

**For discussion
on 12 January 2015**

Legislative Council Panel on Welfare Services

**Subcommittee on Strategy and Measures to Tackle Domestic Violence and
Sexual Violence**

**Definition, Identification and Assessment of
Domestic Violence and Sexual Violence**

Purpose

This paper briefs Members on the definition, identification and assessment of domestic violence and sexual violence cases.

Definitions of Domestic Violence and Sexual Violence

2. The current legal framework dealing with domestic violence and sexual violence is made up of provisions in various pieces of legislation, imposing criminal sanctions on acts of violence, or providing civil remedies to victims of domestic violence. For the criminal legislative framework, the Offences Against The Person Ordinance (Cap. 212) imposes 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, causing bodily injury by gunpowder etc, assaults occasioning actual bodily harm and common assaults; while the Crimes Ordinance (Cap. 200) imposes criminal sanctions on acts of intimidation, arson, destroying or damaging property and sexual offences including rape, incest, indecent assaults etc. The civil legislative framework includes the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189) (DCRVO), which provides civil remedies to victims of domestic violence and offers victims of domestic violence relief from molestation. As the abundant court cases built up both locally and in the United Kingdom with regard to the application of the DCRVO have confirmed that the existing DCRVO already applies to physical, psychological and sexual abuse, it is not necessary to define “domestic violence” and “sexual violence” in the DCRVO.

3. To assist the professionals concerned in handling each case in a holistic manner, the Social Welfare Department (SWD) has, in consultation with the relevant departments and organisations, developed multi-disciplinary guidelines, namely the “Procedural Guide for Handling Intimate Partner Violence Cases” and the “Procedural Guide for Handling Child Abuse Cases”, to assist the frontline professionals in handling child abuse, spouse/cohabitant battering and sexual violence cases in a professional and effective manner.

4. According to the “Procedural Guide for Handling Intimate Partner Violence Cases”, intimate partner violence refers to battering that occurs in a relationship between a couple who live or have lived together intimately. They maintain or have maintained a lasting intimate relationship, and are not just involved in a brief encounter. They can be married couples, co-habitees and separated spouses/co-habitees, etc. Intimate partner violence means that in using violence or the threat of violence, physical or psychological harm is inflicted with the effect of establishing control by one individual over another. There are many different forms of intimate partner violence, which includes physical violence, sexual violence and psychological violence¹. According to the “Procedural Guide for Handling Child Abuse Cases” child abuse is defined, in a broad sense, as any act of commission or omission that endangers or impairs the physical/psychological health and development of an individual under the age of 18.

5. As regards sexual violence cases, SWD has, in consultation with the relevant departments and organisations, drawn up the “Procedural Guidelines for Handling Adult Sexual Violence Cases”. According to the “Procedural Guidelines for Handling Adult Sexual Violence Cases”, sexual violence happens when a person is subjected to non-consensual sexual act or non-consensual exposure to such act. The subjugation can take the form of physical or non-physical force, threat of force, coercion, intimidation, duress or deceit. It can also happen when the victim is unable to express his/her wish owing to his / her age, mental capacity, fear, the influence of alcohol, drugs or other substances. It includes rape, attempted rape and marital rape, indecent assault, incest, being forced to engage in masturbation or oral sex, buggery, and indecent exposure. It may occur in public or in private place. The perpetrators can be members of the

¹ There are different forms of intimate partner violence, and a person may be subjected to more than one form of violence:

- (a) Physical violence: punching, slapping, biting, choking, kicking, burning, throwing acid, assaulting with a weapon and setting fire. Other forms of physical violence may include forcing alcohol and / or drug use, or any dangerous or harmful use of force or restraint, etc. There may be no obvious physical injuries, or there may be bruises, cuts, broken bones, internal injuries, disfigurement, disablement and even death;
- (b) Sexual violence: coercing or attempting to coerce any sexual contact or behaviour without consent. It includes marital rape, all forms of sexual assault, or involvement in any undesirable sexual acts, etc; and
- (c) Psychological abuse: Psychological abuse is defined as recurrent aversive or coercive acts, intended to produce emotional harm or threat of harm.

family, relatives, acquaintances or strangers.

6. The above-mentioned three sets of guidelines have been provided to different parties concerned (e.g. police officers, social workers, medical and school personnel) for use. The guidelines elaborate in detail the definition of different types of cases, impact of spouse/cohabitant battering on the victims and children, characteristics of batterers, risk assessment and risk factors, suggested questions to assess victim's situation and needs of the sexual violence victims etc. SWD will update the guidelines with input from the relevant professionals.

Identification and Assessment of Domestic Violence and Sexual Violence Cases

Domestic Violence Cases

7. An intimate partner violence case may be brought to the attention of relevant welfare service units of SWD and non-governmental organisations (NGOs) through direct approach by the victim or his/her family member(s), referral from the Hong Kong Police Force (the Police), medical professionals, hotline services, government departments, other welfare agencies, schools, kindergartens, child care centres and the community stakeholders, etc. SWD has set up the Family and Child Protective Services Units (FCPSUs), which are specialised units manned by experienced social workers dedicated to handle domestic violence cases. Upon receipt of a domestic violence case, the social worker will assess the case and need according to the relevant guideline, and provide a co-ordinated package of one-stop service for the victims, their families and batterers. A multi-disciplinary approach is adopted to provide necessary support for the victims and their children to help them tide over the difficult period, lessen trauma associated with violence and live a new life. Counselling services will be provided to batterers so as to help them change their abusive attitude and behaviour. Social workers of FCPSUs perform the role of a case manager to coordinate a wide range of services and assistance including crisis intervention, short-term accommodation at refuge centres or other crisis centres, counselling, clinical psychological services, medical treatment, housing assistance, financial assistance, etc. FCPSUs would also provide outreaching and crisis intervention services for the abused child and his/her family members so as to reduce the trauma brought by the abuse incident. Social workers would assess the emotion, psychological and family situation of the abused child comprehensively and arrange counselling (individual or in group), clinical psychological service and support services to him/her and his/her family according to their needs. If necessary, social

workers would provide statutory protection to the child.

8. At present, there are a total of 65 Integrated Family Service Centres (IFSCs) over the territory run by SWD and NGOs to provide a spectrum of preventive, supportive and remedial services. Each IFSC serves a well-defined geographical service area under the guiding principles of easy access, early identification, integrated services and partnership. IFSCs provide integrated services for individuals and families according to their needs as assessed, which may include family life education, parent-child activities, enquiry services, volunteer training, outreaching services, groups and programmes, counselling services, service referrals, etc.

9. IFSCs maintain close collaboration with government departments/organisations concerned (e.g. Department of Health (DH), Hospital Authority (HA), Housing Department and the Police), other social welfare service units, schools, clinics, District Councils, community organisations in the district through regular liaison (including visits, meetings and sharing sessions).

10. Moreover, to enhance connection with vulnerable families, especially those who are unmotivated to seek help to address their problems, SWD has since 2007 launched the Family Support Programme (FSP) in IFSCs/Integrated Services Centres², FCPSU and Psychiatric Medical Social Services Units. FSP aims to proactively reach out to vulnerable families, including families at the risk of domestic violence. Under FSP, social workers introduce to the needy families (through telephone contacts, home visits and other outreaching service) various support services available and motivate them to receive appropriate services to prevent further deterioration of their problems. Volunteers including those who have gone through similar problems or crises are recruited and trained to contact these families to form a network of community care and support.

11. At the same time, the Police treat all Domestic Conflict Reports (DCR) seriously and with sensitivity, in pursuit of the dual aims of preventing further abuse and prosecuting offenders. Upon receipt of a case of domestic conflict, the Police will classify the case into the three categories of DCR, namely domestic violence (crime), domestic violence (miscellaneous) and domestic incidents, reflecting the degree of seriousness of the report. Domestic violence (crime) refers to all violent crime cases, such as murder and manslaughter, wounding and serious assault, rape, indecent assault, criminal intimidation, criminal damage, possession of offensive weapons, etc. Domestic violence

² The two Integrated Services Centres in Tung Chung area operated by NGOs provide comprehensive and integrated services to residents to fulfill their multifarious needs, including the needs of children, youth, persons with disabilities, adults and elderly in the community.

(miscellaneous) refers to cases of common assault and cases involving a “breach of the peace”. In order to expand the protection net and to fully reflect the overall situations of domestic conflict, the Police created the domestic incidents category in January 2009 to include all non-violent incidents occurring in a domestic context, which are without any crime element, common assault or breach of the peace, such as dispute, nuisance, annoyance, distress or argument, etc. The relevant statistics of DCR are at Annex A.

12. To ensure a proper classification as well as early identification of problematic families, an officer of the rank of Sergeant or above shall play a supervisory role at the scene of each case of domestic conflict to ensure that the case is properly handled and accurately classified. If the suspect and victim have been involved in a recent report of a similar nature, the investigation team which handled the earlier case will take over the new case for an integrated investigation of all reports involving the same family, so as to make decisions upon a better understanding of the overall circumstances.

13. Each police district has at least one “Designated Domestic Violence Unit” for investigating all serious domestic violence cases, and the “high-risk” non-crime domestic violence cases identified are handled by crime investigation units. The “Emergency Referral Questionnaire” and the “Action Checklist” have been adopted as instruments to assist the frontline officers in identifying the risk factors and taking appropriate actions. Moreover, the “Enhanced Central Domestic Violence Database” has an added feature of generating “bring-up” messages instantly, alerting the frontline officers to the risk factors previously identified in relation to the persons involved (such as records of suicide attempts or mental illness). The database has also been boosted with the inclusion of an alert system to heighten capabilities of the management at district and divisional levels in monitoring high-risk cases.

Sexual Violence Cases

14. We recognise the uniqueness and importance of the services provided to victims of sexual violence. Various measures have been adopted to improve its services e.g. setting up inter-departmental working group, implementing new service model, developing new procedural guidelines, setting up case information system and webpage of support to sexual violence victims, etc. A new service model was introduced in 2007, and its key element is that a designated social worker will serve as the case manager to coordinate and provide a range of support and follow-up services, including immediate support, counselling services, reporting to the Police, arrangement of medical treatment and forensic examination, as well as escorting and accompanying the victims to go through all necessary procedures.

15. The designated social worker will provide 24-hour outreaching services, regardless of the district or department where the victim approached for services. To enable victims to receive service and go through all relevant procedures in a convenient, safe, confidential and supportive environment and minimise the need for the victims to repeat their unpleasant experience, SWD will enhance the collaboration between different departments and services units in providing person-centred and one-stop service.

16. As an integral part of this new service model, the Multi-purpose Crisis Intervention and Support Centre (CEASE Crisis Centre) has been set up by SWD in 2007 to provide crisis intervention and support services (including short-term accommodation) and to liaise with the relevant social and medical service units for victims of sexual violence and domestic violence as well as individuals/families who are in crisis or distress.

17. As in the case of DCR mentioned above, the Police treat all sexual violence reports seriously and with sensitivity in pursuit of the dual aims of preventing further abuse and prosecuting offenders. In line with the multi-agency and cross-sectoral approach, the Police will refer sexual violence victims to relevant government departments and NGOs for comprehensive support services.

18. Upon receipt of a sexual violence report, the police officer will ascertain whether the victim is injured or requires immediate medical attention and arrange for the victim to receive treatment in the nearest public hospital if necessary. The police officer will arrange for an officer of the same sex as the victim and trained in dealing with sexual violence to interview the victim. During investigation, the interviewer will avoid further traumatising the victim and give the victims' needs the primary consideration. The police officer will introduce to the victim the one-stop service for adult sexual violence victims aged 18 or above provided by CEASE Crisis Centre and RainLily. If the victim consents, the police officer will arrange for the designated social worker to provide immediate assistance to and crisis intervention for the victim so that he/she will receive the most suitable and timely welfare services. If the victim requires immediate medical attention and is conveyed to the hospital, the police officer will inform the Officer-in-Charge of the Case (OC Case) and the duty pathologist of the situation so that the OC Case and duty pathologist would assess the possibility to take statement and conduct forensic examination with the victim at the relevant hospital. If the police officer considers that the victim is unable to give a coherent statement owing to shock or emotional problems, urgent advice and assistance from the Police Clinical Psychologist might be sought.

19. To ensure that sexual violence victims would receive appropriate and professional service, the Police continue to enhance the training provided to the frontline officers and update the procedures for handling of sexual violence cases, with a view to enhancing their professional sensitivity and capability to assess the needs of sexual violence victims accurately.

Other Relevant Efforts

Publicity and Public Education

20. To enhance the public's understanding of the issue of domestic violence, SWD has since 2002 launched a series of territory-wide publicity and district-based programmes on "Strengthening Families and Combating Violence", so that the public will be better aware of the problem of domestic violence. Various media channels have been used to publicise the messages, including broadcasting of docu-dramas and publicity videos on TV, showing education short films/animations on transportation systems, posting up posters at public venues and transportation systems, organising games and competitions through the Internet, and distribution of promotional leaflets and premiums, etc. District-based public education programmes and activities have also been organised from time to time by District Social Welfare Offices of SWD in collaboration with NGOs.

21. The Family Life Education Resource Centre (FLERC) of SWD develops and provides training kits and information on family education for both SWD and NGO service units providing family education services, with a view to promoting family functioning, strengthening family relationship and preventing family breakdown.

Training for different disciplines

22. SWD provides social workers and other professionals with a wide spectrum of training programmes ranging from prevention to treatment regularly, so as to enhance the competency of frontline personnel in promotion of family cohesion, prevention of domestic violence and sexual violence, early identification and early intervention in crises as well as provision of appropriate follow-up services. The training contents include professional knowledge and skills on enhancing family relationship, identification of risk factors, risk assessment, crisis intervention, handling of domestic violence and sexual violence, etc. In 2013-14, SWD provided relevant training for about 7 000 social workers and other professionals (such as police officers and medical personnel).

23. In order to enhance police officers' professionalism in dealing with domestic and sexual violence cases, the Police provide police officers with regular and ad-hoc training on the handling of relevant cases, covering the relevant legislation, investigation procedures and techniques, communications with victims, professional and gender sensitivity, etc. Elements of professionalism and sensitivity training are also included in various regular courses such as the "Foundation Training Course for Probationary Inspector and Recruit Police Constable", "Criminal Investigation Course (Standard & Advanced)", "Promotion and Development Courses", "Child Protection Special Investigation" and "e-Learning", while ad-hoc training sessions include "Seminar on Handling of Domestic Violence Case", "Sensitivity Training (Briefing Sessions on Domestic and Cohabitation Relationships Violence Ordinance)", "Force-wide Domestic Violence Training Day Package" and "Knowledge Café – Updated Development of Handling Domestic Violence & Domestic Incidents". In addition, a training video entitled "Handling of Domestic Abusive Crime" has also been produced to promote professional sensitivity to the handling of domestic and sexual violence cases.

Conclusion

24. The Government does not tolerate domestic violence, and has adopted a cross-disciplinary model and a multi-pronged strategy to tackle domestic violence, which enable the Police, SWD, the relevant government departments and NGOs to timely intervene in domestic violence cases in order to stop the batterers' abusive behaviour and provide necessary support to the victims and their families. In order to monitor the trend and understand the characteristics of domestic violence and sexual violence cases in Hong Kong so as to facilitate the formulation of related measures and services, SWD has set up the "Central Information System on Spouse/Cohabitant Battering Cases and Sexual Violence Cases" to capture information of spouse/cohabitant battering cases and sexual violence cases reported by different parties (including the Police, HA, SWD and NGOs, etc). SWD has also set up the "Child Protection Registry" to capture information on child abuse cases. The findings are reported to the Working Group on Combating Violence and the Committee on Child Abuse³, and shared with relevant departments/organisations regularly. The number of newly reported domestic violence and sexual violence cases received by SWD are at Annex B.

³ The Committee on Child Abuse and the Working Group on Combating Violence, chaired by the Director of Social Welfare and comprising representatives from the Police, Education Bureau, HA and NGOs, etc, have been set up to map out strategies to tackle the problems of child abuse, spouse/cohabitant battering and sexual violence.

25. Over the past few years, we continue to put in new resources, such as providing additional manpower for FCPSUs and Clinical Psychology Units, developing batterer intervention programmes, enhancing support for the refuge centres for women and crisis centre, improving after office hours outreaching services, implementing the Victim Support Programme for Victims of Family Violence, as well as enhancing professional training and public education. These new services and improvement measures will be conducive to strengthening the preventive, supportive and specialised services for victims of domestic violence and sexual violence, as well as families in need.

Advice Sought

26. Members are invited to note the content of this paper.

**Labour and Welfare Bureau
Social Welfare Department
Hong Kong Police Force**

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Annex A

Number of Domestic Conflict Reports

From 2011 to end September 2014, the number of domestic conflict reports provided by the Police are listed below –

Year	2011	2012	2013	2014 (January to September)
Domestic Violence (Crime) Cases	1 928	2 002	1 870	1 292
Domestic Violence (Miscellaneous) Cases	892	872	676	479
Domestic Incidents	11 770	12 181	12 097	8 753
Total	14 590	15 055	14 643	10 524

Annex B

Statistics of Domestic Violence and Sexual Violence Cases

From 2011 to end September 2014, the number of newly reported domestic violence and sexual violence cases received by SWD are listed below –

Year	2011	2012	2013	2014 (January to September)
Spouse/Cohabitant Battering Cases	3 174	2 734	3 836	3 012
Child Abuse Cases	877	894	963	634
Sexual Violence Cases	341	238	681	874