

*Strategies and measures in tackling
domestic violence in selected places*

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Executive Summary

1. In Hong Kong, the Government adopts a three-pronged approach to tackle domestic violence, including the provision of (a) preventive measures; (b) supportive services; and (c) specialized services and crisis intervention services. The legal framework dealing with domestic violence is made up of provisions in various pieces of legislation. In particular, the *Domestic Violence Ordinance (Cap. 189)* empowers the court to grant an injunction order or attaches a power of arrest to an injunction restraining the perpetrator from using violence against the domestic violence victim or the child living with him/her. Meanwhile, domestic violence victims can receive support from the Social Welfare Department and non-governmental organizations. At present, the Legislative Council is scrutinizing the *Domestic Violence (Amendment) Bill 2007* to strengthen protection for domestic violence victims.
2. In the United Kingdom (UK), the National Domestic Violence Delivery Plan published by the Home Office in 2005 sets out the framework of tackling domestic violence. Key programmes of this Plan include the Tackling Violent Crime Programme and the Specialist Domestic Violence Court Programme. While the former aims to improve evidence gathering and investigation capabilities to ensure that more cases go to court, the latter aims at enhancing the effectiveness of the court system and supporting services for domestic violence victims. The *Domestic Violence, Crime and Victims Act 2004* introduced by the government in 2004 intends to enhance the protection, support and rights of domestic violence victims and witnesses. Support for victims can be obtained from the criminal justice system, a multi-agency service provided by the Police, the Crown Prosecution Service, the court and the National Offender Management Service.
3. In Canada, the Family Violence Initiative (FVI) is an ongoing federal commitment to prevent and reduce the occurrence of domestic violence problems. FVI supports the development, implementation, testing and assessment of models, strategies and tools to improve the criminal justice system's response to domestic violence. Canada does not have legislation on domestic violence. However, offences listed in the *Criminal Code* are applicable to acts of domestic violence. In any event, Parliament is currently scrutinizing the *Tackling Violent Crime Bill* introduced by the federal government in 2007. Provincial and territorial governments also make laws in areas of their own jurisdiction to deal with domestic violence issues. Domestic violence victims receive support from public bodies at the federal, provincial and territorial levels. In particular, the National Clearinghouse on Family Violence provides a centralized and comprehensive reference, referral and distribution service for information on the prevention, protection and treatment of domestic violence.

4. In New Zealand, Te Rito, the New Zealand Family Violence Prevention Strategy launched by the Ministry of Social Development in 2002 outlines 18 areas of action to reduce domestic violence. The major areas are: (a) processes to monitor and enforce legal sanctions; (b) consistency in the delivery of laws, policies and services; (c) policies for self-referred and non-mandated clients; (d) improved access to a range of services; and (e) public education and awareness. Legal protection against domestic violence is available under the *Domestic Violence Act 1995* which focuses on victim protection through the issuance of a protection order. Domestic violence victims also receive support from individual government and community agencies.

5. Boston adopts a Zero Tolerance for Domestic Violence Policy to tackle problems occurred both at home and in workplace. The city's Domestic Violence Program (DVP) is administered by the Boston Public Health Commission. DVP provides information, training, education and technical assistance relating to all aspects of domestic and sexual violence, with a focus on prevention. While Boston does not have its own law governing domestic violence, as the capital city of Massachusetts, it adopts the *Massachusetts General Laws Chapter 209A*. Similar to New Zealand, domestic violence victims receive support from individual government and community agencies. Special services are available to the lesbian, gay, bisexual and transgender communities. The city also provides emergency shelter and multi-lingual services to Asian families experiencing harassment, coercion and physical sexual abuse.

Strategies and measures in tackling domestic violence in selected places

Chapter 1 – Introduction

1.1 Background

1.1.1 Following a number of tragedies relating to domestic violence between 2002 and 2004, the Subcommittee on Strategy and Measures to Tackle Family Violence was set up under the Panel on Welfare Services. Building on two 2005 reports covering overseas experience on combating and reducing incidents of domestic violence published by the Department of Social Work and Social Administration of the University of Hong Kong and the Law Society of Hong Kong respectively, this research report will cover the latest experience of tackling domestic violence in the United Kingdom (UK), Canada, New Zealand and Boston of the United States (US) to facilitate the deliberation of the Subcommittee on this subject.

1.2 Definition of domestic violence

1.2.1 In general, domestic violence refers to incidents of threatening behaviour, violence or abuse among persons who are or have been in an intimate or dependent kinship or relationship regardless of gender.

1.3 Scope of research

1.3.1 In Hong Kong, the Government adopts a three-pronged approach to tackle domestic violence. The approach includes:

- (a) developing preventive measures (such as publicity, community education and enhancing social capital);
- (b) providing supportive services (such as family services, housing assistance, financial assistance and child care services); and
- (c) operating specialized services and crisis intervention services (such as Family and Child Protective Services Units (FCPSUs)¹, a Family Crisis Support Centre and refuge centres for women).

¹ Under the purview of the Social Welfare Department, FCPSUs are manned by experienced social workers. FCPSUs provide a co-ordinated package of one-stop services for domestic violence victims, their families and perpetrators.

1.3.2 Due to the rise in the number of domestic violence cases in Hong Kong, there have been increasing public calls for introducing amendments to the *Domestic Violence Ordinance (Cap. 189) (DVO)* to strengthen protection to victims, particularly after the occurrence of the Tin Shui Wai family tragedy in April 2004.² In May 2006, the Government proposed to amend *DVO* on which no review had been conducted since its enactment in 1986. The *Domestic Violence (Amendment) Bill 2007* is currently being scrutinized by a bills committee of the Legislative Council.

1.3.3 In the UK, the government developed a National Domestic Violence Delivery Plan in 2005 to strengthen support to victims and bring more perpetrators to justice. The *Lessons Learned from Domestic Violence Enforcement Campaigns 2006*, drawing from the experiences of 19 police forces applying innovative techniques over a four-month period in 2006, have established guidelines on handling domestic violence for police, local authorities and support groups.

1.3.4 In Canada, the government has continued to strengthen the Family Violence Initiative (FVI), an ongoing project tackling domestic violence from the social, justice and health perspectives. In particular, the Department of Justice Canada (Justice Canada) and its partners are working closely together to ensure that the criminal justice system responds more effectively to protect victims and hold perpetrators accountable. Key strategies addressing domestic violence, such as legal reform, public and professional education, research and support for programmes and services, have been developed.

1.3.5 In New Zealand, the Taskforce for Action on Violence within Families was established in June 2005 to advise the Family Violence Ministerial Team on how to make improvements to the way domestic violence is addressed, and to eliminate domestic violence in New Zealand. The report entitled *Programme of Action: Final Monitoring Report 2006/2007*, summarizing the progress of the domestic violence intervention and prevention programmes and taking into account the lessons learnt during the implementation of the first Programme of Action, was published in August 2007.

1.3.6 In Boston, in the light of the Executive Order on Policy on Domestic Violence issued by the Governor of Massachusetts in October 1997, the Mayor of Boston published an Executive Order directing Boston to adopt a Zero Tolerance for Domestic Violence Policy. In addition to the prevention and intervention of domestic violence occurred at home, the Mayor of Boston also developed programmes preventing domestic violence and helping those victims in workplace.

² The Tin Shui Wai tragedy involved a triple murder in a family living in Tin Shui Wai, wherein the father killed his wife and twin daughters before fatally injuring himself.

1.4 Methodology

1.4.1 This research adopts a desk research method, which involves Internet research, literature review, documentation analysis and correspondence with relevant authorities and organizations.

Chapter 2 – Hong Kong

2.1 Overview

2.1.1 According to the statistics of the Social Welfare Department (SWD), between January and June 2007, there were 2 733 newly reported cases of battered spouse, among which 2 256 (82.5%) were of physical abuse and 351 (12.8%) were of psychological abuse respectively. There were 2 216 cases (81.1%) involving female victims. Among these 2 216 cases, while 1 851 cases (67.7%) were abuses by husband or male cohabitant, 365 cases (13.3%) were abuses by separated/divorced husband or boyfriend.³

2.1.2 In 2006, among the 1 811 reports on domestic violence cases received by the Police, 1 408 cases (78%) were dealt with by the court.⁴ In the same year, the Government appropriated HK\$1.33 billion to fund preventive and supportive services for domestic violence victims and their families.⁵

2.2 Responsible authorities

Government bodies

2.2.1 Table 1 lists the government bodies involved in the planning and implementation of domestic violence policies.

³ Social Welfare Department (2007).

⁴ Hong Kong Police Force and Department of Justice (2007).

⁵ Health, Welfare and Food Bureau (2006).

Table 1 – Government bodies involved in the planning and implementation of domestic violence policies

Labour and Welfare Bureau ⁽¹⁾	Formulating and reviewing policies and legislation relating to domestic violence in consultation with departments and non-governmental organizations (NGOs) concerned.
SWD	Tackling family violence through crisis intervention, supportive services and preventive education.
Police	(a) Protecting domestic violence victims and the children involved from attack; (b) preventing the affected persons from further attack; (c) taking firm and positive actions against perpetrators; (d) investigating offences; and (e) referring victims and/or perpetrators to appropriate government bodies for assistance.
Legal Aid Department	Providing legal aid to eligible domestic violence victims.
Housing Department	Providing housing assistance to domestic violence victims where appropriate.
Hospital Authority	Providing medical services to domestic violence victims.
Home Affairs Department	Building up and maintaining a general community support network that fosters and encourages mutual care and support for members of the community.

Note: (1) Prior to 1 July 2007, the responsibilities fell under the Health, Welfare and Food Bureau.

District Coordinating Committee mechanism

2.2.2 The Government has established a District Coordinating Committee mechanism, led by a District Social Welfare Officer, to forge cross-sector and multi-disciplinary coordination and cooperation to handle various community issues (including domestic violence) at the district level. There are a total of 13 District Coordinating Committees on Family and Child Welfare across the territory, comprising representatives from government departments, NGOs and community leaders to coordinate service delivery relating to domestic violence, particularly child abuse and spouse battering, based on the specific needs in each district. Elder abuse, on the other hand, is handled by the District Coordinating Committees on Elderly Services.

2.3 Policies on combating domestic violence

Policy objective

2.3.1 The Government's stance on the issue is that it does not tolerate any domestic violence. Its policy objectives in this regard are as follows:

- (a) preventing domestic violence as far as practicable;
- (b) ensuring safety and providing support for domestic violence victims;
and
- (c) stopping batterers from committing domestic violence acts.

Implementation strategy

2.3.2 To achieve the policy objectives listed above, the Government adopts a three-pronged approach to tackle domestic violence, including the provision of the following:

- (a) preventive measures (such as publicity, community education and enhancing social capital);
- (b) supportive services (such as family services, housing assistance, financial assistance and child care services); and
- (c) specialized services and crisis intervention services (such as Family and Child Protective Services Units, a Family Crisis Support Centre and refuge centres for women).

Multi-disciplinary collaboration

2.3.3 In view of the number of government bodies and NGOs involved in handling domestic violence cases, the Government adopts a multi-disciplinary approach to smooth the whole process.

Working Group on Combating Violence

2.3.3.1 At the Central level, the Director of Social Welfare (DSW) chairs the Working Group on Combating Violence which was established in 2001. The Working Group on Combating Violence is responsible for mapping out strategies and approaches, and coordinating the efforts among various government bureaux, departments and NGOs to address the problem of domestic violence in Hong Kong. In 2004, it published the *Procedural Guidelines for Handling Battered Spouse Cases*, which are binding on all concerned professionals including the Police and social workers.

District Liaison Groups on Family Violence

2.3.3.2 At the district level, there are 13 District Liaison Groups on Family Violence in place to provide a platform for regular communication amongst the Police, SWD and NGOs as well as to discuss measures to enhance the collaboration in handling domestic violence cases. These District Liaison Groups on Family Violence were introduced in March 2005.

Family and Child Protective Services Units

2.3.3.3 At the individual case level, social workers of FCPSUs convene multi-disciplinary case conferences during which the professionals concerned share their knowledge and information on a case and work together in formulating the most appropriate welfare plans for high-risk cases.

2005 Policy Address

2.3.4 Following the Tin Shui Wai family tragedy happened in 2004, the Government announced the following proposals to tackle domestic violence in its 2005 Policy Address:

- (a) launching two batterer intervention pilot projects;
- (b) providing support to the Women's Commission (WoC)⁶ in taking forward their strategies to tackle domestic violence and proposals to nurture caring families;
- (c) launching a Family Support Programme to increase connection with vulnerable families;

⁶ Established on 15 January 2001, WoC promotes the well-being and interests of women in Hong Kong. It also advises the Government on policy direction on women issues.

- (d) delivering preventive, supportive and counselling services for needy families through the transformed Integrated Family Service Centres of SWD;
- (e) strengthening district welfare planning and coordination through fine-tuning the newly developed protocol for the district welfare planning mechanism⁷, reviewing the District Coordinating Committee mechanism and ensuring the continuous operation of the District Liaison Groups for handling domestic violence;
- (f) strengthening services and staff training relating to the handling of family crises and violence, and suicide; and
- (g) reviewing *DVO*.

2006 Policy Address

2.3.5 Building on the measures for tackling domestic violence implemented in 2005, the Government introduced the following initiatives in its 2006 Policy Address:

- (a) preparing legislative amendments to *DVO*;
- (b) strengthening the specialized services and support for domestic violence victims, including additional manpower resources, shelter service for women and clinical psychological support; and
- (c) providing support to WoC through the provision of an enabling environment, empowerment of women and public education.

2007 Policy Address

2.3.6 In the 2007 Policy Address, the Government admitted that the provision of social services for domestic violence had not been planned from a holistic family approach in the past. As such, the Government introduced the following new initiatives:

⁷ The district welfare planning mechanism protocol aims to consolidate good practices carried out by District Social Welfare Officers. It sets out a standardized planning framework and approach for the District Social Welfare Officers, while allows flexibility for addressing specific characteristics and needs of individual districts. A set of social indicators are incorporated to provide consistent measurements of the multi-dimensional societal conditions at the districts and to serve as one of the means to map out district welfare needs profile and identify service gap.

-
-
- (a) setting up a Family Council to formulate policies and initiatives relating to family support and integrating the work of the Youth Commission, WoC and Elderly Commission on family support matters;
 - (b) intensifying direct support for domestic violence victims and vulnerable families, including increasing placement in refuge centres for women, expanding residential services for children and enhancing the hotline service of SWD;
 - (c) launching a new anti-violence programme for perpetrators; and
 - (d) promoting the prevention and tackling of domestic violence through public education and enhanced training for related professionals.

Measures on handling of domestic violence by the Police

2.3.7 In 2005, the Police set up a Working Group to review existing measures and develop new measures as recommended by the Coroner's Court in respect of the death inquest in the Tin Shui Wai incident occurred in April 2004. The improvement measures are categorized into four areas:

- (a) enhancing investigation capabilities – improving the Police's response to domestic violence reports, ensuring standardization of investigations and introducing an Emergency Referral Questionnaire⁸ and an Action Checklist⁹;
- (b) enhancing documentation – enhancing the Police's electronic documentation system to allow easy retrieval of information;
- (c) enhancing supervision – deploying an officer of the rank of Sergeant or above to the scene of a domestic violence incident to take charge of the investigation and installing an alert mechanism in the Central Domestic Violence Database to automatically generate alarm to the attention of divisional supervisory officers in respect of repetitive incidents occurring within 12 months or less; and
- (d) enhancing training – providing focus training to the Police on the attitude and skills to be adopted in conflict management through scenario exercises and discussions and arranging refresher and special training to address local needs, especially in high-risk districts.

⁸ The Emergency Referral Questionnaire is an assessment tool to guide police officers to reveal existing high-risk factors within the victim family by going through a series of simple but crucial threat assessment questions, e.g. recent assault history, severity of injuries and use of weapons.

⁹ The Action Checklist provides guidelines to police officers to take necessary and proper actions at the scene of the domestic violence incident.

Investigation of domestic violence cases

Three-tiered investigative response

2.3.7.1 The Police has established a three-tiered structure to provide a graded investigative response to domestic violence reports by investigation units at different levels, taking into account the seriousness of the cases as well as the existence of high-risk factors in the family.

Designated Domestic Violence Investigation Units

2.3.7.2 Designated Domestic Violence Investigation Units, comprising specially trained police officers with strong investigative background, have been set up at all Police Districts to investigate serious domestic violence cases. The accumulation of expertise within the units and the strengthened collaboration between the Domestic Violence Investigation Units and local welfare units facilitate the handling of serious cases.

Investigations of repeated miscellaneous (non-crime) cases

2.3.7.3 Repeated miscellaneous (non-crime) cases previously handled by the Uniform Branch are being taken up by divisional crime investigation teams so as to enhance early identification and management of risk factors. At present, the Uniform Branch officers only handle non-repetitive miscellaneous cases.

"One Family One Team" Approach

2.3.7.4 To overcome the complications arising from different investigation units handling separate cases involving the same family, the Police adopts a "One Family One Team" approach, which means the same investigation unit takes over all subsequent cases involving the same family so as to provide a more coordinated approach as familiarity with the background of the family would enhance the unit's ability in identifying risk factors for early intervention and facilitate closer collaborative efforts with the social welfare units.

Other measures

Information System and Research Support

2.3.8 There are central information systems to monitor the trends of reported domestic violence cases. These systems include the enhanced Central Information System on Battered Spouse and Sexual Violence Cases, the Child Protection Registry and the Central Information System on Elder Abuse Cases.

2.3.9 The Government also conducts researches and studies on domestic violence. In April 2003, SWD commissioned the Department of Social Work and Social Administration of the University of Hong Kong to conduct a study on child abuse and spouse battering. The report was published in June 2005. Part One of the Study aimed at:

- (a) estimating the prevalence rate of child abuse and spouse battering in Hong Kong;
- (b) analyzing the demographic, social, psychological and family profile of perpetrators and victims; and
- (c) identifying elements contributing to effective prevention and intervention, including studying the feasibility and implications of adopting mandatory treatment of perpetrators in Hong Kong and examining the existing legislative measures.

Part Two of the Study aimed at:

- (a) developing and validating assessment tools to facilitate early identification of cases at risk of child abuse and spouse battering; and
- (b) conducting training for frontline professionals on the use of the assessment tools.

2.4 Enforcement tools

2.4.1 The legal framework dealing with domestic violence is made up of provisions in various pieces of legislation. The essence of such legislation either imposes criminal sanctions on acts of violence or provides civil remedies to domestic violence victims.

Criminal legislative framework

2.4.2 The criminal legislative framework seeks to sanction all acts of violence, irrespective of the relationships between the abusers and the victims, and independent of where the violence act occurs. The framework comprises:

- (a) *Offences Against The Person Ordinance (Cap. 212)* – imposing criminal sanctions on murder, manslaughter, attempts to murder, wounding or inflicting grievous bodily harm, exposing child whereby life is endangered, ill-treatment or neglect by those in charge of child or young person and causing bodily injury by gunpowder, and assaults occasioning actual bodily harm and common assaults.
- (b) *Crimes Ordinance (Cap. 200)* – imposing criminal sanctions on acts of intimidation, arson, destroying or damaging property and sexual offences including rape, incest and indecent assaults.

Civil legislative framework

2.4.3 The civil legislative framework seeks to provide civil remedies to domestic violence victims. The framework comprises:

- (a) *Protection of Children and Juveniles Ordinance (Cap. 213)* – empowering the court to grant a supervision order or appoint legal guardian in respect of a child or juvenile who is in need of care or protection, i.e. a child or juvenile who has been or is being assaulted, ill treated, neglected, sexually abused, or whose health, development or welfare has been or is being neglected or avoidably impaired.
- (b) *Mental Health Ordinance (Cap. 136)* – empowering the Guardianship Board established under the Ordinance to grant an order that a mentally incapacitated person be received into the guardianship of a suitable person or DSW. The Ordinance also empowers the Guardianship Board to make an emergency guardianship order if it has reason to believe that the mentally incapacitated person is in danger, or is being or likely to be maltreated or exploited and it is necessary to make immediate provision to protect that person.
- (c) *DVO* – empowering the court to grant an injunction order, on application by a party to a marriage, or a man and a woman in cohabitation relationship, containing any or all of the following provisions to:
 - (i) restrain the other party from molesting the domestic violence victim and the child living with the victim;

- (ii) exclude the other party from the matrimonial home or from a specified area; and
- (iii) require the other party to permit the domestic violence victim to enter and remain in the matrimonial home or a specified part thereof.

2.4.4 DVO also empowers the court to attach a power of arrest to an injunction restraining the perpetrator from using violence against the domestic violence victim or the child living with him/her, or to an injunction excluding the other party from the matrimonial home or a specified area, if the court is satisfied that the other party has caused actual bodily harm to the victim or the child concerned.

2.4.5 The validity of both the injunction order and the related power of arrest cannot exceed three months for the first instance, and the order may be extended only once, for a maximum of another three months.

2.5 Funding arrangements

2.5.1 In Hong Kong, the General Revenue Account is the Government's main account for day-to-day departmental expenditure and revenue collection. Hence, most of the Government's expenditure, including the funding for tackling domestic violence programmes, is met directly from the General Revenue Account. The Treasury Branch under the Financial Services and the Treasury Bureau manages and coordinates the annual resource allocation exercise for individual departments.

2006-2007 Budget

2.5.2 Starting from the 2006-2007 fiscal year onwards, the Government has allocated extra funding for strengthening family support services. In 2006-2007, an extra HK\$30 million was allocated to strengthen family support, including enhanced outreach services.¹⁰ Other services for the prevention and intervention of domestic violence include:

- (a) strengthening support services to victims and batterers of domestic violence and families facing crises, including setting up an additional FCPSU and enhancing the provision of social workers for FCPSUs;

¹⁰ The Government of the Hong Kong Special Administrative Region (2006a).

- (b) continuing the launch of the publicity campaign on Strengthening Families and Combating Violence and strengthening public education on the prevention of domestic violence and suicide; and
- (c) providing training for social workers and professionals on handling child abuse, spouse battering, elder abuse and suicide with special focus on risk assessment, prevention, as well as post-trauma care in violence cases.

2007-2008 Budget

2.5.3 In the 2007-2008 Budget, the Government appropriates an additional HK\$31 million to strengthen family welfare services and give better care to domestic violence victims¹¹. In addition to the services provided in 2006-2007, the Government plans to strengthen the provision of clinical psychological support for domestic violence victims, particularly children witnessing domestic violence.

2.6 Victim assistance

2.6.1 In Hong Kong, social services for domestic violence victims are provided by both the Government (via SWD) and NGOs. Table 2 lists the services available to domestic violence victims.

Table 2 – Services available to domestic violence victims

One-stop social services	<ul style="list-style-type: none"> (a) Run by FCPSUs; (b) handling cases known to SWD; (c) services including outreaching, social investigation, crisis intervention, statutory protection, intensive individual and group treatment; and (d) referrals for other services such as legal aid, school placement and residential placement.
Integrated family service	<ul style="list-style-type: none"> (a) Run by NGOs; (b) services including counselling, crisis intervention, therapeutic and supportive groups, escort for report to the Police; and (c) referrals for other services including clinical psychological service, financial assistance, legal service, schooling arrangement, job placement, housing assistance (e.g. compassionate rehousing or conditional tenancy) and other community resources.

¹¹ The Government of the Hong Kong Special Administrative Region (2007a).

Table 2 – Services available to domestic violence victims (cont'd)

Medical social services	<p>(a) Run by public hospitals and specialist out-patient clinics; and</p> <p>(b) services including counselling, tangible services and arranging referrals for rehabilitation and community services.</p>
Clinical psychological service	<p>(a) Run by SWD; and</p> <p>(b) providing assessment and treatment services to abusers and victims of domestic and other sexual violence if they present symptoms of psychopathology.</p>
Witness Support Programme	<p>(a) Run by SWD and the Police; and</p> <p>(b) accompanying abused children and mentally incapacitated persons to testify in the court proceedings through a live television link system.</p>
Refuge Centres for Women	<p>(a) Run by NGOs; and</p> <p>(b) four refuge centres providing temporary accommodation and supportive services to women and their children who are facing domestic violence or family crisis.</p>
Hotline services	<p>(a) Run by both SWD and NGOs; and</p> <p>(b) providing information on social welfare services and immediate support to domestic and sexual violence victims.</p>
Crisis Intervention Team on Family Violence	<p>(a) Run by NGOs; and</p> <p>(b) crisis intervention team being set up in Tuen Mun Hospital, United Christian Hospital and Tseung Kwan O Hospital to render immediate crisis intervention and support to battered spouse cases.</p>
Criminal and Law Enforcement Injuries Compensation Scheme	<p>(a) Serviced by SWD;</p> <p>(b) responsible to the Chief Executive of the Hong Kong Special Administrative Region, both the Criminal Injuries Compensation Board and the Law Enforcement Injuries Compensation Board administering this scheme; and</p> <p>(c) providing financial assistance to victims (or their dependants in cases of death) who are injured as a result of a crime of violence, or by a law enforcement officer using a weapon in the execution of his/her duty.</p>

2.6.2 In addition to the assistance provided by the Government and NGOs, *DVO* empowers the court to grant an injunction order to restrain the perpetrator from approaching the domestic violence victim and his/her child, while the *Protection of Children and Juveniles Ordinance (Cap. 213)* empowers the court to grant a supervision order or appoint legal guardian in respect of a child or juvenile who is in need of care or protection.

2.7 Review of the domestic violence policy

Department of Social Work and Social Administration of the University of Hong Kong

2.7.1 In April 2003, SWD commissioned the Department of Social Work and Social Administration of the University of Hong Kong to conduct a study on child abuse and spouse battering. Two reports entitled *The Household Survey of the Study on Child Abuse and Spouse Battering* and *The Review of the Social and Legal Measures in the Prevention and Intervention of Domestic Violence in Hong Kong* were published in June 2005. While the former provided information on the profile of perpetrators and victims and the risk factors involved in domestic violence cases, the latter identified the essential elements which could effectively prevent the occurrence of domestic violence.

2.7.2 In the review of social and legal measures relating to the prevention and intervention of domestic violence, a number of issues were examined, and they were:

- (a) context and conditions in providing court-ordered mandatory batterer intervention programmes;
- (b) reporting of domestic violence cases;
- (c) practice of arrest and prosecution;
- (d) legal support for victims;
- (e) multi-disciplinary collaboration; and
- (f) legislative changes to *DVO*.

Review Panel on Family Services in Tin Shui Wai

2.7.3 On 20 April 2004, SWD announced the establishment of a Review Panel on Family Services in Tin Shui Wai in the light of the Tin Shui Wai family tragedy. The Panel was tasked to do the following:

- (a) reviewing the provision and service delivery process of family services in Tin Shui Wai;
- (b) recommending to DSW measures to strengthen the effectiveness and coordination concerning service provision and delivery of family services in Tin Shui Wai; and
- (c) recommending to DSW any other issues concerning the handling of family cases.

The Report of Review Panel on Family Services in Tin Shui Wai was published in November 2004. Recommendations put forth included improving district coordination and collaboration as well as enhancing services to support families at risk.

Law Society of Hong Kong

2.7.4 In June 2004, the Family Law Committee of the Law Society of Hong Kong convened a Sub-Committee to review the provisions of *DVO*. After comparing the legislation of England and Wales, Canada, Australia, New Zealand, Singapore, Malaysia, the People's Republic of China and Taiwan, the Sub-Committee put forth detailed recommendations in its report released in December 2005. In brief, these recommendations included:

- (a) expanding the scope of protection;
- (b) defining "domestic violence" clearly to cover psychological abuse and intimidation without waiting for violence to have truly occurred;
- (c) strengthening the injunction order and extending its duration according to actual needs;
- (d) enforcing the power of arrest automatically; and
- (e) establishing a dedicated family court.

Woman's Commission

2.7.5 In 2004, 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 approach was to study the adoption of a multi-dimensional strategy to tackle domestic violence; enhance community support; and launch major public education and publicity campaigns to arouse public attention.

2.7.6 In January 2006, WoC published a report entitled *Women's Safety in Hong Kong: Eliminating Domestic Violence*, in which 21 recommendations on victims' empowerment, prevention of violence, timely and effective intervention, community education and support were made.

Coroner's Court

2.7.7 The Coroner's Court conducted a death inquest between 15 August and 5 September 2005 into the cause of death of four family members in the Tin Shui Wai incident. On 5 September 2005, the Coroner's Court made two general recommendations and 10 specific recommendations on handling domestic violence, five for the Police and five for SWD and NGOs.

Review of the *Domestic Violence Ordinance (Cap. 189)*

2.7.8 The primary theme of *DVO* is to provide for a civil remedy for domestic violence victims to seek injunction from the court. Since its enactment in 1986, no review was conducted for a long period of time. Due to the rise in the number of domestic violence cases in Hong Kong, there were increasing public calls for amending *DVO* to strengthen protection for domestic violence victims, particularly after the Tin Shui Wai family tragedy in April 2004.

Proposed amendments of DVO

2.7.9 In May 2006, the Government proposed to amend *DVO* by introducing the *Domestic Violence (Amendment) Bill 2007* to:

- (a) expand the scope of *DVO* to include former spouses and former cohabitants when applying for an injunction order;
- (b) enable a "next friend" of a child under the age of 18 to make application for an injunction order on behalf of the child and remove the requirement that the child has to be living together with the domestic violence victim;

- (c) enable the court to vary or suspend an existing custody or access order in respect of the child concerned when making an exclusion order;
- (d) empower the court to attach a power of arrest if it believes that there is likelihood that the perpetrator will cause bodily harm to the domestic violence victim or the child concerned; and
- (e) extend the duration of an injunction order and the related power of arrest from a maximum of six months to two years.

Other proposed administrative arrangements

2.7.10 In addition, the Government has put forward a number of administrative proposals independent of the legislative amendments. They are:

- (a) counselling programme for batterers;
- (b) consultation with the Judiciary Administrator on possible enhancements to the court proceedings to provide better support to domestic violence victims;
- (c) strengthened psychological support to children witnessing domestic violence; and
- (d) strengthened publicity on remedies available under the current legislative framework to domestic violence victims.

Review on the service model for sexual violence victims

2.7.11 Between January and June 2006, the Health, Welfare and Food Bureau and SWD, in collaboration with the Hospital Authority, the Police and the Forensic Pathology Service of the Department of Health, reviewed the existing mode of service provision and service coordination for sexual violence victims among the agencies concerned and proposed a new service model. To tie in with the implementation of the new service model, the Government has revised the existing *Procedural Guidelines for Handling Sexual Violence Cases* amongst different disciplines.

2.8 Implementation concerns

2.8.1 According to the report entitled *Women's Safety in Hong Kong: Eliminating Domestic Violence* published by WoC in 2006, the major concerns of stakeholders regarding domestic violence are:

- (a) lacking an understanding of psychological abuse of front line professionals;
- (b) interests of different family members not being represented by the same social worker;
- (c) housing design of tower blocks contributing to increased isolation of victims and perpetrators;
- (d) heavy workload and limited resources of NGOs affecting their ability to respond effectively;
- (e) unfamiliarization of the court system among domestic violence victims;
- (f) low awareness of the services or assistance provided by the Government and NGOs;
- (g) traditional cultural expectations, negative impacts of broken families, fear of escalation of violence affecting women's reporting of domestic violence cases; and
- (h) inadequate support after women leaving shelters.

Chapter 3 – The United Kingdom

3.1 Overview

3.1.1 In 2007, domestic violence crimes account for 15% of violence crimes in the UK, and 89% of victims involving in four or more domestic violence incidents are women. While one in four women and one in six men are domestic violence victims in their lifetime, women are at higher risk of repeat victimization and serious injury. Statistically, nearly one domestic violence incident is reported to the police per minute, and on average, two women are killed by a current or former male partner per week.¹²

3.1.2 While domestic violence problems cost the private sector £2.7 billion (HK\$42.4 billion)¹³ in lost productivity per year, the overall cost of these crimes to the country is estimated at £23 billion¹⁴ (HK\$361 billion) on an annual basis.

3.2 Responsible authorities

Home Office

3.2.1 The Home Office is responsible for protecting the public from terror, crime and anti-social behaviour. As regards domestic violence, the Home Office works with other government departments at both the national and regional levels and local partnerships, particularly those responsible for prevention of crime and disorder, to ensure an effective, multi-agency response to domestic violence.

Inter-Ministerial Group on Domestic Violence

3.2.2 In 2003, the government established an Inter-Ministerial Group on Domestic Violence (Inter-Ministerial Group), chaired by the Minister for Criminal Justice and Offender Management of the Home Office, to lead the implementation of the government's strategy on domestic violence. Members of the Inter-Ministerial Group comprise ministers from key departments¹⁵ and the Office of the Deputy Prime Minister.

¹² *Home Office* (2007).

¹³ The average exchange rate of Hong Kong dollar per Pound Sterling in September 2007 was 15.71.

¹⁴ *Home Office* (2007).

¹⁵ These departments are (a) the Department for Constitutional Affairs; (b) the Department of Health; (c) the Department for Children, Schools and Families; (d) the Department for Business, Enterprise and Regulatory Reform; (e) the Department for Work and Pensions; and (f) the Office of the Solicitor General.

3.2.3 The Inter-Ministerial Group has aimed to achieve five objectives. These objectives are:

- (a) encouraging health practitioners to adopt an early intervention approach in domestic violence cases;
- (b) enhancing the criminal and civil jurisdiction interface;
- (c) increasing safe accommodation choices for women and children;
- (d) increasing awareness and education on domestic violence; and
- (e) ensuring an appropriate and consistent police and criminal justice system response.

3.3 Policies on combating domestic violence

Government's proposals on combating domestic violence

3.3.1 A consultation paper entitled *Safety and Justice: the Government's Proposals on Domestic Violence*, published by the Home Office in June 2003, outlines the government's proposals on tackling domestic violence through three strands: prevention, protection and justice and support. The paper contains proposals for legislative and non-legislative changes to the way domestic violence is dealt with in both England and Wales.

National Domestic Violence Delivery Plan

3.3.2 In March 2005, the Home Office published its first *National Report on Domestic Violence*, containing a National Domestic Violence Delivery Plan which set out the framework of tackling domestic violence, ranging from early intervention and prevention to rehabilitation of perpetrators and resettlement of victims. The response of the criminal justice system was also covered.

3.3.3 In June 2006, the second *National Report on Domestic Violence* was released, updating the work done in 2005-2006 and stipulating key objectives for 2006-2007.

3.3.4 In March 2007, the government published the *National Domestic Violence Delivery Plan – Annual Progress Report 2006/07*, reporting the progress made in 2006 and outlining the objectives for 2007-2008. The government also reiterated in the report the desirable outcomes of the National Domestic Violence Delivery Plan. These outcomes are as follows:

- (a) reducing the number of domestic violence-related homicides;
- (b) reducing the prevalence of domestic violence, particularly in high-incidence areas and/or communities;
- (c) increasing the rate of reporting for domestic violence, particularly in high-incidence areas and/or communities;
- (d) increasing the rate of reported domestic violence offences brought to justice, particularly in high-incidence areas and/or communities, as well as in areas with high attrition rates; and
- (e) ensuring that domestic violence victims are adequately protected and supported.

3.3.5 Listed below are the objectives on combating domestic violence for 2007-2008 according to the *National Domestic Violence Delivery Plan – Annual Progress Report 2006/07*:

- (a) increasing the early identification of and intervention with domestic violence victims through health and welfare agencies;
- (b) building capacity within both government and non-government agencies to provide advice and support to domestic violence victims;
- (c) improving the criminal justice response to domestic violence; and
- (d) supporting victims through the criminal justice system and managing perpetrators to reduce risk.

Key programmes of the National Domestic Violence Delivery Plan

3.3.6 There are two key programmes of the National Domestic Violence Delivery Plan, namely the Tackling Violent Crime Programme (TVCP) and the Specialist Domestic Violence Court (SDVC) Programme. These programmes serve as catalysts for an improved response to domestic violence through fast tracking of innovative practices relating to domestic violence intervention and prevention.

Tackling Violent Crime Programme

3.3.7 Launched in November 2004, TVCP is run jointly by the Police Standards Unit and the Violent Crime Unit of the Home Office. Under TVCP, the government aims at:

- (a) working intensively with practitioners in a small number of local areas with high volumes of serious violence crime;
- (b) improving the performance as well as the relationship between the police and the Crime and Disorder Reduction Partnerships¹⁶, using practitioner support panels to enable better problem solving of violence crime;
- (c) using good practice and support mechanisms to improve local strategies, help fund the implementation of those strategies and run additional enforcement campaigns where appropriate;
- (d) ensuring that local priorities and challenges are effectively communicated to the central government for policy development; and
- (e) identifying and developing best practice across England and Wales.

3.3.8 TVCP activities focus particularly on alcohol-related and domestic violence because these crimes make up the majority of violence crime incidents. Regarding domestic violence, TVCP aims to improve evidence gathering and investigation capabilities to ensure that more cases go to the court, even in those cases where the victim withdraws from giving evidence.

3.3.9 Ongoing activities to reduce domestic violence in TVCP areas include:

- (a) targeting domestic violence suspects on domestic violence action days;
- (b) visiting potential domestic violence victims;
- (c) strengthening the security of individual premises or a group of premises in close proximity;

¹⁶ Established under the *1998 Crime and Disorder Act*, the Crime and Disorder Reduction Partnerships are partnerships of the police, local authorities, probation services, health authorities, the voluntary sector, and local residents and businesses. They develop and implement strategies to tackle crimes and disorder including anti-social and other behaviour adversely affecting the local environment as well as the misuse of drugs in their areas.

- (d) establishing links with housing providers so that domestic violence victims can find alternative accommodation at short notice; and
- (e) gathering evidence by using body-worn cameras.

Specialist Domestic Violence Court Programme

3.3.10 Established in 2002, the SDVC Programme is a combined approach to combat domestic violence by the police, the Crown Prosecution Service (CPS)¹⁷, magistrates and supporting agencies for victims and related persons. Under the SDVC Programme, agencies work together to identify, track and assess domestic violence cases, support domestic violence victims and share information so that more perpetrators are brought to justice.

3.3.11 SDVC Programme refers to a specialized way of dealing with domestic violence cases in the Magistrates' Courts. There are two types of SDVC:

- (a) clustering – all cases are grouped into one court session to deal with pre-trial hearings, bail applications, pleas, pre-trial reviews, pre-sentence reports and sentencing; and
- (b) fast-track court procedure – specific pre-trial review sessions are allocated for domestic violence cases, with one in four court slots dedicated to all further hearings/trials of these cases. The court deals solely with adult criminal proceedings.

3.3.12 The SDVC Programme has identified 11 core components of an effective court system. These components are:

- (a) multi-agency partnerships with protocols;
- (b) multi-agency risk assessment and risk management procedures for victims, perpetrators and children;
- (c) identification of cases;
- (d) specialized domestic violence support services;
- (e) trained and dedicated criminal justice staff;
- (f) court listing considerations;

¹⁷ CPS is responsible for prosecuting criminal cases investigated by the police in England and Wales.

- (g) equality and diversity issues;
- (h) data collection and monitoring;
- (i) court facilities;
- (j) children's services; and
- (k) community-based perpetrator programmes.

3.3.13 Specific measures adopted by SDVC to enhance the effectiveness of the court system and supporting services for victims include:

- (a) accredited Independent Domestic Violence Advisors (IDVAs) who offer victims a point of contact during and after the court proceedings on their cases;
- (b) dedicated prosecutors, magistrates, legal advisers and police officers specialized in dealing with domestic violence cases;
- (c) fast tracking of domestic violence cases, or a clustering of cases together on a designated day each week or month, to make the court run more effectively and speed up justice for victims; and
- (d) where possible, separate entrances, exits and waiting areas are established at the court so that victims would not be confronted by the perpetrators while attending the court.

Independent Domestic Violence Advisors

3.3.13.1 IDVAs, introduced by the government in 2005, are keys to the success of SDVC Programme. IDVAs are trained professionals who support domestic violence victims from the moment they call the police. IDVAs perform the following functions:

- (a) reporting progress to victims;
- (b) informing the court, on behalf of victims;
- (c) supporting victims;
- (d) coordinating information-sharing and development of protocols; and
- (e) undertaking outreach programmes in the community.

Multi-Agency Risk Assessment Conference

3.3.13.2 A Multi-Agency Risk Assessment Conference, introduced by the government in April 2003, brings together professionals from various agencies to identify high risk domestic violence cases and devise intervention strategies for both victims and offenders. Participants come from the police, social services, housing, primary care trusts, education, Women's Aid Federation of England (Women's Aid)¹⁸ and other statutory agencies. The high risk cases are identified according to the number of repeat victimizations, level of physical violence and recent escalation in the level of violence.

Measures enhancing the criminal justice system

3.3.14 In addition to the National Domestic Violence Delivery Plan, the government has adopted other measures to strengthen the support to domestic violence victims in the criminal justice system. These measures include:

- (a) providing training to magistrates and judges;
- (b) making legal proceedings easier for domestic violence victims by providing information on procedures for court users;
- (c) developing special measures to protect vulnerable or intimidated witnesses, e.g. providing video link rooms in the magistrates' courts and establishing separate witness facilities at both the Crown Courts and the Magistrates' Courts;
- (d) providing guidelines for practitioners and service providers to facilitate the process of advising domestic violence victims who are seeking a protection order or criminal sanctions against their abusers; and
- (e) arranging a district judge in the county courts for emergency 'without notice' hearings for civil injunctions.

¹⁸ Women's Aid is a national domestic violence charity which works to end domestic violence against women and children. This organization supports over 500 domestic and sexual violence services across the UK.

Guidance and training for the police

3.3.15 In 2002, the Central Police Training and Development Authority¹⁹ and the Association of Chief Police Officers (ACPO)²⁰ published a training pack on domestic violence. The training pack covers all aspects of police work, ranging from the initial handling of a 999 call to dealing sensitively with victims. It also covers coordination among local communities and other agencies to prevent violence and hold perpetrators to account.

3.3.16 In 2004, a *Guidance on Investigating Domestic Violence* was produced by the National Centre for Policing Excellence (NCPE)²¹ on behalf of ACPO. This guide provides information on possible sources of evidence for the police when investigating domestic violence cases. It also encourages the police to gather evidence in order to charge a suspect and build a case that does not rely entirely on the victim's statement.

3.3.17 Two domestic violence enforcement campaigns have been carried out to improve police performance in relation to evidence gathering and enforcement, and, through such efforts, to increase the number of perpetrators brought to justice. The report entitled *Lessons Learned from Domestic Violence Enforcement Campaigns 2006* which drew from the experiences of 19 police forces applying innovative techniques for these two campaigns over a four-month period in 2006 contains examples of guidance for police and local authorities in dealing with domestic violence.

Guidance and training for the Crown Prosecution Service

3.3.18 In 2005, CPS published a revised *Policy for Prosecuting Cases of Domestic Violence* and *Guidance on Prosecuting Cases of Domestic Violence*, and introduced a new training programme, focusing on the followings:

- (a) safety, support and information for victims;
- (b) closer civil/criminal interface; and
- (c) constructing cases based on evidence.

¹⁹ The Central Police Training and Development Authority was the primary means of police training in the UK. This agency has been replaced by the National Policing Improvement Agency since 1 April 2007.

²⁰ ACPO is an independent, professionally led strategic body that leads and coordinates the direction and development of the police service in England, Wales and Northern Ireland. In times of national need, ACPO, coordinates the strategic policing response on behalf of all chief officers.

²¹ Established by the *Police Reform Act 2002*, NCPE is responsible for developing policing doctrine, including guidelines, in consultation with ACPO, the Home Office and the police service.

3.3.19 CPS also provides training to its domestic violence coordinators who are experienced prosecutors with expertise in domestic violence issues. These coordinators help implement CPS policies, address domestic violence problems, identify and share good practice and monitor domestic violence prosecutions. They have close links with domestic violence police officers and local organizations, which provide advocacy and support to victims and witnesses. CPS is planning to train all prosecutors and caseworkers by 2008.

3.3.20 At present, Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate are conducting a joint thematic review of the investigation and prosecution of domestic violence cases. The result is due to be published in 2008.

3.4 Enforcement tools

Domestic Violence, Crime and Victims Act 2004

3.4.1 In 2004, the government introduced the *Domestic Violence, Crime and Victims Act 2004* to enhance the protection, support and rights of domestic violence victims and witnesses. The measures embedded in the *Domestic Violence, Crime and Victims Act 2004* have been implemented in stages since March 2005.

3.4.2 Key provisions in the *Domestic Violence, Crime and Victims Act 2004* are:

- (a) making common assault an arrestable offence;
- (b) increasing the powers of the police to deal with domestic violence, including making it an arrestable, criminal offence to breach a non-molestation order, punishable by up to five years in prison;
- (c) strengthening the civil law on domestic violence to ensure cohabiting same-sex couples have the same access to non-molestation and occupation orders as opposite sex couples, and extending the availability of these orders to couples who have never lived together or been married;
- (d) strengthening the legal protection for domestic violence victims by enabling the court to impose restraining orders when sentencing for an offence and giving a person mentioned in the restraining order the right to make representations in the court if an application is made to vary or terminate the order;

- (e) enabling the court to impose restraining orders on acquittal for any offence (or when a conviction has been overturned on appeal) if they consider it necessary to protect the victim from harassment. This relates to cases where the conviction has failed but it is still clear from the evidence that the victims need protection;
- (f) putting in place a system to review domestic violence homicide incidents, drawing in the key agencies, to find out what can be done to put the system right and prevent future deaths;
- (g) providing a code of practice, binding on all criminal justice agencies, so that all victims receive the appropriate support, protection, information and advice;
- (h) allowing victims to take their cases to the Parliamentary Ombudsman if they feel the code has not been adhered to by the criminal justice agencies;
- (i) setting up an independent Commissioner for Victims to give victims a powerful voice at the heart of the government and to safeguard and promote the interests of victims and witnesses, encourage the spread of good practice and review the statutory code;
- (j) giving victims of mentally disordered offenders the same rights to information as other victims of serious violence and sexual offences;
- (k) giving the Criminal Injuries Compensation Authority²² the right to recover from offenders the money it has paid to their victims in compensation;
- (l) imposing a surcharge on criminal convictions and fixed penalty notices which contribute to the Victims Fund;
- (m) creating a new offence of causing or allowing the death of a child or vulnerable adult. The offence establishes a new criminal responsibility for members of a household where they know that a child or vulnerable adult is at significant risk of serious harm; and
- (n) bringing in the Law Commission recommendation for a two-stage court trial to ensure that high volume crimes like fraud and Internet child pornography can be punished in full.

²² The Criminal Injuries Compensation Authority administers the criminal injuries compensation scheme throughout England, Scotland and Wales. The authority pays compensation to violence crime victims.

Guidelines and measures

3.4.3 In 2004, the Home Office asked the Sentencing Advisory Panel²³ to consult on guidance to the court for dealing with domestic violence cases. Following the consultation, the Sentencing Guidelines Council²⁴ published the *Overarching Principles: Domestic Violence and Breach of a Protective Order* in December 2006, specifying definitive guidelines on sentencing in domestic violence cases.

3.4.4 Her Majesty's Courts Service has continued to improve the interface between the family and criminal jurisdictions as well as transparency and privacy in the family courts. In relation to the former, the Family-Criminal Interface Committee has been established to identify areas that have not yet been addressed, enabling all stakeholders to respond more effectively to child protection, domestic violence, and private and public family law issues within the forensic arena.

3.5 Funding arrangements

3.5.1 According to the Home Office, the government has invested £14 million (HK\$220 million) into tackling the problems of domestic violence.²⁵ The Violent Crime Unit of the Home Office is responsible for administering the direct grant for programmes on domestic violence. These programmes include:

- (a) a total of 35 – 40 grants of £20,000 (HK\$314,200) each for the costs of setting up the Independent Sexual Violence Advisors between October 2006 and March 2007, and a further £760,000 (HK\$11.9 million) for 2007-2008²⁶; and
- (b) £750,000 (HK\$11.8 million) for the development of new sexual assault referral centres and an additional £350,000 (HK\$5.5 million) for existing sexual assault referral centres to expand or improve their services in 2007-2008.²⁷

²³ The Sentencing Advisory Panel is an independent body originally set up to provide advice to the Court of Appeal, when it was the Court's responsibility to issue sentencing guidelines. The Panel currently provides advice to the Sentencing Guidelines Council.

²⁴ The Sentencing Guidelines Council issues sentencing guidelines to assist all courts in England and Wales to encourage consistent sentencing.

²⁵ *Home Office* (2007).

²⁶ *governmentfunding.org.uk* (2007).

²⁷ *Ibid.*

Local strategies for reducing violence experienced by women

3.5.2 Since 2000, £6.3 million (HK\$99 million) has been allocated to local agencies and multi-agency partnerships, under the Crime Reduction Programme, to develop and implement local strategies for reducing two types of violence experienced by women. They are domestic violence and rape and sexual assault by known perpetrators. Among the 34 projects selected to receive the funding, 25 are aiming at reducing domestic violence and nine are on reducing rape and sexual assault by known perpetrators.²⁸

3.6 Victim assistance

3.6.1 In the UK, the government offers the following support to domestic violence victims.

Support for victims in the justice system

3.6.2 The criminal justice system is one of the major public services in the UK. Agencies such as the police, the Crown Prosecution Service, the courts and the National Offender Management Service work together to deliver criminal justice.²⁹ The interactive Victims Virtual Walkthrough website offered by the criminal justice system provides guidance to domestic violence victims on the processes they encounter from the time a crime is reported, to police investigation, court processes and sentencing. It also provides information on the support available at all stages, such as:

- (a) Victim Support – an independent national charity providing domestic violence victims with free emotional support and practical assistance, including:
 - (i) persons to talk to in confidence;
 - (ii) advice on victims' rights;
 - (iii) information on police and court procedures;
 - (iv) advice on compensation and insurance; and
 - (v) links to other sources of assistance.

²⁸ Home Office Crime Reduction (2007).

²⁹ The work of these agencies is overseen by three government departments, namely the Ministry of Justice, the Home Office and the Attorney General's Office.

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- (b) Witness Service – a free service ran by Victim Support and independent of the police and the court, providing support for domestic violence victims during a court case;
 - (c) Community Legal Service – funded by the Legal Services Commission³⁰ (LSC) and delivered in partnership with independent advice agencies and solicitors, helping domestic violence victims tackle their legal problems through telephone helpline, website, digital television service and networks; and
 - (d) Citizen's Advice Bureaux – registered charities helping people resolve their legal, money and other problems by providing free information and advice from over 3 000 locations. In particular, they provide advice for domestic violence victims on suing the offenders for damages.

3.6.3 In addition, the *Domestic Violence, Crime and Victims Act 2004* allows victims to take their cases to the Parliamentary Ombudsman if they feel that the code of practice has not been adhered to by the criminal justice agencies. Domestic violence victims also receive support from IDVA under the SDVC Programme.

Helpline

3.6.4 On 15 December 2003, the Minister for Homelessness launched a 24-hour domestic violence helpline, providing access to 24-hour emergency refuge accommodation together with an information service, including emergency planning and translation facilities, to domestic violence victims.

Accommodation

3.6.5 The government has committed significant resources to fund both capital and current expenditure for refuges across the country. Specialist refuge places are in place for domestic violence victims with special needs. For example, 21% of local authorities have access to refuge spaces for women with mental health problems. For women with particular needs who have difficulties in making a dedicated response, other options such as outreach and tenancy sustainment are available to offer more practical and effective solutions.

3.6.6 Many local authorities are developing schemes to enable female victims to stay in their own homes, providing that the place is safe and it is the desire of the victims.

³⁰ LSC runs the legal aid scheme in England and Wales. LSC works in partnership with solicitors and not-for-profit organizations to provide information, advice and legal representation to people in need.

Other supporting measures

- 3.6.7 Other supporting measures implemented by the government include:
- (a) introducing a Code of Practice for Victims which sets out the minimum standards of service that a victim can expect from the criminal justice system;
 - (b) developing national standards to meet the needs of domestic violence victims;
 - (c) allocating funding to support the development of community-based services for domestic violence victims;
 - (d) introducing measures to prevent repeat victimization at the hands of domestic violence offenders; and
 - (e) setting up the Victims' Advisory Panel which provides a platform for victims of crime to have their say on how victims should be supported in the justice system.

Increasing awareness

3.6.8 The Home Office organizes various campaigns to raise awareness about domestic violence and abuse. An example of these campaigns is the Enough Campaign which focuses on educating the public about the appropriate actions to be taken by third-party witnesses who are aware of domestic violence in families.

3.7 Review of the domestic violence policy

3.7.1 In the *National Report on Domestic Violence* published by the Home Office in March 2005, the government identified a number of 'proxy' indicators to measure the medium to long term success of the National Domestic Violence Delivery Plan. These indicators include:

- (a) number of domestic homicides;
- (b) prevalence rates as measured by the British Crime Survey Inter-Personal Violence module;
- (c) attitudes towards the acceptability of domestic violence;
- (d) domestic violence arrests;

- (e) domestic violence offenders successfully prosecuted in the court;
- (f) number of non-molestation, occupation and restraining orders made;
- (g) quantity and quality of domestic violence services commissioned by local authorities;
- (h) survivor satisfaction with the support they receive; and
- (i) reporting of risk of harm to children as a result of domestic violence.

3.7.2 In both 2006 and 2007, the government published progress reports updating the work done in the corresponding year and stipulating key objectives for the following year.

3.8 Implementation concerns

3.8.1 Since the National Domestic Violence Delivery Plan involves services provided by various public bodies, the planning and coordination of these services are the keys to success. According to the draft of the *National Service Standards for Domestic and Sexual Violence: Core Standards* published by the Women's Aid in July 2007, the core standards underpinning all services are:

- (a) Understanding domestic violence and its impact – services must demonstrate an appropriate and informed approach of delivery, recognizing the dynamics and effects of domestic violence;
- (b) Safety – services must ensure that all intervention prioritizes the safety of victims and staff;
- (c) Diversity and equal access to services – services must respect the diversity of victims and positively engage in anti-discriminatory practices, and victims should be supported and assisted to access services on an equitable basis;
- (d) Advocacy – services must provide both institutional and individual advocacy to support and promote the needs and rights of victims;
- (e) Empowerment and a victim-centred approach – services must ensure that victims identify and express their needs and make decisions in a supportive and non-judgemental environment, that victims are treated with dignity, respect and sensitivity; and promote service-user involvement in the development and delivery of the service;

- (f) Confidentiality – services must respect and observe victims' right to confidentiality and victims are informed of situations where that confidentiality may be limited;
- (g) A coordinated community response – services must operate within the context of inter-agency co-operation, collaboration and coordinated service delivery to ensure that a culture of intolerance about domestic and sexual violence is developed in communities and by individuals;
- (h) Responsibility for the violence and holding perpetrators accountable – services must operate within a culture based on the belief that perpetrators have sole responsibility for their violence; and
- (i) Accountability – services must provide effective management of services so that survivors receive a quality service from appropriately skilled staff.

Chapter 4 – Canada

4.1 Overview

4.1.1 In the 2004 General Social Survey, 7% of Canadians aged 15 years and above experienced spousal violence in the previous five years. Rates of spousal violence by a current or previous partner in the five-year period were 7% for women and 6% for men, representing some 653 000 women and 546 000 men respectively.³¹

4.1.2 In 2004, 28% of victims of spousal violence turned to police for help. Females aged 15 to 24 were most likely to report spousal violence to the police (50%), being followed by females aged 25 to 34 (43%) and females 35 years of age and older (36%).³²

4.1.3 According to a research conducted by Justice Canada in 2005, 27% of reported violent crime victims were victims of domestic violence in Canada.³³ Domestic violence problems cost the government an estimated CAN\$4.2 billion (HK\$31.8 billion)³⁴ per year in social services, education, criminal justice, labour, employment, health and medical expenses. Among all these expenses, criminal justice expenses amounted to CAN\$872 million (HK\$6.6 billion) per year, representing 20.8% of the expenses put in tackling domestic violence problems.³⁵

4.2 Responsible authorities

4.2.1 The two government bodies that handle domestic violence issues in Canada are Justice Canada and the Public Health Agency of Canada.

Justice Canada

4.2.2 Justice Canada works with provincial and territorial governments to improve ways in which the criminal justice system responds to cases of domestic violence. It also strengthens the legal framework of criminal justice by reinforcing existing policies and legislation and creating new policies or laws for dealing with domestic violence issues.

³¹ Canadian Centre for Justice Statistics (2005).

³² Canadian Centre for Justice Statistics (2006).

³³ Justice Canada (2005).

³⁴ The average exchange rate of Hong Kong dollar per Canadian dollar in September 2007 was 7.57.

³⁵ Department of Justice Canada (2007).

Public Health Agency of Canada

4.2.3 Established in January 2004, the Public Health Agency of Canada is responsible for protecting the health and safety of all Canadians. In respect of domestic violence issues, the Public Health Agency of Canada coordinates the activities in tackling domestic violence under FVI undertaken by 15 government departments. Section 4.3 provides further information on FVI.

National Clearinghouse on Family Violence

4.2.4 Managed by the Public Health Agency of Canada under FVI, the National Clearinghouse on Family Violence (NCFV) is the national resource centre for information on domestic violence. NCFV provides a centralized and comprehensive reference, referral and distribution service for information on the prevention, protection and treatment of domestic violence.

Other bodies involving in tackling domestic violence problems

4.2.5 In addition to the two government bodies mentioned above, other organizations/bodies that take an active role in reducing domestic violence include:

- (a) provincial, territorial and municipal governments;
- (b) First Nations associations³⁶;
- (c) non-governmental organizations;
- (d) professional associations;
- (e) academic institutions; and
- (f) private sector organizations.

³⁶ First Nations refer to the native Indians in Canada. First Nations associations refer to the Assembly of First Nations and the Native Women's Association of Canada. While the former is a national organization representing over 630 First Nations' communities in Canada, the latter is an aggregate of 13 Native women's organizations across Canada with the goal of enhancing, promoting and fostering the social, economic, cultural and political well-being of First Nations and Métis women within First Nations, Métis and Canadian societies. Métis are people of mixed First Nations and European ancestry.

4.3 Family Violence Initiative

Development of the Family Violence Initiative

4.3.1 FVI was first launched in 1988. At that time, the federal government allocated CAN\$40 million (HK\$303 million) as the startup funding for the provision of shelters to abused women and their children as well as for the establishment of a process for developing some long-term preventive measures in tackling domestic violence.

4.3.2 In 1991, FVI received another sum of CAN\$136 million (HK\$1 billion), aiming at achieving the following results:

- (a) increasing awareness and understanding of domestic violence;
- (b) strengthening the legal framework of criminal justice;
- (c) providing domestic violence prevention, protection and treatment services to Aboriginal and Inuit communities;
- (d) providing emergency shelters and long-term housing; and
- (e) enhancing national information exchange and coordination.

4.3.3 Since 1996, FVI has been an ongoing government commitment, providing an annual funding of CAN\$7 million (HK\$53 million) to relevant government bodies as a supplement to their ongoing budgets for addressing the domestic violence issues.³⁷

Objectives

4.3.4 FVI is an ongoing federal commitment to prevent and reduce the occurrence of domestic violence problems from the social, justice and health perspectives. FVI supports the development, implementation, testing and assessment of models, strategies and tools to improve the criminal justice system's response to domestic violence. It also supports projects that raise awareness of the issue and encourage public involvement in responding to domestic violence.

³⁷ Health Canada (2002).

Implementation

4.3.5 On behalf of the federal government and 15 partner departments, the Public Health Agency of Canada coordinates their FVI activities. Table 3 lists FVI activities undertaken by individual departments.

Table 3 – Family Violence Initiative activities undertaken by individual departments

Department	Responsibility
Canada Mortgage and Housing Corporation	(a) Delivering the Shelter Enhancement Program ⁽¹⁾ ; and (b) providing capital funding for new emergency shelters and second stage housing.
Canadian Heritage	(a) Supporting domestic violence prevention projects for off-reserve Aboriginal women; (b) supporting prevention activities for non-English/French speaking members of ethno-cultural communities via both the ethnic media and the English/French as a Second Language programmes to reduce media violence; and (c) conducting research and evaluation activities regarding domestic violence.
Citizenship and Immigration Canada	Promoting awareness of domestic violence through citizenship and immigration policies and programmes.
Correctional Service of Canada	Addressing domestic violence through research and treatment programmes as well as staff training.
Justice Canada	(a) Reviewing, researching and reforming criminal justice legislation and policies; (b) funding community-based domestic violence projects; and (c) providing legal education and information support regarding domestic violence to the public.
Department of National Defence	(a) Conducting awareness and education training for the personnel of the Department of National Defence and the Canadian Forces on issues of domestic violence; and (b) providing support, counselling and referral services for service members and their families who are victims of domestic violence.

Note: (1) The Shelter Enhancement Program assists women and their children, youth and men who are victims of domestic violence in repairing, rehabilitating and improving existing shelters; and in acquiring or building new shelters and second-stage housing where necessary.

Table 3 – Family Violence Initiative activities undertaken by individual departments (cont'd)

Department	Responsibility
Health Canada	Ensuring that the organization meets the needs of specific at-risk groups such as children and First Nations people.
Human Resources and Social Development Canada	Collecting and disseminating information relating to social policies, including combating domestic violence policies.
Indian and Northern Affairs Canada	Funding First Nations' emergency shelters and community-based projects relating to the prevention, intervention, treatment and research of domestic violence.
Public Health Agency of Canada	(a) Researching the consequences relating to the health of domestic violence population; and (b) developing resources and promoting policies, programmes and projects that prevent domestic violence problems.
Public Safety Canada	(a) Protecting Canadians and maintaining a peaceful and safe society; (b) promoting awareness of domestic violence issues; (c) supporting community-based initiatives that aim at reducing domestic violence and other forms of victimization; (d) developing tools, approaches and research that help contribute to safer communities; and (e) providing Aboriginal communities policing services.
Royal Canadian Mounted Police	(a) Supporting community-based workshops on victims' issues, sexual assault and relationship violence; and (b) assisting communities in using problem-solving approaches to domestic violence.
Service Canada	Providing additional support to Canadian Forces members and veterans' families, including family counselling.
Statistics Canada	Improving the availability of national data on the nature and extent of domestic violence.
Status of Women Canada	Supporting projects that lead to systemic changes and alternative, long-term prevention strategies.

Role of Justice Canada in the Family Violence Initiative

4.3.6 Justice Canada receives an annual funding of CAN\$1.45 million³⁸ (HK\$11 million) from FVI to perform the following functions:

- (a) reviewing, developing and reforming criminal justice laws and policies;
- (b) conducting research to develop domestic violence policies and laws;
- (c) providing funding for community-based domestic violence projects; and
- (d) providing legal education and information on domestic violence to the public.

Reviewing, developing and reforming criminal justice laws and policies

4.3.7 Justice Canada works on two major aspects of criminal justice relating to domestic violence. They are:

- (a) substance of the criminal laws: whether the existing criminal laws addressing domestic violence are adequate or new laws are required; and
- (b) law enforcement: how the law is enforced on a case-by-case basis.

4.3.8 Although the *Criminal Code* has no provision for specific domestic violence offences, an abuser can be charged with an applicable offence. In the past 10 years, several changes have been made to the *Criminal Code* to improve the ability of the criminal justice laws to address domestic violence. Please refer to Section 4.4 for details.

4.3.9 Although Justice Canada keeps strengthening the criminal justice system in response to domestic violence issues, there are many issues requiring further exploration by Justice Canada as well as its provincial and territorial partners. These issues include:

- (a) implementation and status of mandatory charging policies;
- (b) effectiveness of legislative reforms;
- (c) exercise of police and prosecutor discretion;

³⁸ Department of Justice Canada (2007).

- (d) high attrition of spousal abuse cases in the court;
- (e) role and experiences of victims in prosecutions;
- (f) collection of additional forms of evidence;
- (g) pressure on the court;
- (h) under-reporting of spousal assault;
- (i) criminal justice system's response to women in abusive situations;
- (j) training of criminal justice personnel;
- (k) use of restorative justice practices, such as circle sentencing and family group conferencing;
- (l) risk assessment in bail hearings;
- (m) dual or cross charging;
- (n) impact on children of exposure to spousal abuse;
- (o) use of conditional sentencing and victim impact statements; and
- (p) victim notification.

Conducting research to develop domestic violence policies and laws

4.3.10 The role of Justice Canada in the area of research relating to domestic violence is as follows:

- (a) supporting research studies on domestic violence;
- (b) conducting and supporting research on applying the criminal law in cases of domestic violence;
- (c) collecting data and analyzing survey results on domestic violence;
- (d) generating and distributing research and statistical reports on domestic violence;
- (e) conducting environmental scans on domestic violence; and

- (f) working with the Centre for Justice Statistics and Statistics Canada on survey design, collection and analysis of national survey data on domestic violence.

4.3.11 In order to enhance its understanding of domestic violence and develop effective measures for preventing and responding to the occurrence of domestic violence, Justice Canada works with researchers across Canada to examine emerging issues. The focus is on learning from the experiences and insights of both domestic violence victims and criminal justice system practitioners.

Providing funding for community-based domestic violence projects

4.3.12 FVI is a special initiative under the Justice Partnership and Innovation Fund. Managed by Justice Canada, the Justice Partnership and Innovation Fund supports activities that respond effectively to the changing conditions affecting Canadian justice policies. These activities include:

- (a) workshops, conferences and symposiums;
- (b) training sessions;
- (c) pilot, demonstration and research projects; and
- (d) legal education and information projects for the public.

Providing legal education and information on domestic violence to the public

4.3.13 Under FVI, legal education programmes on domestic violence are provided to the public, with the objective of preventing and reducing domestic violence.

4.3.14 Justice Canada publishes legal education materials on domestic violence. In March 2004, Justice Canada published the *Criminal Harassment: A Handbook for Police and Crown Prosecutors*, providing police and Crown prosecutors with guidelines for the investigation and prosecution of criminal harassment cases and promoting an integrated criminal justice response to stalking. Justice Canada also helps organizations publish relevant materials on domestic violence under the FVI funding agreements.

4.4 Enforcement tools

Federal legislation

4.4.1 Although the *Criminal Code* has no provision for specific domestic violence offences, many offences listed in the *Criminal Code* are applicable to charging a person with acts of domestic violence. These charges include:

- (a) sexual offences against children and youth (ss. 151, 152, 153, 155 and 170-172);
- (b) trespassing at night (s. 177);
- (c) child pornography (s. 163.1);
- (d) failure to provide necessities of life and abandoning child (ss. 215 and 218);
- (e) criminal negligence (including negligence causing bodily harm and death) (ss. 219-221);
- (f) homicide such as murder, attempted murder, infanticide and manslaughter (ss. 229-231 and 235);
- (g) criminal harassment (sometimes called "stalking") (s. 264);
- (h) uttering threats (s. 264.1);
- (i) assault (causing bodily harm, with a weapon and aggravated assault) (ss. 265-268);
- (j) sexual assault (causing bodily harm, with a weapon and aggravated sexual assault) (ss. 271-273);
- (k) kidnapping and forcible confinement (ss. 279 and 279.1);
- (l) abduction of a young person (ss. 280-283);
- (m) making indecent and harassing phone calls (s. 372);
- (n) mischief (s. 430);
- (o) intimidation (s. 423); and
- (p) breach of a court order, recognizance (peace bond), and probation order (ss. 145(3), 127, 811, and 733.1).

4.4.2 In recent years, several changes have been made to the *Criminal Code* to improve the ability of the criminal justice laws to address domestic violence. For example, *Bill C-2* of 1 November 2005 and 2 January 2006 (except s. 28) provides amendments to the *Criminal Code* and the *Canada Evidence Act* to:

- (a) strengthen provisions on child pornography by increasing penalties, prohibiting advertising, broadening the definition and creating a clearer, narrower, harm-based "legitimate purpose" defence;
- (b) create a new offence against sexual exploitation of youth (aged 14 to 18) to better protect youth against those who would prey on their vulnerability;
- (c) increase penalties for child-specific offences involving abuse, neglect or being exploited for sexual purposes, including imposing mandatory minimum sentences for specific sexual offences against children;
- (d) facilitate the testimony of victims and witnesses under 18 years of age and other vulnerable victims and witnesses by providing a clearer and more consistent test for the use of aids such as screens, closed-circuit television and support persons;
- (e) create a new test to enable children under 14 years of age to testify in any proceeding where they are able to understand and respond to questions and after they have promised to tell the truth;
- (f) protect against spousal violence by facilitating the criminal law enforcement of breaches of civil restraining orders; and
- (g) establish new voyeurism offences prohibiting the secret viewing or recording of another person when there is a reasonable expectation of privacy in specific situations and prohibiting the intentional distribution of a voyeuristic recording.

4.4.3 Appendix I provides more information on the changes made to the *Criminal Code* to improve the ability of the criminal justice laws to address domestic violence between 1993 and 2002.

4.4.4 On 18 October 2007, the government introduced the *Tackling Violent Crime Bill* to Parliament. Under the proposed legislation, persons convicted of certain violence or sexual offences three or more times are required to prove to the court why they should not be designated as dangerous offenders. The *Tackling Violent Crime Bill* also strengthens provisions for peace bonds³⁹. The maximum penalty for violation of a peace bond increases from six months to two years.

Provincial and territorial legislation

4.4.5 Provincial and territorial governments make laws in areas of their own jurisdiction to deal with domestic violence issues, including providing victims' services. As of 4 January 2007, six provinces⁴⁰ and two territories⁴¹ have introduced specific legislation on domestic violence.⁴²

4.4.6 Civil statutes are designed to complement protection provided by the *Criminal Code*, offering further protection to victims of domestic violence. For example, the granting of emergency intervention orders provides exclusive occupation of the home and family vehicle for the victims. While some statutes restrain the abusers from communicating with or contacting the victims or members of the victims' family, other statutes provide victims with assistance orders such as monetary compensation from the abusers.

4.5 Funding arrangements

4.5.1 When FVI was launched in 1988, the federal government allocated CAN\$40 million (HK\$303 million) as the startup funding. In 1991, the government injected CAN\$136 million (HK\$1 billion) to FVI to increase awareness on the subject, strengthen the legal framework of criminal justice and provide prevention and protection services.

³⁹ A peace bond is a promise, enforceable under the *Criminal Code* of Canada, to keep the peace and be of good behaviour and to obey all other terms and conditions ordered by a judge or Justice of the Peace, for a period of up to 12 months. Restrictions under the peace bond include: (a) contacting other persons; (b) going to certain places; and (c) possessing firearms and ammunition.

⁴⁰ The six provinces are Alberta, Manitoba, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, and Saskatchewan.

⁴¹ The two territories are Northwest Territories and Yukon.

⁴² *Department of Justice Canada* (2007).

2007 Budget

4.5.2 Starting from 2007 onwards, the government provides CAN\$10 million (HK\$75.7 million) per year to the newly established Women's Community Fund of Status of Women Canada⁴³ to support projects aiming at combating violence against females.⁴⁴ These projects include:

- (a) an initiative in Winnipeg to combat violence against women with intellectual disabilities;
- (b) a project in Vancouver to assist senior women escaping from abuse;
- (c) a project in Quebec to prevent violence against women in the Aboriginal communities;
- (d) a residential treatment programme for sexual abuse survivors in Ontario; and
- (e) a violence prevention project for girls and young women led by Aboriginal grandmothers in Regina.

Justice Partnership and Innovation Fund

4.5.3 FVI has been an ongoing government commitment since 1996. Its funding is administered through the Justice Partnership and Innovation Fund of Justice Canada. FVI funds projects that develop long-term programming, build on lessons learned and support the domestic violence policy directions established by Justice Canada.⁴⁵ The types of pilot projects and activities that are likely to obtain funds are those:

- (a) assessing the response of the criminal justice system and professionals to domestic violence;
- (b) developing new strategies, models and tools to improve service/programme delivery to domestic violence victims in crisis;

⁴³ Status of Women Canada is a federal agency promoting gender equality as well as the full participation of women in the economic, social, cultural and political life. Its works include: (a) improving women's economic autonomy and well-being; (b) eliminating systemic violence against women and children; and (c) advancing women's human rights.

⁴⁴ Department of Finance Canada (2007).

⁴⁵ The Justice Partnership and Innovation Fund provides grants and contributions to projects aiming at: (a) increasing the capacity of departments to develop innovative solutions to emerging justice-related issues; (b) developing a more informed and engaged public and legal community with regard to law and the legal system; and (c) contributing to policy development in departments.

- (c) developing and implementing support for child victims/witnesses of domestic violence in the criminal justice process;
- (d) developing domestic violence resource tools for service providers, including those in some hard-to-reach communities such as rural and Aboriginal communities; and
- (e) developing information, strategies and tools for easier access to services relating to domestic violence to meet the needs of vulnerable groups, such as the elderly, people with disabilities and immigrants.

Eligibility

4.5.4 Application for funding is accepted all year round. Funding may be available to organizations that conduct pilot projects to develop, test and assess models, strategies and tools to improve the criminal justice system's response to domestic violence. Applicants should submit a proposal using a designated application form. The decision on approval may take up to 12 weeks after Justice Canada has received the completed application.

4.6 Victim assistance

4.6.1 Administered by various public bodies at the federal, provincial and territorial levels, the following assistance is available to victims of domestic violence:

- (a) advice and counselling;
- (b) safe accommodation;
- (c) financial assistance;
- (d) legal assistance which may be free of charge;
- (e) leave order from the court seeking custody of children, financial support or divorce;
- (f) peace bond from a criminal court;
- (g) order from a civil or family court; and
- (h) health services for at-risk groups such as children and First Nations people.

4.6.2 In addition, the *Criminal Code* allows spouses and children to seek restitution from the offender for the expenses they incurred due to staying away from their homes to avoid being harmed.

4.6.3 A directory and referral service to help connect individuals with various resources responding to domestic violence is provided by NCFV. NCFV also provides a series of national directories which list various programmes and services that are offered to victims and/or perpetrators of domestic violence in communities across the country.

4.7 Review of the domestic violence policy

Family Violence Initiative Year Five Report

4.7.1 The *Family Violence Initiative Year Five Report* published by the Family Violence Initiative Interdepartmental Working Group in December 2002 showed that FVI met its performance expectations for the period of April 1997 to March 2002. Listed below were the findings of the report:

- (a) continuing demand for credible and timely information on domestic violence;
- (b) continuing demand for policy-relevant research and evaluations relating to domestic violence issues;
- (c) learning and information sharing helping cross-fertilization of ideas and approaches;
- (d) continuing need for additional shelters for First Nations communities and youth;
- (e) collaborative efforts enhancing the responsiveness of the criminal justice system and legislative measures to existing and emerging domestic violence issues; and
- (f) better results being possible when information dissemination is comprehensive and actively promoted, targeted and shared through interactive methods, such as group discussions, workshops and training sessions.

Project Managers' Guide to Performance Measurement and Evaluation

4.7.2 The *Project Managers' Guide to Performance Measurement and Evaluation* published by Justice Canada in February 2004 provides guidance for its staff who are responsible for carrying out Justice Canada's FVI mandate. The *Guide* provides an overview of the performance measurement and evaluation requirements for FVI. It also provides practical information about the procedures involved in planning, conducting, monitoring and reporting an exercise on such performance measurement and evaluation.

4.7.3 According to the *Project Managers' Guide to Performance Measurement and Evaluation*, it is a challenge to measure the performance of FVI because of the following characteristics of such programmes:

- (a) multi-dimensional nature of domestic violence;
- (b) evolving definitions and scope of domestic violence issues;
- (c) different operational policy environments and priorities in various jurisdictions;
- (d) unique contextual and circumstantial factors relating to different populations, cultures, and community settings;
- (e) level of investment (resources and time) required to build collaborative processes and capacity to address domestic violence issues; and
- (f) long-term timelines necessary for the federal contribution to achieve the overall result.

Criminal Code

4.7.4 Justice Canada has conducted reviews on the *Criminal Code* to improve the ability of the criminal justice laws to address domestic violence during the past 10 years.

4.8 Implementation concerns

4.8.1 According to the *Family Violence Initiative Year Five Report*, challenges of FVI are as follows:

- (a) systemic and multi-faceted nature of the issue;
- (b) requirements of a multi-sectoral policy response (including involvement of the health, justice, social services and housing sectors);
- (c) legislative and mandate differences across jurisdictions;
- (d) resource constraints, both in partnership development and implementation;
- (e) diversity within populations at risk;
- (f) differences in community awareness of the issue; and
- (g) capacity to address domestic violence issues.

4.8.2 Since FVI involves lots of inter-departmental activities, the planning and coordination of these activities are the keys to success of implementing FVI. Table 4 lists some recommended actions addressing the implementation concerns for all FVI activities according to the *Project Managers' Guide to Performance Measurement and Evaluation*.

Table 4 – Implementation concerns for activities under the Family Violence Initiative and recommended actions

Concerns	Recommended actions
Nature of domestic violence issues	(a) Establishing realistic, achievable objectives; and (b) choosing specific indicators reflecting the situation.
Attribution	(a) Understanding the context; (b) giving sufficient time for influence; and (c) being timely in determining influence.
Feasibility	(a) Planning for performance measurement and evaluation at the beginning of the process; (b) establishing partnerships where possible; and (c) providing tools and technical assistance to funding recipients.
Timing	Planning and reporting on results.
Capacity	(a) Estimating the capacity needs both internally and at the community level; (b) building partnerships and contacts that can enhance capacity; and (c) offering training on as well as tools to facilitate capacity building.
Affordability	(a) Planning and identifying indicators that are suitable and affordable; (b) incorporating costs into the project at the beginning; and (c) encouraging partnerships at all levels, to stretch and leverage resources.
Ethics relating to domestic violence	(a) Establishing codes, standards and expertise; (b) using risk management strategies and debriefing protocols; (c) showing respect for individuals, understanding the social context and using appropriate methods; and (d) monitoring data collection.

Source: Department of Justice Canada (2004b).

Chapter 5 – New Zealand

5.1 Overview

5.1.1 According to the National Crime and Safety Survey conducted by the Ministry of Justice, 25% of women have experienced partner violence in their lifetime in New Zealand. Between 2000 and 2004, 54 women were murdered by men in a domestic violence-related murder.⁴⁶ One woman is killed by her partner or ex-partner every five weeks and about 10 children are killed every year in domestic violence-related situations.

5.1.2 In 2005, the police handled a total of 63 685 domestic violence incidents.⁴⁷ On average, the police receive more than 45 000 calls relating to domestic violence, involving over 200 000 people per year. The police estimate that these calls represent less than 5% of all domestic violence cases, which largely go unreported.⁴⁸

5.1.3 Estimated economic loss resulting from domestic violence is reported in several studies, ranging from NZ\$22.9 million (HK\$133 million)⁴⁹ to NZ\$1.2 billion (HK\$7 billion) per annum.⁵⁰

5.2 Responsible authorities

5.2.1 The Ministry of Social Development (MSD), the Ministry of Justice and the Families Commission are the major authorities responsible for tackling domestic violence in New Zealand.

⁴⁶ beehive.govt.nz (2007).

⁴⁷ Ibid.

⁴⁸ Russell, J. (2005).

⁴⁹ Based on the average exchange rate of HK\$5.80 per NZ\$ as at 13 November 2007.

⁵⁰ Russell, J. (2005).

Ministry of Social Development

Taskforce for Action on Violence within Families

5.2.2 In 2005, the government established the Family Violence Ministerial Team⁵¹ to provide leadership across the public sector, promote public debate and demonstrate the government's commitment in addressing domestic violence issues. The government also established the Taskforce for Action on Violence within Families (Taskforce) in June 2005 under the purview of MSD to set the strategic direction for and to coordinate the works on tackling domestic violence among the involved agencies. It also advises the Family Violence Ministerial Team on how to make improvements to the way domestic violence is addressed. Members of the Taskforce come from government and non-government agencies, and the judiciary and Crown agencies,⁵² with its chair being the Chief Executive of MSD.

Family and Community Services

5.2.3 Established in July 2004, the Family and Community Services (FACS) works with government and non-government agencies as well as communities to provide families with coordinated social services and related information.

5.2.4 The goals of FACS are as follows:

- (a) supporting social cohesion and participation in communities;

⁵¹ Members of the Family Violence Ministerial Team are: (a) the Minister for Social Development and Employment (Chair); (b) the Minister of Education; (c) the Minister of Police; (d) the Minister of Health; (e) the Minister of Justice; (f) the Associate Minister for Social Development and Employment; (g) the Minister of Women's Affairs; and (h) the Chairperson of the Open Hearing into the Prevention of Violence against Women and Children.

⁵² Members of the Taskforce are: (a) the Chief Executive of MSD (Chair); (b) the Chief Executive of the Accident Compensation Corporation; (c) the Secretary for Education; (d) the Director-General of Health; (e) the Secretary for Justice; (f) the Chief Executive of the Ministry of Pacific Island Affairs; (g) the Commissioner of New Zealand Police; (h) the Chief Executive of Te Puni Kokiri; (i) the Chief Executive of the Ministry of Women's Affairs; (j) the Chief District Court Judge; (k) the Principal Family Court Judge; (l) the Children's Commissioner; (m) the Chief Families Commissioner; (n) the Chief Executives of five non-government agencies representing the Te Rito Advisory Committee; (o) the Deputy Chief Executive, Social Services Policy of MSD; (p) the Deputy Chief Executive, FACS; and (q) the General Manager, Service Development, Child Youth and Family of MSD.

- (b) supporting family resilience and helping families to be free from violence;
- (c) assisting families and communities to access information on combating domestic violence; and
- (d) building community capability and capacity to handle family violence.

5.2.5 In respect of domestic violence, FACS seeks to reduce the number of families affected by domestic violence through the domestic violence prevention programmes.

Maori Reference Group and Pacific Advisory Group

5.2.6 Both a Maori Reference Group and a Pacific Advisory Group have been established to provide strategic advice to the Taskforce and FACS. While the former advises on the implementation of policies, services and initiatives that impact on Maori, the latter speaks for people from the Pacific.

New Zealand Family Violence Clearinghouse

5.2.7 Established by MSD in partnership with a consortium of domestic violence service providers, the New Zealand Family Violence Clearinghouse (NZFVC) is a national centre for collating and disseminating information on domestic violence. The objectives of NZFVC are as follows:

- (a) increasing the accessibility and usability of research and practice resources to domestic violence service providers; and
- (b) building networks across the community, and government and non-government agencies.

Ministry of Justice

5.2.8 The Ministry of Justice works with the police, the Department of Corrections and MSD to achieve a safe and just society.

5.2.9 In respect of domestic violence, the Ministry of Justice works with the Chief District Court Judge to develop a national protocol for improving the operation of family violence courts. The Ministry of Justice also funds a number of domestic violence initiatives to ensure that the needs of families experiencing domestic violence are addressed.

Families Commission

5.2.10 The Families Commission is an autonomous Crown agency setting up in July 2004 to speak for better policies, services and support for all New Zealand families. Under the *Families Commission Act 2003*, the role of the Families Commission is to research, advocate and promote understanding of issues relating to families. Underpinning its work is a strong commitment to the development of a culture that does not tolerate violence.

5.3 Policies on combating domestic violence

5.3.1 In March 2002, MSD launched Te Rito, the New Zealand Family Violence Prevention Strategy.⁵³ Te Rito sets out the government's key goals and objectives, guiding principles and a five-year implementation plan to work towards the vision of families living free from violence.

Te Rito

Principles

5.3.2 Principles enshrined in Te Rito state that:

- (a) all people have a fundamental right to be safe and to live free from violence;
- (b) customary and contemporary structures and practices of families must be recognized, provided for and fully engaged;
- (c) perpetrators of domestic violence must be held accountable for their violent behaviour; and
- (d) the community has the right and responsibility to be involved in preventing domestic violence.

⁵³ Te Rito was originally developed by the Family Violence Focus Group, a group of government and non-government agencies working collaboratively to reinforce the government's domestic violence prevention plan released in September 2001.

Goals

- 5.3.3 Te Rito outlines five goals for domestic violence prevention:
- (a) encouraging intolerance to domestic violence;
 - (b) ensuring that quality services are available and accessible to all people in need;
 - (c) providing children, young people and their families with education and support, and identifying violence early;
 - (d) ensuring that approaches to domestic violence prevention are culturally relevant; and
 - (e) ensuring that there is a consistent and ongoing commitment to domestic violence prevention.

Areas of action

- 5.3.4 Te Rito sets out 18 areas of action to reduce domestic violence. The major areas are:
- (a) processes to monitor and enforce legal sanctions;
 - (b) consistency in the delivery of laws, policies and services;
 - (c) policy for self-referred and non-mandated clients;
 - (d) improved access to a range of services; and
 - (e) public education and awareness.

Reports of the Taskforce for Action on Violence within Families

5.3.5 In June 2005, the Family Violence Ministerial Team and the Taskforce were established to re-invigorate the initiatives put in place under Te Rito. In July 2006, the Taskforce published its First Report, outlining a programme of action on combating domestic violence for 2006-2007 and beyond. Actions were grouped under four broad themes:

- (a) leadership;
- (b) changing attitudes and behaviours;

- (c) ensuring safety and accountability; and
- (d) effective supporting services.

5.3.6 In August 2007, the Taskforce published its *Programme of Action: Final Monitoring Report 2006/2007* summarizing the status of actions taken under the four broad themes in combating domestic violence.

Leadership

5.3.7 The Taskforce leads the involved agencies in carrying out the programme of action to end domestic violence and promote a stable and healthy family life. Actions taken include:

- (a) providing leadership to the public sector and developing community leaders;
- (b) establishing relationships among central and local government agencies and building stronger refuge and migrant networks;
- (c) sharing best practice amongst the involved agencies; and
- (d) setting strategic directions for domestic violence research and compiling statistics to monitor the level of domestic violence.

Changing attitudes and behaviours

5.3.8 The Taskforce is also committed to change the society's attitudes and behaviours so as to reduce the tolerance of domestic violence. Actions taken for such purposes include:

- (a) reviewing how violence is portrayed in the media;
- (b) conducting an attitude and behaviour change campaign⁵⁴ at the national level, including the introduction of mass media campaigns to help the public understand what they can do to stop domestic violence; and
- (c) conducting domestic violence death reviews to better understand the circumstances that lead to domestic violence-related deaths.

⁵⁴ Led by the Families Commission and MSD, the campaign is a long-term initiative phased sequentially to target different forms of domestic violence.

Ensuring safety and accountability

5.3.9 To ensure the safety of domestic violence victims and the accountability of perpetrators, the Taskforce aims at:

- (a) improving the justice sector's responses to domestic violence⁵⁵; and
- (b) implementing a collaborative case management approach to respond to all domestic violence incidents. This approach involves offender management, victim advocacy and child protection, which leads to a combined initial response across the involved agencies.

Effective supporting services

5.3.10 It is important that domestic violence victims receive appropriate supporting services. To improve the service capacity and capability of service providers, the Taskforce provides sustainable funding, establishes effective services and builds strong relationships among government and non-government agencies to improve the response to domestic violence victims.

Police policies on domestic violence

5.3.11 The current principles, policies and procedures for police response to domestic violence are outlined in the 1996 Family Violence Policy (FVP). FVP is formulated on the basis of three core principles:

- (a) protection of victims, including children who witness domestic violence;
- (b) holding assailants accountable; and
- (c) consistent practices on addressing domestic violence across agencies and groups.

⁵⁵ Actions taken include (a) improving the ability of the involved agencies to keep victims safe as well as to stop perpetrators re-offending; (b) ensuring that domestic violence victims are accessible to all supporting services; (c) examining the potential role of advocates for domestic violence victims; (d) building capacity of interpreters in courts; (e) lowering the eligibility thresholds for legal aid; (f) providing professional support and training programmes for lawyers working on domestic violence-related areas; (g) improving the prosecution process for non-attendance at preventing/stopping domestic violence programmes; (h) establishing four additional family violence courts; (i) developing a national protocol for improving the operation of family violence courts; (j) ensuring enforcement of protection orders; and (k) establishing a forum to identify best practice for information exchange.

5.3.12 FVP aims to provide domestic violence victims with safety, support and information. It also outlines the investigation techniques of the police.

Introduction of pro-arrest provisions

5.3.13 Immediate safety of victim is assessed at the scene. If the police ascertain an offence has been committed, the assailant is arrested and removed. FVP outlines specific bail and detention conditions to enhance the safety of victims.

5.3.14 To deter future violence, FVP holds individual offenders accountable for their actions. The pro-arrest provisions are the first step in the criminal justice response intended to achieve this aim. The arrest and detention processes are expected to restrain the offender from immediate violence and are a gateway into the criminal justice system which focuses on both punitive and rehabilitative measures.

Police district family violence coordinators

5.3.15 Introduced in 1993, the police district family violence coordinators were initially appointed by the District Commanders of the police as a district or area liaison officer amongst agencies. These family violence coordinators support, mentor and provide advice to Work and Income of MSD⁵⁶ case managers on domestic violence matters, as well as the latest information on domestic violence services. Under FVP, protocols and networking establishment, including the appointment of these coordinators, are developed locally among the police and agencies in respective areas.

Family Safety Team pilot initiative

5.3.16 The scope of the coordinated approach has further expanded in 2005 with the implementation of the Family Safety Team pilot initiative, a joint initiative among the police, the Ministry of Justice, the Ministry of Child, Youth and Family and community agencies to promote a holistic approach to tackle domestic violence from the justice and social services sectors. The Family Safety Teams consist of police investigators and child and victim advocates. They work together to ensure that information on domestic violence is updated and that intervention is timely and appropriate.

⁵⁶ Work and Income helps job seekers and distributes income support payments on behalf of the government.

Other measures

Family Violence Intervention Programme

5.3.17 The Family Violence Intervention Programme is delivered through Work and Income of MSD. The government recognizes that many domestic violence victims are clients of Work and Income, and that its service centres are points of contact to identify and support them. Accordingly, Work and Income case managers take up the function of providing domestic violence victims with information on local domestic violence support services.

Information on Family Violence Prevention

5.3.18 Community agencies have developed free wallet-sized brochures on ways of handling domestic violence and keeping safe from offenders, and crisis and support contact for domestic violence victims. These brochures are distributed via community centres.

Community Action Toolkit

5.3.19 Developed by FACS with the support from the Accident Compensation Corporation⁵⁷, the Community Action Toolkit contains a range of tools and information to help communities develop local campaigns to tackle domestic violence.

Child advocacy services

5.3.20 This initiative provides for up to 45 full-time child advocates to support children aged zero to 17 who witness violence in their families.⁵⁸ They would ensure that the needs and interests of children and young people affected by domestic violence are identified and addressed. Key tasks of the child advocates include:

- (a) providing an independent voice for children;
- (b) coaching, mentoring and making referrals; and
- (c) providing advice and information on domestic violence issues.

⁵⁷ The Accident Compensation Corporation administers the accident compensation scheme which provides personal injury cover for all citizens, residents and temporary visitors in New Zealand.

⁵⁸ *Ministry of Social Development* (2007).

Elder Abuse and Neglect Prevention Service

5.3.21 Funded by MSD, this service is operated by eight community agencies. Service coordinators investigate complaints of elder abuse or neglect, coordinate intervention among the health, the police and legal service agencies, monitor and follow up individual cases and raise awareness of elder abuse.

Strong Pacific Families Strategy

5.3.22 The Strong Pacific Families Strategy was implemented in four regions⁵⁹ from 2005 to 2007, targeting Pacific families to instil the concept of living free from domestic violence. Workshops were held with community leaders to set priorities for each region.

Guidelines on domestic violence intervention

5.3.23 The Ministry of Health has developed the following guidelines on domestic violence intervention:

- (a) *Family Violence Intervention Guidelines: Elder Abuse and Neglect (August 2007)* – providing a six-step model for health care providers to identify and respond to elder abuse cases;
- (b) *Family Violence Intervention Guidelines: Child and Partner Abuse (November 2002)* – helping health providers make safe and effective interventions to assist victims of violence and abuse; and
- (c) *Recognising and Responding to Partner Abuse (June 2003)* – helping develop the necessary knowledge and skills for general practices in dealing with partner abuse cases.

⁵⁹ The four regions are Christchurch, Porirua, Manukau and Waitakere.

5.4 Enforcement tools

Domestic Violence Act 1995

5.4.1 Legal protection against domestic violence is available under the *Domestic Violence Act 1995* which took effect on 1 July 1996. The objective of this *Act* is to reduce and prevent violence in domestic relationships by:

- (a) recognizing that domestic violence, in all its forms, is an unacceptable behaviour; and
- (b) ensuring that, where domestic violence occurs, there is effective legal protection for victims.

5.4.2 Section 5 of the *Domestic Violence Act 1995* sets out five ways in achieving its objectives. They are:

- (a) empowering the court to make certain orders to protect domestic violence victims;
- (b) ensuring that access to the court is as speedy, inexpensive and simple as is consistent with justice;
- (c) providing appropriate programmes for domestic violence victims;
- (d) requiring perpetrators to attend programmes that helps stop or prevent domestic violence; and
- (e) providing effective sanctions and enforcement in the event that a protection order is breached.

5.4.3 While the Ministry of Justice develops and administers the *Domestic Violence Act 1995* as well as rules and regulation relating to domestic violence, the implementation of the *Domestic Violence Act 1995* has been the primary responsibility of the Department for Courts.

5.4.4 The *Domestic Violence Act 1995* focuses on victim protection, which is implemented through the issuance of a protection order. It also contains the provision of programmes aimed at achieving sustainable change in the lives of those affected by domestic violence.

Protection orders

5.4.5 Issued by a Family Court judge, a protection order is a legally enforceable order which puts conditions on a violent person to protect a domestic violence victim. There are two types of conditions, namely non-violence conditions and non-contact conditions.

Non-violence conditions

5.4.6 The non-violence conditions can be applied in all domestic violence cases. Under the non-violence conditions, the violent person must not:

- (a) physically, sexually or psychologically abuse or threaten the protected person, i.e. applicant of the protection order, or his/her children;
- (b) damage or threaten to damage the protected person's property; and
- (c) encourage another person to physically, sexually or psychologically abuse or threaten the protected person or his/her children.

Non-contact conditions

5.4.7 The non-contact conditions only apply to cases where the protected person and the violent person live apart. Under this circumstance, the violent person must not:

- (a) go to the protected person's home or workplace or onto his/her property unless he/she expressly consents;
- (b) intimidate or harass the protected person or any children living or staying with him/her;
- (c) hang around the protected person's neighbourhood or workplace;
- (d) follow the protected person;
- (e) try to stop the protected person or any children living or staying with him/her from coming or going; and
- (f) phone, fax, write, email, text or in any way contact the protected person.

5.4.8 Under the non-contact conditions, the violent person cannot have contact with the protected person unless:

- (a) there is an emergency;
- (b) it is permitted under a court order or a written parenting agreement dealing with the day-to-day care of or contact with children;
- (c) it is permitted under a special condition of the protection order; or
- (d) the violent person is attending a family group conference that is convened under the *Children, Young Persons and Their Families Act 1989*.

5.4.9 In the event that the protected person agrees to live with the violent person, the non-contact conditions of the order are suspended. In the event that they stop living together, the non-contact conditions will immediately be in effect without having to reapply to the court.

Property orders

5.4.10 The issuance of property orders are provided under the *Domestic Violence Act 1995*. There are three major types of property orders:

- (a) occupation orders – giving the protected person the exclusive right to stay in the family home;
- (b) tenancy orders – giving the protected person the sole tenancy of a rented house or flat; and
- (c) furniture or ancillary furniture orders – giving the protected person the right to take with him/her or to keep in his/her possession specified furniture and household items.

Application for protection orders

5.4.11 The application for an urgent protection order can be granted within 24 hours. Most protection orders made by the Family Court are made without prior notice to the violent person and are known as temporary orders which run for three months. If the violent person does not defend against it within the three-month period, the order becomes final and stays in force permanently. In 2005, 2 408 final protection orders were issued.⁶⁰

⁶⁰ beehive.govt.nz (2007).

5.4.12 In the event that the violent person objects to the temporary order and defends against it, a hearing will be conducted in the Family Court to decide whether or not a final protection order should be issued.

Non-violence counselling course for violent persons

5.4.13 A protection order generally requires the violent person to attend a non-violence counselling course, surrender any firearms he or she possesses and forfeit his or her firearms permit. In certain circumstances, failure to attend a counselling course as ordered can result in imprisonment for up to two years.

Breach of protection orders

5.4.14 A breach of a protection order is a criminal offence. The police can arrest the violent person and hold him or her for 24 hours before releasing him or her on bail. In the event that the violent person is charged with a breach, he or she is required to appear in the criminal court. If convicted, the maximum penalty is six months in prison and a fine of up to NZ\$5,000 (HK\$29,000). In the event that the order is breached three or more times within three years, the violent person will be imprisoned up to two years as well as being fined. In 2005, 4 236 people were charged with breaching the protection orders.⁶¹

Setting of the Family Court

5.4.15 The setting of the Family Court is not like that of a District Court or High Court. It provides a safe and relaxed environment for the protected person attending the court. In the Family Court, the Judge does not put on the gown and wig and there is no jury. Only court officials and supporting staff are available to assist the protected person who is free to ask questions.

5.5 Funding arrangements

5.5.1 In New Zealand, the Crime Prevention Unit of the Ministry of Justice is responsible for channeling government funding to best-practice community-based crime reduction initiatives via territorial authorities, including funding for tackling domestic violence programmes.

⁶¹ *The New Zealand Herald* (2007).

5.5.2 In the 2006 Budget, the government committed an extra NZ\$68.8 million (HK\$399 million) over the following four years to programmes tackling domestic violence, with NZ\$64.3 million (HK\$372.9 million) new operating funding over the following four years and NZ\$4.5 million (HK\$26.1 million) new capital funding over the following two years.⁶² Listed below is the distribution of funding for major projects:

- (a) NZ\$11.5 million (HK\$66.7 million) for a community prevention campaign to reinforce the unacceptability of domestic violence and change attitudes towards violence and abusive behaviours;
- (b) NZ\$17.5 million (HK\$101.5 million) to expand the Youth Transition Service, giving communities resources to help at-risk school leavers and NZ\$10 million (HK\$58 million) over four years earmarked for additional service delivery in South Auckland (Mangere, Otahuhu and Otago) responding to youth gang issues;
- (c) NZ\$6 million (HK\$34.8 million) of operating funding plus NZ\$4.5 million (HK\$26.1 million) capital investment for a system which electronically collects student enrolment information. There will be alerts for students absent from school for more than 20 days so that the relevant authorities can begin tracing them;
- (d) NZ\$643,000 (HK\$3.7 million) for Project Early, an early intervention programme designed to help at-risk children aged three to eight in Christchurch and Auckland to overcome their behavioural problems;
- (e) NZ\$8.9 million (HK\$51.6 million) to tackle disruptive behaviours in schools, including developing a strategy to reduce bullying;
- (f) NZ\$9 million (HK\$52.2 million) to increase funding for domestic violence prevention agencies, including funding for 24-hour crisis lines, counselling, social work support, safe-house accommodation, advocacy and information; and
- (g) NZ\$10.8 million (HK\$62.6 million) to complete the restructuring of Victim Support⁶³ and maintain service delivery to victims.

⁶² *Family Violence Clearinghouse* (2007).

⁶³ Victim Support provides 24-hour emotional support, personal advocacy and information to all people affected by crime and trauma throughout New Zealand.

5.5.3 In the 2007 Budget, the government provides NZ\$2 million (HK\$11.6 million) for the Maori domestic violence prevention training and professional development programme. This programme provides support, resources and services for 60 domestic violence prevention practitioners, including trainers.⁶⁴

5.5.4 In 2007, the Ministry of Health receives extra funding of NZ\$11.2 million (HK\$65 million) for the continuation of the domestic violence prevention initiative. Under this initiative, health professionals receive domestic violence prevention training, and the screening processes for partner and child abuse are established.

5.5.5 The government also provides NZ\$20.4 million (HK\$118.3 million) over two years for the Pathways to Partnership Strategy which develops ways for community agencies to work with the government to provide a range of family services dealing with domestic violence.

5.6 Victim assistance

5.6.1 The *Domestic Violence Act 1995* is an important component of the legislative framework to prevent and address domestic violence. Protection orders issued by the court are one of the key mechanisms that domestic violence victims can seek protection under the *Act*. The *Act* also stipulates that appropriate programmes shall be provided for both domestic violence victims and perpetrators. Other sources of assistance available to such victims include:

- (a) police;
- (b) Children and Young Persons' Service of MSD⁶⁵;
- (c) Women's Refuge⁶⁶;
- (d) Stopping Violence Services⁶⁷;
- (e) Victim Support; and

⁶⁴ *Family Violence Clearinghouse* (2007).

⁶⁵ The Children and Young Persons' Service of MSD provides social services for children and youth.

⁶⁶ Women's Refuge helps domestic violence victims in the following areas: (a) arranging pick-ups for the victim; (b) arranging emergency accommodation for the victim and her children; (c) discussing the choices and the kind of legal, housing, and financial assistance a victim can get; (d) providing information on how the system works – the police, the Family Court, Legal Aid, etc.

⁶⁷ The National Network of Stopping Violence Services, established in the 1980s, is a network of community organizations working to end men's violence to women and children across New Zealand.

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- (f) other government and community agencies⁶⁸.

5.7 Review of the domestic violence policy

Te Rito

5.7.1 In 2003, government agencies involved in Te Rito reviewed its progress and planned for the future. The issues identified in the review were as follows:

- (a) need to increase awareness of domestic violence over a sustained period of time in a range of settings;
- (b) need for a systemic change across the justice and social service sectors and to commit to improving coordination and collaboration;
- (c) ongoing issues of service capacity as demand grows, including workforce capacity issues;
- (d) need for an ongoing focus on practice improvement; and
- (e) development of a research agenda that provides reference for policy development and service delivery.

Domestic Violence Act 1995

5.7.2 Since the enactment of the *Domestic Violence Act 1995*, several justice sector agencies have investigated how this *Act* is working in practice.⁶⁹ Among the reports published by these agencies, the *Domestic Violence Act 1995 Process Evaluation* examined the entire process of implementing all aspects of the *Act*. The report concluded that the *Act* was sound in achieving its objectives, but some operation could be enhanced.

⁶⁸ These agencies include the Work and Income centres and the Elder Abuse and Neglect Prevention Service. While the former provides domestic violence victims with information on local domestic violence support services, the latter investigates complaints of elder abuse or neglect.

⁶⁹ The reports published include: (a) the *Domestic Violence Legislation and Child Access in New Zealand*; (b) the *Domestic Violence Act 1995 Process Evaluation*; (c) *Women living without violence – An evaluation of programmes for adult protected persons under the Domestic Violence Act 1995*; (d) *Evaluation of programmes for children under the Domestic Violence Act 1995*; (e) *Evaluation of programmes for Maori adult protected persons under the Domestic Violence Act 1995*; (f) the *Domestic Violence Act 1995 42 Day 'Rules' and the Children, Young Persons and Their Families Act 1989 60 Day 'Rule'*; (g) *Evaluation of community based stopping violence prevention programmes*; and (h) the University of Waikato's report entitled *Living at the Cutting Edge: Women's Experiences of Protection Orders*.

5.7.3 The government is conducting another review on the implementation of the *Domestic Violence Act 1995*. The purpose of this review is to make the domestic violence legislative regime more effective. The public consultation period was closed on 28 January 2008.

Living at the Cutting Edge: Women's Experiences of Protection Orders

5.7.4 In August 2007, the University of Waikato published a research report entitled *Living at the Cutting Edge: Women's Experiences of Protection Orders*. The research was commissioned by the Ministry of Women's Affairs in 2005 with the following objectives:

- (a) identifying and describing the experiences of a sample of women in obtaining protection orders, the impact of protection orders and the response to breaches of protection orders;
- (b) identifying areas operating smoothly; and
- (c) identifying areas for improvement, including barriers preventing women from applying for and obtaining protection orders.

5.7.5 The research examined the experiences of 43 Māori, Pakeha, Pasifika and other ethnic minority women who were victims of male partner violence, the impact of the violence on them and their children, and their experiences of the justice system when they reached out for protection. Overall, the report makes more than 40 recommendations on ways to improve the effectiveness of protection orders and other steps to address domestic violence.

5.8 Implementation concerns

Concerns in general

5.8.1 One of the objectives of the report *Living at the Cutting Edge: Women's Experiences of Protection Orders* is to identify areas for improvement on dealing with domestic violence. In particular, the government intends to look into the barriers that prevent women seeking assistance. The barriers identified are as follows:

- (a) fear of further violence/retribution or death;
- (b) cultural beliefs such as shame or belief in family permanence;
- (c) isolation;

- (d) language barriers; and
- (e) fear of losing children.

Concerns in obtaining a protection order

5.8.2 The report, in particular, outlines some concerns about obtaining a protection order. These concerns include:

- (a) lack of information;
- (b) lack of faith and cost;
- (c) having their protection order applications put on notice;
- (d) hearings on the defence against a protection order;
- (e) pressure to withdraw an application or discharge order or agree to a consent order; and
- (f) lack of perpetrator accountability.

Factors encouraging application for protection orders

5.8.3 The report highlights several factors that encourage domestic violence victims to apply for protection orders. These factors are:

- (a) police providing a service that is validating and responsive;
- (b) use of good investigative practices and offenders being arrested;
- (c) role of police district family violence coordinators;
- (d) informal support from friends, families and communities; and
- (e) formal support from community agencies such as Women's Refuge.

Chapter 6 – Boston

6.1 Overview

6.1.1 In 2003, the estimated population in Boston was 581 616, representing 9% of the total population in the State of Massachusetts.⁷⁰ As statistics on domestic violence in Boston is not available, statistics on domestic violence in Massachusetts is adopted to provide some indication on the situation of domestic violence in Boston.

6.1.2 In 2005, more than 33 000 women, men and children were served by community-based domestic violence programmes in Massachusetts.⁷¹ Among the 28 760 restraining orders issued in that year, 82% involved male perpetrators.⁷²

6.1.3 In 2006, the statewide domestic violence hotline received 21 637 domestic violence calls and another 3 373 calls from people looking for general information on domestic violence resources.⁷³ Half of all sexual assault victims seeking medical attention were under the age of 20, a third were under the age of 18 and 7% were under the age of 13.⁷⁴

6.1.4 Between October 2005 and September 2006, there were 19 incidents of domestic violence homicide in Massachusetts, resulting in the deaths of 13 women, seven men and three children. Four perpetrators committed suicide.⁷⁵

6.1.5 Each year, approximately 43 000 children in Massachusetts are exposed to domestic violence, and a greater number of cases go unreported.⁷⁶

⁷⁰ *US Census Bureau (2007).*

⁷¹ *Jane Doe Inc. (2006).*

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Commonwealth of Massachusetts Executive Department (2007).*

⁷⁵ *Jane Doe Inc. (2006).*

⁷⁶ *Commonwealth of Massachusetts Executive Department (2007).*

6.2 Responsible authorities

Boston Public Health Commission

6.2.1 The mission of the Boston Public Health Commission (BPHC) is to protect, promote and preserve the health and well being of all Boston residents. In respect of domestic violence, BPHC is responsible for increasing awareness about domestic violence in Boston and supporting community efforts to address the problem through advocacy, networking and the provision of education, training and technical assistance. BPHC administers the Domestic Violence Program (DVP).

Family Justice Center of Boston

6.2.2 Commenced operation in June 2005, the Family Justice Center of Boston is a collaborative venture consisting of public and private agencies in one location, and providing the public easy access to state, local and community-based services. The Family Justice Center of Boston is under the purview of the Division of Violence Prevention of BPHC.

Boston Police Department

6.2.3 The Boston Police Department works in partnership with the community to fight crime, reduce fear and improve the quality of life in the neighbourhoods. In respect of domestic violence, the Police established the Family Justice Division in 2004, providing assistance to victims of intimate crimes. The Family Justice Division comprises more than 30 detectives who are trained to handle domestic violence, sexual assault and child abuse investigations.

Boston Police Domestic Violence Unit

6.2.4 Under the purview of the Family Justice Division, the Boston Police Domestic Violence Unit is located in the Family Justice Center of Boston. Detectives assigned to this unit investigate all reported domestic violence incidents in Boston, including intimate partner violence, violence among family members and physical child abuse cases.

Governor's Commission on Sexual and Domestic Violence

6.2.5 On 7 May 2003, the Governor of Massachusetts issued an Executive Order establishing the Governor's Commission on Sexual and Domestic Violence⁷⁷ to make recommendations to the Lieutenant Governor and the Secretaries of Public Safety and Health and Human Services on all aspects of sexual and domestic violence in Massachusetts. The works of the Commission were as follows:

- (a) obtaining, interpreting and applying research and evaluation findings to programme initiatives as well as policy development and identifying solutions to address gaps in knowledge and dimensions of sexual and domestic violence;
- (b) considering further legislation to protect victims, punish and treat perpetrators, and reduce and prevent sexual and domestic violence incidence;
- (c) considering further policy initiatives to assure effective, uniform and collaborative response by law enforcement, criminal justice, judicial, health and human service agencies, including the enhancement of inter-agency communication and cooperation as well as information sharing among law enforcement, criminal justice and judicial personnel, lawyers and service providers;
- (d) considering measures to enable domestic violence victims to transit from violent relationships to violence-free lives, including providing victims with protection, shelter, advocacy, counselling and other relevant services;
- (e) considering measures to prevent and reduce the occurrence of sexual and domestic violence through public education and awareness; and
- (f) considering other measures to address sexual and domestic violence and child sexual abuse.

⁷⁷ Early in 1992, the Governor and Lieutenant Governor declared a state of emergency in Massachusetts and created the Governor's Commission on Domestic Violence to advise, and provide information and make recommendations to the Governor in response to an increase in the number of domestic violence homicides.

Governor's Council to Address Sexual and Domestic Violence

6.2.6 On 6 June 2007, the Governor of Massachusetts issued an Executive Order establishing the Governor's Council to Address Sexual and Domestic Violence, replacing the Governor's Commission on Sexual and Domestic Violence and to make recommendations on all issues relating to sexual and domestic violence in Massachusetts. Chaired by the Lieutenant Governor, the Council is expected to complete the following two tasks by 31 March 2008:

- (a) devising a guide for Massachusetts law enforcement agencies to consult when responding to a report of an adult sexual assault; and
- (b) revising and updating the Massachusetts Policy for Law Enforcement Response to Domestic Violence⁷⁸, pursuant to Chapter 403 of the *Acts of 1990*.

As at the publication of this report, there is no available information on the progress of the above two tasks.

6.2.7 In addition to taking up the functions performed by the Governor's Commission on Sexual and Domestic Violence, the Governor's Council to Address Sexual and Domestic Violence needs to:

- (a) evaluate, on a regular basis, the response of the law enforcement, judicial, health and human service systems to the needs of sexual and domestic violence victims; and
- (b) develop and submit to the Governor an annual report covering both findings and recommendations of tackling domestic violence.

6.3 Policies on combating domestic violence

Zero Tolerance for Violence Policy

6.3.1 On 3 October 1997, the Governor of Massachusetts issued an Executive Order on Policy on Domestic Violence, which has been in force since then. The policy contains the following major provisions:

- (a) definition of domestic violence and related terms;

⁷⁸ This policy was last updated in 2002.

- (b) description of the benefits for employees who are domestic violence victims, including: (i) 15 days of paid leave, and up to six months of unpaid leave; and (ii) information on referral and other services available to help both victims and abusers;
- (c) workplace security measures;
- (d) education and training for both supervisory personnel and affected employees who are employed by the Human Resources Division of the Executive Office for Administration and Finance of Massachusetts; and
- (e) an explanation of how acts of domestic violence by employees be handled and the application of disciplinary actions.

6.3.2 In the light of the Executive Order published by the Governor of Massachusetts, the Mayor of Boston published an Executive Order directing Boston to adopt a Zero Tolerance for Domestic Violence Policy in 1997. The paper entitled *Zero Tolerance for Violence* published in October 2000 outlines the policy and programmes on tackling violence issues, including domestic violence occurred at home and in workplace. The City of Boston Law Department conducts regular reviews of this policy as it pertains to applicable statutes to ensure compliance.

Objectives

6.3.3 The objectives of this Zero Tolerance for Domestic Violence Policy are as follows:

- (a) ensuring that appropriate resources are available to both victims and perpetrators of violence;
- (b) reducing the potential for violence in and around the workplace;
- (c) mitigating the negative consequences for employees who experience or encounter violence in their personal and work lives;
- (d) encouraging and fostering a work environment that is characterized by respect, confidentiality and healthy conflict resolution by means of a joint effort between the management and labour groups; and
- (e) recognizing the signs, symptoms and patterns of violent acts.

Domestic Violence Response Plan

6.3.4 The Boston Women's Commission⁷⁹ works with over 15 departments in Boston to develop a comprehensive Domestic Violence Response Plan outlining the following components:

- (a) assistance for employees who are domestic violence victims;
- (b) information on domestic violence prevention in the workplace and appropriate victim and perpetrator resources; and
- (c) training for all Boston government departments and agencies in handling domestic violence.

Both the Executive Order and the Domestic Violence Response Plan (or its summary) are distributed to all employees working in Boston.

Zero-tolerance Policy for Domestic Violence in Massachusetts

6.3.5 On 1 October 2007, the Governor of Massachusetts announced a Zero-tolerance Policy for Domestic Violence in Massachusetts and appropriated over US\$5 million (HK\$39 million) in federal and state funding for related prevention programmes. The Governor directed the Lieutenant Governor and the Governor's Council to Address Sexual and Domestic Violence to explore successful domestic violence prevention programmes and recommend a set of best practice, addressing both the public health and public safety aspects of domestic violence.

Boston Domestic Violence Program

6.3.6 In 1992, BPHC developed the Domestic Violence Program (DVP), providing information, training, education and technical assistance relating to all aspects of domestic and sexual violence, with a focus on prevention.⁸⁰ Much of DVP's work focuses on addressing gaps in information, prevention strategies and intervention services affecting marginalized, disempowered and oppressed groups.

⁷⁹ The mission of the Boston Women's Commission is to provide assistance to individuals and organizations on issues concerning women and to advocate for attention to public policy initiatives that affect women's equal participation, economic security, family commitments, health and safety.

⁸⁰ Family Violence Prevention Fund (2006).

6.3.7 Under DVP, a monthly meeting is held among domestic violence advocates, health and social service providers, educators and other professionals to network and learn more about specific issues relevant to their practice.

Judicial Oversight Demonstration Initiative

6.3.8 In 1999, the Office on Violence Against Women (OVW)⁸¹, the Office of Justice Programs⁸² and the National Institute of Justice⁸³ jointly funded and managed a five-year initiative, the Judicial Oversight Demonstration Initiative (JODI). JODI brought together judges, defense attorneys and prosecutors, advocates for women and batterer intervention specialists, probation agents and the police to develop strategies to enhance victim safety and the oversight of perpetrators in the communities.

6.3.9 OVW selected three places, including the Dorchester District of Boston⁸⁴, to participate in JODI. The places implemented a coordinated multi-agency initiative by forming both governmental and non-governmental partnerships to address domestic violence. BPHC was one of the partners that the Dorchester District Court worked with.

6.3.10 Under JODI, the Dorchester District has designed and implemented the Dorchester Community Outreach Worker Program to enhance victim safety in the civil restraining order⁸⁵ process and to reduce the likelihood of unintentional violations of court orders by:

- (a) placing an outreach worker to meet the domestic violence perpetrator served with a civil restraining order as he/she enters and leaves the courtroom to ensure that the victim leaves the courthouse safely following a civil restraining order hearing; and
- (b) providing the domestic violence perpetrator information on the provisions as well as the consequences of breaching the restraining order and relevant social service referrals.

⁸¹ Established in 1995, OVW is a component of the federal Department of Justice, administering financial and technical assistance to communities in the US that are developing programmes, policies and practices aiming at ending domestic violence, dating violence, sexual assault and stalking.

⁸² The Office of Justice Programs is the statistical arm of the Department of Justice.

⁸³ The National Institute of Justice is the research, development and evaluation agency of the Department of Justice responsible for researching crime control and justice issues.

⁸⁴ The Dorchester District is the most populous neighbourhood in Boston. The other two selected places were Washtenaw County in the State of Michigan and Milwaukee County in the State of Wisconsin.

⁸⁵ A restraining order seeks to protect people who have suffered from physical abuse, harassment or threats. A civil restraining order is initiated by a victim in a civil action. In general, civil restraining orders are used by domestic violence victims who do not want to engage the criminal justice system.

Domestic violence prevention and intervention programmes in Massachusetts

6.3.11 Appendix II lists the domestic violence prevention and intervention programmes in Massachusetts.

6.4 Enforcement tools

General Laws of Massachusetts Chapter 209A – Abuse Prevention

Restraining orders

6.4.1 In Massachusetts, domestic violence is governed by *Massachusetts General Laws Chapter 209A*. Court orders are available to protect a domestic violence victim, including ordering the perpetrator to:

- (a) refrain from abusing, hurting or harassing the victim;
- (b) stay away from the victim at home, work, school or any other place where the victim may be near;
- (c) vacate the household and turn over keys; and
- (d) surrender guns, a license to carry firearms or a firearms identification card.

6.4.2 The court may also:

- (a) order a temporary custody and/or support for minor children;
- (b) order the perpetrator to give monetary compensation to the victim for damages arising from the abuse;
- (c) impound the victim's address; and
- (d) recommend batterer treatment for the perpetrator.

Validity of restraining orders

6.4.3 Restraining orders are valid for one year. The court may extend the order at the expiration time upon the request of the domestic violence victim. The perpetrator cannot deny further extension of the order even if there is no occurrence of abuse during the pendency of an order.

Application for restraining orders

6.4.4 A restraining order can be obtained in a district, superior, probate or family court. An emergency restraining order can be obtained through a police office after court hours. The domestic violence victim can file for a restraining order in person free of charge.

Violation of protection orders

6.4.5 Once a restraining order is issued, violation of the terms is a criminal offense. The maximum penalty is two and a half years in prison or a fine of up to US\$5,000 (HK\$39,304) or both fine and imprisonment. An additional fine of US\$25 (HK\$195) will be imposed on the perpetrator for the General Fund⁸⁶. The court will also order the perpetrator to complete a certified batterer's intervention programme.

Other penalties

6.4.6 In addition to the fine and imprisonment, as an alternative to incarceration and, as a condition of probation, the court prohibits the perpetrator to contact the victim through the establishment of geographic exclusion zones. These zones are areas in and around the domestic violence victim's residence and workplace as well as the school of his/her children. The perpetrator is required to carry a global positioning satellite tracking device. In the event that the perpetrator enters a geographic exclusion zone, the court will revoke his/her probation and the perpetrator will be fined, imprisoned or both. Based on the perpetrator's ability to pay, the court will also order him/her to pay the monthly costs or portion thereof for monitoring through the global positioning satellite tracking system.

6.4.7 In the event that there is violation of a restraining order, the court will order the perpetrator to pay the domestic violence victim for all damages including the cost for shelter or emergency housing, loss of earnings or support, out-of-pocket loss for injuries sustained or property damaged, medical expenses, moving expenses, cost for obtaining an unlisted telephone number and reasonable attorney's fees.

⁸⁶ The General Fund is the fund into which the general (non-earmarked) revenues of the municipality are deposited and from which money is appropriated to pay the general expenses of the municipality.

Other laws and guidelines relating to domestic violence

6.4.8 Revised in 2002 by the Massachusetts Executive Office of Public Safety, the *Domestic Violence Law Enforcement Guidelines* set forth appropriate and effective responses to domestic violence for police departments in Massachusetts, while the *Guidelines for Judicial Practice: Abuse Prevention Proceedings* provide guidelines on judicial proceedings under the *Massachusetts General Laws Chapter 209A*.

6.4.9 Appendix III lists other General Laws of Massachusetts relating to domestic violence.

6.5 Funding arrangements

6.5.1 In Boston, the funding for tackling domestic violence programmes comes from local, state, federal and private sources. Interested parties can obtain information of these funding opportunities, grant awards, announcements and news from the weekly Funding Update which is available on the website of the City of Boston.

2007 Budget

6.5.2 In July 2007, the Governor of Massachusetts signed a budget of nearly US\$3.6 million (HK\$28 million) for programmes addressing domestic violence. The state has also received several grants to tackle the public safety and health aspects of domestic violence. These grants include:

- (a) The Executive Office of Public Safety has received a grant of over US\$1.3 million (HK\$10.1 million) from the US Department of Justice for collaboration with the Municipal Police Training Committee and Jane Doe Inc.⁸⁷ to improve the response of the state Police Department to domestic violence and sexual abuse incidents through a new veteran and recruit training programme.

⁸⁷ Jane Doe Inc., also known as the Massachusetts Coalition Against Sexual Assault and Domestic Violence, advocates for responsive public policies, promotes collaboration, raises awareness and supports member organizations to provide comprehensive prevention and intervention services on domestic violence.

- (b) The state Department of Public Health has received US\$900,000 (HK\$7 million) from the Office on Violence Against Women of the US Department of Justice for the Massachusetts Rural Domestic and Sexual Violence Project to provide services to rural children and families affected by domestic and dating violence, and to organize and implement sexual and domestic violence prevention initiatives in five counties in rural Massachusetts over the following two years.

6.5.3 The state Department of Social Services will use US\$500,000 (HK\$3.9 million) from the 2008 budget to support strategies that most effectively reach women at imminent risk of serious harm, including homicide. The state Department of Social Services will also direct US\$500,000 (HK\$3.9 million) to emergency housing stabilization funding for quick, flexible cash assistance to prevent families from becoming homeless due to domestic violence.

6.6 Victim assistance

6.6.1 Listed below are services available to domestic violence victims:

- (a) Police – its Family Justice Division providing comprehensive police response;
- (b) SafeLink – a 24-hour, free and multi-lingual hotline providing information on shelters, programmes and other resources for domestic violence victims. The calls are handled by advocates;
- (c) Casa Myrna Vazquez – a community-based multicultural organization providing emergency and transitional shelters, welfare, legal, mental health and child advocacy to domestic violence victims;
- (d) Violence Recovery Program at Fenway Community Health Center – providing medical and mental health care to the lesbian, gay, bisexual and transgender communities;
- (e) Center for Violence Prevention and Recovery – a hospital-based programme including the Domestic Violence Intervention Program, Rape Crisis Intervention Program, Community Violence Intervention, Advocacy and Support Project;
- (f) Asian Task Force Against Domestic Violence – providing emergency shelter and multi-lingual services to Asian families experiencing harassment, coercion and physical sexual abuse;

- (g) Child Witness to Violence Project at the Boston Medical Center – providing counselling and advocacy to young children who witness domestic and community violence;
- (h) National Domestic Violence Hotline – providing information on DVP;
- (i) Battered Women's Program – assisting domestic violence victims in obtaining a restraining order; and
- (j) The Network/LaRed – providing free services for abused lesbians, bisexual women and transgender persons.

6.6.2 In addition, the *Massachusetts General Laws Chapter 209A* empowers the court to issue protection orders. The court may also issue orders enforcing:

- (a) temporary custody and/or support for minor children;
- (b) perpetrators to give monetary compensation to the victim for damages arising from the abuse;
- (c) impoundment of the victim's address; and
- (d) perpetrators to receive batterer treatment.

6.7 Review of the domestic violence policy

6.7.1 On 6 June 2007, the Governor of Massachusetts issued an Executive Order to replace the one issued on 3 May 2003. The Governor admitted that the previous administration's reliance on advisory groups and commissions to make recommendations to reduce domestic violence as well as to coordinate efforts to tackle the problem among public safety, health and human services, educational officials, and legal, religious and business communities was not sufficient. As such, the Governor established the Governor's Council to Address Sexual and Domestic Violence to develop more concrete proposals to tackle this problem.

6.8 Implementation concerns

6.8.1 In June 2001, the Economic Stability Working Group of the Transition Subcommittee of the Governor's Commission on Domestic Violence (Working Group) conducted a series of hearings across Massachusetts to learn about the economic impacts of domestic violence. The purpose of the hearings was to solicit testimony from domestic violence victims and their children, as well as from advocates, employers, law enforcement and other professionals from the community. Those who testified were asked to comment on:

- (a) economic impacts of domestic violence;
- (b) barriers victims faced when trying to end domestic violence in their lives;
- (c) kinds of support considered to be helpful; and
- (d) support gaps and/or needs for policy responses.

6.8.2 The hearings reviewed that unless victims and their children were provided with both income and stabilization resources and support, they were not guaranteed safety or economic stability.

6.8.3 In April 2002, the Working Group published its first report, *Report on Findings from Statewide Hearings in Massachusetts: The Economic Impact of Domestic Violence on Survivors and Their Children*, stipulating the needs for income support and stabilization services for domestic violence victims.

Components of income support

6.8.4 According to the Working Group's report, components of income support include:

- (a) obtaining sustainable employment;
- (b) securing immediate cash to alleviate emergency and transitional financial crisis;
- (c) receiving regular child support; and
- (d) receiving adequate public assistance, in particular, for those who are unable to work or must care for children.

Components of stabilization services

6.8.5 Components of stabilization services include:

- (a) comprehensive, community-based emergency and supportive domestic violence services;
- (b) safe, permanent and affordable housing;
- (c) quality affordable child care service;
- (d) education and training for victims;
- (e) legal support; and
- (f) awareness about domestic violence.

6.8.6 In October 2002, the Working Group published another report entitled *Voices of Survival: The Economic Impacts of Domestic Violence, A Blueprint for Action*, providing service providers, businesses, sponsors, legislators and activists practical ways to ensure that no one in the state was forced to live in a violent condition because of financial dependence. The report also contained recommendations on programmes and policy initiatives on a violence-free home which would be relieved of financial burden.

Chapter 7 – Analysis

7.1 Introduction

7.1.1 This analysis examines the actions taken by the governments of the selected places in tackling domestic violence from both the legal and administrative aspects. These actions include the policies, legal framework and funding arrangement relating to domestic violence. The availability of a special task force for policy formulation as well as the immediate assistance for victims and implementation concerns are also discussed.

Availability of a special task force for handling domestic violence

7.1.2 Except for Canada, the selected places under study all have a special task force on domestic violence such as a ministerial team to lead the implementation of strategies as in the United Kingdom (UK) or a similar team to promote awareness on domestic violence issues as in New Zealand. In Hong Kong, the Working Group on Combating Violence was established in 2001 for mapping strategies and approaches and coordinating various government bodies to address domestic violence problems.

Domestic violence policy

7.1.3 Among all the places under study, Canada is the first place to set up a comprehensive domestic violence programme. Established in 1988, the Family Violence Initiative (FVI) in Canada is an ongoing project funded by government appropriation annually to support the development, implementation, testing and assessment of models, strategies and tools to improve the criminal justice system's response to domestic violence.

7.1.4 In the UK, Canada and New Zealand, one of the objectives of the domestic violence policy is to improve the justice sector's response to protect victims and hold perpetrators accountable. Measures developed include:

- (a) provision of professional support and training programmes to criminal justice personnel;
- (b) development of a code of practice for improving the operation of family violence courts; and

- (c) establishment of additional family violence courts as in New Zealand or adoption of specialized court services such as the Specialist Domestic Violence Court Programme in the UK to handle domestic violence cases.

The New Zealand government also expands the capacity of interpreters in the court and lowers the eligibility thresholds for legal aid.

7.1.5 While all the places under study have policies on domestic violence occurred at home, Boston's Zero Tolerance for Violence Policy covers domestic violence occurred in workplace as well.

Legal framework

7.1.6 Unlike the other selected places studied, Canada does not have any specific national law for domestic violence. Nevertheless, the Canadian Parliament is currently considering the *Tackling Violent Crime Bill* introduced by the government on 18 October 2007. The proposed legislation requires persons convicted of violent or sexual offences three or more times to prove to the court why they should not be designated as dangerous offenders. In any event, six provinces and two territories in Canada have already introduced specific legislation on domestic violence as early as on 4 January 2007.

7.1.7 While Boston also does not have its own law governing domestic violence, as the capital city of Massachusetts, it adopts the *Massachusetts General Laws Chapter 209A*.

7.1.8 Except for Canada, domestic violence laws developed in the UK, New Zealand, Boston and Hong Kong enable the court to impose restraining orders on perpetrators. In New Zealand, the issuance of protection orders is the essence of the *Domestic Violence Act 1995*. A breach of a protection order is a criminal offence which involves a maximum penalty of six-month imprisonment and a fine of up to NZ\$5,000 (HK\$29,000). In Hong Kong, the validity of both the injunction order and the related power of arrest cannot exceed three months for the first instance, and the order may be extended only once, for a maximum of another three months. In Canada, the maximum penalty for violation of a peace bond is imprisonment of two years.

7.1.9 In both the UK and New Zealand, some measures on the prevention and intervention of domestic violence are stipulated in legislation. In the UK, the protection, support and rights of domestic violence victims and witnesses are embedded in the *Domestic Violence, Crime and Victims Act 2004*. The provisions include:

- (a) breaching a non-molestation order as a criminal offence requiring imprisonment of up to five years;
- (b) making common assault an arrestable offence;
- (c) enabling the court to impose restraining orders on acquittal for any offence;
- (d) allowing victims to take their cases to the Parliamentary Ombudsman if they feel that the code of practice has not been adhered to; and
- (e) setting up an independent Commissioner for Victims to give victims a powerful voice in the government.

In New Zealand, the *Domestic Violence Act 1995* requires perpetrators to attend preventing domestic violence programmes.

Funding arrangement

7.1.10 Among all the places under study, Canada appears to devote the most government funding in launching specific initiatives to tackle domestic violence. While the startup funding for FVI amounted to CAN\$40 million (HK\$303 million), the government further injected CAN\$136 million (HK\$1 billion) into FVI after two years of its implementation. Since 1996, FVI has received an annual funding of CAN\$7 million (HK\$53 million) to supplement the budget of relevant government bodies for addressing domestic violence.

7.1.11 Starting from 2006, the respective government of New Zealand and Hong Kong has committed extra annual funding to programmes tackling domestic violence. In 2006, the New Zealand government committed an extra NZ\$68.8 million (HK\$399 million) over the following four years to programmes tackling domestic violence, while the Government of the Hong Kong Special Administrative Region allocated an extra HK\$30 million to strengthen family support for domestic violence, including enhanced outreach services.

7.1.12 As regards the administration of funding for domestic violence, funding of FVI is administered through the Justice Partnership and Innovation Fund of Justice Canada. In the UK, the Violent Crime Unit of the Home Office is responsible for administering the direct grant for programmes on domestic violence. In New Zealand, the Crime Prevention Unit of the Ministry of Justice is responsible for channeling government funding to domestic violence prevention and intervention programmes via territorial authorities. In Hong Kong, funding for tackling domestic violence programmes comes from the General Revenue Account. The Treasury Branch under the Financial Services and the Treasury Bureau manages and coordinates the annual resource allocation exercise for individual departments. In Boston, government and community agencies running domestic violence intervention and prevention programmes receive funds from local, state, federal and private sources. Information on these sources is placed on the website of the City of Boston.

Victim assistance

7.1.13 In general, the selected places provide all sorts of support services for domestic violence victims, including advice and counselling, accommodation and legal assistance.

7.1.14 As revealed in this study, some support services are stipulated in legislation. In the UK, New Zealand, Boston and Hong Kong, the legislation relating to domestic violence empowers the court to issue protection orders for domestic violence victims. In the UK, the *Domestic Violence, Crime and Victims Act 2004* allows victims to take their cases to the Parliamentary Ombudsman if they feel that the code of practice has not been adhered to by the criminal justice agencies. In Canada, the *Criminal Code* enables spouses and children to seek restitution from offenders for the expenses they incurred due to staying away from their homes to avoid being harmed. In New Zealand, the *Domestic Violence Act 1995* states that appropriate programmes shall be provided to domestic violence victims as well as perpetrators. In Hong Kong, the *Protection of Children and Juveniles Ordinance (Cap. 213)* empowers the court to grant a supervision order or appoint legal guardian in respect of a child or juvenile who is in need of care or protection.

7.1.15 A significant number of support services are not specified in legislative provisions. In particular, some of them are special initiatives under the purview of individual government and community agencies. In the UK, support for victims is delivered through the criminal justice system, a multi-agency service provided by the police, the Crown Prosecution Service, the court and the National Offender Management Service. In Canada, the National Clearinghouse on Family Violence, managed by the Public Health Agency of Canada under FVI, provides a centralized and comprehensive reference, referral and distribution service for information on the prevention, protection and treatment of domestic violence. In New Zealand, support for victims is delivered via individual government and community agencies. In Hong Kong, one-stop services including outreaching, social investigation, crisis intervention are provided by the Social Welfare Department.

7.1.16 Boston is the only place under this study that accounts for the need for assistance of the lesbian, gay, bisexual and transgender communities. The city also provides emergency shelter and multi-lingual services to Asian families experiencing harassment, coercion and physical sexual abuse.

Policy and legislation review

7.1.17 Among all places under study, only the UK conducts regular reviews as it publishes annual progress reports on the National Domestic Violence Delivery Plan. In Canada and New Zealand, the outcome of their domestic violence initiatives and plan for follow-up programmes were most recently reported in 2002 and 2003 respectively.

7.1.18 In Hong Kong, both the Government and NGOs have carried out reviews on the social and legal measures in the prevention and intervention of domestic violence. The more recent reviews include:

- (a) Commissioned by SWD, two reports entitled *The Household Survey of the Study on Child Abuse and Spouse Battering* and *The Review of the Social and Legal Measures in the Prevention and Intervention of Domestic Violence in Hong Kong* published in June 2005 provided information on the profile of perpetrators and victims and identified essential elements for preventing domestic violence;
- (b) Law Society of Hong Kong reviewed the provisions of *DVO* in June 2004;
- (c) the *Women's Safety in Hong Kong: Eliminating Domestic Violence* report published by the Women's Commission in January 2006 provided 21 recommendations on tackling domestic violence problems;

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- (d) in May 2006, the Government proposed to amend *DVO*, strengthening protection for domestic violence victims; and
 - (e) in 2006, the Government conducted a review on the service model for sexual violence victims.

7.1.19 As regards reviews on related domestic violence legislation, only the New Zealand government has conducted such reviews. The past reviews found that the legal provisions of the *Domestic Violence Act 1995* were generally sound, with the implementation of some provisions having the potential for further enhancement. The New Zealand government is conducting another review on the implementation of the *Domestic Violence Act 1995* to make the domestic violence legislative regime more effective. Public consultation on this review was closed on 28 January 2008. In Canada, Justice Canada has conducted reviews on the *Criminal Code* to improve the ability of the criminal justice laws to address domestic violence during the past 10 years. In Hong Kong, the Government conducted the first review of the *Domestic Violence Ordinance (Cap 189)* in 2006, and a bill was introduced to amend the *Ordinance* in 2007.

7.1.20 On 6 June 2007, the Governor of Massachusetts established the Governor's Council to Address Sexual and Domestic Violence to develop more concrete proposals to tackle domestic violence problems. The new Council is also responsible for revising and updating the Massachusetts Policy for Law Enforcement Response to Domestic Violence, pursuant to Chapter 403 of the *Acts of 1990*.

Implementation concerns

7.1.21 In the selected places studied, barriers that prevent domestic violence victims from seeking assistance are safety issues, economic instability and the response of government bodies to domestic violence cases. To address these concerns, only the UK has stipulated core standards underpinning services for domestic violence victims in a draft on *National Service Standards for Domestic and Sexual Violence Core Standards* prepared by the Women's Aid.

7.1.22 Listed below are the core standards underpinning all services in the UK:

- (a) understanding domestic violence and its impact;
- (b) all intervention prioritizing the safety of victims and staff;
- (c) diversity and equal access to services;
- (d) advocacy to support and promote the needs and rights of victims;

- (e) developing a victim-centred approach in providing services;
- (f) respecting and observing victims' right to confidentiality;
- (g) coordinated community response;
- (h) holding perpetrators accountable; and
- (i) effective management of services.

Table 5 – Experiences on tackling domestic violence in selected places

	The United Kingdom	Canada	New Zealand	Boston	Hong Kong
Responsible authority	Home Office.	(a) Department of Justice Canada (Justice Canada); and (b) Public Health Agency of Canada.	(a) Ministry of Social Development (MSD); (b) Ministry of Justice; and (c) Families Commission.	(a) Boston Public Health Commission (BPHC); and (b) Boston Police Department.	(a) Labour and Welfare Bureau; (b) Social Welfare Department (SWD); (c) Police; (d) Legal Aid Department; (e) Housing Department; (f) Hospital Authority; and (g) Home Affairs Department.
Availability of special task force on domestic violence	<u>Inter-Ministerial Group on Domestic Violence</u> (a) established in 2003; (b) chaired by the Minister for Criminal Justice and Offender Management of the Home Office; and (c) leading the implementation of the government's strategy on combating domestic violence.	No.	<u>Family Violence Ministerial Team</u> (a) established in 2005; (b) chaired by the Minister for Social Development and Employment; and (c) promoting public debate and demonstrating the government's commitment in addressing domestic violence issues. <u>Taskforce for Action on Violence within Families</u> (a) established in 2005; (b) under the purview of MSD; and (c) setting strategic direction for and coordinating the works on tackling domestic violence.	<u>Massachusetts Governor's Council to Address Sexual and Domestic Violence</u> (a) established in June 2007; (b) chaired by the Lieutenant Governor; and (c) making recommendations to the Lieutenant Governor on all aspects of sexual and domestic violence in Massachusetts.	<u>Working Group on Combating Violence</u> (a) established in 2001; (b) chaired by the Director of Social Welfare; and (c) mapping out strategies and approaches and coordinating various government bodies to address the domestic violence problems.

Table 5 – Experiences on tackling domestic violence in selected places (cont'd)

	The United Kingdom	Canada	New Zealand	Boston	Hong Kong
Domestic violence policy	<p><u>National Domestic Violence Delivery Plan</u></p> <p>(a) introduced in March 2005;</p> <p>(b) administered by the Home Office; and</p> <p>(c) outlining the framework on early intervention and prevention of domestic violence, rehabilitation of perpetrators and resettlement of victims, as well as the response of the criminal justice system.</p>	<p><u>Family Violence Initiative (FVI)</u></p> <p>(a) established in 1988;</p> <p>(b) being an ongoing project;</p> <p>(c) involving 15 government departments;</p> <p>(d) coordinated by the Public Health Agency of Canada; and</p> <p>(e) supporting the development, implementation, testing and assessment of models, strategies and tools to improve the criminal justice system's response to domestic violence.</p>	<p><u>Te Rito – New Zealand Family Violence Prevention Strategy</u></p> <p>(a) launched by MSD in March 2002; and</p> <p>(b) outlining the government's goals and objectives, guiding principles and a five-year implementation plan for domestic violence intervention and prevention.</p>	<p><u>Zero Tolerance for Violence Policy</u></p> <p>(a) introduced by the Mayor of Boston in October 1997; and</p> <p>(b) outlining the policy and programme on tackling violence issues occurred both at home and in workplace.</p> <p><u>Zero-tolerance policy for domestic violence in Massachusetts</u></p> <p>(a) introduced by the Governor of Massachusetts on 1 October 2007; and</p> <p>(b) exploring successful domestic violence prevention programmes and a set of best practice addressing both the public health and public safety aspects of domestic violence.</p> <p><u>Domestic Violence Program</u></p> <p>(a) developed by BPHC in 1992; and</p> <p>(b) providing information, training, education and technical assistance relating to all aspects of domestic and sexual violence, with a focus on prevention.</p>	<p>(a) The Government's stance is that it does not tolerate any domestic violence; and</p> <p>(b) three-pronged approach to tackle domestic violence:</p> <p>(i) preventive measures (such as publicity, community education and enhancing social capital);</p> <p>(ii) supportive services (such as family services, housing assistance, financial assistance and child care services); and</p> <p>(iii) specialized services and crisis intervention (such as Family and Child Protective Services Units, a Family Crisis Support Centre and refuge centres for women).</p>

Table 5 – Experiences on tackling domestic violence in selected places (cont'd)

	The United Kingdom	Canada	New Zealand	Boston	Hong Kong
Legal framework	<p><u>Domestic Violence, Crime and Victims Act 2004</u></p> <p>(a) introduced in 2004;</p> <p>(b) enhancing the right of as well as the protection and support for domestic violence victims and witnesses;</p> <p>(c) enabling the court to impose restraining orders on perpetrators;</p> <p>(d) allowing victims to take their cases to the Parliamentary Ombudsman if they feel that the code of practice has not been adhered to; and</p> <p>(e) setting up an independent Commissioner for Victims to give victims a powerful voice in the government.</p> <p><u>Overarching Principles: Domestic Violence and Breach of a Protective Order</u></p> <p>(a) published by the Sentencing Guidelines Council in December 2006; and</p> <p>(b) giving guidelines on sentencing in domestic violence cases.</p>	<p>(a) No specific national law for domestic violence;</p> <p>(b) some offences listed in the <i>Criminal Code</i> being applicable to domestic violence acts;</p> <p>(c) as of 4 January 2007, six provinces and two territories having specific legislation on domestic violence; and</p> <p>(d) introduced to Parliament on 18 October 2007, the <i>Tackling Violent Crime Bill</i> proposing the requirement of persons convicted violent or sexual offences three or more times to prove to the court why they should not be designated as dangerous offenders. The Bill also strengthens provisions for peace bonds.</p>	<p><u>Domestic Violence Act 1995</u></p> <p>(a) effective 1 July 1996;</p> <p>(b) ensuring that there is effective legal protection for domestic violence victims through the issuance of a protection order; and</p> <p>(c) setting five ways for domestic violence reduction and prevention, including:</p> <p>(i) requiring perpetrators to attend preventing domestic violence programmes; and</p> <p>(ii) providing effective sanctions and enforcement in the event that a protection order is breached.</p>	<p><u>Massachusetts General Laws Chapter 209A</u></p> <p>(a) law on abuse prevention; and</p> <p>(b) court orders being available to protect domestic violence victims.</p> <p><u>Domestic Violence Law Enforcement Guidelines</u></p> <p>outlining appropriate and effective responses to domestic violence for police departments in Massachusetts.</p> <p><u>Guidelines for Judicial Practice: Abuse Prevention Proceedings</u></p> <p>providing guidelines for the Massachusetts Trial Court.</p>	<p><u>Criminal legislative framework</u></p> <p>seeking to sanction all acts of violence, irrespective of the relationship between the abuser and the victim, and independent of where the violence act occurs. The framework comprises:</p> <p>(a) <i>Offences Against The Person Ordinance (Cap. 212)</i>; and</p> <p>(b) <i>Crimes Ordinance (Cap. 200)</i>.</p> <p><u>Civil legislative framework</u></p> <p>(a) seeking to provide civil remedies to domestic violence victims. The framework comprises:</p> <p>(i) <i>Protection of Children and Juveniles Ordinance (Cap. 213)</i>;</p> <p>(ii) <i>Mental Health Ordinance (Cap. 136)</i>; and</p> <p>(iii) <i>Domestic Violence Ordinance (Cap. 189) (DVO)</i>.</p> <p>(b) <i>DVO</i> empowers the court to grant an injunction order as well as to attach a power of arrest to an injunction order restraining the perpetrator from using violence against the domestic violence victim or the child living with him/her.</p>

Table 5 – Experiences on tackling domestic violence in selected places (cont'd)

	The United Kingdom	Canada	New Zealand	Boston	Hong Kong
Funding arrangement	<p>(a) The government has invested £14 million (HK\$220 million) into tackling the problems of domestic violence; and</p> <p>(b) since 2000, £6.3 million (HK\$99 million) has been allocated to local agencies to develop and implement local strategies for reducing violence experienced by women.</p>	<p>(a) When FVI first launched in 1988, the federal government allocated CAN\$40 million (HK\$303 million) as the startup funding;</p> <p>(b) in 1991, the government injected CAN\$136 million (HK\$1 billion) into FVI to increase awareness on the subject, strengthen the criminal justice legal framework and provide prevention and protection services;</p> <p>(c) FVI receives an annual funding of CAN\$7 million (HK\$53 million) to supplement the budget of the relevant government bodies for addressing domestic violence;</p> <p>(d) FVI project funding is administered through the Justice Partnership and Innovation Fund of Justice Canada; and</p> <p>(e) starting from 2007 onwards, the government provides, on an annual basis, CAN\$10 million (HK\$75.7 million) to the newly established Women's Community Fund of Status of Women Canada to support projects aiming at combating violence against female victims.</p>	<p>(a) In the 2006 Budget, the government committed an extra NZ\$68.8 million (HK\$399 million) over the following four years to programmes tackling domestic violence; and</p> <p>(b) in the 2007 Budget, the government provides:</p> <p>(i) NZ\$2 million (HK\$11.6 million) for the Maori domestic violence prevention training and professional development programme;</p> <p>(ii) NZ\$11.2 million (HK\$65 million) to the Ministry of Health for the domestic violence prevention initiative; and</p> <p>(iii) NZ\$20.4 million (HK\$118.3 million) over two years for the Pathways to Partnership Strategy to develop ways for community agencies to work with the government to provide family services dealing with domestic violence.</p>	<p>(a) In July 2007, the Governor of Massachusetts signed a budget of nearly US\$3.6 million (HK\$28 million) for programmes addressing domestic violence;</p> <p>(b) the state Department of Social Services will use US\$500,000 (HK\$3.9 million) from the 2008 budget to support strategies that most effectively reach women at imminent risk of serious harm; and</p> <p>(c) the state Department of Social Services will direct US\$500,000 (HK\$3.9 million) from the 2008 budget to emergency housing stabilization funding for quick, flexible cash assistance to prevent families from becoming homeless due to domestic violence.</p>	<p>(a) Starting from the 2006-2007 Budget onwards, the Government has allocated extra funding for strengthening family support services. In 2006-2007, an extra HK\$30 million was allocated to strengthen family support for domestic violence, including enhanced outreach services; and</p> <p>(b) in the 2007-2008 Budget, the Government appropriates an additional HK\$31 million to strengthen family welfare services and give better care to domestic violence victims. The Government plans to strengthen the provision of clinical psychological support for domestic violence victims, particularly children witnessing domestic violence.</p>

Table 5 – Experiences on tackling domestic violence in selected places (cont'd)

	The United Kingdom	Canada	New Zealand	Boston	Hong Kong
Victim assistance	<p>(a) Support for victims in the justice system by providing information on victims' rights, compensation, insurance as well as police and court procedures;</p> <p>(b) witness service;</p> <p>(c) community legal service;</p> <p>(d) 24-hour domestic violence helpline;</p> <p>(e) accommodation;</p> <p>(f) support from Independent Domestic Violence Advisors under the Specialist Domestic Violence Court Programme; and</p> <p>(g) <i>Domestic Violence, Crime and Victims Act 2004</i> allowing victims to take their cases to the Parliamentary Ombudsman if they feel that the code of practice has not been adhered to by the criminal justice agencies.</p>	<p>(a) Advice and counselling;</p> <p>(b) accommodation;</p> <p>(c) financial assistance;</p> <p>(d) legal assistance;</p> <p>(e) health service for at-risk groups such as children and First Nations people;</p> <p>(f) leave order from the court seeking custody of children, financial support or divorce;</p> <p>(g) peace bond from a criminal court;</p> <p>(h) order from a civil or family court; and</p> <p>(i) <i>Criminal Code</i> enabling spouses and children to seek restitution from offenders for the expenses they incurred because they had to leave their homes to avoid being harmed.</p>	<p>(a) Support from the Police;</p> <p>(b) social services from various public bodies, including:</p> <p>(i) social services for children and youth; and</p> <p>(ii) social services for female domestic violence victims including arranging pick-up and accommodation for both victims and their children and providing information on legal, housing and financial assistance; and</p> <p>(c) <i>Domestic Violence Act 1995</i>:</p> <p>(i) empowering the court to make orders to protect domestic violence victims and providing sanctions and enforcement in the event that the order is breached.;</p> <p>(ii) providing appropriate programmes for domestic violence victims; and</p> <p>(iii) requiring perpetrators to attend programmes that help stop or prevent domestic violence.</p>	<p>(a) comprehensive response provided by the Police;</p> <p>(b) free and multi-lingual hotline;</p> <p>(c) emergency and transitional shelters, welfare, legal, mental health and child advocacy;</p> <p>(d) medical and mental health care to the lesbian, gay, bisexual and transgender communities;</p> <p>(e) emergency shelter and multi-lingual services to Asian families experiencing harassment, coercion and physical sexual abuse;</p> <p>(f) counselling and advocacy to young children who witness domestic and community violence;</p> <p>(g) assistance in obtaining a restraining order; and</p> <p>(h) <i>Massachusetts General Laws Chapter 209A</i> empowering the court to issue protection orders. The court may also issue orders enforcing:</p> <p>(i) temporary custody and/or support for minor children;</p> <p>(ii) perpetrators to give monetary compensation to the victim for damages arising from the abuse;</p> <p>(iii) impoundment of the victim's address; and</p> <p>(iv) perpetrator to receive batterer treatment.</p>	<p>(a) Social services for domestic violence victims being provided by SWD and NGOs, including:</p> <p>(i) one-stop services include outreaching, social investigation, crisis intervention, statutory protection, and intensive individual and group treatment;</p> <p>(ii) integrated family service;</p> <p>(iii) medical social services;</p> <p>(iv) clinical psychological service;</p> <p>(v) witness support programme;</p> <p>(vi) refuge centres for women;</p> <p>(vii) hotline services;</p> <p>(viii) Crisis Intervention Team on Family Violence; and</p> <p>(ix) Criminal and Law Enforcement Injuries Compensation Scheme;</p> <p>(b) <i>DVO</i> empowering the court to grant an injunction order to restrain the perpetrator from approaching the domestic violence victim and his/her child; and</p> <p>(c) <i>Protection of Children and Juveniles Ordinance (Cap. 213)</i> empowering the court to grant a supervision order or appoint legal guardian in respect of a child or juvenile who is in need of care or protection.</p>

Table 5 – Experiences on tackling domestic violence in selected places (cont'd)

	The United Kingdom	Canada	New Zealand	Boston	Hong Kong
Policy and legislation review	<p>(a) In the <i>National Report on Domestic Violence</i> published by the Home Office in March 2005, the government identified a number of 'proxy' indicators to measure the medium to long term success of the National Domestic Violence Delivery Plan.</p> <p>(b) The second <i>National Report on Domestic Violence</i> released in June 2006 updated the work done in 2005-2006 and stipulated key objectives for 2006-2007.</p> <p>(c) The <i>National Domestic Violence Delivery Plan – Annual Progress Report 2006/07</i> published in March 2007 reported the progress made in 2006-2007 and outlined the objectives for 2007-2008, with the desirable outcomes of the National Domestic Violence Delivery Plan being reiterated.</p>	<p>(a) The <i>Family Violence Initiative Year Five Report</i> published in December 2002 showed that FVI met its performance expectations for the period of April 1997 to March 2002.</p> <p>(b) The <i>Project Managers' Guide to Performance Measurement and Evaluation</i> published in February 2004 provided an overview of the performance measurement and evaluation requirements for FVI.</p> <p>(c) Justice Canada has conducted regular review on the <i>Criminal Code</i> to improve the ability of the criminal justice laws to address domestic violence.</p>	<p>(a) In 2003, government agencies involved in Te Rito reviewed its progress and planned for follow-up programmes.</p> <p>(b) Several reviews have been conducted on the <i>Domestic Violence Act 1995</i> since its enactment in 1996. The government is conducting a review on the implementation of this <i>Act</i>.</p> <p>(c) The 2007 research report entitled <i>Living at the Cutting Edge: Women's Experiences of Protection Orders</i> commissioned by the Ministry of Women's Affairs identified ways for improving the effectiveness of protection orders and other steps to address domestic violence.</p>	<p>(a) On 6 June 2007, the Governor of Massachusetts issued an Executive Order to replace the one issued on 3 May 2003, establishing the Governor's Council to Address Sexual and Domestic Violence to develop more concrete proposals to tackle domestic violence problems.</p> <p>(b) The new Council is tasked to revise and update the Massachusetts Policy for Law Enforcement Response to Domestic Violence, pursuant to Chapter 403 of the <i>Acts of 1990</i>.</p>	<p>(a) The <i>Household Survey of the Study on Child Abuse and Spouse Battering</i> and the <i>Review of the Social and Legal Measures in the Prevention and Intervention of Domestic Violence in Hong Kong</i> published in June 2005 provided information on the profile of perpetrators and victims, and identified the essential elements for preventing domestic violence.</p> <p>(b) In June 2004, the Law Society of Hong Kong reviewed the provisions of <i>DVO</i>.</p> <p>(c) The <i>Women's Safety in Hong Kong: Eliminating Domestic Violence</i> report published by the Women's Commission (WoC) in January 2006 provided 21 recommendations on tackling domestic violence problems.</p> <p>(d) In May 2006, the Government proposed to amend <i>DVO</i>, strengthening protection for domestic violence victims.</p> <p>(e) In 2006, the Government conducted a review on the service model for sexual violence victims.</p>

Table 5 – Experiences on tackling domestic violence in selected places (cont'd)

	The United Kingdom	Canada	New Zealand	Boston	Hong Kong
Implementation concerns	<p>According to the draft of the <i>National Service Standards for Domestic and Sexual Violence Core Standards</i> published by the Women's Aid in July 2007, core standards underpinning all services are:</p> <ul style="list-style-type: none"> (a) understanding domestic violence and its impact; (b) all intervention prioritizing the safety of victims and staff; (c) diversity and equal access to services; (d) advocacy to support and promote the needs and rights of victims; (e) developing a victim-centred approach in providing services; (f) respecting and observing victims' right to confidentiality; (g) coordinated community response; (h) holding perpetrators accountable; and (i) effective management of services. 	<p>According to the <i>Family Violence Initiative Year Five Report</i>, challenges of FVI are:</p> <ul style="list-style-type: none"> (a) systemic and multi-faceted nature of domestic violence; (b) requirements of a multi-sectoral policy response; (c) legislative and mandate differences across jurisdictions; (d) resource constraints; (e) diversity within populations at risk; (f) differences in community awareness; and (g) capacity to address domestic violence issues. 	<p>According to the report <i>Living at the Cutting Edge: Women's Experiences of Protection Orders</i>, barriers that prevent women seeking assistance are:</p> <ul style="list-style-type: none"> (a) fear of further violence/retribution or death; (b) cultural beliefs such as shame or belief in family permanence; (c) isolation; (d) language barriers; and (e) fear of losing children. 	<p>According to the findings from the hearings conducted by the Massachusetts Governor's Commission on Sexual and Domestic Violence, unless both income and stabilization resources and supports are available, domestic violence victims are not guaranteed safety or economic stability.</p>	<p>According to the report <i>Women's Safety in Hong Kong: Eliminating Domestic Violence</i> published by WoC in 2006, implementation concerns include:</p> <ul style="list-style-type: none"> (a) lacking an understanding of psychological abuse of front line professionals; (b) interests of different family members not being represented by the same social worker; (c) housing design of tower blocks contributing to increased isolation of victims and perpetrators; (d) heavy workload and limited resources of NGOs affecting their ability to respond effectively; (e) unfamiliarization of the court system among domestic violence victims; (f) low awareness of the services or assistance provided by the Government and NGOs; (g) traditional cultural expectations, negative impacts of broken families, fear of escalation of violence affecting women's reporting of domestic violence cases; and (h) inadequate support after women leaving shelters.

Appendix I

Changes made to the *Criminal Code* in relation to domestic violence
between 1993 and 2002

Bill	Amendment
<p><i>Bill C-15A</i> 23 July 2002</p>	<p>Amended the <i>Criminal Code</i> to increase the maximum penalty for criminal harassment from five to 10 years. It also included measures to better protect children from being exploited sexually by criminalizing several specific actions, including luring children on the Internet (known as "Internet luring"); transmitting, making available, or exporting child pornography on the Internet; or intentionally accessing child pornography on the Internet. Sentencing provisions were to be strengthened. In addition, <i>Bill C-15A</i> included measures to make it easier to prosecute people involved in child sex tourism.</p>
<p><i>Bill C-79</i> 1 December 1999</p>	<p>Amended the <i>Criminal Code</i> to facilitate the participation of victims and witnesses in the criminal justice process. Measures were put in place to prevent victims from being re-victimized by the system. For example, bail decisions had to take the safety of victims into account, and publication bans were permitted to protect the identity of any victim or witness.</p>
<p><i>Bill C-27</i> 26 May 1997</p>	<p>Amended the <i>Criminal Code</i> to strengthen the criminal harassment (stalking) provisions, such as making murder, committed while stalking a victim, a first-degree murder, where the murderer intended to instil fear for the victim's safety. The Bill required the court to take the breach of a protective court order into account as an aggravating factor in sentencing an offender for criminal harassment. <i>Bill C-27</i> also amended the <i>Criminal Code</i> provisions on child sex tourism, and clarified that female genital mutilation was prohibited in Canada.</p>
<p><i>Bill C-41</i> 3 September 1996</p>	<p>Amended the <i>Criminal Code</i> to require the court to take into account the abuse of a spouse or a child as an aggravating factor in sentencing an offender for an offence. Spouses and children could also seek restitution from the offender for the expenses they incurred when they had to leave their homes to avoid being harmed.</p>
<p><i>Bill C-42</i> 1 February 1995</p>	<p>Amended the <i>Criminal Code</i> to make it easier to obtain peace bonds (protective orders). The police and other authorities could apply for a peace bond for a person at risk of harm. The maximum penalty for violation of a peace bond was increased from six months to two years imprisonment.</p>
<p><i>Bill C-126</i> 1 August 1993</p>	<p>Created the new anti-stalking offence of criminal harassment.</p>

Source: *Department of Justice Canada* (2007).

Appendix II

Domestic violence prevention and intervention programmes in Massachusetts

Batterer Intervention Program Services	<ul style="list-style-type: none"> (a) Promoting the safety of domestic violence victims; and (b) the state Department of Public Health working with certified batterer intervention programmes across the state to hold batterers accountable for their abuse and help them change their behaviour.
Domestic and Sexual Violence Integration Initiatives	<p>The initiatives include the following programmes:</p> <ul style="list-style-type: none"> (a) Domestic Violence Screening, Care, Referral and Information Project – providing training to maternal and child health providers on intimate partner violence and how to respond to clients; (b) Safe Families Project – addressing the link between perinatal disparities and intimate partner violence; and (c) Violence Prevention and Intervention Services – providing activities related to children exposed to violence, convening multi-disciplinary practitioner discussion groups and developing resource materials.
Refugee and Immigrant Safety and Empowerment	<ul style="list-style-type: none"> (a) 19 community-based programmes providing education and outreach services to specific ethnic communities on violence against women; and (b) funding provided by the Department of Public Health.
Rural Domestic Violence and Child Victimization Project	<ul style="list-style-type: none"> (a) Providing funding to three battered women's programmes in rural areas of Western Massachusetts; and (b) educating the public and professionals about domestic violence and providing direct services and advocacy to women experiencing domestic violence and their children who witness the abuse.
Safe Families Project	<ul style="list-style-type: none"> (a) Collaboration between the Association of Maternal and Child Health Programs and the Family Violence Prevention Fund to work on safe motherhood and health disparity initiatives; and (b) building the knowledge and capacity of state-level Maternal and Child Health professionals and their community partners to integrate domestic violence prevention, assessment and intervention into community-based programming.

Appendix II (cont'd)

Safe Spaces for Gay, Lesbian, Bisexual and Transgender (GLBT) Youth	<p>(a) Working with the Massachusetts Commission on GLBT Youth, the Department of Public Health supporting education and outreach efforts to reduce the incidence of suicide and violence towards GLBT youth; and</p> <p>(b) providing funding for community-based agencies and working in collaboration with the Department of Education's Safe Schools Program.</p>
GLBT Communities	<p>Through a community-based programme, the Department of Public Health funding outreach services to gay, bisexual and transgender victims of domestic violence. The project also supports public education about domestic violence.</p>
Sexual and Domestic Violence Programs and Services	<p>This initiative consisting of the following programmes:</p> <p>(a) Rape Crisis Centers;</p> <p>(b) Sexual Assault Prevention and Survivor Services working to change the social norms that foster sexual violence by:</p> <p>(i) advocating sexual assault prevention and survivor needs in policy and programme development, and providing information and technical assistance to service providers and the general public;</p> <p>(ii) supporting and monitoring funded programmes;</p> <p>(iii) collecting and analyzing data on sexual assault and evaluating sexual assault survivor services and community education programmes; and</p> <p>(iv) fostering collaborations with state and community organizations to maximize the use of resources and reduce sexual assault.</p> <p>(c) Safelink – a domestic violence hotline; and</p> <p>(d) Jane Doe Inc. (JDI) bringing together organizations and people committed to ending domestic violence and sexual assault. JDI advocates for responsive public policies, promotes collaboration, raises awareness and supports member organizations to provide comprehensive prevention and intervention services.</p>
Domestic Violence and Child Protection	<p>(a) Operated by the Domestic Violence Unit of the Department of Social Services; and</p> <p>(b) assisting social workers and managers in designing safe interventions to keep children with the non-abusive parent.</p>

Appendix II (cont'd)

Abuse and Neglect Prevention of Individuals with Disabilities	<p>This initiative consisting of the following programmes:</p> <p>(a) Protective Services Program – conducting investigations and providing services to abused individuals to enhance safety and prevent further injury; and</p> <p>(b) Disabled Persons Protection Commission – protecting adults with disabilities from abusive acts and omissions of their caregivers through investigation, oversight, public awareness and prevention.</p>
Help for Battered Women on Public Assistance	<p>(a) Operated by the Department of Transitional Assistance; and</p> <p>(b) helping battered women on public assistance live violence-free lives and achieve economic self-sufficiency safely.</p>

Appendix III

Other General Laws of Massachusetts relating to domestic violence

Chapter 119: 24; 26	Child Custody.
Chapter 119: 51A	Injured Children, Reports.
Chapter 151A	Unemployment Benefits for Domestic Violence Victims.
Chapter 208: 18; 31	Domestic Relations/Divorce.
Chapter 209: 32	Husband and Wife.
Chapter 209C: 15	Children Born Out of Wedlock – Domestic Violence Record Search.
Chapter 265: 43	Stalking; Punishment.
Chapter 276: 28	Arrest Without Warrant.
Chapter 276: 42A	Personal Recognizance; Terms and Conditions to Protect Persons Suffering Physical Abuse.
Chapter 277: 62A	Violations of Chapter 209A; Jurisdiction.
Chapter 277: 62B	Stalking; Jurisdiction.
St.2006, c.418	Use of GPS Devices: Allows the court to define certain geographic exclusion zones, such as the victim's workplace or school, and use GPS technology to track the defendant. Then, "if a court finds that the defendant has entered a geographic exclusion zone, it shall revoke his probation and the defendant shall be fined, imprisoned or both as provided in this section."

Source: City of Boston (2008).

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