

立法會 CB(2)2270/08-09(01)號文件**香港女同盟會就《2009年家庭暴力(修訂)條例草案》意見書
07.2009**

香港女同盟會對於《2009年家庭暴力(修訂)條例草案》(下稱"條例草案")表示歡迎，但對於部份細節仍有不同意見，更憂慮現行之前線家暴服務不能接軌，期望政府認真正視同性伴侶家暴問題，並盡促於2009年內立法。

政府在條例草案中新加入對於同居關係之八元素審查，這正是對同性伴侶之明顯差別待遇！早於1986年，異性同居關係已經納入保障範圍之內，本港一直沿引普通法之案例作依據。不過當保障範圍加入同性同居關係後，卻在條例草案中訂明八元素以作定義，顯然是畫蛇添足、架床疊屋之做法。本會質疑當局這種寫法，實在明顯是對同性關係之差別待遇！

首個亞洲同性親密伴侶暴力行為研究 半數同性伴侶面對家暴

中文大學心理系與香港女同盟會合作，完成首個探討亞洲同性親密伴侶暴力行為的學術研究。香港女同盟會對於該《香港同性親密伴侶暴力行為研究》之結果表示認同及憂慮。該報告指出，49.9%成人受訪者曾遭同性配偶身體攻擊、身體損害及/或性暴力對待；其中12.7%受訪者更被「三重虐待」，即曾遭受三種不同形式虐待，包括身體、心理及性暴力。該研究於08年11月至09年2月進行，期間有效訪問339人。

對比本會在2006年12月至2007年2月間進行之「同性伴侶家庭暴力研究問卷調查¹」，高達33%同性伴侶曾遇到不同程度的家暴，同性伴侶面對家暴情況有增無減，加上求助困難重重，修訂家庭暴力條例，保障同性同居伴侶，顯得更刻不容緩。

家暴法仍有不足

香港女同盟會歡迎政府有意修訂《家庭暴力條例》，保障同性同居伴侶，該條例旨在提供民事補救，讓受虐者免受伴侶騷擾。

不過本會認為，最新修訂之《家庭暴力條例》仍有不足之處，香港女同盟會作為《改革家暴條例聯盟》成員團體，促請政府繼續跟進聯盟修訂建議，即：

- 一) 設立家庭暴力法庭，同時審理刑事及民事案件、處理物業令及保護令的申請；
- 二) 接受強制性輔導列入為判刑條款之中，判處被定罪的施虐者接受強制性輔導；
- 三) 以保護令及物業令取代強制令，並簡化申請保護令及物業令之程序。

¹ 「同性伴侶家庭暴力研究問卷調查」由香港女同盟會、香港十分一會、姊妹同志、香港彩虹及啟同服務社發起。報告摘要請瀏覽<http://www.wchk.org/dva2008/summary.doc>

憂慮前線服務不接軌

可惜根據《香港同性親密伴侶暴力行為研究》結果顯示，受虐者求助意慾非常低，僅 1.6% 以往曾尋求前線家暴社福機構之協助，因為他們擔心這類機構不懂協助、不會關心其問題，而且缺乏處理之經驗。

僅僅立法並不能解決同性家暴問題，本會期望：

- 一) 政府必須立即增撥資源，增加對同性伴侶家庭暴力受害人在庇護中心及熱線服務方面的支援，及在同志社區進行認識家暴之公眾教育；
- 二) 為前線社工、輔導員、警員提供同志友善意識提升服務，讓他們進一步了解同性伴侶家暴情況；
- 三) 增撥資源讓前線同志團體進行試驗性的「社區預防」工作，及早預防家暴。

香港同性親密伴侶暴力行為研究

結果簡表 (人數=339)

簡表一

| 受伴侶暴力對待的情況 | |
|--|-------|
| 曾受伴侶暴力對待 | 49.9% |
| 受伴侶身體攻擊的受訪者 | 38.9% |
| 受伴侶心理虐待的受訪者 | 74.6% |
| 受伴侶性威迫的受訪者 | 23.3% |
| 受伴侶暴力對待至受傷的受訪者 | 10.0% |
| 受伴侶暴力對待至嚴重受傷的受訪者 | 2.4% |
| 「三重受虐」 ^註 的受訪者 | 12.7% |
| ^註 包括心理虐待及同志身份心理侵害、身體攻擊及傷人、性威迫 | |

簡表二

| 受伴侶暴力對待的項目 | |
|-----------------------|-------|
| 被伴侶推撞或推開 | 28.3% |
| 被伴侶用刀或利器指嚇 | 3.5% |
| 被伴侶打 | 15.3% |
| 與同志身份有關的項目 | |
| 伴侶阻礙與他/她的同志朋友見面 | 20.1% |
| 伴侶威脅要向僱主、家人或其他人公開同志身份 | 4.4% |

簡表三

| 求助情況 | |
|-----------------------|-------|
| 曾向一般非政府機構求助 | 1.6% |
| 妨礙求助的原因 (最高比率的 5 個項目) | |
| 社會上缺乏處理同性伴侶暴力的機構 | 89.0% |
| 擔心向機構求助，有關機構不會關心我的問題 | 87.7% |
| 我覺得問題並不嚴重，我有能力處理 | 85.8% |
| 我不知道有甚麼機構可以幫到我 | 79.2% |
| 我對主流機構處理同性伴侶暴力行為沒信心 | 76.8% |

Women Coalition of HKSAR Position Paper
July 2009

Domestic abuse situation is alarming among homosexual cohabitants
Front-line supports to the situation have never met the growing demand

According to the first and the newest academic research on “same-sex intimate partner violence in the pan-Asia region”, conducted by the Department of Psychology of CUHK during the period of 2008/08 to 2009/02, findings in regard to the situation in Hong Kong is consentaneous to the previous alarming observations, as commended by one of the research partner organizations, the Women Coalition of HKSAR (WCHK, our group). Among the 399 valid respondents, aged 18 or above, 49.9% of the them had experienced physical assaults, body injuries, or/and sexual coercion. Astonishingly, among 12.7% of these victims had been exposed to “multiple-forms of abuse”, which mean physical assaults/injury, sexual coercion, and psychological abuse/LGB-identity salient abuse.

Compared to the previous survey on the same public issue (from 2006/12 to 2007/2) by our group², the aforementioned reports reflects that family violence experienced by same-sex intimate partners has been worsened, with a raise in 16.6% (from 33% to 49.9%) of victims among all valid respondents. It is generally formidable for these victims to seek legal help from the society. In fact, concern of raising the fundamental human rights of same sex partners are undeniable. The urge of re-legalizing the Domestic Violence Bill to include same-sex couples under the category of cohabitation relationship is un-neglectable.

Beyond the Amendments

Despite our group’s strong welcome to the recent enactment by the government to cover the rights of same sex cohabitants under the Domestic Violence Bill, there is still, however, inadequate. As a member of the Alliance for the Reform of Domestic Violence Ordinance, we would be glad if the legal sector will have follow up actions on the 3 main areas, including:

1. Establishment of domestic violence court facilitating with prosecuting cases of criminal or civil offenses, arguments on property rights, and issuing writs of habeas corpus.
2. Enforcement and execution of offender treatment programs, such as psychotherapy and education, as part of the sentence of verdict.
3. Replacement of injunction order of protection and property, and to simplify the issuing process.

Concerns on inadequate and lack of professionalism of front-line supports

² The survey was jointly conducted by Women Coalition of HKSAR, The Hong Kong 10% Club, Queer Sisters, Rainbow of Hong Kong, and Horizons, details please refer to: <http://www.wchk.org/dvo2008/summary.doc>

As shown by the CUHK research only 1.6% of the victims had seek help from social welfare groups about the abused. Most of the victims worried about the accountability, shortage of mutual insights and experiences in services offered by these groups. Thus more concrete actions and attentions are required further to the delivery of the legal rights. Our group strongly requests

1. Government can enhance the welfares for the benefits of the LGBTs community, including the establishment of domestic violence shelter services, hotlines, and education
2. More educations on social workers, instructors, police force to understand the domestic violence among the homosexual community.
3. More resources to different non-profit groups for homosexuals towards the work of domestic violence prevention by all possible means.

As a role model, we are going to collaborate with the Harmony House in providing services and education for front-line workers in order to improve the situation in the earliest time.