

Anti-domestic Violence Law of the People's Republic of China [Effective]

中华人民共和国反家庭暴力法 [现行有效]

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Order of the President of the People's Republic of China

中华人民共和国主席令

(No. 37)

(第三十七号)

The Anti-Domestic Violence Law of the People's Republic of China, as adopted at the 18th Session of the Standing Committee of the Twelfth National People's Congress of the People's Republic of China on December 27, 2015, is hereby issued, and shall come into force on March 1, 2016.

《中华人民共和国反家庭暴力法》已由中华人民共和国第十二届全国人民代表大会常务委员会第十八次会议于2015年12月27日通过，现予公布，自2016年3月1日起施行。

President of the People's Republic of China: Xi Jinping

中华人民共和国主席 习近平

December 27, 2015

2015年12月27日

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

(Adopted at the 18th Session of the Standing Committee of the Twelfth National People's Congress on December 27, 2015)

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Chapter I General Provisions

Article 1 This Law is developed for purposes of preventing and curbing 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.

中华人民共和国反家庭暴力法

(2015年12月27日第十二届全国人民代表大会常务委员会第十八次会议通过)

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第一章 总则

第一条 为了预防和制止家庭暴力，保护家庭成员的合法权益，维护平等、和睦、文明的家庭关系，促进家庭和谐、社会稳定，制定本法。

Article 2 For the purpose of this Law, “domestic violence” means the inflicting of physical, psychological or other harm by a family member on another by beating, trussing, injury, restraint and forcible limits on personal freedom, recurring verbal abuse, threats and other means.

Article 3 Family members shall help each other, love each other, live in harmony, and fulfill family obligations.

Anti-domestic violence is the common responsibility of the state, society and each family.

The state prohibits any form of domestic violence.

Article 4 The institutions in charge of women and children affairs of the people's governments at the country level or above shall be responsible for organizing, coordinating, providing guidance for and urge the relevant departments to effectively perform the anti-domestic violence work.

The relevant departments of the people's governments at the county level or above, 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 perform the anti-domestic violence work.

The people's governments at all levels shall provide necessary fund guarantees for the anti-domestic violence work.

Article 5 Anti-domestic violence work shall observe the principles of putting prevention first and combining education, correction and punishment.

第二条 本法所称家庭暴力，是指家庭成员之间以殴打、捆绑、残害、限制人身自由以及经常性谩骂、恐吓等方式实施的身体、精神等侵害行为。

第三条 家庭成员之间应当互相帮助，互相关爱，和睦相处，履行家庭义务。

反家庭暴力是国家、社会和每个家庭的共同责任。

国家禁止任何形式的家庭暴力。

第四条 县级以上人民政府负责妇女儿童工作的机构，负责组织、协调、指导、督促有关部门做好反家庭暴力工作。

县级以上人民政府有关部门、司法机关、人民团体、社会组织、居民委员会、村民委员会、企业事业单位，应当依照本法和有关法律规定，做好反家庭暴力工作。

各级人民政府应当对反家庭暴力工作给予必要的经费保障。

第五条 反家庭暴力工作遵循预防为主，教育、矫治与惩处相结合原则。

In the anti-domestic violence work, the true will of victims shall be respected and the privacy of the parties concerned shall be protected.

The minors, the elderly, the disabled, pregnant and lactating women, and seriously ill patients suffering domestic violence shall be given special protection.

Chapter II Prevention of Domestic Violence

Article 6 The state will carry out family virtues publicity and education, and popularize knowledge of anti-domestic violence, so as to enhance the citizens' anti-domestic violence awareness.

Trade unions, communist youth leagues, women's federations, disabled persons' federations shall, within the scope of their work, organize publicity and education on family virtues and anti-domestic violence.

Radios, televisions, newspapers, and the Internet, among others, shall conduct publicity on family virtues and anti-domestic violence.

Schools and kindergartens shall conduct education on family virtues and anti-domestic violence.

Article 7 The relevant departments of people's governments at the county level or above, judicial organs and women's federations shall incorporate the prevention and curb of domestic violence into business training and statistical work.

Medical institutions shall keep medical records of domestic violence victims.

反家庭暴力工作应当尊重受害人真实意愿，保护当事人隐私。

未成年人、老年人、残疾人、孕期和哺乳期的妇女、重病患者遭受家庭暴力的，应当给予特殊保护。

第二章 家庭暴力的预防

第六条 国家开展家庭美德宣传教育，普及反家庭暴力知识，增强公民反家庭暴力意识。

工会、共产主义青年团、妇女联合会、残疾人联合会应当在各自工作范围内，组织开展家庭美德和反家庭暴力宣传教育。

广播、电视、报刊、网络等应当开展家庭美德和反家庭暴力宣传。

学校、幼儿园应当开展家庭美德和反家庭暴力教育。

第七条 县级以上人民政府有关部门、司法机关、妇女联合会应当将预防和制止家庭暴力纳入业务培训和统计工作。

医疗机构应当做好家庭暴力受害人的诊疗记录。

Article 8 The people's governments at the township level and sub-district offices shall organize the prevention of domestic violence, and residents' committees, villagers' committees and social work service institutions shall provide cooperation and assistance.

Article 9 The people's governments at all levels shall provide support for social work service institutions and other social organizations to provide such services as mental health counseling, family relationship guidance, and domestic violence prevention knowledge education.

Article 10 The people's mediation organizations shall mediate family disputes in accordance with the law to prevent and reduce the occurrence of domestic violence.

Article 11 Where an employer discovers that any of its employees commits domestic violence, it shall criticize and educate the employee, and effectively mediate and resolve family conflicts.

Article 12 The guardians of minors shall conduct family education in a civilized manner, fulfill the duties of guardianship and education, and may not commit domestic violence.

Chapter III Handling of Domestic Violence

Article 13 Domestic violence victims and their statutory agents and close relatives may make complaints, report or resort to the employers for whom the inflictors or victims work, residents' committees, villagers' committees, women's federations and other entities. The relevant entities shall, upon receipt of the complaints about or reports on domestic violence or requests for help against domestic violence, provide help and handle the domestic violence.

第八条 乡镇人民政府、街道办事处应当组织开展家庭暴力预防工作，居民委员会、村民委员会、社会工作服务机构应当予以配合协助。

第九条 各级人民政府应当支持社会工作服务机构等社会组织开展心理健康咨询、家庭关系指导、家庭暴力预防知识教育等服务。

第十条 人民调解组织应当依法调解家庭纠纷，预防和减少家庭暴力的发生。

第十一条 用人单位发现本单位人员有家庭暴力情况的，应当给予批评教育，并做好家庭矛盾的调解、化解工作。

第十二条 未成年人的监护人应当以文明的方式进行家庭教育，依法履行监护和教育职责，不得实施家庭暴力。

第三章 家庭暴力的处置

第十三条 家庭暴力受害人及其法定代理人、近亲属可以向加害人或者受害人所在单位、居民委员会、村民委员会、妇女联合会等单位投诉、反映或者求助。有关单位接到家庭暴力投诉、反映或者求助后，应当给予帮助、处理。

The domestic violence victims and their statutory agents and close relatives may also report to public security organs or file lawsuits with the people's courts.

Entities and individuals shall have the right to promptly discourage the occurrent domestic violence they find.

Article 14 Where schools, kindergartens, medical institutions, residents' committees, villagers' committees, social work service institutions, relief management institutions, and welfare institutions and their staff members find in their work that persons with no or limited capacity for civil conduct are suffering or are suspected of suffering domestic violence, they shall report to public security organs in a timely manner. The public security organs shall keep confidential the information on informants.

Article 15 Public securities organs shall, upon receipt of reports on domestic violence, promptly assign police to deter domestic violence, conduct investigations and collect evidence in accordance with the relevant provisions, and assist the victims in seeing doctors and identifying the state of injuries.

Where persons with no or limited capacity for civil conduct are suffering grievous bodily injury, facing personal safety threats, unattended, or under any other dangerous state due to domestic violence, public security organs shall notify civil affairs departments, and assist the departments in relocating such persons to temporary shelters, relief management institutions or welfare institutions.

Article 16 Where the domestic violence is not serious enough for public security administration punishment in accordance with the law, the public security organ shall criticize and educate the inflicter or issue a caution letter.

家庭暴力受害人及其法定代理人、近亲属也可以向公安机关报案或者依法向人民法院起诉。

单位、个人发现正在发生的家庭暴力行为，有权及时劝阻。

第十四条 学校、幼儿园、医疗机构、居民委员会、村民委员会、社会工作服务机构、救助管理机构、福利机构及其工作人员在工作中发现无民事行为能力人、限制民事行为能力人遭受或者疑似遭受家庭暴力的，应当及时向公安机关报案。公安机关应当对报案人的信息予以保密。

第十五条 公安机关接到家庭暴力报案后应当及时出警，制止家庭暴力，按照有关规定调查取证，协助受害人就医、鉴定伤情。

无民事行为能力人、限制民事行为能力人因家庭暴力身体受到严重伤害、面临人身安全威胁或者处于无人照料等危险状态的，公安机关应当通知并协助民政部门将其安置到临时庇护场所、救助管理机构或者福利机构。

第十六条 家庭暴力情节较轻，依法不给予治安管理处罚的，由公安机关对加害人给予批评教育或者出具告诫书。

The caution letter shall cover the inflicter's identity information, statements of facts of domestic violence, and content of prohibiting the inflicter from committing domestic violence, among others.

Article 17 The public security organ shall send the caution letter to the inflicter and victim, and inform the residents' committee or villagers' committee.

Residents' committees, villagers' committees and public security organs shall pay inspection visits to the inflicters who have received caution letters and the victims, and supervise the inflicters to ensure that they no longer commit domestic violence.

Article 18 The people's governments at the level of county or districted city may, on their own or by relying on relief management institutions, set up temporary shelters to provide temporary living assistance for domestic violence victims.

Article 19 Legal aid institutions shall provide legal aid for domestic violence victims in accordance with the law.

The people's courts shall postpone the collection of, reduce or waive the litigation costs for domestic violence victims in accordance with the law.

Article 20 When trying cases involving domestic violence, the people's courts may, based on such evidence as police records, caution letters and injury identification opinions of public security organs, find the facts of domestic violence.

Article 21 Where a guardian commits domestic violence which has seriously infringed the lawful rights and interests of the ward, the people's court may, upon the application of the relevant person or entity such as a close relative of the ward, residents' committee, villagers' committee, and the civil

告诫书应当包括加害人的身份信息、家庭暴力的事实陈述、禁止加害人实施家庭暴力等内容。

第十七条 公安机关应当将告诫书送交加害人、受害人，并通知居民委员会、村民委员会。

居民委员会、村民委员会、公安派出所应当对收到告诫书的加害人、受害人进行查访，监督加害人不再实施家庭暴力。

第十八条 县级或者设区的市级人民政府可以单独或者依托救助管理机构设立临时庇护场所，为家庭暴力受害人提供临时生活帮助。

第十九条 法律援助机构应当依法为家庭暴力受害人提供法律援助。

人民法院应当依法对家庭暴力受害人缓收、减收或者免收诉讼费用。

第二十条 人民法院审理涉及家庭暴力的案件，可以根据公安机关出警记录、告诫书、伤情鉴定意见等证据，认定家庭暴力事实。

第二十一条 监护人实施家庭暴力严重侵害被监护人合法权益的，人民法院可以根据被监护人的近亲属、居民委员会、村民委员会、县级人民政府民政部门等有

affairs department of the people's government at the county level, disqualify the guardian in accordance with the law, and designate a new guardian.

The inflicter whose guardianship is revoked shall continue to burden the appropriate alimony for the spouse or the costs for supporting the aging parents or children.

Article 22 Trade unions, communist youth leagues, women's federations, disabled persons' federations, residents' committees, and villagers' committees, among others, shall conduct law-related education for inflictors committing domestic violence, and may, where necessary, provide psychological counseling for the inflictors and victims.

Chapter IV Personal Safety Protective Order

Article 23 Where a party concerned applies to the people's court for personal safety protective order due to suffering domestic violence or facing real danger of domestic violence, the people's court shall accept the application.

Where the party concerned is unable to apply for personal safety protective order because he or she is a person with no or limited capacity for civil conduct, or is coerced or threatened, his or her close relatives, the public security organ, women's federation, residents' committee, villagers' committee or relief management institution may apply on his or her behalf.

Article 24 An application for personal safety protective order shall be filed in writing; and if the applicant does have difficulty in filing a written application, he or she may file a verbal application, which shall be recorded by the people's court in transcripts.

Article 25 A case of personal safety protective order shall fall under the jurisdiction of the basic

关人员或者单位的申请，依法撤销其监护人资格，另行指定监护人。

被撤销监护人资格的加害人，应当继续负担相应的赡养、扶养、抚养费。

第二十二条 工会、共产主义青年团、妇女联合会、残疾人联合会、居民委员会、村民委员会等应当对实施家庭暴力的加害人进行法治教育，必要时可以对加害人、受害人进行心理辅导。

第四章 人身安全保护令

第二十三条 当事人因遭受家庭暴力或者面临家庭暴力的现实危险，向人民法院申请人身安全保护令的，人民法院应当受理。

当事人是无民事行为能力人、限制民事行为能力人，或者因受到强制、威吓等原因无法申请人身安全保护令的，其近亲属、公安机关、妇女联合会、居民委员会、村民委员会、救助管理机构可以代为申请。

第二十四条 申请人身安全保护令应当以书面方式提出；书面申请确有困难的，可以口头申请，由人民法院记入笔录。

第二十五条 人身安全保护令案件由申请人或者被

people's court of the place of residence of the applicant or respondent, or of the place where the domestic violence occurs.

Article 26 A personal safety protective order shall be granted by the people's court in the form of ruling.

Article 27 A personal safety protective order shall be granted based on the following conditions:

(1) There is a specific respondent.

(2) There is a specific request.

(3) There are circumstances of suffering domestic violence or facing the real danger of domestic violence.

Article 28 The people's court shall, upon acceptance of an application, grant a personal safety protective order or dismiss the application within 72 hours; or do so within 24 hours in emergency.

Article 29 A personal safety protective order may include the following measures:

(1) Prohibiting the respondent from committing domestic violence.

(2) Prohibiting the respondent from harassing, stalking, contacting the applicant and the relevant closed relatives thereof.

申请人居住地、家庭暴力发生地的基层人民法院管辖。

第二十六条 人身安全保护令由人民法院以裁定形式作出。

第二十七条 作出人身安全保护令，应当具备下列条件：

（一）有明确的被申请人；

（二）有具体的请求；

（三）有遭受家庭暴力或者面临家庭暴力现实危险的情形。

第二十八条 人民法院受理申请后，应当在七十二小时内作出人身安全保护令或者驳回申请；情况紧急的，应当在二十四小时内作出。

第二十九条 人身安全保护令可以包括下列措施：

（一）禁止被申请人实施家庭暴力；

（二）禁止被申请人骚扰、跟踪、接触申请人及其相关近亲属；

(3) Ordering the respondent to move out of the applicant's residence.

(4) Other measures to protect the applicant's personal safety.

Article 30 A personal safety protective order shall be valid for not more than six months, commencing from the date when it is granted. Before a personal safety protective order expires, the people's court may, upon application, cancel, modify or extend the order.

Article 31 Where the applicant has any objection to the dismissal of application or the respondent has any objection to the personal safety protective order, the applicant or respondent may, within five days from the date when the ruling takes effect, apply to the people's court rendering the ruling for a reconsideration. Where the people's court grants a personal safety protective order in accordance with the law, the enforcement of the personal safety protective order shall continue during the reconsideration period.

Article 32 The people's court shall, after granting a personal safety protective order, serve it on the applicant, the respondent, the public security organ, residents' committee or villagers' committee, and other relevant organizations. The personal safety protective order shall be enforced by the people's court, with the assistance of the public security organ, and residents' committee or villagers' committee, among others.

Chapter V Legal Liability

Article 33 Where the domestic violence committed by the inflicter constitutes a violation of public security administration, the inflicter shall be subject to public security administration punishment in accordance with the law; and if the domestic violence constitutes a crime, the inflicter shall be subject to criminal liability in accordance with the law.

(三) 责令被申请人迁出申请人住所；

(四) 保护申请人人身安全的其他措施。

第三十条 人身安全保护令的有效期不超过六个月，自作出之日起生效。人身安全保护令失效前，人民法院可以根据申请人的申请撤销、变更或者延长。

第三十一条 申请人对驳回申请不服或者被申请人对人身安全保护令不服的，可以自裁定生效之日起五日内向作出裁定的人民法院申请复议一次。人民法院依法作出人身安全保护令的，复议期间不停止人身安全保护令的执行。

第三十二条 人民法院作出人身安全保护令后，应当送达申请人、被申请人、公安机关以及居民委员会、村民委员会等有关组织。人身安全保护令由人民法院执行，公安机关以及居民委员会、村民委员会等应当协助执行。

第五章 法律责任

第三十三条 加害人实施家庭暴力，构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 34 Where the respondent's violation of the personal safety protective order constitutes a crime, the respondent shall be subject to criminal liability in accordance with the law; and if the violation is not serious enough to constitute a crime, the people's court shall reprimand the respondent, and may, according to the seriousness of circumstances, fine the respondent not more than 1,000 yuan or detain the respondent for not more than 15 days.

Article 35 Where any school, kindergarten, medical institution, residents' committee, villagers' committee, social work service institution, relief management institution, or welfare institution and the staff members thereof fail to report the case to the public security organ in accordance with the provisions of Article 14 of this Law, which results in serious consequences, the competent authority at the higher level or the aforesaid entity itself shall punish the directly responsible persons in charge and other directly liable persons in accordance with the law.

Article 36 The state functionaries bearing anti-domestic violence duties who neglect duties, abuse power, practice favoritism or make falsification shall be punished in accordance with the law; and if the act constitutes a crime, the offender shall be subject to criminal liability in accordance with the law.

Chapter VI Supplementary Provisions

Article 37 This Law shall apply, mutatis mutandis, to the violence inflicted between those living together who are not family members.

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

第三十四条 被申请人违反人身安全保护令，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，人民法院应当给予训诫，可以根据情节轻重处以一千元以下罚款、十五日以下拘留。

第三十五条 学校、幼儿园、医疗机构、居民委员会、村民委员会、社会工作服务机构、救助管理机构、福利机构及其工作人员未依照本法第十四条规定向公安机关报案，造成严重后果的，由上级主管部门或者本单位对直接负责的主管人员和其他直接责任人员依法给予处分。

第三十六条 负有反家庭暴力职责的国家工作人员玩忽职守、滥用职权、徇私舞弊的，依法给予处分；构成犯罪的，依法追究刑事责任。

第六章 附则

第三十七条 家庭成员以外共同生活的人之间实施的暴力行为，参照本法规定执行。

第三十八条 本法自 2016 年 3 月 1 日起施行。

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