The main elements of the solution to China's domestic violence

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Abstract: Domestic violence represents a complex and pervasive issue within China, deeply entrenched in historical norms and sociocultural attitudes. Even with legal reforms aimed at criminalizing domestic violence and establishing legal protections for victims, challenges persist due to the societal perception of domestic violence as a family matter. This paper critically examines the main elements necessary for effectively combating domestic violence in China—policy instruments, policy implementation, and lobbying. By dissecting the shortcomings of current measures, the paper argues for the adoption of multidimensional policy tools beyond policing and legal action, such as public awareness campaigns and persuasive strategies designed to shift societal attitudes. The significance of rigorous policy implementation is emphasized, highlighting the need for iterative enforcement and organizational learning to ensure the efficacy of domestic violence policies. Furthermore, the complex role of lobbying within China's political context is explored, demonstrating its impact on policy proposals and reforms. Overall, the paper posits the need for a comprehensive approach, involving a concerted effort from policymakers, law enforcement, and civil society to address the multifaceted challenges of domestic violence in China.

1 Introduction

Domestic violence remains a pervasive and complex challenge across the globe, and in China, the issue has historically been steeped in deeply ingrained cultural perceptions that frame it as a private family concern. Despite ancient hierarchical family structures and a society that traditionally shies away from intervening in "private" matters, China has taken legislative steps to combat domestic violence. However, recent statistics and reports suggest that incidents of domestic violence remain alarmingly high, indicating that existing measures may not be sufficiently effective. This paper delves into the nuances of domestic violence in China, highlighting three major shortcomings in current policy solutions: inadequate enforcement of protective measures like habeas corpus, ineffective engagement by law enforcement, and the controversial implementation of a divorce cooling-off period that can inadvertently heighten risk for victims. Through a critical examination of policy instruments, policy implementation, and lobbying, this article proposes a multi-faceted approach to address these shortcomings, ultimately contributing to the construction of more effective strategies to mitigate and eventually eliminate domestic violence in China. The paper's examination is scaffolded by a thorough understanding of the historical context, the interplay of legislation, enforcement, and societal attitudes, as well as the complicated dynamics of policy-making processes in a socialist country such as China. In providing an in-depth analysis and forward-looking recommendations, this discussion aims to serve as an informative guide for policymakers, stakeholders, and the general public to recognize and understand the fundamental elements required in the fight against domestic violence, providing a roadmap for genuine change and progress toward the safety and equality of all individuals within the Chinese society [1].

2 Literature Review

Domestic violence in China presents a complex issue deeply embedded within the patriarchal structures and cultural perceptions of family privacy, which impede effective intervention and policy implementation. Despite the criminalization of domestic violence and introduction of habeas corpus protections, underutilization of such legal tools and ineffective enforcement have allowed the pervasiveness of intimate partner violence to persist (Parish et al., 2004; Xu et al., 1997). Studies indicate high incidence rates, with lifetime partner violence against women reported to be alarmingly high (Xu et al., 2005), highlighting the urgency for a reevaluation of current policies and practices. The literature also points to systemic issues within law enforcement agencies and the judiciary that hinder the application of policies intended to protect victims (Sun et al., 2020; Su et al., 2022). Moreover, recent legislative changes such as the introduction of a divorce cooling-off period have raised concerns regarding the potential escalation of violence within the household (South China Morning Post, 2020). To achieve any semblance of progress, a multifaceted approach utilizing a variety of policy instruments is essential, which should include not only strict law
enforcement but also educational campaigns and narrative framing to raise public awareness and alter ingrained cultural views (Althaus, Bridgman, and Davis, 2018; Weatherburn et al., 2003). Further, there is a need to enhance policy implementation measures with continuous feedback loops to help bridge the gap between policy intent and actual practice (DeLeon and deLeon, 2002; Williamson, 2005). Lastly, considering China’s unique political landscape, the role of non-traditional lobby groups through the activities of NPC deputies must be recognized and redirected towards more practical and humane policy proposals to effectively combat the issue of domestic violence (Lumb, 2003). The literature ultimately suggests that an iterative, informed, and socially responsive approach is crucial, emphasizing the importance of each stakeholder’s role in addressing the systemic and societal challenges that perpetuate domestic violence in China [2].

3 Policy instruments

3.1 Effective Policy Implementation

Implementing policies effectively is a critical process that goes beyond mere political advice and technical policy judgments. It involves practical actions such as planning, resource allocation, and monitoring. Programs, staffing, budgets, organizations, campaigns, and laws all play essential roles in ensuring policies are successfully put into practice. These instruments serve not only as administrative necessities but also as powerful motivators for all stakeholders involved in addressing pressing issues.

3.2 Challenges in Addressing Domestic Violence in China

In China, the prevailing strategy to combat domestic violence has largely hinged upon the utilization of policing and criminal justice mechanisms, which function as the principal policy tools aimed at curbing this pervasive issue. These mechanisms are predominantly designed to penalize the perpetrators after the occurrence of violence, meant to serve as a deterrent to future offenses. Nonetheless, despite the presence of these punitive measures, the frequency of domestic violence incidents persistently remains high, signaling that these tools alone are insufficient in effectively mitigating the problem. The challenges surrounding these criminal justice methods are multifaceted—the enforcement of laws is often inconsistent, and the fear of retaliation or stigmatization hinders victims’ willingness to report incidents. Additionally, deep-seated cultural norms can discourage survivors from seeking justice or support, thus limiting the reach and effectiveness of the available remedies in place.

These complexities necessitate the adoption of a more nuanced and comprehensive approach in dealing with domestic violence, an approach that transcends the narrow scope of punitive measures. This refined strategy ought to directly address the underlying causes that give rise to domestic violence, which often includes, but is not limited to, gender inequality, economic dependency, and normalized aggressive behaviors. The proposed approach should also involve correcting systemic biases within the legal and societal frameworks that inadvertently victimize survivors further or dissuade them from reporting. Central to this adjusted strategy is the conception of a multi-dimensional prevention and support system that could encompass educational campaigns to shift public perceptions, intervention programs tailored for both victims and abusers, and the establishment of an inclusive support network consisting of healthcare providers, social workers, and community leaders. This systemic overhaul aims to foster a societal milieu that is unequivocally aligned against domestic violence, propelling a culture that champions prevention, protection, and empathetic support for those affected. In doing so, it is hoped that the efforts to mitigate domestic violence in China will be more effective, not only by restraining the immediate threat but also by nurturing an environment where such violence is fundamentally and decisively unacceptable.

3.3 Enhancing Public Awareness

The lack of public awareness regarding the severity of domestic violence is a significant factor contributing to its persistence. To bridge this awareness gap, the government can play a crucial role. Educational campaigns can inform the public about various aspects of domestic violence, its impact on victims and society, and available resources for assistance. These campaigns can also educate individuals on recognizing and reporting instances of domestic violence. By engaging communities and individuals, such initiatives empower people to take an active role in addressing this issue [3].

3.4 Utilizing Emotional Resonance

To make domestic violence a more emotionally meaningful issue, the government can employ narrative framing policies. Narrative framing involves crafting compelling stories that resonate with the public and using visual cues to evoke emotions. Policymakers can highlight the personal experiences of survivors, the devastating consequences of domestic violence, and the importance of community support. By appealing to emotions such as empathy and compassion, policymakers can foster a deeper understanding of the issue and motivate individuals to take action, whether it’s supporting victims, advocating for change, or seeking help for themselves or others. This emotional resonance can be a powerful catalyst for raising awareness and driving meaningful action against domestic violence [4].

4 Policy implication

4.1 Understanding Policy Implementation and Domestic Violence

The issues surrounding the enforcement of dispositions against domestic violence highlight the critical role of policy implementation in the policy development cycle.
Implementing a policy goes beyond its creation, requiring action within the administrative sphere where public administration activities are carried out by civil servants. Effective implementation is essential for ensuring that domestic violence policies are more than just words on paper. Policymakers need to acknowledge this complexity during the policy formulation process, ensuring that they devise strategies that can support execution within the existing administrative and practical framework. Understanding the intricate nature of policy implementation helps in formulating robust plans that take into account potential bureaucratic and execution challenges that may arise during enforcement [5].

4.2 Incorporating Feedback Mechanisms

The inclusion of feedback loops during the implementation phase is crucial for effective policy execution. It is during this phase that issues with the original policy formulation can surface. This feedback is invaluable for identifying shortcomings within the policy and facilitating necessary adjustments. Incorporating a system that constantly monitors, analyzes, and evaluates the effectiveness of the implementation process allows for ongoing learning within the organization. These feedback mechanisms enable policymakers to iterate and improve their strategies, drawing on organizational learning to refine policy approaches and enhance the effectiveness of implementation [6].

4.3 Addressing Challenges in China's Domestic Violence Policy

China faces unique challenges in implementing domestic violence policies, with incomplete enforcement norms and communication breakdowns among various responsible entities, such as police and judicial bodies. These implementation issues have been exacerbated by cultural and historical views on domestic violence, which create a landscape where enforcement is more complex. Addressing these challenges requires a strategic approach that considers the intricate balance between cultural residues and the imperative need for effective policy enforcement. By recognizing these barriers and strategically leveraging resources, policymakers can create targeted incentives and approaches that prioritize the well-being and human rights of individuals over other conflicting concerns, such as divorce rates. This entails a concerted effort to recalibrate the focus of existing enforcement policies to better protect victims of domestic violence [7].

4.4 Strategic Iteration and Organizational Change

To effectively navigate the complex challenges associated with the policy implementation dilemma in addressing domestic violence issues in China, it is imperative that a dynamic and flexible strategy is embraced—one that embodies the principles of strategic iteration and organizational change. By drawing on the rich insights offered by organizational change theory, we can conceptualize the policy implementation process not as a rigid, linear progression but as a transformative journey that unfolds over time. This journey necessitates the exercise of effective leadership that exemplifies an unwavering commitment to realizing the policy's objectives and possesses the foresight to articulate a clear vision that inspires and mobilizes all stakeholders involved. Such leadership is also tasked with instilling a culture of continuous improvement within the organization, ensuring that policy enforcement is not static but rather is responsive to new information and responsive to the changing landscape of domestic violence issues. Policymakers must therefore be proactive participants in the iterative process of policy enhancement, utilizing constant feedback loops and a willingness to integrate new insights which serve to refine and sharpen the focus of domestic violence policies. By steadfastly committing to a cyclical process of analysis, evaluation, and evolution—a process characterized by frequent reassessment and adaptive change—Chinese policymakers can lay the groundwork for deeper, more systemic transformations. Such an approach promises not just incremental adjustments but paves the way for genuinely impactful and substantive change over time. This progressive methodology has the potential to revolutionize the resolution of domestic violence issues, propelling policies beyond mere compliance and toward the achievement of long-standing effectiveness and resilience in the face of this pervasive social challenge.

5 Lobby group

5.1 Understanding Lobbying Dynamics in China

Lobbying, as defined in Western contexts involving direct engagement with policymakers to influence legislation, operates differently in China due to its unique political structure. In China, the National People's Congress (NPC) is the highest state power and legislative body responsible for creating and passing laws. Within this framework, NPC deputies play a crucial role by bringing policy proposals to the table, reflecting the concerns and needs of the citizenry. These deputies conduct thorough research and gather suggestions from various sectors of society to craft policies that address issues such as domestic violence.

Contrary to typical lobbying practices, China's approach relies on internal stakeholders within the government structure rather than external lobbyists. While lobbying in the Western sense is not officially recognized in China, the influence exerted by associations, academic institutions, and even public opinion can parallel that of lobbying groups elsewhere. This influence is channeled through NPC deputies, who, guided by their research and societal feedback, suggest legislation that they believe will improve the welfare of the Chinese people [8].

5.2 The Divorce Cooling-Off Period Policy

One such instance where a policy suggestion has garnered attention is the implementation of a divorce cooling-off
period. This policy was born out of a proposal made during the 2010 meeting of the National Committee of the Chinese People’s Political Consultative Conference. Shang Shaohua, a member, highlighted the high divorce rate in China and suggested that implementing a cooling-off period could give couples time to reconsider their decision to separate, potentially saving marriages that might be prematurely ended.

The proposal was bolstered by research from the China Association of Social Work’s Marriage Industry Committee and input from Baihe.com, a dating service. Together, they argued for statutory changes to divorce proceedings and the enhancement of marriage counseling services. This collaborative approach, while not strictly lobbying by Western definitions, demonstrates the ways in which thinkers and practitioners outside the government can influence policy-making in China.

5.3 The Impact on Domestic Violence Concerns

The divorce cooling-off period legislation, however, has not been without criticism. One unintended consequence of this policy has been its impact on cases of domestic violence. Advocates argue that the mandatory waiting period makes it more difficult for individuals seeking to escape abusive relationships, as they must endure an additional 30 days without legal separation from their abuser.

This policy illustrates the complex nature of the policy-making process in China, where proposals can have far-reaching and sometimes detrimental effects. Critics suggest that NPC deputies need to take a more nuanced approach when considering policies related to sensitive issues such as domestic violence. They have the responsibility to understand the full scope of implications of the laws they propose and to seek solutions that protect the vulnerable. Going forward, it is critical that NPC deputies engage in deeper, more comprehensive research and dialogue with stakeholders, including those directly affected by domestic violence, to craft legislation that is practical and addresses the root problems without exacerbating them [9].

6 Conclusion

In conclusion, the complexities of combating domestic violence in China call for a comprehensive approach that transcends traditional punitive measures and engages with the cultural, social, and systemic roots of the issue. While significant legislative strides have been made, the persistent prevalence of domestic violence signals the need for multidimensional policy tools, rigorous policy implementations with iterative feedback mechanisms, and a nuanced understanding of China’s unique political lobbying dynamics. The interplay of these factors necessitates a holistic strategy that incorporates public awareness campaigns, supportive services for victims, education to dismantle longstanding gender biases, and sensitization for law enforcement and judicial bodies. While policies such as the divorce cooling-off period have been well-intentioned efforts to address social issues, they must be critically analyzed for their unintended consequences, particularly for those in vulnerable situations facing domestic abuse. Policymakers, alongside civil society and stakeholders within the legislative system, bear the responsibility to foster a climate that not only penalizes perpetrators but also fundamentally challenges and transforms societal norms that condone or ignore domestic violence. Ultimately, only through concerted and informed engagement from all sections of society and government, with special attention to the voices and needs of survivors, will China be able to construct a more just and safe society where domestic violence is not tolerated. This battle against domestic violence is not just a legal one; it is a moral imperative that demands a collective commitment to empowering individuals, safeguarding families, and upholding human dignity throughout the nation.

Reference