Submission to the Legislative Council Social Welfare Panel’s Subcommittee on Strategy and Measures to Combat Domestic and Sexual Violence

Support Services for Ethnic Minorities Facing Domestic Violence and Sexual Violence

Is Equal Protection a Reality for Ethnic Minority and Immigrant Victims of Domestic Violence in Hong Kong? HKU Empirical Study Reveals Institutional Incompetence of Frontline Responders

Inadequate attention to the differences in value systems and personal circumstances that impact the capacities of ethnic minority or immigrant victims to access relief and measures against domestic violence 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’.

A recent, empirical study I conducted on the Help Seeking Behaviours Among and Frontline Responses to ethnic Minority and Immigrant Victims of Domestic Violence in Hong Kong and the United Kingdom critically examined the assumptions underlying existing laws and policies governing protection against domestic violence. Through an intersectional impact assessment and analysis of the responses of 100 participants who took part in the study, I examined how culture, race, ethnicity, religion, gender, immigration status, financial dependence and language barriers intersect to undermine the likelihood that the victims would seek help and even when they did seek help, the frontline responders’ treatment and incompetence in handling their cases effectively rendered them vulnerable to risks of future violence and resigned to a lifetime with the abuser.

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 internal factors such as race, culture and religion, language barrier, and external factors such as 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. The study’s findings further identified perceptions of discrimination and the lack of culturally appropriate strategies and forms of assistance as indicators of the institutional incompetence of frontline responders on multiple levels, which 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 undermines efforts to combat 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 seeking compassionate housing, education for their children and access to other basic needs.

As most ethnic minority women are also immigrants, the women found that police are likely to be affected by stereotypes about 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 were permanent residents of Hong Kong,
frontline responders’ perception of them as “non-local” simply on the basis of their ethnicity or race brought the usual stereotypes to bear, for example, that they are low income earners, reliant on social welfare and likely to be exaggerating their claims regarding violence and their eligibility to public resources.

The findings also indicate a gross level of ignorance of laws pertaining to equality and non-discrimination, in particular, women’s rights and the relevant criminal and civil law provisions pertaining to domestic violence, assault and related harms among 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 ethnic minority victims as to suitable safety response plans given their critical lack of knowledge of the law. This ignorance could prove fatal in some cases but also result in unnecessary hardship for women seeking access to basic needs.

**Language Barrier and Unprofessional Interpretation Services**

The Study found that the language barrier was one of the primary obstacles to timely and effective assistance being rendered and it significantly impedes ethnic minority victims’ access to a range of services. It is crucial to ensure that information about support services is made available to these victims in an accessible language and medium and when the need arises, that the women receive help in a language they understand, particularly from frontline responders. First responders are in a critical position to impact future help-seeking and confidence of the women that their reaching out will not backfire by resulting in risks of future or escalated episodes of violence. 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 highly relevant information is not available in ethnic minority languages.

The SWD’s usage of government-funded interpretation services in 2013 to 2014 was glaringly low – 3.5% of the total Telephone Interpretation Service and 10% of the total Escort Interpretation Service. The reasons for such gross underutilization of available resources for a service to overcome one of the salient barriers to help-seeking and service provision, are unclear. However, quality concerns also emerged as part of the problem. Even where interpreters were 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 scolded her and blamed her for breaking up her family instead of discharging the role of an interpreter. This has the effect of deterring ethnic minority victims from seeking help in the future.

**Insufficient and culturally-insensitive shelter services**

Accommodation issues of ethnic minority victims 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 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 is staggering. The average occupancy rate of HHHK in 2013/14 was 110.1%.
The un-survivability of ethnic minority victims in shelters is a major shortcoming identified by the service providers unanimously. 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.

**Key Recommendations**

The Executive Summary of the Research findings (Appendix) makes a number of Recommendations, including:

1. Set up a multi-agency response network with regular cooperation between police, health services, legal profession, government agencies and NGOs for each case to improve the quality of domestic violence services for ethnic minority victims. This would obviate the need for victims to repeatedly tell their stories and would also save resources and time, particularly where interpreters and third party interveners are necessary to come to a comprehensive view of the situation and conduct risk assessment.

2. Set up and implement a uniform and coordinated data intake and collection process to record disaggregated data and allow for a systematic review and evaluation of the patterns of help-seeking, follow up and service provision on an ongoing basis. This would assist in informing strategies for intervention to ensure their suitability in cross-cultural settings.

3. Mandatory and Regular in-service training for frontline responders, including the police officers, lawyers, healthcare professionals, social workers and other service providers, in human rights and cultural sensitivity to ensure that knowledge can be harnessed and applied when handling domestic violence amongst ethnic minorities.

4. Review the quality and impact of existing materials. The experiences shared by the ethnic minority women in their encounters with frontline staff and respondents and the interviews with frontline responders revealed that some of the materials used in cultural sensitivity training contain harmful and negative stereotypes about ethnic minority and immigrant women.

5. Establish a one-stop shop service centre in the long run for ethnic minority and immigrant women, 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.

6. Establish specialist agencies for the intake of ethnic minority and immigrant victims of domestic violence, such as those in place in United Kingdom.

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