

**Submission from “Family Ideal”- Community Education and Resource Centre,
Harmony House Limited**

CEDAW 2nd REPORT

A. Introduction

Domestic violence can be regarded as a pattern of coercive behavior that is used by one person to gain power and control over another. The behavior may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and economic control. It is a major cause of injury to women and occurs between people of all racial, economic, educational, educational, religious backgrounds, in heterosexual and homosexual relationships, living together or separately, married or unmarried, in short-term or long-term relationships.

Despite Hong Kong being recognized as a modernized metropolis, the traditional patriarchal attitude is still the root cause of domestic violence. Researches in Hong Kong have showed that many male batterers adhere to the traditional belief of male dominance. They use physical, psychological and also sexual violence to force their wives into submission so that they can maintain and reinforce their authority position.

Harmony House Ltd., a non-government organization in Hong Kong, set up the first shelter which aims at providing short-term refuge service, counseling, community resources referral, after-care services and hotline for abused women and their children since 1985.

As we know that violence against women is gender-based and that power inequality and role-stereotyping are perpetuated in a patriarchal society, we initiated our community education and resource centre in 1992 to promote gender equality and enhance public awareness of issue relate to family violence.

The 3rd Path—Man Services was also launched since 2000, providing hotline, individual counseling and psycho-educational treatment for batterers.

In 2001, we pioneered a Crisis Intervention Team “Seeds of Hope” at the Accident and Emergency Department of the Tuen Mun Hospital. The team provides immediate crisis intervention to patients accessing medical service due to domestic violence.

B. Severity of the Problem

According to our statistics, we have served and empowered over 5,000 women and children through our shelter service. Crisis support was offered to over 55,000 callers who accessed our 24 hour hotline since 1986. Compared with the statistics mentioned in the 1st CEDAW Report, these figures have doubled in four year's time. This clearly reflects the severity of domestic violence. It has become a social, health and public safety issue.

In 2001-2002 our Man's hotline received over 930 calls that reveal the hidden need of men to seek help.

All the above statistics is only the tip of iceberg. Still many people consider domestic violence as shameful and refuse to seek help.

C. Current Situations and Recommendations

The Women's Commission is established to address prejudices against women and to help women attain due status and rights in our society. However, thus far, the role of Women's Commission in addressing domestic violence is unclear and even non existence. We recommend that the Women's Commission adopt a clear stance on protection of women against domestic violence.

In the CEDAW Report, violence against women is particularly mentioned under Article 5 –Stereotyping and Prejudices, in which the government stated existing measures to protect women against violence. We would like to record the following comments:

1. Service Provisions

1.1 Lack of Policy Statement

A policy objective of “Zero Tolerance on Domestic Violence” should be implemented in order to rally resources and support in a more coordinated, efficient and collaborative manner.

2. Legislation

2.1 Legislation on Marital Rape

We are pleased to know that the Statute Law (Miscellaneous Provisions) Ordinance of marital rape was passed by the Legislative Council in Hong Kong on 10th July 2002, which clearly stated that “unlawful sexual intercourse dose not exclude sexual inter course that a man has with his wife.”

2.2 Review on Domestic Violence Ordinance - Cap 189

The Ordinance came into force in 1986, however, it fails to protect women against violence in following situations:

Firstly, the definition of domestic violence and form of domestic violence is not clear. We recommend that the definition of domestic violence should not only confine to physical violence, but also include evident psychological abuse and sexual abuse such as sexual harassment or sexual assault. The court should be conferred with extended authority to attachment of power of arrest whereby power of arrest should be attached to the injunction order if sexual abuse or psychological abuse is revealed.

Secondly, the Ordinance is only applicable to matrimonial or long and stable cohabitation relationship and their children. The scope of application should also extend to relationship as between ex-cohabiters, father-in-law, mother-in-law, daughter-in-law, brother-in-law who share the same residence. Thus, the term “Matrimonial Home” is suggested to change as “Domestic Home”.

Thirdly, legislation on stalking merely applies to marital relationships and fails to protect relatives of victims. Many domestic violence cases reported that the batterers also stalked their in-laws and close relatives. Moreover, legislation on stalking in relation to family violence should be placed under the Domestic Violence Ordinance.

Last, but not the least, we propose that the maximum term of present injunction and the power of arrest should be extended to one year with quarterly review. In addition, the abusers’ participation in batterers treatment program offered by non-government organizations is suggested as part of the criteria in assessing the extension of injunction order. As the protection of injunction order is primarily restricted to family residence, workplace as well as school grounds of children should also be included.

3. Batterers Treatment

3.1 Sentencing Option for Batterers

To provide full protection to women, batterers’ counseling as part of the judiciary system is urged to be implemented as soon as possible. Measures should be taken to encourage proactive approaches in handling domestic violence case—in both arrests and prosecution.

A formal collaboration and referral system should be devised to include probation officers, judiciary personnel and non-government organizations to handle the treatment and follow-up programs for batterers.

4. Services for Victims

4.1 New Immigrants

According to our latest statistics in the past three years, over 85% of abused women were new immigrants from China, who did not have access to social resources. Their social network was rather weak and they feel alienated in the community. Measures should be designed to facilitate their adjustment prior to landing in Hong Kong.

4.2 Adequate Support

Financial support from government is limited to shelter and refuge. Community education, prevention, man services or crisis intervention team receives no government support. Services for children who witness violence is another very much neglected aspect.

4.3 “Half-way” Housing

A flexible procedure for victims pending for divorce to be provided with public housing upon discharge from shelter should be considered.

5. Training of Professionals

5.1 Police

Police officers are often the first line of worker being called to a domestic violence case. Most police officers still limit the interpretation of domestic violence to physical abuse. The onus to charge also primarily lies on the victim. It is necessary that a broader definition of domestic violence be adopted by law enforcement officers through regular and continuous training prior to and during the police officers' career.

5.2 Medical Profession

Apart from police, medical profession plays an important role in identifying a domestic violence victim. To enhance their knowledge and skills in case assessment, similar regular training is required.

5.3 Teachers Training

To eliminate stereotyping and prejudices of domestic violence against women, our education system plays a pivotal role in enhancing awareness of our traditional role stereotyping. Teachers should be sensitive towards their own values, attitudes and beliefs and how these affect the learning process.

D. Conclusion

To change the traditional value, attitude and understanding of women being weak, dependent and powerless is not easy. The Women's Commission needs to take a clear and strong stance against violence against women and to advocate for not only strength to the individual, but also positive measures in our policies and systems to ensure that violence against women is not tolerated at all in Hong Kong.

Submitted by
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