

Research on Prevention and Control of Domestic Violence based on Big Data

-- Taking Hefei as an Example

Lin Xu, Zhujun Shu, Tao Wang, Xinyu Kan

Anhui University of Finance and Economics, Bengbu, 233030, China

Abstract

China has initially established an anti-domestic violence prevention and control system. Relevant government departments headed by public security and women's federations intervene in disputes caused by domestic violence according to law. Under the framework and policies of existing laws and regulations, a linkage mode is formed, with public security and women's federations as tentacles and other functional departments actively cooperating. However, the existing mechanism for handling domestic violence cases still has some shortcomings, such as the shortage of grass-roots governance resources, the vague division of responsibilities among institutions, the lack of information sharing among departments, and the limitations of resolving multiple disputes. In order to improve the anti-domestic violence prevention and control system, this paper takes Hefei City, Anhui Province as an example to explore and put forward some countermeasures, such as increasing cultural propaganda, popularizing legal education, improving mediation quality, deepening multiple mediation mechanisms, strengthening departmental linkage, improving grid governance, unifying public security law enforcement norms, and giving full play to the advantages of community policing prevention and control.

Keywords

Anti-domestic Violence; Government Departments; Social Linkage; Improve the Mechanism; Hefei.

1. Introduction

According to the provisions of Article 2 of Chapter 1 of the Anti-Domestic Violence Law, domestic violence refers to physical and mental violations committed by family members by beating, binding, maiming, restricting personal freedom, and frequent abuse and intimidation. Domestic violence seriously destroys the happiness and harmony of the family, which leads to the injury of the victim and the death of the victim. According to the authorization of laws and regulations, government functional departments have laws to follow when they intervene in families in time. Under the background of comprehensive social management, relevant departments engaged in anti-domestic violence work work together and are committed to bringing domestic violence management to the modernization process.

2. The Current Situation of Hefei's Anti-Domestic Violence Prevention and Control System

Hefei City, Anhui Province has basically formed a multi-agency cooperation intervention mechanism against domestic violence: the government guides all functional departments to work together, and the women's Federation plays the role of organization, coordination, guidance and supervision, forming an intervention network in the treatment of domestic

violence at all levels. The existing anti-domestic violence model of various departments in Hefei is similar, with the public security and women's federations as the tentacles and other departments following up[1].

2.1. Public Security has become the Strong Backing of Every Family

The public security organs are at the core of the domestic violence control system. "Call 110 if you have something" is widely circulated, and the public security organs that first contacted domestic violence cases played a key role. In the prevention and treatment of domestic violence, the administrative organ is a major part of public power, and it can intervene and intervene reasonably and legally in the whole process before, during and after the occurrence of domestic violence[2]. As a violent organ of the country, public security organs have the power of administrative coercion, which is the last security guarantee for victims. If the victim is slightly injured or above, the public security organ may investigate the criminal responsibility of the perpetrator according to law. For those who have not caused serious consequences and the circumstances are minor, public security mediation can be applied, and the decision and type of administrative punishment can also be made according to the actual injuries and circumstances of the victims, such as criticizing and educating the perpetrators, issuing a warning letter on domestic violence, and imposing administrative penalties such as fines, warnings and even administrative detention. However, in some domestic violence cases with certain social harm, it is difficult for the public security organs to directly punish the perpetrators under the circumstances of strong opposition from family members. On the contrary, public security detention has played a bad role, and the public security organs can hand it over to other departments for further handling according to the nature of the cases. If the case is handed over to the Women's Federation, the staff of the Women's Federation will further handle the case, and take a multi-pronged approach to completely solve the contradiction. If we only rely on public security organs to handle domestic violence disputes, the handling effect will be greatly reduced due to the lack of police resources, the identity of law enforcement agencies and the lack of professional ability[3].

2.2. Municipal Women's Federation and Public Security Work Together

Hefei Public Security Bureau and Hefei Women's Federation jointly established the "Hefei Women's Federation 110 Linkage Platform", through which the Women's Federation shared the police information of domestic violence. The Women's Federation pays a return visit to the domestic violence case that happened the day before. The return visit takes two forms: one is to send a caring message to the victim, care about the victim's physical and mental condition, and ask if he needs help to appease the victim. Second, pay a phone call back to find out the latest progress of family relations, the results of the police's handling, whether the two sides have resolved family disputes, provide legal consultation and psychological consultation, and provide feasible suggestions and measures according to the actual situation. The Women's Federation evaluates the risk of domestic violence through telephone return visits and brief case information, informs community and street staff to assist in on-site visits when necessary, and actively participates in disputes within the family[4]. Jianggan Public Security and the District Women's Federation are in the forefront of the joint action against domestic violence in Hefei, and they implement a joint "police": after receiving the domestic violence alarm on the first line, the police directly convey the specific information of the alarm to the work group, and the staff (mediators) of the Women's Federation then arrive at the scene to deal with contradictions and resolve disputes. The Women's Federation provides psychological counseling and legal consultation services for the victims. If the husband and wife reach an agreement, they can go to the Women's Federation to mediate family affairs on the spot. In order to achieve the above measures efficiently, Hefei Women's Federation publicly solicited relevant campaigns of non-governmental organizations and used the government budget to

purchase the services of non-governmental organizations to provide help to the victims of domestic violence.

2.3. Cooperation of Other Departments

The work against domestic violence is a joint process of the whole social sector. Public security, procuratorate, court, judiciary, civil affairs, education, health and health commission, press, publication, radio, film and television bureau, Federation of Trade Unions, Communist Youth League Committee, Women's Federation, Disabled Persons' Federation and other relevant departments are all making their own efforts for anti-domestic violence work. In recent years, the central government has been promoting the construction of a service-oriented government and transforming government functions. The coordinated participation of other government functional departments is conducive to the development of anti-domestic violence work. The author lists several typical and representative measures implemented by departments[5].

(1) For families in need of mediation

The construction of "Safe Hefei" promoted the diversified dispute mediation mechanism. Hefei insisted on developing the "Maple Bridge Experience" and gradually established a diversified cooperative contradiction mediation mechanism based on the principle of cooperation and common governance, such as the "Peacemaker Association". In the traditional small society, more neighbors, relatives and friends are involved in mediation. Now, both husband and wife can go to mediation offices such as communities, streets and courts to ask for people's mediation, they can conduct public security mediation under the auspices of public security organs, they can go to the judicial bureau for judicial mediation, and they can also go to some civil mediation organizations for mediation. Both parties can choose by themselves and fully respect the autonomy of the parties. There are various ways of mediation, all of which are aimed at resolving contradictions and disputes[6].

(2) For victims who need legal assistance, they can seek legal assistance from the Judicial Bureau or entrust a lawyer alone to file a lawsuit for divorce or apply for a personal safety protection order to safeguard their legitimate rights and interests through legal channels. When defending rights, you can ask the public security organs to provide relevant certificates of domestic violence (including police records, injury reports, mediation agreements, warnings issued at that time, etc.), or you can ask women's federations and other units to provide necessary assistance. The court will make immediate judgments according to the victims' demands and actual conditions to safeguard the rights of the parties. If we can get the support of relevant government departments, it will be more convenient for victims to carry out rights protection activities[7].

(3) For the victims who need emergency shelter, in some extreme cases, if the disadvantaged party in the domestic violence case is not financially independent and totally dependent on the perpetrator, the victims may be homeless and afraid to return home. Civil affairs shelters managed by civil affairs units are places set up by the government to temporarily guarantee the personal safety of victims, and can guarantee basic food and accommodation conditions[8].

3. The Shortcomings in the Anti-Domestic Violence Prevention and Control System

With the acceleration of urbanization, multi-storey housing has become the mainstream mode of urban living. Neighborhood relations in the community are indifferent, and "domestic scandals are not publicized". Often, contradictions and disputes within the family are difficult for outsiders to detect, let alone resolve[9]. The traditional effective management and control system, which touches every corner of the society and helps each other, has existed in name

only in many places, but the new grass-roots social governance system covering the whole society has not been fully established, leading to the lack of governance capacity.

3.1. Grass-roots Governance Resource Shortage

In the anti-domestic violence work, the construction of property security, assessment and supervision, information sharing platform and other aspects is weak, and the relevant departments give more verbal support and make more demands, and provide less guidance and support, such as not actively deploying necessary personnel and not actively providing necessary sufficient funds. Take the public security organs as an example. As the core force of anti-domestic violence work, the shortage of police force at the grass-roots level is a recognized problem. The larger police stations in the jurisdiction have to deal with dozens of police cases a day, and the police on duty work 24 hours a day[10]. Each police officer not only has to deal with domestic violence, but also has to deal with other public security cases in the jurisdiction. In addition, sometimes he has to participate in public security management activities such as publicity, large-scale investigation and visits, and the ambassador police under work pressure are exhausted, which leads to the inability to deal with domestic violence cases. Therefore, the dispute resolution of anti-domestic violence, which seriously affects family harmony and stability, must be clarified as an important job responsibility of relevant departments to alleviate the shortage of police resources at the grassroots level.

3.2. Inter-agency Division of Responsibilities is Vague

At present, although Hefei has initially established a grass-roots social governance system and mechanism of "multi-governance" and "overall linkage", on the whole, it is still in a shallow level, low frequency and short-term synergy, and the vertical linkage between different levels of government and the horizontal coordination mechanism between departments and political institutions are still not smooth. Due to the misunderstanding of some government departments mentioned above, some grass-roots organizations and departments simply believe that anti-domestic violence work is only a matter for the public security family and has nothing to do with themselves[11]. As a result, "a single tree does not make a forest" and the "concerto" of comprehensive management of social security and anti-domestic violence cannot be played.

3.3. There are Information Barriers between Departments

The information sharing between departments is not enough, and the communication is not smooth enough, which leads to some cases that are explicit and can resolve contradictions and disputes are not deep and effective. If there are some public security organs that have contacted the police of domestic violence and conducted mediation talks, the community or women's federations fail to understand the relevant situation in time, so they will not make a follow-up visit later; The information of the perpetrators who have been repeatedly punished by the public security organs for domestic violence has not been shared with the community, women's federations and other departments, so it is difficult to implement the control of such key targets. The relevant units do not understand the perpetrators' criminal record behavior, and the disposal effect is greatly reduced. All the above information barriers between departments lead to low efficiency in resolving contradictions and disputes, and the anti-domestic violence work has little effect.

3.4. The Limitations of Resolving Multiple Contradictions and Disputes

There are still some shortcomings in the effective multi-sectoral multi-resolution mechanism, especially the construction of mediation mechanism for contradictions and disputes such as "parents are short" is relatively backward and weak. Public security organs, women's federations, streets, communities, judicial departments, courts and other departments all have

people's mediators. The mediation policies, mediation levels and knowledge reserves of various localities and departments are uneven, and the team for resolving contradictions and disputes is not equipped enough, management training is not enough, and employees are older, which are common problems in grassroots departments. In order to achieve the assessment performance, many mediators make hasty mediation, which is superficial, and there is a phenomenon of simplification in the mediation process to some extent. For some objects, the work goal is clear, but the mediation depth and effect are not good; Others are unable to carry out mediation work because the parties are "foreign" and "temporary" and the object is unknown. In addition, in some places, evaluation is carried out, focusing on "quantity" rather than "quality", which is also very unfavorable for timely correction of the above problems. The four functions and powers of reception and acceptance of contradictions and disputes, diversion and assignment, coordination and dispatch, and supervision and guidance have not been fully implemented, which directly affects its role.

4. Some thoughts on Improving the Anti-Domestic Violence Prevention and Control System

4.1. Guide Cultural Concepts, Strengthen the Publicity Work of Law Popularization

Since modern times, our government has devoted itself to improving the status of women and achieved good results. We should continue to adhere to the basic national policy of equality between men and women, create a social atmosphere of zero tolerance for domestic violence, and guide people to have correct cultural, ideological and values. Give full play to the social guidance and regulatory influence of government functional departments, visit the grassroots people to understand the value orientation when necessary, adjust measures to local conditions, and eliminate backward feudal ideas. At the same time, we should correctly guide the concept of equality between the next generation of teenagers, build a family style of "equality between men and women" and encourage gender equality with the family as the unit. In view of the shortage of legal education in China, we should strengthen legal publicity and education and implement the basic strategy of governing the country according to law on the basis of correctly guiding cultural concepts. First of all, the relevant departments, as leaders, naturally become the main body of responsibility for legal publicity and education, and they should be good communicators of legal publicity and education for the masses, forming a legal publicity model led by the government and participated by the people; Secondly, we should encourage all sectors of society to participate in the study and teaching of legal education, including lawyers, judges, prosecutors and other legal professionals, some non-governmental organizations and various media to improve the efficiency and coverage of legal publicity; Thirdly, it is necessary to improve the relevant system of legal consultation, explain patiently, and be persuasive, so that more people can enjoy high-quality legal services and enhance their legal awareness.

4.2. Improve the Quality of Mediation and Deepen the Pluralistic Mediation Mechanism

In order to improve the personal quality, mediation level, service quality and other professional qualities of mediators, it is necessary to organize relevant professional ability improvement training on a regular basis. At the same time, establish a system of mediators' classified return visits to past cases: take the opinions of public security organs as a reference, evaluate according to the specific circumstances such as the number of domestic violence, the plot and the degree of injury, and treat domestic violence cases in different levels. The first-class incident should contact the staff of the district women's Federation or the community mediator (social worker) to visit the family site and help mediate. Secondary events should be archived, which

has the potential of recurrence in the future, and regular return visits should be made. Third-level events are some events with obvious and slight behaviors that can be ignored after processing. Domestic violence cases with different severity are treated in different levels, and three kinds of domestic violence cases with high, medium and low social harm are screened out, and when necessary, they are linked with assessment performance, and the responsibility is investigated, so that mediators can be responsible for each mediation case and mediate one case at a time. On the basis of implementing the mediator responsibility system, deepen the diversified dispute mediation mechanism. The establishment of diversified dispute mediation mechanism is beneficial for both parties to independently choose trusted departments or mediators to mediate, improve the efficiency and effect of mediation, and implement the principle of "professional people do professional things". And we can reorganize the existing social resources, rely on grassroots mediation organizations such as towns, streets and communities, and mobilize grid workers, respected township sages, retired old party member cadres, community lawyers, women representatives and other local people with certain prestige to participate in part-time mediation work. Under the premise that the parties are voluntary and legal, relying on the social relations of acquaintances, it is better to choose a prestigious mediator for mediation.

4.3. Strengthen Inter-Departmental Linkage and Improve Community Grid Governance

On the one hand, we can expand the scope of linkage departments, and bring the community, village committees, judicial bureau, education bureau, health and health commission and other departments into the linkage model. The public security organ is the "first responsible person", and it is diverted after being exposed to domestic violence cases. If the relevant cases are to be handed over to other departments for handling, the steps and progress should be marked on the linkage platform, so that other departments can better handle the case. On the other hand, it makes up for the lag of the warning information of the multi-department linkage platform. The police receiving and handling of public security organs is a set of rapid response system, and the alarm information is issued smoothly and quickly from receiving the police to going out, following the principle of "time is life". If the communication of domestic violence alarm on the multi-department linkage platform can be synchronized with the "110 receiving and handling alarm" system, other functional departments can also respond in the first time. Therefore, the rational allocation of linkage mode not only reduces the pressure of public security organs, avoids the situation of public security departments fighting alone, but also improves the administrative efficiency of other departments, so that domestic violence cases can be handled as soon as possible. While strengthening the linkage between departments, we should also allocate the division of responsibilities to prevent the phenomenon of shirking responsibility. Grid governance embodies the principle of high efficiency and convenience, indicating that grass-roots functional departments are actively changing from management-oriented government to service-oriented government. Because of geographical advantages, township units are closer to the place where domestic violence cases occur, and staff members have a better understanding of the situation within their jurisdiction, making it easier to strengthen the linkage between various departments. From township streets to village committees and communities, they are issued at all levels. We should speed up the process of improving the grid system, reasonably set up internal factors such as organizational structure, jurisdiction scope and personnel allocation, so as to achieve reasonable organization and no waste of resources; We should pay more attention to service than management, promote the transformation of service-oriented government, give full play to the geographical advantages of urban community grid, and embody the purpose and principle of "serving the people", and do not make grid an extension of the new level of administrative power.

4.4. Unify the Law Enforcement Norms of the Public Security Team and Give Full Play to the Advantages of Community Policing Prevention and Control

Due to the special position of the public security organs in the domestic violence control system, the results of the police's disposal largely determine the follow-up development of domestic violence. The uneven level of individual law enforcement of the police has led to some domestic violence cases not being effectively disposed of. Many domestic violence cases in practice are difficult to impose substantial punishment on the perpetrators because of the problem of obtaining evidence, and the public security organs' disposal has not achieved the due administrative effect. In practice, the police situation of dealing with domestic violence often presents: "high standard of evidence identification, moderate solution and extremely low punishment." Therefore, public security teams in various regions should strive to improve their ability to handle domestic violence cases. On the one hand, it is necessary to change the concept of law enforcement, clearly realize that the public security organ is the last administrative position for victims, dispel the negative concept of law enforcement such as "honest officials can't decide housework", and actively intervene in domestic violence cases to resolve contradictions and disputes; On the other hand, in order to improve the professional law enforcement ability of public security police, we should fix the relevant evidence in the early disposal process, respond flexibly when dealing with domestic violence cases, implement the principle of combining punishment with education, and conduct administrative management according to the specific circumstances in a reasonable, legal and compliant manner. Community policing is a police force rooted at the bottom of the grass roots, and it is an innate advantage in social governance. Reasonable use of community policing can achieve good results in the prevention and control of domestic violence. As early as 2002, the Ministry of Public Security has tried to promote the construction of community policing in Hefei, and now it has accumulated rich experience in community management, but there is still room for further improvement: first, it is necessary to clarify the main responsibilities of community policing, so as to achieve a reasonable division of labor, clear responsibilities and reasonable configuration; Secondly, under the framework of the existing community policing management model, the overall system construction of community policing should be improved, and police personnel (community police) and other community workers should form a set of perfect policing governance model to create an atmosphere of police-people cooperation and common governance; Thirdly, it is necessary to intensify the investigation, deeply integrate into the community residents, focus on families with frequent domestic violence, and intervene in time to prevent further escalation of domestic violence cases.

5. Conclusion

The improvement of the anti-domestic violence prevention and control system can be achieved not only by the reform of a certain department, but also by implementing the policy of diversified governance under the background of comprehensive social governance. All departments work together, do their due duties, give full play to their governance advantages, and deeply resolve family conflicts and disputes, or deal with criminals in time to ensure the personal safety of the parties. In a word, with the joint efforts of the whole society, we can write a new chapter in domestic violence governance.

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