

Dealing with Domestic Violence in China as a Foreign National

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Disclaimer: I am not a legal professional. I have researched and compiled this information from official/expert sources, which are listed at the end of the document.

Domestic Violence

What is domestic violence, or intimate partner violence? The first thought that might come to mind is physical violence, but that is not always the case. Abuse can come in the following forms:

- Emotional abuse
- Financial abuse
- Sexual abuse
- Physical abuse

Some people know they are in an abusive relationship, but for others it may not be so obvious. What are the signs of an abusive relationship?

- Showing jealousy
- Attempting to control your behavior or social life
- Attempting to isolate you from loved ones
- Making threats
- Insulting or belittling you, your thoughts, and feelings
- Behaving in a violent manner (this doesn't necessarily mean physically attacking you)

Many women experience domestic violence from a romantic partner, and since COVID-19 it has been an increasing problem as many were relegated to their homes during lockdown. Many of these women are foreigners, and they may

not be able to seek help due to language barriers or lack of available information.

Legality

China's Anti-Domestic Violence Law was enacted just over five years ago in March 2016. The law begins by defining domestic violence and stating that it is considered an offense:

The Anti-Domestic Violence Law of the People's Republic of China, as adopted at the 18th Session of the Standing Committee of the Twelfth National People's Congress of the People's Republic of China on December 27, 2015, is hereby issued, and shall come into force on March 1, 2016.

President of the People's Republic of China: Xi Jinping

December 27, 2015

Anti-Domestic Violence Law of the People's Republic of China

(Adopted at the 18th Session of the Standing Committee of the Twelfth National People's Congress on December 27, 2015)

Article 1 This Law is developed for purposes of preventing and curbing domestic violence, protecting the lawful rights and interests of family members, maintaining equal, harmonious and civilized family relations, and promoting family harmony and social stability.

Article 2 For the purpose of this Law, "domestic violence" means the inflicting of physical, psychological or other harm by a family member on another by beating, trussing, injury, restraint and forcible limits on personal freedom, recurring verbal abuse, threats and other means.

Article 3 Family members shall help each other, love each other, live in harmony, and fulfill family obligations.

Anti-domestic violence is the common responsibility of the state, society and each family.

The state prohibits any form of domestic violence.

<http://en.pkulaw.cn/display.aspx?cgid=ac57ba1df4413457bdfb&lib=law>

Therefore, if you (and/or another household member) are a victim of domestic violence, you may choose to pursue legal action against your abuser. As a foreigner, you may be wondering how the law applies to you.

Here is a list of important questions surrounding the issue:

1. Should I go to the police first?

2. Theoretically, does Chinese law treat citizen and non-citizen victims the same?
3. Does the Chinese anti-DV law apply to unmarried couples and foreigners?
4. If an unmarried foreigner would like to accuse his/her partner of intimate partner violence, do they go through the same legal process?
5. Do you recommend seeking help from the embassy or local women's aid organization?

Beijing Qianqian Law Firm (which specializes in gender-based violence cases) had the following answers:

1. Should I go to the police first?

There is no legal requirement ... However, delaying the reporting can make the collection of evidence difficult and thus make it harder for the police to register the case and send it to the court.

The evidence is similarly significant in intimate partner violence cases. In this case, you not only have to prove that you are harmed but also have to prove that you are harmed by the offender. Only photos of the wounds or reports from the hospital are not enough. So we encourage the victim to call the police as soon as possible in this case as well. The scene of violence hasn't been changed. The offender is there. Outsiders who happen to see the violence can be your witness as well. If you don't report immediately after the violence, words from witnesses or notes of the offender that admit he/she has harmed you can be your evidence too.

For foreigners especially, it is vital that you keep documents that prove your identity by yourself. We know victims whose passport was taken away by the offender, making it difficult for them to report to the police. For intimate partner violence, you should keep evidence of living together as well. The anti-DV law applies only to people who live together. However, you can always report the case under other categories such as assault and battery if you don't have evidence of living together. The anti-DV law just doesn't apply then.

2. Theoretically, does Chinese law treat citizen and non-citizen victims

the same?

Yes, except when the victim's country limit Chinese citizen's litigious right in their country. Under such circumstances, the victim is treated as Chinese citizens are treated in their country.

3. Does the Chinese anti-DV law apply to unmarried couples and foreigners?

Yes, any ones who live together apply to the law. However, as indicated in Question 1, victims have to show evidence of living with the offender. If any of the two have diplomatic privilege, then the procedure should comply with the special treaties between China and his/her home country.

4. If an unmarried foreigner would like to accuse his/her partner of intimate partner violence, do they go through the same legal process?

They go through the same process as Chinese citizens. They should use Chinese as the language of reporting (You can hire a translator if needed) and authorize a Chinese lawyer to represent them if needed. But you don't have to have a lawyer.

5. Do you recommend seeking help from the embassy or local women's aid organization?

Both can help. You can seek help from both of them at the same time.

However, domestic violence is not considered a criminal offense according to Chinese law; instead, it is an issue which falls under civil code. A victim may seek a protection order from a judge, but if the perpetrator violates this protection order, the penalty is not high unless the perpetrator has also committed a crime against the victim.

In light of this, one of the best ways to deal with domestic violence is to have support.

Seeking Help

If you wish to take legal action, you must first report the incident(s) to the police and provide some evidence. As mentioned above, the current laws (and implementation thereof) are not as strict as criminal law, therefore you may not be able to have sufficient results if you pursue legal action.

You are strongly encouraged to reach out to friends, family, and professionals to help you navigate this difficult position. This may mean seeking couples counseling, individual therapy, or telling friends/family so that you are not alone.

If the abuse is severe or extremely violent, it is important to have a plan for leaving if your physical safety is threatened. Making a plan is very important. Where will you go? What will you need to bring with you?

First, make sure a trusted friend or family member is aware of the situation and can be on call for you if you have an emergency. Keep emergency numbers with you so that you can call for the police or an ambulance in case of injury. Also, make sure you have a contact number for your local embassy or consulate; many should offer emergency services for their citizens.

Emergency Numbers:

- **110** (Chinese police services)
- **12110** (text the police when you are unable to call)
- **6525-5486** (English police services)
- **999** (English ambulance services)

Second, packing a safety bag with cash, clothing, important documents, and valuables is a good option for those in extreme situations who may need to leave at a moment's notice. Keep this bag in a safe location, or at a friend's house. Keeping your passport and other identification documents is especially important, as you will need those if you decide to go to the police and press charges.

Third, save any evidence of the abuse (photos, videos, messages, emails, etc.) you are able to get, as this will be vital to the case if you want to press charges.

It is a difficult situation to be in, and making a decision about what to do is no easier. If you are unsure of what to do, or if leaving is the right choice for you, there are resources listed below which exist to help you make the best choice.

Mental Health Resources

After being a victim of domestic violence, you may experience depression or other psychological and emotional trauma. It is important to seek out mental health support. You will find psychologists in hospitals (especially international hospitals), and below you will find a list of organizations and professionals that offer support.

Lifeline

Lifeline is a free support hotline for those who need to talk, but may wish to remain anonymous or need immediate attention.



Need to talk? Call us toll free at **400 821 1215** or you can send us a text via WeChat (ID: **LifelineConnect**) or our website **www.lifelinechina.org**.

Lifeline provides free, confidential and anonymous support.
365 days a year, 10am-10pm

Community Center Shanghai

Community Center Shanghai offers counselling and therapy services for those in need. You may contact them directly, and Director Carrie Jones can help connect you with a counselor who is able to help you.



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CandleX

CandleX is Beijing-based organization that offers bilingual mental health support to teens and adults. You may join CandleX's Wechat community to connect with mental health professionals.



Global Friendship

For southern China specifically, check out the Global Friendship Community's [mental health directory](#). You can also add their official account with ID: Globalfriendship.



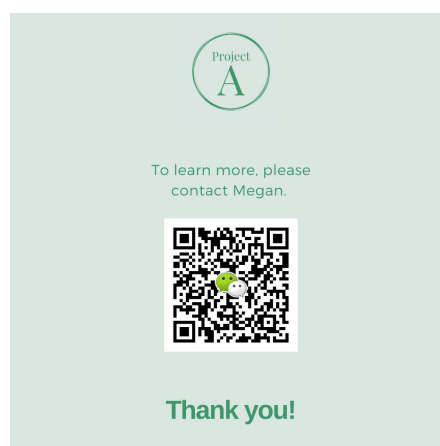
Female Mental Health Empowerment Network

If you want access to more resources, Female Health Empowerment Network has a group dedicated to mental health resources for women across China. To join the group, please reach out to Hillary (ID: pinkhears963) or me (ID: meganpurvis) on Wechat.



Project A

Project A is a Beijing charity that supports survivors of abusive relationships through professional mental health services. Please add Megan by scanning the QR code to learn more.



Social and Legal Resources

The following organizations should be able to offer help or advice on navigating cases of domestic violence.

Local Organizations

Yuanzhong Center



The Yuanzhong Center in Beijing offers support for survivors of domestic violence. The center can help women who want to rebuild their lives and protect themselves in the future.

Beijing Qian Qian Law Firm



用爱心书写公益人生
用法律构建性别平等



北京市千千律师事务所

原北大法学院妇女法律研究中心

免费法律咨询热线：

010-84831639/3270

工作日9:00-12:00, 13:00-17:00

国内首家专业从事妇女法律援助、研究与倡导的民间公益组织

 北京市千千律师事务所

Beijing Qianqian Law Firm is dedicated to protecting women's rights, making sure women are aware of their legal rights, and also have access to legal resources. You may call the number listed above, or send an email to the following address: ngo@woman-legalaid.org.cn

Avon Weiping (Equality Beijing)



AVON雅芳-为平妇女支持热线：15117905157（推荐求助拨打）

微信求助号：equality-beijing

邮箱：equality-cn@hotmail.com

Avon Weiping (Equality Beijing) is an NGO dedicated to women's rights and gender equality. One of its main focuses is gender-based violence. The best way to reach a representative is to call the hotline, but you may also email or add a direct Wechat contact (ID: equality-beijing).

Specifically for members of China's LGBTQ+ community:

Common Language



Common Language is an NGO that may be able to provide legal aid to those suffering from gender-based violence or discrimination.

Email: tongyu.org@gmail.com

Phone: +86 10 64462002

Website: www.tongyulala.org

Rainbow Anti-GBV Center



Common Language also runs the Rainbow Anti-Gender Based Violence Center, which offers counseling/support services.

Hotline: 400-1166-308 (available Mon-Fri 14:00-18:00)

International Organizations

Pathways to Safety

Pathways to Safety provides assistance to Americans living abroad, educating them about the dangers of gender-based violence and offering support for victims. They offer services such as safety planning and help finding a lawyer. **“Pathways to Safety International is currently unable to financially sustain operation of the 24/7 international crisis line. We will continue to provide information, support, and referral through e-mail at – crisis@pathwaystosafety.org . E-mails will be responded to within 72 hours. Please know it is our goal to reinstate operation of the 24/7 international crisis line as soon as possible and as funding allows.”**

<https://pathwaystosafety.org/get-help-now/>

Sources

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2. <http://en.pkulaw.cn/display.aspx?cgid=ac57ba1df4413457bdfb&lib=law>
3. <https://au.reachout.com/articles/domestic-violence-and-what-you-can-do-about-it>
4. <https://www.loveisrespect.org/>
5. <https://www.womenshealth.gov/relationships-and-safety/domestic-violence/leaving-abusive-relationship>
6. <https://chinadevelopmentbrief.cn/reports/chinas-first-rainbow-anti-gender-based-violence-service-center-for-lgbti-people-opened/>
7. <https://supchina.com/2018/10/10/domestic-violence-in-china-and-the-limitations-of-law/>
8. <https://asiafoundation.org/2020/04/01/chinas-domestic-violence-law-turns-four/>