



Focus on Domestic Violence in China

NOVEMBER REPORT

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The Aim of the Report



Source: European Union Agency for Fundamental Rights. <https://fra.europa.eu/en/news/2018/justice-and-protection-women-victims-domestic-violence>

This report aims to identify and bring to attention the issue of physical violence against women in China. Despite the developed legal system that has committed itself to providing safe environments for women, there are still gaps in the legislation that fail to identify threats and overlook domestic abuse cases.

The current report will look into two case studies covered by news media that involve physical abuse at home and work. The cases will be analyzed through the lens of certain traditional values in Asian culture that place men above women. Moreover, some ancient cultural values of Chinese society will be taken into account to understand the issue of non-interference by authorities into family matters. Apart from that, the existing mechanisms to curb domestic violence in the country (e.g. the Anti-Domestic Violence Law) will be discussed in more detail. The following sections of the report will further highlight the issues in the existing legal system that tend to neglect domestic violence cases and its causes.

The later section of the report will discuss the impact of the COVID-19 outbreak on the increase in the number of physical violence cases in Chinese households. Furthermore, in the conclusion, possible suggestions and solutions that might enhance legal mechanisms to prevent domestic violence cases and deal with abusers more effectively will be provided.

Country Profile of the People's Republic of China

The People's Republic of China (PRC) is a sovereign state located in East Asia, bordering the East China Sea¹, the Korea Bay, the Yellow Sea, and the South China Sea. The capital city of China is Beijing, while the largest city is Shanghai. The population of China is 1,408.09², of which 91.5% are Han people, and the remaining 8.5% are ethnic minorities such as Zhuang, Manchu, Uyghur, Hui, Miao, Yi, Tujia, Mongols, and Tibetans.³ The official language of China is Mandarin, and other spoken languages include Wu (Shanghainese dialect), Yue (Cantonese), Min (Minnan, Mindong, and others), Xiang, Gan, Hakka, and various Mandarin dialects, and Patua (a Portuguese creole).⁴

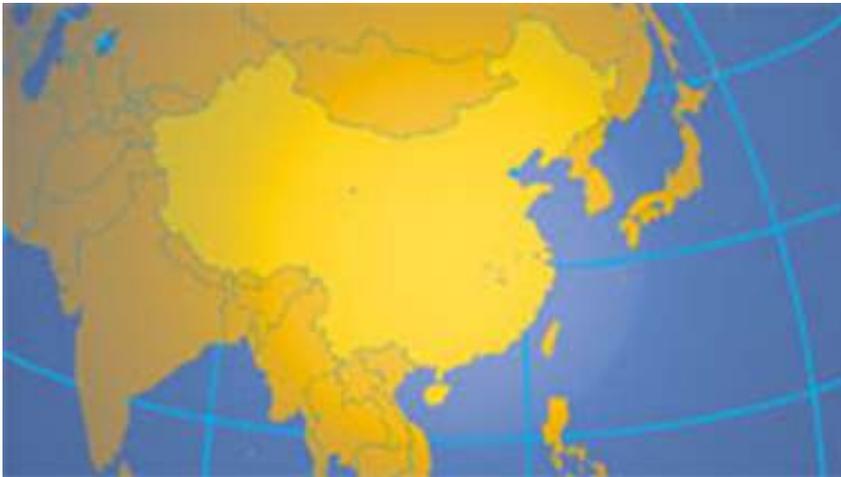


Photo: <https://www.nationsonline.org/oneworld/china.htm>

The Chinese Communist Party (CCP) has been in power for more than seven decades since 1949, then under the leadership of Mao Zedong, which resulted in China becoming a communist country.⁵ Since the revolution of 1949 in China, the government has attempted to raise the status of Chinese women through various means; it made it possible for women to enter the workforce and the

political arena and made education more accessible to them. Official statistics show that the situation of women has improved significantly since 1949.⁶

1. China", One World Nations Online, 2021. Available <https://www.nationsonline.org/oneworld/china.htm>.
2. Textor (2021, October 20).
3. Lawrence & Martin (2012).
4. Huo (2020).
5. Lawrence & Martin (2012).
6. Yang (2019).

Domestic Violence

Lhamo case: a TikToker Set on fire by Her Ex-husband

In October 2020, news broke out about an appalling domestic violence case in the southwestern county of Jinchuan, located in the Sichuan province in China. A famous Chinese social media celebrity, Lhamo 拉姆 (Lamu), who had hundreds of thousands of followers, was brutally killed by her ex-husband. It happened during one of her live-streams on TikTok. She was recording in the kitchen of her father's house when her ex-husband came in. The man poured petrol on Lhamo and set her on fire. Meanwhile, the viewers of the live stream heard screams, and then the video went dark. After the incident, the woman was taken to intensive care, at which point 90% of her body was covered in burns. Unfortunately, after a month in hospital, she finally succumbed to her wounds.⁷



Photos of Lhamo. Source: Weibo. <https://www.sixthtone.com/news/1006260/livestreamers-horrific-death-sparks-outcry-over-domestic-violence>

Lhamo was known for showing content related to the rural lifestyle, the countryside, and cooking. She had twice divorced the man who killed her. The first divorce happened after he broke her arm. After that, he allegedly forced her into marriage for the second time by threatening her and their two children. Despite having a beautiful and peaceful life displayed on the internet, her real situation was far from being idealistic. Before the terrifying attack, the woman tried to report the abuse from her husband to the police on multiple occasions. However, the local police decided not to get involved, as they considered it to be a family matter.⁸

7. Davidson & Ni (14 October 2021).

8. Ibid.

This case, however, attracted much-needed attention to the problem of domestic violence in the country. Internet users began sharing hashtags with names of other victims of domestic abuse cases on social media, while hashtags such as #LhamoAct began gaining traction, pleading for new regulations that would allow an instant divorce and protection for victims in abusive households.⁹

In the recent trial held in October 2021, the former husband was sentenced to death. The decision was made by the intermediate people's court of the Aba Tibetan and Qiang ethnic minority autonomous prefecture of Sichuan province.¹⁰

Despite the fact that Lhamo's ex-husband was convicted of murder, his parents still have the legal guardianship of the two children. After the hearing, where the man was sentenced, the older sister of Lhamo told the press that she is now going to fight for the custody of her sister's children.¹¹

A Chinese singer, Tan Weiwei, publicly expressed her concerns about the domestic abuse cases in the country. She had recently released an album called 3811, which she dedicated to social issues that women in China face. The most popular song from the album is Xiao Juan. The lyrics of the song address the problem of domestic violence and retell the stories of victims whose cases became well-known in the country. For example, to describe Lhamo's case, the singer wrote the following phrase in the song: "No one dares to disobey...You use your fists, petrol and sulfuric acid."¹² Other cases that she mentioned in the song include the story of a woman from Hangzhou. She suffered from abuse and, in July 2020, was mercilessly killed by her husband, who cut her body in parts, put it in a suitcase, and threw the remains in a septic tank. Another woman from Shanghai was killed by her husband, who then hid her body in a fridge.¹³ These cases sparked great concern among people in China, and now internet users and others require more action to protect women on a legislative level.

Traditions And Face Culture: The Gap In Implementation Of The Anti-Domestic Violence Law

To combat domestic abuse cases, in December 2015, China's central government passed the Anti-Domestic Violence Law.¹⁴ The new law became possible thanks to the lobbying of women's rights activists groups. It is the first official Chinese document that introduces the term Domestic Violence.¹⁵ However, looking at news reports since then, severe cases of abuse that result in women's deaths are still occurring. The biggest issue that lies behind it is related to the implementation of the law by local authorities.

One of the major obstacles that stand in the way of police getting involved in domestic violence cases is the face culture (面子 *meanzi*). The concept of *mianzi* is related to a person's social standing and overall image that they display to society – "dignity and prestige".¹⁶ The concept is very strongly intertwined with

9. Davidson & Ni (14 October 2021).

10. Ibid.

11. Feng (15 October 2021).

12. Tan & Yip (18 December 2020).

13. Ibid.

14. Law of the People's Republic of China on combating domestic violence (27 December 2015). Original article http://www.gov.cn/xinwen/2015-12/28/content_5028411.htm.

15. Lin, Sun, Wu & Jia Xue (2020).

16. Buckley & Clagg, Tan (2006), p. 276.

Chinese culture and traditions and can be traced back to Confucianism.¹⁷ When it comes to family, the concept of the face also applies. Culturally, many prefer not to disclose family business to outsiders. Moreover, many Chinese people seek to show only the best side of themselves and their families. This cultural aspect, however, goes beyond China and is common in other Asian countries.¹⁸

In a recent research article, a group of sociologists studied the effectiveness of the 2015 Anti-Domestic Violence Law and looked into the attitudes of police officers towards intervention into cases of domestic abuse.¹⁹ The focus of the research was on Jiangsu province in China, where 600 police officers participated in a survey. According to the research results, despite the Anti-Domestic Violence Law, police officers remain reluctant to interfere in domestic violence cases. As the report notes: "In Chinese society, there is a longstanding tradition of viewing domestic violence [...] against women as more or less justifiable and a private matter that should be kept within the household, free from public (including police) intervention".²⁰ Local and community committees, rather than the police, play the role of a mediator, and for a long time, such an approach seemed to be supported by both police representatives and the general public. Moreover, "[the Anti-Domestic violence law] favours informal sanctions, such as verbal and written warnings, over arrest. As a result, the victim's safety may be at risk."²¹ Therefore, the law can be seen as an informal system rather than a punitive mechanism.

17. A belief (thought) system in ancient China.

18. Joo & Sang (1998).

19. Lin, Sun, Wu & Jia Xue (2020).

20. Lin, Sun, Wu & Jia Xue (2020), p. 878.

21. Ibid, p. 880.

Violence at the Workplace



Source: BBC. <https://www.bbc.com/news/world-asia-china-58313387>

Rape Case Of A Female Employee During A Work Drinking Night

In October, 2021, accusations of rape in the Chinese technology giant, Alibaba, sparked a storm on social media over the "toxic" work culture of pressuring employees to drink during work meetings. This has opened the discussion of whether the ongoing tradition of business drinking can be abandoned forever.²²

Mingxi, a female employee at Alibaba, explained that there is a drinking night organized every two weeks that she must join with her co-workers. She described it as a continuous affair, one that included forced smiles with clients and formal toasting etiquette rather than just a case of grabbing a few drinks at the local pub. Mingxi expressed her concerns as she was often worried that things might go out of hand, even though she claims that she is good at holding her drinks. She described her experience as being pressured to attend such events where building personal relationships are crucial for securing business deals and good standing in the eyes of upper management. Moreover, refusing to drink when the supervisors offer so is considered to be impolite. Likewise, refusing to attend such an invitation and drinking would be seen as extreme disrespect which may endanger the employee's career. Therefore that makes it difficult to say no to the boss due to China's strong sense of hierarchy.

Furthermore, by the end of the night, Mingxi found herself waking up in a hotel room naked without remembering the events of the evening. After obtaining security footage, she said that the manager had gone into her room four times during the night. Alibaba responded to the issue by firing the manager and

22. Yip (3 October 2021).

promising never to hire him again. However, Chinese prosecutors have dropped the case since then, with lawyers saying the man's "forced indecency" was not a crime. Police said he would remain in custody for 15 days "as punishment", but the investigation has been completed.

Nevertheless, it caused a storm on social media, not only because it concerns sexual harassment in the workplace but also for the "toxic" tradition of forcing employees to drink excessively at social events in the workplace. Since then, the hashtag on Weibo, "how to view workplace drinking culture", has been seen more than 110m times, with people sharing their own experiences of being pressured to drink in business settings.²³

Traditional Aspects Of Abuse And Of Male Dominance Over Women

The traditional male-dominated culture has a long history in China. Various doctrines have been developed that subordinate women under their male counterparts. A dogma has bound Chinese women for thousands of years, one that remains to be firmly rooted in many people's beliefs. This is known as the "three obediences" (san cong), meaning that a woman is required to "obey her father before marriage, obey her husband during her marriage, and obey her sons in widowhood." The tradition of male superiority is deeply rooted in China, which continues to guide people's behaviour even in today's society. Although the history of modern China has seen the awakening of women's awareness of gender equality in society and great progress has been made in raising the social status of women, physical violence has never been considered as a significant social and legislative issue simply because it is considered to be a "private matter."²⁴

In China, the family structure is hierarchical, therefore, the husband has final authority on different family matters, such as financial decisions. However, the husband may give the illusion of control to their spouse. The social and marital status of Chinese women can be clearly described in traditional Chinese aphorisms such as "Beating is love, and scolding is intimacy". Although China has little notion of personal privacy, violence against a woman by her husband is generally hidden and protected in the private sphere and, as such, is largely ignored.²⁵

A survey conducted in central China by institutions such as the All-China Women's Federation and China Population and Development Research Center (CPDRC) has validated that it is common for women to experience gender-based violence. Nearly half of the men surveyed reported committing physical or sexual violence against their partners or non-partner female. It was found that the physical, mental, and reproductive health of the women and men respondents are considerably related to the victimization of women and the perpetuation of violence by an intimate partner who are often men.²⁶

23. Yip (3 October 2021).

24. Zhao (2000).

25. Xu, & Zhu, & O'Campo & Koenig & Mock & Campbell (2005).

26. Wang, Fang & Li (2019).

Effects of COVID-19



Source: The Irish Times. <https://www.irishtimes.com/life-and-style/health-family/living-in-fear-domestic-violence-during-the-covid-19-pandemic-1.4465263>

Sharp Rising Rates Of Domestic Violence In China

Since the beginning of the COVID-19 pandemic, there has been a dramatic rise in domestic violence cases all around the world. People have been staying at home to escape the virus and follow the measures implemented to mitigate the impact of the infectious disease. However, not everyone considers their home to be a safe place. Whilst putting much focus on fighting the disease, other social problems have been considerably overlooked. As such, the number of domestic abuse cases have sharply risen across the world.²⁷

China has also seen a great increase in domestic violence rates. From the early stages of the pandemic, the Chinese government imposed a very strict lockdown in many cities. In the Hubei province alone (the epicenter of the outbreak), the number of domestic abuse cases surged, tripling the level of previous records.²⁸ For example, in February 2020, in Lijian county, there were 175 cases of domestic violence, three times higher than the number of cases in February 2019.²⁹ This can be linked to the limited activities of various social services and the availability of the police. Due to multiple social distancing measures, it has become harder to access households and intervene whenever necessary.³⁰ Moreover, as discussed in section 3, despite the implementation of the Anti-Domestic violence law in 2015, the police prefer not to interfere, and there is still a need to use much stricter punitive measures against the abusers.

27. Bettinger-Lopez & Bro (2020).

28. Mak (2020).

29. Bao (2020).

30. Zhang (2020).

Chinese NGO Raising Public Awareness

After winning her first lawsuit against gender discrimination at work in 2014, Guo Jing, a lawyer from Wuhan, has become a women's rights activist and set a helpline for women who face gender discrimination as well. When the COVID-19 pandemic hit the country, she, together with her friends, who are also women activists, organised an online workshop to raise public awareness about the increase of domestic violence cases and elaborated about the techniques to 'fight' the abuse. After the successful workshop, she decided to start an Anti-Domestic Violence Little Vaccine campaign that aims to raise public awareness even further. An article about the campaign states that "[t]he group published an open



An Anti-Domestic Violence Little Vaccine activist is attaching a hand-written note in an elevator. Source: Bao (2020). <https://nottingham-repository.worktribe.com/output/5347451/anti-domestic-violence-little-vaccine-a-wuhan-based-feminist-activist-campaign-during-covid-19>

letter online, calling to the public for an end to domestic violence. It then encouraged people to copy or print out the open letter and post them in public spaces".³¹

Such initiatives, with the help of small actions like that, allow the public to better understand the often hidden problem of domestic violence. It also creates vigilance in communities that will help to prevent household abuse.

Since the beginning of the campaign, thousands of people have joined it as volunteers. Many recreated the 'letters of awareness' in their neighborhoods, spread the knowledge about domestic abuse, and even shared their own stories.³²

31. Bao (2020), p. 57.

32. Bao (2020), p. 57.

The Government's Response To The Issue

The Government of China has implemented various measures to protect women's human rights and eliminate violence against women. In August 2005, China amended “the law of People's Republic of China on the Protection of Women's Rights and Interests” and enhanced the applicability, significance, and manoeuvrability of the law. Later in September 2007, 25 provinces, autonomous regions, and municipalities adopted the relevant laws and regulations, and regulatory documents on the prevention of domestic violence, while 13 provinces, autonomous regions, and municipalities completed the revision of the rules governing the implementation of the Law on the Protection of Women's Rights and Interests.

Moreover, in 2015 China also established the All-China Women's Federation as a national legal assistance centre for women and set up a service hotline to protect women's rights and interests and a separate hotline to combat domestic violence.³³

As already mentioned in part 3.1, in 2015, the Anti-Domestic Violence Law was applied with the aim of combating domestic violence against women. The law sought to protect victims of intimate partner violence by enabling them to apply for restraining orders and the annulment of legal guardianship. The law also aims to take formal action in cases of suspected abuse. Over the past five years, public awareness of domestic violence has gradually grown, one reason for which is the increasing dissemination of high-profile cases such as that of Lhamo wherein her ex-husband burned her to death during a live stream. These cases have drawn attention to the issue of domestic violence while also highlighting the gaps in the implementation of legislation, illustrating how much remains to be done. For instance, in the case of Lhamo, police told the Chinese media that she had repeatedly sought help, but they were hesitant to intervene in “family affairs”.³⁴

33. Progress made by the Chinese Government in Implementation of the “Beijing Declaration” and Program of Action” as well as the “Outcome Document” of the United Nations General Assembly at its Twenty-Third. Special Session”, United Nations, 2020, available at [https://www.un.org/womenwatch/daw/beijing15/responses/escap/China_\(English\).pdf](https://www.un.org/womenwatch/daw/beijing15/responses/escap/China_(English).pdf).

34. Yiwen (1 March 2021).

Conclusion

Over the years, the Chinese government has had various approaches in combating the issue of gender-based physical violence. Since implementing the Anti-Domestic Violence Law, some developments have taken place, such as the increased courage of the victims to stand up for their rights. However, the number of calls to the police and the Anti-Domestic Violence hotlines has grown in many places, and there is still a lack of statistics. Another development has been in the domain of law and policy. Since the central government of China published the Anti-Domestic Violence Law, various central-level departments have issued their own supporting guidelines. Furthermore, 12 provinces have passed supporting regulations on the local level. In 2017, the central city of Changsha was the first city to take the initiative to include domestic violence prevention in its assessment of state agencies. However, looking from a national perspective, China still lacks united action against domestic violence. Many regions are yet to involve domestic violence prevention in their government work, evaluation system, or training curricula.

Therefore, joint action is needed to combat the issue of physical violence against women. Feng Yuan, a well-known feminist activist, said that the places where the Anti-Domestic Violence Law has been relatively effective are places where the local leaders have contributed to the prevention of the issue. These leaders have made the fight against domestic violence a priority and have introduced appropriate training and work requirements for front-line staff. In addition, some regions have begun working with the All-China Women's Federation and other organizations that protect women's rights. Consequently, to end the physical violence against women, there is a need for cooperation between multiple departments.

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