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Introduction

The concept of gender mainstreaming is defined as a policy making framework which was disseminated at the 4th International Women's Conference in Beijing in 1995. The Beijing Platform for Action defines the concept as 'not restricting efforts to promote equality to the implementation of specific measures, but mobilizing all general policies and measures specifically for purpose of achieving equality.' (The Council of Europe, 1998). In other words, the gender and equality dimension should be taken into in all policies and activities; in the planning, implementation, monitoring and evaluation phases. In 2001, the Women's Commission of Hong Kong began to adopt the concept of gender mainstreaming as one of the priority concerns in policy advocacy. At the same time, some women's organizations in Hong Kong have urged the Hong Kong Special Administrative Region (HKSAR) government to adopt gender mainstreaming as policy to advance gender equality in Hong Kong (Association for the Advancement of Feminism, 2001 and 2004). However, in fact, the concept of gender mainstreaming is very unfamiliar to the public and even to government officials.

Violence against women by their intimate partners has become one of the most serious problems in Hong Kong society. Data from the Social Welfare Department show that, among the 3598 reported domestic violence cases in 2005, 3153 cases are female victims while 445 cases are male (Social Welfare Department, 2006), showing that domestic violence is clearly a gender issue. If we regard domestic violence as a symmetrical problem, which means that men have an equal chance of being abused by their spouses, the gender dimension of the problem cannot be fully addressed.

To mainstream the domestic violence policy, therefore, requires the integration of gender dimension into policy-making and to take gender inequality into account. The paper discusses the two major barriers to gender mainstreaming the domestic violence in Hong Kong which include: first the gender sensitivity of government officials in response to domestic violence issue, and second, the political will and commitment of the government in gender mainstreaming domestic violence policy in Hong Kong. Discussion in this paper is mainly based on the documentations of a research study¹ which is to identify and understand the difficulties of and opportunities for gender mainstreaming on the social policy of domestic violence in Hong Kong and to develop policy alternatives suitable for the local context. The research project is a two-year project starting from August 2006. It mainly adopts a qualitative approach in study including the methods: (1) documenting domestic violence policies and the mechanism of implementing gender mainstreaming for such policies in other

countries, (2) discourse analysis of policy documents, (3) interviewing survivors suffered from domestic violence, and (4) interviewing government officials, policy makers, and representatives of other stakeholder groups. The research project is not yet completed, however, discussion in this paper is an attempt to precipitate some critical questions of gender mainstreaming domestic violence policy in Hong Kong.

Gender Mainstreaming: A New Conception and Practice of Social Policy

Concept of gender mainstreaming

The concept of gender mainstreaming was first appeared in international texts after the United Nations 3rd World Conference on Women. It was clearly established as the global strategy for promoting gender through the Platform for Action at the United Nations 4th World Conference on Women in Beijing 1995. Besides the definition in the Platform for Action, the most frequent cited definition of gender mainstreaming in the European literature is that devised by the chair of the Council of Europe Group of Experts on Gender Mainstreaming Mieke Verloo, the concept of gender mainstreaming is defined as ‘the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels at all stages, by the actors normally involved in policy making’ (The Council of Europe, 1998:15).

The strategy for implementing the concept of gender mainstreaming involves not only the reorganisation of policy processes so that gender issues are dealt with by mainstream policy makers, as argued by Krizsan and Zentai (2006), it should also act on society as a whole, by changing the norms and practices at the root of gender inequality, brings in gender sensitivity at all levels of the policy process and leads to continuous sustainable processes that gender objectives are permanently highlighted. By examining the approach of Hungarian policy makers to gender mainstreaming, Krizsan and Zentai suggested a list of prerequisites for the successful implementation of gender mainstreaming namely, ‘gender equality policy and effective state machinery for protecting and promoting gender equality; rigorous social research on gender inequalities; an active and socially embedded women’s movement; high level participation of women in political decision making; an open system of government conducive to new ways of working and high quality training and support for gender mainstreaming activity’ (Krizsan and Zentai, 2006: 146).

Gender and gender equality are the key concepts of gender mainstreaming. According to the Office of the Special Advisor on Gender Issues and Advancement of Women (OSAGI) in the United Nations, they defined gender equality as that the

rights, responsibilities and opportunities of individuals will not depend on whether they are born male or female. Equality also requires that perceptions, interests, needs and priorities of both women and men must be taken into consideration not only as a matter of social justice but because they are necessary to enrich development processes (OSAGI, 2001).

However, as Walby (2005) points out, gender mainstreaming is a contested concept which encapsulates many of the tensions and dilemmas in feminist theory and practice which contain important aspects of the 'sameness/difference' debate over the past decade. The various definitions of gender mainstreaming are different models of gender equality, of which three major types are usually distinguished namely 'equal treatment perspective' (legislations that provide equal rights for women and men), the 'women's perspective' (positive actions that value women's difference) and the 'gender perspective' (gender sensitive policy analysis that value difference equally). Booth (2002) argued that these three types of strategies better conceptualized in term of a 'three-legged equality stool', in which they are interconnected rather than mutually exclusive to each other. They further explain that 'many women's initiatives depend on legal precedents, for example the use of quotas to give preference to women in elections to unrepresentative government structures. Likewise, a gender perspective may rely on the ability to use both legal and positive action techniques to act as catalysts for embedding gender awareness in organizational structures and procedures' (Booth, 2002: 435).

Measures and Actions on Violence Against Women

Since the concept of gender mainstreaming has been adopted as a global strategy for achieving gender equality in the 1995, all United Nations member states are obliged to mainstream a gender perspective in public policy process and transform the policy outcomes. In the Platform for Action (1995), it defines violence against women as:

A manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and

society

(<http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>)

The Platform for Action suggests that governments should take integrated measures to prevent and eliminate violence against women, for example, exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, implement and periodically review and analyze legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, take measures to ensure the protection of women subjected to violence, access to just and effective remedies, including compensation and indemnification and healing of victims, and rehabilitation of perpetrators, give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices, allocate adequate resources within the government budget and mobilize community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels (<http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>).

Since the concept of gender mainstreaming has been promoted by the European Union after the World Women Conference in Beijing, focus is more on economic development and the gender discrimination in labour markets of European member states (Booth, 2002). However, the Council of Europe has taken an active role to review the measures and actions for combating violence against women among its member states under the monitoring framework. In 2002, the committee of Ministers adopted Recommendation Rec (2002)5 on the protection of women against violence, to review the effectiveness of member states in tackling the violence against women under the monitoring framework of the Council of Europe. The stock taking report is a comprehensive and systemic review of European experiences and trends of interventions and social policies development in combating domestic violence. As it has pointed out in the report, 'there is an overall trend towards broadening legal protection measures and establishing both a protective and punitive path of dealing with the problem. Recent changes in legislation on domestic violence seem to focus on providing physical distance between victim and perpetrator, mainly by the legal provision of nonmolestation, occupation orders and police barring orders' (The Council of Europe, 2006: 39). Some specific actions are recommended in the report:

1. Measures to protect and empower victims

Barring orders evicting a perpetrator from the home are effective in protecting women from violence if they are imposed on the spot by the police. When the power

to evict is reserved to prosecution authorities or the courts, the purpose of the measure – immediate temporary safety – is defeated, and barring orders are rarely issued at all. At the same time, court-issued protection orders are essential to victim protection. They should be available both as emergency measures when there has been no police intervention, and as medium- or long-term measures to safeguard the victim's right to safety from violence or the fear of violence. Since most social and health professionals lack relevant training; thus, it is advisable to work closely with women's NGOs that focus on this problem. For the immediate safety and care of urgent needs (social, psychological, medical, forensic, material), places of refuge and safety should provide temporary housing and be accessible to all women. Support by women's advocacy services has been shown to increase both the prosecution and the conviction level. When a law is not enforced in the vast majority of cases, the very principle of the rule of law is damaged and the human rights it is aimed to protect.

2. Measures to punish and deter violence

Perpetrator of domestic violence should face clear and unmistakable sanctions, and they should be urged to learn non-violent relationship behaviour. Perpetrator treatment should not substitute for prosecution, but may be an alternative to punishment. Court-mandated participation in a perpetrator programme can serve to protect the victim. Every effort should be made to encourage men's voluntary participation in such programmes as well. There is an urgent need for co-ordination of police and prosecution services or court. targeted for training and also gain experience from handling similar The penalization of violence against women can be equally effective whether integrated into general criminal law or framed in specific Systematic data collection that will permit analysis tracking outcomes of reporting, recording, investigating, prosecuting and convicting violence against women.

3. Cross-sectoral measures

Children's rights to freedom from violence should be protected. All child welfare agencies, both statutory and voluntary, need to be educated about the conflict and offered guidance for procedures that give appropriate priority to the most fundamental of human rights, that to life, dignity and personal safety. Multi-agency co-corporation forums are regarded a highly cost-effective measure to increase the effectiveness of protection and identify gaps and deficits locally, where these can be addressed most quickly. The purpose of such a forum is to further the flow of information among agencies and improve the quality of service provided by each. All member states are encouraged to develop a National Action Plans for action. An important element in all such Action Plans will be securing education and specialized training for

professionals in all relevant fields, as well as actions to improve public awareness and media treatment of gender-based violence and all related issues.

In this paper, I do not attempt to have an overarching theoretical discussion on the different concepts and strategies of gender mainstreaming. However, the discussion above outlines the key concepts of gender mainstreaming and the implementation strategies in particular on domestic violence policy which is helpful for us to recognize the ultimate objectives and the necessary conditions for successful implementation of gender mainstreaming domestic violence policy in Hong Kong.

Barriers to Gender Mainstreaming Domestic Violence Policy in Hong Kong

Learning from the experiences of the European countries, what is to be done to mainstream domestic violence policy in Hong Kong is not really a straightforward answer but a set of questions needs to be careful scrutinized. What strikes me the most is that mainstreaming domestic violence policy requires the integration of a gender dimension into policy-making and strong political will and commitment of the government to gender equality in society. In the following discussion, I would like to examine two major barriers to gender mainstreaming domestic violence policy in Hong Kong. First the gender sensitivity of government officials in response to the domestic violence issue, and second, the commitment of the SAR government in gender mainstreaming social policy in Hong Kong.

Defining Domestic Violence: Family Issue vs. Gender Issue

To explain the causes of domestic violence, two major theoretical perspectives are usually adopted by researchers and social work practitioners to explain the causes of domestic violence. From a family perspective, domestic violence is viewed as an individual problem and symmetrical between both sexes, which means men and women are equally to be aggressors and victims of violence. These researchers argue that the real problem is 'spousal abuse' and 'family violence' (Straus, 1993; Gelles, 1993). However, a gender perspective stresses the problem of domestic violence on the oppression and domination of men over women in marriage, making societal male-female relations the central unit of analysis. Researchers with this perspective prefer using the term 'woman abuse' or 'violence against women' (Dobash and Dobash, 1992; Daly and Wilson, 1998).

In Hong Kong, it is notable that the policy makers prefers using the term 'family violence' instead of 'domestic violence', and 'spousal abuse' instead of 'woman

abuse' or 'wife abuse'. One example from an official document is the 'Policy to Tackle Family Violence' submitted by Health, Welfare and Food Bureau/ Social Welfare Department in 2005 to (HKSAR) Legislative Council Panel on Welfare Services Subcommittee on Strategy and Measures to Tackle Family Violence in January 2005:

Family violence is a multi-faceted problem. Among different forms of family violence, spouse battering, child abuse and elder abuse are more common. The factors and dynamics associated with family violence are extremely complex. On the one hand, researches have identified that there are common risk factors amongst those who used violence, such as low self-esteem, lack of empathy, alcohol or drug addiction, a history of abuse and neglect as a child, social isolation etc. On the other hand, there are some common protective factors which may provide a buffer against family violence. These may include education, the ability to manage stress, high level of family cohesion and adaptability, community support and a strong social network etc (LC Paper No. CB(2)631/04-05(01) P.1 para. 2).

From the statement we can see that the domestic violence issue is viewed as a marital problem or individual problem instead of a gender issue by the government officials. To have a discourse analysis on the term used by the government, it is not difficult to find a few problems with the terms such as 'family violence' and 'spousal abuse'. According to Michel Foucault, to reveal the rules and relations of formation of knowledge beneath discourse, we will have more ideas about the uses of discourse to exercise power which constraints human action (Foucault, 1972).

To deconstruct the notion 'family violence', the meanings are in three-fold: first, there will be the tendency to trivialise the problem in the past when violence happens in the family or among family members. As a research study shows that, it is likely for police officers to endorse common wife abuse myths such as 'wife abuse is a private matter and men should not be arrested if they only hit their wives' or 'a man is entitled to have sex with his wife whenever he wants it' (Tang, 2005). Police officers tend to view arrests as low priority and not their 'real' work, the legal system will continue to treat battering as an individual problem rather than criminal behaviour (Ferraro, 1989) or discourage abused women to charge their partners (Women's Coalition on Equal Opportunities, 2005). As a result, prosecution rates remain low in Hong Kong. Out of 1,274 cases of spouse battering recorded by the police in 2005, 1,159 people were arrested because of criminal acts such as murder, assault etc., and

only 10 per cent of all alleged perpetrators of reported cases were subsequently convicted (Hong Kong Amnesty International, 2006). Second, family can be understood as a group of people affiliated by consanguinity, affinity, and co-residence. However, the abuser and the abused may not live living under the same roof, but very often, violence continues after the relationship ended. If our understanding on abuse limit to the acts that only happened in the family context or among family members, the violence acts of ex-partner are likely to be overlooked under the family perspective. Third, to stress on the family perspective in explaining the causes of domestic violence imply that the government officials will focus on maintaining the function of the family or improving marital relationships, with little emphasis on the welfare of abused women (Chan, 1997, Women's Coalition on Equal Opportunities, 2005). As pointed out by some feminists in the West, placing the woman abuse problem within the family problem discursive framework implies that solutions to the problem lie in seeking the improvement of family relationship which may not be of the best interest of battered women themselves (Walker 1990, Maynard, 1985).

There are at least two problems with the term 'spousal abuse': first, it masks the fact that the majority of the victims are women. According to the official data in Hong Kong, 87.6% of the victims of spousal abuse were women (SWD, 2006). Women are typically the victims, not the perpetrators of the violence in intimate relationship. Second, it hides the fact that most abusive behaviours are inflicted by men on women. Research studies in the West find that female aggression and violence remains dramatically different from men's violence. For example, women tend to use violence expressively, to express frustration or immediate anger, or to prevent further injury. Women's violence often is the outcome of feeling trapped and helpless. Men tend to use domestic violence instrumentally, for the specific purpose of striking fear and terror in their wives hearts, to ensure compliance, obedience, and passive acceptance of the husband's rule in the home (Kimmel, 2000). When domestic violence is viewed as a symmetrical problem in Hong Kong, it is hardly for us to find any break down on the different forms of violence used by women and men in official data. As a result, the lack of gender statistics on domestic violence cases further reinforce the impression to the public that men and women are equally aggressive but not the problem which stems from the gender inequality of men and women in the family and in society.

The differences in language reflect two sharply different views concerning the nature of violence in intimate relationships, and the measures and actions taken by the government in responding to this issue. However, in fact, 'violence against women' has become the most common term widely adopted by the international institutions such as United Nations (1993), The Council of Europe (2006) and World Health

Organization (2005).

Gender Mainstreaming: Political Commitment vs. Rhetoric

In respond to the demands of the United Nations (CEDAW committee 1999) and the society, the Hong Kong SAR government has set up a Women's Commission in January 2001. It functions as 'a central mechanism to advise the Government on a strategic overview of women issues.' (HKSAR Government, 2003). As stated in the Beijing Platform for Action paragraph 201, the role of a national machinery is 'for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas'.

A Working Group on Gender Mainstreaming was set up one year after the Women's Commission of Hong Kong was established. Gender mainstreaming, as defined by the Commission, 'is the integration of gender perspectives and needs in legislation, policies or programmes, in any area and at all levels. It makes women's as well as men's concerns and experiences and integral dimension in the design, implementation, monitoring and evaluation of all legislation, public policies and programmes' (Women's Commission, 2006:8). After five years of working on promoting gender mainstreaming in Hong Kong, the Commission claimed that they have some achievements including: (1) provide a gender audit checklist; (2) collect and analyse sex-disaggregated data; (3) encourage the setting up of gender focal points in government departments and (4) develop gender sensitive training programmes (Women's Commission, 2006).

However, the effectiveness of the Women's Commission in promoting gender mainstreaming is doubt as we do not see a strong political commitment of the SAR government in promoting gender equality. Since the Women's Commission is under the Secretary for Health and Welfare instead of in a high-level central mechanism, women's issue is viewed as a welfare issue instead of a gender or human right issue which deserves a holistic approach to achieve gender equality (Association for the Advancement of Feminism, 2001). On the other hand, the Women's Commission serves as an advisory body rather than an independent monitoring body with power and resources. For example, the Government was criticised to have allocated only US\$2.56M (0.8% of the 2005/06 Government budget) to Women's Commission, which is equivalent to one quarter of the budget allocation for Equal Opportunities Commission, and there is no detailed breakdown showing the annual expenditure on the work of gender mainstreaming (Hong Kong Women Coalition on Equal Opportunities, 2006). With such limitations, the Women's Commission is doubted to

have actual authority to ensure the government departments and public bodies to gender mainstreaming their policies.

A domestic violence tragedy happened in 2004 in Hong Kong was so alarming that it has considerably raised the public's concern about domestic violence issues. The 2005 Policy Address has stated clearly that a zero-tolerance policy will be adopted to combat the family violence issues in Hong Kong. In the Policy Address, the Chief Executive states that:

We are deeply concerned about incidents of domestic violence. I must stress that we absolutely do not tolerate such acts. The Government will provide additional resources to strengthen relevant services and staff training. We will also set up district liaison groups to enable full inter-departmental co-ordination and work with non-government organisation to tackle family crises and problems. (<http://www.Policyaddress.gov.hk/2005/eng/p40.htm>)

In 2006, the Women's Commission released a report on the strategy and action plans entitled 'Women's Safety in Hong Kong: Eliminating Domestic Violence', in which it has suggested a multi-dimensional strategy to eliminate domestic violence (Women's Commission, 2006). The report suggests that the role of Women's Commission in respect to the safety of women would be acting as a central mechanism for organising a multi-level, multi-sectoral push to continue to prioritise the elimination of domestic violence in the community. It suggests that gender awareness, gender equality and mutual respect should be promoted in the community and men should be involved in the process. They also urge the HKSAR government to apply the Gender Mainstreaming Checklist to all aspects of its work on domestic violence and promote gender-related training to their officers (Women's Commission, 2006). These suggestions, however, in fact, are rhetoric instead of the commitments of the government. Neither the Women's Commission nor the Health and Welfare Bureau have taken the co-ordination role to integrate measures to prevent and eliminate violence against women.

As mentioned earlier, the Council of Europe found that there is a trend of broadening legal protection measures and establishing both a protective and punitive path of dealing with the problem among European countries. To date, not much work has been done to protect and provide support to victims in Hong Kong. As criticised by the Hong Kong Amnesty International (2006), legal protection available to victims of domestic violence is fragmented and insufficient. The Domestic Violence Ordinance is expected to be amended in 2007, the amendment will expand the scope

of the definition of violence to include psychological and sexual abuse and the coverage of the Ordinance to include divorcees and ex-cohabitants, however, it has addressed only some of the problems with the existing law but still fails to incorporate the framework of due diligence to prevent, investigate and punish violence against women and ensure compensation to victims. For example, injunction relief under the Ordinance is available only to married persons and cohabiters. The remedies are not available once the spouses are divorced or living apart, or once cohabitation has ended. Victims of stalking or other non-physical abuse are not eligible to seek judicial protection from the Ordinance.

Gender mainstreaming domestic violence policy will not be possible, unless otherwise, we have the prerequisites for implementation as Krizsan and Zentai (2006) suggested. Among the few suggestions that they have made, I think that the effective state machinery for protecting and promoting gender equality and the open system of government conducive to new ways of working are the two starting points in Hong Kong context.

Conclusion

As we have learnt from the experiences of European countries, gender and gender equality are the key concepts of gender mainstreaming. The ultimate objective of mainstreaming domestic violence policy is to promote gender equality and the necessary condition for successful implementation of such policy requires a strong political commitment by the government to equal opportunities.

It may be too early to draw any conclusion on the possibilities of gender mainstreaming domestic violence policy in Hong Kong at this time. However, as we have noticed that there are at least two barriers to gender mainstreaming domestic violence policy in Hong Kong so fast. First, the family perspective that holds by government officials on the domestic violence obscures the dimensions of gender and power that are fundamental to the understanding of woman abuse. Language is power, the languages use by the government reflect their concerns and measures taken in respond to violence against women issue. The family notions adopted by the HKSAR government reveals that government officials put more emphases on maintaining the function of the family instead of concerning the gender equality between men and women. Second, gender mainstreaming is in fact an approach that needs strong political will and commitment of a government to promote gender equality in society. The existing central mechanism in Hong Kong for promoting the concept gender mainstreaming is ineffective in a way that it is by nature a low-level of advisory body with no power and limited resources.

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