

**Domestic Violence in China:
Research, Intervention and Prevention**

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Contents

The “Domestic Violence in China: Research, Intervention and Prevention” project (hereafter referred to as “the Project”) is operated by the China Law Society and jointly funded by the Ford Foundation, the Netherlands Organization for International Development Cooperation (NOVIB), the Swedish International Development Cooperation Agency (SIDA) and Oslo University’s Human Rights Center.

News in Brief

1. On April 19, 2002, Netherlands project officials came to the Project headquarters to check on the financial affairs of the Project.

2. On May 13, 2002, the Gender Training Sub-project group conducted a one-day training program on gender and participation in anti-domestic violence campaigns for managers and designers of the Tangzun Advertisement & Design Company, which has undertaken the design of an anti-domestic violence public service announcement. The company staff said the training was especially beneficial to them.

3. On May 22, 2002, the Yanqing County Women and Children’s Work Commission adopted the “Opinions on Implementation of the Multi-agency Intervention Program for Operation of the “Domestic Violence in China: Research, Intervention and Prevention” project.

4. From May 25 – 26, 2002, the Project was represented by Research Fellow Chen Mingxia and Professor Li Mingxun at the 10th Anniversary of the Protection Center for Socially Disadvantaged Persons at Wuhan University. The Center was the first non-governmental legal aid organization in China.

5. May 26, 2002 was the first anniversary of the Liubingbao Township Anti-domestic Violence Work Station, which was part of the Pilot Rural Community Intervention Sub-project. On May 30, 2002, the Work Station conducted an investigation of the development of the sub-project. The local television station presented a specific episode on domestic violence for the series “Legal Focus.” This was only the second time that the issue of domestic violence had been publicized through local television in a rural county.

6. At the end of May 2002, the Project Management Committee (PMC) decided that

the International Conference on Domestic Violence be scheduled for November 14 – 16, 2002 in Beijing.

9. On June 19, 2002, the Project advertisement board was inaugurated and set up on several streets. The theme of the campaign is “Say No to Domestic Violence, Build Up a Happy Life”.

Project Developments

Reflections on Community Prevention and Multi-agency Cooperation against Domestic Violence

The Pilot Urban Community Intervention Sub-project group set up a working network in You’anmen Street in Beijing, and a network intervention table was drafted. Partners of the network include the You’anmen Community Intervention Network Group (comprised of the You’anmen Workers Commission CPC Secretary-general, the Commission CPC deputy Secretary-generals and the You’anmen Street District Government Office), the Street Women’s Federation, the You’anmen Police Station, the You’anmen Tribunal, the You’anmenwai Hospital, the You’anmen Industrial and Commercial Administrative Office, and You’anmen Street law firms and residents committees.

A series of activities has been undertaken by the You’anmen Network. First, the Network organized “gender and awareness of domestic violence” training for the network partners. Second, each Network partner shared responsibilities with others and an improved structure of responsibility within the Network was developed. In addition, Network partners actively seek mechanisms for multi-agency cooperation. The most urgent question among partners is who should be contacted first in cases of domestic violence and what follow-up intervention procedures should be followed.

One day in March 2002, an incident occurred in You’anmen Street. A family dispute escalated to the point that the husband beat his wife severely. The first witness was the director and other members of the local residents committee after the battered wife approached the residents committee, told them what had happened and asked for help. The residents committee director and others who were present consoled the victim and then went to the scene of the incident. They collected relevant evidence, including instruments used in the beating, pictures taken at the scene and a hospital evaluation of the victim’s injuries. Later, they tried several times before they finally found the husband and deterred the violence. Still, the victim filed a divorce suit.

The residents committee director reported the case to the Street Women’s Federation. Upon hearing the case, the Community Intervention Sub-project Director immediately approached the residents committee and visited the victim for more information. The sub-project Director discussed the method of intervention in this case of domestic

violence with the Street Women's Federation and the You'anmen Tribunal. This was the first time that the community sub-project network handled an individual case.

On the afternoon of April 1, 2002, the Community Intervention group members organized a discussion in the street regarding multi-agency cooperative procedures and methods. To introduce the case, Officer Gao from the You'anmen Street Police Station briefed everyone on what had happened the night before the violence occurred. The husband had had a serious quarrel with his son. After attempting to mediate between father and son, the wife and mother of the son went to the Street Police Station for assistance. The police officer on duty went to the home and helped to calm down the family quarrel. Unexpectedly, however, more serious family violence occurred the next day and the wife was beaten and injured by the husband.

After Officer Gao was finished, the residents committee director then described what she had witnessed during the family dispute and put forward her concerns. For instance, after the original family quarrel had been calmed down by the local police, the matter was not communicated to the residents committee who, if it had intervened, might have prevented the case from escalating. The residents committee director wondered whether the local police should be obliged to communicate with the local residents committee in the event of such cases. A second question was what should be done to protect a victim from further damage when violence occurs. A final concern was how a victim should be helped after she files for divorce.

An enthusiastic discussion on the timely prevention of domestic violence led to the following conclusions and comments:

1. Any member organization of the sub-project network could be the first contact of violence victims. Thus, each organization within the network should be obliged to communicate a new case to other network members.
2. All procedures for handling a case should be recorded in a standard and detailed manner.
3. Available network resources should be used to the fullest extent possible, with each participant trying his or her best to cooperate with others. Within the network, the police and the tribunals are supposed to effectively curtail violence and punish offenders. Hospitals should help treat victims, collect evidence and prevent victims from incurring further violence. Residents committees and law service offices can provide direct assistance and mediation, ensure victim's personal safety and give advice on self-protection skills.
4. Perpetrators of violence should be criticized and educated and/or given psychological counseling.

5. The topic most debated was how the victim should be helped. At first, network participants were inclined to discourage the victim from divorce, considering that the marriage relationship had a solid foundation. Later they realized that conflicts are often caused not only because of conflicts between spouses, but also due to different ideas regarding children's education and disagreements with parents or in-laws. To attempt to stop divorce proceedings would not help to solve those basic issues. Finally, participants reached a consensus that assistance offered to victims of domestic violence should focus on advising her of her rights, assisting her to use available resources and helping her to improve her capacity to respond to difficult situations and to leave a cycle of violence. Those who help victims of domestic violence should not make choices on behalf of the victim because this may place the victim in a violent situation when the victim has not yet acquired the capacity to leave.

Based on this community intervention we have the following three observations:

1. Government administrative intervention tends to be most effective.
2. Training on gender equality and domestic violence awareness is essential for intervention into domestic violence.
3. It is reasonable and effective to attempt to incorporate social work theories and skills into anti-domestic violence campaigns. Those theories and skills could help in the development of different intervention methods and in finding effective ways to help victims break the cycle of violence.

(by Qi Xiaoyu, of the Pilot Urban Community Intervention Sub-project)

Opinions of Yanqing County on Implementation of the Multi-agency Intervention Campaign for Operation of the “Domestic Violence in China: Research, Intervention and Prevention” Project

(Editor's note: Anti-domestic violence work has been incorporated into government action of the Yanqing County Women and Children's Work Commission, which has recently adopted the following government document) (omitted)

Experts from the United States in Yanqing County to Study the Domestic Violence Sub-project

On June 7, 2002, a seven-member delegation led by the chairperson of the American group “Women Pursuing International Peace” visited Yanqing County to study the progress of the sub-project. Accompanying them was Ms. Zhao Shuhua, director of the Rights Protection Department of the Beijing City Women's Federation. The delegation attended a briefing on the progress of the sub-project given by the County Women's Federation chairwoman, Shen Guirong.

The American visitors spoke highly of the sub-project and expressed the belief that

Yanqing County would surely realize the objective of zero domestic violence.

(by the Yanqing County Women's Federation)

Network Exchanges

Rapid Progress Has Been Made by Hunan's Anti-domestic Violence Network

On March 31, 2000 the first local regulation on domestic violence was enacted in Hunan Province: The Resolution of the Standing Committee of the Hunan People's Congress on Prevention and Control of Domestic Violence. Since then, work against domestic violence has been conducted intensively and continuously in the province. In the past two years, those who have been combating domestic violence have gained rich experience. Effective methods have been employed in different cities and counties to fit local situations. The following is a brief introduction of such developments.

Work against Domestic Violence in the Furong District of Changsha City

In order to carry out the aforementioned Resolution, the Furong District government initiated the "Zero Domestic Violence Community" program. The purpose of this program is to take a comprehensive approach in addressing domestic violence through involving government departments and coordinating existing resources. The program is designed to give priority to prevention and mediation, and it urges government departments and different women's protection organizations to intervene immediately once a case of domestic violence occurs. The program hopes to realize 100% intervention, and thus detailed evaluation standards and a long-term plan have been developed for the program.

A series of operational measures have been adopted for implementation of the program, including the following:

1. to establish a management mechanism for prevention and control of domestic violence;
2. to develop a socially operational mechanism based on development of seven specific protection sub-systems;
3. to conduct continuous education and publicity activities;
4. to strengthen implementation of the "civilized family" campaign;
5. to develop an evaluation mechanism.

Control of Domestic Violence in Zhuzhou

Hunan Province's Zhuzhou City has developed the "Hetang Model" to prevent and eliminate domestic violence based on local circumstances and work experience.

As a district of Zhuzhou city, Hetang has successively developed six prevention sub-systems and one women's support foundation. The local public security organ serves as a major force in prevention and control of violent offences in families. The judicial bureau has set up mediation centers for settling cases in civil court and local courts have set up protection panels. The women and children's work commissions at the district and township level are supposed to conduct administrative mediations. The women's federation has worked hard to improve its role in receiving and handling complainants as well as visitors. Likewise, the local people's congress has reinforced supervision of enforcement of protection laws. The women's federation has coordinated with different organizations and successfully set up a women's support foundation with sponsorship from the general society. According to the "Hetang Model," the following institutions have been put in place:

1. a "domestic violence prevention and control brigade;"
2. a domestic violence reporting station;
3. an anti-domestic violence foundation;
4. a case review system;
5. incorporation of anti-domestic violence principles in the standards for the "five-good-at family."

Domestic Violence Control in Loudi City

The following characteristics have been demonstrated in controlling domestic violence in Loudi City:

1. improved understanding and strengthened leadership;
2. extensive publicity, the creation of an atmosphere conducive to combating domestic violence, and use of mass media to educate perpetrators;
3. a solid foundation for an anti-domestic violence network. In December of 2001, the "Notice on Establishing an Anti-domestic violence Network" was jointly issued by the City Public Security Bureau, the City People's Procuratorate, the City People's Court, the City Judicial Bureau and the City Women's Federation. According to the Notice, a "110" emergency hotline, legal aid against domestic violence and a "Center for Appraisal of Injuries from Domestic Violence" should be set up. It also advocated that the first contact person or organization of a domestic violence case should be held responsible for offering substantial assistance to victims;
4. careful follow-up and strengthened supervision.

Domestic Violence Control in Xiangying County of Yueyang City

In Xiangying County, the deputy county sheriff has been appointed chairman of a management team for control of domestic violence. A working office has also been established. A hotline is in operation and a domestic violence newsletter has been published. Women's federation officials have also been invited to sit in on court panels when a domestic violence case is heard. In addition, police bureaus and

stations have established domestic violence offices to handle complaints against domestic violence.

(by Qiao Wei)

Theoretical Discussion

Review of Major Literature on Domestic Violence

Domestic violence has been a topic for study at the international level ever since the 1970s. In China it has been a topic since the 1990s. Research on domestic violence could be categorized as follows: 1) definition of domestic violence or inter-marriage violence; 2) explanations of domestic violence; 3) provision of services in relation to domestic violence.

1. Literature review of domestic violence definitions

Western theories regarding domestic violence generally fall into the following two categories: the family violence perspective and the feminist perspective. The former regards domestic violence as a very common phenomenon and abuse of wives is only one part of the picture. The family violence perspective focuses on family relations rather than the bilateral relation between male and female. The feminist perspective is different in that inequality in power relations between men and women is regarded as the source of abuse of women. The feminist school holds that only when women are equal participants with men at all levels of society will all kinds of abuse against women, including wife battering, be significantly reduced.

The revised Marriage Law of the People's Republic of China has for the first time introduced a provision expressly stating that "domestic violence shall be banned." On December 24, 2001, the Judicial Committee of the Supreme People's Court adopted the Explanations of Several Issues regarding the Marriage Law of the People's Republic of China, according to which, "domestic violence" is defined as "any action of beating, binding, cruelly injuring and depriving of personal freedom by force or any other measure and that causes bodily or psychological harm to another family member. Regular or frequent domestic violence constitutes maltreatment." The statutory definition of domestic violence focuses on bodily harm and is narrower than the internationally recognized definition.

2. A discussion of explanatory theories of domestic violence

For several years, western researchers have studied domestic violence from psychological and social perspectives. More recently, there has been an increased interest in studying marriage violence from a feminist perspective.

a) Psychological study of domestic violence

Psychologists emphasize a social-psychological approach and study the linear causes of violent relations. Although psychological analysis provides an explanation of marriage violence in terms of psychological and personality traits, it is unable to explain why perpetrators tend to be violent towards their intimate partners.

b) Sociological study of domestic violence

Sociologists focus on sub-systems and sub-cultural relations within the context of the general culture and social context. They attempt to connect the macro social structure with the micro institutions in their study of violent relations within a family. Major theories include the theory of resources, the theory of inconsistent personal identity, the theory of systems, the theory of exchanges and social control.

It seems obvious that these theories provide perspectives for a basic solution to the problem as they discuss marriage violence within the general social context and examine social institutions for explanation of causes. Such theories describe difficulties and struggles from the standpoint of abused women and offer a useful perspective for assisting women as well as family therapy theory as a response to domestic violence. However, in their emphasis on social responsibilities, some of these theories allow for the shirking of individual responsibilities. Still other theories seem to blame victims by holding that victims themselves contribute to the occurrence of such violence.

c) Feminist study of domestic violence

All surveys conducted by various researchers upon different populations using a variety of methods suggest that gender inequality could explain the imbalance of violent occurrences against women. A feminist perspective holds that marriage violence is a method by which men control women, and that in a male-dominated society, the family is also a social organization where sexual differences have contributed to the long suppression of women. Many feminists believe that the law must deal more forcefully with perpetrators of domestic violence and send a message that no violent action towards female partners is acceptable.

In mainland China, extensive study of domestic violence began in the aftermath of the 4th United Nations World Women's Conference of 1995. Although recent years have seen more publications on domestic violence in China, few offer in-depth analysis. There are more empirical, macro and quantitative studies than there are in-depth individual case analysis.

3. Literature review of social workers' intervention into domestic violence

People providing services in relation to domestic violence include social workers,

social welfare institutions and their staff, police and the judiciary. Research in western societies indicates that from the 1970s to the 1980s, social services as a response to domestic violence focused on protection of the family rather than battered women. Protection of the integrity of the family was seen as primary while women's personal safety. When social work was oriented towards women, the women themselves were expected to stop men from violent actions. Furthermore, traditional social work helped reinforced the role of women as care-takers and as those who should sacrifice themselves for the sake of their family and children.

In the 1980s and 1990s, an important change took place in social services when a feminist perspective was incorporated into social work. Services were developed with the interest of female victims in mind. Family therapy and feminist approaches were combined to address cases of abused wives.

Marriage violence has increasingly been identified in the international community as a social problem relating to human rights protection of women that requires a strengthened response. In order to offer more effective intervention in and control of domestic violence, the 4th United Nations Conference on Women required all countries, in its resolution, "to develop an integrated and multi-disciplinary response to promote families, communities and countries free of domestic violence." Since then, different countries have achieved positive results through using a community-based approach as well as a multi-agency, multi-disciplinary and co-operative response to combat domestic violence.

(by Zhu Dongwu from Chinese Women's College)

Gender Exclusion in Domestic Violence Study

Among current studies on domestic violence against women, there are few in-depth theories on the disadvantaged group of abused women. If combined, gender analysis and social exclusion theory could provide a better explanation of the marginal status of women in society.

It is important to study social exclusion from a gender perspective. Some western and Chinese scholars have begun to study social exclusion using gender analysis. This writer believes it is necessary to describe and explain the theory of social exclusion in regard to the marginalization of women through domestic violence in China. This would constitute a rather new perspective.

Some scholars have begun empirical research of social exclusion problems using a gender perspective. Different methods have been developed such as "personal responsibility," "resource distribution" and "social integration." Due to the influence of traditional culture, many still believe that victims are at least partly to blame when they are battered by husbands. When women choose to leave the violent relationship,

they are on their own when looking for a place to live and work. The government believes it should not provide too much support; otherwise this would promote a “dependence culture,” in which the dependents are not motivated to solve their own problems. In fact, the social exclusion of abused women is not an individual matter but results from unjust distribution of social resources. It is crucial that social institutions and social policies should safeguard women’s rights as citizens and should not ignore women’s needs. From a feminist perspective, current social institutions, social policies and social welfare services are oriented towards a patriarchy society where women face a dilemma of exclusion due to unfair social institutions. We could solve those problems only by restructuring such inequitable social institutions and social policies. We can disrupt and destroy the old institutions only when we can fully understand and explain the phenomena of unequal social resource distribution. We must also seek to change the way in which unequal social relations and power relations are developed through such common social activities as exchange and social discourse.

Several conclusions could be drawn from the above research. Application of social exclusion theory provides a useful analytical tool in studying a socially disadvantaged group of women. Yet such research falls short in discussing social exclusion as a concept, which, this writer holds, is very important in studying women subjected to domestic violence and in constructing a theoretical framework for analyzing women abused by domestic violence. Gender exclusion research could help us conduct intensive study of women’s problems and gender issues in China. It could also aid in exploring the process by which gender relations and gender institutions are developed in a period of structural transition as well as their relation to society, politics, culture and the economy. Finally, it could help eliminate sex-based exclusion and realize the social inclusion of both sexes.

(by Shi Tong, Chinese Women’s College)

New Approaches to Community Protection of Women: A Brief on the Community Intervention Project in Relation to Family Issues

In 2001, The Red Maple Hotline for Women’s Psychological Counseling cooperated with the Tianjin City Women’s Federation in initiating a pilot community intervention project named the “Pilot Community Intervention Project in Relation to Family Issues.” The goal of the project is to develop a systematic, multi-agency network of women’s services on the basis of a local community, and it incorporates various community forces with non-government organizations and foundations. The project seeks to promote self-protection awareness and equal rights of women in families.

Framework of the Project

The project seeks to combine education and services. Project objectives include:

1) improving the quality of family life and developing a family culture that is

democratic and equal;

- 2) spreading legal knowledge and improving community citizens' awareness of the law;
- 3) conducting psychological counseling and improving psychological health of women;
- 4) providing legal services and legal support to abused women and women whose rights are infringed upon;
- 5) improving community support systems and gender consciousness of women;
- 6) exploring an approach by which non-government organizations take part in community life;
- 7) promoting self-regulation and democracy in the community and educating women officials;
- 8) developing community-based network and intervention into family disputes.

Comments

Non-government women's organizations, such as local women's federations, can play an important role in promoting the development of women in local communities through the following:

- 1) introducing new ideas into a community such as a women-oriented ideology and gender awareness. Introducing a women-oriented ideology and gender awareness could help community support workers realize that women are equal to men in their rights, personality and dignity. The disadvantage of women as a weak group together with their unfortunate experiences and personal shortcomings are results of social circumstances rather than innate features. This is why they should be given more care, respect, support and assistance.

- 2) Introducing a creative community work model

Experiences in community building in cities like Beijing and Shanghai indicate that it is important to strengthen grass-roots administration and management.

However, a totally different approach to community construction was adopted in the experimental work in the Hongshunli Community. The approach features extensive participation of various organizations, including government agencies, enterprises, foundations, NGOs and community residents. Those organizations and persons share responsibilities and resources for the construction of a civilized community.

The Red Maple Hotline joined forces with the Tianjin Women's Federation in organizational involvement in community development. It is an experimental attempt to promote unity of women and the identity of women with the local community. It is based on extensive participation in community construction by NGOs. The role of NGOs in community construction is as follows:

1) The role of NGOs in community building should be adapted to local circumstances and based on government support and understanding. In our country, NGOs have taken on a new form since the state adopted the policy of reform and opening up. It takes time for government to understand and support non-government organizations. Only when governments fully understand the advantages of NGOs in terms of expertise and resources could they accept the free and independent role played by NGOs.

2) It is preferable to have a bridge between government and non-government organizations. Local women's federations could serve as the most suitable bridge. It is through the Tianjin Women's Federation that the Red Maple Hotline got involved in the community project.

A problem remains in non-government organizations developing relationships with various support systems and partners. Although cooperation is based on the same objectives, different understandings, background, work methods and style may lead to varying degrees of acceptance of goals and possible conflict over ideas, working methods and other matters. We believe that if organizations try their best to pursue mutual understanding and consensus while setting aside differences we could certainly achieve new developments.

(by Wang Xingjuan, Beijing Red-maple Women Psychological Consultancy and Service Center)

Brief on the 10th Anniversary of the Protection Center for Socially Disadvantaged Persons in Wuhan University

At the 10th Anniversary of the Protection Center for Socially Disadvantaged Persons in Wuhan University from May 25 – 26, 2002, the Project was represented by Research Fellow Chen Mingxia and Professor Li Mingxun.

1. Celebration activities

On the morning of May 25, 2002, the high profile ceremony for the 10th anniversary of the Center was staged. The major initiator of the Center, Vice President of the Supreme People's Court, the Honorable Justice Wan Exiang, the Vice Minister of Justice Duan Zhengkun and Secretary of the Secretariat of the Youth League Mr. Sun Jinlong, who is also the China National Youth Federation Chairman, attended the event and gave keynote speeches. The ceremony was presided over by Vice President of Wuhan University, Mr. Hu Dekun.

On the afternoon of May 25 and the whole day of May 26, a forum on

non-governmental legal aid was held. Delegates discussed the development of legal aid by non-governmental organizations in our country. Delegates all agreed that the NGOs contributed a great deal to the development of legal aid in China, where the legal aid system has been under development for less than 10 years and with insufficient government funding. The afternoon of May 25, 2002 was occupied by an enthusiastic discussion over definitions, contents and living space for non-governmental legal aid institutions. The forum proposed that relevant national law should be adopted to identify formally the legal status of those non-governmental legal aid organizations so that they could play bigger role in promoting social justice.

On May 26, 2002, the forum focused on development of a network of non-governmental legal aid organizations. It was agreed that all organizations should intensify building up capacity, deepening structural reform, boldly promoting innovation, expanding living space, extensively conducting both vertical and horizontal co-operations and furthering self-development capacity. Intense discussions were continued on the same topic as that of the afternoon of May 25 over the content of work and space for the subsistence of non-governmental legal aid organizations. All delegates agreed that those organizations should conduct more mutual exchanges, cooperation and support and that they should work to develop a network for sharing of resources and information and for improving capacity for sustainable development through reform, innovation and self-development.

2. Comments

- 1) The celebratory activities for the 10th Anniversary of the Protection Center for Socially Disadvantaged Persons in Wuhan University provided a wonderful opportunity for NGOs committed to legal aid in China to exchange ideas, share experiences and mutually support development.
- 2) It also provided a wonderful opportunity for NGOs committed to legal aid in China to develop a national network. It was agreed to develop a national network of legal aid NGOs in China in order to share resources and information and to jointly promoting legal aid courses.
- 3) Many discussions and speeches provided valuable insights on improvement of the national anti-domestic violence network and were helpful for its future development.

We acknowledge our thanks to Wuhan University for the invitation and to Oxfam for financing the Project's attendance.

(by Chen Mingxia and Li Mingxun)