

CHAPTER 6: MARRIAGE, FAMILY AND DOMESTIC VIOLENCE**OVERVIEW**

Owing to cultural and religious influences, ethnic minorities tend to get married at a younger age compared to their local counterparts. Some of these marriages are ‘arranged marriages’ where the prospective bride and groom are introduced to each other with a view to future courtship on their parents’ or family’s recommendations, whilst others of these are reportedly, ‘forced marriages’ which entail subjecting a child’s free will and choice to their parents’ dictates. The adverse effects of early and forced marriages (prospects for senior secondary school and higher education, early maternal health and safety) are under-researched in Hong Kong. More crucially, the extent of the prevalence of these practices within the ethnic minority communities in Hong Kong is unknown. Also, teachers at schools give insufficient attention to these issues failing to notice the tell-tale signs when they arise (typically repeat and long absences until sudden and premature withdrawal from upper secondary school). Those who want to help unfortunately, know too little about cultural specificities to be able to help in any meaningful way without worsening the situation.

Another prominent problem that may be characteristic of some ethnic minority families is ‘male dominance’ or the patriarchal figurehead of the family. Although this may be an attitude that is prevalent within many communities, it is distinctly prominent among ethnic minority communities in Hong Kong and is in fact, reinforced by the local culture, which places large value on filial piety.

Ethnic minority women are particularly vulnerable to subjugation by their male counterparts in the family and clear inequality between men and women is apparent. Women and girls are almost always valued less than men and boys and this view, even in those ethnic minority communities where the women are more educated than their male counterparts.

In some cases, women are victims of violence particularly when there are disputes, suspicions of disloyalty or what is perceived to be a violation of societal, cultural or religious codes. The strong sense of community and family unity that binds ethnic minority families together also characterizes the loyal relationship between ethnic minority parents and their children. Some parents, however, have a weak sense of what child protection entails.

There is no data available for cohabiting partners or LGBT families in the ethnic minority population. This does not mean that such family units are not living together. This gap and the increasing tendency of couples to live out of marriage requires that the Government document such data. Our definition of marriage below is only restricted to heterosexual marriage (as per the Hong Kong Population Census).

A. General Statistics

A1. Marital Status and Age

According to the 2011 Population Census¹, there were 58.3% of ethnic minorities whose status was “now married,” which was comparable to the 57.7% of their Chinese counterparts.

Table 6.1 below shows the marital status of ethnic minorities and that of the whole population aged 15 and over in Hong Kong in 2011.

Table 6.1 Marital status of ethnic minorities and that of the whole population aged 15 and over in Hong Kong in 2011

	Never Married	Now Married	Widowed	Divorced	Separated
Ethnic Minorities	34.1%	58.3%	2.2%	4.3%	1.0%
Whole Population	31.6%	57.7%	6.2%	3.9%	0.5%

Source: Census Thematic Report, Table 4.1

A further breakdown by ethnicity shows that the percentage of “now married” is higher if we focus only on ethnic minorities. The percentage of “widowed/divorced/separated” is much lower than the corresponding category for the whole of Hong Kong’s population. Of particular significance is the very low percentage of Pakistani population that is listed as widowed, divorced or separated (2.1% compared to 10.7% of the whole population).

The latter difference suggests that ethnic minority couples are either younger (explains low percentage of “widowed”) or are able to maintain stable and long-lasting relationships.

Table 6.2 below shows the percentage of “now married” and “widowed/divorced/separated” among South/ South-East Asians and that among the whole population aged 15 and over in Hong Kong in 2011.

Table 6.2 Percentage of “Now Married” and “Widowed/Divorced/Separated” Persons of South/ South-East Asian Background Aged 15 and Above Compared to the General Population in Hong Kong in 2011

Ethnicity	Now Married	Widowed/ Divorced/ Separated
Indonesian	52.7%	6.9%
Filipino	54.7%	9.4%
Indian	73.9%	4.2%
Nepalese	74.3%	4.6%
Pakistani	75.7%	2.1%
Whole population of Hong Kong	57.7%	10.7%

Source: Census Thematic Report, Table 4.1

Furthermore, given that ethnic minorities have a much younger median age than that of the whole population,² the higher percentage of persons “now married” also indicates that ethnic minorities tend to marry at a younger age than local Chinese. This is consistent with the aforementioned inference that ethnic minority married couples tend to be younger.

A2. Family Size and Characteristics

Although household size does not necessarily equate family size, the following table suggests a direct correlation between the two. Table 6.3 illustrates that with the exception of Indonesian households, a larger proportion of EM households has 4 persons or above compared to households of the general population³.

Table 6.3 below shows the total number of domestic households among the 6 minority groups with a breakdown by ethnicity and household size in 2011.

Table 6.3 Total Number of Domestic Households Among the 6 Minority Groups Disaggregated by Ethnicity and Household size in 2011

Number of domestic households by ethnicity and by household size in 2011					
	1 person	2 persons	3 persons	4 persons or above	Total
Pakistani	576 (12.5%)	618 (13.4%)	570 (12.4%)	2,840 (61.7%)	4,604 (100%)
Nepalese	546 (10.9)	952 (19.0%)	1,277 (25.5%)	2,227 (44.5%)	5,002 (100%)
Indian	1,657 (17.7%)	2,146 (23.0%)	2,274 (24.3%)	3,262 (34.9%)	9,339 (100%)
Indonesian	485 (20.0%)	889 (36.6%)	455 (18.8%)	597 (24.6%)	2,426 (100%)
Filipino	1,535 (19.6%)	2,120 (27.1%)	1,713 (21.9%)	2,452 (31.4%)	7,820 (100%)
Thai	800 (11.3%)	1,911 (26.9%)	1,791 (25.2%)	2,605 (36.7%)	7,107 (100%)
Whole Population	422,676 (17.9%)	615,762 (26.0%)	613,468 (25.9%)	715,296 (30.2%)	2,367,202 (100%)

Source: HKCSS Poverty Situation of South and Southeast Asians

Most ethnic minorities live in nuclear family households composed of a [married] couple with unmarried children. The proportion of such households is especially high among the Pakistani community, at 62%. Except for the Indonesian community, the proportion of households with a lone parent and unmarried children is smaller than that of the whole population. This in part suggests that ethnic minorities’ children are less likely to face issues arising from single-parent upbringing compared to the general population as a whole.

Table 6.4 below shows the household arrangements for different ethnic groups in Hong Kong in 2011, as compared against that of whole population of Hong Kong.

Table 6.4 Household Arrangements for Different Ethnic Groups in Hong Kong Compared to the General Population in Hong Kong in 2011

Ethnicity	Indonesian	Filipino	Indian	Pakistani	Nepalese	Thai	Whole Population of Hong Kong
Households composed of a couple	15.2%	11.0%	10.9%	2.7%	8.3%	20.5%	10.6%
Households composed of a couple and unmarried children	26.6%	44.9%	53.3%	62.0%	46.2%	42.8%	51.5%
Households composed of lone parents and unmarried children	10.8%	7.8%	4.8%	5.5%	5.4%	6.5%	10.5%
Households composed of couple and at least one of their parents	0.7%	1%	2%	0.6%	0.9%	1.2%	1%
Households composed of couple, at least one of their parents and their unmarried children	8%	5%	10%	5%	4%	4.1%	7%
Households composed of other relationship combinations	0.1%	0.1%	0.1%	0.2%	0.3%	12.9%	0.2%

Source: Thematic Report, Table 7.3

B. Marriage

B1. Early and Arranged Marriage

Early and arranged marriage is a common phenomenon among South Asians, such as Pakistanis, Indians and Nepalese. Such a practice is influenced by social, cultural and religious traditions. In addition, some ethnic minority parents see marriage as a way out of poverty. They do so by giving their daughter away in marriage in order to lessen the family's financial burden, and with the hope that the girl will be supported in the new family.⁴

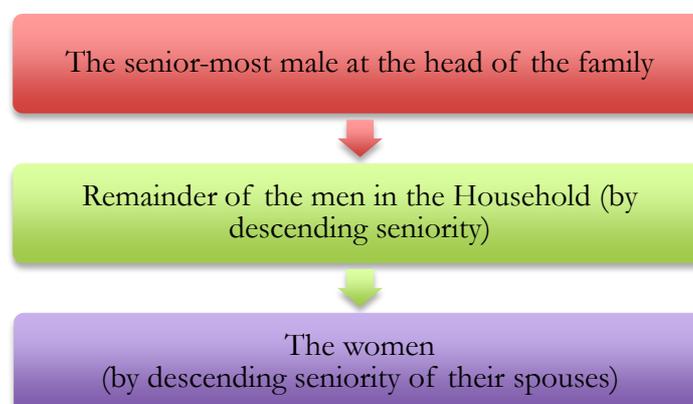
At the same time, even amongst the most well to do ethnic minority families in Hong Kong, however, there continues to be a widespread practice of taking dowry from the bride's family in exchange for the wedding vows. A poor dowry or one which does not meet with expectations of the groom's family can easily attract abuse, verbal and physical and oftentimes, humiliation. This practice and the often-outlandish expectations of dowry lead to unhappy family life, giving rise to disharmony and disputes. Dowry giving in the case of getting a daughter married is clear evidence of the inherent inequality between the girl and boy child.

There is an increasingly greying line between arranged marriages and forced marriages in some ethnic minority communities. Forced marriages involve coercion. , In addition, arranging such marriages for teenagers whilst they are still in school, is unlawful under Hong Kong law and gives rise to complex issues impacting the growth and development of young people, particularly for young girls who end up as young mothers when they marry early.

For example, some ethnic minority youth, especially girls, typically face discontinuation of education because of their parents' traditional belief that education is unnecessary for girls.⁵ Their parents expect them to stay home, learn about managing a household and, at an age deemed appropriate by her family, be coerced to marry.

B2. Male Dominance

Many ethnic minorities subscribe to the traditional belief that women are subordinate to men, in all relationships including the marital relationship. There is typically a hierarchical chain of command:



Hence, when a divergence of views occurs, which mostly arises in the context of financial security and children's marriage affairs, women often find themselves in a vulnerable

position and even end up as victims of domestic violence.⁶ Issues of domestic violence faced by ethnic minority women are discussed in more detail in Part D.

C. Family

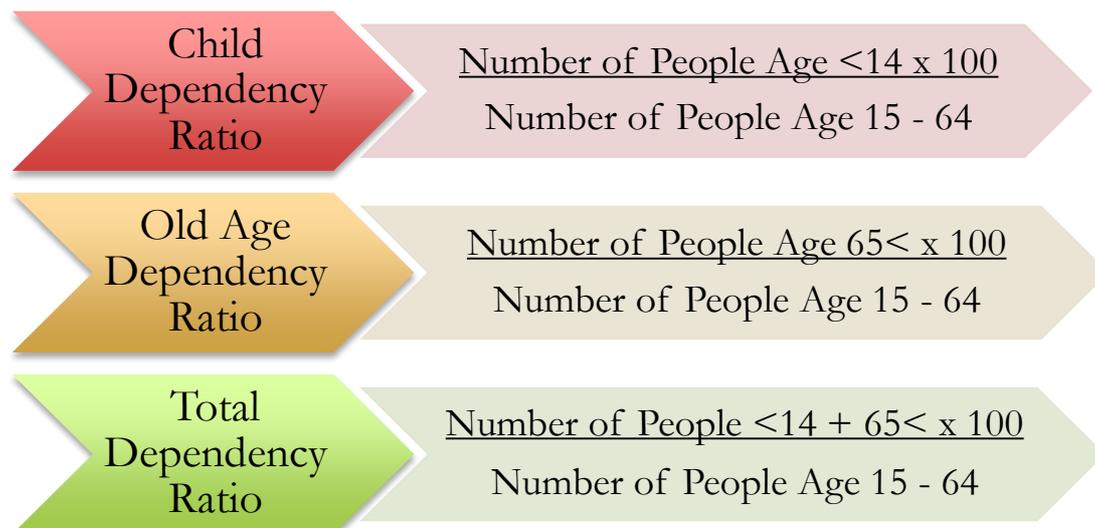
C.1 Dependency Ratios⁷

Table 6.5 Population excluding FDHs, by ethnicity and dependency ratios, in 2011

Age	Dependency Ratios (Excluding Foreign Domestic Helpers), 2011		
Ethnicity	Child Dependency Ratio	Old Age Dependency Ratio	Total Dependency Ratio
Filipino	24	4	28
Indonesian	11	12	23
Indian	31	10	41
Nepalese	29	3	32
Pakistani	70	6	75
Total for Hong Kong population	16	19	35

Source: Numbers calculated based on figures generated for EM population by age using the Census and Statistics Department Interactive Data Dissemination Service

The dependency ratio is one way of looking at the economic burden of children, and elderly individuals, on the current productive population.



It is calculated by looking at the number of elderly (age 65+) and children (under 15) that need to be supported by those in their productive years (age 15- 64). A higher ratio

represents a higher burden on those belonging to the productive population group, which has to “finance” those who are not productive.

The dependency ratio can be further divided into the child dependency ratio and the old age dependency ratio.

The child dependency ratio represents those under 15, who need to be supported by those in their productive years. The child dependency ratio of ethnic minorities, with the exception of Indonesians, is significantly higher than that of the general population as a whole. This indicates that ethnic minority families have a heavier financial burden than families of the general population in terms of the need to financially support their children. However, these children also represent a source of future productivity of Hong Kong.

The old age dependency ratio represents those over 65, who need to be supported by those in the productive population group. This group becomes less productive over time. The elderly dependency ratio of ethnic minorities is significantly lower than that of the general population as a whole. Nevertheless, elderly care for ethnic minorities is an area of concern. It is encouraging to see that the Personal Emergency Link Service was recently extended to ethnic minority elderly by way of a pilot programme⁸. However, elderly care homes in Hong Kong are predominantly catered to Chinese elderly, which is likely to present cultural barriers in terms of meeting all relevant needs of ethnic minority elderly. There is no data documenting how many ethnic minority elderly are currently staying in elderly homes. More documentation efforts are needed in this respect.

C2. Ethnic minority parents and their children

A research conducted by Against Child Abuse in 2012 reveals that ethnic minority parents had insufficient awareness over protecting their children from abuse, despite generally maintaining good relationships with their children.⁹ The following are key observations from the research:

Table 6.6 Summary of the key observations in relation to the relationship between EM parents and children

Percentage of parents who would describe their relationships with children as ‘very good’ or ‘good’	86.5%
Percentage of parents who would praise their children and show acts of encouragement to them	81.7%
Adoption of corporal punishment as a parent tool	
Percentage of parents who would slap their children in the face	44%
Percentage of parents who would hit their children with hard objects	9%
Failure to see the need to make sure that children are accompanied at home	
Percentage of parents who had left their children alone at home	Over 25%

	Percentage of parents out of the 25% that said leaving children alone at home was due to work	About 66%
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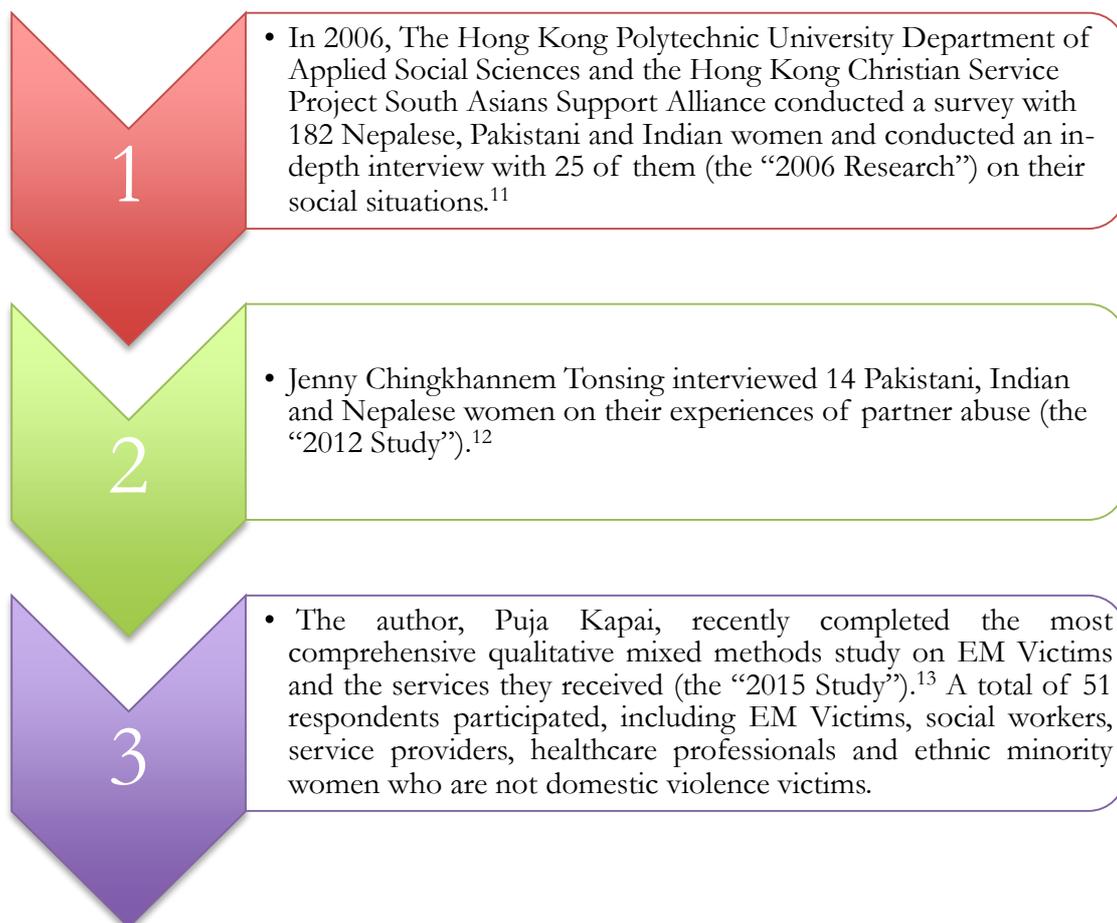
Source: Against Child Abuse Research (2012)

In addition, some parents do not appreciate the importance of parental support to their children in the education process, especially as against the uphill battle of learning Chinese. Research indicates that efforts paid by parents had a positive correlation with children's Chinese language performance and satisfaction in school life as well as living in Hong Kong.¹⁰ Yet, only 50% of the parents thought that they had the responsibility to help their children with Chinese.

D. Domestic Violence

D1. Ethnic Minorities and Domestic Violence

There is a critical lack of research on the domestic violence experiences of ethnic minority victims in Hong Kong ("EM Victims"). There are only 3 pieces of research conducted to date on this:



In 2013, 4.7% (180) of the total domestic violence complaints recorded by the Social Welfare Department (“SWD”) related to EM Victims. Between April and December 2013, 3.4% (125) of the total cases recorded by the Family and Child Protection Services Unit (FCPSU) of SWD related to EM victims¹⁴. It is noteworthy that the SWD and FCPSU only started documenting data in relation to EM victims as of 2013.

Table 6.7 Cases and Complaints relating to EM victims recorded by the SWD and FCPSU

	Social Welfare Department	Family and Child Protection Services Unit
Complaints/ Cases relating to EM victims of ethnic minority background	180	125
Total Complaints/ Cases	3836	3695

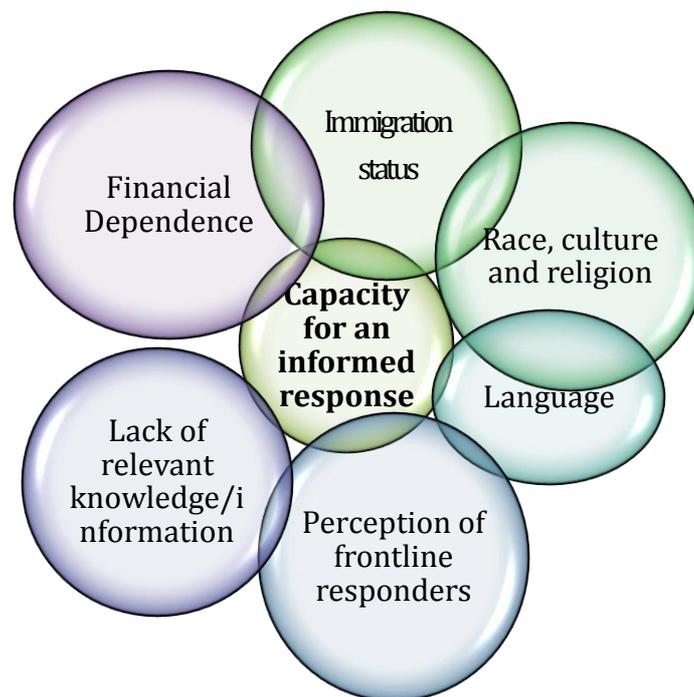
Source: Financial Committee of the Hong Kong Legislative Council

The above figures are significant in light of the fact that ethnic minorities account for 6.38% of the population in Hong Kong according to the 2011 Population Census. The situation warrants urgent attention, and even more so when we take into account the fact that EM Victims typically underreport abuses, revealing a reluctance or lack of ability to seek assistance. According to the 2015 Study, none of the respondents sought medical attention. Only 2 out of 11 of them sought police or legal assistance. According to frontline agencies, EM Victims seldom seek medical advice or divorce. In contrast, they often go back to the abuser.

D2. Ethnic minority victims and their help seeking behaviour

EM Victims in Hong Kong are reluctant to seek external help when they face domestic violence. None of the EM Victims participating in the 2015 Study sought medical attention, and only two EM Victims sought police assistance, legal protection, or service providers’ assistance. A quarter of the EM Victims said they would share their situation with friends or neighbours whilst half of them said they would share with their families. However, the experiences of sharing with friends or family were sometimes unpleasant because they were often persuaded to stay with their abusive partners. This reflects a lack of confidence in external assistance that may be available in general.

In order to meaningfully explore the issues faced by EM Victims, it is imperative to identify the reasons behind the underreporting of domestic violence by EM Victims and factors that shape their help-seeking behaviour. As illustrated by the chart below and will be further elaborated in the discussion below, the help-seeking behaviours of EM Victims are shaped by their race, culture and religion, language barrier, financial dependence on their partners, immigration status, perception of the legal system and frontline responders to domestic violence, and lack of relevant legal and practical knowledge.



Race, Culture and Religion

Race, culture and religion complicate the help seeking behaviour patterns of EM Victims. For instance, Indian women believed that reporting one's abusive husband to the police is contrary to the essence of being a good wife, a label predicated on being self-sacrificial as opposed to self-preserving¹⁵.



Many EM Victims of domestic violence are reluctant to seek external help and/or leave their abusive husbands due to various reasons¹⁶:

Marriage

- Centrality to family life
- Cultural marker of EM women's identity
- Family may advise to tolerate the abuse for the sake of the marriage

Divorce

- Stigma within close & interdependent community
- Perception of women as being responsible for the breakup of family
- Lack of support from family and relatives

Fear

- Loss of face in the community
- Gossip in the community
- Blame/shame as cause of violence that breaks the family apart

Children

- Impact on their future prospects
- What and how to tell them in the event of divorce?

A Pakistani lady, Sana, recalled her experience of being a victim of domestic violence¹⁷:

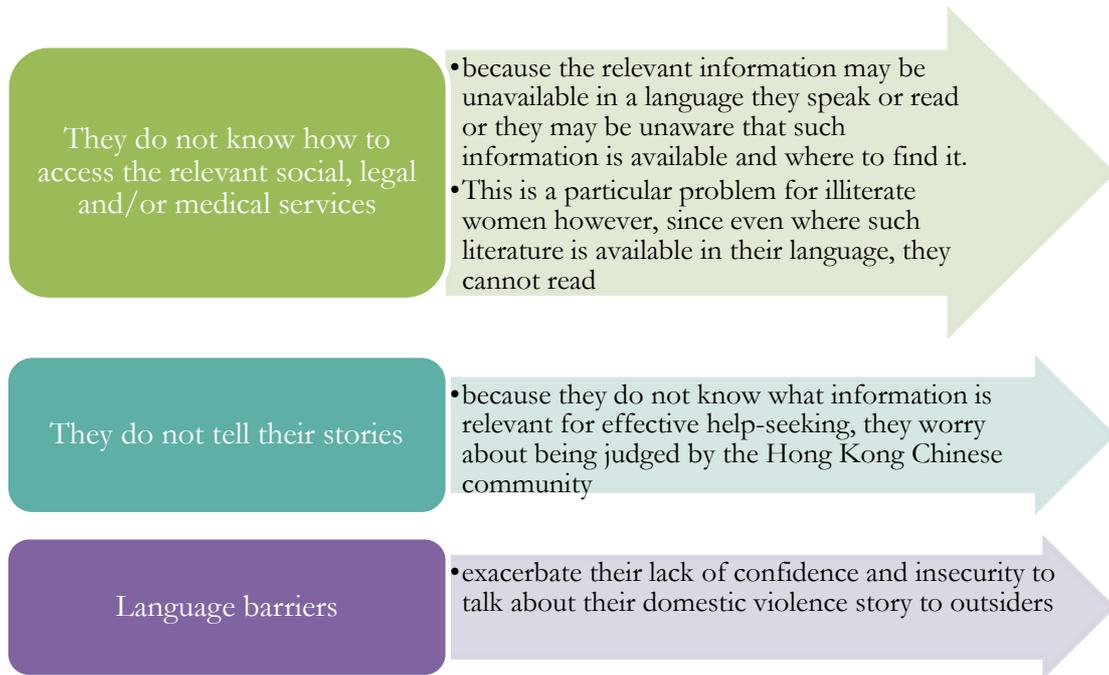
“My ex-husband used to beat me for almost three years, but I tended to **tolerate because of strong objection from my family**. Even when I finally divorced due to my ex-husband’s aggression to my sons, **my mother hadn’t communicated with me for two years**. I even **hesitated of going back to my own village in Pakistan because of gossips in the neighbourhood**. Some of the Pakistani wives rejected me from their homes as they rumoured that a divorced woman might tempt their husbands.”

The 2015 Study affirms these findings from the earlier two studies,, where EM Victims believed that sharing their experiences of abuse with any outsider would attract blaming and shaming, whereas separation or divorce are instigators of social isolation in their community and without community, they have nothing in Hong Kong to belong to. They measure their ‘success’ in marriage and in life by reference to their community’s verdict of them. Further, they view seeking assistance from social workers as stigmatizing as it implies the lack of self-sufficiency and self-reliance.

Language

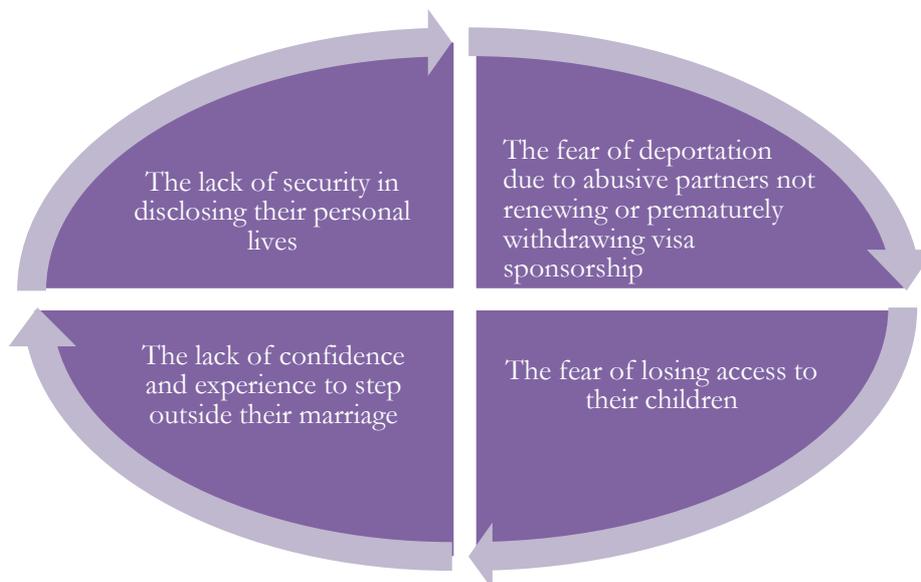
Language impacts access to legal and social services for domestic violence victims and potentially limits ethnic minority women’s ability to live independently of their partner because they are unable to integrate into the wider social context (employment, education, etc.) without the requisite language skills¹⁸.

Language barriers faced by EM Victims of domestic violence hinder their ability or willingness to seek assistance:



Immigration Status

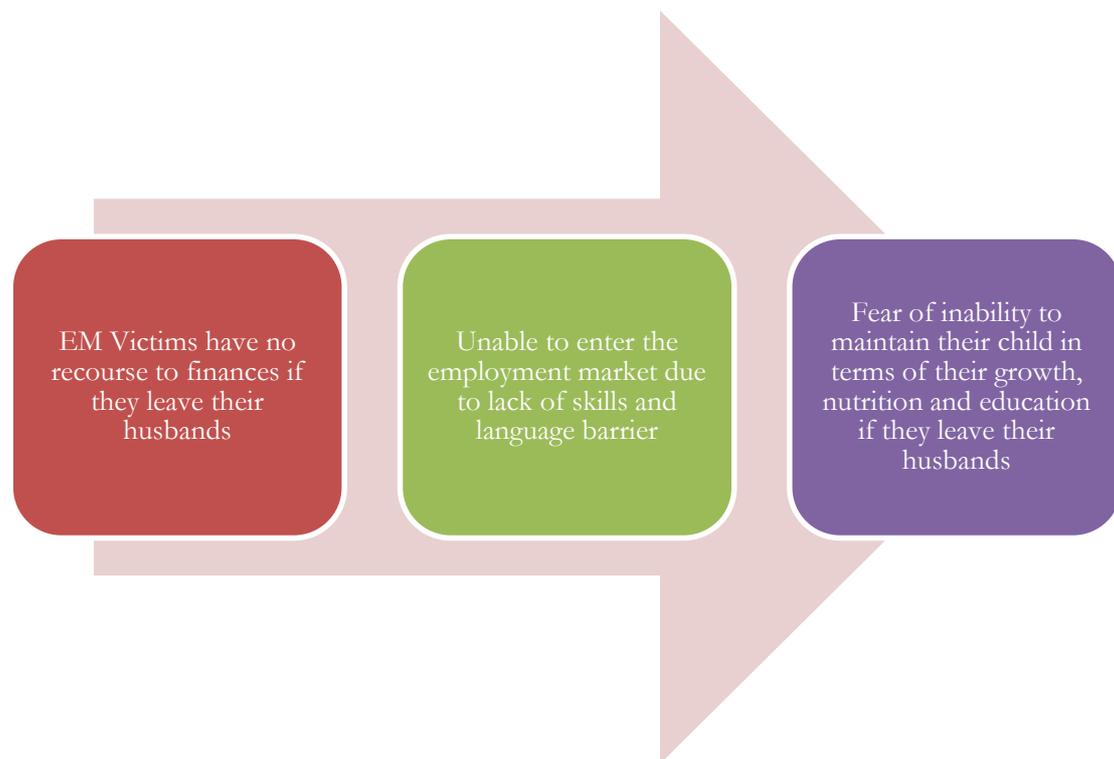
The Immigration Status of EM Victims renders them reluctant to report abuse in multiple ways¹⁹.



EM victims participating in the 2015 Study, including those with resident status in Hong Kong, believed that would be stripped of their status in Hong Kong, forced to return home, and separated from their children forever. Even if the complaint results in imprisonment of their husbands, EM Victims worry about the family’s future and therefore are reluctant to report.

Financial Dependence

The lack of financial independence of EM Victims also renders them more vulnerable to abuse and more reluctant to report abuse. For instance, most of the participating EM Victims in the 2015 Study were unemployed. Only 3 held employment and they were all part-time employment. The following concerns arising from the lack of financial independence deters EM Victims from reporting abuse:



Awareness of Legal Rights and Perceptions of Discrimination

In the 2015 Study, EM Victims have a very low level of awareness of the relevant laws on discrimination and domestic violence. The Study also revealed that while only 1 EM Victim was aware of anti-discrimination laws, one third of them experienced discrimination by service providers of law enforcement personnel. Affirming these views, front-line responders rated the lack of knowledge of legal rights and perception of discrimination as major barriers to access services. Further, nearly 20% of frontline responders believed that EM Victims should not be entitled to the same level of access to social services as the dominant population group. EM Victims reported that frontline responders asked them to return to their home countries when they sought help.

Perceptions of the legal system, the Police and Service Providers

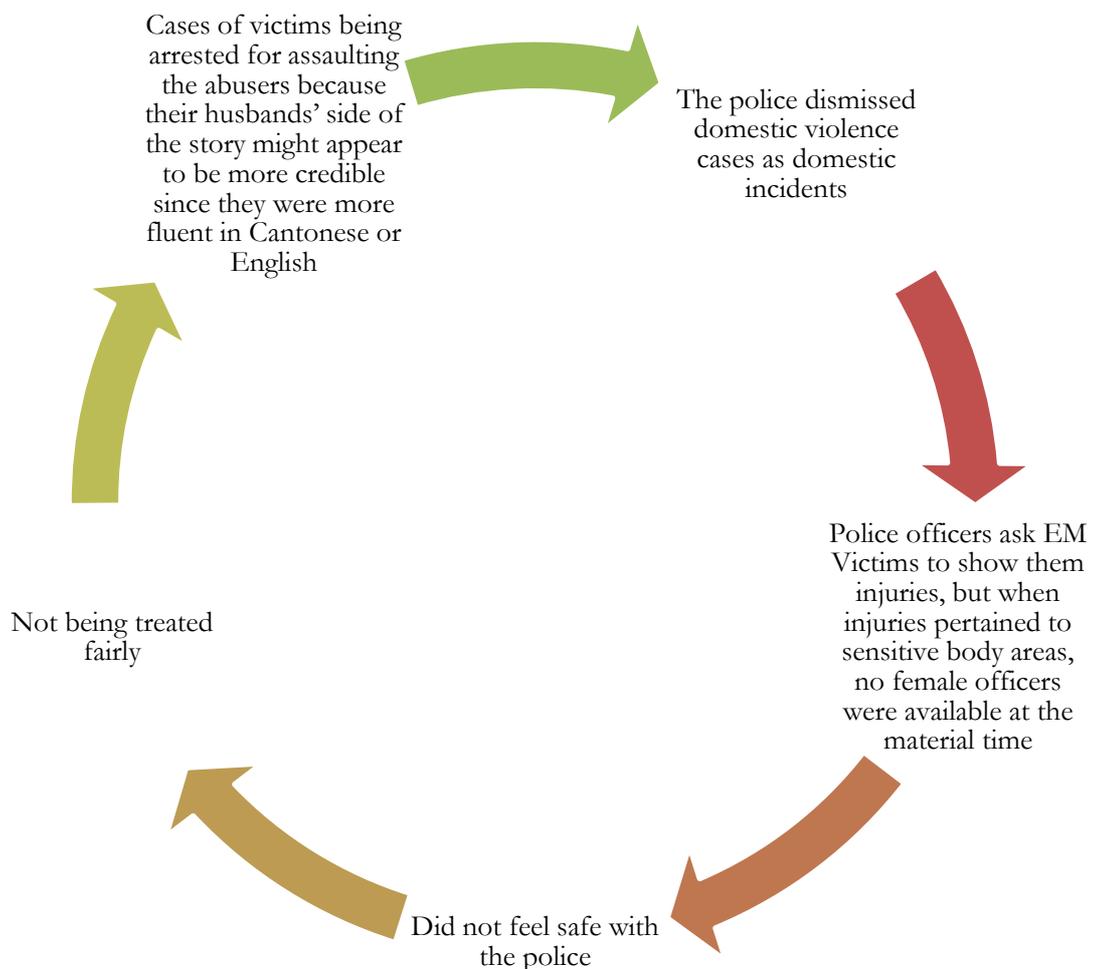
Legal System

The level of confidence in the legal system of EM Victims in the 2015 Study was low. While “determining the guilt of the abuser” was one of the biggest expectations of the legal system, they rated their satisfaction with the legal system in terms of achieving this goal very low.

The Police

While EM Victims participating in the 2015 Study were fairly satisfied with the police’s performance in enforcing the law, there is still room for improvement in terms of how approachable the police is and whether they treat everyone fairly.

In-depth interviews revealed that EM Victims in Hong Kong had the following perceptions of the police:



One EM Victim recalled that after approaching the police for help in respect of violent attacks by her husbands, the police did not attempt to communicate with her to ascertain her side of the story, and merely advised her through her father-in-law. Another two reported that they were advised to return to their husbands.

It is noteworthy that from the point of view of frontline service providers, they do not regard lack of confidence in or fear of law enforcement agencies as a major obstacle to EM Victims' access to protection. This in fact brings in the importance of not assuming everyone knows how to access police service or have confidence in approaching the police.

Service Providers

In the 2015 Study, it is alarming that none of the EM Victims reported that their needs and concerns were understood or that they were treated accordingly by service providers. The incompetence of frontline responders in tackling with domestic violence cases faced by EM Victims will be discussed in detail in section D3.

Not only did the aforementioned factors undermine the help-seeking behaviour of EM Victims, but they also further isolate them from the rest of the community, thereby perpetuating the vulnerabilities of EM women²⁰. Such social isolation and lack of social support network further hampers their ability or willingness to seek external help. In addition, the fear of being discriminated against in the event of attempting to live life on their own further breeds ethnic minority women's dependence on their abusive partners²¹.

D3. Institutional incompetence of Frontline Responders

Frontline responders for domestic violence victims include social workers, police officers, health-care providers, shelter staff, etc. The following are a list of major services currently available for domestic violence victims in Hong Kong²²:

- The Family and Child Protective Services Unit are manned with social workers that serve family members suffering from spouse/cohabitant battering. It receives reports of abuse and reach out to victims to assist with crisis intervention, arranging medical examination, investigation of abuse, counselling services, referral for services including financial assistance and compassionate rehousing, group support services and preventive services to raise public awareness of domestic violence;
- Integrated Family Service Centres (IFSC) provide welfare needs of families, including family life education, parent-child activities, counselling and referral service for individuals or families in need;
- Medical social workers in public hospitals or other organizations provides counselling service and arrange referrals for other services based on the needs of the victims;
- Tsui Lam Centre of Po Leung Kuk provides Victim Support Programme to domestic violence victims in different districts, aiming to provide informational and emotional support for domestic violence victims to address their psychological needs;

- 5 refuge centres are available in Hong Kong that provides temporary accommodation and support services to domestic violence victims;
- SWD operates a 24-hour Hotline service for domestic violence victims to obtain timely counselling and support services;
- The CEASE Crisis Centre operated by the Tung Wah Group of Hospitals and the Family Crisis Support Centre operated by Caritas-Hong Kong provides crisis management and intervention services for domestic violence victims

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 in terms of offering them meaningful access.²³

(i) General Lack of Cultural Sensitivity and Trust

Although services providers such as the CEASE Crisis Centre claimed that they provide services regardless of victim's race, the 2015 Study reveals that frontline service providers²⁴, social workers and health-care providers in Hong Kong for domestic violence victims do not consider themselves as culturally competent and adequately equipped to handle or well informed about the needs of EM Victims. This results in a series of referral for domestic violence cases involving EM Victims, which further undermines their trust and confidence in protection services, and thereby further hampering their willingness to seek external help.

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 EM Victims given their critical lack of relevant knowledge.

One significant shortcoming of the quality of service identified by EM Victims in the 2015 Study is insensitive question and advice given by service providers. Predictably, the same study shows that service providers did not identify the same as a major shortcoming of their services.

In this respect, the Association for Concern for Legal Rights of Victims of Domestic Violence ("ACLRV") noted that there were complaints about social services staff and police officers insisting on resolutions that are incompatible with their cultural and value systems (e.g. insisting on a divorce). It was found that social workers from the SWD are less likely to write a recommendation for urgent housing if the EM Victim refuses to file for divorce. Similarly, these EM Victims lost support of shelter staff and social workers when they were unwilling to file for a divorce²⁵.

The 2015 Study also noted the same problem where certain steps are assumed as basic and logical steps that would have been taken by "genuine victims". Several EM Victims 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 such stereotyped and unfounded assumptions, service providers should ensure that all options are open to EM Victims.

(ii) *Incompetence of the Police*

The police had a new classification system for domestic violence cases since January 2009, where a new category named “family matters” was established to encapsulate all non-criminal family matters. There were concerns about the drastic decrease in the number of domestic violence cases after the new classification system was established, in particular, whether the police are competent to carry out the classification for cases involving ethnic minorities²⁶.

A study by Leung Lai Ching showed that gender and ethnicity are two interlocking factors that have an influence on police response in domestic violence issues²⁷. According to Leung’s study, stereotypes of immigrant women include perceptions that they are a “burden on society” with “low earning ability” and “unreliable”. As most ethnic minority women are also immigrants, the police are likely to be affected by such stereotypes and be sceptical of their accounts of domestic violence. Even if other ethnic minority women are not immigrants, the mainstream perception of them as “non-local”, and that they earn a lower income than the Chinese population in Hong Kong, also render them susceptible to be similarly stereotyped as unreliable.

(iii) *Language Barrier and Unprofessional Interpretation Services*

Language barrier is a big obstacle that impedes EM 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 DV victims on SWD’s website is provided in ethnic minority languages, many other information provided by service providers are 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 cause result in lasting psychological damage to children. However, these APIs are not available in ethnic minority languages²⁸.

The quality of interpretation service is another live issue. Being able to speak in one’s native language not only facilitates the conveying of messages, but it also makes victims feel safer and more at ease. For instance, EM Victims in the 2015 Study were worried about confidentiality issues and the spread of gossips 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. EM Victims were also doubtful about the reliability of interpreters. One EM Victim reported that the interpreter blamed her for breaking up her family rather than discharging the role of an interpreter.

It is also alarming that service providers in Hong Kong do not consider that they have the duty to provide services in an accessible language to EM Victims. Despite the existence of the Telephone Interpretation Service (“TIS”) and Escort Interpretation Service (“EIS”) provided by the NGO CHEER (a government funded interpretation service for ethnic minorities), SWD’s usage of such interpretation services in 2013 to 2014 is glaringly low (3.5% of the total TIS and 10% of the total EIS)²⁹. Interpretation service is also provided by the Hong Kong Translingual Service (HKTS). Nevertheless, the SWD

and IFSC’s usage of HKTS from April 2014 to March 2015 is extremely low. They only used the on-site interpretation services 12 times and telephone interpretation service once.

Leung Lai Ching and RainLily, an NGO that supports survivors of sexual violence, noted that the interpretation service provided by the police to ethnic minority sexual violence survivors lacked clarity. At times, the ethnic minority survivors could not understand the interpreters, and this called into question the accuracy of police statements³⁰.

Further, the ACLRV and the 2015 Study noted the significance of the therapeutic effects of an interrupted exchange in a direct one-on-one counselling. With the presence of an interpreter, such effects are diminished³¹. This calls for the need for social workers of ethnic minority background to ameliorate the language and cultural impediments affecting EM Victims. Frontline service providers with ethnic minority background will also be more culturally competent to work with EM Victims from similar background. However, there is a lack of trained social workers who can speak ethnic minority languages in Hong Kong. In fact, Hong Kong’s first 3 ethnic minority social workers only recently graduated in 2014.

The 2015 Study reported that it is worrying where service providers sought to rely on community members of the same background as the EM Victim to assist with interpretation in an inappropriate way, for instance, by asking the abusive husband for help. This has the effect of deterring EM Victims from seeking external help in the future.

(iv) Insufficient and culturally-insensitive shelter services

Accommodation issues of EM Victims also warrant serious attention, since they often fail to have access to public housing and shelter services are not culturally sensitive. 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 ACLRV and HHHK expressed concern about the critical shortage of shelter spaces for victims of domestic violence, given the total number domestic violence cases received by SWD in 2013 totals almost 4000. The average occupancy rate of HHHK in 2013/14 is 110.1%³². While there is little effort to document EM Victims’ experiences of using shelter services, ACLRV noted the following problems that inhibit the access of victims of ethnic minority background to shelter services³³:





According to the 2015 Study, the unsurvivability of EM Victims in shelters was one of the major shortcomings identified by the service providers. Shelters with predominantly Chinese women are often difficult environment for EM Victims to live because of language barrier, cultural differences, communication problems, lack of respect for their dietary needs and discrimination.

(v) *Training and Specialist Agencies*

Only half of the participating organisations in the 2015 Study reported that their staff underwent regular cultural sensitivity or competence training. The lack of funding and proper training, coupled with the lack of third tier organizations that works on policy research and training and capacity building, undermined the quality and usefulness of any available training. Further, some training materials were themselves discriminatory and contributed to the perpetuation of stereotypes about EM victims. However, some frontline responders felt that cultural competence training would not help because it was simply impossible to understand minority cultures.

To address the cultural competence issue, Ethnic Minority Domestic Violence Specialist Agencies were established in the UK with staff from culturally similar background as the EM Victims to address their specific needs, raise awareness in the ethnic minority community and build a strong support network for EM Victims. In Hong Kong, there is only one ethnic minority specialist agency in Hong Kong that promotes social integration amongst deprived Nepalese, and even so it is not targeted at addressing the needs of domestic violence victims³⁴.

KEY OBSERVATIONS

The rate of divorce and separation seems to be low. This may, however, be attributed to social and cultural stigma associated with divorce and separation in these communities. Alternatively, it may be due to the fact that woman would be unlikely to leave in the absence of sufficient education and with the high cost of living in Hong Kong, particularly with children who would be disadvantaged as a result. This financial dependence is frequently omitted from consideration when dealing with instances of domestic abuse and violence.

The incidence of forced marriage in Hong Kong is under-researched; however, we are sure that it exists and that in some cases it involves underage children. Child dependency of ethnic minorities is also concerning, as it is significantly higher than that of the general population as a whole. This indicates that ethnic minority families bear a heavy financial burden in terms of financially supporting their children. However, these children also represent a source of future productivity of Hong Kong.

Ethnic minorities tend to have larger households than their local counterparts and many live in joint families. This give rise to pressures given numerous limitations in housing, the lack of support services and the lack of adequately and appropriately trained professionals to assist with children, family disputes and domestic violence. Cultural and religious contexts make it difficult for these families to resolve their personal issues through simply accessing the existing services, since they require a tailored approach that takes into account their cultural and religious considerations in terms of actions and outcomes that are acceptable to them personally and in the eyes of their community.

Women's responses to domestic violence are culturally constructed; whereas in contrast, services provided for ethnic minority domestic violence victims are informed by the dominant culture, resulting in services that are not accessible and that do not offer meaningful help for ethnic minority victims.

Current service providers do not appear to be culturally competent to handle the particular needs of ethnic minority domestic violence victims. In some situations, inappropriate suggestions and advice is given that is either incompatible with the beliefs or traditions of ethnic minorities, or implies a set of pre-requisites before accessing any assistance.

The data on ageing in Hong Kong is lacking: there is insufficient information around questions of care givers and care homes. The issue also spans wider than simply ageing into debates around spaces for burial and cremation rites, as well as the burial instructions that are often specific to ethnic minorities, cultures and religions.

More research is also needed around cohabiting partners or LGBT families in the ethnic minority population. This data does not exist, but its absence should again not be interpreted to mean that there are no such minorities in Hong Kong. The

Another area where further research is needed is that of sex before marriage, as we see an increase in the numbers of non-fully Chinese children at adoption homes. The significance of this is not clear as there is a lack of data when dealing with the subject.

Families where children are in need of special education have also been poorly researched. Further research would require access to school places and the exploration of what additional resources would be needed to support them. These children face a social stigma and it is not evident whether they or their guardians are aware of their legal rights.

High sex ratios of males to females among those aged under 15 in particular ethnic groups suggests the need to examine and understand whether there is a preference for male births among some ethnic minority communities. Also under-researched is the extent to which, if at all, female genital mutilation is practiced in Hong Kong as a family rite or ritual.

RECOMMENDATIONS

1. Professional interpretation services should be provided in all parts of the help-seeking process of domestic violence victims
2. Better training should be provided for schoolteachers and school social workers that are in the best position to discover and understand more about forced marriage issues among children.
3. One stop information centres providing guidance on how to access different services (including social workers, medical services, shelter services) with information in minority languages should be established in districts with higher concentrations of the ethnic minority population and widely publicised.
4. Training for frontline responders, including the police and service providers in human rights and cultural sensitivity when handling domestic violence amongst ethnic minorities.
5. Government should dedicate resources to empower ethnic minority women in vocational training or continued education so that they can gain independence and open themselves up to more options when they face domestic violence problems.
6. Separate shelters for victims of ethnicity minority background should be established to cater for their cultural background and needs and provide targeted and culturally competent solutions and assistance, in addition to improving the cultural sensitivities of the staff of existing shelters;
7. Multi-agency response network with routine cooperation between police, health services, legal profession, government agencies and NGOs is likely to improve the quality of domestic violence services for ethnic minority victims, especially preventive strategies and cognitive behavioural therapy and counselling.
8. Establishing specialist agencies for 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.
9. The government has obligations of due diligence under CEDAW to take active measures to prosecute and punish perpetrators in accordance with the law, including ordering appropriate punishment to deter domestic violence, and providing for the housing, medical and other social welfare needs of Ethnic Minority victims and their families in a manner that is accessible to them³⁵.

10. A domestic violence court should be established to handle all civil and criminal domestic cases, including violations of injunction orders³⁶; the criteria that is to be used in categorizing cases of disputes or violence should be transparent and a non-drop prosecution policy should be adopted where the case should proceed as long as there is sufficient evidence, even in the absence of cooperation of the victim³⁷;
11. The government should establish a centralized, gender-sensitive body to coordinate and supervise all issues relating to violence against women and the relevant service providers for women victims³⁸;
12. The EOC must take all steps to investigate problematic practices and policies that relates to domestic violence against women, and also proactively empower ethnic minority women to voice out and seek help³⁹;
13. The government should devote resources on public education in order to raise awareness of the stereotypes and prejudices in the community against ethnic minority women, particularly in terms of cultural practices⁴⁰;

¹ Census and Statistics Department, *Population Census Thematic Report: Ethnic Minorities* (Hong Kong SAR Government 2012).

² See Table 1.2 in Key Demographic Data Chapter of this Report.

³ The Hong Kong Council of Social Service, 'Poverty Situation of South and Southeast Asian Ethnic Minorities in Hong Kong' (Poverty, 10 December 2013) <http://www.poverty.org.hk/sites/default/files/20131218_em_e.pdf> accessed 17 September 2015.

⁴ World Vision Hong Kong, 'Child Marriage: Why is this happening?' (*World Vision Hong Kong*, 9 October 2013) <<http://www.worldvision.org.hk/en/learn/child-marriage-why>> accessed 17 September 2015.

⁵ *ibid.*

⁶ Oriental Daily, '探射燈:少數族裔家庭 宜溝通減摩擦' *Oriental Daily* (Hong Kong, 16 Feb 2014) <http://orientaldaily.on.cc/cnt/news/20140216/00176_099.html> accessed 17 September 2015.

⁷ The Reviewing Editor of this Report, Shalini Mahtani, contributed to the development and analysis in this section on Dependency Ratios.

⁸ Senior Citizen Home Safety Association, 'Senior Citizen Home Safety Association: Ethnic Minorities' (*Senior Citizen Home Safety Association*, 17 September 2015) <<http://www.schsa.org.hk/remc>> accessed 17 September 2015.

⁹ Against Child Abuse Ltd, Press Release "「少數族裔和諧家庭計劃」改善親子關係 融入本港生活" (17 March 2012).

¹⁰ Hong Kong Christian Service, 'Research on 'Parental Support and School Adjustment of South Asian Children in Hong Kong' (*Hong Kong Christian Service*, October 2006) <<http://www.hkcs.org/enews/e053/e05308.htm>> accessed 17 September 2015.

¹¹ W. F. Ting, *A study of the social situations of ethnic minority women in Hong Kong* (Hong Kong Christian Service 2006).

¹² Jenny Tonsing, 'Conceptualizing Partner Abuse Among South Asian Women in Hong Kong' (2014) 25 *Journal of Transcultural Nursing* 281.

¹³ Puja Kapai, 'Bringing Intersectionality Home: Delivering Contextualised Justice in Gender Based Violence' in Amy Barrow and Joy Chia (eds), *Gender, Violence and the State in Asia* (Routledge 2015, forthcoming).

¹⁴ Financial Committee, LegCo 2014-15 Budget Meeting, LWB(WW)0410 Appendix, 0411.

- ¹⁵ Puja Kapai, 'Minority Women: A Struggle for Equal Protection against Domestic Violence' in Beverley Baines, Daphne Barak-Erez and Tsvi Kahana (eds), *Female Constitutionalism: Global Perspectives* (Cambridge University Press 2012) 14.
- ¹⁶ 2006 Research Study (n11) and 2012 Research Study (n12).
- ¹⁷ 2006 Research Study (n11).
- ¹⁸ Kapai (n 15) 15-22.
- ¹⁹ 2006 Research Study (n11) and Kapai (n13).
- ²⁰ Kapai (n 15) 15-22.
- ²¹ *ibid.*
- ²² Social Welfare Department, 'Information for Ethnic Minorities' (*Social Welfare Department*, 1 April 2015) <http://www.swd.gov.hk/en/index/site_download/page_rru> accessed 17 September 2015.
- ²³ Kapai (n 15) 10.
- ²⁴ Social Welfare Department, 'Multi-purpose Crisis Intervention and Support Centre (CEASE Crisis Centre)' (*Social Welfare Department*, 30 September 2014) <http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_CrisisIntervention> accessed 17 September 2015.
- ²⁵ Association for Concern of Legal Rights of Victims of Domestic Violence, 'Re: Shelter service for Ethnic Minority Victims of Domestic Violence and Sexual Violence, LC Paper No. CB(2)824/14-15(11)' (*Legislative Council*, 4 February 2015) <http://www.legco.gov.hk/yr14-15/english/panels/ws/ws_dv/papers/ws_dv20150209cb2-824-11-e.pdf> accessed 17 September 2015.
- ²⁶ *Ibid.*
- ²⁷ Leung Lai Ching, 'It's A Matter of Trust: Policing Domestic Violence in Hong Kong' (2014) 29 *Journal of Interpersonal Violence* 96.
- ²⁸ Hong Kong SAR Government, 'SWD launches new API on prevention of domestic violence (with photo)' (*Hong Kong SAR Government*, 2 December 2014) <<http://www.info.gov.hk/gia/general/201412/02/P201412020337.htm>> accessed 17 September 2015.
- ²⁹ HKCSS Brief, "EM Mainstreaming 2015" on file with author.
- ³⁰ Leung Lai Ching and RainLily, *The Effectiveness of the "WE Stand" Programme for Female Migrant Workers and Ethnic Minority Women: A Research Report* (Association Concerning Sexual Violence Against Women 2015).
- ³¹ Association for Concern of Legal Rights of Victims of Domestic Violence (n 25).
- ³² Harmony House, 'Submission on the shelter service for victims of domestic violence and sexual violence, LC Paper No. CB(2)806/14-15(01)' (*Legislative Council*, 9 February 2015) <http://www.legco.gov.hk/yr15-16/english/panels/ws/ws_dv/papers/dv_c.htm> accessed 17 September 2015.
- ³³ Association for Concern of Legal Rights of Victims of Domestic Violence (n 25).
- ³⁴ Kapai, 2015 Study (n13).
- ³⁵ Centre of Comparative and Public Law, Women's Studies Research Centre and Hong Kong Women's Coalition on Equal Opportunities, 'Submission to CEDAW pre-sessional working group on the implementation of CEDAW in Hong Kong' (*Hong Kong Federation of Women's Centres*, January 2014) ("CCPL, WSRC and Women's Coalition on Equal Opportunities Joint Shadow Report Submission to CEDAW") <<http://womenscentre.org.hk/wp-content/uploads/2014/01/2014-01-23-CCPL-WSRC-WCEO-Shadow-Report.pdf>> accessed 17 September 2015, para 51.
- ³⁶ *Ibid.*
- ³⁷ *Ibid.*, para 52.
- ³⁸ CCPL, WSRC and Women's Coalition on Equal Opportunities Joint Shadow Report Submission to CEDAW, (n 36).
- ³⁹ *ibid.*
- ⁴⁰ *ibid.*