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

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of preventing and stopping 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 purposes of this Law, domestic violence means the infliction of physical, psychological or other harm by a family member on another family member by means of battery, restraint, mutilation, restriction of personal freedom, recurring verbal abuse, intimidation, or other means.

Article 3 — Family members shall respect each other, care for each other, help each other, live in harmony and perform their family obligations. Domestic violence is prohibited by the State. Any organization or individual shall have the right to dissuade or stop domestic violence they become aware of, or to report such violence to the public security organ in a timely manner.

Article 4 — People's governments at or above the county level shall be responsible for organizing, coordinating, guiding and urging the relevant departments to effectively carry out anti-domestic violence work. The relevant departments of people's governments at or above the county level, judicial organs, people's organizations, social organizations, residents' committees, villagers' committees, enterprises and public institutions shall, in accordance with this Law and relevant laws, effectively carry out anti-domestic

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violence work. People's governments at all levels shall provide necessary funding support for anti-domestic violence work.

Article 5 — Anti-domestic violence work shall follow the principle of combining prevention with education, correction and punishment. In handling domestic violence, the true wishes of the victim shall be respected and the privacy of the parties shall be protected. Special protection shall be given to minors, the elderly, the disabled, pregnant and lactating women, and seriously ill patients suffering from domestic violence.

Chapter II — Prevention of Domestic Violence

Article 6 — The State shall carry out publicity and education on family virtues, popularize knowledge of anti-domestic violence, and enhance citizens' awareness of anti-domestic violence. Trade unions, communist youth leagues, women's federations, and disabled persons' federations shall, within the scope of their respective work, organize and carry out publicity and education on family virtues and anti-domestic violence. Radio, television, newspapers, the Internet and other media shall carry out publicity and education on family virtues and anti-domestic violence. Schools and kindergartens shall carry out education on family virtues and anti-domestic violence.

Article 7 — The relevant departments of people's governments at or above the county level, judicial organs and women's federations shall incorporate the prevention and stopping of domestic violence into their professional education and statistical work. Medical institutions shall keep records of the diagnosis and treatment of victims of domestic violence.

Article 8 — Township people's governments and urban sub-district offices shall organize and carry out anti-domestic violence work; residents' committees, villagers' committees and social work service institutions shall provide cooperation and assistance. People's governments at all levels shall support social work service institutions and other social organizations in carrying out services such as mental health counseling, family relationship guidance and domestic violence prevention education.

Article 9 — People's mediators' committees shall mediate family disputes in accordance with the law, prevent and dissolve conflicts, and prevent the occurrence of domestic violence. When mediating family disputes, people's mediators shall maintain gender equality and protect the lawful rights and interests of all family members.

Article 10 — Where employers discover that their employees commit domestic violence, they shall criticize and educate them, and effectively mediate and resolve family conflicts.

Article 11 — Guardians shall perform their guardianship duties in a civilized manner and shall not commit domestic violence. Where guardians commit domestic violence against their wards, the relevant organizations or individuals may apply to the people's court for revocation of guardianship qualifications in accordance with the law.

Article 12 — The legal guardians or close relatives of minors, the elderly, the disabled, pregnant and lactating women, and seriously ill patients who are victims of domestic violence, as well as residents' committees, villagers' committees and social work service institutions, shall report any domestic violence they become aware of to the public security organ in a timely manner. The public security organ shall keep the informant's information confidential.

Chapter III — Handling of Domestic Violence

Article 13 — Victims of domestic violence and their legal representatives or close relatives may make complaints, report, or seek assistance to the employers of the perpetrator or victim, residents' committees, villagers' committees, women's federations and other organizations. When the relevant organizations receive complaints, reports or requests for assistance regarding domestic violence, they shall provide assistance, handle the matter, or dissuade or stop the violence.

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Article 14 — Schools, kindergartens, medical institutions, residents' committees, villagers' committees, social work service institutions, relief management agencies, welfare institutions and their staff shall, in the course of their work, promptly report to the public security organ when they discover that persons without or with limited civil capacity have suffered or are suspected of having suffered domestic violence. The public security organ shall keep the informant's information confidential.

Article 15 — When a public security organ receives a report of domestic violence, it shall promptly dispatch police officers to stop the domestic violence, investigate and collect evidence in accordance with the relevant provisions, and assist the victim in seeking medical treatment and injury assessment. Where persons without or with limited civil capacity suffer serious bodily injury, face threats to personal safety, or are left unattended and in a dangerous state due to domestic violence, the public security organ shall notify and assist the civil affairs department in placing them in temporary shelter, relief management agencies or welfare institutions.

Article 16 — Where domestic violence constitutes a minor offense and no public security administrative penalty is imposed, the public security organ shall criticize and educate the perpetrator or issue a warning. A warning shall include information such as the identity of the perpetrator, a statement of the facts of domestic violence, and a prohibition against further domestic violence.

Article 17 — The public security organ shall serve the warning on the perpetrator and the victim, and shall notify the residents' committee or villagers' committee. The residents' committee, villagers' committee and public security police station shall conduct follow-up visits and supervision of the perpetrator and victim who have received the warning.

Article 18 — People's governments at the county level or districted city level may, alone or through relief management agencies, establish temporary shelter facilities to provide temporary living assistance to victims of domestic violence.

Article 19 — Legal aid institutions shall provide legal aid to victims of domestic violence in accordance with the law. People's courts shall grant judicial assistance to victims of domestic violence in accordance with the law, including deferral, reduction or exemption of litigation costs.

Article 20 — When handling cases of domestic violence, people's courts may determine the facts of domestic violence based on police dispatch records, warnings, injury assessment opinions and other evidence. Where evidence of domestic violence can be established through the testimony of a witness, a statement by the perpetrator, or other relevant evidence of which the perpetrator has admitted the facts, the people's court may determine the facts of domestic violence in accordance with the law.

Article 21 — Guardians who commit domestic violence against their wards may be disqualified from guardianship by a people's court upon application by a close relative of the ward, a residents' committee, villagers' committee, or civil affairs department of the people's government at the county level. Guardians whose qualifications have been revoked by the law shall continue to bear the obligation to pay child support, spousal maintenance or parental support.

Article 22 — Trade unions, communist youth leagues, women's federations, disabled persons' federations, residents' committees, villagers' committees and other organizations shall provide psychological counseling to perpetrators of domestic violence. Perpetrators who receive psychological counseling shall cooperate.

Chapter IV — Personal Safety Protection Writs

Article 23 — Where a party applies to a people's court for a personal safety protection writ due to domestic violence suffered or a real threat of domestic violence, the people's court shall accept the application. Where a party is unable to make an application personally due to restriction of personal freedom or other circumstances, his close relatives, the public security organ, women's federation, residents' committee, villagers' committee, or relief management agency may make the application on his behalf.

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Article 24 — An application for a personal safety protection writ shall be in writing; where the application is made orally and the circumstances are urgent, the people's court shall record it in writing.

Article 25 — Cases concerning personal safety protection writs shall be under the jurisdiction of the basic people's court at the place of domicile of the applicant or respondent or at the place where the domestic violence occurred.

Article 26 — A personal safety protection writ shall be made by a people's court in the form of a ruling.

Article 27 — The conditions for issuing a personal safety protection writ shall be: (1) a clear respondent; (2) specific claims; and (3) the applicant has suffered or is under a real threat of domestic violence.

Article 28 — Upon accepting an application, the people's court shall issue a personal safety protection writ or dismiss the application within 72 hours; where the circumstances are urgent, the people's court shall issue a writ within 24 hours.

Article 29 — Personal safety protection writs may include the following measures: (1) prohibiting the respondent from committing domestic violence; (2) prohibiting the respondent from harassing, stalking or contacting the applicant and his relevant close relatives; (3) ordering the respondent to vacate the applicant's residence; and (4) other measures to protect the personal safety of the applicant.

Article 30 — A personal safety protection writ shall be valid for no more than six months and shall take effect from the date of issuance. Before the expiry of the personal safety protection writ, the people's court may, upon application by the applicant, revoke, modify or extend the writ.

Article 31 — Where the applicant disagrees with the ruling to dismiss the application, or the respondent disagrees with the ruling on the personal safety protection writ, each may apply to the people's court that issued the ruling for reconsideration once within five days from the date of service of the ruling. The people's court shall review the application for reconsideration within five days. Execution of the personal safety protection writ shall not be suspended during the reconsideration period.

Article 32 — After a people's court issues a personal safety protection writ, it shall serve it on the applicant, the respondent, the public security organ, and the residents' committee or villagers' committee. The public security organ and the residents' committee or villagers' committee shall assist in the execution of the personal safety protection writ.

Chapter V — Legal Liability

Article 33 — Where a perpetrator commits domestic violence, which constitutes a violation of public security administration, the perpetrator shall be subject to public security administrative penalties in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 34 — Where a respondent violates a personal safety protection writ, which constitutes a crime, criminal liability shall be pursued in accordance with the law; where a crime is not constituted, the people's court shall admonish the respondent and may, based on the seriousness of the circumstances, impose a fine of not more than 1,000 yuan or detention of not more than 15 days.

Article 35 — Where schools, kindergartens, medical institutions, residents' committees, villagers' committees, social work service institutions, relief management agencies, welfare institutions and their staff fail to make a report to the public security organ in accordance with Article 14 of this Law, thereby causing serious consequences, the directly responsible supervisors and other directly responsible personnel shall be subject to disciplinary sanctions in accordance with the law.

Article 36 — Where a state organ or its functionary neglects its duties, abuses its powers or engages in malpractice for personal gain in anti-domestic violence work, and a crime is constituted, criminal liability shall be pursued in accordance with the law; where a crime is not constituted, disciplinary sanctions shall be

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imposed in accordance with the law.

Chapter VI — Supplementary Provisions

Article 37 — Acts of violence committed between persons who are not family members but live together shall be handled with reference to the provisions of this Law.

Article 38 — This Law shall come into force on March 1, 2016.

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