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Chinese Courts Give Domestic Abusers a Pass

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Judge Denies Abused Woman Divorce, Citing ‘Traditional Values’

“In principle, in divorce cases, the first time one sues for divorce, it won’t be granted. [Marriage is] a traditional value,” [said Judge Zhang Yanbin](#) in the [Chinese](#) city of Chengdu, ruling against a woman’s petition for divorce. “We made the ruling to give the man a chance.”

In June 2017, during an argument about their daughter’s education, the husband of Dong Fang (a pseudonym) severely beat her and their daughter. Dong sought and obtained a protection order. Five months later, she filed for divorce. After a hearing, Judge Zhang denied Dong’s application, citing marriage’s “traditional value.” The judge also said that because the beating was not “chronic,” he did not view it as constituting domestic violence.

Yet there is no requirement in China’s [Anti-Domestic Violence Law](#) that assault must be “chronic” to be considered domestic violence. And the [Marriage Law](#) explicitly states that domestic violence is grounds for divorce. So Judge Zhang’s “principle” that a first-time application for divorce should automatically be denied has no apparent basis in Chinese law.

The judge’s approach is deeply harmful but far from isolated. Since China’s first Anti-Domestic Violence Law, which gives domestic violence [a legal definition](#), took effect in March 2016, there have been [many media reports](#) about women being denied a prompt divorce even after suffering domestic violence. Local courts even tout the marriages they “saved.” [A court in Guangxi province](#) in 2017 claimed “we have saved a couple that could reconcile” after it refused to grant a divorce to a woman whose husband had “put a kitchen knife to [her] throat in front of their child.”

Such rulings reflect Chinese courts’ tendency to downplay abuse of women and push victims into [mediation rather than providing justice](#). Too many courts still view a family member – usually a woman – sacrificing her own rights and interests for the sake of family as a virtue. Government pressure for institutions to help maintain “social stability” – a paramount political priority – is also an important factor in the drive by courts to “preserve family harmony” at any cost to women.

But under international law, including the United Nations Convention on the Elimination of All Forms of Discrimination against Women, which China ratified in 1980, the Chinese government, and its courts, has a responsibility to protect women’s rights, not “family harmony.” As Dong Fang told *Beijing News*: “Domestic violence is not ‘domestic affairs.’ It is one’s human rights being violated.”