

2nd October 2015**Press Release: HKU Empirical Study on Help-Seeking Behaviour of Ethnic Minority and Immigrant Victims of Domestic Violence Reveals Institutional Incompetence of Frontline Responders**

Existing protections and institutional capacities to effectively combat domestic violence continue to be challenged by cultural and religious frameworks that predominate individuals' private and public lives. Inadequate attention to the differences in value systems (internal factors) and personal circumstances that impact the capacities (external factors) of ethnic minority or immigrant victims to access relief measures effectively forces the women to live at the peripheries of society, in isolation and grossly vulnerable to future violence and at risk of falling through 'the justice gap'.

The Director of Centre for Comparative and Public Law at the University of Hong Kong, Ms. Puja Kapai, critically examined the assumptions underlying existing laws and policies governing protection against domestic violence in a recent Study. Upon an intersectional impact assessment and analysis of the responses of 100 participants, the findings in the Study bear out the importance and indispensability of accounting for factors that impact help-seeking behavior of ethnic minority and immigrant women, including race, culture and religion, language barrier, financial dependence on their partners, immigration status, their perceptions of the legal system and frontline responders to domestic violence, and lack of relevant legal and practical knowledge. Furthermore, institutional incompetence of frontline responders on multiple levels often deters ethnic minority victims from seeking help from existing resources when they face domestic violence.

General Lack of Cultural Sensitivity and Trust of Frontline Responders

Frontline responders for domestic violence victims include social workers, police officers, health-care providers, shelter staff, etc. Despite the availability of services catering for domestic violence victims, most domestic violence services lack sensitivity to the cultural attributes of victims, which have a significant impact on their help-seeking behaviours and in turn the relevance of these services for them. This bars them from meaningful access that is effective at securing their ultimate safety against future violence. For example, several ethnic minority victims in the Study reported that social workers, shelter staff and frontline NGO workers insisted on victims filing for divorce before they were willing to provide the victims with assistance in terms of seeking compassionate housing, education for their children and access to other basic needs. Instead of operating on stereotypes and unfounded assumptions that all victims should behave in a particular manner if they are serious about receiving protection and services, service providers should ensure that options available are meaningfully designed to take into account their survivability in light of their cultural, religious, and community commitments as well as their capacities for financial independence and the impact of their limitations on their future safety and courses of action that are open to them.

As most ethnic minority women are also immigrants, the women found that police are likely to be affected by stereotypes that immigrant women are "a burden on society" with "low earning ability" and "unreliable"; hence police were often skeptical of their accounts of domestic violence and played incidents down, often encouraging victims to reconcile with the perpetrator and to be 'a good wife'. Even where ethnic minority women are not immigrants and are indeed permanent residents in Hong Kong, the perception of them as "non-local", and earning a lower income than the Chinese population in Hong Kong, renders them susceptible to similarly stereotypes pertaining to their honesty, their reliability and their 'entitlement' to access public resources.

Amongst the service providers in Hong Kong, only 20% were aware of women's rights, 55% were aware of equality laws, 40% were aware of domestic violence laws and a glaringly low 12.5% were familiar with relevant criminal provisions. This is worrying as frontline service providers could put clients at risk by providing unreliable or misguided advice. It is unlikely that they can discharge the important role of advising safety response plans for ethnic minority victims given their critical lack of relevant knowledge.

Language Barrier and Unprofessional Interpretation Services

The Study also shows that language barrier is a big obstacle that impedes ethnic minority victims' access to assistance. It is therefore important to ensure that information about support services is available to these victims in an accessible language and medium. While the information on services for domestic violence victims on the Social Welfare Department's (SWD) website is provided in ethnic minority languages, much other information provided by service providers is not available in ethnic minority languages. For instance, in 2014, the SWD produced new Announcements in the Public Interest (APIs) on preventing domestic violence to raise awareness that domestic violence can result in lasting psychological damage to children. However, these APIs are not available in ethnic minority languages.

Another issue mentioned in the Study is the utilization and quality of interpretation service. SWD's usage of government-funded interpretation services in 2013 to 2014 is glaringly low – 3.5% of the total Telephone Interpretation Service and 10% of the total Escort Interpretation Service. Even if interpreters are available for the victims, they were doubtful about the reliability and professionalism of interpreters. For instance, ethnic minority victims in the Study mostly worried about confidentiality issues and the spread of gossip since the interpreters know them or their families personally. In public hospitals, since there was a 4-hour waiting period for interpreters, nurses or doctors would sometimes encourage them to have their husbands or friends to serve as interpreters. One ethnic minority victim reported that the interpreter blamed her for breaking up her family rather than discharging the role of an interpreter. This has the effect of deterring ethnic minority victims from seeking external help in the future.

Insufficient and culturally-insensitive shelter services

Accommodation issues of ethnic minority victims also warrant serious attention, according to the Study; since there are not enough shelter spaces and shelter services are not culturally sensitive to the needs and circumstances of EM women. The SWD operates 5 shelters with 260 spaces to accommodate women and children affected by domestic violence. Other shelters are operated by local NGOs such as Harmony House Hong Kong ("HHHK"), which provides 65 to 70 spaces. The Association for Concern for Legal Rights of Victims of Domestic Violence (ACLRV) and HHHK expressed concern about the critical shortage of shelter spaces for victims of domestic violence, given that the total number domestic violence cases received by SWD in 2013 totals almost 4,000. The average occupancy rate of HHHK in 2013/14 was 110.1%.

The un-survivability of ethnic minority victims in shelters was one of the major shortcomings identified by the service providers. Shelters with predominantly Chinese women are often a difficult environment for ethnic minority victims to live in because of language barriers, cultural differences, communication problems, lack of respect for their dietary needs and discrimination. These differences also reportedly cause conflict between ethnic minority and Chinese women, purging an atmosphere for group therapy and sharing of experiences among victims.

In her report, Ms. Kapai called for a multi-agency response network with routine cooperation between police, health services, legal profession, government agencies and NGOs to improve the quality of domestic violence services for ethnic minority victims, especially preventive strategies and cognitive behavioural therapy and counselling that was culturally tailored to have the desired impact. Training for frontline responders, including the police and service providers in human rights and cultural sensitivity when handling domestic violence amongst ethnic minorities should be made mandatory and conducted regularly. The quality of the training also requires review and needs to be enhanced given the experiences shared by the ethnic minority women in their encounters with frontline staff and respondents. She also suggests establishing specialist agencies for the intake of ethnic minority victims of domestic violence, such as those in United Kingdom, to improve cultural intelligence and competence to handle the needs of ethnic minority victims and empower them in terms of financial independence, literacy, vocational training and social integration.

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