

Peace at Home:

Report on the Review of the Social and Legal Measures in the Prevention and Intervention of Domestic Violence in Hong Kong

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Executive Summary

1. There are two objectives of the review. The first is to identify the essential elements contributing to effective prevention and intervention (including whether the provision of legislative measures, such as the Domestic Violence Ordinance, could facilitate prevention and intervention). The second is to study the feasibility and implications of adopting mandatory treatment of perpetrators in Hong Kong (including, but not limited to, mode and definition, manpower, related judicial, administrative and legislative arrangement, etc.) with reference to overseas examples (e.g. UK, USA, Singapore, Canada, New Zealand, Australia, etc.).
2. In identifying the essential elements contributing to effective prevention and intervention of domestic violence, the Public Health Approach advocated by World Health Organization is adopted. It stipulates that the violence prevention depends upon social policies and programs, and the coordinated community and legal efforts in the building of peaceful society and family. The Consultant gives views on the overall strategies in prevention and intervention of the problems before leading to the specific discussion on the effective legal measures, including mandatory treatment of perpetrators.
3. Based on the findings from the studies conducted for this review, and the review of literature and legislations in other Jurisdictions, a number of issues related to legal measures were examined. The legal measures include the context and conditions in providing court-ordered mandatory batterer intervention programmes, reporting of domestic violence cases, the practice of arrest and prosecution, legal support for victims, multidisciplinary collaboration, reform of Domestic Violence Ordinance (Cap 189), utilization of the injunction orders, child protection and risk assessment.
4. The making of a government policy which states clearly the commitment of the government to tackle domestic violence, philosophy in combating domestic violence, and the strategies in fighting against and preventing the domestic violence is recommended. The policy shall include a holistic and inter-agency coordinated community and legal approach in the prevention and intervention with domestic violence.

5. The context of a coordinated criminal justice system plays a significant role in making effective the mandatory programmes for perpetrators of domestic violence. The provisions of BIPs under the existing system and through the reform of laws are recommended. A time-limited pilot project is recommended to implement the court-mandatory BIP in Hong Kong.
6. Active support and participation from the legal system is the most crucial in making mandatory BIP feasible. A number of legal remedies are recommended for closer examination, including reporting domestic violence cases, the policy and practice of arrest and prosecution, setting up a specialized domestic violence court and a domestic violence serious injury or fatality review, education for the public and training for legal actors, and legal support for victims.
7. Reform of the Domestic Violence Ordinance (Cap 189) is recommended to expand the scope of protection and strengthen the laws in the prevention of and intervention with domestic violence.