



Domestic Violence among LGBT + People in China: Results from a national court rulings review

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Abstract

Purpose Domestic violence has been an emerging area of study in recent decades for lesbians, gay men, bisexuals, and transgender people (LGBT +). While some research discussed domestic violence among LGBT + couples in Western countries, very little attention was paid to the patterns of domestic violence in the Chinese context. Against this backdrop, this study sought to elucidate the prevalence and distinctive features of family violence against LGBT + individuals that have been recorded by court rulings, as well as to scrutinize the responses of the judicial system towards these cases of violence.

Methods This study utilized a qualitative research approach, relying on court rulings as the primary data source. Specifically, data were collected from the official website that publishes judgments from courts at all levels of China. Content analysis and discourse analysis were employed as analytical techniques to uncover the underlying patterns of family violence among LGBT + people and examine the responses of the judicial system concerning the protection of LGBT + individuals.

Results Through an analysis of the court rulings, the findings reveal a total of fifty-three cases of family violence involving LGBT + individuals. These cases constitute approximately ten percent of all criminal cases concerning the LGBT + population. Among these cases, forty cases involve violence perpetrated by LGBT + intimate partners. The violence can be further classified into distinct categories, including break-up violence, sexual violence, and violence occurring in daily life. The consequences of such violence typically result in fatalities or physical injuries. Another form of violence examined in the study is observed within legal partnerships, such as between a heterosexual husband and his lesbian wife. This type of violence also tends to lead to severe outcomes, including deaths or bodily harm to the victim. Furthermore, one noteworthy case of family violence discussed in the research involves a parent–child relationship.

Conclusions This study uncovers multiple sources of violence experienced by LGBT + individuals within the context of domestic relationships in China. While LGBT + individuals can employ criminal law to protect their rights as citizens, the legal recognition of same-sex relationships remains rare. Yet, this legal recognition could change the situation in same-sex families troubled by family violence.

Keywords Domestic violence · LGBT people · Court rulings · China

Introduction

Domestic Violence has devastating effects on individuals, families, communities, and society as a whole (Walby, 2004). These consequences may include physical, psychological, financial, sexual, etc. damage (Decker et al., 2018; Rollè et al., 2018, 2019). Research has shown that LGBT + individuals are at an increased risk of experiencing

domestic violence compared to their heterosexual counterparts (Miller & Irvin, 2017). This can be attributed to factors such as social stigma (Lin et al., 2022), discrimination (Wang et al., 2019), and lack of legal protections (Parkin, 2017; Zhu, 2018). Understanding the prevalence and nature of this violence is crucial to developing effective interventions and support services that are sensitive to their particular needs and circumstances.

While attention has often been paid to LGBT + couples in Western societies, there is limited research on domestic violence among Chinese sexual minority groups. Some studies looked at certain localities and discussed intimate partner violence (IPV) among a particular sexual minority group.

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These studies in several cities in China showed IPV among men who have sex with men (MSM) as they experienced emotional, physical, or sexual abuse (Wei et al., 2021, Wang et al., 2018, Dunkle et al., 2013). For MSM and another group, men who have sex with men and women (MSMW), almost a third reported being a victim of IPV in another study (Davis et al., 2015).

Due to the lack of same-sex marriage legislation in China, same-sex partners are not seen as lawful partners from the legal perspective. Consequently, when they encounter domestic violence, it is almost impossible for them to turn to official institutions for help. Some studies showed that community-based interventions could be an efficient way to help (Lo, 2023; Common Language, 2015). However, it is still largely unknown how domestic violence affects Chinese LGBT+ people in general and what the institutional response to it is. This article addresses the following research questions: What is the prevalence of domestic violence experienced by LGBT+ individuals within the family context in China, as evidenced by court rulings? and how does the judicial system respond to these cases of violence? This article will use court rulings generated from the official judgment website of all levels of courts in China to screen out domestic violence cases which involved LGBT+ people. The analysis of these cases will reveal the patterns of domestic violence among Chinese sexual minority groups and how China's judicial system responds to them.

Domestic Violence against LGBT+ Individuals in China

Domestic violence encompasses a wide range of abusive behaviors that evoke fear, intimidation, terror, manipulation, harm, humiliation, or injury of another person within the family unit (United Nations, 2020). It includes violence perpetrated not only by intimate partners, but also by other family members such as parents, children, siblings, or relatives living with the victim. Some government policies and research studies use a more limited definition of domestic violence that only pertains to current or former intimate partners (Home Office, 2003; Sousa et al., 2011). However, in this research, I will utilize the UN's broader conceptualization of domestic violence in order to explore violence occurring within both romantic relationships as well as among other family members. This will provide a more comprehensive understanding of domestic violence against LGBT individuals in China by considering the roles of both intimate partners as well as other family relationships in the analysis.

Research has been done in the field of exploring the domestic violence of a specific LGBT+ demographic in various regions of China. For example, multiple studies

have found high rates of IPV among MSM in China, ranging from around 25% to over 50% experiencing IPV (Feng et al., 2010; Cheng et al., 2016; Yu et al., 2013). Research identifies multiple risk factors including substance use, the experience of homophobic abuse, mental health issues, and power imbalances (Cheng et al., 2016; Guadamuz et al., 2019; Wei & Liu, 2019; Li & Zheng, 2021; Wei et al., 2020). Three main patterns of partner abuse, including reciprocal psychological violence, reciprocal physical abuse, and microaggressions, were identified in female same-sex relationships (Lin et al., 2021). The research indicates that lesbian victims suffer a triply marginalized position for gender, sexuality, and victimhood (Lo, 2023). Transgender people are exposed to a higher risk of IPV (Zhang et al., 2016). Male-to-female transgender sex workers can only rely on informal networks to gain support rather than turn to the criminal justice system (Tsang, 2020).

The Chinese NGO, Tong Yu (Common Language) published the first national investigation report on domestic violence in lesbian couples and families in 2009 and updated the report in 2017. Since the anti-domestic violence law was enacted in 2013, the updated version invited a researcher to discuss the possibility to include LGBT+ individuals in the scope of the legislation. The report includes 419 surveys from Beijing, Shanghai, Guangzhou, and five other megacities in China. Nearly 69 percent (289 cases) of the participants have experienced domestic violence (Common Language, 2019). Of these 289 cases, violence from parents and relatives is the most prevalent, which constitutes 49.16 percent of the 419 cases; Violence from an intimate partner made up 42.64 percent (Ibid). The study also shows that about 27 percent of the LGBTQ participants have experienced violence from their legal partner, that is an opposite-sex partner in a heterosexual couple. Four forms of violence are discussed in the report: physical violence, psychological violence, sexual violence, and economic control. For people who suffered violence from their family of origin, the most common form of violence is psychological violence (46.3 percent), followed by physical violence (24.3 percent) and economic control (12.7 percent).

Most of the mentioned studies employed self-reported data to assess the patterns or spread of LGBT+ domestic violence in China. They highlighted the prevalence of domestic violence among a certain group of LGBT+ people and discussed possible informal responses to support the victims. However, it is crucial to gain a comprehensive understanding of domestic violence experienced by all segments of the LGBT+ population across the country, including how these cases are perceived by the Chinese judicial system and the official response to them. This is what the current study is about to do.

Anti-Domestic Violence Legislations in China

There are several pieces of legislation enacted to protect victims from domestic violence. However, since the Chinese government is reluctant to recognize LGBT + rights in all official documents, none of the legislation mentions LGBT + people in the legal text or considers the complexity of domestic violence in which LGBT + people are involved. Under this circumstance, domestic violence among LGBT + people could only be addressed through general legal provisions.

Thus, the Anti-domestic Violence Law is the first statute to fight against domestic violence directly. The law came to effect in 2016 (Anti-Domestic Violence Law, 2015). In Article 2 of the Anti-domestic Violence Law, the legal definition of domestic violence refers to “the inflicting of physical, psychological and other harm by a family member on another by beating, bondage, injury, restraint and forcible limits on personal freedom, recurring verbal abuse, threat, and other means” (Anti-Domestic Violence Law Article 2, p.1). Financial control and sexual abuse are not listed in the text. Yet, these two forms of violence are very common in LGBT + domestic violence (Common Language, 2015). Moreover, the law specifies that the aforementioned actions must occur among “family members,” leaving ambiguity regarding whether same-sex cohabitation relationships can be regulated by this law. However, LGBT + people can use the protection of this law if they are in so-called marriage of convenience or sham marriage. Marriage of convenience involves two individuals from the sexual minority community entering into a marriage solely to obtain a marriage registration (Liu, 2013). Typically, such marriages involve scenarios where a lesbian marries a gay individual, or LGBT + individuals hire opposite-sex partners without prior acquaintance to enter into a marriage. The motivation behind these arrangements often stems from the desire to appease or fulfill societal expectations imposed by their families or relatives (Choi & Luo, 2016; Engebretsen, 2009, 2013; Liu, 2013). In the cases of interest to this study, it could cover the violence that happened between a woman and her heterosexual partners, like a lesbian and her lawful husband or a bisexual female and her heterosexual partner. However, for a woman involved in a same-sex relationship, there may be limited scope for the law to be applicable in such cases.

The law provides a certain level of assistance to victims of domestic violence, with the court protective order being a prominent measure in the statute (Zhang, 2013). This protective order allows individuals who are victims of domestic violence or at risk of facing such violence to seek court intervention. In practical situations, some

couples may engage in harassing behaviors during divorce disputes. These behaviors may involve visiting the other party's workplace or relatives' residences, or tracking their movements after work or when going out to gather information about their current situation. When these harassing and tracking behaviors occur frequently, they can be considered as forms of domestic violence. In such cases, the affected party has the option to apply for a personal safety protection order from the court. This order seeks to prohibit the respondent from engaging in harassing, tracking, or contacting the applicant or their close relatives (Zhao & Zhang, 2017).

However, there is a very limited number of protective orders issued by courts due to the lack of public and judicial awareness of the orders (Runge, 2012). Furthermore, even when a victim obtains a protective order, there is a lack of effective monitoring to ensure the perpetrator's compliance with the order (Runge, 2012). Additionally, since the anti-domestic violence law was designed to help women and children out of domestic violence, it relies heavily on quasi-government facilities like neighborhood committees or the All-China Women's Federation. However, since these facilities are not law enforcement agencies, concerns arise regarding their effectiveness and the extent to which they serve as deterrents (Zhao & Zhang, 2017).

Another relevant law, the Law on the Protection of Women's Rights and Interests, was enacted in 1999, to promote equal rights between men and women in all aspects of political, economic, cultural, social, and family life. Amended in 2023, this law has added several parts to investigate the living situation of women at all socio-economic levels and promote the protection of women's rights. In Articles 46 and 47, the statute once again stressed that “domestic violence toward women” is forbidden and emphasized the role of “police, civil administrative, Women's Federation and village, and neighborhood committees” to prevent and mediate domestic violence (The Law on the Protection of Women's Rights and Interests of the People's Republic of China Article 46 & 47, P. 468). However, if the victim is a biological male or in a female same-sex relationship, such cases would not fall within the scope of protection of this law.

The Criminal Code of China can be used as an ultimate tool to combat domestic violence. Unfortunately, it seems to be the only effective law that can protect LGBT + people from violence. Charges like homicide, manslaughter, and assault will be used to protect anyone regardless of gender and sexuality. However, sometimes generalized statutes cannot deal with the specificities of violence against LGBT + people. To illustrate, in Article 236 of the Criminal Code, the victim of rape can only be female. In reality, the rape of gay men is exceedingly common to see in the violence against LGBT + cases I collected. So this kind of case cannot be regulated under the current Criminal Code or any

other statute. In legal practice, rape of gay men can only be charged with the crime of “indecent act”, which has a much lower sentence than the crime of rape (Criminal code, Article 237, p.421).

In general, anti-domestic legislation is a new field in the Chinese judicial system. A study showed that even among heterosexual women, over two-thirds of the survivors (73.4%) did not seek help after domestic violence (Hu et al., 2021). Most of them believe that they can control the situation and what’s more important, they do not know who they should turn to (Hu et al., 2021). This example illustrates the accessibility and awareness of public intervention in the field of domestic violence are not well-established. Meanwhile, the reasons that stop LGBT + people from help-seeking are multifaceted. Lack of legislation is the most severe one. Because no legislation support implies LGBT + people have no legal right to claim that they should be protected from violence. Since they have no legal grounds to claim their rights, it is a natural result that they only turn to informal channels for help.

Methodology

This study is qualitative research that aims to explore patterns of domestic violence among Chinese LGBT + people and how the legal system responds to it. Inspired by Dr. Alexander Kondakov’s work which examined the impact of the gay propaganda law on violence against LGBT + individuals in Russia, court rulings related to domestic violence cases involving LGBT + individuals in China were collected to achieve this goal (Kondakov, 2021, 2022). All the data are collected from *China Judgement Online*.¹ In 2014, the supreme court established this website database to publish effective adjudicative documents of people’s courts at all levels. By analyzing the most severe domestic violence that falls into the scope of criminal law, this article reveals the legal responses to LGBT + domestic violence.

Since the Chinese government does not recognize sexual minorities in any kind of official document, there is no legal term for LGBT + people in mainland China (Lo, 2023). Under such circumstances, I used keywords that represent LGBT + people to screen out relevant data. In Chinese, gay and lesbian are pronounced as male homosexual (Nan Tongxinglian) and female homosexual (Nu Tongxinglian). So using “homosexual” as a keyword, I identified both gay and lesbian subjects in a criminal case. For the other sexual minorities, I use the keywords “Kua Xingbie” and “Bian Xingren” to search for transgender cases and use “Xing Qvxiang” and “Xing Qingxiang” to search for cases that

involved sexual orientation more generally. Thus, the filter criteria are as follows: (a) the court ruling contains the word “homosexual”, and it is a criminal case; (b) the court ruling contains the word “transgender”, and it is a criminal case; (c) the court ruling contains the word “sexual orientation”, and it is a criminal case.

The data includes criminal cases with LGBT-related keywords in the text. After a preliminary screening, 508 criminal cases fit the criteria for the years 2006 – 2020 (see, Table 1). But not all of them are referring to cases that involve domestic violence. So, I went through all the files and screened out the cases that were relevant to domestic violence.

According to the definition of domestic violence mentioned above, there are two criteria applied. First, the perpetrator and the victim are in a close relationship, which means they can either be intimate partners, ex-intimate partners, or family members, like parents and children. By doing so, this research excluded the violence that happened, for example, between “money boys” (engaging in sexual activities in exchange for money or other forms of compensation) and their customers, and “badger games” cases, which refer to strangers blackmailing LGBT + individuals. Nevertheless, these cases remain in my larger database.

The second criterion pertains to the nature of violence occurring within the domestic setting, where its intention is to control or manipulate the victim. In certain court rulings, it is observed that some acts of violence are motivated not by a desire to exert power over the victim, but rather for financial gain. Notably, instances of larceny and blackmail have been documented in which perpetrators commit crimes to their close ones with the primary objective of obtaining “easy money,” rather than seeking power over the victim. Given such circumstances, these cases cannot be considered as domestic violence.

However, it is important to note that certain blackmail or larceny cases may serve as a means to gain power, such as when threats of outing the victim are used to assert dominance over a perpetrator’s partner. In such instances, the blackmail cases were retained for analysis as cases of economic violence. After applying these criteria, 53 cases fell into the scope of the present study. In Table 1, I use P and V to represent perpetrators and victims respectively.

This research uses Nvivo 12 plus to analyze the patterns of LGBT + domestic violence and legal responses. All court rulings are imported into NVivo. Nodes were created for each court ruling to facilitate data organization and analysis. With large volumes of data from diverse sources like court rulings, using Nvivo enables faster data processing and analysis. After the nodes were created, the data was coded under different themes. The themes for coding were developed based on the research questions and in respect to this article included “types of violence”,

¹ China Judgements Online, available at: <https://wenshu.court.gov.cn>.

Table 1 Domestic violence against LGBT + individuals

No.	Year	Location	Charge	Relationship between the victim and the perpetrator	Case brief	Consequences of cases
1	2006	Guang Dong	Murder	Same-sex relationship (not specified)	P and V had a fight (no reason specified in the ruling). P hit V in the head with a wine bottle	death
2	2007	Guang Dong	Murder	Lesbian couple	P is married. V outted P to her husband. P felt angry and killed V	death
3	2008	Fu Jian	Intentional Assault	Gay couple	P knows V runs a store by himself and tried to rob the store	severe injury
4	2009	Shang Hai	Robbery	Gay couple	P and V were a gay couple. P threat to out V to keep V from leaving him	property loss
5	2011	Shan Dong	Picking quarrels and provoking troubles (disorderly conduct)	Married couple	P and V are married. P thought V cheated on him with a woman. P beat V	property loss
6	2011	Hu Nan	Intentional Assault	Third person involved	P thought his wife cheated on him with V. P stabbed V	minor injury
7	2012	He Bei	Intentional Assault	Lesbian couple	V wants to end the relationship with P. P assaults V with a knife	minor injury
8	2012	Si Chuan	Picking quarrels and provoking troubles (disorderly conduct)	Same-sex relationship (not specified)	V cheated on P. P beat V and took money from V	property loss
9	2013	Guang Dong	Murder	Same-sex relationship (not specified)	P and V broke up. P wants to reconcile but V does not agree. P killed V	severe injury
10	2013	Zhe Jiang	Murder	Parents and daughter	P is the daughter of two Vs. P is afraid being homosexual will hurt her parents' feelings, and she is also afraid her parents will hurt her, so she killed them	minor injury
11	2013	Hu Nan	Picking quarrels and provoking troubles (disorderly conduct)	Couple	P and V met online. P bought V gifts and they became a couple. P thought V is a girl but V is gay. P hit V and took away V's wallet	property loss
12	2014	Guang Dong	Murder	Same-sex relationship (not specified)	P's family wants to take P away. P does not want to leave V, so P killed V and tried to commit suicide	minor injury
13	2014	Ji Lin	Murder	Lesbian couple	V cheated on P and had an affair with a man. P felt angry and killed V	minor injury
14	2014	He Nan	Murder	Same-sex relationship (not specified)	P wants to end the relationship with V. V disagrees. P poisoned V	death
15	2014	Yuan Nan	Murder	Gay couple	P and V are in a relationship. P thought V cheated on him and killed V	death
16	2014	Hu Nan	Intentional Assault	Third person involved	P and A are married. A cheated on P with V. P hurt V with a knife	severe injury
17	2014	Shan Dong	Unintentional Assault & Intentional Assault	Same-sex relationship (not specified)	V's tongue was bitten off by P during intercourse	severe injury

Table 1 (continued)

No.	Year	Location	Charge	Relationship between the victim and the perpetrator	Case brief	Consequences of cases
18	2014	Hu Bei	Intentional Assault	Third person involved	P and V's brother were a gay couple. They broke up and P wanted to revenge. V stopped P from hurting his brother. P stabbed V	severe injury
19	2015	An Hui	Intentional Assault	Gay couple	V is a married man. He cheated on his wife with P. The wife knows and asked V to end the relationship with P. P felt jealous and assaults V with a knife	minor injury
20	2015	He Bei	Intentional Assault	Lesbian couple	P and V had a fight. P hurt V with a knife	minor injury
21	2015	Shang Hai	Intentional Assault	Gay couple	P had HIV and thought V gave him HIV so P hurt V with a knife	minor injury
22	2016	Jiang Xi	Murder	Lesbian couple	P and V had a fight. Then P killed V	death
23	2016	Hu Bei	Murder	Gay couple	V and P fought over financial issues and P killed V	death
24	2016	Guang Dong	Unintentional assault	Lesbian couple	P and V had a fight. P tried to kill herself and hurt V accidentally	severe injury
25	2016	Gan Su	Murder	Gay same-sex relationship	V stole P's belongings. P killed V	death
26	2016	He Nan	Murder	Married Couple	P is gay. P hired V for a fake marriage to satisfy P's parents. V asked for more money during the ceremony. P killed V	death
27	2017	Shan Dong	Murder	Same-sex relationship (not specified)	P and V have a fight because of a financial dispute. P killed V	death
28	2017	Jiang Xi	Murder	P is involved in a same-sex relationship with V's daughter	V's daughter wants to end the relationship with P. P disapproves and threatened to kill V. V's daughter ignored her. P killed V	death
29	2017	He Nan	Murder	Same-sex relationship (not specified)	P and V lived together. V wants to end the relationship and kicked P out of his house. P killed V	death
30	2017	Hu Bei	Murder	Gay couple	V owed money to P and refused to pay it back. P thought V also cheated on him. P killed V	severe injury
31	2017	Liao Ning	Murder	Same-sex relationship (not specified)	P wants to end the relationship with V. V disapproves and threatens to out P. P killed V	death
32	2017	Gui Zhou	False imprisonment	Same-sex relationship (not specified)	After the breakup, P felt deceived so P falsely imprisoned V	minor injury
33	2017	Zhe Jiang	Intentional Assault	Gay couple	P and V had a fight and P hurt V	severe injury
34	2017	Si Chuan	Intentional Assault	Lesbian couple	P thought V betrayed her and hurt V	severe injury
35	2017	Si Chuan	Intentional Assault	Same-sex relationship (not specified)	V wants to end the relationship. P disagree. P hurt V	minor injury

Table 1 (continued)

No.	Year	Location	Charge	Relationship between the victim and the perpetrator	Case brief	Consequences of cases
36	2017	Guang Dong	Intentional Assault	Third person involved	P and A are divorced. A is in a relationship with V. P killed V	minor injury
37	2017	Zhe Jiang	Picking quarrels and provoking troubles (disorderly conduct)	Married couple	P and V are married. P thought V cheated on him with a woman. P beat V	minor injury
38	2018	An Hui	Murder	Lesbian couple	V wants to end the relationship with P. P disagrees. After begging several times, P killed V	death
39	2018	Guang Xi	Murder	Same-sex relationship (not specified)	Because of their volatile relationship, P wants to kill V and commit suicide so P killed V	minor injury
40	2018	Shan Xi	Intentional Assault	Same-sex relationship (not specified)	V wants to end the relationship with P. P assaults V with a knife	severe injury
41	2018	Hu Nan	False Imprisonment & Theft	Lesbian couple	V is a married woman. V cheats on her husband with P. V want to end the relationship. P broke into V's house and steal her jewelry	property loss
42	2018	He Bei	Murder	Third person involved	P and A are a hetero-sex couple (not married). A cheated on P with V. P killed V	death
43	2018	He Bei	Shielding	Former Lesbian Couple	P and A are a hetero-sex couple. P cheated on A with V. A killed V. P offered shelters for A	death
44	2018	Guang Dong	Intentional Assault	Same-sex relationship (not specified)	V was choked during SM intercourse	minor injury
45	2019	Shan Xi	Intentional Assault	Same-sex relationship (not specified)	V wants to end the relationship with P. P assaults V with a knife	minor injury
46	2019	Hu Bei	Picking quarrels and provoking troubles (disorderly conduct)	Third person involved	After P and her girlfriend broke up, P hold a grudge towards her ex-girlfriend's current partner, V. P stabbed V	minor injury
47	2019	Shan Xi	Murder	Gay couple	V beat P several times and harassed P's family. P killed V	death
48	2019	Zhe Jiang	Murder	Gay couple	V was seeing other girls for marriage. P felt angry and killed V	death
49	2019	Chong Qing	Picking quarrels and provoking troubles (disorderly conduct)	Former Lesbian Couple	P and V are a former couple. P beat V due to former conflicts	property loss
50	2019	Si Chuan	Murder	Married Couple	P and V are married. V cheated on P with a same-sex partner. P killed V	death
51	2019	Guang Dong	Murder	Married Couple	P and V are married. P thought V cheated on him with a woman. P killed V	death
52	2019	Hu Nan	Picking quarrels and provoking troubles (disorderly conduct)	Married couple	P and V are married. V cheated on P with a same-sex partner. P beat V	minor injury

Table 1 (continued)

No.	Year	Location	Charge	Relationship between the victim and the perpetrator	Case brief	Consequences of cases
53	2020	Fu Jian	Murder	Gay couple	V was a married man. V cheated on his wife with P. V wants to end the relationship and P disagree. P killed V	minor injury

"outcomes of violence", "the relationship between the victim and the perpetrator", "motivation of perpetrators", "words used to describe LGBT + individuals and relationships", and "legal outcomes". The analysis of the data involved reviewing the coded data and identifying patterns and themes that emerged. For instance, in the judge's opinion of case 499 [Tian v. Zhao (2017), Liaoning Provincial Higher People's Court, No.9016359.]:

"...Upon investigation, it was confirmed that the defendant, Zhao, had a relationship with the victim, Tian. As Zhao expressed his intention to end the relationship, Tian resorted to threatening to disclose Zhao's homosexual identity, leading to Zhao's discontent. On November 20, 2015, a heated argument between the two erupted at Zhao's rented place regarding the breakup. At approximately 10 p.m. that day, while Tian was asleep, Zhao took advantage of the situation to tie up Tian's hands and feet with a rope and subsequently strangled him to death. Following the crime, Zhao placed Tian's body on the kitchen counter, dismembered it using a wallpaper knife and a saw, and proceeded to cook the body parts. He then disposed of the victim's remains, the rope, the wallpaper knife, the saw, and Tian's clothes utilized during the crime, scattering them across several locations, including the Nanyun River near Lu Xun Park, Nanyun River in Tang Park, Wuhuai Market, and various garbage bins. On December 8 of the same year, the defendant, Zhao, was apprehended by the public security authorities" (Tian v. Zhao, p.7).

As this excerpt clearly shows, the case files are sufficiently detailed descriptions of people's personal relationships and the violence inflicted upon the victims. In the remaining text of the ruling, more specificities of each theme are revealed. Therefore, the analysis aimed to gain comprehensive insights into the practices of people involved in domestic violence cases mediated by the law. Descriptive content analysis was applied to identify the crime outcomes, ascertain the perpetrator's motivation, and discern the unique characteristics of the case within the context of domestic violence. In the case above, for example, the motivation behind the crime was found to be rooted in the victim's threat to disclose the perpetrator's homosexual identity, which led to the perpetrator's discontent.

On the other hand, discourse analysis was utilized to examine how the legal system responded to cases of domestic violence. Focusing on the language and structure of the court rulings, this approach shed light on the court's use of ambiguous phrases, particularly the term "have a relationship," to describe the connection between the perpetrator and the victim. This ambiguity prompted an exploration of

the broader social and cultural context that potentially influenced the judge's vocabulary and decisions in the case.

By combining content and discourse analysis, the research provided a well-rounded perspective, capturing both quantitative data and nuanced interpretations. This approach bolstered the credibility and depth of the findings, ensuring a more thorough understanding of the complexities surrounding the domestic violence incident and its legal ramifications.

Findings

Prevalence and Characteristics of Domestic Violence Cases

As shown in Table 1, the analysis of court rulings in China revealed several patterns in cases of domestic violence. There are 51 cases related to physical abuse and 2 cases related to sexual abuse. Other forms of abuse were not found officially recognized in the court rulings. Further, 47 cases caused death or bodily injuries to the victim and 6 cases caused property loss. Among the physical abuse cases, 21 of them are related to break-up violence, which constitutes a great portion of domestic violence cases. In these 21 cases, the majority of cases involved male same-sex partners, with very few cases involving female same-sex partners. All break-up violence cases caused death or bodily injuries to victims. Most of them are charged with murder and intentional injury.

Sixteen cases have been identified where the court rulings did not provide a clear reason for the violence. The court records simply mentioned that the couples had conflicts without offering additional details. This lack of specific information poses challenges in categorizing these cases and conducting a thorough analysis of the power dynamics and control within the relationships. In case 467 [Guo v. Dai (2017), Shandong Provincial Higher People's Court, No. 47], the court did not provide any insight into the motivation behind the crime, nor did it explain the power dynamics at play within the relationship.

“Based on the review, it is confirmed that the defendant, Dai, had a homosexual relationship with the victim, Guo. On August 23, 2015, around 12 o'clock, they had a dispute and physical altercation over trivial matters. During the altercation, the defendant, Dai, used a sheep horn hammer to strike Guo's head multiple times, resulting in his death” (Guo v. Dai, p.5).

Ten instances of "husband revenge" have been identified in which husbands discovered that their wives had engaged in extramarital affairs with women. In these cases, the enraged husbands directed their anger towards either

their wives or their wives' female partners, resulting in serious harm or even death to the victims. For example, in case 462 [Feng v. An (2019), Sichuan Provincial Higher People's Court, No. 16.] below:

“... Upon investigation and trial, it is ascertained that the defendant, An, and the victim, Feng, were husband and wife. In early 2018, Feng went to work in Anju District, Suining City, while An started working in Tibet in March 2019. In early May 2019, Feng asked for a divorce over the phone, but An did not agree. On the 20th of the same month, An returned to Suining from Tibet for medical treatment, and Feng informed An that she had fallen in love with Bai (a woman). This led to another dispute between the two about the divorce. An demanded Feng to call Bai to meet with him in person, and Feng agreed. Feng and An returned to their dormitory. While Feng went to the restroom, An answered a phone call from Bai, leading to an argument between An and Bai over the phone. After ending the call, An went to the kitchen and concealed a kitchen knife on his body, preparing to attack Bai upon her arrival. Feng noticed the knife and tried to stop An, resulting in a physical struggle. During the struggle, both of them fell onto the bed, and Feng held onto An to prevent him from leaving. However, An used the knife to inflict several cuts on Feng's neck, leading to severe bleeding and his subsequent death. After realizing that Feng had stopped breathing, An attempted suicide by cutting his own neck with the knife and electrocuting his palms using a plug-in cord. This attempt, however, was not successful. According to the forensic examination, the cause of the victim Feng's death was a neck injury resulting in the disconnection of blood vessels and massive bleeding” (Feng v. An, p.12).

As this case indicates, the "husband revenge" scenario refers to a specific pattern of cases where a husband reacts violently or vindictively after discovering that his wife has engaged in a same-sex relationship or is attracted to individuals of the same sex. In the case mentioned earlier, we see an example of such a situation, and it appears to be representative of a larger pattern. This appears indicative of a broader trend where wives of gay men (tongqi) and husbands of lesbians (tongfu) are put in the position of the victim by fraudulent marriages in which the LGBT spouse hides their sexual orientation (Cheng, 2016; Wang et al., 2019). The resulting sense of deception often leads the straight spouse to become the perpetrator of domestic violence as an act of vengeance. The "husband revenge" scenario highlights the cycle of harm caused by marriages involving undisclosed homosexual partners, which can

transform the unknowing heterosexual spouse from victim to abuser due to feelings of betrayal.

A single instance of parent–child violence was identified in a case involving a homosexual child who refrained from disclosing their sexual orientation to their parents due to concerns about the parents' reaction and the potential for retribution. In the case [Qian & Yu v. Jin (2013), Huzhou Intermediate People's Court, No. 382.], the rulings stated:

“In early March 2013, the defendants Jin and Liu established a homosexual relationship. Defendant Jin, out of fear that his parents, Qian and Yu, would be harmed if they found out about the relationship, and also fearing potential harm from his father, decided to kill the victim, Qian and Yu. Defendant Liu expressed agreement with Jin's plan” (Qian & Yu v. Jin, p. 16).

Studies have shown that sons are the most common perpetrators of parricide, usually killing their fathers (Muravyeva et al., 2020). This case of a son killing his parents was found readily when searching for instances of parent–child violence involving LGBT individuals. Intriguingly, even though research indicates rejection and ridicule from parents towards LGBT+ children such as forced conversion therapy and other forms of child abuse are prevalent and well-documented in China (Wang et al., 2020), judicial records do not reflect cases of such child abuse.

Two cases of sexual abuse have been identified, as well, but the descriptions of the cases are ambiguous. The judicial system has classified these cases as intentional injury without focusing on the sexual abuse or the relationship between the perpetrator and the victim. As a result, these cases have not received the attention they deserve with regard to the underlying dynamics of power and control.

Legal Responses to Domestic Violence Cases

The following analysis is devoted to how court rulings shape violence and construct family violence against LGBT+ individuals. A Chinese court ruling is constituted by the information of two parties and their statutory agent, prosecution brief, evidence, judges' opinion, and sentence. The descriptions of LGBT+ individuals are selected from the judge's opinion so that they reflect the official judicial system's attitudes toward LGBT+ people. The intentional ignorance of sexual identity appears to be a universal practice in the descriptions of LGBT+ individuals in China's court rulings. This trend is evident across most cases reviewed, regardless of the specific circumstances.

By examining results from court rulings, the sexual identities of the perpetrator or the victim rarely be considered in the judge's opinion in all cases. There are 38 rulings that do not mention sexual identities in the judge's opinion. Only 15 court rulings mentioned LGBT+ -related

elements in the opinion. Out of these 15 court rulings, 12 of them only use LGBT+ -related terms to illustrate the case summary. In only 3 court rulings, sexual identity or sexual orientation has a direct impact on conviction and sentence.

In case number 1 [Li 1 v. Li 2 (2007), Guangzhou Intermediate People's Court No. 382.], the court ruling uses “special relationship” to describe the same-sex partner relationship between the perpetrator and the victim. Given the perpetrator and the victim are a couple and her family is willing to compensate the victim, the court opted for a lenient punishment. In case number 24 [Wu V. Zhang (2018), Handan Intermediate People's court No. 38.], the court ruling pertains to a case of break-up violence within an intimate same-sex relationship. Unlike other court rulings that tended to ignore or downplay the existence of same-sex relationships, the court in this case acknowledged the intimate relationship between the perpetrator and the victim. Specifically, the court recognized that “the victim had the right to end the homosexual relationship with the perpetrator”, thereby implying that LGBT+ individuals have the same rights to control the course of their relationships as their heterosexual counterparts.

However, the opinions of judges around the country are not consistent. In case number 37 [Feng v. An (2019), Sichuan Provincial Higher People's Court, No. 16.], the wife cheated on her husband with a woman and got killed by her husband. The judge's opinion, in this case, cited “mainstream values” as the rationale for blaming the victim's homosexual behavior and perceived betrayal. Although the “mainstream values” condemn disloyalty in marriage, judges rarely use it as a rationale when dealing with the “husband revenge” cases in heterosexual couples (Zhao, 2000). In certain instances, judges acknowledged the sexual identity of either the victim or the perpetrator in the court rulings. However, these factors did not appear to have a direct correlation with subsequent convictions or sentencing outcomes.

Discussion

Recent research on domestic violence within the LGBT+ community has predominantly relied on self-report questionnaires or interviews targeting specific demographics. Nonetheless, to gain a comprehensive understanding of the issue, it is crucial to access official data and examine the legal responses to such cases. This study endeavors to bridge this research gap by employing court rulings as a valuable resource to investigate the dynamics of LGBT+ family violence and to assess the responses of the Chinese judicial system in handling such cases involving LGBT+ individuals.

Prevalence and Characteristics of the Domestic Violence

The data presented in the analysis above indicate that incidents of family violence are common among LGBT + individuals. The relationship dynamics between the perpetrator and the victim are diverse. Unlike in Western societies, where domestic violence primarily involves intimate partner violence, domestic violence in China is characterized by its complexity. It encompasses not only violence between sexual minority partners and ex-partners but also conflicts between heterosexual partners and same-sex partners, parents and children, as well as individuals involved in the marriage of convenience.

Intimate partner violence constitutes 68.5 percent (37 cases) of the total incidents of family violence. Within this category, 21 cases involve break-up violence, while 16 cases involve daily violence. Various factors contribute to this phenomenon. Firstly, the absence of legal recognition for same-sex marriages in China prevents same-sex couples from establishing a legally recognized relationship and developing a secure and lawful support system with their partners and family members (Ren et al., 2019). Entering into a romantic relationship poses significant risks for sexual minority groups, as it often entails severing ties with their original families due to the high likelihood of rejection and humiliation (Ren et al., 2021). The prevailing societal stigma and rejection experienced by LGBT + individuals necessitate concealing their sexual orientation when forming social connections, which further exacerbates their isolation from other members of society. Such isolation renders LGBT + individuals insecure about their intimate relationships, as these relationships often constitute their sole source of support. Consequently, this insecurity amplifies feelings of abandonment and vulnerability when a partner seeks to terminate the relationship or conflicts arise. When these emotions spiral out of control, they can lead to severe consequences.

Property loss is not commonly observed as an outcome of LGBT + family violence, and this can be attributed to several reasons. Firstly, domestic violence is characterized by a power dynamic within the household, wherein violence is typically employed as a means of manipulation or discipline toward another family member, not as a means to steal away something (Murray, 2006; Stover, 2005). Additionally, in cases motivated by revenge, such as the "husband revenge" cases, perpetrators of family violence may find more satisfaction in inflicting bodily harm or causing the death of the victim. This highlights how the desire for vengeance or exerting control can drive perpetrators towards more severe forms of physical harm as a means of achieving their objectives.

Out of the analyzed cases, a total of 10 instances involved violence from legally recognized heterosexual partners of

LGBT + individuals. Notably, in all of these cases, the perpetrators were husbands, while the victims were either the wives or the same-sex partners of the wives. What makes these cases intriguing is that the court rulings do not explicitly mention the sexual identity of the wives involved. This lack of information leaves us with uncertainties about the wives' true sexual orientation and intentions. Two plausible scenarios emerge. In some instances, wives may conceal their homosexual identity and same-sex relationship from their husbands. They might enter into a heterosexual marriage with a straight man while hiding their true sexual orientation. Discovering this betrayal may provoke the husband into taking violent or revengeful actions, leading to tragic consequences.

On the other hand, some wives could be bisexual individuals who are genuinely attracted to both men and women. In such cases, they may have married their husbands sincerely without engaging in any fraudulent intent. The revelation of their same-sex attraction could still lead to conflict within the relationship, possibly triggering violent reactions from the husbands. Due to the court rulings' lack of detailed information regarding the wives' sexual identity, it becomes challenging to ascertain which of the above scenarios, or a combination of both, might apply to each case. The ambiguity in the court records raises important questions about the role of sexual orientation, communication within marriages, and the underlying factors that contribute to conflicts leading to violence.

It is surprising to see that there is only one recorded case of violence between parents and children in all the court rulings. Numerous studies have consistently demonstrated the detrimental impact of parental violence or verbal abuse on LGBT + children (UNDP, 2016; Wei & Yan, 2021; Fann, 2003). The rejection experienced from parents often leads to devastating consequences such as suicide and severe psychological trauma. However, the scarcity of such cases in the court records is in contrast to the existing research findings. The discrepancy between the court records and existing research calls for further investigation to understand the reasons behind this scarcity of cases. Additional research is needed to unpack the factors contributing to this disparity and shed light on the broader dynamics affecting LGBT + youth within familial settings.

Legal Responses to Domestic Violence Cases

Another finding that is worth highlighting in this research pertains to how the criminal justice system evaluates cases of family violence involving LGBT + individuals. As previously discussed, court rulings often exclude LGBT + -related elements from the rationale, with no explicit consideration given to the sexual identity of the victims or perpetrators.

Several factors can contribute to this pattern. Firstly, the exclusion of LGBT + -related elements from the court's reasoning may stem from the perception that these elements are irrelevant to the evaluation of the cases. In instances of break-up violence, judges may primarily focus on assessing the criminal behavior rather than delving into the specific causes or dynamics related to the sexual orientation of the individuals involved.

Secondly, due to the absence of legal recognition for LGBT + individuals and China's legal system being non-precedential, judges lack the authority to create new laws during trials (Liu, 1991). Therefore, intentional disregard of LGBT + -related elements can be interpreted as judges striving to adhere strictly to the existing statutes and not venture into areas that fall outside the purview of the law. These factors collectively contribute to the omission of LGBT + -related considerations within the court rulings, reflecting a limitation in acknowledging and addressing the unique dynamics and challenges faced by LGBT + individuals experiencing family violence within the criminal justice system.

The discourse judges use in court rulings is also worth discussing. In case 37, the judge use "mainstream values" as the rationale for blaming the victim's homosexual behavior and perceived betrayal. This ruling underscores the persistent bias and heteronormative assumptions that continue to shape the attitudes of some judges toward LGBT + individuals in China. Such discriminatory attitudes may exacerbate the vulnerability of LGBT + individuals to violence and abuse within both intimate relationships and broader society.

The use of the term "special relationship" to describe the same-sex partnership indicates a subtle recognition of the unique dynamics and challenges of LGBT + intimate relationships within the legal system. However, the inconsistency in the application of punishment suggests a need for greater awareness and sensitivity toward the needs and experiences of LGBT + individuals in intimate relationships within the Chinese legal system.

Conclusion

Domestic violence experienced by LGBT + individuals in China has remained underexplored. In recent studies concerning domestic violence within the LGBT + community, the primary methods of investigation have often relied on self-report questionnaires or interviews that target specific demographics. However, for a comprehensive understanding of this issue, it becomes imperative to access official data and examine the legal responses to such cases. This study aims to contribute initial empirical evidence on LGBT + family violence cases in China by analyzing court rulings. By encompassing diverse LGBT + communities

from all regions of the country, this research seeks to shed light on the prevalence and distinctive characteristics of such cases. Moreover, the study endeavors to explore the implications of legal responses to these incidents, thereby providing valuable insights into this critical and underexplored area of research.

An analysis of court rulings reveals concerning patterns of domestic violence against LGBT + individuals in China. Physical abuse between intimate partners appears to be the most prevalent form of violence, with severe outcomes like death and bodily injury common occurrences. The sources of violence identified in the study encompassed intimate partners, legal partners, parents, and children, highlighting the diverse range of relationships in which family violence can manifest within the LGBT + community. The outcomes of such violence often resulted in bodily injury, death, and property loss, underscoring the serious consequences and significant impact on the lives of LGBT + individuals and their families.

The research also highlights the role of legal spouses and partners in perpetrating violence after discovering the sexual identities of their partner. In multiple cases, heterosexual husbands reacted violently upon finding out about their wives' same-sex relationships. The absence of legal protections for LGBT + individuals cornubites to the abuse to occur without recourse. Providing formal recognition of same-sex partnerships could help prevent such violence.

Perhaps most concerning is the general tendency of court opinions to disregard LGBT + elements and identities when ruling on these cases. The sexual orientation of victims and perpetrators is rarely considered directly relevant to determining convictions or sentencing. This institutional erasure stems from broader cultural stigma and dismissal of LGBT + experiences. It allows judicial biases to persist.

An important aspect to highlight is the enactment of the anti-domestic violence law in 2016. Despite the existence of this law, it is noteworthy that none of the court rulings cited the anti-domestic violence law in their opinions. This omission indicates a tendency among judges to exclude LGBT + family members within the context of traditional Chinese families, reflecting the institutional rejection of marginalized groups. The relationship between culture and legislation is deeply intertwined. Legal texts are influential enunciations of power that instruct people's behaviors (Butler, 2021; Sarat, 2010). The meanings that the written texts carry are beyond the word and reflected in social life (Kondakov, 2021). Cultural norms stigmatize LGBT + groups and the justice system carries on the stigma through its power, which forbids citizens from knowing more about sexual minorities and reinforces the culture of ignorance and discrimination against LGBT + people.

Overall, the research paints a troubling picture of vulnerability to domestic violence for LGBT + individuals in

China. The analysis powerfully demonstrates the need for greater legal support, reduced stigma, and acknowledgment of LGBT+ experiences within the judicial system. The prevalence of documented violence highlights that this is not just an isolated issue but an urgent problem requiring meaningful intervention.

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Declarations

Conflict of Interest The authors have no conflict of interest to declare that are relevant to this article.

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