-Provincial-Territorial Ministers Responsible for Justice, 2003; Ursel et al., 2008) and to enforce restraining orders (Regehr & Kanani, 2006).

Other *Criminal Code* and legislative amendments have also sought to improve the legal response to violence against women.⁵ Some examples are: Bill C-127 which came into effect in 1983, stipulates that sexual assault can be committed by a husband against a wife, and that the crime of 'rape' was abolished from the Criminal Code; Bill C-126, passed in 1993, which ruled that stalking is a form of criminal harassment and should carry, the maximum penalty of 10 years' imprisonment (Department of Justice Canada, 2004); and, in 1996, Bill C-68 amended the *Criminal Code* so that a person accused of criminal harassment would be prohibited from having possession of firearms and related materials if considered a danger at bail (Johnson & AuCoin, 2003).

Overall, Canada's justice response to violence against women has made considerable advancement in the past four decades and it has a very large contingent of women activists and researchers who are committed to promoting governmental change and educating the public on issues surrounding violence against women (for a more detailed review, see Johnson & Dawson, 2011).

Violence against women in China

China's efforts to address violence against women largely evolved after the Fourth UN World Conference on Women in Beijing in 1995. Systematic and official data on the prevalence of violence against women is currently unavailable in China (UNFPA, 2010); however, a number of regional and small-scale studies portray higher percentages of violence against women in China than the 6% in Canada (Statistics Canada, 2011). For

example, Wang and colleagues (2009) conducted a population-based survey with 3806 participants in 1999–2000 and found that 7.2% of women between 20 and 49 years of age had reported being hit by their partners in the past year. A study by Zhang and Liu (2004) surveyed 3543 women and men in the three cities of Zhejiang, Gansu and Hunan province and identified that 10% of women had experienced physical violence and another 4.1% of women had experienced sexual violence. Another study by Cao and colleagues (2006, as cited in Tang and Lai, 2008, p. 16) surveyed 9451 households in Hunan province in 2001–02 and found that 10.2% of female respondents reported at least one incidence of violence by their husbands. Moreover, rural women were found to experience a higher prevalence of violence. For instance, Zhao and colleagues (2006, as cited in Tang and Lai, 2008, p. 20) conducted a survey with rural women in Jilin, Anhui and Chongqing in 2004–05, showing that women had experienced physical violence and sexual violence by their husbands in the past year at the rate of 37.2% and 7.7% respectively. Xu and colleagues (2005) conducted interviews with 600 randomly selected women attending an urban outpatient gynecological clinic in Fuzhou and found that the prevalence of violence against women the year before the interview was 26%. Overall, Tang & Lai (2008) conducted an empirical literature review on violence against women in China between 1987 and 2006. They reported that the lifetime average male-on-female violence was 19.7% and the prevalence of past year violence was 16.8%. Moreover, psychological violence was most common among various forms of violence against women (Foshan Shi Fu Lian, 2007; Tang & Lai, 2008).

Legally, violence against women is against the law and there are various types of legislation in place that are intended to protect women in China, including the *Criminal Law*, the *Marriage Law*, and the *Law on the Protection of Rights and Interests of Women*. Specifically, Article 260 of the Criminal Law specifies that ‘Whoever maltreats a member of his family ... shall be sentenced to fixed-term imprisonment ... or public surveillance.’ Moreover, the Marriage Law was amended in 2001 to include a section addressing issues on domestic violence. Article 45, for instance, states that ‘The person, who commits bigamy, domestic violence, maltreatment or abandonment of a family member, if it constitutes a crime, shall be investigated for criminal responsibility in accordance with law.’ Further, the Law on the Protection of Rights and Interests of Women was amended in 2005 to include a new provision, Article 46, stating that ‘Domestic violence against women is prohibited. The state shall take measures to prevent and stop domestic violence.’ Nevertheless, these laws fell short of providing detailed practical guidelines and regulations needed to translate the laws into operation (Jing & Tang, 2007; Wang, 2002). Moreover, the legal definition of violence against women according to the criminal law in China is rather limited. It focuses only on physical violence and injuries. The restrictive definition of violence against women creates barriers to protecting women (Center for Women’s Law & Legal Services of Peking University, March 19, 2008; Liu, 2007). For example, under Article 260 of the Criminal Law, juridical officials can only charge a person for an act of maltreatment to a family member if the circumstances are flagrant. However, there is no clear guideline on how to determine that the circumstances are ‘flagrant’. A later section of this paper will discuss the limitations of current criminal justice responses in China.

Comparison

Using the recommendations of the United Nations (2006) in the *In-Depth Study on all Forms of Violence Against Women*, this paper compares the criminal justice responses to

violence against women in Canada and China in the following five areas: (1) legislation and implementation; (2) prosecution and punishment; (3) attitudes and behaviors of justice personnel; (4) education and training; and (5) data and research.

Before proceeding further, it should be noted that the following comparison is not meant to imply that there is a best-practice model for responses to violence against women, nor is a 'universal standard' suggested. The two countries are compared and contrasted in order to understand the pathways and the challenges in developing appropriate initiatives for their respective cultural and economic contexts.

Legislation and implementation

The current legal definition in both countries for violence against women has adopted a gender-neutral approach. The *Criminal Code of Canada* does not have a specific offence to cover acts of violence against women; rather, such acts are covered by offences such as common assault, assault causing bodily harm, sexual assault and so on. In China, Article 260 of the *Criminal Law* states: 'Whoever maltreats a member of his family, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment.' Other government agencies such as Statistics Canada uses the term 'spousal violence' in the General Social Survey that focuses on victimization which is conducted every five years (Statistics Canada, 2011), whereas the term 'domestic violence' is used in official or non-official documents in China (All-China Women's Federation, 2008). These legal definitions or terminologies recognize that physical and non-physical violence could happen in any marital or common-law relationships; however, such a gender-neutral approach fails to address gender inequality or the higher frequency and severity of violence experienced by women (Johnson & Dawson, 2011; Milwertz & Bu, 2007). Moreover, the current criminal justice definition for violence against women in both countries is narrowly focused on physical violence and/or sexual assault, largely neglecting other forms of violence. For example, activists against violence against women, service providers and academics have described the social costs of psychological violence against women which are not well covered by current criminal justice definitions (Brown, 2000; Tang, Cheung, Cheung, Chen, & Sun, 2002; UNFPA China, 2010). Moreover, sexual abuse as a form of violence against women is still under-reported due to its sensitive nature for victims and the difficulty of gathering the evidence required in order to lay charges (Keith & Lin, 2006; Sheehy, 2002).

One contrast between the two countries, however, is that Canada has more comprehensive criminal and civil legislation in place that seeks to hold abusers accountable and to protect the victims. For example, as noted above, all provinces and territories in Canada have pro-charging and pro-prosecution policies as a result of grass-roots movements and feminist activists who played a key role in the promotion of women's rights and the resulting changes in legislation and service provision for victims of violence against women (Laurie, 2008; Sheehy, 2002). Moreover, five provinces (Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick) and the Yukon territory have specialized domestic violence courts to ensure greater safety for victims, to streamline court hearing process, and to provide both tangible and intangible support to victims (Johnson & Dawson, 2011; Ursel et al., 2008). In addition, most provinces and territories (Alberta, Saskatchewan, Manitoba, Prince Edward Island, Nova Scotia, Yukon and Northwest Territories) have protective or restraining order legislation to deal specifically with violence against women. The purpose of the civil legislation is to provide greater protection and to ensure safety for victims of violence against women (Busby et al.,

2008; Federal-Provincial-Territorial Ministers Responsible for Justice 2003). Finally, Canada also amended the *Criminal Code* in 1983 and 1993 respectively, such that sexual assault can be committed by a husband against a wife and stalking is a crime called criminal harassment (Department of Justice Canada, 2004).

In China, central governance directs provincial and regional legislative developments and service provisions for violence against women; however, there are limitations to the existing legislation. For example, Article 260 of the *Criminal Law* specifies that maltreatment against a family member is a crime; however, such crime 'shall only be handled upon complaint'. Thus, this provision places the burden on the victims, who are usually women and vulnerable to various forms of violence (Woo, 2006). Moreover, the Chinese culture preserves traditional gender roles for women and places a high value on maintaining the family integrity and unity (Keith & Lin, 2006; Tang & Lai, 2008; Woo, 2006). Under such societal expectations or pressures from extended families, many incidences of violence against women may go unreported or be diverted to civil remedies such as referrals to the All-China Women's Federation⁶ or the 'neighborhood/villager committees' under the Ministry of Civil Affairs for mediation, or condemnation of the wrongdoer (Edwards, 2009; UNFPA China, 2010). Yet the All-China Women's Federation and the 'neighborhood/villager committees' are not law enforcement units and they are not able to implement actual protections or deterrence measures aimed at perpetrators of violence against women (Chen, 2007; Rong, 2006; Zhang & Liu, 2004). Officials from these organizations are more like mediators or educators. An example can be found in a recent document titled *Prevention and Elimination of Domestic Violence*, circulated by the All-China Women's Federation (2008) to its regional offices and officials in the juridical, public security and the Ministry of Civil Affairs. Section 9 of this document lays out the responsibilities of the law enforcement officials to arrest and charge the perpetrators for severe incidents of domestic violence, but one clause states '(if) not getting the forgiveness of the victims'. This appears to suggest that victims' preferences are taken into account; however, in a society which seeks to preserve patriarchal dominance and values family unity, victims of violence against women are typically persuaded, if not coerced, not to report the violence to the police or, if they have already done so, to drop the charges (Keith & Lin, 2006; Woo, 2006). Finally, despite lobbying by women and legal advocates, marital rape or sexual assault in marital relationships is currently not a crime in China (Ji, 2007; X. Zhang, 2007; L. Zhang, 2009). This lack of legal definition of sexual assault, together with a societal taboo against discuss this sensitive topic, explains the low lifetime average prevalence of sexual violence of 9.8% compared to 42.6% for psychological violence and 14.2% for physical violence (Tang & Lai, 2008).

Prosecution and punishment

Canada has adopted a pro-charging approach to violence against women while Chinese criminal justice professionals remain reluctant to push for charges in cases of violent against women. In Canada, the Attorney General and Solicitor General of all jurisdictions implemented pro-charging and pro-prosecution directives in the 1980s as described above. These policies send a strong message that violence against women is a crime and, as such, may deter some violent partners from offending or reoffending. Some research has indicated that these policies have increased reporting of violence and reduced reoffending (Statistics Canada, 2006). This suggests that criminalizing violence against women may have a positive impact on the safety of victims and their subsequent confidence in the justice system (Federal-Provincial-Territorial Ministers Responsible for Justice,

2003; Ursel et al., 2008), although more systematic research is warranted (Johnson & Dawson, 2011).

However, one unintended, negative consequence of the pro-charging policy is the reluctance of victims from racialized communities to call the police, for fear of further discrimination and unequal treatment (Johnson & Dawson, 2011; Public Health Agency of Canada, 2008; Ursel et al., 2008). Moreover, studies, primarily those conducted in the US, have found that dual arrests⁷ have increased as a result of mandatory charging and arrest policies (Henning & Feder, 2004; Miller & Meloy, 2006).

Some jurisdictions have responded to the dual arrest issue by adopting a 'primary aggressor' model which examines the history of violence between the persons, identifies the primary aggressor in each incident, and determines whether one person acted in self-defence (Federal-Provincial-Territorial Ministers Responsible for Justice, 2003; Ursel et al., 2008). Other justice responses have attempted to address the victims' wishes that perpetrators are not incarcerated through the development of alternative justice measures such as mandatory treatment and/or community service (Federal-Provincial-Territorial Ministers Responsible for Justice, 2003; Ursel et al., 2008). Moreover, support services such as emergency shelters, counselling, financial aid, and legal aid are to be available to victims of violence in intimate relationships (Federal-Provincial-Territorial Ministers Responsible for Justice, 2003; Ursel et al., 2008).

In China, violence against women is still perceived as a private matter, and therefore criminal justice personnel remain reluctant to intervene. Standards for criminal proceedings, guidelines for collecting evidence, and resources for ensuring safety and supporting the victims in the criminal proceedings are underdeveloped (Chen, 2007; Fu & Lei, 2007; UNFPA China, 2010). Under the existing legal system in China, there is no stand-alone legislation related to violence against women. This has potentially harmful consequences for female victims because, as the literature indicates (Johnson & Dawson, 2011; Statistics Canada, 2006), women who have decided to leave a violent relationship, or are in the process of doing so, are at higher risk of further violence. Even though the first and second restraining orders were issued, respectively, in the city of Wuxi in July 2008 and the city of Changsha, China, in September 2008 (Singtao Daily, November 22, 2008), these initiatives are recent; therefore, the effectiveness of these judicial reforms requires proper evaluation. Moreover, coverage on legal liability in Chapter 5 of the *Marriage Law* places more emphasis on the role of the 'neighborhood or villager committees' and work units to dissuade the perpetrator from the use of future violence and offer mediation. Even though some cases may constitute a crime according to Article 260 of the *Criminal Law*, the sentence is relatively lenient to a fixed-term imprisonment of not more than two years. Further, '(if) the crime causes serious injury or death to the victim' the sentence of fixed-term imprisonment is between two and seven years. The problem is not only about whether the fixed-term sentence serves the deterrent effect, but also stems from the provision of this Article that criminal justice officials handle the case based 'upon complaint'. Given these inadequacies of existing legislation, women advocacy groups, including delegates from the National People's Congress, have called for national laws and policies to address violence against women, but such legislation has yet to be developed (China Central Television, March 13, 2008; Keith & Lin, 2006; UNFPA China, 2010).

Attitudes and behaviours

A commonality between the two countries is the attitudes and behaviors that can be found among some law enforcement officials and the general public toward violence against

women (Chen, 2007; Sheehy, 2002). Even though the law defines violence against women in intimate relationships as an unlawful act, many people, including criminal justice professionals, continue to hold a certain degree of tolerance or reluctance to intervene (Johnson & Dawson, 2011; Keith & Lin, 2006). Because the offender in these cases may also be a husband, father and/or provider for the family, decisions about applying the law are not straightforward for the women, the police or the judge. Both countries have reported repeated cases of violence against women in which police failure to respond in a timely manner was partially responsible for fatal injuries or death (Sheehy, 2002; Zhang & Liu, 2004). These attitudes can be linked to traditional norms and beliefs about the family, the perceived roles of men and women, marriage and so forth. On top of these issues, immigrant women in Canada, including Chinese women, are less likely to report being a victim of violence against women than non-immigrants (4% versus 7% respectively; Statistics Canada, 2011). This often stems from the experience of historical discrimination and/or the fear of creating additional biases against immigrant communities and, as such, immigrant victims of violence against women are often reluctant to seek external help (Johnson & Dawson, 2011; Guruge, Khanlou & Gastaldo, 2010).

Under the realm of male dominance in China, women are socialized to make sacrifices for family unity and the well-being of their children. Chinese women are inclined to tolerate violence; to resort to informal channels for private remedies to deal with violence, such as seeking help from extended families rather than calling the police; and to endure the blame for violence (Edwards, 2009; Keith & Lin, 2006; Tang & Lai, 2008; UNFPA China, 2010). Even though the All-China Women's Federation has branches across most of the country and is a mandated semi-government organization that advocates for victims of violence against women, its agendas and program development are closely monitored by government officials to ensure it falls within the 'central policies' and that its staff distance themselves from any radical feminist stand (Edwards, 2009; Zhang, 2009). The family-focused approach of the All-China Women's Federation is considered by academics, local women's lobbying groups and international women advocates as failing to address the deep-rooted gender inequality that exists in this country (Milwertz & Bu, 2007; UNFPA China, 2010).

Education and training

Education for juridical professionals is better developed in Canada (Federal-Provincial-Territorial Ministers Responsible for Justice, 2003; Ursel et al., 2008) while such training in China is still at an early stage. All Canadian jurisdictions have developed training initiatives to improve criminal justice responses to violence against women. Training programs and materials focus on the dynamics of violence against women, new legislation, and protocols on violence against women such as specialized domestic violence courts, victim safety, interdisciplinary teams, and the roles of various criminal justice agencies and personnel in handling cases on violence against women. These training initiatives are ongoing and targeted to both newly recruited and existing criminal justice personnel in areas such as the police, the court, prosecution, corrections, and victim services (Federal-Provincial-Territorial Ministers Responsible for Justice, 2003; Ursel et al., 2008). In addition, the National Judicial Institute, established in 1988, is dedicated to the development and delivery of educational programs for federal, provincial and territorial judges across Canada.

In China, the training and re-training of criminal justice personnel on violence against women is a recent development. Scattered programs have been developed by the Ministry

of Civil Affairs and the All-China Women's Federation in conjunction with the police and judiciary. Despite its late start, however, China has been making progress in this area during the past decade. For example, China has linked with the Judicial Educators' Network from Canada's National Judicial Institute to learn about Canadian experiences of judicial reform and education (National Judicial Institute, 2009). The All-China Women's Federation and the China Law Society have been inviting other international experts on violence against women from Australia, the United States and The Netherlands to train the trainers and other justice personnel (Edwards, 2009; Milwertz & Bu, 2007; Rong, 2006). One important aspect of such international exchanges is that both successful and unsuccessful experiences are shared, which can help to avoid mistakes. Nevertheless, most of these education, training and pilot projects are largely available in major urban cities such as Beijing, Shanghai, Tianjin and Guangzhou. In a situation similar to that in Canada, women from rural communities in China, who have experienced violence, are not getting proportionate resources in the prevention and elimination of violence against women (Aukema, 2005; Chan et al., 2008; Edwards, 2009; Office of WHO Representative in China and Social Development Department of China State Council Development Research Center, 2005; Thurston, Patten, & Lagendyk, 2006).

Data and research

Canada has been collecting systematic data on violence against women on a regular basis through Statistics Canada's General Social Survey that has been conducted every five years since 1993. Moreover, academics and women advocates collaborate together on different research projects through regional research centres on violence (e.g. the Centre for Research and Education on Violence against Women and Children in Ontario) to examine causes and barriers and to identify best practices for preventing and eliminating violence against women. Moreover, Canada has a National Clearinghouse of Family Violence that houses statistical reports and coordinates educational materials on violence against women for public access. There is also a public safety website run by the Government of Canada that provides easy access to legislation, research and discussion papers related to violence against women. Such transparency and availability of resources allows national and international researchers, women activists, service providers and politicians to share experiences and to learn from accumulated achievements in the development of prevention and intervention initiatives surrounding violence against women.

In China, there is no national body that systematically collects national data on violence against women. Therefore, current understandings about violence against women in China are fragmented, and accessible research data and related materials remain underdeveloped (UNFPA China, 2010). For example, Tang & Lai (2008) have conducted a meta-analysis on all empirical research on violence against women in mainland China and Hong Kong between 1987 and 2006, identifying 19 empirical studies that met their inclusion criteria for their analysis. Only 11 out of these 19 studies were conducted in mainland China, where the criminal justice and social welfare systems that respond to violence against women are different from Hong Kong. Compared with Hong Kong, mainland China is a latecomer in the international communities on violence against women issues. One of the limitations of these empirical studies in mainland China is that they were conducted by individual researchers instead of a state agency and, as a result, the methodologies being used are diverse and lack consistency (UNFPA China, 2010; Tang & Lai, 2008).

Implications for future policy and program development

The resulting comparison helps us to understand the imperative role of adequate legislation on violence against women, the necessity of training and education for criminal justice professionals for adequate policy implementation, the importance of partnerships with non-governmental organizations, the crucial need for national research data for developing appropriate and responsive initiatives in different localities, and, more importantly, the elimination of systemic gender inequity. As is evident from the above comparison, Canada has achieved more in the five areas of legislation and implementation, prosecution and punishment, attitudes and behaviors of justice personnel, education and training, and data and research, whereas China has made noticeable development since the UN World Conference on Women in 1995, but still remains behind in developing responses to violence against women.

Having said that, the criminal justice systems of both Canada and China have adopted a gender-neutral approach to define violence against women and, as a result, have failed to critically address the fundamental systemic gender inequity that exists and helps to perpetuate violence against women. The United Nations, the World Health Organization (WHO) and women advocates around the world have urged countries to frame violence against women as a human right issue, as the first step to eliminating the problem (Hester, 2005; Milwertz & Bu, 2007; United Nations, 2006; WHO, 2005). However, both countries have not connected violence against women to the notion of gender-based violence.⁸ Violence against women has been documented to happen to women more often, but the causes of violence against women are viewed largely at the individual level. The link to human rights for women is absent. Additionally, some people in western developed countries believe that women's equality of rights has gained significant progress, but has failed to confront discrimination in opportunities such as employment, or income specifically among racialized groups (Statistics Canada, 2008b). The fact is that rates of violence against women have not gone down significantly in the past four decades, and neither the public nor the government has made much progress to link a prevention agenda for violence against women to an elimination of systemic discrimination against women in both countries.

With the reaffirmation of a gender-based definition of violence against women, women activists, service providers, researchers and politicians could work toward a clear goal of enhancing gender equity and eliminating systematic barriers to gender equality (Postmus & Hahn, 2007). Given the experiences of non-governmental organizations and activities in driving the legislation in Canada, there is a need to nurture the development of non-governmental organizations in China, since all existing community-level interventions are delivered by 'neighborhood or villager committees' under the Ministry of Civil Affairs or the All-China Women's Federation, a semi-governmental structure, where the image of 'governmental control' holds strong among many people, who are reluctant to use such services (Edwards, 2009; Hester, 2005; Zhang, 2009). Non-governmental organizations in China should have been recognized, provided with funding support and given more autonomy instead of being required to be affiliated with a state-approved organization for monitoring purposes (Huang, 2006; Song, 2009; Zhang, 2009). Partnerships between local lobbying groups or international NGOs with the All-China Women's Federation or other state departments should be encouraged and supported with the necessary resources (Song, 2009; Zhang, 2009) so that experiences such as those in Canada can be further learned from and shared internationally.

Because gender stereotyping and societal tolerance for violence against women is deep-rooted in both countries, an international condemnation of violence against women sends a clear message about the wrongfulness of these acts and helps to educate the public about gender equality (Edwards, 2009; Guimei, 2003; Hester, 2005; Jiang, 2009; Johnson & Dawson, 2011; Milwertz & Bu, 2007). Hence, the role of UN agencies and international agreements continues to be important, and mechanisms are required to increase communication among groups internationally to enhance the potential international collaboration to influence activities across countries. Moreover, the role of community-based, non-governmental organizations in advocating for UN conventions and identifying best practices that can be shared is critically important to advance understanding about how to preserve what is best in the attitudes, norms, beliefs and behaviors of each culture while eliminating those aspects that promote violence against women as well as overseeing the implementation of legislation at national, regional and municipal levels.

Furthermore, the criminal justice responses of both countries to violence against women currently focus primarily on deterrence and punishment; yet relying on the criminal justice system for prevention and rehabilitation initiatives is not sufficient. Criminal justice personnel are not working by themselves; rather, they work closely with other helping professions such as health care, psychology, social work and education in handling the cases on violence against women. Therefore, coordinated, multi-sectoral models should continue to be developed to enhance public education and support services that would ensure that victims of violence and their children are being cared for in the community (Guimei, 2003; United Nations, 2006; UNFPA China, 2010; Zhang, 2009). For example, the unintended consequences of marginalizing racialized minorities and dual arrests in Canada are the result of being too focused on penal measures. China, with a good number of ethnic minority groups and migrant workers, who do not enjoy the same status and benefits as the local residents in the urban cities (Jiang, 2009), would be able to learn about such unintended consequence and hopefully avoid similar outcomes in their legislation and implementation of policy.

Rigorous research and evaluation of the impacts of policies and programs is crucial in advancing existing knowledge surrounding all forms of violence against women. To address the lack of systematic research and evaluation in this area, the governments of Canada and China in particular could provide researchers, policymakers and community stakeholders with more resources to develop systematic research on the prevalence of violence against women, and community-based practice and program evaluations that would determine effective policies for addressing violence against women (Tang & Lai, 2008; United Nations, 2006; UNFPA China, 2010). Moreover, the resulting knowledge advancement could then be shared among countries to create a global community and an international agenda to free women from violence.

Conclusion

As Mazur (2002) observes, it has been over 40 years since the first women's movements hit the streets with the idealistic goal of changing society in western democracies. What has happened in the interim has not always been successful in achieving women's equality rights and status but there are indicators of a movement in that direction. In Canada, in the specific area of violence against women, we have seen the development of policies and procedures; but women as a group still have not attained equality in domestic relationships in the wider Canadian society. In China, despite its late start, there have been attempts to

catch up in legislative initiatives and they have made progressive development in many areas over the past two decades. Nonetheless, the implementation of various legislative initiatives, and the scope of research and education for criminal justice professionals continues to require greater governmental and community-based efforts to ensure gender equality and free women from violence.

Acknowledgements

This paper is supported by the International Development program of the Canadian Institute of Health Research.

Notes on contributors

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Notes

1. The authors have made equal contributions to the development of this paper.
2. In this article, China refers to the People's Republic of China. Taiwan and the Hong Kong Special Administrative Region are excluded.
3. Dating violence against girlfriends is excluded from the scope of this paper.
4. Since 1993 Statistics Canada has used this term to measure the prevalence of violence against women in marital or common-law relationships or by an ex-husband or an ex-common-law partner.
5. For a summary of these changes, see *Spousal Abuse: A Fact Sheet from the Department of Justice Canada* (<http://www.doj.ca/en/ps/fm/spouseafs.html>).
6. Founded in 1949, the All-China Women's Federation (ACWF) is a semi-governmental organization dedicated to the advancement of Chinese women of all ethnic groups in all walks of life, and its mission is to represent and to protect women's rights and interests. Even though ACWF claims to be a non-governmental organization, its funding and operation are directed by government policies.
7. When both victims and perpetrators are arrested by police as a result of a domestic violence incident.
8. Gender-based violence against women is 'violence that is directed against a woman because she is a woman, or violence that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.' (United Nations, 2006: 15)

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