

Anti-Domestic Violence Network / Beijing FanBao &
Beijing Zhongze Women's Legal Consulting Services Center &
China Women's University

The Shadow Report of Chinese Women's NGOs
on the Combined Seventh and Eighth Periodic Report
Submitted by China under Article 18 of the *Convention on
the Elimination of All Forms of Discrimination against
Women*

**Violence against women
(General Recommendation No.19)**

(For public information)

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I. Efforts and Progress

Considerable progress has been made in legislation at the state as well as local level. The *National Human Rights Action Plan of China (2009-2010)* incorporates the prevention and prohibition of domestic violence as an essential part, while the *National Human Rights Action Plan of China (2012-2015)* goes a step further by proposing "the development of the anti-domestic violence law, the enhancement of mechanisms for multi-sectoral cooperation in domestic violence prevention and control, the integrated system of prevention, deterrence and rescue, and the protection of children from all forms of sexual abuse." In 2008, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice jointly issued *Several Opinions on the Prevention and Control of Domestic Violence*. Besides, the *Anti-Domestic Violence Law* was included in the legislative work plan of the Legislative Affairs Commission of the NPC Standing Committee in 2011, while local regulations or policy documents to combat domestic violence have been enacted in 31 provinces, autonomous regions and municipalities across the country. To prevent and curb sexual harassment, the State Council promulgated the *Special Rules on the Labor Protection of Female Employees* in April 2012, being the first state-level labor regulation that prohibits sexual harassment and elucidates the liability of the employer.

Relief measures have been strengthened. First, the people's courts have refined the women's rights protection mechanisms by piloting the protection order system to protect victims of domestic violence. In March 2008, the China Institute of Applied Jurisprudence (CIAJ) under the Supreme People's Court issued the *Guide for Hearing Marriage Cases Involving Domestic Violence*. Some courts at the provincial level also established a collegial panel on women's rights, with lighter or mitigated penalties imposed on a number of women suffering long-term domestic violence forced to kill the perpetrators. Second, the public security organs have developed intervention policies and measures to combat domestic violence, with complaint stations and police calling sites established nationwide. Police officers have been trained in some localities on intervention in domestic violence. Third, the civil affairs departments have seeking intervention mechanisms for domestic violence. As of July 2009, domestic violence shelters had been set up backed by relief stations in nearly 60 cities in China. Fourth, health departments have carried out medical interventions initiative against domestic violence. And fifth, legal aid has been redoubled for victims of domestic violence, who are now protected by local regulations. By 2010, 2,903 legal

aid workstations had been set up backed by women's organizations across the country, providing free legal advice for over 830,000 women.

Government support has been provided for non-governmental organizations to prevent and stop violence against women through advocating, training and publicity. First, proposals and advocacy have been made on domestic violence legislation. Starting in 2007, the ACWF has appealed to the National People's Congress for five consecutive years for incorporating anti-domestic violence into the law. And also, since 2003, the Anti-Domestic Violence Network / Beijing Fan Bao has developed and submitted several draft and formal proposals to the NPC and CPPCC for the formulation of the *Law of the People's Republic of China on Domestic Violence Prevention and Control*. Second, relief services and actions have been carried out to protect women's rights. The ACWF opened a hotline for women's rights protection (12338), and established some legal aid centers and service stations nationwide. The Beijing Zhongze Women's Legal Consulting Services Center has participated in and supported litigation cases involving sexual harassment, providing the victims with free psychological and legal help. Third, efforts have been made in search of the best approach to multi-sectoral cooperation in intervention in gender-based violence. In 2010, the Maple Women's Psychological Counseling Center Beijing launched a campaign called "a safe harbor built into the family" in 50 communities in Beijing. In 2011, a program for cutting off domestic violence inheritance was carried out among primary and secondary schools in Guangping County, Hebei Province. Fourth, publicity campaigns against gender violence have been carried out. Since 2006, on every International Day for the Elimination of Violence against Women, the Beijing Zhongze Women's Legal Consulting Services Center, the Maple Women's Psychological Counseling Center Beijing, the Anti-Domestic Violence Network, the Shaanxi Research Association for Women and Family, the Alliance of Universities against Gender Violence and other organizations host independently or collectively a forum or public signature initiative or other activities for publicity against gender-based violence. And fifth, studies have been done on gender-based violence. The Anti-Domestic Violence Network conducted a survey on the needs of battered women (2007-2008) and a survey on lesbians and domestic violence (2007-2009). Through statistical analysis of cases covered by the media, the Beijing Youth Legal Aid and Research Center formulated the *Guidance for Lawyers in Handling Juvenile Victims of Sexual Assault*, which is a proposal to the competent authorities on legislative and judicial assistance to the victims.

II. Caps and Challenges

Gender-based violence remains a serious problem. According to the Third Wave Survey on the Social Status of Women in China, 24.7% of the married respondents had been subjected to domestic violence from the spouse. From 2006 to 2010, the number of cracked rape cases basically remained at around 26,000 annually.

There should be better-established laws on prevention and curb of violence against women. Domestic violence is hard to define and file, making it difficult for battered women to get effectively protected. So far, there are no detailed provisions in the existing laws involving penalties on rape, nor special protection provisions on adolescent females aged from 14 to 18. The existing laws only stipulates the principle of prevention of sexual harassment instead of a clear definition, making it difficult to identify and prove, thus adding to the difficulty in handling and filing such cases. All these should be considered as legislative priorities to be discussed and solved.

Intervention and rescue mechanisms are yet to be perfected. There is a lack of targeted psychological counseling and treatment for battered women and the children who have witnessed violence. Although there are not enough shelters for women victims, a number of them remain unoccupied. The lack of a system to ensure funding for battered women's legal aid is also an outstanding concern. Few professional organizations are dedicated to services for rape victims, and such organizations are often financially challenged. Businesses and institutions see a serious lack of rules and regulations on the prevention and curb of sexual harassment and rape. Without sufficient relevant data and research, there is also a lack of statistical data on sexual violence, sexual harassment and other types of gender-based violence as well as comprehensive, long-term follow-up study of the seriousness and danger of such violence. Data on all types of interventions in and assistance to gender-based violence is also yet to be fulfilled, even including research into their effectiveness.

Awareness of gender-based violence is generally inadequate. Traditional gender norms and double standards for conducts of men and women affect people's perception, where domestic violence is prevalently viewed as privacy and women victims of rape and sexual harassment were blamed for their lost chastity. As a result, some problems applicable to the existing laws have not been resolved in a timely and effective manner; this also affects the development and improvement of relevant laws addressing gender-based violence, with a lot of domestic violence, rape and sexual harassment hushed up, leaving the perpetrators to evade legal punishment.

III. Suggestions in Response

Efforts should be made to intensify legislation. The development of specific legislation against domestic violence should be accelerated by highlighting the following key elements: 1) a well-defined scope of domestic violence, including the different forms and the corresponding penalties; 2) comprehensive requirements for a civil protection order system with prevention at its core; 3) providing that in-marriage rape shall constitute a crime, strengthening the protection of the rights of married women; and 4) incorporation of mental damage into the scope of compensation for sexual crime victims.

The working mechanism should be improved. To address domestic violence, rape, sexual harassment and other types of gender-based violence, the Government should take the lead, engaging the governments at all levels, institutions and civil society organizations into the multi-agency prevention mechanism, with clear responsibilities designated to each body under the assessment criteria and enforcement framework. The relief mechanism should be consolidated, clarifying special assistance procedures for victims of gender violence by law, with a one-stop service system established (integrating file registration, legal aid, medical rescue, psychological counseling and material assistance), where governments at all levels should provide the necessary funding resources. In the meantime, judicial procedures and media coverage should protect the privacy of victims to avoid secondary damage. Policymakers and the relevant departments should build up capacity "to address violence against women in a gender-sensitive manner," where judges, lawyers, prosecutors and other judicial officials should be trained to improve their gender-sensitivity in interference with gender-based violence. In addition, more research and funding efforts should be done to develop data systems for the collection of all forms of violence against women.

Appendix

Catalog of the Organizations

Anti-Domestic Violence Network / Beijing FanBao

The Anti-Domestic Violence Network / Beijing Fan Bao is the first multi-field and multi-sector network that specializes in domestic violence against women in China. Its vision is to eliminate gender-based violence and create a gender-equal society, propel reform of relevant regulations by researching, training and advocacy, create multi-organizational collaboration on interfering domestic violence, improve women's rights and interests, raise social consciousness and the associated systems, advance the capability of development and self-management of the organization, and enhance support for battered women.

Website: <http://www.stopdv-china.org/>

Beijing Zhongze Women's Legal Consulting Services Center

The predecessor of Beijing Zhongze Women's Legal Consulting Services Center is the Research Center for Women's Law under the Law School of Peking University. Zhongze Center was founded in December 1995, being the first non-profit civil society organization dedicated to women's legal aid and research in China. The center targets at women and provides legal aid as a means of relief, committed to protecting the legitimate rights and interests of poor and vulnerable women by shooting their problems from a unique and innovative perspective, ensuring their rights in social, political and economic affairs, raising their rights and law awareness, and helping them embark on a path to self-esteem, self-reliance and self-improvement.

Website: <http://www.woman-legalaid.org.cn>

China Women's University

China Women's University (CWU) is the sole women's higher learning institution affiliated to the ACWF and academically administered by the Ministry of Education. It is a university specialized in the development of women's higher education, enhancement in women's caliber, promotion of the basic state policy of gender equality, leadership in advanced gender culture, and contribution to social and economic development, women's progress and women's international exchange.

Website: <http://www.cwu.edu.cn>