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Protection of the Rights of Children Affected by Domestic Violence in China

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Abstract. Child domestic violence remains a significant challenge in China, where many cases fail to receive timely protection despite the establishment of legal mechanisms such as mandatory reporting and personal safety protection orders. The major problem is not merely the existence of abuse, but the gap between legal recognition and effective intervention caused by uncertainty about certain forms of domestic violence, uneven implementation of reporting responsibilities, insufficient professional training, inadequate public awareness, and weak institutional coordination. This article examines the deficiencies of China's child protection framework through legislative, public awareness, enforcement, and judicial perspectives, using comparative analysis of child protection systems in selected European countries. Based on these comparisons, this article proposes three targeted reforms. First, China should establish a graduated accountability mechanism for failure to fulfil mandatory reporting obligations. Second, compulsory training programmes should be introduced for relevant individuals and bodies to improve early identification, evidence preservation, and trauma-informed responses. Third, China should strengthen institutional coordination by developing a national child domestic violence database and integrating protection mechanisms into the existing 110 emergency system. These reforms aim to transform China's current reactive protection model towards a preventive model, strengthening accountability, and ensuring more effective protection of children's rights.

Keywords: Child Domestic Violence, Mandatory Reporting, Child Protection System, Domestic Violence Law, Comparative Child Protection Law

1. Introduction

Child maltreatment, including physical, sexual, and psychological abuse and neglect, is a pervasive global issue occurring across family, institutional, and community settings. It causes substantial and often long-term harm to children's physical and mental development. A 2023 media report stated that, during the preceding decade, at least 1,006 cases of family abuse against minors had appeared in media reports or legal proceedings, including 448 child deaths [1]. These documented cases indicate serious harm but are not a nationally representative prevalence estimate. A media-reported case in Hengyang, Hunan, further illustrates repeated abuse of a young child by her biological father [2].

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Current approaches to addressing child domestic violence can be discussed through three broad perspectives. The first advocates a child-centred framework under which prompt state intervention is necessary when children face serious harm. Article 19 of the Convention on the Rights of the Child requires States parties to take legislative, administrative, social and educational measures against violence, abuse and neglect, including prevention, identification, reporting and follow-up [3]. Under this approach, failures within governmental, educational and supervisory institutions are treated as barriers to effective protection.

The second perspective emphasises family integrity and the need to minimise additional harm caused by protective interventions. Casey Family Programs notes that investigations, removal and placement may themselves be traumatic for children and families, and recommends trauma-informed casework and support that enables children to remain safely at home where possible [4]. This position calls for proportionate intervention rather than withholding protection when a child faces serious danger.

The third perspective advocates well-resourced, family-centred systems that provide early support to prevent avoidable family separation. A report commissioned by SOS Children's Villages links separation risks to violence, economic hardship and insufficient family support, and calls for stronger preventive services [5]. For the present study, the operational question is how these longer-term services can be connected with immediate reporting and protective action when a child is in danger.

Existing scholarship addresses child protection, family autonomy and preventive services, but often treats these issues separately. Less attention is given to how reporting duties, frontline responses and judicial safeguards can operate together when a child faces immediate danger. To address this gap, this article first identifies problems in China's current framework, then compares selected foreign mechanisms and develops proportionate recommendations for domestic implementation. The comparison focuses on workable institutional arrangements rather than wholesale transplantation of other legal systems.

2. The situation of child domestic violence in China

2.1. Evidence of child domestic violence

Child maltreatment is a central child protection concern, including when it occurs within familial settings [6]. Article 2 of China's Anti-Domestic Violence Law identifies both physical and psychological forms of harm, including recurrent verbal abuse and intimidation [7]. The 2023 report cited above recorded 1,006 publicly documented cases and 448 deaths. It also described 101 intrafamilial child sexual abuse cases drawn from judicial documents, with more than 70% involving guardians, including 55 cases involving stepfathers and 28 involving biological fathers [1]. These case collections describe documented abuse rather than its national prevalence. Separately, a 2015 systematic review of 68 studies estimated that 26.6% of children under 18 had experienced physical abuse and 19.6% emotional abuse in China [6]. The review covers child maltreatment more broadly and should not be read as a current estimate confined to domestic violence.

Reported cases alone cannot establish the full prevalence of child domestic violence, especially where children depend on caregivers and face barriers to seeking assistance. Evidence concerning domestic violence among all household members should therefore be distinguished from evidence specific to minors. The combination of documented cases and reported difficulties in accessing legal

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remedies nevertheless indicates substantial barriers to disclosure, identification and formal intervention.

A Beijing case analysis covered publicly available decisions from 1 March 2016 to the end of February 2021, identifying 320 judgments and 175 personal safety protection order rulings. Among the judgment sample, 206 cases explicitly raised domestic violence claims, 74 received a clear judicial response and 20 were recognised as domestic violence [8]. These figures concern selected Beijing cases involving household members generally, rather than a national sample of child victims. They nevertheless illustrate evidentiary and recognition difficulties relevant to child protection. National household statistics and local court samples cannot be directly compared to calculate the number of children requiring intervention.

2.2. Legislative and institutional problems

2.2.1. Legislative problems

China has developed a child protection system involving multiple institutions, whose implementation has been examined in existing research [9]. Article 1042 of the Civil Code prohibits domestic violence [10], while the Anti-Domestic Violence Law provides police response, temporary shelter and personal safety protection orders [7]. Article 17 of the Law on the Protection of Minors prohibits guardians from abusing, abandoning or committing domestic violence against minors [11]. Under Article 23 of the Anti-Domestic Violence Law, close relatives, public security organs and specified organisations may apply for protection orders on behalf of persons who cannot apply themselves, including minors lacking full civil capacity [7]. Civil affairs departments have temporary guardianship responsibilities in circumstances specified by Article 92 of the Law on the Protection of Minors [11], and courts may revoke guardianship under Article 36 of the Civil Code where the statutory conditions are met [10].

Article 11 of the Law on the Protection of Minors imposes immediate reporting duties on specified institutions and personnel who discover actual or suspected harm or other dangerous circumstances. Article 117 provides disciplinary consequences when failure to report causes serious consequences, and Article 130 preserves criminal responsibility where an offence is constituted [11]. The 2020 interdepartmental opinions further set out reporting procedures and institutional responsibilities [12]. The remaining issue is therefore clearer operational guidance, consistent implementation and proportionate accountability, rather than the complete absence of legal duties.

2.2.2. Enforcement problems

A study released in 2021 by Save the Children and the Beijing Normal University China Philanthropy Research Institute examined the implementation of mandatory reporting. Fieldwork between August and December 2020 covered selected localities in Yunnan, Hunan, Guangdong and Anhui, collecting 360 questionnaires, interviewing 51 people and analysing 18 cases. Approximately 45% of surveyed social workers and 30% of community child welfare officers had not heard of the system, while 18% and 26%, respectively, reported understanding it or being very familiar with it [13]. These are sample findings, not nationally representative rates, and cannot support estimates of how many social workers nationwide lack knowledge or training. The State Council's 2023 report separately stated that procuratorial reviews of cases involving crimes against minors had identified nearly 3,000 instances in which reporting should have occurred but did not [14]. Together, the findings support closer attention to frontline awareness and the follow-up of reporting failures.

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Children may find it difficult to disclose domestic violence because they depend on caregivers and have limited access to independent assistance. Case-based accounts describe dependence, family pressure and difficulties obtaining outside intervention [1]. These barriers support the need for accessible reporting channels, although the available material does not establish a current national child-to-police reporting rate.

At the frontline level, available case-based accounts point to inconsistent use of formal protective measures. However, figures drawn from different localities or types of cases should not be treated as nationally representative. The relevant implementation questions are whether responding officers identify children at risk, preserve evidence, connect families with child welfare services and pursue formal protective procedures where legally justified. The 2020 mandatory reporting opinions provide a basis for connecting frontline reports with investigation and protective responses [12].

2.2.3. Judicial insufficiencies

Judicial protection requires separate attention to access to personal safety protection orders, intervention in guardianship arrangements and the availability of child-specific case statistics. China has mechanisms for protection orders and guardianship intervention, but aggregate figures for domestic violence do not necessarily reveal how often children obtain those measures. Publishing appropriately anonymised, disaggregated indicators would make it easier to evaluate accessibility and implementation without equating low observed figures with proof of judicial inaction. Existing statutory remedies and national implementation reporting provide a starting point for that evaluation [7, 11, 14].

2.3. Causes of child domestic violence in China

2.3.1. Parental factors

Parents occupy a dual role as educators and caregivers. Effective discipline should guide behaviour and support children's developing self-regulation; the American Academy of Pediatrics recommends positive discipline and advises against corporal punishment [15]. Caregivers also provide nurturing, security and support. WHO identifies difficulties in bonding, lack of nurturing and poor impulse control among possible risk factors for maltreatment [16]. The tension between guiding behaviour and responding emotionally may therefore be relevant to harmful disciplinary practices, but an asserted educational purpose does not make hitting a child safe or legitimate.

Parental stress and beliefs about corporal punishment are relevant to the risk of harmful discipline. Crouch and Behl examined how belief in corporal punishment moderates the association between parenting stress and physical child abuse potential [17]. A study of 853 Colombian parents examined the moderating role of stress in the relationship between corporal punishment beliefs and reported use [18]. These studies support attention to parental beliefs and stress, while their samples and outcomes should not be treated as direct estimates of domestic violence in China. WHO also identifies poor impulse control as a possible caregiver risk factor [16].

Limited knowledge of child development and insufficient access to non-violent parenting support may contribute to harmful discipline. WHO recommends caregiver support and positive parenting skills as part of prevention [16]. Its European report also places maltreatment within a broader context of socioeconomic disadvantage and prevention needs [19]. These sources support education and family support, but do not justify attributing specific education-level findings to the study by Crouch and Behl, which examined stress and corporal punishment beliefs.

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2.3.2. Cultural factors

Cultural acceptance of harsh discipline may shape how violence against children is understood and challenged. Qiao and Chan examined social understandings of child abuse in Mainland China and argued for stronger recognition of the issue as a child protection concern [20]. Historical narratives of filial obedience can illustrate attitudes towards parental authority, but they do not by themselves establish contemporary prevalence or a causal relationship between culture and domestic violence. The relevant policy question is how to promote respect for children's rights while supporting non-violent parenting.

Research associates attitudes accepting violence with the endorsement and use of harsh discipline. A cross-cultural study examined relationships between corporal punishment norms and societal violence [21], while a study in 25 low- and middle-income countries linked attitudes justifying domestic violence with endorsement of corporal punishment and aggression towards children [22]. In a Chinese study of parents of preschool children, 23.4% either reported that they would use physically violent discipline or did not rule it out [23]. This is a measure of stated intentions in the study sample, not the proportion of all Chinese parents who commit domestic violence. These findings support preventive work on parenting attitudes without establishing a single cultural cause of abuse.

Overall, China's legal framework provides reporting and protection mechanisms, but their effectiveness depends on clear guidance, trained personnel, coordinated responses and reliable child-specific evidence. Family and cultural factors may shape the risk of violence and willingness to seek help; they do not, by themselves, establish a single causal explanation or replace the need for institutional reform.

Parental stress, attitudes towards corporal punishment and access to non-violent parenting support may interact as risk factors. These associations help explain why preventive family services should complement rather than substitute for legal protection.

3. Comparative analysis

Comparative analysis can identify transferable legal and institutional mechanisms without assuming that foreign systems are free from implementation problems. The European Commission's recommendation on integrated child protection systems calls for stronger coordination, professional capacity and prevention, indicating that legal frameworks require effective institutional support [24]. The following sections compare selected mechanisms rather than rank countries by their protection outcomes.

The comparison uses a common set of dimensions: legal duties, implementation and reporting mechanisms, judicial protection, and implications for China. France, Germany and the United Kingdom are examined as distinct national jurisdictions. European Union measures are discussed separately as a supranational framework whose implementation depends on Member States.

3.1. France

3.1.1. Legislative and legal obligations

France's 2019 law added a rule to Article 371-1 of the Civil Code requiring parental authority to be exercised without physical or psychological violence [25]. Separately, Article 434-3 of the Penal Code addresses failure to report known deprivation, ill-treatment or sexual abuse affecting minors or

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other persons unable to protect themselves. It provides up to three years' imprisonment and a fine of €45,000, rising to five years and €75,000 for offences against children under fifteen. The article includes an exception concerning persons bound by professional secrecy unless the law provides otherwise [26]. These penalties concern criminal non-reporting, not every breach of the civil prohibition of corporal punishment.

3.1.2. Public awareness and prevention

Public information provides an accessible route from concerns about abuse to protective services. France's official Service Public guidance explains how a child or a person concerned about a child can report danger, including physical and psychological violence. It directs callers to the free, confidential 119 child helpline, available around the clock, and to departmental child protection services [27]. This provides a concrete model for publicising reporting pathways and connecting disclosures with assessment.

3.1.3. Judicial protection and specialized case handling

France combines judicial child protection with specialised coordination mechanisms. The official guidance on the juge des enfants explains that a judge may order educational assistance, family support or placement when a minor is in danger [28]. Decree No. 2023-1077 established specialised domestic violence units in judicial courts and courts of appeal, effective from 1 January 2024, with arrangements for coordination between judicial actors and external partners [29]. These mechanisms illustrate the connection between ongoing child protection decisions and coordinated handling of intrafamilial violence. Their existence alone does not establish uniform effectiveness in every case.

3.1.4. Implications for China

For the purposes of this comparison, the relevant feature of the French approach is its emphasis on legal protection of children alongside reporting and judicial intervention. Broad cultural characterisations are not treated as direct evidence of enforcement effectiveness [25-29].

3.2. Germany

3.2.1. Legislative and legal obligations

Germany's legal framework prohibits violence in upbringing and provides judicial measures for endangered children. Section 1631(2) of the Civil Code (BGB) recognises a child's right to care and upbringing without violence, corporal punishment, psychological injury or other degrading measures [30]. Article 1 of the Basic Law protects human dignity and binds state authorities to fundamental rights [31]. The Federal Statistical Office publishes statistics on child welfare risk assessments [32], while Section 8a of Social Code Book VIII sets out the youth welfare office's protection responsibilities [33]. Section 1666 BGB permits family-court measures where a child's welfare is endangered and the parents are unwilling or unable to avert the danger [30]. Section 4 KKG governs consultation and information-sharing by specified professionals and provides for prompt notification by healthcare professionals where urgent danger requires youth welfare intervention [34]. This should not be described as a uniform criminal reporting duty applying to everyone.

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3.2.2. Public awareness and prevention

Prevention in Germany is linked to child and youth welfare services. Section 16 of Social Code Book VIII provides for family education, counselling and support, while Section 8a addresses risk assessment and necessary protective action [33]. These measures connect parenting assistance with the identification of threats to children's welfare. They provide a more relevant basis for discussing German prevention than the NSPCC, which is a UK organisation.

3.2.3. Judicial protection and case statistics

Germany's child protection framework connects welfare assessment, urgent protective action and family-court intervention. Section 42 of Social Code Book VIII provides for taking a child into protective custody in specified circumstances, including urgent danger [33]. Under Section 1666 BGB, the family court may order access to assistance, impose residence or contact restrictions, or partially or fully withdraw parental custody where necessary to avert danger [30]. Federal statistics record assessments under Section 8a SGB VIII; the 2024 statistical report describes assessed risks and the situation of affected children and young people [35]. Such administrative risk assessments must be distinguished from criminal convictions and court protection orders.

3.2.4. Implications for China

Germany combines a statutory right to non-violent upbringing with youth welfare assessments and family-court measures when a child's welfare is endangered. The point of comparison for China is the connection between early welfare intervention, documented risk assessment and proportionate judicial action [30, 33].

3.3. United Kingdom

3.3.1. Legislative and legal obligations

The legal position on corporal punishment differs across the United Kingdom. Scotland removed the defence of reasonable chastisement, with all physical punishment of children unlawful from 7 November 2020 [36]. Wales removed the defence of reasonable punishment from 21 March 2022, giving children the same protection from assault as adults [37]. These reforms must not be presented as a single UK-wide prohibition or as proof that domestic violence has already declined by a specified amount.

3.3.2. Public awareness and prevention

Public awareness campaigns form part of the United Kingdom's safeguarding work. On 17 November 2020, the Home Office launched "Something's Not Right" in cooperation with charities including the NSPCC, Barnardo's and The Children's Society. The campaign aimed to help young people in England recognise abuse, disclose concerns and access support through Childline [38]. The NSPCC also provides safeguarding guidance, training and resources for organisations working with children [39]. These sources establish the existence and aims of the initiatives, rather than prove their effect on abuse rates.

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3.3.3. Judicial protection and statistical monitoring

In England and Wales, police safeguarding guidance addresses the investigation of child abuse and the protection of children [40]. The Crown Prosecution Service reviews and prosecutes criminal cases investigated by police and other bodies [41]. Section 31 of the Children Act 1989 provides for care and supervision orders where statutory conditions concerning significant harm are met, while Section 46 provides police protection powers [42]. The Ministry of Justice publishes statistics on domestic violence remedy orders [43]. These remedy-order statistics are not a comprehensive count of child domestic violence cases; their geographic and substantive scope must be distinguished from wider UK child protection data.

3.3.4. Implications for China

The United Kingdom illustrates the value of linking reporting guidance and public information to specialised safeguarding and family-court procedures. The legal position on physical punishment must nevertheless be distinguished among England, Scotland, Wales and Northern Ireland [39, 42, 38].

3.4. European Union

3.4.1. Legislative and legal obligations

EU law establishes minimum criminal standards for specified forms of child sexual abuse and exploitation while leaving implementation to national systems. Directive 2011/93/EU addresses criminal offences, investigation and prosecution, and the reporting of suspected sexual abuse or exploitation under Articles 15 and 16 [44]. It does not establish a comprehensive definition of every form of child maltreatment or a uniform EU-wide criminal penalty for professionals who fail to report suspected abuse. National reporting arrangements therefore require separate examination.

3.4.2. Enforcement and governance

EU-level child protection relies on coordination and national implementation. Commission Recommendation (EU) 2024/1238 encourages integrated child protection systems, cooperation among relevant authorities and services, professional capacity and improved data collection [24]. It is a recommendation supporting national systems, rather than a directly administered EU child protection service. Member States remain responsible for operating their welfare, police and judicial mechanisms.

3.4.3. Judicial protection and specialized case handling

The EU does not operate a unified child protection court system. Directive 2012/29/EU establishes minimum standards for victims of crime, including individual assessment of protection needs and specific safeguards for child victims during criminal proceedings. Article 24 addresses recorded interviews, representation where necessary and access to legal advice under the applicable conditions; Article 13 links legal aid to the conditions and procedural rules of national law [45]. Prosecution and protective decisions remain matters for the competent national authorities.

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3.4.4. EU-level principles and national implementation

The EU child protection framework is grounded in children's rights and the principle that their best interests are a primary consideration in decisions affecting them [46]. This principle guides protection and requires attention to children's safety, participation and procedural rights; it should not be interpreted as automatically overriding every other right or legal safeguard. The recommendation on integrated systems further links this rights framework with national implementation [24].

3.5. Comparative summary and implications for China

Based on the comparative analysis above, the following table summarises the key child protection mechanisms adopted by China, France, Germany, the United Kingdom, and the European Union across legislation, reporting mechanisms, public awareness, enforcement and judicial protection.

Table 1. Comparison of selected child protection mechanisms

Dimension	France	Germany	United Kingdom	European Union
Legal duty	Prohibits parental violence; defined criminal non-reporting provisions [25, 26]	Right to non-violent upbringing under BGB §1631(2) [30]	Distinct rules across UK nations; safeguarding duties [36, 37, 42]	EU-level standards; national law governs most enforcement [44, 45]
Reporting / implementation	Child helpline 119 and reporting to competent authorities [27]	Youth welfare offices assess risk and coordinate services [33, 34]	Safeguarding guidance, public campaigns and designated services [39, 38]	Member States implement reporting and protection measures [24]
Judicial protection	Family/juvenile judges and specialised coordination units [28, 29]	Family courts may act under BGB §1666 [30]	Family courts and criminal justice agencies [42, 41]	National courts implement relevant national and EU obligations [45]
Relevance to China	Clarify reporting thresholds and referral pathways	Connect welfare assessment to court intervention	Develop child-sensitive reporting and evidence practice	Improve cross-agency standards and anonymised data

The comparison links reporting accountability, frontline response and judicial protection to the three reform priorities addressed in Section 4. The European Union is considered a standards-setting framework, not a single national enforcement system.

4. Recommendations for improving child protection in China

The recommendations below build on China's existing child protection framework and focus on clearer reporting accountability, effective frontline intervention and accessible judicial remedies. Measures drawn from other jurisdictions require adaptation to Chinese law and administrative arrangements.

The comparison identifies three connected implementation questions: how reporting duties are enforced, how professionals identify and escalate suspected abuse, and how courts and welfare agencies coordinate protective action. The recommendations follow these three issues.

Based on the preceding comparative analysis, China should move from a fragmented and reactive model of child protection toward a more child-centred system. The experiences of France, Germany,

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the United Kingdom, and the European Union suggest that an effective child protection system should not rely solely on punishment after serious harm has occurred.

4.1. Clarifying legal liability in legislation

4.1.1. Implementing a mandatory reporting system

China should further clarify the implementation of legal responsibility for failure to report suspected child domestic violence. Articles 11 and 117 of the Law on the Protection of Minors already establish reporting duties and disciplinary consequences for failures causing serious consequences [11]. The reform question is how to make thresholds, procedures and accountability more operational. France's Article 434-3 offers a comparison involving a defined criminal non-reporting offence, subject to its statutory conditions and exceptions [26].

4.1.1.1. Graduated liability framework

China could establish a graduated system of legal liability based on the reporting person's degree of fault, the information available at the time, the seriousness of the omission, and the foreseeable risks arising from the failure to report. Liability could be differentiated into three categories: ordinary negligence, gross negligence, and deliberate concealment. Where a failure to report results from procedural unfamiliarity, minor negligence, or an error of judgment without significantly increasing the risk to the child, measures such as warnings, supplementary training, corrective orders, or internal disciplinary sanctions may be appropriate. For professionals with statutory safeguarding responsibilities, including teachers, medical practitioners, social workers and child welfare officers, administrative sanctions, professional disciplinary measures, suspension of professional qualifications or other occupational sanctions may be imposed where they possessed sufficient information to lead a reasonable professional to suspect that a child was being abused but failed to report the case because of gross negligence. Where an individual knowingly, or on reasonable grounds, believes that a child is suffering serious abuse but deliberately conceals the abuse, prevents others from reporting, destroys relevant evidence, or repeatedly refuses to fulfil the reporting obligation after receiving an official warning, more severe legal sanctions should be available.

In developing such a framework, China may draw upon Article 434-3 of the French Penal Code, which makes knowledge of specified abuse central to its non-reporting offence and includes a professional-secrecy exception unless otherwise provided by law [26]. China should not simply replicate that model. Any proposed expansion of criminal liability would require legislation and careful assessment of culpability, reporting opportunity and the relationship between the omission and harm. Where liability is tied to a harmful outcome, a legally sufficient causal connection should be required. These are proposed design criteria rather than a description of an existing general Chinese offence of non-reporting.

4.1.1.2. Clear thresholds for criminal liability

Article 117 of the Law on the Protection of Minors provides disciplinary consequences for reporting failures causing serious consequences, and Article 130 addresses criminal liability where an offence is constituted [11]. Serious injury or death may nevertheless result from sudden violence that a reporting person could not reasonably have foreseen or prevented. If China were to introduce or

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expand a specific outcome-based criminal liability framework, it should consider the following proposed conditions:

(1) the reporting person knew, or had reasonable grounds to believe, that the child faced a serious and imminent risk of harm;

(2) the reporting person was under a clear legal duty and had a realistic opportunity to report;

(3) the failure to report was intentional or constituted gross negligence;

(4) timely reporting would have been reasonably capable of preventing or mitigating the harm;

(5) a substantial causal connection exists between the omission and the serious injury ultimately suffered by the child.

4.1.2. Identifying psychological and emotional abuse

China should develop more child-specific operational guidance for recognising psychological and emotional abuse. Article 2 of the Anti-Domestic Violence Law already includes psychological harm [7], and Article 3 of the Supreme People's Court's 2022 protection-order provisions further identifies recurrent insults, defamation, threats, stalking and harassment [47]. The remaining task is to clarify how these categories apply to children, including severe intimidation, emotional rejection and patterns of coercive conduct. Guidance should distinguish the threshold for reporting suspected harm from the evidentiary requirements for particular judicial measures. At the initial reporting stage, professionals should not wait for proof of permanent psychological damage before fulfilling existing reporting duties [11].

China may draw upon the approach adopted in England and Wales under the Children Act 1989, which focuses not only on completed harm but also on whether a child is suffering or is likely to suffer "significant harm". The concept of harm under the Act includes impairment of a child's physical or emotional development, allowing authorities to intervene where emotional abuse creates a serious risk to the child's welfare even without visible physical injury [42]. A similar risk-based approach could be incorporated into the Law on the Protection of Minors.

4.2. Strengthening enforcement capacity

Although clarifying legal standards and reporting obligations is essential, the effective protection of children from domestic violence ultimately depends on whether these legal mechanisms can be properly implemented in practice.

4.2.1. Improving public awareness

China should strengthen public awareness and reduce social tolerance of corporal punishment. A major barrier to reporting is the widespread perception that physical discipline is a private family matter. Public education should emphasize that children are independent rights-holders and that violence cannot be justified as a form of discipline.

Drawing on the experiences of France and Germany, public campaigns should communicate three key messages: violence against children is unlawful, suspected abuse should be reported, and non-violent parenting methods are effective alternatives. These campaigns should be delivered through schools, community centres, hospitals, online platforms, and parenting programmes. Public awareness is not merely a supplementary policy measure. It is essential to changing social attitudes and ensuring that hidden cases of domestic violence are identified and addressed through legal mechanisms.

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4.2.2. Child-sensitive evidence and reporting

Domestic violence often occurs in private family settings, making disclosure and evidence collection difficult, especially for children. China's existing protection-order provisions already recognise a range of evidence and a standard tailored to protective proceedings [47]. The practical task is to ensure that these rules are applied in a child-sensitive manner, rather than assume that only direct physical evidence can support intervention. Children should be helped to disclose safely and professionals should preserve relevant records without unnecessarily repeating distressing interviews.

Article 6 of the Supreme People's Court's 2022 provisions lists evidence such as police records, medical records, messages, audiovisual materials and statements received by relevant organisations, and permits a protection order where the existence of violence or its immediate risk is sufficiently likely [47]. Child-specific guidance could explain how school observations, appropriately obtained psychological assessments and consistent accounts contribute to that assessment. Such material should be evaluated cumulatively and fairly, without treating any behavioural change as conclusive proof of abuse. Reporting, protective proceedings and criminal conviction must retain their distinct legal thresholds.

Third, China should make reporting channels more accessible and child-sensitive. France's 119 service illustrates the value of a well-publicised route connecting concerns with assessment and protection [27]. For China, this article recommends improving child-specific intake and referral within existing channels, including the 110 emergency system, while linking schools, hospitals, police, civil affairs departments and women's federations. Clear referral procedures would reduce the risk that a report ends without follow-up.

Finally, any strengthening of legal liability should be accompanied by a good-faith reporting immunity. Professionals should not be discouraged from reporting suspected abuse because of concerns about legal repercussions if their suspicions ultimately prove unfounded. Where a report is made honestly and on the basis of reasonable suspicion for the purpose of protecting a child, the reporting person should be exempt from civil, administrative and professional liability. Such immunity should not, however, extend to malicious or knowingly false reports.

4.2.3. Strengthening professional training

Second, China should strengthen professional training for frontline personnel. The 2021 survey identified gaps in knowledge of mandatory reporting among sampled social workers and community child welfare officers [13]. This problem directly weakens early detection and institutional response. Therefore, regular and compulsory training should be provided to teachers, doctors, police officers, social workers, community workers and child welfare officers. The training should include identification of physical and psychological signs of abuse, reporting procedures, evidence preservation, trauma-informed communication with children, and inter-agency referral. Such professionalization would help prevent child domestic violence cases from being treated merely as "family disputes".

In addition, greater attention should be given to the role of the public security system in responding to cases of child domestic violence. As children often lack the capacity to seek help independently and may have limited access to judicial or social service institutions in emergencies, the 110-emergency hotline is likely to be the first point of contact they think of and the most direct channel through which they can obtain immediate state protection. China could strengthen the existing 110 emergency response system by introducing specialized procedures for handling child

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domestic violence cases. For example, China could develop specific call-handling guidelines, and emergency operators should receive specialized training to identify indicators of child abuse, conduct risk assessments, and initiate immediate protective measures.

4.3. Judicial protection and data transparency

4.3.1. Judicial remedies and child-specific statistics

Judicial protection should become more specialized and child-centred. At present, personal safety protection orders and guardianship revocation mechanisms exist in China, but they are not sufficiently tailored to children's needs.Courts should be encouraged to issue child-specific protection orders, including prohibitions on contact, restrictions on residence, supervised visitation, psychological counselling orders and temporary placement arrangements.

4.3.2. Child-specific data and transparency

Secondly, China should establish a transparent national database on child domestic violence. At present, available data often combines adult domestic violence, child abuse and general family disputes, making it difficult to evaluate how effectively the law protects minors. China should collect and publish disaggregated data on reports, police warnings, mandatory reporting cases, temporary placements, personal safety protection orders, guardianship revocation, prosecutions and case outcomes involving child victims. Such data should be categorized by age, gender, relationship to perpetrator, form of violence and institutional response. The European Union's emphasis on comparable data and evidence-based policymaking demonstrates that statistical transparency is not merely administrative; it is essential for identifying institutional failures and designing targeted reforms.

5. Conclusion

Child domestic violence remains a serious child protection concern in China. The existing legal framework includes the Anti-Domestic Violence Law, the Law on the Protection of Minors, mandatory reporting mechanisms and personal safety protection orders. The evidence reviewed here indicates gaps between legal recognition and practical protection, although media case collections, local court samples and regional surveys cannot establish a current national prevalence rate.

The limitations of the current system can be identified in three areas. First, at the legislative level, although institutions and professionals are required to report suspected child abuse, the application of consequences for non-compliance remains uneven, weakening the deterrent effect of mandatory reporting. France provides a defined criminal non-reporting offence, subject to statutory exceptions, whereas China provides disciplinary measures and, where a separate crime is constituted, potential criminal liability. Second, at the enforcement level, child protection is hindered by limited professional capacity and public awareness. The reviewed regional survey suggests that a proportion of social workers and child welfare officers lack knowledge of the mandatory reporting system. Third, at the judicial level, the absence of a transparent and specialised database on child domestic violence limits the evaluation of institutional performance and the development of targeted protection strategies.

To address these problems, China should adopt three targeted reforms. First, legislation should establish a graduated accountability system for failure to report, distinguishing ordinary negligence,

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serious negligence, and deliberate concealment, with proportionate disciplinary or administrative measures and criminal liability where existing law provides for it. Second, China should strengthen frontline capacity by introducing compulsory training programmes for teachers, doctors, police officers, social workers, and child welfare officers, covering abuse identification, evidence preservation, trauma-informed communication, and referral procedures. Third, China should improve judicial coordination by creating a national child domestic violence database and strengthening child-specific mechanisms within the existing 110 emergency system, rather than creating an entirely new hotline.

These reforms would not only improve early detection and intervention but also create a more integrated child protection system. By combining clearer legal responsibility, professional enforcement, and evidence-based judicial decision-making, China can move from a reactive model that responds after severe harm occurs towards a preventive framework centred on the best interests and long-term development of children.

References

[1] Wu, X. (2023, June 5). If the harm comes from family. *Xinmin Weekly*. https: //www.ecnu.edu.cn/info/1426/63862.htm

[2] China Newsweek. (2025, July 29). Girl subjected to long-term abuse: Biological father sentenced to one year and eight months. *Guangming Online*. https: //m.gmw.cn/2025-07/29/content_1304096453.htm

[3] United Nations. (1989, November 20). Convention on the rights of the child, articles 3, 18 and 19. *UNICEF*. https: //www.unicef.org/child-rights-convention/convention-text

[4] Casey Family Programs. (2025, March 7). How can investigation, removal, and placement processes be more trauma-informed. https: //www.casey.org/trauma-informed-process/

[5] SOS Children's Villages International. (2024, October 29). Children at risk of losing parental care worldwide amid systemic failures to support families, finds new report. https: //www.sos-childrensvillages.org/news/global-report-on-children-at-risk-of-losing-care

[6] Fang, X., Fry, D. A., Ji, K., Finkelhor, D., Chen, J., Lannen, P., & Dunne, M. P. (2015). The burden of child maltreatment in China: A systematic review. *Bulletin of the World Health Organization, 93*(3), 176–185C. https: //doi.org/10.2471/BLT.14.140970

[7] National People's Congress Standing Committee. (2015). Anti-domestic violence law of the People's Republic of China, Articles 2, 14, 15, 18, 23 and 29. Adopted 27 December 2015; effective 1 March 2016. https: //www.gov.cn/zhengce/2015-12/28/content_5029898.htm Accessed 9 October 2026.

[8] Beijing Daily. (2021, March 2). Five years after the anti-domestic violence law: Findings from a judicial big data report []. Reproduced by Beijing Political and Legal Affairs Network. https: //www.bj148.org/jdt/202103/t20210302_1600353.html Accessed 9 October 2026.

[9] Man, X., Barth, R. P., Li, Y.-E., & Wang, Z. (2017). Exploring the new child protection system in Mainland China: How does it work? *Children and Youth Services Review, 76*, 196–202. https: //doi.org/10.1016/j.childyouth.2017.03.012

[10] National People's Congress. (2020). Civil code of the People's Republic of China, Articles 36 and 1042. Adopted 28 May 2020; effective 1 January 2021. https: //www.moj.gov.cn/pub/sfbgw/zwgkztzl/2025nianzhuanti/2025mfdxcy/2025mfdxcy_mfdql/202505/t20250507_518708.html Accessed 9 October 2026.

[11] National People's Congress Standing Committee. (2020). Law of the People's Republic of China on the protection of minors, Articles 11, 17, 92, 117 and 130. Revised 17 October 2020; amended 26 April 2024. https: //gongbao.court.gov.cn/Details/84226b8c6617e656358391189d54de.html Accessed 9 October 2026.

[12] Supreme People's Procuratorate and eight other departments. (2020, May 29). Opinions on establishing a mandatory reporting system for cases of infringement against minors (Trial) []. https: //www.spp.gov.cn/spp/xwfbh/wsfbt/202005/t20200529_463482.shtml Accessed 9 October 2026.

[13] Save the Children and Beijing Normal University China Philanthropy Research Institute. (2021). Survey on the current situation of the mandatory reporting system for cases of infringement against minors in China. Findings released by the China Philanthropy Research Institute. https: //www.bnu1.org/show_2284.html Accessed 9 October 2026.

DOI: 10.54254/2753-7048/2026.38560

[14] Huang, X. (2023, September 6). Report of the State Council on anti-domestic violence work. Presented to the NPC Standing Committee on 28 August 2023; reproduced by Fujian Women's Federation News. https: //women.fjsen.com/2023-09/06/content_31402468.htm Accessed 9 October 2026.
[15] Sege, R. D., Siegel, B. S., Council on Child Abuse and Neglect, & Committee on Psychosocial Aspects of Child and Family Health. (2018). Effective discipline to raise healthy children. *Pediatrics, 142*(6), e20183112. https: //doi.org/10.1542/peds.2018-3112
[16] World Health Organization. (2026, May 8). Child maltreatment. https: //www.who.int/news-room/fact-sheets/detail/child-maltreatment Accessed 9 October 2026.
[17] Crouch, J. L., & Behl, L. E. (2001). Relationships among parental beliefs in corporal punishment, reported stress, and physical child abuse potential. *Child Abuse & Neglect, 25*(3), 413–419. https: //doi.org/10.1016/S0145-2134(00)00256-8
[18] González, M. R., & Trujillo, A. (2024). Examining the moderating role of parental stress in the relationship between parental beliefs on corporal punishment and its utilization as a behavior correction strategy among Colombian parents. *Children, 11*(4), 384. https: //doi.org/10.3390/children11040384
[19] Sethi, D., Bellis, M., Hughes, K., Gilbert, R., Mitis, F., & Galea, G. (Eds.). (2013). *European report on preventing child maltreatment*. WHO Regional Office for Europe. https: //iris.who.int/handle/10665/326375 Accessed 9 October 2026.
[20] Qiao, D. P., & Chan, Y. C. (2005). Child abuse in China: A yet-to-be-acknowledged "social problem" in the Chinese Mainland. *Child and Family Social Work, 10*(1), 21–27. https: //doi.org/10.1111/j.1365-2206.2005.00347.x
[21] Lansford, J. E., & Dodge, K. A. (2008). Cultural norms for adult corporal punishment of children and societal rates of endorsement and use of violence. *Parenting: Science and Practice, 8*(3), 257–270. https: //doi.org/10.1080/15295190802204843
[22] Lansford, J. E., Deater-Deckard, K., Bornstein, M. H., Putnick, D. L., & Bradley, R. H. (2014). Attitudes justifying domestic violence predict endorsement of corporal punishment and physical and psychological aggression towards children: A study in 25 low- and middle-income countries. *The Journal of Pediatrics, 164*(5), 1208–1213. https: //doi.org/10.1016/j.jpeds.2013.11.060
[23] Wang, H., Zhu, G., Chen, J., Lyu, L., & Dunne, M. (2020). Factors that influence Chinese parents' intentions to use physical violence to discipline their preschool children. *International Journal of Environmental Research and Public Health, 17*(5), 1787. https: //doi.org/10.3390/ijerph17051787
[24] European Commission. (2024). *Commission Recommendation (EU) 2024/1238 of 23 April 2024 on developing and strengthening integrated child protection systems in the best interests of the child*. https: //eur-lex.europa.eu/eli/reco/2024/1238/oj/eng Accessed 9 October 2026.
[25] French Republic. (2019). Law No. 2019-721 of 10 July 2019 on the prohibition of ordinary educational violence, Article 1. https: //www.legifrance.gouv.fr/jorf/id/JORFTEXT000038746663/ Accessed 9 October 2026.
[26] French Republic. Code pénal, Article 434-3. https: //www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037289453 Accessed 9 October 2026.
[27] Direction de l'information légale et administrative. Enfant en danger: comment le signaler? *Service Public*. Verified 13 September 2024. https: //www.service-public.gouv.fr/particuliers/vosdroits/F781 Accessed 9 October 2026.
[28] Direction de l'information légale et administrative. Comment le juge des enfants intervient-il pour protéger un mineur en danger? *Service Public*. Verified 26 August 2025. https: //www.service-public.gouv.fr/particuliers/vosdroits/F17777 Accessed 9 October 2026.
[29] French Republic. (2023). Decree No. 2023-1077 of 23 November 2023 establishing specialised domestic violence units within judicial courts and courts of appeal. Effective 1 January 2024. https: //www.legifrance.gouv.fr/jorf/id/JORFTEXT000048453110 Accessed 9 October 2026.
[30] Federal Republic of Germany. Bürgerliches Gesetzbuch (BGB), Sections 1631(2) and 1666. https: //www.gesetze-im-internet.de/bgb/BJNR001950896.html Accessed 9 October 2026.
[31] Federal Republic of Germany. (n.d.). *Grundgesetz (GG), Article 1*. https: //www.gesetze-im-internet.de/gg/art_1.html Accessed 9 October 2026.
[32] Statistisches Bundesamt. (2024). *Statistischer Bericht: Statistik über den Schutzauftrag bei Kindeswohlgefährdung, 2023*. https: //www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Kinderschutz/Publikationen/Downloads-Kinderschutz/statistischer-bericht-gefaehrdungseinschaetzungen-5225123237005.html Accessed 9 October 2026.
[33] Federal Republic of Germany. (n.d.). *Sozialgesetzbuch (SGB), Achtes Buch (VIII), Sections 8a, 16 and 42*. https: //www.gesetze-im-internet.de/sgb_8/BJNR111630990.html Accessed 9 October 2026.
[34] Federal Republic of Germany. (n.d.). *Gesetz zur Kooperation und Information im Kinderschutz (KKG), Section 4*. https: //www.gesetze-im-internet.de/kkg/__4.html Accessed 9 October 2026.

DOI: 10.54254/2753-7048/2026.38560

[35] Statistisches Bundesamt. (n.d.). *Statistischer Bericht: Statistik über den Schutzauftrag bei Kindeswohlgefährdung, 2024*. https: //www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Kinderschutz/Publikationen/Downloads-Kinderschutz/statistischer-bericht-gefaehrdungseinschaetzungen-5225123247005.html Accessed 9 October 2026.
[36] Scottish Government. (n.d.). *Children (Equal Protection from Assault) (Scotland) Act Factsheet: Easy read version*. https: //www.gov.scot/publications/children-equal-protection-assault-scotland-act-factsheet-easy-read/ Accessed 9 October 2026.
[37] Welsh Government. (2023, March 21). Written statement: One year on—ending physical punishment and the power of positive parenting. https: //www.gov.wales/written-statement-one-year-ending-physical-punishment-and-power-positive-parenting
[38] Home Office. (2020, November 17). Government leads national drive to protect victims of child abuse. https: //www.gov.uk/government/news/government-leads-national-drive-to-protect-victims-of-child-abuse
[39] NSPCC Learning. Safeguarding children and child protection. https: //learning.nspcc.org.uk/safeguarding-child-protection
[40] College of Policing. Investigating child abuse and safeguarding children. Authorised Professional Practice. https: //www.college.police.uk/app/major-investigation-and-public-protection/investigating-child-abuse-and-safeguarding-children
[41] Crown Prosecution Service. About CPS. https: //www.cps.gov.uk/about-cps
[42] United Kingdom. Children Act 1989, Sections 31 and 46. https: //www.legislation.gov.uk/ukpga/1989/41/contents
[43] Ministry of Justice. Domestic violence remedy orders. *Justice Data*. https: //data.justice.gov.uk/courts/family-courts/courts-family-domestic-violence Accessed 9 October 2026.
[44] European Parliament and Council. Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, Articles 15 and 16. 2011. https: //eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX: 32011L0093 Accessed 9 October 2026.
[45] European Parliament and Council. Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Articles 13, 22 and 24. 2012. https: //eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX: 32012L0029 Accessed 9 October 2026.
[46] European Union Agency for Fundamental Rights. Rights of the child. https: //fra.europa.eu/en/theme/rights-child Accessed 9 October 2026.
[47] Supreme People's Court. Provisions on several issues concerning the application of law in handling personal safety protection order cases, Articles 3 and 6. Effective 1 August 2022. https: //www.sdcourt.gov.cn/jningweisfy/385991/385992/9029220/index.html Accessed 9 October 2026.