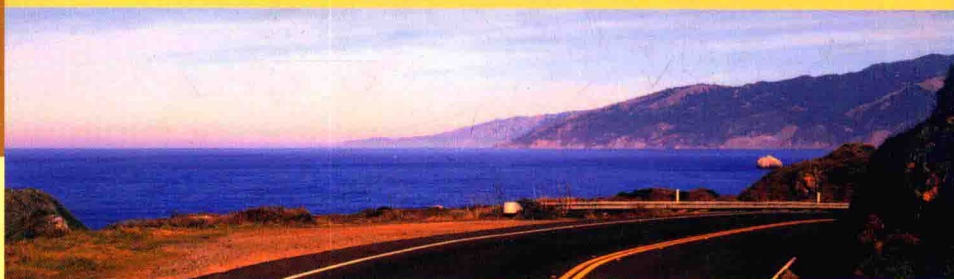




Series of Publications on Theory and Practice in  
Combating Domestic Violence

**The Project of Combating Domestic Violence  
in China: Research, Intervention and Prevention**



# **Combating Domestic Violence against Women: China in Action**

Editors: Huang Lie, Rong Weiyi



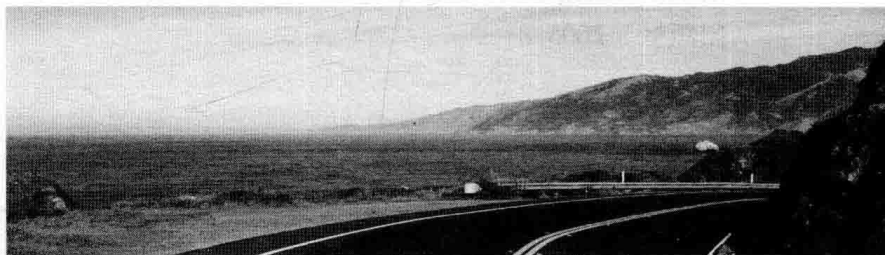
书馆

**China Social Sciences Press**



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## General Introduction

Domestic violence, particularly domestic violence against women, has become a hot issue internationally. Today, there are more than 40 states where separate laws on prohibition of domestic violence have been promulgated. More and more thorough and extensive studies have been conducted, with some focusing on intervention approaches.

In China, since 1990' of the 20th century, especially after the 1995 UN Women's Conference, the issue of domestic violence has increasingly aroused concerns of the society. The revised Marriage Law of April, 28, 2001, has explicitly provided in its General Principles that "Domestic Violence is prohibited". In the Section of Legal Liabilities, liabilities of relevant institutions are defined and remedial measures are introduced.

Against this background, the Project of Combating Domestic Violence against Women: Research, Intervention and Prevention, under the China Law Society, was launched. During the period from June, 2000 to January, 2002, organizations, institutions and individuals joined the network established by the project in over ten provinces, cities and autonomous regions. In the past two years, the project has developed various activities, including provincial surveys, media advocacy, raising the awareness of the public and setting up of experimental spots in relation to comprehensive intervention in domestic violence in urban areas. Theoretical studies have also been carried out. With the first phase of the project being completed around May, 2003, a series of publications produced by the project will come out one after another.

Members of the project include scholars and experts from fields of law, sociology, social work, medical science, philosophy, journalism and psychology and so on, women activists, media workers and personnel from people's congress, public security organs, procuratorate and judicial bodies. The series of publications reveals causes, harms of domestic violence against women and proposals for various forms of intervention. The proposals mainly cover measures that should be taken by governments at different levels, law enforcement by difference organs, state legislation, community intervention, the role of medical departments, therapy approaches, and social aid network. By advocacy of different approaches, we may contribute to the further studies on and deepening of the movement of elimination of domestic violence in China.

It is common task for the whole society to combat domestic violence against women. Let's take actions and strive for building up a world without violence and for implementing and realizing the national policy of equality between men and women.

She Mengxiao

Vice President, China Law Society

May, 2003

## Preface

Two conferences (Nov. 9—10, 2001 and Nov. 15—16, 2002) were held in Beijing by the Project of Combating Domestic Violence against Women: Research, Intervention and Prevention (hereinafter referred to as DV project) under China Law Society respectively. The former is a nation-wide conference and the latter, an international one. The subjects of these two conferences cover theory and practical experience in combating domestic violence in China and abroad, the current situation of domestic violence and issues to be dealt with urgently in China, and intervention measures and legislative proposals. The purposes of the two conferences are: 1) to present and exchange achievements made in anti-domestic violence in China and experiences gained in intervention process; 2) to better our understandings of obligation, measures taken by the government and the role played by NGOs at national, regional and international levels; 3) to explore and address main obstacles and countermeasures in China; and 4) to raise the masses' domestic violence awareness, enhance the sensitivity of decision-makers and governments at various levels, so to stress their obligations to eliminate domestic violence against women. Based on activities carried out and conferences and seminars held by the DV project, we hope to give a push to the enactment of anti-domestic violence law and policy in China.

Ever since the 1995 World Women's Conference, the issue of domestic violence against women has caught the attention of the Chinese society as a whole. Some universities, research institutions and women's

organizations have conducted surveys and studies in this respect. The research findings show that the dimension and extent of domestic violence are pervasive in China, just like situation in most countries all over the world. Even if following the rather narrow interpretation of the definition of domestic violence provided by the Supreme People's Court in 2001, there are more than two thirds of families in which violence against minor family members exists and above one third of families where violence occurs between husbands and wives. Moreover, the situation is more serious in rural areas compared with the situation in urban areas in China.

In recent years in China, lawyers, sociologists and gender experts have responded domestic violence in multi - disciplinary approaches and with multi - perspectives. Some government organs and local organizations such as court, public security organ, hospital and women's federation, have also offered different forms of legal or social aid for the battered women. Several concerns cropped up in the process of our surveys and studies.

The first relates to perception of domestic violence. Historically, both society and the public believe that fight between spouses belongs to private affair and there should be no interference into private life from outsiders. According to traditional Chinese culture, male has the power to discipline his wife and children, as he is the only head of the family. We have conducted a survey in a village. When you asked whether domestic violence existed in the neighborhoods, the answer was "no". But when you asked whether someone in the village battered his wife, "of course" was what you got and "battering one's wife" has been regarded as a natural act. Against this background, some people even hold that domestic violence against women never exists in China. The awareness and a clear perception of domestic violence are, therefore, greatly needed, so to ad-



dress the unequal gender relation from every home and family.

Next concern centers on the definition of domestic violence, which in turn, is also in close relationship with the above - mentioned concern. The UN Declaration on Elimination of Violence against Women (1993) and the UN Convention of Elimination of All Forms of Discrimination against Women (1979) and its monitoring mechanism CEDAW's Recommendation 19, have provided that "The term 'violence against women' means any act of gender - based violence that results in , or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life". Yet currently in China, psychological and sexual violence are hardly covered by the law. And looking at actual conditions, some forms of domestic violence have not been exposed fully as domestic violence, for example, sex selection of unborn babies, economic control imposed on wife, marital rape, infanticide, discrimination or abuse of wife because of sterility, and so on. To broaden the definition of domestic violation on the basis of international standard, therefore, has been one of priorities given by researchers under the DV project, in order to provide victims of DV with a comprehensive and effective legal protection.

The third issue involves a variety of responses to domestic violence. What approaches are appropriate or suitable to Chinese conditions, in the light of measures and policies applied in some western countries, such as "non - stop" policy, "mandatory arrest" and "taking the abuser away from the home". A number of domestic violence cases handled by our courts demonstrate that while judicial intervention should be enhanced, consideration should also be given to specific conditions, including the existing legal provisions, lack of network of social support, level of eco-



conomic development, particularly, the disadvantaged economic and social status of rural women. Endeavors should be given to identify and test new approaches to prevention, interagency cooperation and community intervention as different resources for eliminating domestic violence. In the meantime, we are aware that in addressing domestic violence, we should not only have a global vision, but also keep the specific conditions of China in mind, that is, having a contextual vision, too. Only thus, may we translate some foreign experiences into local practice successfully.

The fourth is the role of the law. Since China has advocated and practiced equality between men and women ever since 1949, are there laws that may indirectly discriminate against women, and thus perpetuate the de facto subordination and disadvantages of women in society and in family? From a gender perspective, in conducting the project, we have examined relevant laws and the enforcement of the law in China. Gender neutral laws have led to negative effect on battered women, being unable to provide with access to justice. Battered women can not use law effectively to get protection and remedy from the law. The examination and review of the existing laws have also led us to reflect on the equality model pursued by us since liberation. It is imperative to reform gender neutral law and to promote separate domestic violence act from gender perspectives.

The last but not the least, is the importance of changing the social and cultural pattern of conducts of men and women. Patriarchal system, traditional culture of supremacy of men, socialization process for both men and women, discriminatory custom and practice that have been internalized as "only right and proper", all these contribute to the occurrence of domestic violence. To change the social and cultural pattern of conducts through education, advocacy, and various methods will have direct effect

on changing the perception, attitude of the public towards domestic violence, to raise the awareness and sensitivity of judicial workers and to strengthen social and judicial interventions effectively.

This book is divided into three sections. The first section establishes the framework for theoretical explorations, addressing forms, causes and consequences of domestic violence. The role and impact of culture, law, the process of socialization of individuals, the system of marriage and family, the status of women and multi - power mechanisms on domestic violence are examined. The second section focuses on the results of survey and practice, combining the theory with practice. One article reveals inadequate understandings of domestic violence by the public and reluctant attitude held by judicial departments. The obligation of the government to take appropriate measures and multi - agency approach are emphasized to respond to domestic violence. The significant role of the media and gender training in eliminating domestic violence is stressed, too. One of the authors argues for and analyses the possibility and practicability of applying the notion of "Battered Women Syndrome" in Chinese courts. The third section turns to the experiment and establishment of model of domestic violence intervention in urban and rural areas. Both experiences and difficulties encountered have been discussed. It is of interest to note that some local governments have come to the fore to practice and test a mainstream intervention model for preventing and responding to domestic violence. Whether this can be popularized remains open and requires further efforts and work.

We have selected a range of articles from the above - mentioned two conferences, with a view to enable our readers abroad to get a relatively full picture of anti - domestic violence movement in China. It is really a pity that we haven't included articles contributed by foreign participants

due to limited space.

On the occasion of the publication of this book, we would like to express our profound thanks and deep memory of Bette Garlow, the former President of Domestic Violence Commission, American Bar Association, who left us forever on September 30, 2003. Owing to her active promotion and cooperation, the project has developed fruitful exchanges with American counterparts in the field of domestic violence. In fall, 2002, immediately after the moot court program conducted in Xian, Bette came to Beijing to run a lecture and hold discussions with members of the project. In 2003, Bette invited one of our colleagues, Zhu Xiaoqing, to work at the Domestic Violence Commission for 6 months. Bette has left deep impression on everyone of us, her commitment to anti-domestic violence, her rich experience as a militant feminist lawyer, and her penetrating analysis of American legal system and her thoroughgoing explanations of Duluth program—Bette is a bridge. She has linked both American and Chinese people who have committed to anti-domestic violence together; Bette is a kind of spirit. She has always inspired us, with her amazing energy, intellect and commitment, to work for the elimination of violence against women in China, elsewhere, and all over the world. Though Bette has left us, she is alive in our hearts forever. We believe the enthusiasm and fighting will she has showed us will always serve as the dynamic for us in promoting anti-domestic violence movement in China.

We, the editors, have benefited a great deal from selecting articles from the wealth of good presentations submitted to the two conferences. Selection took time and translation was also a very challenging task. Every translator did her/his best, though of course, there are shortcomings and errors inevitably. For the delay of the publication of this book, please accept our sincere apologies. We hope the reader will learn and understand

theoretical studies and practice undertaken in the field of domestic violence in China from this book, and might be persuaded to go on and read other articles we would have liked to have included but could find no space for. As you can find from appendixes, we have a series of publications produced by the project, besides this one.

Being a grant project of China Law Society (hereinafter referred to as the Society), we feel highly honored to get support and assistance from the Society even since the launching of the project and in all our activities. We would like to express our sincere gratitude to all colleagues at the Society who have been in support of us and helped us to finish this publication.

Huang Lie

Rong Weiyei

Nov. 27, 2004

We especially want to thank the Ford Foundation, Norway, the Netherlands, SIDA of the Sweden and Human Rights Center, Oslo University, Norway. Without their kind and sufficient fund, this publication would never have been materialized. We also are grateful to UNIFEM, Hong Kong, and UNIFEM Office in Beijing, for their funding provided to us to hold seminars and publish series of books written and compiled by members of the project.

To our friends and colleagues working for the project, who have offered great insight and efforts, thank you. In particular, Professor Chen Mingxia, whose expertise, suggestions and experience is invaluable and allow us to improve the quality of this book.

We also owe a debt of gratitude to Qiao Wei, Tu Lijuan and Chu Jufen, who spent so much time and effort in collecting, typing and reading all articles selected.

Finally, we would like to thank all dedicated authors of articles, translators and the support and assistance provided by the China Social Sciences Publishing House. It is our hope that someday in future, women

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may live in a world free from violence and both women and men are able to realize their potential regardless of socially and culturally constructed gender role expectations.

Huang Lie

Rong Weiye

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