

22 January 2018

**Submission to the Legislative Council's Subcommittee on Children's Rights
"Rights of children affected by domestic violence"
(23 January 2018)**

1. The numerous tragedies afflicting children in Hong Kong where abuse towards them has resulted in their death, serious harms and injuries and life-long psychological impairment have also called attention to our broken system where law, policies, frontline responders and the social welfare system in general failed our children.
2. Research reveals that the vast majority of children in families where domestic violence is prevalent are likely to be the targets of polyvictimisation, where they are themselves abused in various forms, ranging from psychological to physical abuse. This includes exposure to domestic violence perpetrated towards another family member.
3. Moreover, various tragedies over the years have demonstrated how cases involving child homicides or double homicides involving the mother and child(ren) or murder-suicides represent a complexity of issues where domestic violence often overlaps with child maltreatment or abuse. Data also suggests that families with particular characteristics in relation to socioeconomic status or a history of intergenerational violence are at a greater risk of manifesting a pattern of abuse.
4. In many of the cases that have come to light, most disappointing of all is the fact that the families had been on the radar of the social welfare department and yet, timely assistance or missed signs or a failure to conduct timely predictive assessments or take necessary action to ensure the safety of victims and their children has led to the tragedies that have shaken public confidence in the government's commitment to the intractable nature of violence perpetrated towards the most vulnerable people in our communities.
5. Despite this knowledge, however, the recent spate of tragedies reveals a critical and dangerous lack of coordination across government departments. The current framework spells a disparate response system which is haphazard and exposes victims to many gaps, any of which could lead to burdening them with dangerous risks of future victimisation.
6. For one, departments continue to treat incidents as one-off circumstances without factoring in the signs that predict a steady escalation of the risk and potential of future violence. This broken system is in dire need of an urgent systemic and community-based collaborative response model that can effectively prevent and protect against violence and proactively rehabilitate perpetrators to eliminate threats of future violence. This can be achieved when government agencies establish a coordinated inter-agency response to identify at-risk victims particularly children, based on family violence case histories and prevent future violence or its escalation. In doing so, they can prevent, and intervene to address violence by ensuring the safety of victimised mothers but also their children and target the batterer for rehabilitation to ensure an environment free from violence.

7. There is a need for a comprehensive review of the various interlocking issues which emerge in complex circumstances when families encounter violence at home. The aim of measures to tackle such violence must be operative at the community level, institutionalised social response level (child welfare, social services, teachers, doctors) and the law enforcement level through the police and officers of the courts such as judges, lawyers, etc..
8. All policies and interventions must be designed with a view to achieve safety first and foremost, followed by ensuring the well-being of the individuals concerned and to provide stability for a long-term sustainable safe family environment for all those concerned. To achieve this, the system must recognise multiple points of entry into the public record to seek assistance. For example, hospitals should have co-located services for child welfare, legal assistance and other social welfare support in case of need based on victimised women seeking emergency services. Likewise, courthouses should have linkages with law enforcement, shelters, social services to ensure that families in court dealing with criminal or civil charges where violence has erupted, need not experience a ‘service gap’ before it was too late and tragedy strikes. In many such cases where violence remains unanticipated, children end up entering the foster care system needlessly and end up ageing through the system until they are 18.
9. Frontline personnel from across the industries need training and cross-sector training where they are in positions of authority vis-à-vis children or have access to or serve in professional contexts families or children in relation to health, education, legal protection or legal rights, and the provision of welfare. This knowledge about their own role and the roles and responsibilities of others in the system can equip them to can identify at-risk persons, conduct assessments and referrals effectively and seek or implement appropriate safety interventions early on to avert tragedies. Such protocol should be mandatory so that there is a benchmark of expected best practice to meet the highest standards to service those at greatest risk.
10. A multipronged and multidisciplinary approach enlisting the cooperation of interagency affiliates is imperative to ensure that there are relationships, agreements and protocols in place to address in a comprehensive, the diverse needs of various families who are in need. Despite the existence of multidisciplinary case conferencing in Hong Kong, there remains much to be desired of the system due to the lack of accountability for the mechanism, or recommendations and follow-up action, especially in the event that something goes wrong. Accountability is key to ensuring the effective monitoring, implementation, and evaluation of the system.
11. To support such a system, there is a need for cross-sector training to build capacities to deliver effective responses across diverse family circumstances and create safe environments for victims of violence and their children. Furthermore, strategies, knowledge and protocols as well as case studies need to be shared regularly across industries to build new and innovative alliances and approaches to foster greater

collaboration to work towards a shared understanding of the resources and skills to develop capacities for effective responses.

12. The general support system and measures for domestic violence victims seldom take into account the circumstances of the accompanying children who will be visiting with the victims, various child support service agencies, or shelters, or courts, etc. All such agencies and their frontline staff require effective training and leadership development skills to develop the necessary know-how on reception, resource allocation and appropriate service provision for families with diverse needs. This means enhancing the level of support available to women *and their children*, including ensuring that there are linkages with relevant child welfare service agencies, medical personnel, schools, courts or legal professionals who may assist in the development of appropriate strategies, advice and safety planning pertaining to legal resolutions in respect of the family situation, visitation or other rights that may become the subject of legal contention, child custody and housing, education or financial sustenance.
13. Children should not be an afterthought especially in the face of the data that we now have which clearly demonstrate the nexus between domestic violence and child maltreatment, polyvictimisation and the propensity for children who witness violence to carry that cycle of violence on in their lives with their own spouses or children or parents.
14. In order to ensure that children do not become the casualties of a poorly conceived, resourced or implemented system in Hong Kong, I propose the following recommendations.

Recommendations

15. Establish a Children's Commission with the mandate to work with government agencies and departments and all those involved in working with children to ensure that law, policy and social services are regularly reviewed and assessed for their impact on the rights of children, including the most vulnerable groups of children such as children with disabilities, impoverished children or those who are sexual or ethnic minorities or refugees. Such a body with a complete mandate and oversight of all issues impacting children will enable it to develop a comprehensive understanding of the interconnecting issues which contribute to the systemic vulnerabilities experienced by children in Hong Kong. This body could advise relevant government bureaus and departments as to their compliance with various laws and guidelines before policies are developed and implemented; conduct impact assessments and assist various units in the development of appropriate policies to achieve targeted change at a systemic level to improve the lives of all children in Hong Kong.
16. Develop a standardized protocol to trigger responsibilities of different professional agents across sectors to act in circumstances involving family crisis to ensure universality of frontline responses and more effective collaboration.
17. Develop a cross-sector screening tool to identify and assess risks of violence and escalation to enable preventive and protective strategies against violence across professional sectors and to enhance universality and integrated approaches to inter-agency responses, cooperation and implementation of protocols.

18. Develop and implement cross-sector training to implement aforementioned strategies and develop agreement protocols between agencies to enhance collaboration and monitoring to close the service or support gaps routinely experienced by victims and their children.
19. Developing a child-centered approach to ensuring that their needs and rights are prioritized above those that are factored into decision making in families where conflict or violence is rife.
20. Pending the implementation of these recommendations, as a matter of good practice the Administration should:
 - (a) enhance measures for curating best practices in assessment, development, implementation and review of policies to address domestic violence, in particular, where children are concerned (other variables often impact the capacity of victims in such circumstances, such as their socioeconomic background, racial, ethnic or religious identities, etc; these ought to be taken into account);
 - (b) monitor and review the protocols developed by each department who is charged with providing family support services at various junctures;
 - (c) enhance data collection and transparency by facilitating publicly accessible data sets with respect to the situation of family violence and child maltreatment in Hong Kong;
 - (d) regularly review the performance of different units with respect to the policy impact on victims of domestic violence and children from abusive families to ensure they have regular access to meaningful support and services; and
 - (e) introduce a performance and accountability pledge through benchmarking for all units concerned with the eradication of family violence and to protect every child;

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