

The situation of DOMESTIC VIOLENCE AGAINST WOMEN in Hong Kong

Responding to the

INITIAL REPORT of THE HKSAR on CEDAW

Article 5 : Stereotyping and Prejudices

“Protection to Women Against Violence”

*By Edith Chang, Executive Director of
HARMONY HOUSE LIMITED*

A) INTRODUCTION

In different culture or societies, women are explicitly or implicitly regarded as subordinate to men and are expected to perform sex-stereotyped roles and functions in a couple relationship or social relationships. These traditional values do not only form justifications for men to use violence against women when their power are being challenged; to prevent public to protect or rescue women from violence; but also inhibit women's rights for freedom in their personal development.

Domestic violence against women is a common form of gender-based violence and was brought to public's attention in United Kingdom and United States in the late 70's. However, the issue was only made aware to the Hong Kong population in the mid-80's. In the past fifteen years, though legislation was established and social services was provided, the approach and perspective adopted are 'family integrity' which confines women in the prescribed role of caretaker, functional supporter to men.

B) SIZE and SEVERITY of the PROBLEM

According to the statistics of Harmony House Ltd., a non-government organization concerning itself with the problem of domestic violence against women, around 2,000 women and their 2,500 children were admitted in the shelter (with capacity of 40 women and children at any time) and around 30,000 hotline calls were received in the past thirteen years of operation.

The above statistics only reveals the tip of the iceberg. All along, the size and severity of the problem of domestic violence against women is not known as there is no central record system set up by the Hong Kong government to register the cases. It reflects the low priority and concern that the Hong Kong addressed to this social problem.

Until the formation of interdepartmental Working Group on Battered Spouse in April, 1995, a central statistical system on Spouse Battering was set up in 1997. In 1997/98, 1,200 cases are registered and amongst them, 1,153 victims (96.1%) are women. The statistics clearly reflects that domestic violence is a gender-based violence in which woman is often the victim. In fact, we still believe that there are many more unreported cases hidden behind the doors of 'family secret' and restricted by the male chauvinism.

C) CURRENT PROVISIONS AND RECOMMENDATIONS

In the HKSAR initial report on CEDAW, *violence against women* is particularly mentioned under **Article 5 - Stereotyping and Prejudices (para. 28-39)** in which the government stated out the existing measures to protect women against violence in three areas :

- Legislation
- Special Training
- Service Provisions

In the following, we shall examine the existing situation and further propose recommendation in respect of the three aspects.

I) Legislation

The Crimes Ordinance, Offences Against the Person Ordinance and Domestic Violence Ordinance are described as the legislation protecting women against violence. Except the Domestic Violence Ordinance, the former two ordinances in fact are the general laws protecting anyone in any relationship in the society.

a) Legislation on Stalking

As for the Domestic Violence Ordinance, it only deals with physical abuse with injuries for couple in marital relationship. However, for those who are not in marital relationship such as ex-husband - ex-wife, boyfriend - girlfriend, or the form of abuse being psychological such as threat and social isolation or sexual, legal protection under this ordinance is not granted. Therefore, the *legislation of 'stalking'* should be supplemented and enforced.

b) Legislation on Marital Rape

According to the statistics of Harmony House Ltd., 37% of the admitted women in 97/98 are sexually abused by their partners. Many expressed that their partners would regard sexual intercourse as the women's obligation to men even though violence or force is involved, or sexually disease is transmitted. Not like other countries such as United Kingdom, women in marital relationship in Hong Kong are not protected with the *legislation on marital rape*. They can only tolerate the rapist of husband.

c) *Mandatory Counselling for Abusers*

Domestic violence against women in Hong Kong is often dealt in passive protection of women. However, alternate intervention in proactive manner has never been explored. *Mandatory counselling* for abusers should be thoroughly examined for further prevention of domestic violence..

d) *Mandatory Reporting on Domestic Violence*

According to the statistics of Harmony House Ltd., more than half of the women admitted to the shelter (50.3% in 97/98) tolerated the abuse for more than five years until the frequency and severity of abuse increase to the extent they cannot tolerate, or abuse is spread to the children. *Mandatory reporting* of domestic violence allows early intervention and reflects government's concern to the problem..

II) Education and Training for Professionals

a) Police

In the HKSAR Report on CEDAW, police is emphasized as they are always the first line of professionals in handling cases of domestic violence. In the past year, the Hong Kong Police Force did initiate an operation guideline and internal training for their force to strengthen police's role and skills in this aspect. It is also true that Harmony House Ltd. had provided training to their 1,600 officers; however, the agency relying on donation and facing financial difficulties did not receive any training fund from the police or the government.

Although training is provided to the police, only 15% of the women admitted in the shelter of Harmony House Ltd. in 96/97 considered police's intervention as effective in helping them to stop further violence. Many expressed that police were called many times and the women were suggested to tolerate more, to shape up themselves, for the sake of family integrity. The police's predominant values that 'domestic violence is only a family dispute' and 'women's toleration as solution to the problem' often keep women in violent situation.

b) Legal and Medical Professionals, Social Workers

The similar values do not only exist among police but also other professionals such as judges, lawyers, social workers and medical staff whom the women in domestic violence usually seek help from. Continuing *Education and training*, not so much on procedure, but *on value, attitude, understanding and sensitivity towards the women in domestic violence* is far more important in the elimination of discrimination against women. In this aspect :

1. Legal Department,
2. Legal Aid Department,
3. Social Welfare Department
4. Other NGOs in social service
5. Hospital Authority
6. Hong Kong Police Force

should take a more initiative action to bring in specialized people for training.

III) Social Service Provisions

Although in the HKSAR report on CEDAW, a wide range of services are said to be provided to protect women against violence, much shortfalls are identified :

a) Generic vs. Specificity in Nature of Services

Except the services of the three temporary shelters and the two hotlines operated by the NGOs, all other services are generic for any one in the public. If the women do not have a thorough grasp of the specific service, they need to search their way in the sea of services before appropriate help is received.

b) Short of Funding

The situation was made even worse the hotlines which function as the crisis lines for women in domestic violence, do not receive any funding support from the government for manpower or publicity. This further creates hurdles for these NGOs to make services known to the needy women.

On the other hand, the only one community education project (Family Ideal Community Education Project of Harmony House Ltd.) focusing on the prevention of spouse abuse is not subvented by the government at all.

c) Family vs. Individual Perspective in Service Provision

Almost all the social services are provided with the fundamental value of ‘*Family Integrity*’. For example, the child care services are provided with the belief that women’s prescribed role in the family as child caretaker. The insufficient provision of child care services always inhibit women’s, but not the men’s opportunities to be employed in the labour market.. This makes women to be financially dependent on their partners and deprives them from the choices in other personal development.

Another example is the community education for the prevention of domestic violence against women. Family life education is provided with the focus of harmonious family whereas the TV and Radio announcement, publication of poster and pamphlet by the Working Group on Battered Spouse emphasize help seeking at early stage. However, no messages on gender equality in relation to violence against women was propagated.

d) *Fragmentation vs. Multi-disciplinary Network of Services*

Although there seem to be comprehensive range of services for women in domestic violence, services are in fact fragmented, without perspective in multi-discipline and co-ordination among various government and non-government bodies. The women have to rely on themselves to search their way out through from one to another organization.

A woman shared that she has reported to police five times, gone to hospital twice, seen to social workers many times before she knows about the information on shelter of which she finds it the most important and imminent resource she needs. *Multi-agency streamlining* should be examined to enhance service integration.

D) OTHERS

Mass media is an effective and influential means of community education. In Hong Kong, although the Equal Opportunities Commission is responsible to administer the Sex Discrimination Ordinance, it is very common to read across many discriminative terms degrading, humiliating or sexually objectifying women in the daily press. This already helps to create and uphold the massive culture of male chauvinism and destroy the survival and growth of values and attitude in gender equality.

In fact, education on gender equality should be incorporated in the formal curriculum of education system, even beginning at early childhood.

E) CONCLUSION

The Convention on the Elimination of All Forms of Discrimination Against Women was extended to Hong Kong in order to promote gender equality complying with Human Rights. To implement the convention, the Hong Kong government holds the responsibility to take a more proactive rather than reactive role in the:

- establishment and enforcement of legislation,
- improvement in service quality, provision and integration
- education for public and professionals
- setting up central pool of funding

In order to achieve this, the government should set up a ***Central Mechanism such as Women's Commission*** to oversee women's issues, to formulate policy for women and to monitor service implementation.

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