Fighting Domestic Violence - China

7. Endnotes

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[1]    Article 49 of the Constitution of the PRC.

[2]    Articles 1042, 1079, 1081 and 1091 of the Civil Code.

[3]    Article 2 of the Circular of the Supreme People's Court on Giving Full Play to Civil Trial Functions to Safeguard the Lawful Rights and Interests of Women, Children and the Elderly in Accordance with the Law.

[4]    Articles 25, 28 and 45 of the Opinions of the Supreme People's Court on Further Deepening the Reform of the Family Trial Mode and Working Mechanism (for Trial Implementation).

[5]    Articles 1, 8 and 14 of the Notice on Further Strengthening Cooperation to Establish a Sound Working Mechanism for the Protection of Women's and Children's Rights and Interests.

[6]    Article 45 of the Law of the PRC on Public Security Administration Punishment.

[7]    Articles 232, 234 and 235 of the Criminal Law.

[8]    Articles 40 and 46 of the Law on the Protection of the Rights and Interests of Women.

[9]    Article 58 of the Law on the Protection of the Rights and Interests of Women.

[10]    Article 11 of the Special Regulations on the Labor Protection of Female Employees.

[11]    The official website of the Supreme People's Court: <http://www.court.gov.cn/zixun-xiangqing-13615.html>.

[12]    <https://www.pkulaw.com/chl/b4df475fcf4b2cf1bdfb.html>.

[13]    The official website of the Supreme People's Court: <http://www.court.gov.cn/zixun-xiangqing-274801.html>.

[14]    Supreme People's Procuratorate official website: <https://www.spp.gov.cn/xwfbh/wsfbt/202105/t20210507_517255.shtml#2>.

[15]    Opinions of the Supreme People's Court on the Pilot Reform of the Family Judgment Mode and Working Mechanism (Law [2016] No. 128); Opinions of the Supreme Court and Other 15 departments on the Establishment of a Joint Conference System for the Reform of the Family Judgment Mode and Working Mechanism (Law [2017] No. 18); Opinions of the Supreme People's Court on Further Deepening the Reform of the Family Judgment Mode and Working Mechanism (for Trial Implementation) (Law Fa [ 2018] No. 12).

[16]    Articles 33 and 34 of the PRC Anti-Domestic Violence Law; Article 56 of the Law on the Protection of the Rights and Interests of Women.

[17]    Part II of the Opinions on Legally Handling Domestic Violence Crimes (Fafa [2015] No. 4).

[18]    Part V of the Opinions of the Supreme People's Court on the Pilot Reform of Family Trial Methods and Working Mechanisms (Law [2016] No. 128).

[19]    Article 13 (1) of the Anti-Domestic Violence Law.

[20]    Article 53 of the Law on the Protection of the Rights and Interests of Women.

[21]    Article 23 of the Anti-Domestic Violence Law.

[22]    Articles 55 and 56 of the Guide to the Trial of Matrimonial Cases Involving Domestic Violence.

[23]    Article 1091 of the Civil Code; Article 59 of the Guide to the Trial of Matrimonial Cases Involving Domestic Violence.

[24]    Article 54 of the Law on the Protection of the Rights and Interests of Women.

[25]    Article 45 of the Law of the PRC on Public Security Administration Punishment; Article 33 of the Anti-Domestic Violence Law; Article 56 of the Law on the Protection of the Rights and Interests of Women.

[26]    Articles 33 and 34 of the Anti-Domestic Violence Law; Article 56 of the Law on the Protection of the Rights and Interests of Women.

[27]    Article 49, paragraph 4 of the Constitution of the PRC.

[28]    Xi Jinping: "Promoting Women's Comprehensive Development and Building a Better World Together - Speech at the Global Women's Summit," New York, 27 September 2015.

[29]    National Human Rights Action Plan (2016-2020), issued by the State Council Information Office on 29 September 2016.

[30]    Decision of the Standing Committee of the Fifth National People's Congress on the Ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

[31]    Development Program for China Women ([2011-2020](http://www.nwccw.gov.cn/2017-04/05/content_149165.htm)).

[32]    National Human Rights Action Plan (2016-2020), issued by the State Council Information Office on 29 September 2016.

[33]    China Country Program for the Implementation of the 2030 Agenda for Sustainable Development.

[34]    Article 2 of the Anti-Domestic Violence Law.

[35]    Part II of the Shenzhen City Guide to Preventing Sexual Harassment.

[36]    Article 26 of the Guide to the Trial of Matrimonial Cases Involving Domestic Violence.

[37]    Article 23 of the Anti-Domestic Violence Law.

[38]    Article 14 of the Anti-Domestic Violence Law.

[39]    No. 4 Order Yue 0705 Civil Insurance Order (2017) Jiangmen Xinhui District People's Court.

[40]    No. 1 Order Chengdu Sichuan 0115 Civil Guarantee Order (2016) Wenjiang District People's Court.

[41]    Article 23 of the Anti-Domestic Violence Law.

[42]    Article 30 of the Anti-Domestic Violence Law.

[43]    Article 24 of the Anti-Domestic Violence Law.

[44]    Article 3 of the Reply of the Supreme People's Court on Procedural Issues Related to Personal Security Protection Order Cases.

[45]    Articles 1091 (3) and 1179 of the Civil Code.

[46]    Article 30 of the Anti-Domestic Violence Law.

[47]    Article 28 of the Anti-Domestic Violence Law.

[48]    Article 3 of the Reply of the Supreme People's Court on Procedural Issues Related to Personal Security Protection Order Cases.

[49]    Articles 13, 14, 15 and 16 of the Anti-Domestic Violence Law.

[50]    Article 19 of the Anti-Domestic Violence Law; Articles 10, 11 and 12 of the Legal Aid Regulation; Article 52 of the Law on the Protection of the Rights and Interests of Women.

[51]    Article 11 of the Legal Aid Regulation.

[52]    Article 1091 of the Civil Code.

[53]    Articles 1179 and 1183 of the Civil Code.

[54]    Article 64 of the Civil Procedure Law and Article 51 of the Criminal Procedure Law.

[55]    Article 64 of the Civil Procedure Law and Article 51 of the Criminal Procedure Law.

[56]    Article 85 of Several Provisions of the Supreme People's Court on Evidence for Civil Actions.

[57]    Article 55 of the Criminal Procedure Law.

[58]    Article 27 of the Anti-Domestic Violence Law.

[59]    Article 20 of the Criminal Law.

[60]    Article 18 of the Criminal Law.

[61]    Article 234 of the Criminal Law.

[62]    Article 260 of the Criminal Law.

[63]    Article 243 of the Criminal Law.

[64]    Article 212 of the Criminal Procedure Law.

[65]    Article 288 of the Criminal Procedure Law.

[66]    Article 20 of the Criminal Law.

[67]    Article 18 of the Criminal Law.

[68]    Article 54 of the Criminal Procedure Law and Article 67 of the Civil Procedure Law.

[69]    Article 193 of the Criminal Procedure Law.

[70]    Article 73 of the Civil Procedure Law.

[71]    Article 61 of the Criminal Procedure Law and Article 111 of the Civil Procedure Law.

[72]    Part V of the Special Procedures Related to Juvenile Criminal Cases Under the Criminal Procedure Law.

[73]    Article 110 of the Law on the Protection of Minors.

[74]    Guiding Opinions of the People's Court on Sentencing (Invalid) and Opinions on Punishing Crimes of Sexual Assault Against Minors Legally.

[75]    Article 33 of the Anti-Domestic Violence Law.

[76]    Article 34 of the Anti-Domestic Violence Law and Article 23 of the Opinions on Legally Handling Domestic Violence Crimes.

[77]    Article 45 of the Law of the PRC on Public Security Administration Punishment.

[78]    Article 118 of the Law on the Protection of Minors.

[79]    Article 18 of the Opinions on Legally Handling Domestic Violence Crimes.

[80]    Chapter IV named "Crime of Infringement Upon Citizens' Right of the Person and Democratic Rights of Criminal Law."

[81]    Articles 202 and 229 of the Criminal Procedure Law.

[82]    Article 20 of the Criminal Law.

[83]    Article 19 of the Opinions on Legally Handling Domestic Violence Crimes.

[84]    Article 20 of the Opinions on Legally Handling Domestic Violence Crimes.

[85]    Notice on the Issuance of Typical Cases of Punishing Domestic Violence Crimes According to Law (Source: Official Website of the Supreme People's Procuratorate; 28 April 2021), Case 4 — Mao Moumou's Intentional Injury Case.

[86]    Articles 11 and 14 of the Special Regulations on the Labor Protection of Female Employees.

[87]    Article 1081 of the Civil Code; Article 11 of the Provisions on Certain Issues Concerning the Implementation of the Marriage Law of the PRC by the Military.

[88]    Article 21 of the Anti-Domestic Violence Law; Articles 63-68 of the Guide to the Trial of Marital Cases Involving Domestic Violence; Part 3, Point 2 of the Guidance on Providing Shelter and Assistance to Victims of Domestic Violence; Article 22 of the Opinions on Legally Handling Domestic Violence Crimes.

[89]    Articles 41 and 43 of the Guide to Hearing Matrimonial Cases Involving Domestic Violence.

[90]    Article 29 of the Anti-Domestic Violence Law.

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