



**Canadian Social Science**  
Vol. 14, No. 7, 2018, pp. 51-58  
DOI:10.3968/10450

ISSN 1712-8056[Print]  
ISSN 1923-6697[Online]  
[www.cscanada.net](http://www.cscanada.net)  
[www.cscanada.org](http://www.cscanada.org)

## An Empirical Study on Cases of Domestic Violence: Samples of 212 Cases From 22 Provinces, 4 Municipalities, and 4 Autonomous Regions in China

HE Xiaoyuan<sup>[a],\*</sup>; YU Chunfang<sup>[b],\*</sup>

<sup>[a]</sup>PhD. Law School, China University of Political Science and Law, Beijing, China.

<sup>[b]</sup>Postgraduate. Department of Comparative Law, China University of Political Science and Law, Beijing, China.

Received 15 March 2018; accepted 9 June 2018

Published online 26 July 2018

### Abstract

Domestic violence is one of the most widespread forms of gender-based violence on China Judgments Online. The author conducts statistical analysis on 212 cases of “domestic violence” and explores the gender ratio of perpetrators of domestic violence and the involvement of relevant government departments and organizations. By adopting a comparative analysis method, statistical and comparative analysis of data on the types of violence, the proportion of public prosecution cases, the distribution of sentencing, and the sentencing circumstances of the defendant’s lighter penalties are used to resolve domestic violence. At the same time, the results of this survey will also provide the reader with an intuitive impression of the situation of domestic violence in China and provide some main suggestions for anti-domestic violence practice. This study shows that telephone helplines, police intervention, and the court system is the most deterrent and effective way to stop domestic violence. Only in this way can domestic violence be dealt with promptly and effectively.

**Key words** : Domestic violence; Women; Human rights protection

He, X. Y., & Yu, C. F. (2018). An Empirical Study on Cases of Domestic Violence: Samples of 212 Cases From 22 Provinces, 4 Municipalities, and 4 Autonomous Regions in China. *Canadian Social Science*, 14(7), 51-58. Available from: <http://www.cscanada.net/index.php/css/article/view/10450>  
DOI: <http://dx.doi.org/10.3968/10450>

### INTRODUCTION

A quantitative study of marital violence in the academic world began with a national violence survey conducted by Murray Straus and colleagues in the Family Research Office at the University of New Hampshire in 1975. The problem of marital violence that followed between husband and wife gradually aroused widespread concern in the academic community. In Western academic circles, scholars from different disciplines such as sociology, psychology, feminism, ecology, sociobiology, medicine, epidemiology, and criminology measure and observe marital violence, how marital violence occurs, and marriage. The social problems caused by violence have been continuously and systematically studied. This paper is based on research on the effective cases published on the Chinese refereeing documents, collecting and sorting out cases related to domestic violence, and conducting quantitative research ( Li, 2017).

According to the Supreme People’s Court promulgated the Interpretation of the Supreme People’s Court on Several Issues Concerning the Application of the Marriage Law of the People’s Republic of China (I): Domestic violence refers to the assault and binding of the perpetrator mutilation, forced restrictions on personal liberty or other means, causing certain damage consequences to the family members’ physical and mental aspects. The detailed provisions on domestic violence still have many deficiencies. The norms need to be further refined. The implementation of the inadequacy of the practice will lead to the lack of protection and relief measures to the violented in reality. It can be seen that the problem of domestic violence in China is an important subject that has not yet been solved and needs further study.

### Background of the study

In China, according to relevant statistics, domestic violence in mainland China is on rising. In the 1990s, domestic violence in mainland China increased by 25.4%

compared with the 1980s. The All-China Women's Letters Office received a total of 128,900 cases of women's rights protection in 1995, of which about 30% involved domestic violence. About 30 percent of the 270 million families in China have different levels of domestic violence. About 9 percent of perpetrators are male (Ji, 2009). On the occasion of the tenth anniversary of the 2002 Women's Rights and Interests Protection Law, the All-China Women's Federation conducted a sample survey on the implementation of the law. According to surveys, 16% of the women surveyed admitted to being beaten by their spouses. 14.4% of men admitted beating their spouse. Because of domestic violence, at least 100,000 families break up every year (Zhang, 2007). So we must take measures as soon as possible in the legal and social assistance to arouse the awareness of self-protection of the majority of victims of violence in the society, and actively prevent and control domestic violence.

First, we must correctly understand the composition of domestic violence:

**Subject:** It must be a member of a family with the eligibility to live together, not a member of the family living together. The violence between members with no lawful family relationship should not be determined as family violence but as other crimes.

**Subjective aspects:** Actors who commit domestic violence have an intent to ignore the law and the victim's personal rights and personal dignity, and they let their acts of violence cause the victims' harm.

**Objective aspects:** It is the infringement caused by the unilateral behavior of the family relationship, that is, the relationship between the family and the kinship, because the actor unilaterally and deliberately committed to other family members or caused enough physical injury and mental pain that the victim could not tolerate.

**Object:** The direct infringement of domestic violence is the legal interests of family members such as personal and mental health, personal dignity and life safety.

Second, we must correctly understand the relationship between domestic violence and crime. Domestic violence and crime are two concepts that are both independent and cross-cutting. Each has an independent structure. Domestic violence should be judged on the basis of the composition of domestic violence rather than on the basis of constitutive crimes.

According to actual experience, relevant departments have not paid enough attention to domestic violence. Some related departments believe that domestic violence is an ordinary domestic matter. They do not intervene. Some judges do not deal with their divorce suit properly when the victim is unable to tolerate domestic violence to file a divorce suit. These practices tend to make the perpetrators more unscrupulous and more violently.

But in the digital age, the United States uses high technology to assist in the treatment of domestic violence, and surveillance is a normalization of domestic violence.

Cyberstalking refers to the use of technologies such as cell phones, Global Position Systems (GPS), and the Internet to, for example, send threatening emails, trace another person's computer, or post threatening or harassing messages on social media (Shi, 2016). Cyber stalking is now a standard part of domestic abuse in the U.S.

Although there are no domestic laws and regulations that can use high-tech big data to participate in the judicial activities of domestic violence. However, from the analysis below, we can know that this practice in the United States is also very inadequate. Because the abusers use cell phones to stalk and harass their victims. In addition to cell phones, the abusers can control the GPS devices at home through a simple click on the computer (Bardavid, Chiarolanzio & Strittmater, 2016). Computer monitoring software also enables abusers to track their victims' computer activity, activate webcams, and take pictures of the victims and their rooms, and all of this can be done without the victims' awareness (Olsen).

In order to cope with the situation that technology is a double-edged sword, the relevant cybersecurity departments in the United States are taking measures to strengthen cybersecurity and raise awareness of how technology affects the lives of victims of domestic violence.

### **Purpose of the study**

In order to create a peaceful and healthy family environment and to create a stable and orderly community environment, we need various departments to actively mediate and effectively intervene in the domestic violence. All organizational departments and community committees must work hard to coordinate and cooperate. It is necessary to establish corresponding aid agencies in the community, for example, shelters, legal assistance center for domestic violence or psychological consultation activities of non-governmental organizations. Through objectively analyzed those domestic violence cases, the situation of domestic violence cases in China can be understood. The purpose of this is to introduce a sound judicial interpretation of domestic violence Provisions, as well as systemic protection against domestic violence in domestic violence disputes.

---

## **1. SUBJECTS AND METHOD**

---

### **1.1 Analysis of Sample Data Sources and Classification**

This study is based on secondary data obtained from China Judgments Online. In this statistical analysis, the author has done detailed work on the classification of data sources. The efforts include a detailed description of the situation of the sample. The data of this sample are all from the China judgment online. The author uses the keyword search function to set the search criteria; Keywords: Domestic violence; Case type: Criminal; Full-text search: Domestic violence. The search results

obtained through this search method are as follows: Beijing (1 case, the same for the following ), Tianjin (2), Hebei Province (10), Shanxi Province (4), Inner Mongolia Autonomous Region (11), Jilin Province (1), Liaoning Province (8) , Heilongjiang Province (5), Shanghai (1), Jiangsu Province (7), Zhejiang Province (17), Anhui Province (10), Fujian Province (16), Jiangxi Province (1), Shandong Province, 12), Hebei Province (5), Hunan Province (5), Guangdong Province (14), Guangxi Zhuang Autonomous Region (5), Hainan Province (4), Chongqing City (3), Sichuan Province (16), Guizhou Province (11), Yunnan Province (13), Shaanxi Province (13), Gansu Province (16), Qinghai Province (4), Ningxia Hui Autonomous Region( 4), Xinjiang Uygur Autonomous Region (7). Excluding the same case at different trial levels and the number of cases that were resubmitted, the total number of samples remaining was 212 cases. The number of case files in the period 2002 to 2005 used for this study is 212, as shown in Table 1, Table 2:

**Table 1**  
**Amount of Cases per Region**

Filter by region	Initial data	Corrected data
Beijing	1	1
Tianjin	2	2
Hebei Province	10	10
Shanxi Province	4	4
Inner Mongolia Autonomous Region	11	10
Liaoning Province	8	8
Jilin Province	1	1
Heilongjiang Province	5	5
Shanghai	1	1
Jiangsu Province	7	7
Zhejiang Province	17	15
Anhui Province	10	10
Fujian Province	16	6
Jiangxi Province	1	1
Shandong Province	12	11
Hubei Province	5	5
Hebei Province	5	5
Hunan Province	5	5
Guangdong Province	14	14
Guangxi Zhuang Autonomous Region	5	5
Hainan Province	4	4
Chongqing	3	3
Sichuan Province	16	14
Guizhou Province	11	10
Yunnan Province	13	13
Shaanxi Province	13	13
Gansu Province	16	15
Qinghai Province	4	4
Ningxia Hui Autonomous Region	4	3
Xinjiang Uygur Autonomous Region	7	7
Total	231	212

**Table 2**  
**Instrument type**

Filter by instrument type	Number of cases
verdict	180
award	32

## 1.2 Data Collection Procedures

The author conducted an online search in the search box on the China judgment online, using the “keyword” method, the case type is “criminal”, and the search type is “full-text search”. The search result is 231 cases. The author downloaded all of these data and analyzed them. After careful comparison and deletion, 19 examples were caused by repeated submissions in the database of the website. Therefore, the number of samples available is 212 cases.

## 1.3 Data Analysis

The report analyzes current challenges in international violence prevention, including but not limited to:

First of all, the government did not regard it as a key task, resulting in the lack of full cooperation from various departments. In other words, the task of anti-domestic violence has not been included in the government work schedule. The victims of domestic violence usually only could turn to the residents’ committees and village committees to ask for coordinating.

Second, civil protection organizations are the identity of non-governmental organizations, and they lack the authority like law enforcement agency. Psychological counseling lacks gender equality Even some counseling and family relations guidance have given obsolete unequal family relations and gender division of labor rights and endorsed the cultural basis of domestic violence.

Third, we should promote the use of meditation methods in judicial cases involving family and matrimonial cases/incidents, courts, public security, women’s federations, and village committees. Because it is the solution that the mediator usually leads or even leads the parties with reasonable Value.

## 2. RESULTS

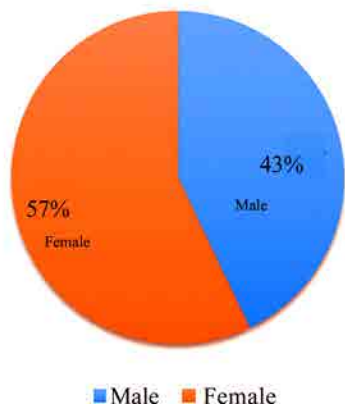
### 2.1 The Basic Conditions of the Parties in Domestic Violence Cases

In traditional domestic violence, perpetrators are often dominated by male. With the changes in culture and the development of social systems, the division of labor in social roles, and the rise of feminism, the perpetrators of domestic violence have changed a little bit.

Through an analysis of 212 cases of domestic violence, it is found that in current domestic violence cases, violence is still dominated by men, and women’s violence is lower. In the case of 212 domestic violence cases, the number of the male defendants was 121, which accounted for 57.1% of the total number of cases investigated and analyzed. The number of female defendants was 91, accounting for 42.9%. For details, please see Table 3.

**Table 3**  
**The defendant’s Gender Accounts for the Proportion of Cases of Domestic Violence**

	Gender	Male	Female	Total
Number of cases		91	121	212
Proportion		42.9%	57.1%	100%



**Figure 1**  
Derendant's Gender as A Proportion of Domestic Cases

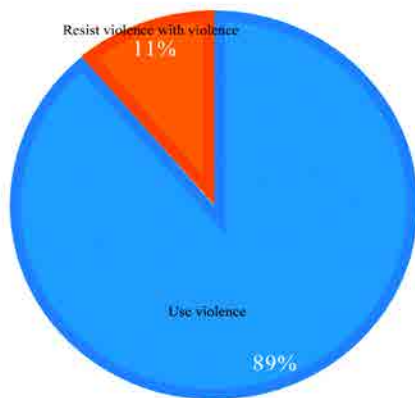
### 2.2 Types of Domestic Violence Cases

In the 212 study samples of domestic violence, the defendants often lived in vulnerable groups in their long-term lives. The number of such cases was 175, accounting for 89% of the total number of cases; the victims of long-term domestic violence reacted violently. There are 22 crimes that constitute "violence against violence," accounting for 11% of the total number of cases. In cases of violence against violence, the defendants are mostly family women who have been abused for a long time. They suffer long-term domestic violence. But in judicial practice, the forced rebellion under the above circumstances are generally ignored. The consideration of the circumstances of the punishment is not a statutory situation to reduce the punishment of the defendant, resulting in the excessive punishment of the defendant. See Table 4 for details.

**Table 4**  
Types of Domestic Violence Cases

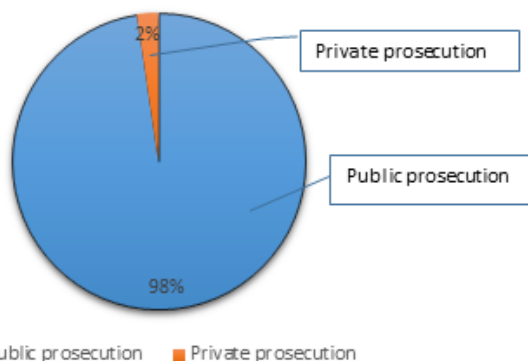
Type of violence	Use violence	Resist violence with violence	Total
Number of cases	175	22	212
proportion	89%	11%	100%

■ Use violence ■ Resist violence with violence



**Figure 2**  
Types of Domestic Violence Cases

### 2.3 Conviction and Sentencing in Cases of Domestic Violence



**Figure 3**  
The Type of Prosecution

According to the statistics, it found that in domestic violence cases, the number of convictions and penalties for private prosecution cases is relatively small, and it is usually considered that the case in which one lodges a lawsuit is not very serious in nature. In addition, domestic violence crimes usually occur within the family instead of public places. Therefore, it is generally difficult to discover domestic violence. The criminal acts of domestic violence are various, there are physical injuries, mental torture, and sexual assaults. In addition to obvious trauma, other means (cold violence, no sex with a partner, no living expenses, etc.) It is difficult to judge from the surface of the victim. Part of this is because the victim conceals domestic violence in order to maintain sort of reputation or just because of the influence of traditional beliefs. They think that the ugly things about the family are not something should be publicly talked. so, serious consequences will not be exposed until the domestic violence reaches a level that normal people cannot tolerate, and the court will conduct mediation according to the situation, though some of the plaintiff who has filed their own appeals. The revocation of the prosecution usually will result in a settlement. In another side, it's an important reason for the low conviction and penalties for private prosecution in domestic violence is that the private prosecutor has difficulties in putting forward evidence. In our Criminal Law, it is stipulated that the victims of domestic violence must put forward evidence to support their statement, while the standard of proving is too high to fulfill for most of the victims of domestic violence. Because victims of domestic violence cases are often the weak parts of the families, they are weak in physical strength, economic ability, and they lack the awareness of preservation of evidence, it is extremely hard for those victims to bear the burden of proof. Of the 212 cases investigated, only 5 cases were private

prosecutions, accounting for 2%, while 207 cases were public prosecutions, accounting for 98% of the total. See Table 5 for details.

**Table 5**  
**Types of Domestic Violence**

The type of prosecution	Public prosecution	Private prosecution	Total
Number of cases	207	5	212
proportion(%)	97.6%	2.4	100%

#### 2.4 The Crimes Involved in Domestic Violence Cases

In general, domestic violence occurs where no one else is present. Therefore, the witness will be hard to find or even if there are the witnesses, they usually are unwilling to testify because of their special relationship with both parts, plaintiff, and defendant. During the family

members' common life, the perpetrator and the victim have a specific identity. Relationships, such as husband and wife, parents and child. If the domestic violence does not result in serious consequences, the result usually remains unknown to outsiders. In addition, in the judicial practice activities, the trial standards require excessively high standards for judging domestic violence, and many victims of domestic violence do not receive real legal protection. Therefore, domestic violence known to the public is often a serious part of the plot. According to the survey, in all 212 cases, 101 convictions for intentional homicide were committed, accounting for 47.6%, which was nearly half of domestic violence crimes; there were 90 intentional injury crimes, accounting for 42.5% of the total; The number of convictions for the crimes of abuse and rape was 9 and 2, accounting for 4.2% and 0.9%, respectively. See Table 6 for details.

**Table 6**  
**The Crimes Involved in Domestic Violence**

Convicted	Intentional Homicide	Intentional Injury	Abuse	Rape	Abandonment	Violence interferes with freedom of marriage	Other	Total
Number of cases	101	90	9	2	2	0	8	212
proportion(%)	47.6%	42.5%	4.2%	0.9%	0.9%	0	3.8%	100%

#### 2.5 Cases of Light Punishment for Defendants in Domestic Violence Cases

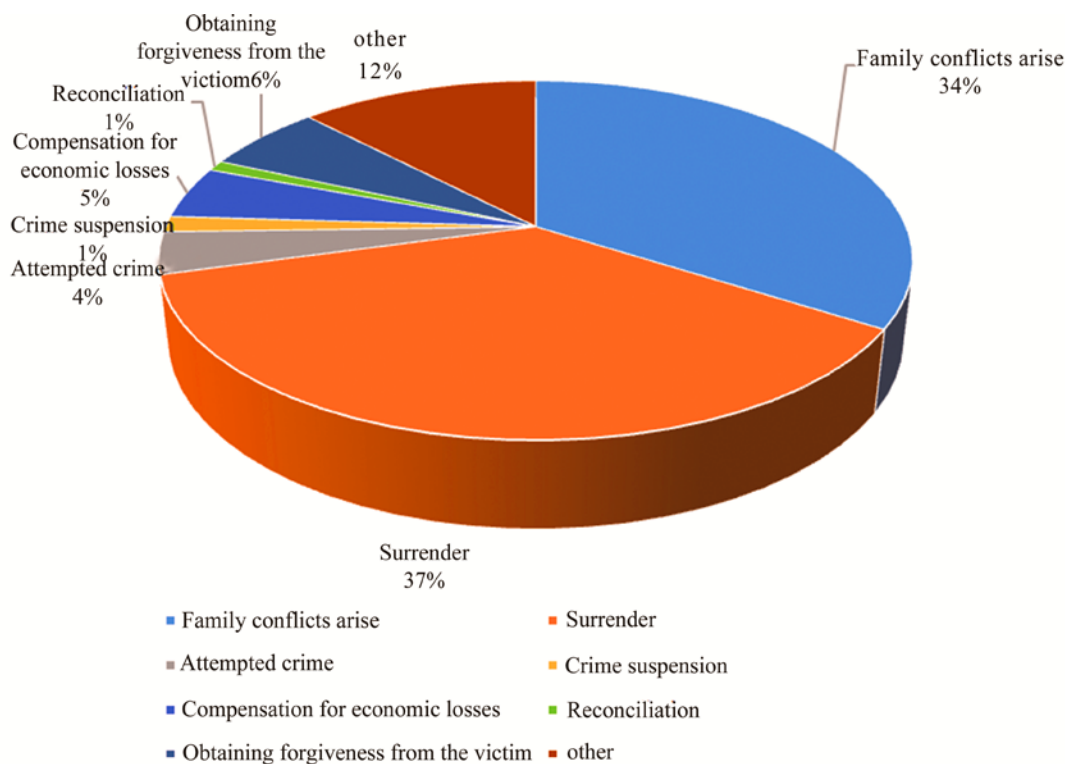
Among total cases, 72 cases were caused by family disputes, which accounted for 34% of the total number of cases. The number of cases that the offenders who voluntarily surrender themselves was 81, accounting for 36.8% of cases. There are specific legal provisions for mitigating penalties in Notice of the Supreme People's Court on Issuing the Some Advice on Implementing the Criminal Policy of temper justice with mercy. Article 23 stipulates that if the defendant actively compensates the victim after the crime is committed, and confesses guilty and express regrets about the crime, the defendant may be dealt with mercy. For crimes caused by the intensification of civil disputes such as marriage and family, if the victims and their families forgive the defendant, the defendant may be dealt with mercy. If the circumstances of the crime are minor, and the victims are forgiven, they may be dealt with in accordance with the law. If their wrongdoing is so small that does not need to be sentenced, they may be exempted from criminal punishment. Article 19 stipulates that for the offenders who commit for the first time and commit less severe

crimes, they should be comprehensively considered of their motives, means, circumstances, consequences, and the subjective state at the time of the crime, and then give them proper punishment according to the principle of proportionality. With regard to minor first offenses and occasional offenses where the circumstances of a crime are not serious, criminal punishment may be exempted. If criminal punishment is required according to law, it shall also be possible to apply probation or sentenced to non-imprisonment sentences such as residence under surveillance or fines. It can be seen that whether or not ordinary violence between family members is considered to be family violence is somewhat difficult on the basis of the criteria for identification. Only by combining all facts can the cases be well identified, so as to meet the requirements of the Principle of Adaptation to Crime and Responsibility.

It is worth noting that the damage in domestic violence cases is often through the economic ways. Compensation and apology were used to make up for the physical and psychological harm suffered by the victim and his family members, which can also be used to gain the victim's understanding and giving a lighter penalty. For details, see Table 7.

**Table 7**  
**Cases of Minor Punishment for Defendants in Domestic**

The punishment from light punishment	Family conflicts arise	Surrender	Attempted crime	Crime suspension	Compensation for economic losses	Reconciliation	Obtaining forgiveness from the victim	Other
Number of cases	72	78	8	3	10	2	13	26
proportion(%)	34.0%	36.8%	3.8%	1.4%	4.7%	0.9%	6.1%	12.3%



**Figure 4**  
**Cases of Minor Punishment for Defendants Domestic Violence Cases**

### 3. DISCUSSION

Generally speaking, there are many kinds of domestic violence, including killing, rape, assault, violence, verbal attacks and so on. It refers to the behaviors that occur between family members. It used to cause physical harm, or mentally damaged. Domestic violence directly affects the victim's life security and mental health. Domestic violence occurs among family members who have blood connections, marital relations, and adoption relationships, for example, husband and wife, parents and children. Women and children are the main victims of domestic violence. But male, especially male people with physical or mental disability, also become victims of domestic violence.

Over the past three decades, international attention to domestic violence and domestic violence has become a major social concern. This kind of violence does not have the geographical, socio-economic, age, ability, cultural or religious boundaries, which means it can occur almost anywhere, to anyone at any period. There is no universal national or internationally accepted definition of violence against women. However, it is necessary to state that domestic violence is the act of violence or other abuses in one's family environment. If a spouse or partner has a close relationship with another spouse or partner, it may cause intimate partner violence. Domestic violence may also involve violence against children, parents or the elders. Its forms include physical, verbal, emotional, economic, religious, reproductive and sexual abuse. Its degree can

range from subtle coercive forms to marital rape. In some traditions, it includes cruelly family murders, like stoning, bridal burning, honor killings, and dowry deaths.

On November 28, 2017, Beijing issued a Monitoring Report on the Implementation of the Law of the People's Republic of China Against Domestic Violence in the 20 Months for the Women's Rights and Interests Agency (March 1, 2016-October 31, 2017). The implementation monitoring report has conducted a detailed statistical analysis of the implementation of the Anti-Domestic Violence Act at the grass-roots level in the past 20 months, involving all aspects of preventing and controlling domestic violence. The report concluded that: in the past 20 months, especially after March 1, 2017, the power to promote the implementation of the "Anti-Domestic Violence Act" has gradually increased. More and more victims have sought help and voiced what has happened to them. Many relatives and friends actively support their actions to protect their legitimate rights. With the increase of public education and services to Domestic violence, more and more public authorities have responded actively. However, there is still a huge gap between legal regulations and its practice. This gap has deeply affected the realization of the aims of law. Women and children affected by domestic violence, including HIV-affected women and girls, handicapped women and girls, and sexual and gender minorities, lack the protection that they need. The following data monitored by the report are worth noting: In the media reported cases, there were 533

deaths caused by domestic violence in China during the 20 months from March 1, 2016, to October 31, 2017, causing 635 adults and children to death. The vast majority of them were women.

In the General Assembly's "Declaration on the Elimination of Violence against Women", it was generally agreed that violence against women should be understood to encompass, but including but not limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

In judicial practice, the burden of proof on domestic violence is very difficult, mainly because domestic violence often occurs in more hidden places, and witnesses do not appear in court to testify for the reason that the witness usually has the close relationship to both parties of the suit of domestic violence. The victims were deeply affected by the traditional concept of "family ugliness cannot be ignored", causing domestic violence usually intensify so much and led to tragically and serious consequences.

Researches from American sociologists' shows that in the United States, nearly a quarter of the murdered people are related to the violence of their family members, and 2/3 of all marriages have at least one violence. In Canada, one out of four women may be sexually harassed at some point in their lives. In France, 95% of the victims of violence are women, and 51% of the violence comes from the husband. In Pakistan, 99% of housewives and 77% of professional women have been beaten by their husbands (Bai, 2010).

At present, in order to protect women and children from being harmed again, the prevailing practice is clearly stipulated in the law. The law introduces, along with prison sentences and fines, a line of precautionary measures for the protection of the victims of violence from further domestic violence. These are: precautionary measure of obligatory psychosocial treatment, precautionary measure of prohibition to approach the victim of violence, precautionary measure of prohibition of harassment or spying on a person exposed to violence, precautionary measure of removal from apartment, house or other housing facility, restraining order, precautionary measure of assurance of protection of a person exposed to violence, precautionary measure of compulsory drug abuse treatment and precautionary measure of seizure of objects (Eisele & Chen, 2010).

### 3.1 Limitations

The survey was based on 22 cases of domestic violence in 22 provinces, 4 municipalities directly under the Government, and 4 ethnic autonomous regions in China. The sources of the samples are rich and varied. They include intentional homicide, intentional assault, rape, and abuse. The sample as a whole can show the situation of domestic violence in most parts of China. Because the sample is only what has published on the internet, we acknowledge that the number of our samples is small and its results might have many limitations. There are still many unpublished data. It is very difficult for the author to obtain these unpublished data through formal channels, and especially in some cases are confidential.

### 3.2 Legislative Proposals

#### 3.2.1 A Special Judicial Interpretation may be Formulated by the Supreme People's Court

On the basis of careful investigation and study and democratic consultation with local people's courts, the battered women's sentence should be in conjunction with the voluntarily surrender, self-defense, and expectation possibilities. The standard of the continuance, urgency, and seriousness of domestic violence should be interpreted strictly. The courts at all levels should be informed that they should not increase the punishment of the defendant simply based on public opinion, but that punishment of the defendant can be decreased based on public opinions and other considerations.

In the investigation, the proportion of cases with the applicable period of the sentence of imprisonment of more than 5 years (73 cases, 37%) is the largest. It can be seen that China's criminal law now also punishes the conviction and sentencing of intentional homicide, intentional homicide and rape caused by domestic violence.

#### 3.2.2 Provisions in Quasi-Criminal Judicial Interpretation

If it is more difficult to stipulate the above content in the judicial interpretation, it can also be stipulated in "the reviews of meetings", "cases in the Supreme People's Court Bulletin", cases in the "Peking University Law Library", "criminal trial reference", and "judicial mail" in "People's Justice". These quasi-judicial interpretations (although those are not judicial interpretations in the strict sense, those are in fact applicable in the course of hearing criminal cases at the courts at all levels). To standardize and publish some typical examples of successful judgments to guide sentencing in the criminal trials across the country in the case of killing husband because of maltreatment is a step toward lighter sentences, reflecting the state's policy of temper justice with mercy and protection of the human rights of women.

The most important issue in the realization of the light punishment of female crimes under domestic violence is to strengthen human rights awareness and gender

awareness. Gender differences make the original social interest pattern unbalanced. Failure to take into account this difference will harm the interests of vulnerable family members. Objectively, it requires the establishment of a sound protection, which takes care for the vulnerable groups, like children, women, and the elder and guarantees their human rights so as to achieve real judicial justice and social equality.

Because domestic violence frequently occurs in closed and secret places, it has millions of difficulties for victims to put up with evidence that they need in the courtroom. Even if there are witnesses, they are usually reluctant to appear in court to testify (the witness would be in difficult to get along with at least one of them later). In this aspect, it should be clearly stipulated in laws and regulations or relevant judicial interpretations, the criteria for determining domestic violence should be adjusted respectively.

This study shows that the appearance of police is the most deterrent and effective way to stop domestic violence. Besides, the joint efforts of public security, prosecutors, and courts should be strengthened to deal with domestic violence. Only in this way can domestic violence be dealt with promptly and effectively.

---

## CONCLUSION

The number of samples in the survey was 212 cases; only 5 were private prosecutions, accounting for 2%, and 207 were public prosecutions, accounting for 98% of the total. This fully demonstrates that domestic violence is often resolved through public prosecution, and very few people use private prosecution to defend their rights. Moreover, there were 101 cases of intentional homicide, accounting for 47.6% of the total number of cases, almost half of the total number of domestic violence crimes. In addition, there are 90 cases of intentional assault cases, which account for 42.5% of the total number of cases. The other part accounted for 5.1%. This shows that in many cases of domestic violence, it is mainly based on intentional homicide and intentional injury. And among the total cases, 72 cases were caused by family disputes, which accounted for 34% of the total number of cases. The number of cases that the offenders who voluntarily surrender themselves was 81, accounting for 36.8% of cases. We have also found that damage to domestic violence cases can often be mitigated through economic compensation. Proactive compensation and sincere apologies are used to compensate for the harm suffered by the victims and their family members. In this way, the court can use less punishment for the forgiveness of the victim.

In this investigation, we have some realistic and intuitive understanding of domestic violence cases, and the majority of cases in the family are mainly crimes of intentional homicide and intentional assault. As result, we can see that domestic violence is a family problem caused by disputes over family conflicts. It is not only a reflection

of the contradiction between husband and wife, but also a reflection of the universal social issue. The consequences of domestic violence not only bring physical and psychological harm to the victims themselves but also directly affect the normal growth of their children, threaten the harmony between family members and the stability of their neighbors. Therefore, in order to protect the weak part of family members, create a peaceful and healthy family environment and a stable and orderly community environment, we need various departments to actively mediate and effectively intervene in the domestic violence accidents. All organizations and community committees must work hard to coordinate and cooperate. Many non-governmental organizations can also help with the issue mentioned above by building shelters, providing legal assistance to the victims of domestic violence. We need to strengthen telephone helplines, police intervention, and the court system is the most deterrent and effective way to stop domestic violence. At the same time, the legislature and the Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Justice should jointly issue rules concerning the judicial interpretation related to domestic violence, making a better domestic violence protection system.

---

## REFERENCES

- Bai, J. (2001). Analysis of some problems of domestic violence. *Journal of Central Government Institute of Political Science and Law*, (1).
- Bardavid, D., Chiarolanzio, M., & Strittmater, A. (2016). *Domestic violence*.
- Eisele, A., & Chen, Y. (2010). *MultiUN: A Multilingual corpus from United Nation Documents*. Symposium conducted at the International Conference on Language Resources and Evaluation.
- Ji, C. L. (2009). Study on the abuse of abused women in domestic violence. *Hebei Law*, 27 (9).
- Li, C. H. (2017). *Research on marriage squeezing impact on marriage violence in rural china under the background of urban-rural friction* (Master's thesis). Available from Xi'an Jiaotong University.
- On Implementing the Criminal Policy of Combining Punishment with Leniency. Retrieved from [http://www.pkulaw.cn/fulltext\\_form.aspx?Db=chl&Gid=a37c360cf42e31f3bdfb&keyword=The Supreme People's Court's EnforceName=&Search\\_Mode=like&Search\\_IsTitle=0](http://www.pkulaw.cn/fulltext_form.aspx?Db=chl&Gid=a37c360cf42e31f3bdfb&keyword=The Supreme People's Court's EnforceName=&Search_Mode=like&Search_IsTitle=0).
- Shimizu, A. (2013). Domestic violence in the digital age: towards the creation of a comprehensive cyberstalking statute. *28 BERKELEY J., GENDER L., & JUST*, 116, 117.
- The People's Republic of China Against Domestic Violence* Retrieved from Implementation Monitoring Report : <http://www.gongyishibao.com/html/zhengcefagui/129.html>.
- Zhang, H. Y. (2007). Legal Reflection on the intervention of domestic violence by medical institutions. *Xiang Chao, Theoretical Forum On Politics And Law*, (1).