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27 September 2022

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China: Domestic violence, including legislation; state protection; support services available to survivors, including mental health services (2020–September 2022)

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

According to an English translation by China Law Translate (CLT) [1], China's Domestic Violence Law [Anti-Domestic Violence Law], adopted in 2015 and in effect as of 1 March 2016, defines domestic violence as "physical, psychological or other infractions between family members effected through the use of methods such as beatings, restraints, maiming, restrictions on physical liberty as well as recurrent verbal berating or intimidation" (China 2015, Art. 2, 38). Article 37 adds that the law shall also pertain to "persons living together other than family members" who "commit acts of violence against each other" (China 2015).

According to data gathered in the [translation] « Fourth China Women's Social Status Survey » [2]—released in May 2022 and jointly administered by the All-China Women's Federation (ACWF), an organization promoting women's rights and gender equality under the leadership of the Chinese Communist Party (CCP) (China n.d.), and the National Bureau of Statistics—approximately 80 percent of respondents indicated an awareness of the Law on the Protection of Women's Rights and Interests, the Anti-Domestic Violence Law, the Marriage Law, and the Inheritance Law (China Women's Daily 17 May 2022). The survey findings also indicate that 8.6 percent of women have been [translation] "subjected to physical and mental violence by their spouses during marriage," which constitutes a 5.2 percentage point drop from the 2010 survey (China Women's Daily 17 May 2022).

A report [3] by Weiping Women's Rights Agency (Weiping)—a Beijing-based NGO focused on monitoring women's rights and gender-based violence in China—which assesses the implementation of the Domestic Violence Law through February 2020, notes that women of all ages comprise 80 percent of all reported people who have experienced domestic violence (Weiping Apr. 2020, 18). The same source provides the following data on the context of domestic violence:

- Violence between married or cohabiting partners accounts for 57 percent;
- Violence between parents (including adoptive parents, stepparents, and parents-in-law) and children, or between close relatives (blood relatives within three generations), accounts for 27 percent;
- Unwanted pursuit or violence after a relationship or marriage has ended accounts for 16 percent (Weiping Apr. 2020, 18–19).

The Weiping report adds that detailed national data remains limited, and notes that statistical data on domestic violence exists for only 12 provinces; the [translation] "quantity and quality of statistical work ... and data disclosure are very unpromising"; nearly two-thirds of all provinces do not disclose any data; and the number of provinces that do is decreasing each year (Weiping Apr. 2020, 32).

According to a report by the Dongcheng District Yuanzhong Family and Community Development Service Center, Beijing City (Yuanzhong) [4], which analyzes that city's application of the Domestic Violence Law from 2016 to 2021 using judicial documents published by Beijing courts, between March 2016 and February 2021 there were a total of 320 judgments on cases involving domestic violence in Beijing—a total the report states is [translation] "extremely low" and constitutes a "very low proportion" of the total number of cases before the court (Yuanzhong 1 Mar. 2021, 1). The same source states that of the 194,043 written judgments on [translation] "cases concerning marriage and family affairs" the courts saw during that period, only 0.0016 percent implicated domestic violence (Yuanzhong 1 Mar. 2021, 1). The report interprets this data to indicate that many survivors of domestic violence are not sufficiently aware of their rights under the law, and that survivors are reluctant to turn to judicial support because of reasons including [translation] "the high cost and ineffectiveness of filing a lawsuit, the difficulties of producing evidence, being too embarrassed to speak out because of the belief that domestic violence is disgraceful, [the mindset

of] 'wanting to give the children a complete home', and fear of retaliation by the perpetrator [leading to] learned helplessness" (Yuanzhong 1 Mar. 2021, 2).

1.1 COVID-19 Pandemic

A March 2020 article by the *Globe and Mail* cites the Director of the Yuanzhong Family and Community Development Service Center, Li Ying, as stating that "'the severity of domestic violence'" has increased during the COVID-19 pandemic "[c]ompared with normal times" (*The Globe and Mail* 29 Mar. 2020). The same article quotes Li as indicating that the pandemic has also broadened the diversity of domestic violence survivors to include incidents "'between parents and kids, or adult kids and younger siblings'" in addition to violence in the context of "'intimate relations and marriage'" (*The Globe and Mail* 29 Mar. 2020). The *Globe and Mail* notes that the Yuanzhong Center stated that they have seen an increase of approximately 50 percent in reports of domestic abuse since the start of the COVID-19 pandemic in China (*The Globe and Mail* 29 Mar. 2020). The same article adds that police in Jianli County in southern Hubei province reported a tripling of domestic violence incidents in February 2020 compared with the previous year (*The Globe and Mail* 29 Mar. 2020). The *Globe and Mail* article cites a woman who operates a Wuhan-based legal advice hotline for women as stating that she has seen evidence that authorities have not taken domestic violence seriously during pandemic lockdown (*The Globe and Mail* 29 Mar. 2020).

According to a March 2020 article by Sixth Tone, a Shanghai-based English-language online media outlet that is overseen by its "state-owned parent company," Shanghai United Media Group (*FP* 3 June 2016), Wan Fei—a retired police officer and the founder of an anti-domestic violence non-profit organization in Hubei province—noted that the pandemic had had a "'huge impact'" on domestic violence, and that his organization's statistics indicated that 90 percent of such cases had causes associated with the pandemic (Sixth Tone 2 Mar. 2020).

According to an interview by the World Bank with Li Ying, in 2020—amidst the COVID-19 pandemic—the Yuanzhong center's national helpline service received 1,000 calls, which constituted an increase of 21 percent over the previous year (World Bank 2 Mar. 2021). A June 2022 Sixth Tone article states that China's "strict lockdown" policies throughout the COVID-19 pandemic "often" "sever victims from the protections and services theoretically available to them," and adds that the police, the ACWF, and the shelter system have "struggled" to fulfill their responsibilities under the Domestic Violence Law (Sixth Tone 9 June 2022). The author of the same article—a volunteer with an anti-domestic violence group writing under a pseudonym—indicates that during the two-month pandemic lockdown in Shanghai [earlier in 2022], their organization received approximately three times their usual caseload of "requests for help" (Sixth Tone 9 June 2022). The same source adds that during the same period, in their attempt to support one domestic violence survivor, their telephone calls to the local ACWF chapter went unanswered and they were later told "that the officials in charge of answering the phones were quarantined at home" (Sixth Tone 9 June 2022). The same source also states that the ACWF's Women's Rights Protection hotline refused to assist as well, and that the domestic violence shelter they contacted had been repurposed to serve people without another location to quarantine (Sixth Tone 9 June 2022).

2. Legislation

The Domestic Violence Law provides the following:

Article 3:

...

Countering domestic violence is the joint responsibility of the State, society and every family.

The State prohibits domestic violence in any form.

Article 4: People's government institutions at the county level or above with responsibility for efforts on women and children, are responsible for organizing, coordinating, guiding, supervising and driving relevant departments' efforts to counter domestic violence.

Relevant departments of people's governments at the county level or above, judicial organs, people's organizations, social organizations, residents' committees, villagers' committee, enterprises and public institutions, shall work to counter domestic violence in accordance with this law and relevant laws and regulations.

All levels of people's government shall ensure necessary funding for efforts to counter domestic violence.

Article 5:

...

Minors, the elderly, persons with disabilities, pregnant and nursing women, and persons with serious illnesses who sustain domestic violence infractions shall be given special protections.

...

Article 13: Victims of domestic violence, their legally-designated representatives and close family may make a complaint, give feedback or seek aid from the perpetrator's or victim's unit, residents' committee and villagers' committee, women[']s federation or other relevant unit.

After relevant units receive a complaint of domestic violence, feedback or a request for aid, they shall give help and disposition.

Victims of domestic violence and their legally-designated representatives or close relatives may also report cases to the public security organs, or raise a lawsuit in the people's courts. (China 2015)

According to an article by the Asia Foundation, a US-based non-profit international development organization focused on issues including governance, women's empowerment, and gender equality (The Asia

Foundation n.d.), the law does not explicitly address sexual violence including marital rape, or violence for economic control including withholding financial resources (The Asia Foundation 1 Apr. 2020). The same source adds that the law "leaves some ambiguity" regarding same-sex partners (The Asia Foundation 1 Apr. 2020). Sources report that the law does not explicitly provide for either violence perpetrated against former spouses or non-cohabitating intimate partners (The Asia Foundation 1 Apr. 2020) or violence at the end of cohabitation (Weiping Apr. 2020, 19).

The Asia Foundation article notes that there are "still no comprehensive national implementation guidelines or judicial interpretations" for the Domestic Violence Law (The Asia Foundation 1 Apr. 2020). The same source adds that the mechanisms for educational, medical, and social welfare institutions to report incidents of domestic violence to public security departments are "still unclear," and states that mandated reporting has thus far not been applied comprehensively but instead has "been applied mostly" to "left-behind children" [5] or children in "difficult circumstances" (The Asia Foundation 1 Apr. 2020).

In an interview published by the China Women's Federation News, which is affiliated with the ACWF (China 27 Apr. 2020), and featuring representatives of the ACWF, the Supreme People's Court, and the Ministry of Public Security, the head of the Rights and Interests Department of the ACWF stated that provinces including Shandong, Hubei, Hunan, and Guizhou have issued local regulations implementing the Domestic Violence Law, while provinces including Guangdong and Yunnan have also [translation] "included a draft of the implementation methods" in their legislative plans to combat domestic violence (China Women's Federation News 2 Mar. 2020). According to the Weiping report, although over 200 policy documents have been issued nationwide which detail various local implementation approaches of the Domestic

Violence Law at the sub-national level, there is a "lack of comprehensive and consistent supporting policies to enforce [the law's] required measures" (Weiping Apr. 2020, 9). The same source adds the following:

Mandatory reporting requirements issued by national agencies apply only to kindergarten-aged children and left-behind children; it does not cover all minors, as well as adult victims of domestic violence who are restricted partially or fully in their capacity to independently access or utilize public services. In addition, there exist no specific protection requirements in the Law for the other four groups (i.e., [t]he elderly, handicapped, sick, or pregnant women) ... (Weiping Apr. 2020, 9)

3. State Protection

The Domestic Violence Law provides the following:

Article 15: After public security organs receive a report of domestic violence, they shall promptly dispatch police, stop the domestic violence, and follow the relevant provisions in investigating and gathering evidence, assisting victims in receiving medical care, and evaluating injuries.

Where persons lacking civil capacity or having limited civil capacity are seriously physically injured or face a threat to their physical safety due to domestic violence, or are in dangerous situation such as having nobody looking after them, the public security organs shall notify and assist the civil affairs departments in having them placed in a temporary shelter, aid management organization or welfare organization.

Article 16: Where the circumstances of domestic violence are lighter and public security administrative sanctions are not given in accordance with law, the public security organs are to give the perpetrator criticism and education or issue a written warning.

Written warnings shall include content such as the identity of the perpetrator, a statement of facts on the domestic violence incident, and a prohibition against the perpetrator continuing to commit domestic violence.

Article 17: Public security organs shall send the written warning to the perpetrator and victims, and inform residents' committees and villagers' committees.

Residents' committees, villagers' committees and public security police substations shall make inspection visits of perpetrators and victims that have received written warnings, and oversee that the perpetrator does not commit further domestic violence.

...

Article 23: Where parties apply to people's courts for a personal safety protection order because they have suffered domestic violence or face an actual threat of domestic violence, people's courts shall accept it.

Where parties are persons with limited or no civil capacity, or are unable to apply for a personal safety protection order due to reasons such as coercion or intimidation, their close relatives, public security organs, women[']s federations, residents' committees, villagers' committees, or aid management organizations may apply on their behalf.

...

Article 29: Personal safety protection orders may include the following measures:

1. Prohibiting the subject of the application from perpetrating domestic violence;
2. Prohibiting the subject of the application from harassing, following, or having contact with the applicant or their close family;
3. ordering the subject of the application to move out of the applicant's residence;

4. Other measures for the protection of the applicants' personal safety.

Article 30: The validity period for personal safety protection orders is not to exceed six months, and they take effect on the date they are made. Prior to the expiration of a personal safety protection order, people's courts may withdraw, modify or extend it on the basis of an applicant's application.

Article 31: Where applicants are dissatisfied with the rejection of an application or where the subject of an application is dissatisfied with the personal safety protection order, they may apply to the people's court making the ruling for a single reconsideration within 5 days of the ruling taking effect. The enforcement of personal safety protection orders made by a people's court in accordance with law is not stopped during the period for reconsideration.

Article 32: ... Personal safety protection order[s] are enforced by the people's courts; public security organs as well as residents' and villagers' committees shall assist in enforcement. (China 2015)

According to a representative of the [translation] "relevant departments of the Ministry of Public Security" quoted in the China Women's Federation News interview, since 2016 police stations have been "involved in mediating and resolving over 8.25 million family conflicts and disputes," and have "effectively prevented and stopped over 6.17 million acts of domestic violence" (China Women's Federation News 2 Mar. 2020). The same source added that as part of their respective applications of the [translation] "anti-domestic violence warning system," Liaoning province issued 862 "written warnings for domestic violence," Shanghai issued 792, and Zhejiang province issued 1,399 (China Women's Federation News 2 Mar. 2020).

According to an article in China Women's Daily by Wan Fei, police face difficulties in combatting domestic violence for reasons that include cultural notions that domestic violence is a [translation] "family matter," a

lack of adequate training for police officers, and the absence of witnesses or evidence (China Women's Daily 11 Dec. 2019).

In the China Women's Federation News interview, a representative in charge of the First Civil Court of the Supreme People's Court provided the following figures for the nationwide annual issuance of personal safety protection orders:

Year	Personal Safety Protection Orders Issued
2016	687
2017	1,469
2018	1,589
2019	2,004

(China Women's Federation News 2 Mar. 2020)

The Yuanzhong Family and Community Development Service Center report states that since 2016 only 167 applications for personal safety protection orders have been filed in Beijing, which the report interprets to be [translation] "extremely low" relative to the female population and prevalence of domestic violence (Yuanzhong 1 Mar. 2021, 16).

The same source provides the following conclusions from its assessment of judicial redress in Beijing courts' adjudication of domestic violence cases:

- [translation] "victims of domestic violence are unwilling to seek legal remedies, the number of judgments on cases involving domestic violence is limited, and the citation and application rates of the Anti-Domestic Violence Law in cases concerning marriage and family affairs that involve domestic violence are extremely low";
- "a portion of victims of domestic violence have become more aware of their legal rights and interests";
- "[t]here are problems that result from the difficulties of producing evidence and determining facts for domestic

violence cases: There are a low percentage of cases involving domestic violence that are determined [by judges] as exhibiting domestic violence, judges are not sensitive to domestic violence-related issues, and there are inconsistent standards for passing judgment";

- "[t]he response rate and support rate of the courts for compensation requests in cases involving domestic violence are low, and the courts cannot effectively support victims. This keeps the cost of breaking the law low for perpetrators and fails to deter them. The main reasons that affect the support that victims receive when making compensation requests include the difficulties of producing evidence, the lack of clarity in legal provisions, vague criteria for determining damages, and an unclear extent of the compensation";
- "the difficulty of producing evidence is the main factor that affects the application for, and issuance of, personal security protection orders, which prevents this important part of the system from being fully and effectively implemented" (Yuanzhong 1 Mar. 2021, 20).

4. Support Services Available to Survivors

The Domestic Violence Law provides the following:

Article 9: All levels of people's government shall support social work service organizations in developing services such as mental health consultation, family relationship guidance, and education on prevention of domestic violence.

...

Article 18: People's governments at the county level or districted-city level may, either independently or by retaining an aid management organization, establish residential shelters to provide temporary residential assistance to victims of domestic violence.

Article 19: Legal aid organizations shall provide legal aid to victims of domestic violence in accordance with law.

People's courts shall delay, reduce, or waive litigation fees for victims of domestic violence in accordance with law. (China 2015)

A summary of a 2018 joint report by the Asia Foundation and the Wo Qi Foundation [6], which analyzes existing anti-domestic violence organizations nationwide [7], includes the following among its important findings:

- [translation] "there is inequality in the geographic distribution of social organizations for domestic violence and the provision of resources for these organizations";
- "For people who are involved in anti-domestic violence work, they themselves face psychological stress and even, in extreme cases, the risk of physical injury";
- "A system that enables cooperation between multiple departments has been widely accepted by social organizations as an effective intervention strategy for anti-domestic violence work; however, the weak awareness and motivation of government authorities and the reliance on individual officials instead of a normalized system for cooperation are the main obstacles that limit the effectiveness of this system" (Wo Qi Foundation 15 Apr. 2019).

The same report notes that anti-domestic violence organizations are largely concentrated in the eastern and central regions of the country, with 15 situated in Guangdong province and 14 in Beijing municipality; Zhejiang, Guizhou, Hunan, Jiangsu, Tianjin, Henan and Heilongjiang provinces each have between 3 and 5 organizations; 11 provinces, including Hebei, Shanxi, Shaanxi, Anhui, Guangxi, Jiangxi, Yunnan provinces and the Inner Mongolia Autonomous Region, have 1–2 organizations (Wo Qi Foundation 15 Apr. 2019). The report also states that 23.3 percent of organizations were capable of providing services to [translation] "remote and underdeveloped rural areas" (Wo Qi Foundation 15 Apr. 2019).

According to the Weiping report, in rural areas domestic violence is becoming more prevalent, there is less media attention covering incidents of domestic violence, and social support for survivors of domestic violence is more limited (Weiping Apr. 2020, 18).

The Asia Foundation and the Wo Qi Foundation report summary also provides the following information concerning the populations served and medium of service:

[translation]

[W]omen and children are the top-priority groups that social organizations focus on. The needs of other groups, such as the elderly, persons with disabilities and migrant groups, concerning domestic violence-related issues are largely unmet. For communicating with help-seekers, 83.6% of the organizations use WeChat, 80.8% use telephone lines, and 68.5% accept on-site visits. While the use of new media provides a level of convenience, its use may cause people who are not good with technology to face even more challenges when accessing services. (Wo Qi Foundation 15 Apr. 2019)

The same source also indicates that 80.8 percent of organizations make public education a component of their work and 65.8 percent are capable of providing specific services to domestic violence survivors (Wo Qi Foundation 15 Apr. 2019).

According to the Weiping report, a lack of available data makes it difficult to assess the current demand for domestic violence related support and to determine how support resources could better target the people in need (Weiping Apr. 2020, 31–32). The same source adds that available data indicates that people are calling "110" to address incidents of domestic violence with greater frequency instead of traditionally seeking support from the Women's Federation (Weiping Apr. 2020, 32).

In the China Women's Federation News interview, the head of the ACWF's Rights and Interests Department indicated that some local women's federations and public security have linked the ACWF's [translation] "12338 rights protection [telephone] hotline" with the public security agencies' "'110' police emergency platform," so that domestic

violence complaints received by the former are "directly integrated" with police emergency services and handled by them accordingly (China Women's Federation News 2 Mar. 2020).

In a Reuters article, Li Ying notes that in August 2022 the Yuanzhong Family and Community Development Service Center initiated a new domestic violence helpline app on the WeChat mobile platform (Reuters 1 Sept. 2022). The same source adds that around 13,000 people (the "vast majority" of whom were women) used the Domestic Violence Help service app within its first five days, compared with only 600 calls the center received on its telephone helpline in all of 2021 (Reuters 1 Sept. 2022).

Information on mental health services particularly for survivors of domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] China Law Translate (CLT) is "a collaborative translation project dedicated to facilitating communication between Chinese and foreign legal professionals" to provide English translations of Chinese laws (CLT n.d.). Translations are collaboratively sourced and can be edited by "community members and casual readers"; they are not static but updated in an ongoing manner (CLT n.d.).

[2] The survey collected 30,000 responses from men and women aged 18 to 64 located across 31 provinces, autonomous regions and municipalities in mainland China and the Xinjiang Production and

Construction Corps (China Women's Daily 17 May 2022).

[3] The Weiping report is based on primary source material and public source information derived from media networks, government websites, and relevant NGOs (Weiping Apr. 2020, 7).

[4] The Dongcheng District Yuanzhong Family and Community Development Service Center, Beijing City is an NGO offering anti-domestic violence training courses and support for women (World Bank 2 Mar. 2021).

[5] "Left-behind" children are those "who have been left behind in their home towns or villages, usually in the care of relatives, while both of their parents work elsewhere," and are estimated to constitute some 31 million people (*The Economist* 8 Apr. 2021).

[6] The Wo Qi Foundation is a Beijing-based charitable organization focused on advancing effective philanthropy and promoting diversity and sustainable development (Wo Qi Foundation n.d.).

[7] The report is based on questionnaires completed by 712 surveyed individuals who represent 73 different institutions which engage in some form of anti-domestic violence work (Wo Qi Foundation 15 Apr. 2019).

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Internet sites, including: Agence France-Presse; Al Jazeera; Amnesty International; Asian News International; Austrian Red Cross – ecoi.net; China – All-China Women's Federation; Belgium – Commissariat général aux réfugiés et aux apatrides; Bertelsmann Stiftung; *China Daily*; Chinese Human Rights Defenders; CNN; *The Diplomat*; The Dui Hua Foundation; EU – EU Agency for Asylum; Factiva; *Financial Times*; France – Office français de protection des réfugiés et apatrides; Freedom House; *Global Times*; *The Guardian*; Human Rights Watch; *The Lancet*; *The New York Times*; Radio Free Asia; Safeguard Defenders; Switzerland – State Secretariat for Migration; UK – Home Office; UN – Refworld; US – Department of State; Voice of America; *The Washington Post*; Xinhua News Agency.

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