

Domestic Violence in China: Research, Intervention and Prevention

Newsletter

Issue One

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Under the Project, a British expert, Dr. Marina Calloni, was invited to Beijing to give a lecture on “Combating Domestic Violence: International Cooperation and New Policies.” This activity was funded by the Cultural and Education Section of the British Embassy. Here, we would like to express our deep appreciation to the British Embassy for its support.

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For A World Free of Violence Against Women

We have come together to realize a vision of creating a world where women can live without fear of violence.

For the purpose of a new century of development, peace and gender equality, we have initiated the project: Domestic Violence in China: Research and Intervention.

We never take it for granted that as time passes necessary changes will occur throughout the world. We understand that only with strenuous effort and enduring strategies can women be protected from all forms of domestic violence.

In 1999, a significant number of cases of domestic violence were reported to the women's federations in 29 provinces, autonomous regions and municipalities in China.

On March 8, 1999, a globally televised conference was sponsored by the UN Development Fund for Women with the theme, "For A World Free of Violence against Women." In November, 1999 the General Assembly of the United Nations passed a motion making November 25th the International Day for the Elimination of Violence against Women.

It is in response to both domestic situations and international development that the project Domestic Violence in China: Research and Intervention has come into being. The present newsletter is intended to serve as a channel for the exchange of ideas and the sharing of experiences among scholars, activists in the women's movement, government officials and all those who are concerned about women's work in general and/or involved in this particular project. As a multi-disciplinary publication that draws inspiration from legal, sociological, medical and feminist perspectives, the newsletter will give special attention to the integration of scientific research with real-world practice. Practice is always guided by theory, and behavior should be regulated by law. The newsletter is part of an effort to promote the development of both theory and law for the protection of women's rights and interests. By introducing international practices and mechanisms, we are trying to usher in a new era of democratic contribution to the healthy development of Chinese women's revolutionary movements.

Let us spare no efforts and unite as one to create a violence-free world for women.

II) What This Project is About

III) Project Activities Thus Far

1. In early June of 2000, the Project Network Office (i.e. the Project Network Center) was set up.
2. Directors and accountants for all sub-projects have been nominated.
3. The Network Resource Center has been set up, which is headquartered in Room 1227 of the China Law Society office building and is open to project participants.
4. The Gender Training Sub-project, in cooperation with the Beijing Gender and Development Partners Group, organized a workshop on gender for the first time.
5. On June 23, 2000, Ms. Missa, a program official from the Netherlands, came to the project office and held discussions with the project management committee regarding the progress of the project, working plan and management policies.
6. On June 25, 2000, Dr. Jane Ursel from Canada gave a lecture on "Development and Difficulties in Enforcing the Anti-Domestic Violence Act in Manitoba."
7. A workshop for training of all accountants of sub-projects was organized on July 6, 2000.
8. Since July 11, 2000, directors and accountants of sub-projects have drawn funds from the project office and all sub-projects have begun operation.
9. By the end of July, 2000, You'anmen sub-district office had been chosen for the urban community intervention pilot program. Tiewing hospital had been chosen for the medical and hygienic intervention pilot program.
10. On July 31, 2000, the Concerned Women's Media Monitoring Network held an information briefing on "Gender Equality, Development and Peace in the 21st Century." Participants to the NGO Forum on the Special UN Assembly were invited to share information and personal experiences.

11. Judicial Survey and Research Sub-project: A draft design of a questionnaire for both quantitative analysis and judicial investigation has been finished and has yet to be finalized after revision.

12. Media Advocacy Networks Sub-project: From August 6 – 8, 2000, three workers of the Media Advocacy Networks Sub-project made a working visit to Hohhot, Inner Mongolia and helped set up a local Anti-DV Media Working Team in the city.

IV. Reflections on Project Activities

Preparations for Launching the Pilot Urban Community Intervention Sub-project

After a year of investigation and deliberation, Fengtai district in southwest Beijing was selected for the pilot intervention with You'anmen sub-district as the target urban community and Tieying hospital as the executor of medical and hygiene intervention.

Why Fengtai was selected

1. Located in southwest Beijing, the 308 square-km district serves as the business center of this area on the outskirts of the capital city. It has a population of 1,007,611 with a relatively large proportion of farmers and temporary dwellers in addition to permanent residents. In a district with such a diverse population, with different values, life modes and standards of living, implementation of the sub-project could generate the widest possible results from different groups of people.

2. The median level of economic development of Fengtai makes it typical and representative of other districts.

3. The Fengtai district government and women's federation have the correct attitude towards, and strong awareness about, the protection of women's rights and interests. The district government has agreed to have officials from the women's federation participate in the pilot project.

4. The Women and Children's Working Committee of Fengtai has always cooperated with the district public security bureau, the procuratorate and the court in local campaigns against domestic violence and consequently has acquired rich experiences.

Why Tieying hospital was selected

The management of Tieying hospital is highly conscience of the importance of the pilot project for both the welfare of the community and the development of the hospital itself. With strong leadership and a proficient staff, the entire hospital aspires to develop further. Above all, the hospital has already established a community medical management center with four medical service stations within the whole community. It has also developed a community service network in cooperation with local neighborhood committees.

What You'anmen sub-district was selected

Located in Beijing on the south Second Ring Road, You'anmen sub-district is in the east of the Fengtai district. It has a population of 57,600, with 17,878 families, and features a mix of urban and rural residents. Many residents have not received sufficient schooling, and cases of domestic violence not unusual. There is a community service center that provides different types of services to local inhabitants.

The Working Committee, government offices and women's federation of You'anmen sub-district all show strong interest in undertaking the project and promise to render assistance and support.

Other remarks

Some disadvantages of the selected district and hospital have also been taken into consideration.

To further expand the effects of the medical intervention project, it has been decided that You'anmen hospital should be included in the training program so that the district medical agency can be involved in the community intervention sub-project.

After many meetings, discussions and investigation visits jointly conducted by the sub-project team and the Fengtai women's federation before finally locating the pilot sub-project, a relationship of mutual trust and a nice partnership has been established, which is expected to go on throughout the project.

Special thanks should be expressed to Professor Chen Mingxia and other Project Management Committee members who helped in all preparations, including project

planning, contacting overseas anti-DV foundations and meeting with Fengtai government and women's federation officials to introduce and promote the project.

-----by Li Hongtao

V. Theoretical Approaches

An introduction: The approach of gender analysis on social issues

The concept of gender was first put forth in the 1960s by women's rights campaigners in western countries, and it has now even been adopted by the United Nations in its documents. Generally, the concept implies recognition of gender as an established social institution. To be more precise, gender may be defined as "such different features between men and women as are developed and recognized within certain social-cultural institutions and those group features or modes of behavior specific to men or women that are developed in certain social-cultural contexts."

1. Significance of the social gender concept

First of all, the concept of gender implies that men and women are not born different in social terms, which is in contrast to the theory of physiological determinism. Secondly, it is by itself a new framework of study and a new analytic approach through which the present male-oriented knowledge system can be reviewed and criticized.

2. The concept of gender in practice

It is important to understand the difference between the concept of "gender" and "equality between men and women," particularly as the latter concept is put into practice and implemented through policy.

It is normally understood that equality means, for example, giving women equal opportunities as men. However, if the overall male-oriented system of social morals and values is ignored, and the male-centered conceptual system remains the same as ever, it is still unequal to require that men and women should be equal. In 1950, Chinese women were encouraged to go outdoors to work. As a revolution for women, this was regarded as putting male-female equality into practice. But while the traditional notion that men dominate social work and women attend to family affairs remained unchanged, women were in fact much more heavily burdened with both social and domestic work because men never thought of sharing some of the household labor.

Gender theories are yet to be developed. Nevertheless, gender as an approach of analysis is already mature. For practical purposes, consciousness of gender is of critical importance. With the awareness of gender as a social construct, people can observe and understand politics, culture, economics and the environment from the perspective of gender. In this way, the entire society can be encouraged to observe social realities, social roles, the division of labor and developmental differences from the perspective of gender and to work toward the coordinated development of both men and women.

3. Gender analysis

The basic principle of gender analysis is that sexual discrimination is not taken as a random or simple attitude of individuals but rather an issue rooted in social institutions.

Case analysis

1. The Hebei case

As part of an effort to raise women's status, a local women's federation in Hebei province cooperated with the local foreign trade department to set up an embroidery factory that contracted out the supply of embroidery to women living nearby. Because of the income these women obtained from the factory, their families became better off. People also say that the status of these women was raised in their families.

Comments:

The embroidery project has obviously brought economic benefit to the women involved and raised their social status to a certain extent. It should also be noted, however, that the women used their spare time to do the embroidery and thus bore an additional workload. This last point was obviously neglected as the project was in operation.

4. Theoretical framework for participatory learning

The history of participatory learning can be traced back to ancient Greece, 2,400 years ago, during a time of crisis of beliefs when sophistry prevailed and many so-called "masterminds" gave lectures on sophistry and government. Socrates, who was opposed to the sophists, was one of the most outstanding "masterminds" who

developed the well-known "Socratic Method." Socrates found that it was potentially possible for every human being to find the truth so long as he properly used his reasoning ability. Instead of giving lectures, Socrates put seemingly simple questions to people and asked them to give a definition according to their own understanding, for example, of what "justice" or "beauty" was. The respondents soon found themselves contradicting their own assumptions about those concepts when replying to more elicitation put forward by Socrates, who, having spotted flaws in their answers, consciously led them to demonstrate their ideological confusion. The typical Socratic method then led people to actively draw conclusions or make generalizations by themselves through reviewing or reflecting in a critical manner what they had thought was right. The heuristic method of teaching adopted by Socrates may be perceived as an ancient model of participatory learning.

Today people are very influenced by late modern theories and tend to take a skeptical attitude towards "knowledge," "value" and "authority." When mysticism is broken away from, it is discovered that secular power plays an important role in the conception of those salient subjects like "knowledge" and "science." In addition, because a multi-cultural environment prevails throughout the world, the method of participatory learning has consequently become more and more popular.

Participatory methods have been widely adopted in training adults. As adults tend to have rich experience, and strong reasoning ability but a decreasing memory, using a participatory method could give full play to the advantages of adult learners while overcoming their weak points.

The participatory approach developed into maturity in the 1960s and 1970s when psychological achievements were integrated into this field. People also understand the approach as a demonstration of respect for democratic and cultural variance.

The participatory method is actually revolutionary, particularly in the sense that several non-linguistic forms of behavior are introduced, such as role-play, drawing, diagramming and sculpting. These forms are often impressive and inspiring. Through learners' active participation in the learning process, the traditional role of "mastermind" and "authority" gives way to intrinsic motivation and active reflection of the learners themselves. This is in sharp contrast to traditional learning methodology, which depends only upon a passive linguistic channel and likely excludes development of other sense perceptions.

Generalizations drawn from personal experiences are often most persuasive. Thus, it seems logical that a participatory approach has been adopted in our gender training program. Our program highly values personal experiences and reviewing of those experiences by the participants, made up of both men and women, and urban residents as well as rural peasants. They differ from each other in personal experiences, social status, education and family backgrounds, but they face problems arising from the same social institutions. The participatory approach is especially suited to women, whose voice has always been silenced and whose experiences have been neglected by a male-dominated society.

The introduction of a participatory learning method into a gender training program allows participants to explore, question and reflect upon gender problems in order to reach an in-depth understanding of those problems. Once this occurs, informed efforts can be made to improve societal gender relations, which affect both the whole society and personal livelihoods.

In addition to the participatory theory of learning, our training program is also based on developments from other social sciences, discussions of which will follow.

-----by Feng Yuan and Zhang Yanhong

VI. Legislative Updates

List of Chinese laws, regulations and government circulars regarding domestic violence

National laws and regulations

1. *Development Program for Chinese Women 1995-2000*;
2. *The Criminal Law of the People's Republic of China*, as amended in 1997 (see Article 234 and Article 260);
3. *The Criminal Procedure Law of the People's Republic of China*, as amended in 1996 (see Article 84 and Article 88);
4. *Regulation of Penalties for Control of Public Security*;
5. *The General Provision of Civil Law* (see Article 104 and Article 119);
6. *The Marriage Law of the People's Republic of China* (see Article 3)
7. *The Inheritance Law of the People's Republic of China* (see Article 7)
8. *The Law of the People's Republic of China on Protection of Women's Rights and Interests* (See Article 34, Article 35, Article 39 and Article 52);

9. *Law of Protection of Minors*;
10. *Law of Protection of the Rights and Interests of the Elderly*

Local regulations and decisions

11. *The Women's Development Program*, adopted by each province and municipality in accordance with the national program;
12. *Regulations Regarding Prevention and Control of Domestic Violence* adopted by Changsha city government of Hunan Province;
13. *Procedures of Shaanxi Province for Implementation of the Law of the People's Republic of China on Protection of Women's Rights and Interests*, adopted by Shaanxi Province People's Congress;
14. *Opinions on Prevention and Control of Domestic Violence*, jointly adopted by the Comprehensive Social Order Control Office, the Propaganda Department, the People's Court, the People's Procuratorate, the Public Security Bureau, the Judicial Bureau, the Trade Union and the Women's Federation of Huaibei City, Anhui Province;
15. *Working Opinion of Shiyan City on Prevention and Control of Domestic Violence*, jointly adopted by the Women's Federation, the Intermediate People's Court, the Intermediate People's Procuratorate, the Public Security Bureau and the Judicial Bureau of the Shiyan city, Hubei Province;
16. *The Resolution of the Standing Committee of the Hunan People's Congress on Prevention and Control of Domestic Violence*;
17. *Regulations on Prevention and Control of Domestic Violence*, jointly adopted by the People's Procuratorate, the Public Security Bureau, the Judicial Bureau, the Comprehensive Social Order Control Office and the Women's Federation of Liaoning Province

-----compiled by Huang Lie

VII. International Exchanges

VAW experience from Manitoba, Canada

On the morning of June 25, 2000, scholars, professors, women's federation officials and social workers from different organizations in Beijing gathered in the meeting room of *China Women's News* to attend a lecture given by Professor Jane Ursel. The following is a brief on experiences of Manitoba in VAW control efforts and developments:

1. A social support system is established

Domestic violence, like cancer, affects the health of the whole family. Victims of such violence, usually young children, suffer both physically and mentally. 20 years ago however, domestic violence was not regarded as a social problem in Canada; rather, it was perceived as a personal matter. In the 1980s, a special committee was set up in the parliament to recommend a bill against domestic violence. As a result, social service centers were established at the provincial level with the specified objectives of: 1) providing refuge for women affected by violence; 2) advising non-local residents; and 3) conducting education programs for behavior correction of violent males. The last years saw increased injection of funds into VAW projects. Investment into the VAW campaign for each of Manitoba's one million residents has risen from 30 cents in the early 1980s to nine US dollars presently.

The police used to stop short of intervening in domestic violence cases. According to an order issued by the Minister of Justice, since the 1990s the police may obtain a warrant and detain and prosecute perpetrators of domestic violence. In accordance with Canadian criminal law, rape between a husband and wife is a crime and can be tried in a criminal court. The Canadian Criminal Code, amended in 1983, has further defined "sexual assault" as a crime, and the victim no longer needs to show her injury to prove her resistance against sexual violence. Such violent actions can be prosecuted according to current Canadian legislation as long as the victims are willing

According to the Domestic Violence and Stalking Act, an abused woman may file a complaint with the magistrate, who might issue a restraining order against an abusive male or even require that he should leave home.

2. A Domestic Violence Court has been set up

In the early 1990s, a domestic violence court was established, which specifically handles domestic violence cases. 89% of the cases received by the court are VAW cases, while 10% are cases of violence against children and 1% are abuses of the elderly. Because abused women are required to testify in court, it is not unusual for many women to drop charges and abstain from legal proceedings in order to be reconciled with abusive husbands. However, the senior prosecutor may decide, in light of the best interests of both the women and the community, whether to continue the prosecution or not. If prosecution is deemed to be in the interest of the abused

woman, the legal proceedings continue as long as adequate evidence is obtained. The case may also be concluded in other ways that best fit the woman's interest.

If a first-time offender, a convicted perpetrator of domestic violence may be sentenced to prison or put on probation. During the probationary period, they are supposed to make regular reports to local supervisors and take part in compulsory behavior-correction training programs. Prisoners also receive the same type of education. Researchers have found that the rate of recidivism of those who have been educated in behavior-correction programs is much lower than those who have not.

Women who have been victims of domestic violence may choose one of three methods to avoid vengeful husbands who have returned home after serving a prison sentence: 1) changing their identification with government assistance and moving to another place, which is quite unusual; 2) moving to another city without changing their identification, which is quite frequent; 3) living in the same residence with their husband, who, if found to be likely to seek revenge, is subject to close supervision by the police and is required to make daily reports to the police.

Women who are abused but remain silent pose a major challenge to the judicial organs.

3. A network of research and education has been developed

As more and more VAW cases were reported and gained public attention, people became concerned as to what intervention measures and policies should be adopted in response. In 1992, the federal government decided to set up an academic network comprising five VAW research centers. Those institutions have developed partnerships with local community service institutions, government decision makers and universities in initiating and implementing VAW projects. Over 30 projects have already been finished by the network, the results of which include intervention recommendations to agencies. The Center for Research of Domestic Violence and Violence against Women (now renamed "Resolve") under Manitoba University is one of the five centers. With three branches in Alberta, Saskatchewan and the university respectively, the center employs its own staff, including an academic director and a community coordinator.

As a multi-disciplinary approach is necessary for implementation of projects involving VAW, staff from several departments of Manitoba University have become

involved in its work and projects. Resolve has the advantage of cooperating with community workers, decision makers and academicians, who, working together and exchanging information, are able to create projects that effectively address the local context.

Resolve organizes training programs for community workers, students and new researchers in one or more of the following ways: 1) develop graduate-community worker bi-partner groups, which have one graduate student and one community worker for each group; 2) organize lecture series open to public; 3) host local meetings and apprenticeship workshops; and 4) train students and other NGOs who have been involved in Resolve projects. Resolve has thus become a training center for all member organizations of the partnership.

UN Documents on VAW produced by the Special UN Assembly, 16/8/2000

VII. Feedback and suggestions by the network members