



The Women's Commission Report

Women's Safety in Hong Kong: Eliminating Domestic Violence

婦女事務委員會報告

香港婦女安全：消除家庭暴力



婦女事務委員會
Women's Commission

The background of the entire page is a photograph of a bright blue sky filled with soft, white, fluffy clouds. The clouds are more concentrated in the lower half of the image, creating a sense of depth and light.

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January 2006

Letter from the Chairperson of the Women's Commission

Domestic violence against women is very far from being only a private matter. When a woman is abused, her entire family, including her children, suffer. This in turn holds very grave implications for society as a whole, since patterns of domestic violence are all too readily transmitted from one generation to the next. Children who grow up in a violent home are much more likely to become abusers themselves.

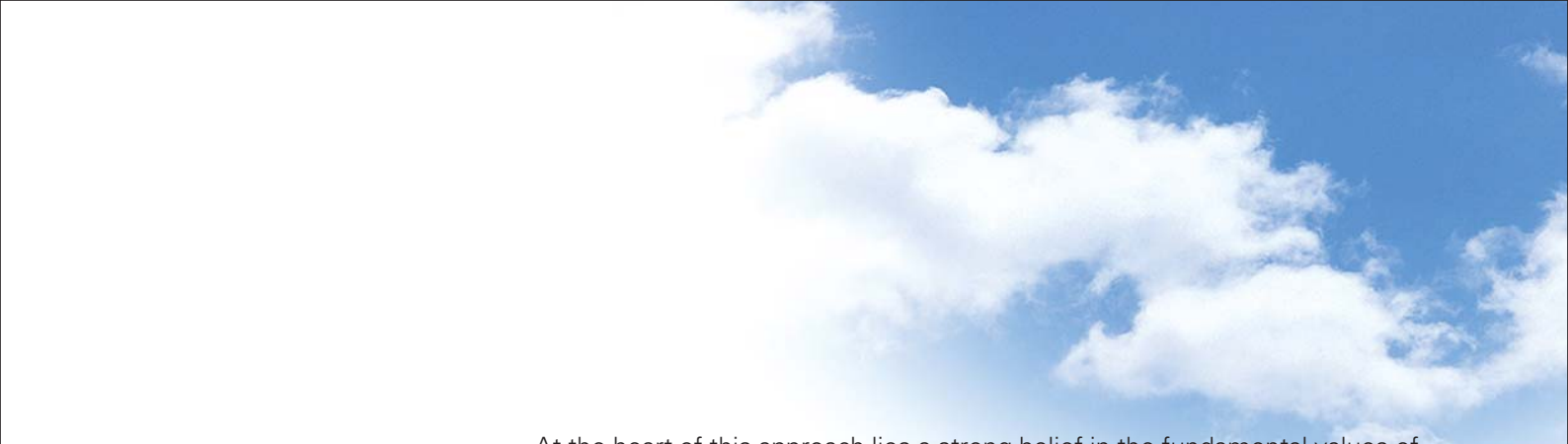
With this in mind, the Women's Commission believes it is vital to educate our community not merely about the prevalence of domestic violence but also about its corrosive effect on our society. We insist too on a zero tolerance approach to offenders. Here, our firm stance accords well with Government policy, as set out by the Chief Executive in his 2005-06 Policy Address:

"The Government does not tolerate domestic violence. We provide protection to victims of domestic violence, in particular women and children. We will also pursue the perpetrators of violence and bring them to justice..."

...We will also help victims of domestic violence understand their rights, the protection afforded by law and the support services rendered by the Government, and encourage them to seek help as early as possible [...]"

If we are determined to combat domestic violence in our society, we must work with the agencies of law enforcement side by side. We therefore appreciate the Police, whose Commissioner reminded his hearers on November 25, 2005, the International Day for the Elimination of Violence against Women, that the Police are determined to act decisively in arresting persons against whom there is sufficient evidence of domestic violence.

As public concern over this social ill continues to mount, the Women's Commission as the central women's affairs mechanism, has taken the initiative to call upon all partners and stakeholders to design a strategy based on a multi-dimensional approach. In addition to our educational and informational efforts, our central role is to assist stakeholders to plan, implement and monitor changes across agency boundaries.



At the heart of this approach lies a strong belief in the fundamental values of mutual respect, inclusion and tolerance. We are committed to building a decent, just and caring society for all, and we are confident that our stakeholders and the community at large will bend every effort to work towards this important goal.

On behalf of the Women's Commission, I would like to thank our many stakeholders and partners for their help in preparing the strategic plan elaborated in this report, which seeks to eliminate domestic violence in Hong Kong. They have been most generous in contributing their time and valuable suggestions in numerous discussions and sharing sessions and have offered many valuable suggestions. The Working Group on Safety and the Secretariat deserve a special word of thanks for their hard work and dedication in the past two years in preparing and producing such an all-encompassing document.

We have tried to make this document as inclusive as possible, considering a wide range of views and concerns. This is only the beginning of a lengthy process and we invite our readers to respond energetically to the ideas presented and we certainly look forward to working with our partners, stakeholders, and the whole community to take the next step together, joining us in heart and mind.

The Women's Commission has chosen as its theme for the next five years, "Together We Build a Harmonious Community". We believe that the surest foundation of this harmonious community is the harmonious family. We appeal to all stakeholders and everyone with a concern for Hong Kong's peaceful future to partner strategically with us. Our joint efforts, which have already found a powerful reflection in this document, must continue. Together we can play a vital role in making Hong Kong safer for women and for everyone, both at home and in the community at large.



The Hon. Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Chairperson, Women's Commission
January 2006



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Executive summary

- 1 Domestic violence is a multi-dimensional issue which has traumatic impact not only on the individual, but also the family and the community. The Women's Commission (WoC) calls on the entire community to address this issue collaboratively and creatively. WoC believes that with commitment from all stakeholders, we will provide a safer and more harmonious environment for all in Hong Kong.

Purpose

- 2 The purpose of this document is to provide a broad framework for conceptualising domestic violence in Hong Kong, and to outline a strategy to address victims' empowerment, prevention of violence, timely and effective intervention, community education and support.

WHO approach

- 3 Domestic violence is a violation of human rights, a serious public health problem and a crime. Having looked at various approaches, WoC has chosen the World Health Organization (WHO) approach to address domestic violence, using a coordinated community intervention model whereby it will act as a central platform from which to:
 - exchange information
 - identify and address problems in the provision of services
 - promote good practice through training and drawing up guidelines
 - promote community awareness and prevention strategies

Role of WoC

- 4 In respect to safety for women, the role of WoC is to act as a central mechanism for organising a multi-level, multi-sectoral push to continue to prioritise the elimination of domestic violence in the community. Working with our stakeholder partners, WoC will:
 - promote multi-disciplinary cooperation in tackling domestic violence.
 - advocate gender awareness, gender equality and mutual respect, and involving men in the process.
 - set up opportunities for information exchange and discussion where various partners can interact.
 - explore alternatives to fill existing gaps.

Setting up a strategic platform with stakeholders

- 5 In a spirit of partnership, WoC initiated an interactive, dynamic process in which it invited relevant stakeholders to discuss pertinent questions and initiatives. The stakeholders included government departments, women's groups, social service organisations and academics. WoC also met victims and victims' groups.



Key principles

- 6 Taking into consideration the views of stakeholders, WoC proposes the following foundation principles for our strategy:
- domestic violence is a violation of human rights. Accordingly protection of victims and their children is of paramount importance.
 - promotion of gender awareness, gender equality and mutual respect within the family and in society helps to eliminate domestic violence.
 - domestic violence is not to be tolerated in any sector of the community.
 - elimination of domestic violence is a top priority.
 - domestic violence is a multi-faceted problem in which gender is a central focus. All sectors of the community must work together using a gender perspective to combat the problem.
 - proactive identification of families at risk of domestic violence facilitates prevention.

A coordinated strategy

- 7 Adapting the WHO model to eliminate domestic violence in Hong Kong, WoC recommends using the following approaches:
- women's empowerment
 - prevention, education and community support
 - early identification, and intervention
 - criminal justice responses
 - research, data-sharing and dissemination of findings


Taking a proactive approach

- 8 WoC advocates policy, service and legal changes to ensure that domestic violence is tackled more effectively. WoC also urges all stakeholders to take a more proactive approach to domestic violence.
- 9 WoC will mobilise stakeholders to promote a contemporary and multi-dimensional approach to domestic violence. Our priority is to make women free from abuse. By working together in an informed, coordinated manner, a more effective response to domestic violence can be achieved, making families and communities safer for all their members.

Recommendations

- 10 Details of each recommendation can be found in Chapter 8.





Law reform

WoC recommendation #1.1: extending the scope of “protected persons” to cover former spouses or cohabitants

WoC recommends that the scope of “protected persons” to whom a non-molestation order is available under the Domestic Violence Ordinance (DVO) be extended to include an ex-spouse and an ex-cohabitee.

WoC recommendation #1.2: exploring extension of scope of “protected persons”

WoC recommends that, in the longer term, it should be explored whether to include the following persons, listed in order of descending priority, in the scope of “protected persons”:

- persons of the in-law relationship (such as parents-in-law and children-in-law)
- persons living in the same household, otherwise than merely by reason of one of them being the other’s employee, tenant, lodger or boarder

WoC recommendation #1.3: extending power of arrest to cover violence in a form other than actual bodily harm through attachment of power of arrest to molestation order

WoC recommends that the key words “has caused actual bodily harm to” should be replaced by “has used or threatened violence against”. This will make available the power of arrest in situations where violence is even only threatened as well as where there is psychological harm to the victim.

WoC recommendation #1.4: taking forward the proposed anti-stalking legislation

WoC recommends that the Government take forward the proposed anti-stalking legislation to cover the non-physical aspects of domestic violence.

WoC recommendation #1.5: the courts to refer batterers to Batterers Intervention Programmes (BIPs)

WoC recommends that the courts increase referrals to BIPs.

WoC recommendation #1.6: enhancing promotion of BIPs


WoC recommends that the Social Welfare Department enhance promotion of BIPs to targeted audiences and conduct evaluation of its effectiveness with a view to developing a long-term, sustainable programme.

Services

WoC recommendation # 2.1: combating transgenerational transmission through BIPs

WoC recommends all stakeholders working with domestic violence in Hong Kong learn about transgenerational transmission and how to stop it. As much emphasis must be placed on identifying and providing properly-developed services for potential, and actual, batterers as providing services for victims.

WoC recommends that the Social Welfare Department consider how to address needs of children witnessing domestic violence, developing programmes for them, and their families, in order to break the cycle of violence.



WoC recommendation #2.2: BIPs be given due attention

WoC recommends that effective BIPs be instituted in Hong Kong, with reference to overseas experience.

WoC recommendation #2.3: after-care and support for victims

WoC recommends that the Social Welfare Department monitor situations of victims leaving women's shelters in order to provide support and timely intervention.

Publicity

WoC recommendation #3: changing attitudes and disseminating information

WoC recommends that all stakeholders align efforts to promote awareness, change community attitudes, give information regarding legal avenues and services available, and encourage early identification of abuse.

Professional knowledge-sharing, documentation and research

WoC recommendation #4.1: sharing professional knowledge and good practices

WoC recommends that a platform for sharing professional knowledge and good practices be established.

WoC recommendation #4.2: strengthening methods of investigation by the Police

An important part of strengthening the ability to investigate and prosecute abusers is compilation of sufficient evidence for the court. WoC recommends that the Police strengthen the existing investigation process through using a re-designed aide-mémoire card/a checklist.

WoC recommendation #4.3: collecting evidence for the courts

WoC recommends that stakeholders produce a booklet on the importance of domestic violence evidence gathering, to educate professionals, stakeholders, concerned individuals and particularly victims.

WoC recommendation #4.4: research and database sharing

WoC recommends that a system be established to facilitate and share research and database information about domestic violence.





Hospitals, health and medical sectors

WoC recommendation #5.1: health care professional training

WoC recommends emphasising on domestic violence in the curriculum for health care professional training.

WoC recommendation #5.2: continuous in-service training

WoC recommends that the Hospital Authority, the Department of Health and the Fire Services Department conduct regular in-service training on domestic violence for all relevant medical personnel who deal with patients, both in primary care and emergency contexts (e.g. staff doctors and ambulance personnel).

WoC recommendation #5.3: content of training

WoC recommends that Hospital Authority, the Department of Health, and relevant health care professionals put in place good practices for attending to victims of domestic violence such as:

- early recognition of victims of domestic violence, and collecting forensic evidence
- giving advice and empathetic care to all victims of domestic violence
- referring all victims to expert service providers

Gender mainstreaming and gender-related training

WoC recommendation #6: WoC Gender Mainstreaming Checklist

WoC recommends that the Government apply the WoC Gender Mainstreaming Checklist to all aspects of its work on domestic violence and promote gender-related training to their officers.

Early identification and intervention

WoC recommendation #7: early identification of abuse

WoC recommends that all stakeholders and the community have a responsibility in early identification of abuse.

Community networking

WoC recommendation #8.1: building community support

WoC recommends making better use of community resources, for example, training and developing volunteers to support professional social workers and help victims integrate more fully into the community.

- These initiatives include self-help, mutual support, and peer counselling.

WoC recommends developing a community support network to better support victims and their children.

WoC recommendation #8.2: district networking

WoC recommends that the Home Affairs Department:

- work closely with the Social Welfare Department and the Housing Department to develop programmes to help early identification of domestic violence cases at the district level.
- incorporate the topic of domestic violence and prevention in the district fight crime programmes and activities.
- work closely with the Social Welfare Department and women's groups to help empower women to seek assistance and help mobilise male and female volunteers to strengthen community awareness and support.

Next step: monitoring, evaluating and facilitating change

11 Domestic violence is largely a hidden crime. WoC commits to facilitating a mobilisation of stakeholders and the wider community to set up an integrated long term evaluating and monitoring mechanism based on international best practice models to map our progress.

12 WoC and stakeholders will play their parts to keep such a mobilisation activated. But to effect long term change and heightened societal awareness, it is essential to also solicit the public's involvement and support so that the whole community can come together, working to make families safer and more harmonious in Hong Kong.



1. Domestic violence: a multi-dimensional issue requiring a co-ordinated community response

1.1 Purpose of WoC's strategic plan

The purpose of WoC strategic plan is to provide a framework for eliminating domestic violence in Hong Kong. Reflecting current Government policy, this plan outlines strategies for victim's empowerment, prevention of violence, timely and effective intervention, community education and support. In addition, WoC recommends a long-term plan to monitor and continuously improve responses to domestic violence, to ensure the current momentum that addresses the issue of domestic violence continues.

"The Government does not tolerate domestic violence. We provide protection to victims of domestic violence, in particular women and children. We will pursue the perpetrators of violence and bring them to justice..."

We will also help victims of domestic violence understand their rights, the protection afforded by law and the support services rendered by the Government, and encourage them to seek help as early as possible [...]"

(HKSAR Chief Executive's Policy Address 2005-06)

1.2 WoC's commitment to initiate a long-term strategy

WoC, enrolling the support of all stakeholders, commits to working to eliminate domestic violence in all forms, outlining a strategy to effectively address the issue of domestic violence.

1.3 Methodology: WHO approach

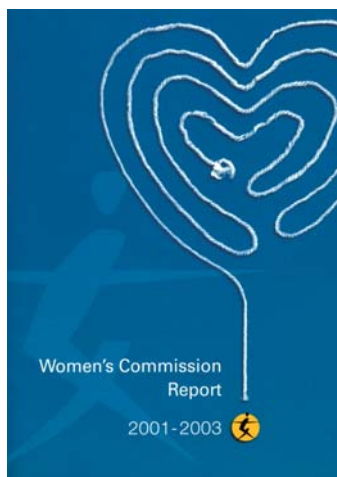
Having looked at various approaches, WoC has chosen the World Health Organization (WHO) approach to address domestic violence, and accordingly has chosen to model its actions on WHO best practices, as outlined in a major document produced on the subject, the WHO World Report on Violence and Health (WHO 2002).

Coordinated community interventions

Coordinating councils or interagency forums are an increasingly popular means of monitoring and improving responses towards intimate partner violence at the community level. Their aim is to:

- *exchange information*
- *identify and address problems in the provision of services*
- *promote good practice through training and drawing up guidelines*
- *track cases and carry out institutional audits to assess the practice of various agencies*
- *promote community awareness and prevention work*

(WHO 2002)



1.3.1 WoC sessions with stakeholders

Since domestic violence is a multi-faceted problem, it requires multi-sectoral participation to combat it. WoC, modelling current WHO practice, (see above) organised sharing sessions with various stakeholders to explore the issues involved. Stakeholders included Government departments, women's groups, social service organisations and academics. WoC will use this same platform to monitor progress and be a forum for continuous improvement of a community-wide response to domestic violence.

Early involvement of stakeholder groups

Following best practice models, stakeholder groups were consulted at the beginning of the process to exchange views and comments, to help define necessary issues to be addressed.

Procedure: initiation of topics for discussion by WoC

In a spirit of partnership, WoC invited stakeholders to comment on a list of questions. The stakeholders returned with their views.

Areas addressed

At the sharing sessions, each organisation was invited to exchange views on issues including:

- potential gaps in the existing system
- roles and contributions of each of the organisations concerned
- difficulties and challenges encountered
- expectations of and possible partnership with WoC

1.4 Strategic plan

Each organisation's comments on areas to address have been carefully considered by WoC and are summarised here. WoC thanks all participants for their involvement, which has helped to identify key points for a strategic plan to combat domestic violence in Hong Kong.

WoC will continue to work with key stakeholders to prevent and tackle domestic violence, as well as to regularly monitor and evaluate progress made.



2. Background: history and international context

2.1 Cultural, social and economic contexts

Domestic violence is a universal, extremely diffuse and complex phenomenon. It is strongly influenced by contemporary culture and societal values. As such, regular reviews of provisions are necessary as values and societal norms evolve. Since over 80% of victims are women, this report focuses primarily on women as victims of domestic violence. The fact that women are often emotionally involved with and/or economically dependent on those who victimise them has major implications for the dynamics of abuse and approaches to dealing with it.



2.2 History

Awareness of domestic violence, in particular spousal abuse, in Hong Kong began 20 years ago with establishment of the first refuge for women established by the Harmony House. The idea of a shelter was suggested by a social worker at the Family Welfare Society and supported by professionals including a medical doctor and a lawyer. The need to provide shelter for women and children was made evident from results of a survey conducted at the United Christian Hospital. With sponsorship from the Hong Kong Council of Women, the Harmony House opened the door to victims of domestic violence in April of 1985. The Government subvention of refuge services commenced in 1989.

Milestone: setting up a multidisciplinary response

Policy makers and the community at large have become more aware of spousal abuse since the late 1980s. To date, although domestic violence is still very much a taboo subject in Hong Kong society, the impact of violence against women in intimate relationships is being gradually recognised, from the social perspective and also from health, legal and judicial perspectives.

An interdepartmental Working Group on Battered Spouses was set up by the Government in 1995, comprised of representatives from the Social Welfare Department, the Health and Welfare Branch (now renamed the Health, Welfare and Food Bureau), non-governmental organisations (NGOs), the Housing Department, the Department of Justice, the Hospital Authority, the Education Department (now renamed the Education and Manpower Bureau) and the Legal Aid Department. This marked an important step as Hong Kong embarked on a multidisciplinary approach to address violence against women.



(Photo provided by HH)



Call for a WoC: answering the need for a central women's affairs mechanism

In the late 1980s, a coalition of women's groups advocated a comprehensive strategy for advancing women's status, to extend the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to Hong Kong, and for creation of a working group on women's policy in the Government.

When the Equal Opportunities Commission (EOC) was established in 1996, women's groups expected it to be the central mechanism addressing all aspects of women's concerns. Some of these issues were beyond the immediate terms of reference of the statutory body.

In 1999 a broad platform, including the chair of EOC, academics and women's groups, called on the Government to set up a high level central mechanism to implement and monitor Hong Kong's obligations under CEDAW, in order to address women's problems in a more comprehensive manner.

The UN CEDAW Expert Committee also actively asked the HKSAR Government to set up a "national machinery" for women in their submission entitled Concluding remarks of the Committee on the Elimination of Discrimination Against Women on the Initial Report on the HKSAR under the Convention on the Elimination of All Forms of Discrimination Against Women, 1999.

In May 2000, the Government announced its intention to set up a women's commission. WoC was established in January 2001.

The WoC Working Group on Safety

Women's safety is one of the priorities of CEDAW. WoC began work in earnest on this priority in 2004.

- * In April 2004, WoC began in-depth consideration of domestic violence. Later in the year, WoC set up the Working Group on Safety to enhance women's safety, with a focus on tackling the problem of domestic violence.
- * The Working Group's focus is setting out a multi-dimensional strategy to tackle domestic violence; enhance community support; and launch major public education and publicity campaigns to arouse public attention.
- * Specific terms of reference and membership of the Working Group are attached at Appendix 1.





The Tin Shui Wai tragedy

The Tin Shui Wai (TSW) tragedy in April 2004 aroused a great deal of public attention to the issues of availability and effectiveness of resources to protect families at risk. This incident involved a triple murder in a family living in the new town of Tin Shui Wai, wherein the father killed his wife and twin daughters before fatally injuring himself.

The mother had contacted social workers previously and the Police the same day but this did not avert the tragedy from taking place, prompting questions as to why the system had failed. After the Tin Shui Wai tragedy, the community called for the Government to take stronger actions to address domestic violence.

2.3 International human rights obligations

Human rights obligations have been set out by the United Nations (UN) in treaties as well as in customary international law.

- * Treaties are legally binding agreements which signatories work to incorporate into their local laws, while making regular reports on their progress.
- * UN treaties that cover protection for women against violence are extended and applicable to the HKSAR.
- * There are also a number of declarations and other documents adopted by the UN General Assembly, which influence women's issues in Hong Kong, for example the Beijing Declaration and Platform for Action.

Protection against violence

The United Nations treaties which pledge protection for women against violence include the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(The Second report of the Government of the HKSAR on the Implementation of the Beijing Platform for Action 2005)

Prevalence of abuse worldwide

Physical violence by intimate partners

The proportion of ever-partnered women who had ever suffered physical violence by a male intimate partner ranged from 13% in Japan cities to 61% in provincial Peru, with most sites falling between 23% and 49%.

- *The vast majority of women physically abused by partners experienced acts of violence more than once.*

Emotionally abusive acts

Emotionally abusive acts by a partner included:

- *being insulted or made to feel bad about oneself.*
- *being humiliated in front of others.*
- *being intimidated or scared on purpose.*
- *being threatened directly, or through a threat to someone the respondent cares about.*

Between 20% and 75% of women had experienced one or more of these acts, mostly within the past 12 months.

Controlling behaviours

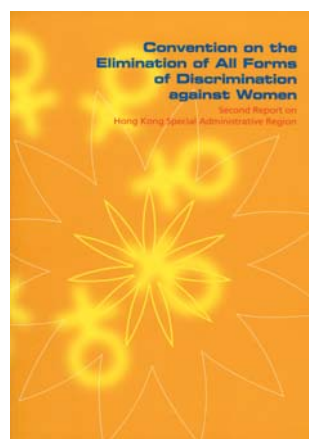
Data was also collected about partners' controlling behaviours, such as:

- *routinely attempting to restrict a woman's contact with her family or friends, insisting on knowing where she is at all times, and controlling her access to health care*
- *significantly, the number of controlling behaviours by the partner was associated with the risk of physical or sexual violence, or both*

(WHO 2005)

Domestic violence and CEDAW

The obligation to ensure equality between women and men and to prohibit discrimination against women is set out in detail in the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). With the extension of CEDAW to the HKSAR, the Government is required to pay particular attention to the issue of violence against women and to take active steps to eradicate it.



3. Definitions and approaches

There are many ways to look at and define domestic violence, some of which are examined below.

3.1 The WHO definition

The World Health Organization (WHO) states that any comprehensive analysis of violence should begin by defining the various forms of violence in such a way as to facilitate their scientific measurement. Accordingly, WHO defines “violence” as:

“The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.”

(WHO 2002)

Interpersonal violence

Under the WHO definition of violence, acts of family and intimate partner violence are both considered forms of interpersonal violence, occurring between family members or intimate partners, usually, though not exclusively, in the home.

Intimate partner violence

Intimate partner violence refers to any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship. Such behaviour includes:

- *acts of physical aggression – such as slapping, hitting, kicking and beating*
- *psychological abuse – such as intimidation, constant belittling and humiliating*
- *forced intercourse and other forms of sexual coercion*
- *various controlling behaviours – such as isolating a person from their family and friends, monitoring their movements, and restricting their access to information or assistance*

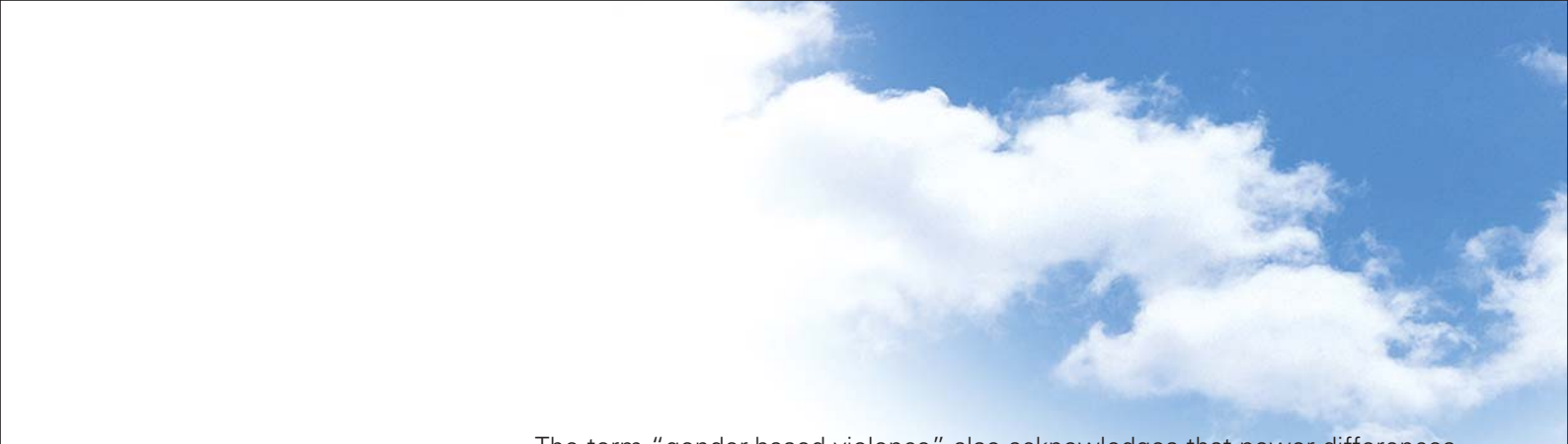
(WHO 2002)

3.2 Other UN definitions

Gender-based violence

Violence against women is often described as “gender-based violence” to reflect the fact that certain forms of violence are predominantly, but not exclusively, perpetrated by men against women. These include family violence, sexual assault, stalking and sexual harassment.





The term “gender-based violence” also acknowledges that power differences and inequality between men and women in society play a significant role in perpetuating violence against women. Violence also plays a role in preventing women from achieving equality.

The term “gender-based violence” indicates that power relationships between men and women must be taken into account in addressing violence against women.

Gender-based violence

“[T]he term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, occurring in public or in private life.”

(The UN Declaration on the Elimination of Violence against Women)

3.3 Public health approach

WHO views violence against women to be both a public health and human rights issue. The public health approach is one where interdisciplinary, collective action is drawn upon to work towards prevention of violence. It also takes into account the unnecessarily high costs placed on health care systems from treating effects of violence, and the negative mental and physical effects of violence on victims and communities.

In the United Kingdom (UK), government estimates that domestic violence costs the country around £23 billion a year, of which £3 billion falls to public services (Retrieved on January 6, 2005, from <http://www.crimereduction.gov.uk>). However, significant financial savings can be made if domestic violence is tackled early on to prevent increase in its severity and/or frequency.

Seriousness of abuse

Domestic violence is chronically under-reported. Nevertheless the statistics are shocking. For example in the UK, for women aged 19-44, domestic violence is the leading cause of morbidity. This is greater than for cancer, war, and motor vehicle accidents (UK Domestic Violence: a national report 2005). It is also reported that (Crime in England and Wales 2002/2003):

- one in four women and one in six men will be a victim of domestic violence in their lifetime with women at greater risk of repeat victimisation and serious injury.
- 89% of those suffering four or more such incidents are women.
- one incident of domestic violence is reported to the police every minute.
- on average, two women a week are killed by a current or former male partner.
- domestic violence accounts for 16% of all violent crime.



Impact of violence against women on their health status

Violence against women has serious consequences for their physical and mental health. Abused women are more likely to suffer from depression, anxiety, psychosomatic symptoms, eating problems, and sexual dysfunctions. Violence may affect the reproductive health of women through:

- the transmission of sexually transmitted diseases (STDs), including HIV/AIDS
- unplanned pregnancies
- precipitating various gynaecological problems including chronic pelvic pain and painful intercourse
- effects of violence may also be fatal as a result of intentional homicide, severe injury or suicide

Health service interventions

In recent years attention has turned towards reforming the response of health care providers to victims of abuse. Most women come into contact with the health system at some point in their lives – when they seek contraception, for instance, or give birth or seek care for their children.

This makes the health care setting an important place where women undergoing abuse can be identified, provided with support and referred if necessary to specialized services. Unfortunately, studies show that in most countries, doctors and nurses rarely enquire of women whether they are being abused, or even check for obvious signs of violence.

Existing interventions have focused on sensitising health care providers, encouraging routine screening for abuse and drawing up protocols for the proper management of abuse.

(WHO 2002)

3.4 Criminal justice approach

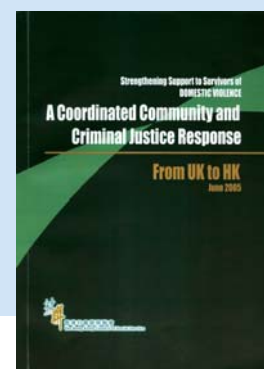
Domestic violence is a crime, and thus a comprehensive policy to address domestic violence includes a coordinated criminal justice response. Some governments combine the WHO approach with a criminal justice approach as the basis of their response to domestic violence.

Criminal justice approach

Components of a coordinated criminal justice response include:

- involvement in coordination of improvements in policy and practice
- combining the effects of arrest, incarceration, adjudication and probation supervision
- close collaboration between all parties involved in combating domestic violence

(Chan, Chiu and Chiu 2005)



(Photo provided by HKCSS)

3.5 WoC: working definition

WoC has been set up to take a central role in advising the Government on policies impacting on women in Hong Kong. WoC's role is to bring women's issues to the forefront of society, change attitudes and empower women. Being aware of the community's expectation of a speedy response to recent domestic violence concerns, a definition of violence has been chosen that will facilitate immediate action over one which would generate wider community debate.

Rationale

As stated in Chapter 1, WoC adopts the public health approach advocated by WHO. Accordingly WoC has chosen to use the WHO's definition of violence.

WHO definition of violence

"The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation."

(WHO 2002)

Battering

Domestic violence and psychological abuse are behaviours used by one person in a relationship to control another. Partners may be married or not married. When abuse occurs repeatedly in the same relationship, the phenomenon is often referred to as "battering" (WHO 2002). WoC focuses our attentions on female spouses as victims and males as batterers because figures show that the majority of victims are women.

Batterers' gender profile

Although there is evidence from industrialised countries that women engage in common couple violence, there are few indications that women subject men to the same type of severe and escalating violence frequently seen in clinical samples of battered women.

(WHO 2002)



4. Current situation I : stakeholders

As described previously, to help integrate a deeper and more long-term overview of domestic violence, WoC initiated meetings with Government departments and others stakeholders in the wider community. These stakeholders are described below.

4.1 The HKSAR Government

The HKSAR Government plays a key role in developing policy on domestic violence.

4.1.1 Policy

The Government has an overall policy objective as follows:

Policy objectives

"The Government does not tolerate family violence. Recognizing the nature of family violence, our policy objectives are to:

- a) prevent family violence,*
- b) ensure safety and provide support for victims, and*
- c) stop batterers from committing domestic violence."*

(HKSAR Policy to Tackle Family Violence 2005)

4.1.2 Government relevant laws in Hong Kong

In Hong Kong battering is addressed under a series of ordinances. These laws demonstrate that domestic violence is a societal, as well as a private, matter and that there are legal remedies available.

Relevant laws concerning domestic violence in Hong Kong

At present, there are a number of laws which provide protection to victims of domestic violence. The major ones are:

- the Crimes Ordinance (Cap 200), which deals with sexual and related offences amongst others; and the Offences Against the Person Ordinance (Cap 212), which deals with homicide, assaults, forcible taking or detention of persons amongst others. The maximum penalty in respect of more serious crimes under these two Ordinances is life-imprisonment. To offer greater protection against violence to women, the Crimes Ordinance makes it clear that marital rape is a criminal offence. The corroboration rule in respect of sexual offences has already been abolished.*
- the Domestic Violence Ordinance (Cap 189) provides protection to married persons and cohabitees (and children living with them) through injunction orders.*
- the Protection of Children and Juveniles Ordinance (Cap 213) and the Mental Health Ordinance (Cap 136) provide protection to persons aged under 18 and mentally incapacitated persons (MIPs) respectively.*

Court orders under civil law

Some jurisdictions use a variety of mandatory court orders, involving mandatory mediation, or court-ordered treatment for the abuser. As yet, except through probation orders, no mandatory court orders for batterers have been implemented in Hong Kong. There are various suggestions for mandatory legal measures but there are some controversies as to their overall desirability or effectiveness.

Internationally, these remedies are now being looked at and some initial pilot research projects have begun. The key to successfully implementing such instruments depends on those who administer them being aware of complications inherent in their use.

In Hong Kong, court judges can give protection to victims of domestic violence through the granting of injunction orders.

Court orders under Hong Kong civil law

There are three types of Court Order (injunctions). These orders are civil remedies, not necessarily triggering any criminal proceedings, and may be applied for if a battered person is still living with a spouse or partner. These include orders stating that:

- *the victim must not be molested.*
- *the batterer must leave the matrimonial home and must not molest the victim.*
- *the batterer will permit the victim to enter and remain in the matrimonial home (known as an entry order).*

Batterers Intervention Programmes (BIPs)

Finding better ways to protect women's safety has led to the development of Batterers Intervention Programmes (BIPs). These target the abusers, and have the merit of avoiding some safety risks by not involving the victims in the therapeutic process. The aims of BIPs are to:

- reduce the re-offending rate by ending abusive behaviour.
- make batterers aware and accountable for their violence.

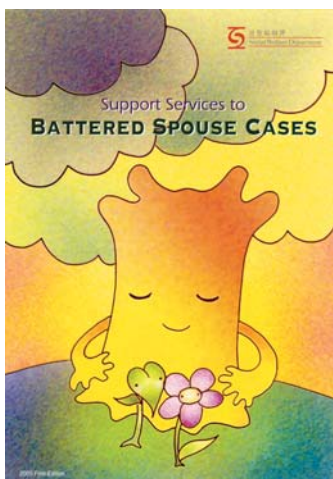
It is important to note that BIPs may not be effective for all men. There is debate about whether voluntary participation is preferable to court-ordered treatment. Dropout rates tend to be high, ranging from one third to two thirds of participants not completing a programme.

Existing BIPs

The Social Welfare Department and some NGOs provide intervention programmes for batterers. They focus on anger management and conflict resolution skills, as well as ending abusive belief systems, for instance, power and control issues, and gender stereotyping. (For a full discussion of this area, see Chan, Chiu, and Chiu 2005)

Current criminal justice responses are not enough to combat violence

Even when legal remedies exist, it has been documented worldwide that they do not, in themselves, solve the problem of abuse. Since it appears that more focused responses are more effective in combating domestic violence, different jurisdictions are now experimenting with more specialised approaches in attempts to provide more effective and efficient responses. Such approaches include piloting specialised teams and courts, fast-tracking cases and improving victim support mechanisms.



(Photo provided by SWD)



4.1.3 Bureaux and departments

Since domestic violence identification, prevention and treatment involves various disciplines, a number of bureaux and departments are involved, along with other sectors of society. (For a listing of the roles of various departments and the terms of reference of relevant coordinating committees, see HKSAR Government Policy to Tackle Family Violence 2005)

Coordinating committees

Three multidisciplinary committees are directly involved in facilitating the co-ordination and collaboration between different Government departments, professionals and NGOs involved in preventing and tackling family violence. These include committees that operate at both the central and district levels:

Central committees

- * The major relevant Committee is the Working Group on Combating Violence. This Committee maps out strategies and approaches, including prevention and service provision, as well as inter-sector collaboration.
- * There is also a Committee on Child Abuse, and a Working Group on Elder Abuse.

District committees

- * The District Coordinating Committee on Family and Child Welfare Service is a cross-sector and multi-disciplinary body that co-ordinates service provision relating to family and child welfare issues, including family violence.
- * In addition, since March 2005, fourteen District Liaison Groups on Family Violence have been set up at specially identified locations to improve the collaboration of frontline professionals, such as social workers and police, in handling family violence.

Case level

- Multi-disciplinary Case Conferences are conducted for suspected child abuse, battered spouse and elder abuse cases as appropriate to ascertain and determine the nature of abuse and draw up the welfare plans to help the clients.

Home Affairs Bureau

Under this Bureau, the Home Affairs Department maintains a community support network that fosters a harmonious community with broad public participation in local affairs.





Health, Welfare and Food Bureau

The Health, Welfare and Food Bureau is in charge of formulating and reviewing policy and legislation related to family violence in consultation with relevant departments and society. The Women's Division within the Health, Welfare and Food Bureau and the Social Welfare Department both include domestic violence as a major focus in their respective remits.

Social Welfare Department

The Social Welfare Department plays a central role in Government's response to domestic violence. This Department is involved at every level of policy and service intervention. It also deals with publicity campaigns, training, services, ongoing data collection and research.

There are several primary social welfare service provisions made for domestic violence (for fuller details of the services provided and measures taken to assist victims of domestic violence see Appendix 3).

- * Integrated Family Service Centres emphasise the importance of early identification and prevention of individual and family problems including domestic violence.
- * There are sixty-one Integrated Family Service Centres and two Integrated Services Centres serving all districts of Hong Kong. Forty of these are operated by the Social Welfare Department and the remaining ones by different NGOs.
- * The Family and Child Protective Services Units of the Social Welfare Department handle the majority of child abuse and spouse battering cases (not limited to statutory cases) and provide consultative services to NGOs handling child abuse and cases of battered spouses.

Central information system to collect reported cases

To monitor the trends of reported domestic violence cases, the Social Welfare Department currently maintains the:

- *Central Information System on Battered Spouse Cases and Sexual Violence Cases*
- *Child Protection Registry*
- *Central Information System on Elder Abuse Cases*

Education and Manpower Bureau

This Bureau emphasises prevention and education to tackle domestic violence. Together with the Social Welfare Department, it holds seminars to raise schools' awareness on helping students with domestic violence. It also reminds schools to refer domestic violence cases to the appropriate authorities for follow up.



Housing Department

This Department renders housing assistance to victims of family violence where appropriate.

Police and law enforcement

In all countries, police forces are on the frontline combating violence against women and their contributions are vital. It has been determined over the years that the way a police force perceives domestic violence determines how it reacts (WHO 2002).

Officers who receive training in family violence as well as gender sensitivity find that it helps them to better understand this complex area of their work.

Police forces worldwide are recognising that institutional change within their operations may also be required to change existing values.

The role of Hong Kong's Police Force in domestic violence work includes:

- enforcing Hong Kong laws
- protecting victims of family violence
- preventing affected persons from suffering further violent attacks
- taking firm and positive action against offenders
- investigation of offences



Legal Aid Department

This Department provides legal aid to victims of family violence subject to their meeting eligibility criteria. The Department's remit is to ensure that no one is denied access to justice due to lack of financial means.

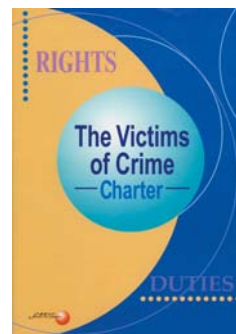
- * Legal aid is available to eligible applicants seeking court injunctions under the Domestic Violence Ordinance, as well as for taking proceedings for divorce, child custody and maintenance payments.
- * There is a new pilot scheme to fund family mediation.

Department of Justice

The Secretary for Justice is the principal legal adviser to the Government and refers laws for reform to the Law Reform Commission.

- * The Prosecutions Division prosecutes trials and appeals on behalf of the Government, and decides whether or not to bring criminal proceedings.
- * In addition, legal counsels in the Legal Policy Division provide advice and assistance to Government bureaux and departments in relation to any criminal law aspects of proposed legislation.

This Department is also responsible for the Victims of Crime Charter.



(Photo provided by DoJ)

The Victims of Crime Charter: sets out the rights and duties of victims of crime.

"All members of the community who come into contact with the criminal justice system, but particularly victims of crime, are entitled to know what their obligations are in helping the law enforcement agencies and, in return, what standard of service they can expect to receive from those involved in the criminal justice system."

Topics included in the charter booklet:

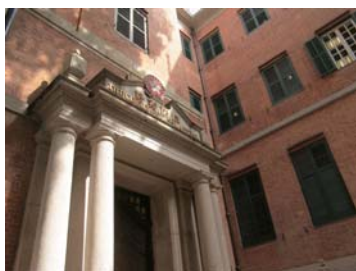
Who is a victim? Who do you contact? The duty to help maintain law and order.

The victim's right to:

- be treated with courtesy and respect
- have a proper response to complaints of crime
- information – reporting the crime, investigation and prosecution
- proper facilities at court
- be heard
- seek protection
- privacy and confidentiality
- prompt return of property
- support and aftercare
- seek compensation

(See internet site <http://www.doj.gov.hk/eng/public/pub200004.htm>)

4.2 Judiciary and the courts in Hong Kong



Hong Kong's courts are operated by the Judiciary independently of the Executive and the Legislative branches. The role of the Judiciary is to interpret the law which is based on statute law and common law. They administer two types of laws, namely, civil and criminal law.

- * Statute law in force in Hong Kong is passed by the Legislative branch.
- * Common law is based on the doctrine of precedent. Article 84 of Basic Law provides that courts of Hong Kong may refer to precedents from other common law jurisdictions.
- * Changes of law require approval of the Legislative branch.
- * Civil courts deal with injunctions sought under the Domestic Violence Ordinance, whereas criminal courts deal with criminal acts of violence.

4.3 Commissions

Several Commissions deal with aspects of domestic violence and/or gender issues.

Women's Commission (WoC)

It is largely recognised that women's status worldwide will improve when special effort is made to redress current gender imbalances that exist between men and women. The Government appointed the Women's Commission (WoC) in 2001 for this purpose.





WoC: a high level central mechanism for the advancement of women

In January 2001, the Government established WoC as a high-level central mechanism to enable women to fully realize women's due status, rights and opportunities in all aspects of life. It plays a strategic role in developing women's strategies in a holistic and systematic manner and advising the Government on policies, legislation and initiatives affecting women.

In line with WoC's positioning as a catalyst for change and its role in mobilizing community resources, it has up to now adopted a three-pronged strategy, including:

- *provision of an enabling environment,*
- *empowerment of women, and*
- *public education to promote advancement of women.*

Terms of reference

WoC is tasked to promote the well-being and interests of women in Hong Kong. As such, it will:

- *advise the Government on development of a long term vision and strategies related to development and advancement of women,*
- *advise the Government on the integration of policies and initiatives which are of concern to women, which fall under the purview of different Policy Bureaux,*
- *keep under review, in light of women's needs, services delivered within and outside of the Government and to identify priority areas for action, and monitor development of new or improved services,*
- *initiate and undertake independent surveys and research studies on women's issues and organize educational and promotional activities, and*
- *develop and maintain contact with local and international women's groups and service agencies with a view to sharing experiences and improving communication and understanding.*

(See WoC website <http://www.women.gov.hk>)

The Law Reform Commission

This Commission includes in its membership both academic and practising lawyers, and prominent members of the community. It considers aspects of the law for reform referred to it by the Secretary for Justice or the Chief Justice of the Court of Final Appeal.

This Commission presents proposals for reform to make the law more effective, accessible and in tune with community needs.

- * *It employs wide consultation with stakeholders and civil society when considering law reform.*
- * *It has been very active in the field of family law.*
- * *It produced a report concerning, amongst other things, violence against women, The Stalking Report. (HK Law Reform Commission 2000). This report was sensitive to gender issues involved, and real need for protection for women. Recommendations in this report included reform of the law relating to domestic violence and the criminalisation of stalking.*

(See Law Reform Commission website <http://www.hkreform.gov.hk/how/index.htm>)

Equal Opportunities Commission (EOC)

The Sex Discrimination Ordinance provided for the establishment of the Equal Opportunities Commission (EOC), which began to function formally on 20 May 1996. EOC is an independent statutory body tasked, among other things, with the responsibility of eliminating sex discrimination and promoting equality of opportunities between men and women.

EOC is a statutory body established in 1996 to implement the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO) and the Family Status Discrimination Ordinance (FSDO).

EOC works towards the elimination of discrimination on the grounds of sex, marital status, pregnancy, disability and family status.

EOC also aims to eliminate sexual harassment, and harassment and vilification on the ground of disability. EOC promotes equality of opportunities between men and women, between persons with and without a disability and irrespective of family status.

(See EoC website <http://www.eoc.org.hk>)

4.4 Civil society

Members of civil society play a key role as advocates and advisors on domestic violence. In addition, the media plays a role in raising awareness of the issues. Members of civil society undertake a range of activities, including:



NGOs

- advice and advocacy
- refuge accommodation
- crisis intervention and victim support services
- BIPs
- outreach and public education
- assistance in training professionals

Academia

- education
- expert advice
- surveys and research
- surveys
- training
- conferences and workshops

Professional bodies

- conferences
- expert recommendations
- raising professional and public awareness

Media

- independent coverage of issues
- raising public awareness

Others

- self help groups, mutual support groups



5. Current Situation II : reviews, studies and reports

The Government initiated two major reviews following the Tin Shui Wai tragedy. To follow this process, including submissions from the community, see website below. All documents referred to below can be accessed on this website.

http://www.legco.gov.hk/yr05-06/english/panels/ws/ws_fvi/papers/fvi_ppr.htm

5.1 Review Panel on Family Services in Tin Shui Wai

The Director of Social Welfare appointed a Review Panel on Family Services in Tin Shui Wai (The TSW Review Panel) to:

- review the provisions for and processes of family service delivery in Tin Shui Wai.
- recommend measures to strengthen effectiveness of provisions.

The Report of the TSW Review Panel made a total of 25 recommendations.

Government and community responses

The Government generally accepted the recommendations. After release of the Report, relevant Government departments worked with other concerned parties to follow up the recommendations. (See Follow-up on the Recommendations of the Review Panel on Family Services in Tin Shui Wai provided by the Administration in December 2004). In its conclusion, the TSW Review Panel noted that Government had responded to all its recommendations.

The Government, after consultation with the community and taking into account the recommendations of the Report, identified key areas to prioritise. These were then implemented with corresponding measures for further improvements, including liaison and community building. For example, the Police and the Social Welfare Department have made the following changes:

- since December 2004, a new acknowledgement system has been introduced in order to strengthen communication between frontline officers of the Police and the Social Welfare Department in respect of case referral procedures.
- the development of a database by the Police has enabled officers to check two years' past reports of domestic violence involving the complainant or complainee. This system gives frontline officers more knowledge of the background of reported cases which helps officers take more informed actions.
- the provision of enhanced training for frontline police officers enables more effective handling of domestic violence cases.
- setting up of 14 District Liaison Groups on Family Violence since March 2005 to enhance communication and collaboration among Integrated Family Service Centres, Family and Child Protective Services Units, the Police and other stakeholders in the handling of domestic violence cases.
- launching of a series of territory-wide training by the Social Welfare Department from November 2005 to January 2006 on basic understanding of family violence for all related professionals and district personnel to promote sensitivity and early detection of families in crisis.



5.2 Coroner's report

Following the TSW tragedy, the Coroner's Court concluded an inquest into the cause of the deaths with 12 recommendations, to which the Government responded. (For the full response, see http://www.legco.gov.hk/yr05-06/english/panels/ws/ws_fvi/papers/fvi_ppr.htm)

5.3 Consultancy Study on Child Abuse and Spouse Battering

In 2003 the Social Welfare Department commissioned a major two-part study on child abuse and spouse battering. This report is referred to here as the Consultancy Study (Chan, Chiu and Chiu 2005). Part I covered:

- a household survey of prevalence of spouse battering and child abuse in Hong Kong. This included physical abuse, psychological abuse and sexual violence.
- a review of relevant overseas legislation and practices.
- recommendations for possible social and legal measures for prevention and intervention.

Part II of the study is now underway. It will formulate a risk assessment tool for frontline workers enabling them to better identify potential domestic violence victims or situations as well as training recommendations for frontline staff.

Consultancy Study findings

In the Consultancy Study:

- 13.9% of the adult respondents were ever battered by their spouses: 1 out of 7 adult respondents
- a relationship exists between child abuse and domestic violence
- about 36% of perpetrators of child physical maltreatment were also victims of spouse battering

Government responses

The Consultancy Study contained 21 recommendations, including comments related to social and legal aspects of tackling domestic violence. In response:

- the Health, Welfare and Food Bureau formed a new interdepartmental working group comprising the Social Welfare Department, the Police, the Security Bureau, the Department of Justice, the Legal Aid Department, and the Education and Manpower Bureau to examine the recommendations.
- this group submitted its preliminary findings to the Subcommittee on Strategy and Measures to Tackle Family Violence of the Legislative Council Panel on Welfare Services in October 2005.
- the Government accepted some of the recommendations such as instituting the BIPs. It would launch two pilot BIPs commencing in January 2006. These pilot projects will provide a scientific basis for conducting future BIPs.
- other recommendations are currently under consideration. The Government's response stressed that amending law involves complex issues and stressed the need for caution to avoid inconsistencies which may have far-reaching implications on the overall legal system.



6. Current situation III : concerns of stakeholders

During informal sharing sessions organised by WoC, stakeholder groups were asked to comment on domestic violence (see Appendix 2 for a full list of stakeholders). Their views were sought on the current status quo, as well as any gaps, difficulties and challenges they faced.

Their overall concerns are described below:

- victims and service providers described difficulties going through the existing system and identified gaps and overlaps
- many respondents considered that there is a strong need for an integrated approach to domestic violence, linked through a central steering mechanism
- early identification of domestic violence cases appears to be difficult at present
- domestic violence is not just a family matter. It needs to be considered as a serious criminal matter with concern for victim safety being paramount
- gender differences in understanding and experiencing domestic and sexual violence are not always recognised
- a number of respondents urged that men must be involved in helping stop and combat domestic violence

6.1 Sharing database information

The Social Welfare Department and the Police have their respective databases. Some stakeholders pointed out that due to privacy laws regarding sharing personal data and legal process:

- there is no centralised domestic violence research database or clearing house that can be openly accessed. Thus some research efforts may either be duplicated or overlap.
- relevant frontline staff or court personnel cannot check useful information regarding cases of abuse. It is noted that the Police can refer domestic violence cases to the Social Welfare Department for follow up with or without consents of suspected batterers and victims.





6.2 Need for more research

Hong Kong is in an enviable position to learn from many other developed parts of the world where domestic violence has been dealt with, researched, and documented for decades. Several stakeholder groups stated that they have either travelled to and/or are in direct contact with international contacts, learning from their policies, practices and advice. More research clearly needs to be done to similarly document domestic violence in Hong Kong. Stakeholders pointed out that there is insufficient empirical data on the local situation. For example:

- no surveys have been conducted on public attitudes towards domestic violence
- insufficient funding is allocated to research

6.3 Services

This area received a great deal of focus in stakeholder sessions. Some stakeholders suggested that the system for professional referrals should be strengthened across the board. Other concerns were that:

- frontline professionals lack an understanding of psychological abuse, and thus find it difficult to differentiate such cases. There may in fact be some practical difficulties in clearly assessing psychological and emotional abuse.
- it is perceived that the Family and Child Protective Services Units have a very heavy workload.
- the interests of different family members may be in conflict and thus, in some cases, may not be best represented by the same social worker. Intervention of multi-disciplinary teams such as probation officers and women's groups' advocates may help solve this problem.
- students in special schools encounter many family problems and their teachers need more training in identifying domestic violence.
- there is a need to carefully protect the privacy of victims' data across the intervention process, especially if victims have relocated and want to hide their new addresses from their abusers.
- most communities are not cohesive and neighbours are unwilling to intervene in each other's affairs. The design of tower blocks contributes to increased isolation of victims and perpetrators alike.



6.4 Victims

Support

Some stakeholders commented on the area of victim support services:

- social service organisations reported that their heavy workload and increasingly limited resources affect their ability to respond effectively. They would like to offer additional victim support services such as peer support groups and other follow-up services but struggle to find adequate time and funding.
- without victim support programmes, victims often feel isolated and confused when they seek help, especially if they have no family network or their family is negative about their seeking outside help.
- dealing with the legal system can be alienating, especially without an initial understanding of what protections it can or cannot offer.
- victims may face insufficient overall support from the local community, especially if they have no personal network to draw upon, or that network is far removed from where they live.

Seeking help

Some stakeholders expressed concern that some victims are unwilling to seek help because:

- there is a low level of awareness amongst victims in respect of the services or assistance offered by the Government or NGOs.
- most women are affected by traditional cultural expectations that seek to preserve family harmony, avoid shame and stigmatisation.
- some women are worried about the negative impacts of broken families on their children.
- women are afraid to leave their partners for fear of making the violence escalate (statistics show this is a very real fear).
- women who are financially dependent and lack vocational skills feel there is no way out, especially when they prioritise their children's needs over their own.



6.5 Housing

Some stakeholders pointed out that women often cannot move out due to housing problems:

- there is inadequate exit support for women leaving shelters, e.g. 30% of women return home after the three-month maximum stay in a shelter. Many women believe that no compassionate compensation monies exist for victims who have to move out of their homes in order to avoid further abuse by batterers. This is the perception, however needy cases can, in fact, be granted compassionate rehousing or conditional tenancy and monies from an existing emergency Trust Fund administered by the Social Welfare Department.
- currently due to space constraint, boys over 15 years of age cannot accompany their mothers in shelters. This situation will be improved when the new Wai On Home for Women comes into operation as the Social Welfare Department has secured a larger premise to facilitate the operator to admit boys over the age of 15. (The Wai On Home for Women is currently run by the Social Welfare Department but will be transferred to an NGO in 2006-07.)

Comments on accessing public housing assistance included these points:

- the principal tenant is often the male in the household in public housing estates (although the number of women who are principal tenants has been rising).
- wives in cross-border marriages are unlikely to be the principal tenant because the husbands normally reside in the units beforehand.
- while conditional tenancy/compassionate housing is available for eligible persons, some victims are not aware of this, and thus may be afraid to leave home without knowing their housing needs can be met.

6.6 Hospitals



Domestic violence is a crucial healthcare issue. Hospitals are key locations for early intervention. Comments on this area of domestic violence services included:

- the concern that medical social workers are not stationed at hospitals overnight and some victims discharged from the Accident and Emergency (A&E) units are un-recognised if they do not specifically seek help. It is however noted that in case of emergency, the hospitals can call upon the medical social workers in-charge or emergency outreaching teams of the Social Welfare Department to provide immediate outreaching service through the hotlines.
- in response to this situation, the Social Welfare Department extends the hours of medical social workers to 8 p.m. from Monday to Friday and to 3 p.m. on Saturday in eight major acute hospitals. [Further extension is subject to staff resources and service demands.]
- some considered that A&E personnel are very busy and thus may not be able to detect signals pointing to possible domestic violence.



Domestic violence is a healthcare issue

The number of battered spouses identified by the Hospital Authority in 2004 was 1,251.

- * In 2001, the Harmony House started a new crisis intervention team to provide immediate crisis support to domestic violence victims who go to A&E departments.*
- * Their social workers are stationed in 3 hospitals – Tuen Mun, Tseung Kwan O, and the United Christian Hospital.*
- * Over 60% cases identified were unknown to any service agencies beforehand.*

(Harmony House Annual report 2004 – 2005)

6.7 Law reform and court system

Law reform

Some stakeholders were of the view that wider issues outlined included the need to:

- expand the legal definition of domestic violence to include all family members
- include psychological and emotional abuse in legislation
- adopt a law against stalking
- be cautious regarding mandatory legal approaches as many accusers hope only that the accused will “learn a lesson” rather than receive formal punishment

Prosecution and court system

The main issues with prosecuting offenders were identified:

- some victims are unwilling to testify against intimate partners due to potential negative effects on family of having the breadwinners apprehended by the court system.
- some victims may not be familiar with the court system and may feel intimidated by the whole process.
- some stakeholders wanted to see the introduction of a mandatory BIP as a sentencing option, which could be attached as a condition to a bind-over.
- other stakeholders stated that there are still insufficient studies on the effectiveness of interventions within the Hong Kong context of mandatory BIPs. There are also differing views on the case for a specialised domestic violence court and other more specialised measures.
- in order to halt cycle of abuse earlier, it is desirable to bring past convictions for similar offences of the accused to the notice of the court. Currently prosecutors can only bring charges relating to each individual incident.
- the length of injunction orders should be increased to allow sufficient time for remedies to effectively support changes.

6.8 High risk groups

Identifying high risk groups is very important for the success of early prevention and intervention. For example, women separating from their partners are a high risk group as the risk of violence is known to significantly increase at this time.

- a number of stakeholders identified groups within which more incidents of domestic violence occur.
- however, others pointed out that what is needed is a tool to assess the at-risk individuals within these general groups, rather than unnecessarily stigmatising whole groups.
- this area is now being addressed in Part II of the Consultancy Study. Part II of the Study will formulate a risk assessment tool for frontline workers to enable them to better identify potential domestic violence victims within each at-risk group.

Risk factors

The factors and dynamics associated with family violence are extremely complex but there are some common risk factors amongst those who use violence. These may include:

- *low self-esteem, lack of empathy, alcohol or drug addiction, a history of abuse and neglect as a child, social isolation.*

Protective factors

There are some common protective factors which may provide a buffer against family violence. These may include:

- *education, the ability to manage stress, high levels of family cohesion and adaptability, community support, a strong social network.*

Such risk and protective factors do not work on their own. They can be affected by such precipitating factors as family problems or stress. These may result either in creating a “coping cycle” which uplifts an individual’s coping skills, or a “cycle of violence”.

(HKSAR Government Policy to Tackle Family Violence 2005)



7. Taking action: WoC mobilises a coordinated strategy

7.1 WoC's role: central mechanism

In its central coordinating role, WoC is committed to working together with stakeholders and the community towards:

- eliminating domestic violence
- fostering respect between men and women
- empowering women
- building a harmonious community

7.2 Coordinated approach

Domestic violence as a multidimensional issue requires multi-sectoral coordination to eliminate it. This means that all stakeholders must cooperate and work together to improve women's safety.

WoC recognises that there are traditional boundaries, attitudes and perceptions which result in a lack of coordination leading to gaps and overlaps in policies, laws and services. For this reason, WoC advocates a coordinated approach to identify, address and resolve this dynamic.

At a local level this means that a wide range of people must cooperate closely to improve women's safety, including the police, magistrates, district bodies, family services, health professionals, schools, women's groups, social service organisations and many others.

Safety for everyone is vital to building a harmonious society. WoC has set the theme "Together We Build a Harmonious Community" (攜手共建和諧社會) for the next five years. WoC believes that families are the foundation of a harmonious society.

This theme reinforces the Government's commitment of building a caring and just society. WoC trusts that all interested stakeholders will actively contribute to this common goal.

We appeal to all to act as our strategic partners in this aim.



Government and WoC work together

Both are fully committed to advancing the interests and well-being of women in the HKSAR.

"We recognize and appreciate the important contributions that women's groups and other non-governmental organisations have made in promoting gender equality and advancing the status of women in the HKSAR.

The Government and WoC continue to partner with stakeholder groups concerned, including women's groups, other non-governmental organizations, schools, business sector and academics, to achieve the important cause of advancing the interests and well-being of women. "

(The Second report of the Government of the HKSAR on the Implementation of the Beijing Platform for Action 2005)

7.3 WoC strategic functions

In respect to domestic violence, WoC focuses on strategic functions, which include:

- championing women's causes
- creating a central platform for this issue
- inspiring and catalysing change
- mobilising community resources
- reviewing effectiveness of responses

7.4 WoC's role

Working with our stakeholder partners, WoC will:

- promote multi-disciplinary cooperation in tackling domestic violence.
- advocate gender awareness, gender equality and mutual respect, involving men in the process.
- set up opportunities for information exchange and discussion where various partners can interact.
- explore alternatives to fill existing gaps.





7.5 Key principles

Taking into consideration the views of the stakeholders, WoC proposes the following foundation principles for our strategy:

- domestic violence is a violation of human rights; Accordingly protection of victims and their children is of paramount importance.
- promotion of gender awareness, gender equality and mutual respect within the family and in society helps to eliminate domestic violence.
- domestic violence is not to be tolerated in any sector of the community.
- elimination of domestic violence is a top priority.
- domestic violence is a multi-faceted problem in which gender is a central focus. All sectors of the community must work together using gender perspective to combat the problem.
- proactive identification of families at risk of domestic violence facilitates prevention.

7.6 Approaches to combat domestic violence

Adapting the WHO model to eliminate domestic violence in Hong Kong, WoC recommends using the following approaches:

- women's empowerment
- prevention, education and community support
- early identification, and intervention
- criminal justice responses
- research, data-sharing and dissemination of findings

7.6.1 *Women's empowerment*

Domestic violence is a violation of fundamental human rights. Gender imbalance lies at the heart of the majority of domestic violence cases: societies who honour everyone's rights and freedoms are more likely to be harmonious and aware of the importance of respect for all. Women who can protect their rights and freedoms are less likely to be in abusive relationships.

Empowered women are able to:

- make informed choices
- access information and services
- enhance their life skills

- explore options to fully develop their potentials
- enhance awareness of gender issues
- become knowledgeable about their rights and protection under law
- broaden their general perspective
- develop their sense of self
- learn to be agents of change
- assist and support others through peer networks and advocacy
- participate in community and the larger society
- assume positions of power and influence
- make their voices heard

WoC calls on all stakeholders to commit to using these approaches to women's empowerment. This means that all women and men need to help redress existing gender imbalance in Hong Kong society.

7.6.2 Prevention, education and community support

Prevention is the key to reach the goal of eliminating domestic violence. To ensure prevention is working, we must have effective:

- awareness programmes
- early identification and intervention
- coordinated approach (referral and data sharing)
- risk assessment
- target reduction of risk
- training
- community mobilisation
- outreaching
- relationship counselling



WoC calls on all stakeholders to commit to collaborating on using these approaches to prevention and early intervention. This means all women and men must become aware of their responsibilities to prevent domestic violence in Hong Kong.

Education

There is relatively little understanding about domestic violence in Hong Kong. Dealing effectively with domestic violence requires a deep understanding of its dynamics. The public as well as professionals need to learn about the factors leading to abusive relationships. It takes both the community and specialists to address this issue.



Professionals working alone cannot resolve domestic violence in Hong Kong. They require the support and involvement of the community. Professionals who are very knowledgeable and have specialised skills to deal with this issue themselves must continually update and expand their knowledge base to be effective.

We are all learning together and as we learn, we have responsibilities to teach one another and society what we know. To do this, we must highlight the following:

- curricula in schools and other institutions
- life skills training in society
- public education programmes
- specialised training for professionals
- interaction with media

Special focus on the educational sector

Since domestic violence can be transgenerational, and children affected by domestic violence have a higher chance to be violent in future. (WHO 2002; Chan, Chiu and Chiu 2005), targeting school-based education is of utmost importance to promote change in community values and prevent further violence. Schools need a formalised curriculum that:

- condemns violence
- promotes gender equity
- develops positive attitudes that lead to family and social harmony

Publicity

WoC calls on all stakeholders and the community to become well educated about domestic violence so they can join hands to prevent and stop it. This means all women and men in Hong Kong must raise awareness and work together through every means available to them.

WoC will launch publicity campaigns to promote the following messages:

- domestic violence is a crime: those that batter commit crimes and should be held responsible for their violent behaviour.
- domestic violence is a public issue and not merely a private or family dispute.
- the community should not tolerate domestic violence.
- mutual respect between both genders is paramount in a civil society.



Being proactive

WoC recommends that Government departments and social service organisations be proactive in reaching out to women's groups and the local community to drive home the above messages. In addition:

- action should be taken to support the development of nurturing, caring families.
- life skills such as communication and conflict resolution need to be promoted through a variety of channels.

7.6.3 Early identification, and intervention

Domestic violence is a crisis that must be addressed early on, as if it goes unchecked, a vicious cycle begins that can all too easily end in tragedy. To successfully fight against domestic violence and prevent tragedies, timely, effective and well-coordinated intervention is a priority. WoC believes that:

- proactive steps should be taken to improve early identification systems so as to provide timely intervention to families at risk.
- without intervention, the problem of violence is more likely to become intractable and develop into a crisis.
- it is necessary to reach out to families at risk, to intervene before it is too late.
- adequate crisis intervention services must be available on a 24-hour basis.
- it is only through better coordination between relevant parties that intervention can be made in a timely and effective manner.



7.6.4 Criminal justice responses

Violence, including domestic violence, is a crime, and a violation of human rights. A focused criminal justice approach should be adopted to make batterers accountable for their violent acts and to protect women's safety.



Central role of criminal justice system

We must protect women who are victims of domestic violence, and provide legal remedies that work effectively to deal with batterers. Those who commit violent acts against women must be held accountable for their behaviours, accordingly the role of the criminal justice system in responding to violence against women is central to providing safety for women.

- women's experience of violence is different from that of men, so are their reactions to it.
- the Judiciary and other legal representatives should be provided with briefings on gender sensitivity and the complexities of domestic violence. This is necessary in order to enhance awareness and promote an understanding of the needs and perspectives of victims.
- law enforcement agencies need to be equipped with knowledge and data that help identify families at risk of violence in order to be able to intervene in a timely manner when crises occur.

7.6.5 Research, data sharing and statistics

The whole community needs to cooperate in order to increase knowledge of domestic violence in the local setting.

- data and statistics help the community to understand the current situation more objectively, track any changes, identify service needs and map out additional measures.
- while the Government will continue to conduct research on domestic violence from time to time, more in depth studies are needed, using a variety of perspectives.
- most of the research carried out locally is exploratory and preliminary in nature and lacks culturally specific instruments to measure domestic violence.
- in order to collect reliable statistics, stakeholders must develop accurate and comparable databases.



Call for resources for research

WoC recommends the Government provide resources for systematic research on domestic violence, research that takes a longer term view. In addition, all research conducted should be disseminated amongst different stakeholders to facilitate discussion and action.

Taking a more proactive approach

WoC advocates policy and legal changes to ensure domestic violence is tackled more effectively. WoC therefore urges all stakeholders to take a more proactive approach to domestic violence:

- taking a more proactive approach regarding comprehensive investigation into domestic violence cases
- fully considering options for interventions and referrals
- considering records of previous report of domestic violence and/or referrals



Victims and stakeholders have to realise the importance of evidence collection with regard to domestic violence reporting, in order to fully align with the requirements of the legal and judicial process.

- good practices from elsewhere regarding evidence collection and keeping of records need to be introduced at every level.
- critical information may include photos, a visual check of victims and children, preliminary risk assessment procedures, collecting information from neighbours amongst other things.
- this area needs to be highlighted in all public awareness education, and professionals and NGOs need to have clear guidelines on evidence collection included in their training.

7.7 The way forward: strategic plan

From here on WoC will work closely with the stakeholders to promote across Hong Kong a contemporary approach to domestic violence. By working together in an informed coordinated manner a more effective response to domestic violence will make families and communities safer for all their members.

Next steps

WoC has summarised the views of the major stakeholders on the subject of domestic violence in Hong Kong. WoC urges the stakeholders to also develop their own action plans as a base from which a fuller mobilisation of community resources can begin.



8. Strategic partnering

8.1 WoC's call for coordinated collaboration

Domestic violence is a social, physical, emotional and mental cycle of abuse that is a challenge everyone in Hong Kong must work together to overcome. Only deliberate and coordinated collaboration of all involved will result in satisfactory, systematic solutions.

WoC recognises that the expertise, will and remits of key stakeholders in this issue are, for the most part, in place. With regular, effective communication and collaboration, parties dealing with these issues will be able to optimise resources and knowledge, streamline victims and perpetrators experience when they enter into the system, and confidently offer effective remedies to reduce and eliminate violence in Hong Kong homes.

WoC calls on Hong Kong society to deliberately move in collaborative effort to address this issue head-on with resolve to put into place systems and solutions to domestic violence.

8.2 Combined strategic approach

Working in partnership, our strategic approach is diverse which simultaneously recognises, respects and challenges many existing boundaries in order to enhance the overall effectiveness of Hong Kong's response to domestic violence.

8.3 Roles, responsibilities and recommendations

Respecting the remits of various stakeholders dealing with this issue, WoC calls on each, and all, to closely examine and clearly define their stated, and actual, roles within the larger context of Hong Kong as a society now openly dealing with domestic violence as a shared issue of concern.

Further, WoC recommends that all stakeholder groups, including victims and perpetrators, community members and all others working with these issues, carefully examine the responsibilities they currently have within their remits to assess whether and how well they are:

- meeting those responsibilities.
- challenging themselves to assume those responsibilities in continually improving ways.
- collaboratively working with all other interested parties in the most effective ways possible.

8.3.1 Recommendations for strategic partners

Having examined the current situation, WoC is putting forward a number of recommendations for consideration by stakeholder groups.

8.4 Law reform

8.4.1 Reviewing the Domestic Violence Ordinance to provide more effective protection to victims of domestic violence and their children.



Under the Domestic Violence Ordinance (DVO), if the court is satisfied that the applicant living with her/him has been molested by the other party to the marriage or co-habitation, an injunction may be granted. The following criteria have to be met:

- the applicant must be a party to a marriage or the co-habitation of a man and a woman
- the victim must be a party to a marriage or co-habitation or the child living with her/him
- in granting an injunction, the court must be satisfied that the applicant or the child living with her/him has been molested

The injunction may constitute:

- a non-molestation order restraining a person (the respondent) from molesting, including assaulting, annoying or interfering with the applicant and/or the child living with her/him.
- an eviction order excluding the respondent from the matrimonial home, or a specified part of the matrimonial home or a specific area.
- an entry order requiring the respondent to permit the applicant to enter and remain in the matrimonial home.

WoC recommendation #1.1: extending the scope of “protected persons” to cover former spouses or cohabitants

WoC recommends that the scope of “protected persons” to whom a non-molestation order is available under the DVO be extended to include an ex-spouse and an ex-cohabitee (See Note 1, Appendix 4).

8.4.2 Exploring extension of scope of protected persons

Framing our concern for battered women within a wider concern about domestic violence, WoC recognises that spouses, co-habitees and children are not the only victims of domestic violence; a typical example is the in-law relationship. In Hong Kong where cost of living is high, it is not uncommon for married couples or co-habitees and even divorced couples to stay in the same household. Often parents-in-law may also help look after the young children while their parents are at work. Conflicts occurring between and with the in-laws are not uncommon.



WoC recommendation #1.2: exploring extension of scope of “protected persons”

WoC recommends that, in the longer term, it should be explored whether to include the following persons, listed in order of descending priority, in the scope of “protected persons”:

- persons of the in-law relationship (such as parents-in law and children-in-law)
- persons living in the same household, otherwise than merely by reason of one of them being the other’s employee, tenant, lodger or boarder

8.4.3 Extending power of arrest to cover violence in a form other than actual bodily harm

Under the DVO, if the court is satisfied that the batterer has caused actual bodily harm to the victim, it may attach the power of arrest to a non-molestation order or an eviction order.

The key words here are “has caused actual bodily harm to”. As such, a victim who has suffered violence in a form other than actual bodily harm, for example, threats to inflict bodily harm, may not be able to invoke this provision for protection (See Note 2, Appendix 4).

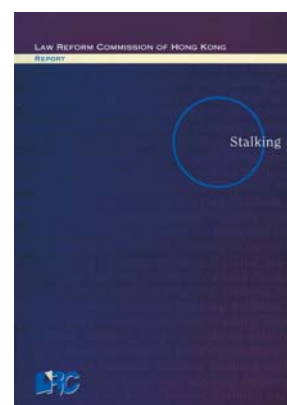
WoC recommendation #1.3: extending power of arrest to cover violence in a form other than actual bodily harm through attachment of power of arrest to molestation order

WoC recommends that the key words “has caused actual bodily harm to” should be replaced by “has used or threatened violence against”. This will make available the power of arrest in situations where violence is even only threatened as well as where there is psychological harm to the victim (See Note 2, Appendix 4).

8.4.4. Stalking: addressing harassment

Given that protection of victims under the DVO has its limits, in that, injunctions (for eviction and entry orders) and even power of arrest are only available for three months initially and then be extendable for another three months and as such victims of stalking may not be provided with adequate protection, WoC recognises that a law is needed to properly deal with stalking. (For a full discussion of stalking see the Stalking Report of Law Reform Commission of Hong Kong, 2000)

WoC would like to help address the plight of victims of stalking and non-physical aspects of domestic violence. This would include someone making threats of violence, conduct which is currently not readily punishable under other areas of law.



The proposed anti-stalking legislation, if implemented, would criminalise any actions which amount to harassment of another. This is because the existing law is inadequate in dealing with stalkers whose acts do not involve breach of peace or threats of violence, for example, by following fax or voicemails. It has been noted in the Stalking Report, by the Law Reform Commission, that even if there is only been a single offence of harassment, the stalkers could be prosecuted (See Note 3, Appendix 4).

WoC recommendation #1.4: taking forward the proposed anti-stalking legislation

WoC recommends that the Government take forward the proposed anti-stalking legislation to cover the non-physical aspects of domestic violence.

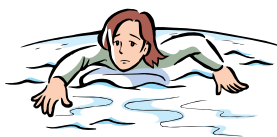
The proposed anti-stalking law includes the following:

- the court may make an order against a person convicted of harassment to prohibit him or her from doing anything which causes alarm or distress to the victim.
- this order may be made in addition to other orders (such as a probation order).
- it may have effect for a specific period.
- any breach shall render the offender guilty of an offence punishable by imprisonment for 12 months.

The Stalking Report further recommends that the courts may require any person convicted of the offence of harassment to receive counselling or treatment as is appropriate in the circumstances.

8.4.5 Role of court: increase referrals to early BIPs

Existing law



Spouses and co-habitees under existing law, being the only ones eligible to apply for an injunction under the DVO, may be reluctant to do so:

- for fear of further infliction of violence or loss of financial support from the perpetrator
- to save the marriage/relationship
- to cover up for the other party

The court may not have the jurisdiction to order batterers to attend any counselling programs, through probation orders, unless there is a conviction against the batterer.

- However, it remains difficult for batterers to be successfully prosecuted, let alone be brought before a judge for trial.
- Unlike in other criminal prosecutions, the victims in battering cases are very often reluctant to come forward to act as witnesses in the prosecution proceedings against their own partner.



Batterers Intervention Programmes (BIPs)

Prevention and early intervention is the most effective way of protecting a woman's safety. There is a need to interface law enforcement and judicial systems with an early intervention programme.

Rationale

The court may not have the jurisdiction to order a batterer outright to attend a BIP. However, under existing law the court can recommend a referral to a BIP. This proposal does not require any change of law.

- Recommendations or referrals which the court will be invited to consider making will be perceived as strong disapproval of unacceptable behaviour of batterers or abusers.
- Although the failure or refusal to follow recommendations/advice may not subject the defendant to the same kinds of punishment as in cases of a restraining order, BIPs referrals should have a deterrent effect on the abusers as they come from the court.
- In addition, once the referral to the Social Welfare Department is made, records will be kept of the court's recommendation to the defendant's need to attend a BIP. Such records could help early identification of violence-prone batterers.
- In addition to the deterrent effect on abusers, this alternative will encourage victims to come forward to act as witnesses for prosecution and therefore increase success rates of prosecutions.

The Social Welfare Department will pilot two BIPs between January 2006 and March 2008.

For a preventive measure, WoC invites the court to consider:

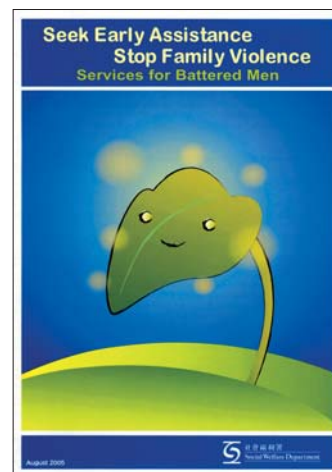
- to recommend/advise a batterer who is brought before it and has admitted (with or without being convicted for) battering or abusing his/her family members to participate in a BIP administered by approved authorities. (See Chapter 4.1.2).
- to refer the batterer or abuser to the Social Welfare Department for follow up.

WoC recommendation #1.5: the courts to refer BIPs

WoC recommends that the courts increase referrals to BIPs.

WoC recommendation #1.6: enhancing promotion of BIPs

WoC recommends that the Social Welfare Department enhance promotion of BIPs to targeted audiences and conduct evaluation of its effectiveness with a view to developing a long-term, sustainable programme.



(Photo provided by SWD)

8.5 Services

Services for batterers

Studies worldwide showed that batterers had often, as children, lived in homes where violence between family members was commonplace. Many batterers were abused physically, and some sexually, as children. This perpetuates a cycle of violence in children which, when they grew up, was often expressed as anger and a need to control others.

In order to deal effectively and decisively with domestic violence in Hong Kong, as much emphasis must be placed on identifying and providing properly-developed services for potential, and actual, batterers.

Transgenerational transmission is effected by individuals and unless each person involved in domestic violence is supported to change and develop beyond the need to batter, or be battered, no matter who that individual lives with, and no matter when, the tendency to resolve issues using violent means – whether physical, emotional, mental or economic – will remain.

WoC recommendation #2.1: combating transgenerational transmission through BIPs

WoC recommends all stakeholders working with domestic violence in Hong Kong learn about transgenerational transmission and how to stop it. As much emphasis must be placed on identifying and providing properly-developed services for potential, and actual, batterers as providing services for victims.

WoC recommends that the Social Welfare Department consider how to address needs of children witnessing domestic violence, developing programmes for them, and their families, in order to break the cycle of violence.

WoC recommendation #2.2: BIPs be given due attention

WoC recommends that effective BIPs be instituted in Hong Kong, with reference to overseas experience.

After-care and support for victims

Work is needed to improve the accessibility of services and protection offered to women whilst accessing these provisions.

WoC recommendation #2.3: after-care and support for victims

WoC recommends that the Social Welfare Department monitor situations of victims leaving women's shelters in order to provide support and timely intervention.



8.6 Publicity

Publicity is needed to promote awareness, change community attitudes, give information about services available and encourage early intervention. The targets of publicity include the whole community in general, potential victims and batterers, as well as frontline professionals.



In particular, it is timely for publicity campaigns to highlight the following messages:

- Hong Kong law covers psychological abuse under molestation
- domestic violence does not stop without intervention
- levels of violence escalate without intervention
- pre-marriage violence continues after marriage
- marital rape is against the law
- it is highly beneficial to victims to systematically document evidence of every incident of abuse, e.g. visits to primary healthcare providers, hospitals, police

All stakeholders must work in partnership and speak with one voice on issues of domestic violence to achieve the following actions:

- organise community publicity programmes to raise awareness of domestic violence
- address traditional cultural norms that reinforce domestic violence
- disseminate information regarding laws and services available for victims of domestic violence to victims, community and frontline professionals
- disseminate information regarding life in Hong Kong for prospective immigrants before they come to Hong Kong from the Mainland
- disseminate information on the existing channel for new immigrants to apply to resurrect their household registration in the Mainland in accordance with the relevant Mainland laws

WoC recommendation #3: changing attitudes and disseminating information

WoC recommends that all stakeholders align efforts to promote awareness, change community attitudes, give information regarding legal avenues and services available, and encourage early identification of abuse.

8.7 Professional knowledge-sharing, documentation and research

Professional knowledge

Recognising that many stakeholders deal regularly with situations of domestic violence in Hong Kong, a platform must be developed to share learning.

WoC recommends that all stakeholders:

- develop methodologies to compile and continually update good practices for handling domestic violence cases.
- proactively share these practices on a frequent basis among professionals and other stakeholders.
- continually learn with and from each other, including international experience, to develop knowledgeable and up-to-date resources in Hong Kong.

WoC recommendation #4.1: sharing professional knowledge and good practices

WoC recommends that a platform for sharing professional knowledge and good practices be established.

Good record keeping

In order for the criminal justice system and law enforcement to be fully effective, WoC stresses that it is important to know what the court can use as evidence. This means that everyone must become more aware of:

- the importance of good record keeping.
- the need to collect and properly record evidence by victims, frontline workers and community groups.
- the need for sufficient knowledge of what evidence is needed and how to collect it.
- the need for an attitude of proactive engagement in this area.

WoC recommendation #4.2: strengthening methods of investigation by the Police

An important part of strengthening the ability to investigate and prosecute abusers is compilation of sufficient evidence for the court. WoC recommends that the Police strengthen the existing investigation process through using a re-designed aide-mémoire card/a checklist. WoC would provide suggestions or advice on possible areas to be included if necessary.

WoC recommendation #4.3: collecting evidence for the courts

WoC recommends that stakeholders produce a booklet on the importance of domestic violence evidence gathering, to educate professionals, stakeholders, concerned individuals and particularly victims.



Research and database

WoC agrees with the recommendations from academia and recommends a clearing house of local and international research on domestic violence. WoC urges relevant Government departments to join us to encourage and support resources for research. To facilitate sharing of research and database information, the following steps are needed:

- standardised definition and method of data collection
- regular updates on prevalence rates of domestic violence
- research on the typology of batterers and parameters of domestic violence
- research on effectiveness and efficacy of different intervention programmes
- forums for dissemination and sharing of database and research results
- forums to identify new areas for research

In addition to academia, Government departments and social service organisations also collect relevant statistics that provide important information for research. Several areas of action could strengthen the knowledge base of domestic violence:

- the Social Welfare Department to take the lead in providing necessary resources to conduct further quality research on violence as well as to widely disseminate research findings
- designing a method to keep track of and to share relevant information about victims, perpetrators and actions taken, without violating their privacy and human rights
- agreeing on a system to align statistics among reported rates handled by various Government departments, such as:
 - the Department of Justice statistics on the numbers of court cases related to domestic violence
 - the Housing Department statistics on housing allocations arising from domestic violence
 - the Police statistics on actions undertaken and assistance provided to families reporting domestic violence



WoC recommendation #4.4: research and database sharing

WoC recommends that a system be established to facilitate and share research and database information about domestic violence.

8.8 Hospitals, health and medical sectors

Victims of domestic violence often seek assistance from emergency room staff, doctors, nurses and others in hospitals as well as in other medical facilities. Those in contact with these individuals must become conversant with the dynamics of abuse to properly treat and advise these patients.



When violence escalates to the extent that injuries are sustained and require medical attention, the cycle of abuse has reached the critical point where violence becomes ever more frequent and intense. If handled knowledgeably, with the right mix of understanding and good advice, medical and hospital personnel can make a significant difference in whether a victim will seek help beyond earlier crisis incidents or not. This can affect whether abuse continues to escalate, the cycle of abuse not having been identified and broken.

Recognising that hospitals in Hong Kong are the primary points of contact for victims of violence, it is essential for the Hospital Authority to ensure that best practices in handling victims of domestic violence are in place and are included in the curriculum for all senior nurses and medical personnel of relevant specialties, and that relevant training on the Hospital Authority web-based learning programme be made available for all nurses.

WoC recommendation #5.1: health care professional training

WoC recommends emphasising on domestic violence in the curriculum for health care professional training.

WoC recommendation #5.2: continuous in-service training

WoC recommends that the Hospital Authority, the Department of Health and the Fire Services Department conduct regular in-service training on domestic violence for all relevant medical personnel who deal with patients, both in primary care and emergency contexts (e.g. staff doctors and ambulance personnel).

WoC recommendation #5.3: content of training

WoC recommends that Hospital Authority, the Department of Health, and relevant health care professionals put in place good practices for attending to victims of domestic violence such as:

- *early recognition of victims of domestic violence, and collecting forensic evidence*
- *giving advice and empathetic care to all victims of domestic violence*
- *referring all victims to expert service providers*

8.9 Government bureaux and departments

Gender mainstreaming

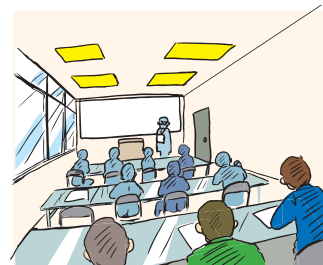
Domestic violence is rooted in a culture of gender inequality. For domestic violence to be eliminated in Hong Kong, gender mainstreaming must take place continually in all parts of community life. Knowing that stakeholders in this effort can be seen as role models in their attitudes and behaviour, WoC advocates applying the WoC Gender Mainstreaming Checklist to all aspects of legislation, policies and programmes related to domestic violence.



Gender-related training

Gender-related training is an important compendium to the implementation of gender mainstreaming. Special areas of training are recommended in the following areas:

- the Judiciary to be provided with briefings or seminars to enhance gender awareness and gender sensitivity in handling domestic violence court cases.
- the Housing Department to revise the Application Form for Public Housing stating the rights of tenants and their dependents and to provide training to its frontline staff to enhance gender awareness.
- the Education and Manpower Bureau to include gender issues as a priority concern in the implementation of the New Senior Secondary Liberal Studies curriculum, and encourage teachers to help students consider perspective of gender equality in examining different personal, social and scientific issues.
- the Home Affairs Department to provide gender-related training to personnel in District Offices to help promote public education and publicity on eliminating domestic violence.



WoC recommendation #6: WoC Gender Mainstreaming Checklist

WoC recommends that the Government apply the WoC Gender Mainstreaming Checklist to all aspects of its work on domestic violence and promote gender related training to their officers.

8.10 Early identification and intervention

To facilitate intervention at an earlier stage, it is critical to identify otherwise “hidden cases” of abuse. An attitude of heightened awareness to signs that indicate abuse exists needs to be maintained. This can be facilitated by use of tools that assist in identifying those at risk, as well as knowledge of typical behaviours of the abusers and the abused. This can be developed through training.

WoC recommends that:

- the Social Welfare Department work on feasibility of expanding information-sharing opportunities for inter-sector collaboration.
- the Social Welfare Department strengthen education and training for frontline staff to recognise and assess psychological and emotional abuse.
- the Education and Manpower Bureau continue to emphasise prevention and education to tackle domestic violence, and to promote with teachers, parents and in teacher training courses the early identification of students at risk of domestic violence.
- schools promote with teachers, parents and in teacher training courses the early identification of students at risk of domestic violence.
- Integrated Family Service Centre staff be expected to screen for whether domestic violence exists in suspected cases.

- the Health, Welfare and Food Bureau, in consultation with the Department of Health, include questions related to screening of children at risk of domestic violence under the Comprehensive Child Development Scheme.
- women's groups and social service organisations also proactively reach out to the community on an on-going basis, working to identify at-risk cases in earlier stage through own channels e.g. their own organisations, schools, Mutual Aid committees and Owners' Corporations.

WoC recommendation #7: early identification of abuse

WoC recommends that all stakeholders and the community have a responsibility in early identification of abuse.

8.11 Community networking

Domestic violence is a part of Hong Kong community life; Therefore solutions to stopping violence require the full awareness and involvement of the community, in all sectors, at all levels.

WoC recommendation #8.1: building community support

WoC recommends making better use of community resources, for example, training and developing volunteers to support professional social workers and help victims integrate more fully into the community.

- *These initiatives include self-help, mutual support, and peer counselling.*

WoC also recommends developing a community support network to better support victims and their children.

WoC recommendation #8.2: district networking

WoC recommends that the Home Affairs Department:

- *work closely with the Social Welfare Department and the Housing Department to develop programmes to help earlier identification of domestic violence cases at the district level.*
- *incorporate the topic of domestic violence and prevention in the district fight crime programmes and activities.*
- *work closely with the Social Welfare Department and women's groups to help empower women to seek assistance and help mobilise male and female volunteers to strengthen community awareness and support.*



9. WoC commitments: monitoring, evaluating and facilitating change

Monitoring and evaluation is inherent in the public health approach. WoC encourages stakeholders to set up their own monitoring and evaluation mechanisms, giving our commitment to support this process.

9.1 Centralised mechanism

WoC has initiated the process whereby its partnering stakeholders gathered together to help compile a forward looking strategy. Initiatives are being proposed across a spectrum of community sectors. A centralised mechanism is required to help set up an overview of progress. WoC will:

- act as the central mechanism to facilitate the process of monitoring and evaluating progress.
- continue to cooperate with current and new stakeholders.
- sustain the learning process in which information is shared and overall progress is evaluated.
- encourage stakeholders to engage in a regular reporting whereby development can be mapped out and changes can be measured.

9.2 Monitoring and evaluating mechanisms

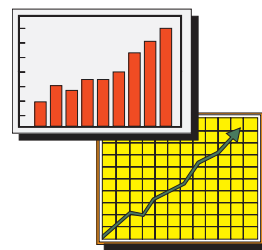
WoC considers it essential to set up an integrated long term monitoring and evaluation mechanism based on international best practice models. WoC invites the community to join in reporting progress made periodically as well as identifying areas still needing attention.



WoC recognises the importance of a research platform to generate and share knowledge. WoC will support stakeholders to build such a platform. One key component to such a platform is a central clearing house containing a database on research bibliography and indicators.

9.3 Indicators for measuring progress

A strategic research plan needs to be created which will provide a framework for measuring progress. There is a need for a common set of indicators to measure reported rates of domestic violence across departments. Indicators that have been used elsewhere, such as an increase in reports of domestic violence to the Police, hospitals and social service agencies, provide useful data. As domestic violence is greatly underreported, there is also a need for regular community surveys to establish the prevalence rates. Indicators include:



- actions taken by stakeholders
- reported rates
- prevalence rates
- reduction of risk factors
- estimated cost of violence
- typology and parameters of domestic violence
- effectiveness of interventions
- community awareness and attitudes

In addition, taking from international experience, we need to adapt and develop tools to evaluate progress which are culturally sensitive and systematised across different sectors of the community.

WHO Two Part Report: areas for further analysis

This first report provides descriptive information from the current WHO Study. Questions that will be explored during the next stage of analysis include:

- *risk profiles for violence in terms of timing and duration of relationship with violent partner*
- *risk and protective factors for partner violence, whether they are context-specific or span all or most contexts*
- *issues around definitions and prevalence of emotional abuse*
- *more in-depth analysis of the relationship between violence and health, and of patterns of women's responses to violence*
- *the impact of violence on other aspects of women's lives, including effect on their children.*

(WHO 2005)

9.4 Measurement

In measuring change it is important to stress the equal importance of measuring process and outcome. That is, it is important to look at who is doing what, why, how and when, as well as looking at results produced.

WoC encourages stakeholders to identify areas where new data collection points are required to assess the effectiveness of their work and build into their initiatives a continuous learning cycle, one in which each new step is evaluated and then improved upon.

9.5 Keeping community linked

WoC pledges to keep all stakeholders and the community linked regarding the stages of various individual work plans. It is only through cooperating closely that gaps will be identified, overlapping initiatives will be avoided and progress will be made.



9.6 Domestic violence and change in Hong Kong

Women in the HKSAR have come a long way over the past few decades, yet many challenges remain to be met.





A rapidly changing society

In Hong Kong, rapid social and economic changes have necessitated a redefinition of women's role and status in society. Regarding domestic violence, recent gains have been made in:

- *increase in public awareness and social advocacy for gender equality*
- *multidisciplinary committee(s)/working group(s) on child abuse, spouse battering/sexual violence and elder abuse*
- *expansion of services for victims of domestic violence*
- *establishment of BIPs*
- *legal reforms, for example the law that prohibits marital rape*
- *training and research*
- *reporting and tracking cases*

Many of these changes are due to the hard work of the Government, NGOs and various sectors active in the field of domestic violence.

9.7 WoC: facilitating community awareness and change

The 2005 WHO report maintains that prevention of domestic violence requires a combination of social policy, specialised programs, and coordinated community and legal efforts.

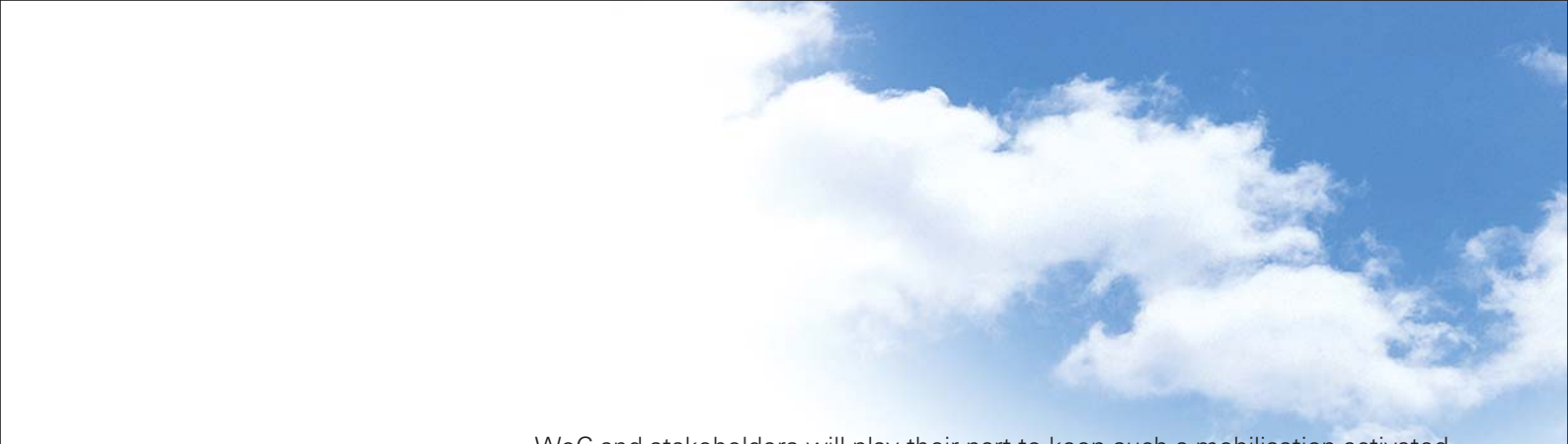
Strengthening commitment and action

- *promote gender equality and women's human rights, in line with relevant international treaties and human rights mechanisms, including addressing women's access to property and assets, and expanding educational opportunities for girls and young women.*
- *establish, implement and monitor action plans to address violence against women, including violence by intimate partners.*
- *enlist social, political, religious, and other leaders in speaking out against violence against women.*
- *enhance capacity and establish systems for data collection to monitor violence against women, and the attitudes and beliefs that perpetuate the practice.*

Promoting primary prevention

- *develop, implement and monitor programmes aimed at primary prevention of intimate partner violence and sexual violence against women. These should include sustained public awareness activities aimed at changing the attitudes, beliefs and values that condone partner violence as normal and prevent it being challenged or talked about.*

(WHO 2005)



WoC and stakeholders will play their part to keep such a mobilisation activated, but to effect long term change and heightened societal awareness, it is essential to also solicit the public's involvement and support so that the whole community can come together, working to make families safer and more harmonious in Hong Kong.

WoC commits to facilitating a mobilisation of stakeholders and the wider community to monitor and evaluate change, mapping our progress in improving our response to domestic violence.



Appendix 1

Women's Commission Working Group on Safety

Co-Convenors

(in alphabetical order)

Professor Fanny Cheung, JP

Ms Margaret Wong

Members

(in alphabetical order)

Ms Sophia Kao, JP

Ms Joanna Lau

Hon. Mrs Sophie Leung, SBS, JP

Dr Judith Mackay, JP

Ms Diane Wilcoxson

Dr Yeung Ka-ching

Terms of reference

To propose to the Women's Commission strategies and measures to safeguard safety of women, including protecting women against domestic violence, through the three-pronged approach (i.e. provision of an enabling environment, empowerment of individuals and public education), and to take on specific tasks as directed by the Women's Commission.

Acknowledgements: The Working Group would like to thank Ms Tessa Stewart for her assistance in the preparation of this report.

Appendix 2

Departments and organisations participating in sharing sessions

Association Concerning Sexual Violence Against Women	Hong Kong Single Parents Association
Association of Distinct Ambassadors	Hong Kong Social Workers' General Union
Baptist Oi Kwan Social Service	Hong Kong Special Schools Council
Caritas Community Centre – Kowloon	Hong Kong Young Women's Christian Association
Caritas Family Crisis Support Centre	Hospital Authority
Cheung Chau Island Women's Association Ltd	Housing Department
Chinese University of Hong Kong (Department of Social Work)	International Social Service Hong Kong Branch
Chinese YMCA of Hong Kong	International Women's League
Christian Family Service Centre	Kowloon Women's Organisations Federation
City One Shatin Ladies' Association	Ladies Committee of the Chinese Manufacturers' Association of Hong Kong
Department of Justice	Lion Club of Harbour View
Education and Manpower Bureau	Oxfam Hong Kong
Family Service of Caritas – Hong Kong	Po Leung Kuk
Harmony House	Serene Court
Health, Welfare and Food Bureau	Social Welfare Department
Home Affairs Department	St. John's Cathedral HIV Education Centre
Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)	Sunrise Court
Hong Kong Baptist University (Department of Social Work)	The Family Planning Association of Hong Kong – Tsueng Kwan O Women's Club
Hong Kong Children and Youth Services	The Hong Kong Social Workers Association
Hong Kong Woman's Coalition on Equal Opportunities	The University of Hong Kong (Department of Social Work and Social Administration)
Hong Kong Confederation of Trade Unions, Women Affairs Committee	The University of Hong Kong (Family Institute)
Hong Kong Council of Social Service	Tsing Yi Lady's Forum
Hong Kong Family Welfare Society	Tuen Mun District Women's Association Ltd
Hong Kong Federation of Women	Tuen Wan Kwai Tsing District Women's Association
Hong Kong Federation of Women's Centres	Tung Wah Group of Hospitals
Hong Kong Police Force	Women Service Association
	Yau Tsim Mong Women Association
	Yin Shes Limited

Appendix 3

Details of Government services provided and measures taken to assist victims of domestic violence

As of 2004, the Government has, together with relevant NGOs, put in place a range of specialised services, supportive and preventive measures to assist families in need of assistance, including:

Six Family and Child Protective Services Units (FCPSUs) under the auspices of the Social Welfare Department (SWD) which provide integrated services including outreaching, crisis intervention, casework and group work treatment, and statutory protection of children. They will work with other organisations concerned in the investigation and intervention process whenever necessary;

Four Clinical Psychology Units (CPUs), SWD, which provide psychological assessment and treatment for severe cases of family violence. They also develop and organise different types of groups for victims, batterers and children witnessing violence in collaboration with workers of FCPSUs;

Sixty-one Integrated Family Service Centres (IFSCs) run by SWD and NGOs, which provide a continuum of preventive, supportive and remedial services for families;

A Family Crisis Support Centre (FCSC) set up by SWD in 2002 and operated by an NGO, which provides support to families in crisis on a 24-hour basis. Its integrated package of services include a 24-hour hotline, outreach and prompt emergency intervention, short-term overnight accommodation, public education programmes, etc.;

Suicide Crisis Intervention Centre (SCIC) of The Samaritan Befrienders, Hong Kong (SBHK), set up in September 2002, provides round-the-clock outreaching, crisis intervention/intensive counselling to persons in crisis situations and for persons considered to be at high/moderate risk of suicide;

Four refuge centres for women, with a total capacity of 162 places, which provide temporary accommodation for women victims (and their children) of family violence, sexual abuse, or in immediate danger of violence with 24-hour admission;

A variety of **services for men**, such as men's hotlines and batterers' groups, which are provided by FCPSUs and NGOs operating refuge centres;

Different forms of **housing assistance** which are arranged for cases with genuine need for housing and on social/medical grounds;

Financial assistance such as the Comprehensive Social Security Scheme and various charitable/trust funds which are made available to families or individuals to tide them over their immediate financial hardship;

A wide range of **day and residential child care services** are available to meet the various child care needs of parents, including victims of family violence;

A large-scale **publicity campaign** entitled “Strengthening Families and Combating Violence” launched by SWD to enhance public awareness of the need to strengthen families and combat violence;

A victim support website and booklet developed in June 2003 to promote the services available for the victims of spouse battering, child abuse and sexual violence, as well as to facilitate sharing of information among helping professionals, especially frontline workers handling such cases. The website, attached to the homepage of SWD, is hyper-linked to other relevant websites and homepages such as the Government information website and homepages of relevant NGOs. The booklet provides information similar to the content of the website and serves as useful reference material for those who have difficulty in gaining access to computers; and

Community Investment and Inclusion Fund (CIIF) which provides seed funding to support community-initiated projects that seek to, among other things, foster better family relationship and encourage the building of networks among families, thereby strengthening their capabilities to deal with family violence.

For example, a Domestic Violence Neighborhood Watch project to prevent domestic violence was pioneered in Tin Shui Wai in 2004 by Harmony House.

The project aims to:

- empower battered women
- encourage different sectors in the community to create a violence free ethic
- foster community spirit

Appendix 4

Notes attached to law reform recommendations in Chapter 8

Note 1: Recommendation to extend the scope of protected persons to whom a non-molestation order is available

We have not recommended the extension to cover the other two orders, namely, the eviction order and the entry order as the application would require many rounds of deliberations on the (matrimonial home) property right and maintenance issues. For example, if the owner of the matrimonial home is evicted, such an eviction order would not preclude the owner from effecting a sale of the property which he/she owns unless the victim who stays at the matrimonial home is able to establish his/her interest in it.

Note 2: Attachment of Power of Arrest to Non-Molestation Order

We note that, under the UK Family Law Act of 1996, if the court makes an occupation or non-molestation order or relevant order and it appears to the court that the respondent has used or threatened violence against the applicant or a relevant child, it shall attach a power of arrest unless it is satisfied that in all circumstances the applicant or child will be adequately protected without such a power of arrest.

The word “shall” in this provision makes the attachment of the power of arrest mandatory if the court is satisfied with the criteria for doing so.

Note 3: Stalking

Some of these recommendations above fall within the scope of the UK Harassment Act 1997. For example, the Act provides that a person whose course of conduct causes another to fear, on at least 2 occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions. This Act applies also in domestic violence cases.

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婦女事務委員會
Women's Commission

婦女事務委員會秘書處

香港中環花園道3號花旗銀行大廈10樓

Women's Commission Secretariat

10/F, Citibank Tower, 3 Garden Road, Central, Hong Kong

電話 Tel : (852) 2136 2738

傳真 Fax : (852) 2501 0478

網址 Website : www.women.gov.hk

電郵 E-mail : women@hwfb.gov.hk