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# 中华人民共和国反家庭暴力法

# Law of the People's Republic of China on Domestic Violence

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主席令第三十七号

Presidential Decree No. 37

《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。

The Anti-domestic Violence Law of the People's Republic of China, adopted at the 18th Session of the Standing Committee of the 12th National People's Congress on 27 December 2015, is hereby promulgated, effective on 1 March 2016.

中华人民共和国主席 习近平

President Xi Jinping

2015年12月27日

27 December 2015

中华人民共和国反家庭暴力法

Law of the People's Republic of China on Domestic Violence

（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）

(Adopted at the 18th Session of the Standing Committee of the 12th National People's Congress on 27 December 2015)

第一章 总则

Chapter 1 General Provisions

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 1 This Law is formulated in order to prevent and stop domestic violence, protect the legitimate rights and interests of family members, maintain equal, harmonious and civilized family relations, and promote family harmony and social stability.

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。

Article 2 For the purpose of this Law, domestic violence refers to physically or mentally injurious acts committed by a family member against another family member by the use of means such as beatings, restraints, cruel injuries, restrictions on personal freedom, and frequent verbal abuses and threats.

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。

Article 3 Family members shall help each other, care for each other, live in harmony, and perform family obligations.

反家庭暴力是国家、社会和每个家庭的共同责任。

Anti-domestic violence is the common responsibility of the country, society and every family.

国家禁止任何形式的家庭暴力。

The State prohibits any form of domestic violence.

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。

Article 4 Institutions in charge of women and children's affairs of people's governments at or above the county level shall be responsible for organizing, coordinating, guiding and urging relevant departments to effectively perform anti-domestic violence work.

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。

The relevant departments of people's governments at or above the county level, judicial organs, people's organizations, social organizations, neighborhood committees, villagers' committees, enterprises, and public institutions shall effectively carry out anti-domestic violence work in accordance with this Law and relevant laws.

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。

People's governments at all levels shall provide necessary funds for anti-domestic violence work.

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。

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

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。

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

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。

Special protection shall be given to minors, elderly persons, disabled persons, pregnant and lactating women, and seriously ill patients who suffer from domestic violence.

第二章 家庭暴力的预防

Chapter II Prevention of Domestic Violence

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。

Article 6 The State shall carry out publicity and education on good family values and disseminate anti-domestic violence knowledge to enhance citizens' anti-domestic violence awareness.

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。

Trade unions, communist youth leagues, women's federations, and disabled persons' federations shall organize and carry out publicity and education on good family values and anti-domestic violence.

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。

Radios, televisions, newspapers, internet, and others shall carry out publicity on good family values and anti-domestic violence.

学校、幼儿园应当开展家庭美德和反家庭暴力教育。

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

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。

Article 7 Relevant departments of the people's governments at or above the county level, judicial organs, and women's federations shall include the prevention and stopping of domestic violence in their professional training and statistical work.

医疗机构应当做好家庭暴力受害人的诊疗记录。

Medical institutions shall effectively keep medical records of domestic violence victims.

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。

Article 8 Township people's governments and sub- district offices shall organize and carry out domestic violence prevention work, for which neighborhood committees, villagers' committees, or social work service agencies shall provide cooperation and assistance.

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。

Article 9 People's governments at all levels shall support social work service agencies and other social organizations in providing psychological health consultation, family relationship guidance, education on domestic violence prevention knowledge, and other services.

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。

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

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。

Article 11 Where an employer finds that any of its employees has committed domestic violence, it shall reprimand and educate such employee, and effectively mediate in and resolve family conflicts.

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。

Article 12 Guardians of minors shall carry out family education in a civilized manner, fulfill their guardianship and education duties in accordance with the law, and may not commit domestic violence.

第三章 家庭暴力的处置

Chapter III Handling of Domestic Violence

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。

Article 13 A domestic violence victim or his/her legal agent or close relative may make a complaint or report to or request assistance from the employer of the offender or the victim's employer, residents' committee, villagers' committee, women's federation etc. After receiving the complaint, report or request for help, the relevant entity shall provide help or handle the case.

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。

A domestic violence victim or his/her legal agent or close relative may also report the case to a public security organ or file a lawsuit with a people's court.

单位、个人发现正在发生的家庭暴力行为，有权及时劝阻。

Any unit or individual who discovers an ongoing act of domestic violence shall have the right to promptly dissuade.

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。

Article 14 Where any school, kindergarten, medical institution, neighborhood committee, villagers' committee, social work service agency, aid and relief management institution, welfare institution or any employee thereof discovers a case or suspected case of domestic violence against a person without or with limited capacity for civil conduct, it shall promptly report the case to a public security organ. Public security organs shall keep confidential the information of case reporters.

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。

Article 15 After receiving a report of a case of domestic violence, a public security organ shall promptly dispatch police officers to stop the act of domestic violence, conduct investigation and collect evidence in accordance with relevant regulations, and assist the victim in seeking medical service and injury identification.

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。

Where a person with no or limited capacity for civil conduct suffers serious bodily injury, faces personal safety threat or is in an unattended or other dangerous state due to domestic violence, public security organs shall notify and assist civil affairs departments to place such person in a temporary shelter, aid and relief management institution or welfare institution.

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。

Article 16 Where a case of domestic violence is relatively minor and not subject to public security administration punishment in accordance with the law, public security organs shall reprimand and educate the offender or issue a warning letter.

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。

The warning letter shall include the identity information of the offender, fact statement on domestic violence, prohibition of the offender from committing domestic violence and other contents.

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。

Article 17 Public security organs shall deliver the warning letters to both offenders and victims and notify the relevant neighborhood committees and villagers' committees of the case.

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。

Residents' committees, villagers' committees and public security stations shall visit and check on the offenders and victims receiving the warning letter and supervise the offenders in eliminating domestic violence.

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。

Article 18 People's governments at the county level or at the level of city divided into districts may set up temporary shelters independently or on the basis of relief management institutions to provide temporary living assistance to domestic violence victims.

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。

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

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。

People's courts shall defer the collection of, reduce or exempt the litigation costs of domestic violence victims.

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。

Article 20 In trying a case involving domestic violence, a people's court may determine facts of domestic violence on the basis of police dispatching records, the warning letter, injury identification opinions, and other evidence.

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。

Article 21 Where a guardian commits domestic violence which causes serious harm to the legitimate rights and interests of the ward, the People's Court may revoke the guardian's guardianship pursuant to the law and designate another guardian, based on the application by a relevant person or organisation such as a close relative of the ward, a residents' committee, a villagers' committee or the civil affairs department of a People's Government of county level.

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、抚养费用。

The offender revoked of his/her guardianship shall continue to bear the corresponding support, maintenance and upbringing expenses.

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。

Article 22 Trade unions, communist youth leagues, women's federations, disabled persons' federations, neighborhood committees, and villagers' committees shall conduct legal education on domestic violence offenders, and may conduct psychological counselling on offenders and victims when necessary.

第四章 人身安全保护令

Chapter 4 Personal Safety Order

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。

Article 23 Where a party applies to a people's court for a personal safety protection order due to an act or real risk of domestic violence against him/her, the people's court shall accept the application.

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。

Where a party concerned is a person without or with limited capacity for civil conduct, or is unable to apply for a personal safety protection order due to coercion, intimidation or other reasons, his/her close relatives, public security organs, women's federations, residents' committees, villagers' committees or relief management institutions may apply for the personal safety protection order on his/her behalf.

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。

Article 24 An application for a personal safety protection order shall be filed in writing; if it is indeed difficult to file a written application, an oral application is allowed, which shall be written down by the people's court.

第二十五条   人身安全保护令案件由申请人或者被申请人居住地、家庭暴力发生地的基层人民法院管辖。

Article 25 A case of applying for a personal safety protection order shall be subject to the jurisdiction of the basic people's court in the place where the applicant or respondent resides or where the domestic violence takes place.

第二十六条   人身安全保护令由人民法院以裁定形式作出。

Article 26 A personal safety protection order shall be made by a people's court in the form of ruling.

第二十七条   作出人身安全保护令，应当具备下列条件：

Article 27 The following conditions shall be met for the issuance of a personal safety protection order:

（一）有明确的被申请人；

1. there is a definite respondent;

（二）有具体的请求；

2. there is a specific request; and

（三）有遭受家庭暴力或者面临家庭暴力现实危险的情形。

(III) there is domestic violence or the actual risk of domestic violence.

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。

Article 28 After accepting an application, a people's court shall issue a personal safety protection order or reject the application within 72 hours or, in case of emergency, within 24 hours.

第二十九条   人身安全保护令可以包括下列措施：

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

（一）禁止被申请人实施家庭暴力；

1. prohibiting the respondent from committing domestic violence;

（二）禁止被申请人骚扰、跟踪、接触申请人及其相关近亲属；

2. prohibiting the respondent from harassing, stalking, contacting the applicant and his/her relevant close relatives;

（三）责令被申请人迁出申请人住所；

(III) ordering the respondent to move out of the domicile of the applicant; and

（四）保护申请人人身安全的其他措施。

(IV) other measures for protecting the personal safety of the applicant.

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。

Article 30 A personal safety protection order shall take effect as of the date of issuance and remain valid for no more than six months. Before a personal safety protection order becomes invalid, the people's court may revoke, alter or extend it upon the application of the applicant.

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。

Article 31 Where an applicant is dissatisfied with the rejection of his/her application for a personal safety protection, or where a respondent is dissatisfied with the decision on a personal safety protection order against him/her, he/she may, within five days from the effective date of such ruling, apply to the people's court that made the ruling for reconsideration once. Where a people's court issues a personal safety protection order in accordance with the law, it shall not stop the enforcement of such personal safety protection order during a reconsideration period.

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。

Article 32 After issuing a personal safety protection order, a people's court shall serve such order on the applicant, the respondent, the relevant public security organ, residents' committee, villagers' committee, and other relevant organizations. A personal safety protection order shall be enforced by a people's court, with the assistance from the relevant public security organ, neighborhood committee, villagers' committee and other relevant organizations.

第五章 法律责任

Chapter 5 Legal Liabilities

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 33 Where an offender commits domestic violence, which constitutes a violation of public security administration, he/she shall be subject to public security administration punishment; if the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

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。

Article 34 Where the violation of a personal safety protection order by a respondent constitutes a crime, the respondent shall be subject to criminal liability in accordance with the law; in case of no crime constituted, the people's court shall give a reprimand and may impose a fine of no more than CNY1,000 and a detention of no more than 15 days in light of the seriousness of the circumstance.

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。

Article 35 Where a school, kindergarten, medical institution, neighborhood committee, villagers' committee, social work service agency, aid and relief management institution, or welfare institution or any of its personnel fails to report a case to a public security organ according to the provisions of Article 14 of this Law, thus causing serious consequences, the superior competent department or the entity shall impose sanctions on the directly liable person in charge and other directly liable persons according to law.

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。

Article 36 Where a state functionary with responsibilities for anti-domestic violence neglects his/her duties, abuses his/her power, or seeks personal gains in his/her work, he/she shall be subject to sanctions in accordance with the law; if a crime is constituted, he/she shall be subject to criminal liability in accordance with the law.

第六章 附则

Chapter 6 Supplementary Provisions

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。

Article 37 The provisions of this Law shall apply mutatis mutandis to an act of violence committed by a person against another person in cohabitation therewith.

第三十八条   本法自2016年3月1日起施行。

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