

Support services for FDWs who are victims or witnesses of violence in a domestic setting

Submission to the LegCo Subcommittee on Strategy and Measures to Tackle Domestic Violence and Sexual Violence

Submitted by the Mission For Migrant Workers (MFMW Limited)
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1. Around 320,000 foreign domestic workers are in Hong Kong now, but the current laws and policies provide insufficient protection of the rights of these migrant workers. The live-in policy in particular makes it mandatory for foreign domestic workers to live with their employers, making them especially vulnerable to violence in a domestic setting.
2. According to WHO(2015), the definition of violence is “ the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.” Basically, it can be interpreted as the physical, psychological, mental and spiritual harm caused to both victims of violence or the on-lookers of violence in domestic setting.
3. From the experience of the MFMW, about 14.2% of police cases received in Bethune House (a migrant women’s shelter) in 2014 include physical and sexual abuse and harassment. It is believed that there are many more abuse cases go unreported.
4. The Domestic and Cohabitation Relationships Violence Ordinance, which provides civil redress for victims of domestic violence, currently only covers spouses/former spouses, other relatives, and cohabitants/ former cohabitants. Other categories of people sharing the same residence, including foreign domestic workers, are equally vulnerable to domestic violence. Yet they are not included in the Ordinance, and their aggressors can only be prosecuted under defined criminal laws. Such victims are insufficiently protected, especially when the form of violence they suffer is not a criminal offence, such as verbal abuse and stalking. Therefore there should be legislation providing for the protection of such victims, for example, by allowing them to apply for an injunction restricting their abuser from further harassments.

5. Domestic violence can have serious impact not only on the direct victims of abuse, but also on the witnesses of such violence. Domestic workers can be witnesses of domestic violence committed between or among members of the employer's household. As a result, they are psychologically and mentally affected and possibly disturbed. Such effects should not be underestimated. Therefore, support services should also be provided for foreign domestic workers who are witnesses of domestic violence such as free counselling, and education on how to report cases of violence as well as to protect themselves.

6. Domestic workers need various kinds of support, including financial support, when violence happens to them. During the period when they are in Hong Kong waiting for their case to be investigated, they need to pay for food, accommodation, transportation without having any income at the same time. Their situations are comparable to those of asylum seekers and torture claimants. There should be a programme supported by Social Welfare Department (SWD) which would provides allowance in food , accommodation, transportation, toiletries, clothing and medical waiver. Domestic workers victimized by violence and are unemployed should be provided these when they are pursuing cases. In general, the government should provide more assistance to FDWs who are victims of domestic violence, instead of relying on NGOs which have limited resources.

In summary, therefore, we have the following recommendations:

1. There should be legislation providing protection for migrant workers who are victims of domestic violence, such as allowing them to apply for an injunction restricting their abuser from further harassment.

2. Support services should also be provided for foreign domestic workers who are witnesses of domestic violence such as free counselling, and education on how to report cases of violence as well as to protect themselves.

3. There should be government support to fund shelter and living allowance to migrant workers who are victims of domestic violence while they pursue their cases.

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