

SEXUAL VIOLENCE RESEARCH INITIATIVE

**Sexual Violence
Against Women
& Children
in China**



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Executive Summary

No society is free from rape, and China is no exception. This review documents current literature on gender based violence with a particular focus on sexual violence and assault in China, including Mainland China and Hong Kong. The prevalence of and risk factors for various types of sexual violence are reviewed. Women's responses to sexual violence and how cultural beliefs affect reporting and help-seeking behavior of sexual violence survivors are discussed. Existing intervention and prevention strategies are examined and recommendations on future research are made. The review was commissioned by the Sexual Violence Research Initiative (www.svri.org).

Types, Magnitude and Pattern of Sexual Violence in China

Studies reviewed focused on sexual violence in its various forms including: intimate partner violence; sexual victimisation and harassment; sexual violence in dating relationships; rape; child sexual abuse; violence against sex workers and internet sexual violence. Huge disparities in definitions of sexual violence, research methodologies and settings were found in the studies reviewed, which makes it difficult to compare the data from the different studies. Prevalence estimates for past-year sexual violence in intimate relationships range from 3.2% (Hong Kong) to 12% (Mainland China) (Chan, 2005; Leung, et al., 1999; Liu & Zhang, 2005; Xu et al., 2005).

For rape, in Hong Kong the official crime statistics provided by the Hong Kong Police Force (HKPF) report around 100 rapes per year. For sexual or indecent assault, the figure is about 1,000 a year. Crime and Victimisation Surveys concerning rape and sexual assault cases are conducted by the Census and Statistics Department of the Government of Hong Kong. The 1998 survey reported 12,500 incidents. The above figures provided by the HKPF indicate that the reporting rate of rape and sexual assault incidents in 1998 was around 10%. There is no publicly-released official crime record of rape and sexual assault incidents in Mainland China.

Rape is rarely reported in contemporary Chinese societies so the Hong Kong figures are likely to be a severe underestimation of the problem.

Risk Factors for Sexual Violence

Studies reviewed identified a number of key risk factors for sexual violence in Chinese societies. These include:

- Societal factors that increase risk of sexual violence: patriarchal authority at home and in society.
- Individual factors that increase men's risk of perpetration:
 - being unemployed or of a low socio-economic status;
 - abuse of alcohol or drugs;
 - gambling;
 - a sense of insecurity, an aggressive personality, poor anger management, or a lack of empathy;
 - psychological disorders;
 - sexual jealousy;
 - relationship stress and conflict;
 - engaging in extramarital affairs;
 - cross border marriages where a bride moves from Mainland China to Hong Kong and a large spousal age difference of 10 to 20 years; and
 - parental / caretaker neglect.

- Individual factors that increase a women's vulnerability:
 - poor inter-parental and parent-child relationships;
 - exposure to family violence in childhood;
 - first sexual experience in childhood;
 - multiple sex partners;
 - alcohol abuse, smoked, or lacked self-protection skills;
 - poverty; and
 - migrant workers coming from rural to urban areas.

Women's Responses to Sexual Violence

Rape has been defined by a Chinese woman survivor as something "shameful and unspeakable" so it is not surprising that research on such a sensitive topic is difficult and limited. Existing research identifies a variety of responses experienced by Chinese survivors of sexual violence. These include fear or anxiety, self-blame, loss of self esteem, poor psychological health, depression and somatic symptoms, disturbed social relationships and an increased rate of suicidal ideation (Luo, 2000; Hicks & Li, 2003; et.al., 2003, Leung et al., 2003 and Chan & Straus, 2005).

These experiences are not dissimilar to responses reported by survivors elsewhere, however research reviewed did also identify responses that are not commonly reported in more Western studies. These included experiencing a heightened sexual shame over 'loss of virginity or chastity...guilt about derogating family honor, victim ridicule/blaming and rape-induced marriage proposals'. Chinese society reportedly places great emphasis on the sexual component of rape and the associated social stigma and shame, which in turn may intensify the severity of the trauma experienced by the victims (Luo, 2000).

Studies have identified a number of key barriers to reporting rape including:

- survivors thought that reporting would cause trouble;
- expected police to be rude;
- breach of confidentiality;
- embarrassment;
- fear of offender's revenge; and
- low expectation that the authority would take an active role in combating the problem.

Shame is a particularly strong factor that deters Chinese from seeking outside professional help (Lee & Law, 2001). Generally, a perceived need to "save face" has an important influence on self-disclosure (Li, 1999, Luo 2000). The notion of saving face strongly influences female victims, especially their help-seeking behaviour after being abused. The traditional emphasis on chastity may result in women who have been raped being viewed as adulterous or "having a bad reputation". Female survivors reported that they feared disclosing an abusive incident would bring shame to their family. They will thus tolerate abuse for a long time, the need to "save face" preventing them from disclosing the violence to others, including professionals.

Service providers have been found to endorse rape myths and victim-blaming attitudes. Survivors are expected to put up a fight and physically resist their attacker (Tanner, 1994). A study among medical professionals (doctors) working in the emergency department in Hong Kong, showed that 36% of them agreed that "a women should be responsible for preventing her own rape". More female than male doctors agreed that "a woman can successfully resist rape if she tries hard enough" (Wong, et al., 2002).

Negative responses from service providers, family and community members are associated with higher levels of psychological symptoms and poorer self rated recovery among survivors. It is important then to inculcate a culture among services for sexual assault survivors that promote positive, supportive responses which can in turn lead to better psychological outcomes.

Cultural factors can sometimes provide protection and in other circumstances create risk. Discussions on culture-specific factors and sexual violence to date have been too general and lacking empirical support. Sexual violence in China is lower than in some other settings. This may reflect differential under-reporting but there could also be protective factors at play. It is important to understand what these are and where appropriate, foster them especially as China is at a point of great social change.

Prevention and Intervention Programmes: Mainland China and Hong Kong

The review provides a comprehensive overview of the prevention and intervention programmes which exist in Mainland China and Hong Kong. A summary of the findings of this section of the review is as follows:

Hong Kong:

The development of professional and specialised services for sexual violence in Hong Kong is advanced and comprehensive. The criminal justice, health, and welfare systems are well developed and coordinated so that they both serve the survivors of sexual violence and deal with offenders. Over 90% of the social services are funded by the government. The great limitation of the services for sexual violence, and in general, domestic violence, is the lack of a policy. Service provision, though comprehensive, is pragmatic and uncoordinated. It is treatment-oriented, using a medical approach, rather than prevention or empowerment approaches. In terms of law reform, although the Bill of Rights Ordinance and the Sex Discrimination Ordinance were enacted in the 1990s, gender discrimination still permeates the laws and social policies of Hong Kong.

While the Hong Kong government stresses that it objects to all kinds of discrimination, it has not revised or repealed statutory provisions or modified development strategies that are gender biased. Examples include the New Territories small house policy, the offence of gross indecency, the age of consent for sodomy, the Marriage Ordinance, and key aspects of the government's public housing policy (Chan et al., 2005).

In the recent reform of the Domestic Violence Ordinance (CAP 189), the government did not criminalise domestic violence or establish a domestic violence policy. The definition of violence remains narrow and does not include all forms of abuse such as psychological abuse, stalking, and sexual abuse in intimate relationships (including homosexual relationships). Furthermore prevention has yet to be comprehensively addressed (Chan et al., 2005).

Mainland China:

There is no specialised, health or professional social work service for survivors of sexual violence and their families in Mainland China. The Chinese government has however been successful in making policies and laws to protect women. Gender equality and women's rights have been asserted in the constitution. The Marriage Law and the Law of the People's Republic of China on the Protection of Rights and Interests of Women, specifically prohibit family violence and sexual harassment. Strategies for the development of women and children have also been stated in policy papers, such as the Programmes for the Development of Chinese Women and Children. The main intervention to prevent family violence and sexual harassment has been limited to public education and campaigns. Responses in China have been constrained by a lack of NGOs and professional services due to a historical dependence on a strong centralized government; a lack of social workers as social work as a profession has only recently been established; and limited and unclear channels of resource allocation for sexual assault services.

The lack of a policy on sexual violence in both Mainland China and Hong Kong means there is no coherent basis from which to monitor the problem; and to develop appropriate responses to survivors and programmes for perpetrators and to develop effective prevention strategies.

Current Research on Sexual Violence in China

Studies on the prevalence and risk factors of sexual violence included in this review have used a diverse range of samples and research methods. Samples are mainly taken from among Mainland Chinese, Hong Kong Chinese, Taiwanese, and a few from Chinese immigrants. Currently most of the data on sexual violence originate from cases reported to the police and incidents revealed in clinical settings and surveys. A substantial number of victims are still unknown to the system. The diversity of findings reported by surveys and criminal reports reflects problems in obtaining accurate figures on the scope of the problem. The problem of under reporting for multifaceted reasons makes estimation of the true prevalence very difficult and the available figures show only the proverbial tip of the iceberg.

Moreover, the terms rape, sexual assault, sexual abuse and sexual violence are used inconsistently. There is a need to standardise, or at least to define terms systematically in each study to allow for accurate comparison. The measurement of the incidence of sexual violence is not standardised either. In particular, only a few studies have demonstrated the validation of measures in Chinese populations. The validation of self-constructed or translated scales should be demonstrated in future studies on sexual violence in China.

Finally, there are limited sources of official statistics on sexual violence in China. No data means no ongoing scrutiny of the scale of the problem and appropriateness of the response. If the pattern of sexual violence in China is to be better understood, the government must first establish - and it must be urged to establish - a data system to collect reported incidents, and a community profile of sexual violence victimisation must be developed.

Recommendations for Future Research

The findings of this review suggest that sexual violence is a substantial public health problem in China. Unfortunately data on sexual violence in China is lacking. The interpretation and comparisons between studies is greatly hampered by the lack of an agreed definition of sexual violence, and the great variation in methodologies and sampling used. Moreover, the disparate nature of Chinese societies makes generalisation of research findings difficult. Research on risk factors for sexual violence victimisation and perpetration and cultural understandings of and responses to sexual violence are limited. The limited data on the nature and extent of the problem means that sexual violence in China remains low on the agenda of policy makers and service providers. The review indicates programmes and services in Hong Kong are developing, whilst programmes and responses in Mainland China are greatly hampered by a lack of NGO and professional services. In both Hong Kong and Mainland China existing services and programmes remain untested. Although a number of legal reforms have been implemented, a lack of a national policy on sexual violence greatly hampers the development of appropriate responses to sexual violence survivors and the development of effective prevention programmes. These gaps highlighted by the review serve as a basis for the development of a research agenda for sexual violence in China.

Based on the findings of this review two key areas of research are identified as priorities:

a. Understanding the nature and extent of sexual violence in China

Research in this area should focus on the following:

- Research on the incidence and prevalence of sexual violence in a range of settings, using standard research tools for measuring sexual violence;
- Identification of the different forms and understandings of sexual violence in a range of settings and perspectives, including survivors, perpetrators, families and communities;
- Identification of culture specific risk and protective factors for victimization and perpetration of sexual violence in China; and
- Identification of survivors' responses to sexual violence, including to:
 - Determine the health and psychological consequences of sexual violence and the various coping strategies used by survivors;
 - Systematically document the psychological effects on survivors of the responses of the criminal justice system; and
 - Document processes of recovery/healing including how disclosure and other factors influence recovery.

b. Research on intervention and prevention

Research in the areas of intervention and prevention should focus on:

- Documenting and evaluating current services and interventions that support survivors or work with perpetrators of sexual violence;
- Developing and evaluating multi-disciplinary approaches and responses to sexual violence, with different basic packages of services being identified for different settings and resource levels;
- Developing and evaluating prevention programmes, including community based interventions and school based programmes; and
- Researching the impact of legal reforms, and build on international best practice.

I. Introduction

Sexual violence is a global problem. It occurs in different cultures and in many settings of society, including the community, workplace, school, and home. The negative impact of sexual violence is not confined to the survivors; it affects the health of the whole population. Apart from reproductive and sexual health problems, including unwanted pregnancy and transmission of diseases (e.g. HIV), survivors of sexual violence may experience psychological distress comparable to Post-Traumatic Stress Disorder (PTSD), and may even commit suicide. This paper provides a comprehensive literature review on sexual violence in China. It discusses the various forms or types of sexual violence; the magnitude and prevalence; the risk factors and the patterns of sexual violence in China; and provides an overview of context, current research on sexual violence in China, community knowledge and perceptions about sexual violence, and intervention and prevention strategies. Recommendations for future research are also provided.

The discussion is based on a review of current literature (journal articles and book chapters located in databases, including Criminal Justice Abstracts, MEDLINE, PsycINFO, Social Services Abstracts, and Sociological Abstracts). Chinese publications are included based on a search of Chinese databases. Government documents, such as policy papers and research reports, are also reviewed. Interviews were conducted with key informants including scholars, government officials, and service providers from NGOs in Hong Kong, Shanghai, and Shenzhen.

2. Definition of Sexual Violence

The terms rape, sexual assault, sexual abuse, and sexual violence have similar meanings and they are often used interchangeably in reports and documents. According to the WHO, sexual violence refers to "any sexual act, attempts to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion (i.e. psychological intimidation, physical force, or threats of harm), by any person, regardless of their relationship to the victim, in any setting, including but not limited to home and work" (Jewkes et al. 2002).

The types of acts regarded as sexual violence can vary from country to country. The definition of sexual violence can include rape and unwanted sexual contact (disregarding the perpetrator's relationship with the survivor), sexual abuse of individuals incapable of defending themselves (including mentally or physically disabled people, and children), forced engagement in a relationship (including marriage or cohabitation), denial of the use of contraception or of protection from sexually transmitted diseases, forced abortion, forced prostitution, and acts against the sexual integrity of women (Jewkes et al., 2002).

A wide range of sexually violent acts can take place in different situations and contexts. This review covers rape within marriage or dating relationships, rape by strangers, unwanted sexual advances or sexual harassment, and sexual abuse of children.

3. Scope of Chinese Societies

Broadly speaking, the Chinese population includes immigrants in Western and Asian societies, and those living in Mainland China, Hong Kong, Macau, and Taiwan. However, the majority of the Chinese live in predominantly Chinese societies, such as those of Mainland China, Hong Kong, Macau, and Taiwan. These societies differ in terms of their socio-political and socio-economic structures.

In China, there are four municipalities (Beijing, Tianjin, Shanghai and Chongqing), 23 provinces (Anhui, Fujian, Gansu, Guangdong, Guizhou, Hainan, Hebei, Heilongjiang, Henan, Hubei, Hunan, Jiangsu, Jiangxi, Jilin, Liaoning, Qinghai, Shaanxi, Shandong, Shanxi, Sichuan, Taiwan, Yunnan and Zhejiang), five autonomous regions (Guangxi Zhuang Autonomous Region, Inner Mongolia Autonomous Region, Ningxia Hui Autonomous Region, Tibet Autonomous Region and Xinjiang Uygur Autonomous Region) and two special administrative regions (Hong Kong and Macau). In this study, studies of sexual violence in Mainland China, Hong Kong and Macau are reviewed.

Hong Kong and Macau, which were both colonies for many years, are similar in many respects. Chinese people in Hong Kong and Macau are exposed to both Chinese and Western cultures, in particular the cultures of the United States (US), the United Kingdom (UK), and Portugal. The official language in Hong Kong is English, and even after the handover in 1997, English remained the official language, in addition to Chinese. The legal system in Hong Kong was adapted from the common law system of the UK, but it is now integrating into the legal system of Mainland China. In Macau, Portuguese was the official language until the handover in 1999.

There are significant cultural differences within Mainland China. There are more than 19 ethnic groups, with the Han being the dominant ethnic group in terms of numbers (Chiu, 2001). Nearly 90% of the population of Mainland China, Hong Kong, and Macau are Han Chinese.

There are also huge differences between people in rural areas and those in cities, and between Northern and Southern China. In Southern China, in regions such as the Pearl River Delta and Shanghai, there is a longer history of economic development and exposure to Western cultures. When comparing men from Shanghai and Beijing, the latter are reportedly more traditional and dominant in the home, while the former are generally viewed as less dominant.

Chinese populations are heterogeneous. Caution should therefore be exercised in interpreting findings from studies, because no study can represent all Chinese people in these societies.

4. Types, Magnitude and Pattern of Sexual Violence in China

a. Sexual violence in spousal relationships

Estimates of the lifetime prevalence of sexual violence in intimate relationships range from 7% to 16% for reported victimisation and 7% for reported perpetration. Prevalence figures for past-year sexual violence in intimate relationships range from 3% to 12% for reported victimisation (Chan, 2005; Leung et al 1999; Liu & Zhang, 2005; Xu et al., 2005). A summary of studies published in English-language journals is presented in Table 1.

Table I: Studies of the prevalence of spousal sexual violence in Chinese societies, published in English journals

Source	Abuse Type	Sample	Sampling	Measure	Prevalence of sexual violence	Risk factors
(Chan, 2005)	Spousal violence	5049 Chinese couples in Hong Kong, 46.4% male and 53.6% female (response rate 70%)	Random sample of Hong Kong households	The revised Conflict Tactic Scale (CTS2) for data on spouse violence	<p>Lifetime prevalence:</p> <ul style="list-style-type: none"> • victimisation=8.9% <p>Past year prevalence:</p> <ul style="list-style-type: none"> • victimisation=4% • 0.4% of women reported threat or force used to obtain sex 	<p>Among 30 significant risk factors identified, including:</p> <ul style="list-style-type: none"> • Face, in-law conflict, and most of the PRP scales. • New arrival in family and spousal age difference
(Chan et al., forthcoming)	Violence against pregnant women	3,245 pregnant women from seven hospitals in Hong Kong	Convenience sampling	Abuse Assessment Screen	<ul style="list-style-type: none"> • 2.5% were physically or sexually abused 	In-law conflict, low education level, alcoholic abuse, indebtedness, receiving social security, number of children, unplanned pregnancy, dependence on social support and chronic illness
(Leung et al., 1999)	Violence against pregnant women	631 Chinese pregnant women attending the antenatal clinic of a local teaching hospital in Hong Kong	Convenience sampling	Abuse Assessment Screen	9.4% sexually abused in the last year	<ul style="list-style-type: none"> • Unplanned pregnancy • Husband/partner being unemployed

Table I continued

Source	Abuse Type	Sample	Sampling	Measure	Prevalence of sexual violence	Risk factors
(Liu & Zhang, 2005)	Spousal violence	3692 Chinese in 3 provinces of China (31.4% from Zhejiang, 33.3% from Hunan, and 35.3% from Gansu); 50.1% were rural group	Convenience sampling	CTS Scale	5.8% of wives sexually abused in the past year	<p>Causes of family violence</p> <ul style="list-style-type: none"> • Patriarchal ideology • Alcohol • Gambling • Extra-marital affairs • Poor quality of the couples relationship • Men's poor control of anger • Gender inequality • Psychological disorders of abuser
(Xu et al., 2005)	Violence against women	600 Chinese women attending an outpatient gynaecological clinic at a major teaching hospital in Fuzhou, China, in 2000	Randomly select patients signing in with the nurse at the clinic	Adapted from the WHO Multi-country Study on Women's Health and Domestic Violence Questionnaire	Lifetime prevalence = 16% Past year prevalence = 12%	<ul style="list-style-type: none"> • Grew up in rural areas • Had 2 or more live-in partners • Had an unemployed partner • Alcoholic (survivor or partner) • Partner had extra-marital affair • Frequent quarrels with partner • Partner used illegal drugs • Socioeconomic and cultural risk factors • Refused job because of partner • Partner took money away or partner refused to give money • Believed in domestic authority • Believed there were good reasons to beat a wife

The estimated number of survivors suffering spousal or marital rape in Hong Kong is at least 6000 women a year, (Chan et al 2005) a figure that is far more than the number of cases reported to the Social Welfare Department of the Government. In 2006, only 11 cases were reported to this department (see Table 2).

The huge gap between the number of cases known to the system and the figure revealed by the survey implies that most survivors do not report incidents, either to police or to social services. The current approaches to encouraging survivors to report incidents are ineffective.

Table 2: Newly reported battered spouse cases in 2006

Types of abuse	January to December 2006
	Number of cases (%)
Physical abuse	3602 (81.4%)
Sexual abuse	11 (0.2%)
Psychological abuse	609 (13.8%)
Multiple abuse	202 (4.6%)
Total	4424* (100%)

(Statistics on cases involving spouse battering are captured by the Central Information System on Battered Spouse Cases by Social Welfare Department, the Government of Hong Kong)

In Mainland China, a large number of studies on gender based violence have been published in Chinese journals. The most recent representative study conducted by the All-China Women's Federation in 2003 showed that the prevalence of domestic violence among 0.27 billion families in Mainland China was 30%. About 90% of perpetrators were men and 85% of survivors were women. Marital rape was one of the major reasons for family breakdown.¹ Another study comparing the prevalence of sexual violence against women by their partners in cities indicated that about 8% of women in rural areas had experience of being sexually abused. This was higher than the 2.8% reported by women in cities.²

A group of health professionals released a series of local studies, one of which was a study of violence against pregnant women in Tianjin, Liaoning, Henan, and Shaanxi, in Mainland China. It revealed that 4.3% of 12,044 women surveyed had experienced violence during pregnancy. About 2.8% were sexually abused by their husbands. The types of sexual violence included the use of force or threat to use force to have sex during the perinatal period, and forced sex as a result of tying up the partner. Miscarriage or abortion was significantly high among the abused group.³ Being a victim of violence during pregnancy is also associated with postnatal depression.⁴ Being a victim of sexual violence was prevalent among women who had had an abortion, with rates ranging from 15.6%,⁵ 18.1%⁶ to 30.4%.⁷

¹李艳梅．婚内强奸立法探析[J]．当代法学，2002(9):91 - 93

²史莉莉．关于妇女家庭暴力的立法现状与不足[J]．人大研究，2003(7):25 - 27

³郭素芳，王临虹，吴久玲，渠川琰，严仁英．妊娠期丈夫对妻子的家庭暴力与不良妊娠结局[J]．中华围产医学杂志，2004(5):265 - 268

⁴郭素芳，吴久玲，渠川琰，严仁英．产后抑郁与产后家庭暴力[J]．中国心理卫生杂志，2003(9):629 - 631

⁵赵更力，张小松，王临虹，吴久玲．Peter Xenos，中国部分城市流动人口未婚人工流产女青年生殖健康状况分析[J]．生殖医学杂志，2005(5):268-27

⁶吴久玲，郭素芳，熊玮仪，赵卫红．人工流产妇女中家庭暴力现状研究[J]．中国公共卫生，2003(11):1285 - 1287

吴久玲，郭素芳，渠川琰．人工流产妇女中家庭暴力现状研究[J]．妇女研究论丛，2006(1):30 - 32

⁷项小英，尚琪，渠川琰．家庭暴力与人工流产相关因素分析[J]．中国妇幼保健，2005(9):1146 - 1147

The prevalence of sexual violence was found to vary among other local studies; for instance, 11% of 3,998 married women in Jilin, Anhui, and Chongqing were estimated to be survivors,⁸ as were 3% of pregnant women in Henan⁹ and 10% of women among infertile couples in rural areas.¹⁰

Some common reasons for sexual violence include socio-economic status, unemployment, and male sexual dysfunction.¹¹ The rates were under-reported because of family shame, taboos about discussing sex, and lack of support from social services.¹²

b. Sexual violence and sexual harassment

According to one study, the prevalence of sexual assault against women in Beijing over the preceding 5 years was 1.6% (Alvazzi del Frate 1998). Another study found that about 25% of women experienced various forms of sexual harassment and 1% were coerced into sexual activities during their college years by teachers or peers (Tang, et al. 1996).

In the household survey conducted in Hong Kong (Chan, 2005), female respondents were asked if they had experienced sexual coercion outside marital relationships. The results indicated that about 1.6% of women had experienced sexual assault in their life. About 0.5% of women had experienced forced sex (including intercourse, anal sex, or oral sex) by someone other than their spouse, with 27.3% of the survivors reporting that the incidents happened at or before the age of 17 (Table 3). Among the survivors reporting forced sex taking place at or before the age of 17, 66.7% reported the acts as being perpetrated by someone they knew, and about 33.3% of them were forced to have sex by family members. These figures demonstrate that many women were sexually abused at a very young age by people they knew and had trusted.

Table 3. Prevalence of familial sexual coercion

Sexual coercion incidents	Happened ^a	Happened at or before age	Perpetrator of sexual coercion ^b			
			Family members	Relatives or friends	Strangers	Don't know
Forced to touch someone or being touched in a sexual way	1.6%	Yes = 61.8%	23.8%	38.1%	28.6%	9.5%
		No = 38.2%	23.1%	15.4%	15.4%	46.2%
Forced to have sex with someone (including intercourse, anal sex or oral sex)	0.5%	Yes = 27.3%	33.3%	66.7%	0	0
		No = 72.7%	37.5%	12.5%	25%	25%

^a Based on 2708 women surveyed

^b Based on the number of women who reported the incidents

⁸ 郭素芳, 赵凤敏, 吴久玲, 张彤, 王临虹, 王蕾. 农村地区家庭暴力发生情况及影响因素分析[J]. 中国公共卫生, 2007(1):4 - 6

⁹ 叶志海, 王声勇, 肖小敏, 范磊, 周幼芬, 梁彩霞, 罗新. 孕期及产后妇女家庭暴力调查[J]. 中国公共卫生, 2005(8):1012 - 1013

¹⁰ 郭欣, 程怡民, 黄娜, 李颖, 吕岩红, 蔡雅梅, 王潇燕. 不孕症夫妇家庭暴力发生情况及影响因素分析[J]. 中国公共卫生, 2006(5):552 - 554

¹¹ 郭欣, 程怡民, 黄娜, 李颖, 吕岩红, 蔡雅梅, 王潇燕. 不孕症夫妇家庭暴力发生情况及影响因素分析[J]. 中国公共卫生, 2006(5):552 - 554

¹² 吴久玲, 郭素芳, 熊玮仪, 赵卫红. 人工流产妇女中家庭暴力现状研究[J]. 中国公共卫生, 2003(11):1285 - 1287

吴久玲, 郭素芳, 渠川琰. 人工流产妇女中家庭暴力现状研究[J]. 妇女研究论丛, 2006(1):30 - 32

The reported cases of sexual violence in Hong Kong, which numbered 704 in 2006, represents only a very small proportion of the total number of incidents of sexual violence (see Table 4). These figures suggest that underreporting is particularly serious in the region. Similarly, in Taiwan, Luo (2000) estimates that only 10% of sexual assaults are reported, with an incident rate of between 7,000 to 10,000 per year or 20-27 rapes per day.

Table 4: Newly reported sexual violence cases in Hong Kong, 2006

Types of Abuse	January to December 2006
	n (%)
Rape	100 (14.2%)
Indecent assault	579 (82.2%)
Forced masturbation	1 (0.1%)
Forced oral sex	1 (0.1%)
Buggery	1 (0.1%)
Others	6 (0.9%)
Multiple incident	16 (2.3%)
Total	704 (100.0%)

(Statistics on cases involving sexual violence are captured by the Central Information System on Sexual Violence Cases by Social Welfare Department, the Government of Hong Kong)

Studies conducted in Taiwan and Mainland China found sexual harassment to be prevalent in the workplace. In Taiwan, about 26% of women and 13% of men reported experiencing workplace sexual harassment (Luo, 1996). The most frequently reported forms of sexual harassment were unwanted sexual jokes or comments, unwanted deliberate body contact, and pressure for a date. In Mainland China, the prevalence of sexual harassment in the workplace varied from 5.5%¹³ to 63%¹⁴ and even 84%.¹⁵ In a recent large online survey conducted by Sina.com.cn on sexual harassment in Mainland China, 60% of the 8,282 respondents reported being sexually harassed.

¹³ 陈祖辉, 王声涌, 荆春霞. 广州市两所医院工作场所暴力现象调查[J]. 中华预防医学杂志, 2003(5):358-360

¹⁴ 王行娟. 性骚扰的现状与研究[J]. 妇女研究论丛, 1998(3). 田鹰. 法律无奈性骚扰[J]. 视线, 2003(6)

¹⁵ 彭江红. 论妇女性人权的保护[J]. 时代法学, 2005(6):68 - 72

c. Official statistics: reported rape and sexual assault

In Hong Kong, there are two sources of official statistics on reported rape and sexual assault. One is from those social services that assist survivors of rape and sexual assault, such as the Family Planning Association of Hong Kong (FPAHK) and the Association Concerning Sexual Violence Against Women (ACSAW). The figures provided by the FPAHK have been declining because the service provision has shifted to ACSAW, which has been formally subsidised in a pilot scheme since 2002. Combining the figures from the two agencies, the reported rape cases have been steady, at between 100 and 200 cases a year. Table 5 and 6 refer.

The second data source is the official crime statistics provided by the Hong Kong Police Force (HKPF). According to these statistics, incidents of rape are around 100 per year. For sexual or indecent assault, the figure is about 1,000 a year. (See Table 7).

Crime and Victimization Surveys concerning rape and sexual assault cases are conducted by the Census and Statistics Department of the Government of Hong Kong. The 1998 survey reported 12,500 incidents. (See Table 8). The above figures provided by the HKPF indicate that the reporting rate of rape and sexual assault incidents in 1998 was therefore 10%. Rape is a rarely reported event in contemporary Chinese societies.

There are no publicly-released official crime records of rape and sexual assault incidents in Mainland China. It is therefore difficult to easily scrutinize and monitor the incidence of rape or sexual assault reported to the police in Mainland China.

Table 5: Statistics of Help Sexually Assaulted Victims Service 2000 – 2004, the Family Planning Association of Hong Kong

Year	2000	2001	2002	2003 #	2004
Number of victims	115	85	63	34	33
Number of cases *	120	86	67	34	33
Reported to police	43	27	23	9	10
Unreported to police	77	59	44	25	23
Current age of victims by case					
under 11	3	1	0	0	0
11–15	54	23	22	7	11
16–20	11	27	24	19	9
21–30	39	30	11	8	12
over 30	8	4	6	0	1
Types of sexual assault					
Acquaintance rape	54	41	39	20	14
Stranger rape (those that occurred out of the blue)	11	9	4	1	4
Indecent assault	5	6	6	2	3
Victim under the influence of drug or alcohol	32	16	13	6	9
Suspected rape	10	6	3	2	1
Gang rape	2	1	1	0	0
Drug rape (where administration of drug is not known to victim)	3	6	0	3	2
Incest	3	1	1	0	0

* New category since 1998. As some victims reported more than one incidence of assault the number of victims does not equal the number of cases.

This special service was ceased from July 06 as to avoid unnecessary duplication with the community service. Clients can choose to seek medical and counseling services from our Youth Health Care Centres or Clinics.

(Source: The Family Planning Association of Hong Kong www.famplan.org.hk)

Table 6: Number of cases at the Association on Concerning Sexual Against Women (1997–2002)

Period	3/97–12/97	1998	1999	2001	2002
Rape	27	29	178	191	154
Sexual assault	20	18	83	115	171

(Source: Association on Concerning Sexual Violence Against Women. Annual Report 1997/99 and 2000/2001)

Table 7: Number of Cases Concerning Rape and Sexual Assault Reported to the Police, 1993–2003

Year	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Rape	103	100	103	86	74	90	91	104	95	95	70	92	99	96
Indecent assault	1030	1066	1099	1214	1114	1214	1047	1124	1007	991	1018	1034	1136	1195

(Source: Hong Kong Annual Report 1999 and Hong Kong Police Force (2000) Annual Report. Statistics, The Hong Kong Police. <http://www.police.gov.hk/hkp-home/english/statistics/index.htm>)

Table 8: Rape and Sexual Assault Cases

Year	Census Statistics	
	Number	Rate per 1000 persons aged 12 and over
1978	1300	0.3
1981	800	0.2
1986	3400	0.7
1989	3500	0.8
1994	4900	1.0
1998	12500	2.2

(Source: Census and Statistics Department (1978, 1981, 1986, 1989, 1994, 1998) Crime and Victimization Survey. HK: HK Government)

d. Sexual violence in dating relationships

In some parts of the world, one in every five women reports having experienced sexual violence in a dating relationship, and up to one third of women describe their first sexual experience as being forced (WHO, 2003). Sexual abuse in dating relationships has been a focus of a Hong Kong-based study. This study found that 20% of female university students had been forced to engage in some form of sexual contact, while 3% had actually been forced to have sex with their partner (Tang et al, 1995).

In a more recent study on the prevalence of sexual coercion among dating partners, in a sample of 651 students attending three universities in Hong Kong, the lifetime and preceding-year prevalence of sexual coercion were 19.8% and 14.6%, respectively (Chan, et al., forthcoming).

With regard to sexual coercion in Beijing and Shanghai, and in Hong Kong, 12.7% and 9.5% respectively reported having sexually coerced their dating partner, while 15.4% and 13% respectively said they had been coerced (Chan & Straus, 2005). Similar rates were found in Taiwan, where the overall prevalence of sexual abuse in dating relationships was 24.7% (Chen, 1996). About 6.8% of the male students and 42.1% of the female students had experienced sexual abuse. These figures are comparable with a study of dating violence among American college students, which found that 20% of Chinese American students had experienced some form of dating violence (Yick & Agbayani-Siewert, 2000).

A survey on sexual victimisation among 178 Chinese female college students showed that 88.2% of the students had experienced verbal sexual assault, 42.4% had experienced unwanted physical approaches, and 0.6 – 11.8% had experienced different kinds of sexual coercion, of which 7.3% had been raped or experienced an attempted rape (Xu, et al 1998).

Reporting was extremely low among survivors. Only 18% of them disclosed the episodes to their parents and only 3.7% reported them to the police. Most survivors had no support. They thought reporting would not bring any benefit, only shame. Some did not even know they could report such matters to the police. None of the survivors knew anything about the victim assistance programme.

e. Child sexual abuse

In a study of university students in Hong Kong, 4.3% of males and 7.4% of females reported experiencing one or more incidents of sexual violence before the age of 17. The perpetrators were strangers in less than one third of the cases (Tang, 2002). In a more recent and representative population study, parents were asked about incidents that involved their children. In this household survey it was found that about 0.3% of children had been sexually harassed (i.e. had been forced to touch someone or had been touched in a sexual way) and 0.1% of them had been forced to have sex (total number of children in the sample = 2081) (Chan, 2005).

Although the percentages may seem small, they actually represent a large number of individuals when the whole population is considered. These figures are based on the parents' reports of known incidents. The true extent of the problem remains unknown.

A Child Protection Registry (CPR), under the aegis of the Social Welfare Department of the Government of Hong Kong, records reported cases of child abuse. In 2006, among the 806 reported child abuse cases, about 28.9% involved sexual abuse (see Table 9).

Table 9: Newly reported child abuse cases, Jan–Dec 2006

Types of abuse	Number of cases (%)
Physical abuse	438 (54.3%)
Neglect	77 (9.6%)
Sexual abuse	233 (28.9%)
Psychological abuse	12 (1.5%)
Multiple abuse	46 (5.7%)
Total	806 (100.0%)

(Statistics on cases involving child abuse are captured by the Child Protection Registry (CPR) by Social Welfare Department, the Government of Hong Kong)

Chen and associates (Chen, et al., 2002, 2003) conducted two surveys of high school students in Liaoning province in north-eastern China. They found that 25% of girls and 23% of boys reported at least some type of non-contact event, including where a person exposed their genitals or where they witnessed masturbation; 2.3% of girls had experienced attempted vaginal penetration and 5.8% said someone had touched or fondled their breasts or genitals before the age of 16 against their will.

In a later and larger-scale cross-sectional survey among a convenience sample of high school students in Beijing municipality (equivalent to a province), and in Hubei, Henan, and Hebei provinces (Chen, et al., 2004), it was found that the prevalence of any unwanted sexual experience before the age of 16 years was higher among females (16.7%) than males (10.5%). Sexual penetration was rarely reported (1%), while 7% reported at least one type of physical contact abuse (female 8.9%, male 5.0%). Male and female survivors of child sexual abuse (CSA) were more depressed and suicidal, and drank alcohol more often, than unaffected adolescents. Female survivors of CSA were more likely than others to engage in anorexic and bulimic behaviors, while male survivors were more often involved in violence.

Studies have found that the prevalence of sexual violence and victimisation among women seeking abortion in China is between 14% (Wu, et al., 2006) and 18% (Wu, et al., 2005). Among survivors of sexual abuse, 8.6% had had their first sexual encounter in childhood, 42.7% had had multiple sexual partners, and 21.6% had never used contraception. The prevalence of sexual abuse is high in China and it increases the risk of acquiring sexually transmitted diseases.

Other local studies have consistently found that 18%¹⁶ to 24%¹⁷ of students experienced sexual violence in their childhood. Most of these studies show higher rates among females (for example, 24.2% of females and 19.7% of males¹⁸), except in one study of students that found 27.2% of victims to be male and 20.2% to be female.¹⁹

A low reporting rate for child sexual abuse has been noted by various researchers (Ho & Mak, 1992; Ma, et al. 2004; Ross et al., 2005). Family shame and the insensitivity of professionals account for the delay in disclosure, and thus the low figure for reported incidents (Ho & Kwok, 1991).

¹⁶ 荆春霞, 王声勇, 陈青山, 吴赤莲, 刘国宁. 广州市中学校园暴力发生情况及原因分析[J]. 中国学校卫生2005(1):22 - 23

¹⁷ 谷有来, 王宏伟. 儿童性虐待的发生情况、危害和因素[J]. 青年探索, 2004年(2):54 - 56

¹⁸ 胡涤菲, 金雷, 王立军. 儿童受暴力侵害状况及对策研究——基于浙江省336名中专学生儿童期虐待经历的研究[A]. 秩序与进步: 中国社会变迁与浙江发展经验——浙江省社会学学会2006年年会暨理论研讨会论文集[C]. 2006

¹⁹ 谷有来, 王宏伟. 儿童性虐待的发生情况、危害和因素[J]. 青年探索, 2004年(2):54 - 56

f. Violence against sex workers

A sex industry exists, but this is not publicly recognised in Chinese societies, not even in cosmopolitan and modernised cities like Hong Kong. Very few studies have focused on violence against sex workers.

A cross-sectional survey of female sex workers in Hong Kong showed that they scored significantly lower on reported quality of life, when compared with women working in other jobs. Many sex workers were at risk of being abused while at work, and many women worked without legal protection. They had a higher level of exposure to violence and discrimination. For example, they felt physically unsafe, and reported cases of rape (3.4%), beating (7.9%), or verbal abuse (11.2%) by clients (Wong, et al., 2006).

g. Internet sexual violence

Wolak, Mitchell, and Finkelhor (Mitchell, et al., 2003a, 2003b, 2005; Mitchell, et al., 2007) have published a series of papers on Internet crime against children, in particular, child pornography and sexual violence. This new form of sexual violence against children and adolescents deserves more attention.

Chinese societies also are experiencing an increasing prevalence of this type of violence. Reported incidence have included one in June 2007, when some nude photos of pop stars were posted on the Web without the female subjects' consent and circulated widely in Hong Kong; and a female student in Macau was bullied and photos taken of her being sexually abused were posted online. One of the members of the pop duo "Twins" had photos taken of her while changing, which was published in a weekly magazine.

An increasing number of incidents of sexual violence involving a handy camera, a video camera, and the web have been reported. As a means of control, survivors are threatened that photos or videos of them will be uploaded. Only one published study investigated sexual violence on the Web. In this study, about 60% of respondents reported experience of cyber sexual violence. Significantly more females (63.8%) than males (51.7%) had been abused.²⁰

5. Risk Factors for Sexual Violence

Sexual violence is an abuse of a gendered power. Survivors are usually less powerful, women, children and employees, while men especially as parents or caretakers and employers are potential abusers. The study of sexual violence in China is still in its infancy. Studies of risk factors associated with intimate partner violence in general and sexual violence in particular are included in this review. When discussing the cultural, individual and other risk factors, it is important to note that the limitations of the study designs are such that it is only possible to establish that many of them are associated behaviours and circumstances, and not a causal relationship. Nonetheless they are important markers of risk contexts.

a. Cultural values and attitudes

Patriarchy has been identified as playing an important role in violence. Within the family, men may use violence to exert their position of dominance over their partner or their children. Patriarchy may also contribute to male domination in the society.

²⁰吳惠貞。(2004)。《香港青少年網上性暴力問題研究報告》。香港：關注婦女性暴力協會。

i. Patriarchal authority at home

The social and cultural legitimacy of women's subordination is regarded as an important factor that contributes to violence against women (Liu, 1999). Patriarchal authority and holding a strong belief in patriarchal gender relationships were reported to have significant correlations with spousal violence in Chinese populations (Chan, 2004a; Liu & Zhang, 2005; Parish et al., 2004; Xu et al., 2005).

In Chinese culture, male dominance and patriarchal ideology have been seen as core family values and treated as proverbs of life.²¹ Even females were found to have held on to traditional values and to believe that there were good reasons to beat a wife²² (Xu et al., 2005), especially as a way of preserving the "face" of the male partner (Chan, 2006).

Chan (2006) found that abusers held a traditional gender role assumption that the man should be the provider and the woman the caregiver. To gain face, men believed that they had to dominate their wives. The use of violence becomes a tool with which to build the patriarchal platform. Cultural acceptance of wife abuse (Liu, 1999; Yick & Agbayani-Siewert, 2000), and in particular, the lack of legislation defining family violence as illegal (Liu & Zhang, 2005), keeps survivors of spousal violence in the abusive relationship for a long time²³ (Wu et al., 2005).

The lack of legal and social support for survivors is an indication of the social isolation that makes it difficult for a survivor to disclose intimate partner violence (Xu, 1997). This is particularly true for survivors growing up in rural areas of China and for immigrants to cities (Xu et al., 2005).

Regarding survivors of spousal violence, Liu (1999) argues that even though divorce has been used by battered women as a way to end their abusive experience in many countries, it is not common for battered women in China to use divorce as a way out of an abusive relationship. Divorce has been controlled strictly by the government and by social norms, and battered women lack personal resources. Thus, "enduring violence" has become a main coping strategy for battered women in China.

ii. Patriarchal authority in society

In modern China, after 1949, the government of the People's Republic of China (PRC) declared in a constitutional legal document that women should enjoy equal rights with men in respect of politics, economics, culture, education, and social life (Chen, 1999). In reality, however, legal equality between men and women does not amount to true equality (Liu, 1999; Xu, 1997). The patriarchal social order and family system have long been supported by the economic and social processes in Chinese society.²⁴ This has resulted in the subordination of women and in violence against women. The government's inaction in combating domestic violence has been criticised as a social factor, in particular, the gender insensitivity of the criminal justice system,²⁵ insufficient laws combating violence against women,²⁶ the lack of coordination between government departments in helping survivors,²⁷ and system failure in survivor protection.²⁸

²¹ 李兆晖, 程怡民, 王献蜜. 暴力实施对妇女健康的危害[J]. 国外医学·社会医学分册, 2003(2):61 - 64

²² 田蕾. 对妇女遭受家庭暴力问题的若干思考[J]. 甘肃农业, 2006(2):188

²³ 吴久玲, 郭素芳, 渠川琰. 中国北方部分城市人工流产妇女中家庭暴力现状研究[J]. 妇女研究论丛, 2006(1):30 - 32

²⁴ 王立冬. 家庭暴力中对女性暴力的特点及根源新探[J]. 社科纵横, 2005(1):96 - 97

²⁵ 董晓波. 虐妻型家庭暴力的特征、成因及法律对策[J]. 襄樊职业技术学院学报, 2004(5):95 - 97

²⁶ 周亚玲. 浅论妇女对家庭暴力的防范[J]. 宁波党校学报, 2003(6):71 - 74

²⁷ 谭平. 谈夫妻间家庭暴力[J]. 理论观察, 2006(6):151-152

²⁸ 姚建龙. 女性性受害研究[J]. 贵州警官职业学院学报, 2003(8):74 - 77

- **One-stop service for survivors of sexual violence:**

A number of one-stop services are also available, these include:

- Multi-purpose Crisis Intervention and Support Center (CEASE Crisis Center): The CEASE Crisis Center, operated by the Tung Wah Group of Hospitals, is a crisis intervention and support service which aims to provide comprehensive support to survivors of sexual violence and individuals and families in crisis, or those that are facing domestic violence, and to link them with appropriate health care and social services units. The CEASE Crisis Center commenced operation on 26 March 2007. Services provided include a 24-hour hotline, crisis intervention, immediate medical examination, treatment including pregnancy prevention, screening for sexually transmitted diseases (including HIV), medical follow-up (including treatment for sexually transmitted diseases), gynaecological treatment, providing a report to the police, taking statements from survivors, forensic examination, and other legal proceedings.
- The Sexual Violence Crisis Centre (Rainlily): Apart from the mainstream casework units, a Sexual Violence Crisis Centre (Rainlily) was set up by the Association Concerning Sexual Violence Against Women in 2000, with funding support from the Hong Kong Jockey Club Charities Trust (HKJCCT). Its aim is to provide a one-stop service for female survivors of sexual violence. Located in Kwong Wah Hospital, Rainlily provides services to female survivors of sexual violence including a hotline, 24-hour crisis intervention, the arrangement of police interviews and forensic examinations, medical service support, in-depth or long term counseling, escort services, a survivors' support group, volunteer training, and publicity.

- **Other services provided by NGOs:**

- The Family Planning Association of Hong Kong provides services to survivors of sexual assault, including prevention of pregnancy, examination for sexually transmitted diseases, termination of pregnancy, and counseling.
- The End Child Sexual Abuse Foundation (ECSAF) was established in 1998. Its mission is to protect children from sexual abuse and to raise public awareness of this serious social problem in Hong Kong. It runs sex education programmes for local primary and secondary school students. It also runs a helpline to provide information, resources, and counseling services for survivors and their families.
- Against Child Abuse (ACA) was established and formally registered as a NGO in July 1980. Its objectives have been extended to cover intervention in child abuse incidents and the prevention of child abuse, including child sexual abuse. It provides services in the area of child protection, with a strong emphasis on advocacy. The existing services of ACA include a hotline, counseling, group work services (ranging from educational, therapeutic, and developmental services to recreational and networking services), publicity, talks and seminars, volunteer services, and training programmes for social work students and volunteers.

- **Victim/Survivor support services:**

- Victim Support Website: The Social Welfare Department has developed a website offering support for the survivors of child abuse, spouse battering, and sexual violence (<http://victimsupport.swd.gov.hk>) in Hong Kong, in order to facilitate access to relevant information.
- A Witness Support Programme: The Social Welfare Department in partnership with the Police created the Witness Support Programme in 1996. This programme allocates a support person to accompany vulnerable witnesses in criminal proceedings, including children and people with mental disabilities.
- Victims of Crime Charter: The legal rights of the survivors are expressed in the Victims of Crime Charter.⁴⁵ According to the Department of Justice, survivors and witnesses deserve consideration and understanding throughout criminal proceedings.

⁴⁵ The Victims of Crime Charter. June 2003, HKSAR Government.

b. Factors associated with an increased risk of men committing sexual violence

Most acts of sexual abuse are committed by acquaintances of the survivors and those in intra-familial relationships. The abusers are therefore known to their victims (Chen, 1996). Key demographic and socio-economic characteristics of Chinese abusive partners include being unemployed or of a low socio-economic status²⁹ (Leung et al., 1999; Parish, et al., 2004; Xu et al., 2005; Yick, 2000); and being young (Tang, 1999). Sexual violence has also been associated with the abuse of alcohol or drugs (Liu & Zhang, 2005; Parish et al., 2004; Xu et al., 2005); gambling (Liu & Zhang, 2005); a sense of insecurity, an aggressive personality, poor anger management, or a lack of empathy (Chan, 2004a); psychological disorders (Liu & Zhang, 2005); and sexual jealousy (Parish et al., 2004).

Relationship stress and conflict (Chan, 2004a; Xu, 1997; Xu et al., 2005) engaging in extramarital affairs (Liu & Zhang, 2005; Xu et al., 2005), cross border marriages where a bride moves from mainland China to Hong Kong and a large spousal age difference of 10 to 20 years (Chan, 2005; Tang, 1999; Tiwari et al., 2007) have also been found to be significant risk factors for partner violence.

With regard to risk factors specific to sexual violence against intimate partners, an aggressive personality was found to be a predictor of sexual aggression (Tang, Critelli, & Porter, 1993). Aggressive men used more coercive methods to induce fear in their partners and exercise control over them (Wu et al., 2005). Parental / caretaker neglect has also been associated with sexual coercion (Chan, et al., forthcoming).

c. Factors associated with greater vulnerability of women and children

Young females who have had poor inter-parental and parent-child relationships or were exposed to family violence in childhood³⁰ are reportedly at a higher risk of sexual violence. In a report of sexual risks for modern Chinese women, it was found that women who had their first sexual experience in childhood, or women who had had multiple sex partners, abused alcohol, smoked, or lacked self-protection skills, were also at a higher risk.³¹ Unplanned pregnancy is also associated with a greater likelihood of having experienced sexual violence (Leung et al., 1999).

Needing financial assistance has been associated with an increased risk of violence (Tiwari et al., 2007). Female workers, in particular, those who are poor, usually coming from rural areas to work in cities, are more vulnerable. They are in a powerless position because they lack resources and social support and are unfamiliar with the degree of legal protection they are entitled to.

As Gil and Anderson (1999) state, "official law denounces rape, but there is no law, mechanism, or facilitation that provides women the means by which to resist. Moreover, there is no national teaching that corrects the social shaming inherently attached to sexual victimisation." Even if there is legal protection for women against sexual violence, the deprivation of women due to poverty, lack of knowledge, and lack of support, means that they are not immune from sexual violence.

²⁹ 曹玉萍, 张亚林. 暴力家庭社会学特征的对照研究摘要[C]. 中华医学会精神病学分会第七次全国学术年会论文摘要, 北京: 2006

³⁰ 郭素芳, 赵凤敏, 吴久玲, 张彤, 王临虹, 王蕾. 农村地区家庭暴力发生情况及影响因素分析[J]. 中国公共卫生, 2007(1):4 - 6

³¹ 当代女性性危机调查报告, 健康大视野, 2004(8):49 - 55

d. Child sexual abuse

Some risk factors that are specific to child sexual abuse have been reported. Abusers' characteristics³² and inadequate legal protection³³ have been highlighted in studies. The criticism has been made that cultural factors combined with currently inadequate resources for survivors contribute to a double victimisation of survivors (Rhind, et al., 1999). Cultural aspects may heighten family disgrace and intensify dangers of disclosure for the survivor. Ho and Kwok (1991) detail how features of the Chinese pattern of childrearing, from the principle of filial piety to that of unquestioning obedience, may facilitate adults in using children as sexual objects. The cultural belief that family problems should be strictly kept within the family in order to protect the family from shame, may make disclosure even more difficult than in the West. Ho and Kwok (1991) also criticise the low level of awareness among health professionals, which may account for the apparently low incidence of reporting child sexual abuse in China.

6. Women's Responses to Sexual Violence

Literature on Chinese women's responses to sexual violence is limited. Survivors' responses have been found to include fear or anxiety, self-blame, loss of self esteem, poor psychological health, depression and somatic symptoms, disturbed social relationships and an increased rate of suicidal ideation (Luo 2000; Hicks & Li, 2003; Yick, et al., 2003, Leung et al., 2003 and Chan & Straus, 2005). In terms of child sexual abuse, Chinese women survivors frequently report experiencing some form of anxiety or depressive disorder (Li, 1990), trauma symptoms (Poon, 2007; Tsun-yin, 1998) and are at a significantly increased risk of contracting sexually transmitted diseases (Wu et al., 2006). Like their adult counterparts, they may also suffer from diminished self-esteem, disempowerment, fear for personal safety, heightened sense of vulnerability to revictimisation, or impairment of efficacy.

Luo (2000:590) analysed the 'self-reported traumatic experiences in relation to the cultural meaning of rape in Chinese society' of 35 rape survivors. This study found that the experiences reported by the women interviewed largely resembled those symptoms reported in the Western literature. The Chinese rape survivors also disclosed traumas that are not commonly reported in Western studies. These included experiencing a heightened sexual shame over 'loss of virginity or chastity...guilt about derogating family honor, victim ridicule / blaming and rape-induced marriage proposals'. Rape was experienced as something, "shameful and unspeakable". Luo (2000) theorises that Chinese society places great emphasis on the sexual component of rape and the associated social stigma and shame, which in turn may intensify the severity of the trauma experienced by survivors.

Reporting and disclosure of incidents of sexual violence is reportedly difficult among Chinese populations. In a study of Hong Kong Chinese college students, only 39% of the survivors reported their sexual victimisation to others, and 56% of the reported incidents were not followed up (Tang, 2002). Reasons given for not reporting rape include: survivors thought that reporting would cause trouble, others expected police to be rude or to violate her confidentiality, some anticipated embarrassment, and some were afraid of the offender's revenge (Dussich, 2001), or had a low expectation that the authority would take an active role in combating the problem (Tang et al., 1996). Vulnerable groups, such as female adolescents with mild mental retardation, reported the most difficulty in reporting a sexually abusive incident or in describing the characteristics of the offender, because of inadequate self-protection skills or inadequate knowledge of sexual abuse (Tang & Lee, 1999).

³² 张雪梅. 对儿童性侵犯的有关探讨[J]. 妇女研究论丛(增刊), 2005(69):71 - 77

³³ 谷有来, 王宏伟. 儿童性虐待的发生情况、危害和因素[J]. 青年探索, 2004(2):54 - 56

Shame is a particularly strong factor that deters Chinese from seeking outside professional help (Lee & Law, 2001). Generally, a perceived need to "save face" has an important influence on self-disclosure (Li, 1999, Luo, 2000). Chinese culture portrays a woman's identity as being centered on her father, husband, and son in the context of Chinese hierarchical relationships. Chinese women define their success mainly through the well-being of their family. The traditional emphasis on chastity may result in women who have been raped being viewed as adulterous or "having a bad reputation". Female survivors reported that they feared disclosing an abusive incident would bring shame to their family. Chinese women may thus tolerate abuse for a long time, as the need to "save face" prevents them from disclosing the violence to others, including professionals. Other studies have also found that the cultural values of suffering and fatalism interfere with help-seeking behaviour. Asian Americans are reported to be more tolerant of abuse than other ethnic groups (Malley-Morrison & Hines, 2004).

Shame is a major barrier for support services and programmes. In one study only 24% of child sexual abuse survivors reported that they would take part in child sexual abuse prevention programmes, others reported they would not take part due to the feeling of shame they would experience from having to disclose their abuse to others (Tang & Yan, 2004). The attitudes of Chinese parents are also very influential in the approval of school child sexual abuse prevention education (Chen & Chen, 2005). Those who did not tolerate sexual violence were also more likely to support gender equality and flexible gender roles (Tang et al., 1995).

Service providers have been found to endorse rape myths and victim-blaming attitudes. Survivors are expected to put up a fight and physically resist their attacker (Tanner, 1994). A study among medical professionals (doctors) working in the emergency department in Hong Kong, showed that 36% of them agreed that "a woman should be responsible for preventing her own rape". More female than male doctors agreed that "a woman can successfully resist rape if she tries hard enough" (Wong, et al., 2002).

Delay in accessing services can have negative implications for both the physical and psychological health of rape survivors. In a study conducted in Hong Kong, late presentation and poor attendance for follow-up care among rape survivors was associated with complications such as pregnancy, symptoms of sexually transmitted diseases, headache, and psychological problems. Further delay makes termination of pregnancy risky (Chu & Tung, 2005).

Negative responses from service providers, family and community members are associated with higher levels of psychological symptoms and poorer self rated recovery among survivors. It is important then to inculcate a culture among services for sexual assault survivors that promote positive, supportive responses which can in turn lead to better psychological outcomes for survivors.

7. Culture and Research on Sexual Violence in China

The Chinese population is diverse – spread across many different societies. Interpretation of culture-specific risk factors should be undertaken with caution, because a culture affects people in different ways, according to the socio-political and socio-economic characteristics of the society.

In Chinese culture, people relate to others by first defining their relationships, and based on the nature of the relationship, a particular way of interaction. A Chinese relationship is defined hierarchically. Chinese culture emphasizes filial piety - that "juniors and seniors have their ranking", as one Chinese proverb puts it, and Chinese people are oriented towards finding their place in the hierarchy (Bond, 1991: 36).

A Chinese sociologist, Fei Xiao-tong (1947) proposed a concept "compartmentalization of relationship network" to understand the relationships between the self and others. According to Fei (1947), family, including wife and children, is the first compartment next to the "self". It seems that Fei's argument can be applied to all Chinese individuals, including men and women. However, women do not posit themselves at the center but subordinate to their family and husband. In the Chinese tradition, women have to obey their father, husband and son. As one Chinese saying goes, "a husband sings, the wife hums along" (Bond, 1991:45).

The husband and wife relationship is thus hierarchical. Men usually dominate the family and inherit the family property. The gender role socialization of boys and girls is very different. Boys are socialized to take over power and responsibility while girls are subject to subordination to males and to other women in the family hierarchy. Masculinity is thus linked to ideas of superiority and femininity, with inferiority (Cheung, 1996:47-53). Therefore, when referring to the family, the reference is usually to the man who is the 'master' of the family. Family need is always defined in terms of the man's need which is regarded as top priority over the woman's need.

Collectivism emphasizes interdependence and conformity rather than autonomy and individuation. Over-emphasis on collectivity has a negative effect with the main goal of life becoming fulfilling others' expectations and lack of personal contentment. If an individual fails to fulfill the role expectations of family and society, he or she may become anxious, fearful, ashamed, guilty, experience pain, self-blaming, depression and hatred.

Chinese culture emphasizes harmony, so why then has it been viewed as a culture that nurtures violence against women and children? To say that Chinese culture is tolerant of violence is partially true. This applies mainly to less severe forms of violence, where Chinese society has a high tolerance of the corporal punishment of children by their parents. The existing law in Hong Kong prohibits teachers from administering corporal punishment to pupils (CAP 279A, S58), and prohibits anyone, including parents, from administering corporal punishment to a child in a child care centre (CAP 243A, S15 & S45R). However, there is no explicit law prohibiting corporal punishment at home. Many parents, even those who are highly educated, are against the banning of corporal punishment.

In terms of more severe violence marital rape provides a good example. Before 2002, it was illegal in Hong Kong for a man to have sexual intercourse with a woman who, at the time of the intercourse, did not consent to it. Marital rape was not clearly referred to in law as being a form of rape, nor was it explicitly separated from rape. However, the Crime Ordinance (CAP 200) was amended in 2002 to include marital rape as a form of rape and hence illegal. Research however shows that a cultural misconception still exists that a husband has the right to force his wife to have sex even though there is a clear legal definition that overrides such a misconception (Xu et al 2005). Under the existing laws, there is no room to argue that marital rape is legal. Unfortunately perpetrators may use cultural values as an excuse to justify their violence and cultural beliefs may impact negatively on the help-seeking behaviour of survivors.

An intriguing question is whether some cultural factors could be protective. Take filial piety as an example. In traditional Chinese culture, children must obey their parents and are obligated to take care of them when they are old (filial piety) whilst parents in turn must nurture and look after their children as they grow up (Xiao 2006). Filial piety has been identified by some researchers as a risk factor for family violence (Malley-Morrison & Hines, 2004), whilst other scholars view filial piety as a protective factor against family conflict and other problems (Lee & Mjelde-Mossey, 2004).

Cultural factors can sometimes provide protection and in other circumstances create risk. Discussions on culture-specific factors and sexual violence in China to date have been too general, lacking empirical support. Sexual violence in China is lower than some other settings. This may reflect differential under-reporting but there could also be protective factors at play. It is important to understand what these are and where appropriate, foster them especially as China is at a point of great social change.

8. Prevention and Intervention in Mainland China and Hong Kong

The review demonstrates that the making of national legislation and policy in Mainland China and Hong Kong are important if harmful practices are to be changed. Although sexual violence is still a taboo in family and society, the family is no longer a private domain and societies today are more ready than ever to fight against any form of violence against women and children. This section of the review discusses the social context that influences research into, the prevention of, and intervention in sexual violence in Chinese societies. National policies and strategies to combat domestic violence in general, and sexual violence in particular, are reviewed, and the central mechanisms that implement policy and coordinate service delivery are identified. The social and political systems in Mainland China and Hong Kong are very different. They will be presented separately for comparative purposes.

a. Mainland China – The making of social policy: a top-down approach

i. National policy and law making

China has been a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) since 1980. The Chinese government adopted the Beijing Declaration and Platform for Action at the Fourth World Conference on Women, held in September 1995. The Chinese government has made several important laws to stop domestic violence and sexual harassment.

- **Marriage Law:** Article 43 of the Marriage Law of the People's Republic of China states that a victim of domestic violence shall have the right to make a request to an organ of public security to halt the violence and the public security organ shall stop the violence and shall subject the wrongdoer to an administrative penalty.
- **Protection of Rights and Interests of Women Law:** The government's commitment to stop all forms of domestic violence is also stated in the Law of the People's Republic of China on the Protection of Rights and Interests of Women 《中華人民共和國婦女權益保障法》 which was amended in 2005 to include sexual harassment. Article 40 states, "Sexual harassment [of] women is prohibited. The female victims shall have the right to file complaints with the units where they work and the departments concerned." It is further stated in Article 46: "Domestic violence against women is prohibited. The State takes measures to prevent and stop domestic violence. The departments of public security, civil affairs, judicial administration, etc., as well as urban and rural mass organisations of self-government at the grass-roots level and public organisations shall, within the scope of their respective duties, prevent and stop domestic violence, and provide succour to female victims."
- **Protection of Minors Article 8 states:** "The parents or other guardians of minors shall fulfill their responsibility of guardianship and their obligations according to law to bring up the minors. They shall not maltreat or forsake the minors, nor shall they discriminate against female or handicapped minors. Infanticide and infant-abandoning shall be forbidden." Sexual violence against children should be prohibited and survivors should be protected.

Policy papers, stating guidelines for development of women and children, have also been published. The Programme for the Development of Chinese Women (1995-2000) 《中國婦女發展綱要(1995-2000年)》 states that equality between men and women, and the prevention of domestic violence should be adopted as basic state policies. In the Programme for the Development of Chinese Women (2001-2010) 《中國婦女發展綱要(2001-2010年)》 the government stresses the importance of the development of women and children, and makes a solemn commitment to the international community. In the Programme for the Development of Chinese Children (2001-2010) 《中國兒童發展綱要(2001-2010年)》 it was emphasised that children should be protected from any form of violence, including sexual violence, by the enforcement of the law.

ii. Central mechanism for handling domestic violence

The National Working Committee on Children and Women under the State Council (NWCCW) is a coordinating organisation, responsible for advising government departments on the prevention of domestic violence. The major tasks of the Committee are to coordinate government departments to implement the policies set out by the Programmes for the Development of Chinese Women and Chinese Children.

The All-China Women's Federation (ACWF) is the largest NGO that aims to improve the status of women in China. Its basic function is to support women, protect their rights and interests, and promote equality between the sexes. It promotes the ending of domestic violence as well as the protection of women and children at national and local levels through its affiliated branches in all provinces.

iii. Prevention and intervention services

The following prevention and intervention services are available in Mainland China:

- **Legal and policy responses:** The Law of the People's Republic of China on the Protection of Rights and Interests of Women has been passed by the central government and legislation by the provincial governments is in the process of enactment. Hunan and Anhwei Provinces have already passed their laws and regulations on the Protection of Rights and Interests of Women. They have provided a clear legal definition of sexual harassment in the workplace. Anhwei has set up a specialised unit to combat sexual harassment in the workplace. Shanghai passed a similar law and regulation 《上海市實施〈中華人民共和國婦女權益保障法〉辦法》 on April 26, 2007. The law and regulation define different types of sexual harassment and also clarify the roles of related government departments in handling sexual harassment complaints.

Some local governments are also active in combating domestic violence. For example, Fuzhou local government has established the Circuit Court for Women. The purpose of which is to safeguard women's rights and interests. It comprises eight judges, some of whom are women, as well as special jurors, including the director of the Minhou Women's federation and the heads of women's federations in 16 administrative districts. This special court serves the needs of women that are survivors of domestic violence and simplifies the legal procedures of domestic violence cases.

- **Hotline and community-based programmes:** There are increasing numbers of services in Mainland China which aim to halt or prevent domestic violence, including hotline and counseling services, shelters for battered women, and educational programmes and campaigns such as the "zero domestic violence community" campaign of the All-China Women's Federation in 2005.³⁴ The hotline service is the most accessible service for women survivors in Mainland China. Most of the hotline services are provided by the All-China Women's Federation in provinces and cities. They provide information on laws, women's rights, and counseling. Service provision varies greatly between municipalities, provinces, autonomous regions, and special administrative regions.³⁵

³⁴ UNICEF (2003). *Meeting Basic Learning Needs*. New York, Consultative Group on ECCD, UNICEF. Cited in: Black M (1996). *Children First: The Story of UNICEF Past and Present*. New York: Oxford University Press.

³⁵ In Shanghai, the Shanghai Women's Federation dealt with 3,000 hotline cases in a year. About 40% concerned marital conflict and about 10% reported domestic violence. Only a few callers enquired about sexual violence. The Shanghai Women's Federation organises a public campaign to promote the six rights of women (political, economic, cultural and education, property, marriage, and family) and also promotes schooling for all girls. There are two refuges for battered women in Shanghai. Although its provision of beds is modest, it is underutilised. There are three main reasons for this: (1) the lack of publicity; (2) the lack of social security and housing arrangements after divorce that makes it difficult for battered women to leave an abusive relationship; (3) the service providers are worried that it may be difficult to maintain the refuge as temporary accommodation, because service users might not want to leave after a short period of time in view of the lack of support services. There are virtually no services for women from rural areas and cities other than Shanghai.

In Beijing, in addition to the services provided by the Beijing Women's Federation, another key NGO is the Maple Women's Psychological Counseling Center.³⁶ It also provides a hotline and counseling services to survivors of domestic and sexual violence. In Shaanxi, the Research Association for Women and Family provides training and services for battered women.

In Nanjing, an anti-domestic violence network was established in 2003. It is an NGO with members drawn from community leaders and volunteers, which aims to build a strong support network and identify domestic violence cases at an early stage. A refuge was first established in 2002. There are now over 20 refuges in Nanjing. However, very few battered women have made use of the service. Apart from the refuges, there are campaigns and public forums on domestic violence prevention. New services have been provided in recent years, such as a counseling service³⁷ and a crisis support centre.³⁸ Because resource support from government is weak, these services are mainly run by volunteers.

In Shenzhen's Lo Wu district, a centre for the prevention of family violence in Lo Wu was established in 2004.³⁹ The government units involved includes the judiciary, prosecutors, police, health and civil affairs departments, and the Women's Federation. It is mainly a service coordinated by government departments. They provide support and information for the victims of family violence, and make formal referrals to the forensic services for physical examinations, which can be used as evidence in court proceedings. The centre has 10 units, covering 10 streets in Lo Wu district. It forms a strong network reaching out to families. Except for a few salaried employees who work for the Women's Federation, most of the workers are volunteers.

- **Health care and forensic examination:** There is no specific health service or health care package available for survivors of sexual violence. A forensic examination can be included in some injury examination services for domestic violence, such as that provided by Fada Institute of Forensic Medicine and Science,⁴⁰ which is subordinate to the Institute of Evidence and Forensic Science (China University of Political Science and Law, CUPL). In principle, survivors of sexual violence can use this service.

iv. Summary

There is no specialised, health or professional social work service for survivors of sexual violence and their families in Mainland China. The Chinese government has however been successful in making policies and laws to protect women. Gender equality and women's rights have been asserted in the constitution. The Marriage Law and the Law of the People's Republic of China on the Protection of Rights and Interests of Women, specifically prohibit family violence and sexual harassment. Strategies for the development of women and children have also been stated in policy papers, such as the Programmes for the Development of Chinese Women and Children. The main intervention to prevent family violence and sexual harassment has been limited to public education and campaigns. Responses in China have been constrained by a lack of NGOs and professional services due to a historical dependence on a strong centralized government; a lack of social workers as social work as a profession has only recently been established; and limited and unclear channels of resource allocation for sexual assault services.

³⁶ <http://www.maple.org.cn/>

³⁷ 2007年，棲霞區堯化街道堯新社區正式成立"社區婦女談心室"

³⁸ 2004年，"南京市心理危機幹預志願援助中心"成立

³⁹ 深圳市罗湖区家庭暴力防护中心

⁴⁰ <http://www.fmedsci.com/>

b. Hong Kong – A coordinated community and criminal justice response

i. Social policy and law reform

In Hong Kong, zero tolerance of violence is the policy for combating domestic and sexual violence,⁴¹ but what this actually means is vague. Calls have been made for a domestic violence policy which clearly states the commitment of the government to tackle domestic violence, its philosophy to combat domestic violence and its strategies to fight and prevent domestic violence (Chan, et al., 2005).

Hong Kong has a very comprehensive legal system which defines criminal sexual offences and criminal procedures. At present, there are three ordinances in Hong Kong that provide survivors with protection against domestic and sexual violence. They are the Crimes Ordinance (CAP 200), which defines criminal offences such as marital rape, rape, unlawful sexual act, indecent assault, incest, and other child-related sexual offences, as well as the Prevention of Child Pornography Ordinance (CAP 579). The Offences against the Person Ordinance (CAP 212) can also be applied to domestic violence appeals. The three criminal laws, which are part of the criminal justice system, are punitive in nature.

Two civil statutes are preventive in nature: the Domestic Violence Ordinance (DVO) (CAP 189) and the Sex Discrimination Ordinance (CAP 480). (For details, please see Appendices 1 to 4).

Two major procedures deal with domestic and sexual violence cases. For criminal cases, the decision on whether or not to prosecute depends on whether the Department of Justice considers that "there is enough evidence to secure a conviction, and whether the prosecution is in the public interest."⁴² Following arrest, a person charged with a criminal offence will make a first court appearance before a magistrate. The appearance will be in the magistracy which has jurisdiction over the location where the alleged violence occurred. A defendant who wants to be legally represented can choose between private lawyers or the lawyers who participate under the Duty Lawyer Scheme.

Marital rape has been criminalised only recently. In a landmark decision, the House of Lords (UK) in *Regina v R*, found that a husband might be guilty of the rape of his wife if the wife did not consent to sexual intercourse. Subsequent to consultation, all parties consulted including the Government agreed that marital rape was an offence and that the law should be amended to clarify that beyond doubt. As a result, a new section 117(1B) of the Crimes Ordinance (CAP 200) was enacted: in order to avoid any doubt, it is declared that for the purposes of sections 118, 119, 120, and 121, "unlawful sexual intercourse" includes sexual intercourse that a man has with his wife.

In civil cases, an Injunction Order under the DVO (CAP 189) can be used in domestic and sexual violence cases. The existing DVO (CAP 189), was created in 1986, and can no longer meet the challenges of the many faces of domestic violence.⁴³ The amendment bill, which was gazetted on 15 June 2007, was introduced into the Legislative Council (LegCo) on 27 June 2007. The Government proposed amendments to the Domestic Violence Ordinance (DVO) to enhance protection for survivors of domestic violence.

41 S48. The 2005-06 Policy Address: Strong Governance for the People. 2005. Hong Kong Government SAR.

42 P. 108, Roebuck, D. (ed.) (1996). *The Criminal Procedure of Hong Kong: A Descriptive Text*. Beijing: Peking University Press; and: Department of Justice (2002). *The Statement of Prosecution Policy and Practice*. Hong Kong Special Administrative Region, p.12.

43 S41. The 2006-07 Policy Address: Strong Governance for the People. 2006. Hong Kong

The Sex Discrimination Ordinance (SDO) (CAP 480) is also part of the civil law. The SDO is an anti-discrimination law passed in 1995. Discrimination on the basis of sex, marital status, pregnancy, or sexual harassment is made unlawful under this law. Protection is granted in seven different fields. The law applies to both males and females. The SDO provides for the establishment of an Equal Opportunities Commission (EOC) to work towards the elimination of discrimination and harassment, as well as to promote equal opportunity between men and women. A complaint on sexual discrimination or sexual harassment can be lodged with the EOC. After a complaint is received, the EOC must first investigate the complaint and decide if it should be disallowed or should proceed to conciliation.

ii. Central mechanism for handling domestic violence

A Working Group on Combating Violence (WGCV), chaired by the Director of Social Welfare (DSW), was created in 2001 to provide high-level coordination between the parties dealing with domestic and sexual violence. One of its tasks has been to develop approaches to the problem, from prevention and service provision to intersectoral collaboration, and so on. The Committee on Child Abuse, and similar working groups have been established to deal with child abuse and elder abuse. The working groups have adopted various procedures for handling child abuse, domestic and sexual violence cases. The Procedural Guidelines for Handling Adult Sexual Violence Cases were revised in 2007 in order to adopt a multi-disciplinary approach to working with survivors of sexual violence. The approach ensures close cooperation and collaboration with other professionals, to minimise the need for the survivor to repeat the ordeal of answering questions and to ensure that appropriate support and assistance are facilitated. In most circumstances, with the consent of the survivors, the designated social worker and the Multi-purpose Crisis Intervention and Support Center (the CEASE Crisis Center) operated by the Tung Wah Group of Hospitals (TWGHs), act as case manager to handle sexual violence cases.

iii. Prevention and intervention services

A number of prevention and intervention services are available in Hong Kong, including:

- **Integrated family services and specialised services:** A three-pronged approach is adopted by the government to prevent and tackle family and sexual violence, providing a continuum of preventive, supportive, and specialised services. At the primary level, a variety of publicity and community education programmes have been launched to enhance public awareness of the need to strengthen family solidarity, to encourage early help-seeking and to prevent family violence. At the supportive level, a wide range of services such as family services, residential child care services, housing assistance, and so on are available to help the vulnerable individuals and families cope with different problems and prevent problem situations from deteriorating. Whilst at the tertiary level, specialised services are provided by different units (e.g. the Family and Child Protective Services Units (FCPSUs), clinical psychology units, refuge centres for women and the Family Crisis Support Centre) to help individuals and families experiencing family or sexual violence.

Integrated Family Service Centers (with 61 centres), the Family and Child Protective Services Units (8 units) and the Medical Social Service Units (55 units) are the mainstream service units providing services for survivors of sexual violence. Survivors may approach a local unit directly for assistance or be referred to the unit by other professionals such as police officers or medical personnel.⁴⁴

iv. Summary

The development of professional and specialised services for sexual violence in Hong Kong is advanced and comprehensive. The criminal justice, health, and welfare systems are well developed and coordinated so that they both serve the survivors of sexual violence and deal with offenders. Over 90% of the social services are funded by the government. The great limitation of the services for sexual violence, and in general, domestic violence, is the lack of a policy. Service provision, though comprehensive, is pragmatic and uncoordinated. It is treatment-oriented, using a medical approach, rather than prevention or empowerment approaches. In terms of law reform, although the Bill of Rights Ordinance and the Sex Discrimination Ordinance were enacted in the 1990s, gender discrimination still permeates the laws and social policies of Hong Kong. While the HKSAR government stresses that it objects to all kinds of discrimination, it has not revised or repealed statutory provisions or modified development strategies that are gender biased. Examples include the New Territories small house policy, the offence of gross indecency and the government's public housing policy (Chan et al., 2005).

In the recent reform of the Domestic Violence Ordinance (CAP 189), the government did not criminalise domestic violence or establish a domestic violence policy. The definition of violence remains narrow and does not include all forms of abuse such as psychological abuse, stalking, and sexual abuse in intimate relationships (including homosexual relationships). Furthermore prevention has yet to be comprehensively addressed (Chan et al., 2005).

The lack of a policy on sexual violence in both Mainland China and Hong Kong means there is no coherent basis from which to monitor the problem and to develop appropriate responses to survivors and programmes for perpetrators and to develop effective prevention strategies.

9. Current Research on Sexual Violence in China

a. Diversity of findings and study methods

Studies on the prevalence and risk factors of sexual violence included in this review have used a diverse range of samples and research methods. Samples are mainly taken from among Mainland Chinese, Hong Kong Chinese, Taiwanese, and a few from Chinese immigrants. These studies have employed epidemiological methods to investigate the prevalence and correlations of sexual violence, and anthropological methods to investigate the social context of sexual violence. The measurement instruments employed were not consistent. Some used standardised measures, such as the Conflict Tactics Scales (CTS) (Straus, 1979), its revised version (CTS2) (Straus, Hamby, Boney-McCoy, & Sugarman, 1996) and the Chinese Abuse Assessment Screen (Tiwari et al., 2007) and the WHO multi-country study questionnaire (Garcia-Moreno et al. 2005). Face-to-face interviews (Chan, 2006; Xu et al., 2005) and telephone surveys (Tang, 1999; Yick, 1999, 2000) have mostly been used to ask respondents about their personal experiences of violence. There have been no longitudinal studies, and analyses have often not established temporality. In general only sexual intimate partner violence has been studied and not sexual violence from other perpetrators. The differences in prevalence reported between studies using different instruments may reflect the fact that some instruments are actually better than others and this needs to be examined and the use of better instruments encouraged.

Very few studies have used probability samples. The majority of them surveyed convenience samples that could easily be obtained or were connected in some way to the investigators. While some focused on young populations, such as college students, others targeted a wide range of populations. The sample sizes also varied, from less than a hundred in small-scale studies to a few thousand in representative studies. Samples from health settings and refugee services mainly included women who were seeking help and treatment as a result of abuse. Studying these samples would undoubtedly yield generally higher prevalence rates.

Currently most of the data on sexual violence originate from cases reported to the police and incidents revealed in clinical settings and surveys. A substantial number of victims are still unknown to the system. The diversity of findings reported by surveys and criminal reports reflects problems in obtaining accurate figures on the scope of the problem. The problem of under-reporting for multifaceted reasons makes estimation of the true prevalence very difficult and the available figures show only the proverbial tip of the iceberg. While resources are mostly allocated to treat reported cases, a closer look at available survey findings may help the government to appreciate the urgency in filling the gap between the needs of survivors and the existing services that are available to them.

In future studies on sexual violence in Chinese societies, probability samples recruited by random sampling could be used in order to compare the prevalence rates and risk factors with those of other ethnic groups and between different Chinese communities. Standardised questionnaires, rather than self-constructed questionnaires, should be used as the basic tool to measure the prevalence of violence.

b. Definition of terms

The terms rape, sexual assault, sexual abuse and sexual violence are used inconsistently. In some cases sexual violence or assault is understood to involve rape, sexual harassment (Luo, 1996, 2000) or both (Chan, 2005). Some documents specify the relationship of the perpetrator to the victim, but some describe the victimisation in general terms. Even the calculation of the number of incidents and the prevalence rates differ. There is a need to standardise, or at least to define terms systematically in each study for accurate comparison. The measurement of the incidence of sexual violence is not standardised either. In particular, only a few studies have demonstrated the validation of measures in Chinese populations. The validation of self-constructed or translated scales should be demonstrated in future studies of sexual violence in China.

c. Official data

There are limited sources of official statistics on sexual violence in China. The Mainland China government does not publish any official data on incidence of sexual violence. In Hong Kong, an annual report on the incidence of indecent assault and rape is published by the Hong Kong Police Force and information is published by social services organisations on reported cases of various types of sexual violence. No crime victimisation survey is available to report on trends in sexual violence victimisation. No data means no ongoing scrutiny of the scale of the problem and appropriateness of the response. If the pattern of sexual violence in China is to be better understood, the government must first establish - and it must be urged to establish - a data system to collect reported incidents, and a community profile of sexual violence victimisation must be developed.

10. Recommendations for Future Research

The findings of this review suggest that sexual violence is a substantial public health problem in China. Unfortunately data on sexual violence in China is lacking. The interpretation and comparisons between studies is greatly hampered by the lack of an agreed definition of sexual violence, and the great variation in methodologies and sampling used. Moreover, the disparate nature of Chinese societies makes generalisation of research findings difficult. Research on risk factors for sexual violence victimisation and perpetration and cultural understandings of and responses to sexual violence are limited. The limited data on the nature and extent of the problem means that sexual violence in China remains low on the agenda of policy makers and service providers. The review indicates programmes and services in Hong Kong are developing, whilst programmes and responses in Mainland China are greatly hampered by a lack of NGO and professional services. In both Hong Kong and Mainland China existing services and programmes remain untested. Although a number of legal reforms have been implemented, a lack of a national policy on sexual violence greatly hampers the development of appropriate responses to sexual violence survivors and the development of effective prevention programmes. These gaps highlighted by the review serve as a basis for the development of a research agenda for sexual violence in China.

Based on the findings of this review two key areas of research are identified as priorities:

a. Understanding the nature and extent of sexual violence in China

Research in this area should focus on the following:

- Research on the incidence and prevalence of sexual violence in a range of settings, using standard research tools for measuring sexual violence;
- Identification of the different forms and understandings of sexual violence in a range of settings and perspectives, including survivors, perpetrators, families and communities;
- Identification of culture specific risk and protective factors for victimization and perpetration of sexual violence in China; and
- Identification of survivors' responses to sexual violence, including to:
 - Determine the health and psychological consequences of sexual violence and the various coping strategies used by survivors;
 - Systematically document the psychological effects on survivors of the responses of the criminal justice system; and
 - Document processes of recovery/healing including how disclosure and other factors influence recovery.

b. Research on intervention and prevention

Research in the areas of intervention and prevention should focus on:

- Documenting and evaluating current services and interventions that support survivors or work with perpetrators of sexual violence;
- Developing and evaluating multi-disciplinary approaches and responses to sexual violence, with different basic packages of services being identified for different settings and resource levels;
- Developing and evaluating prevention programmes, including community based interventions and school based programmes; and
- Researching the impact of legal reforms, and build on international best practice.

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APPENDIX I: LIST OF OFFENCES RELATED TO SPOUSAL AND CHILD ABUSE IN HONG KONG⁴⁶

Spousal Abuse

Offences	Description
<p><u>Power of District Court to Grant Injunction</u> S.3 of the Domestic Violence Ordinance, Chapter 189</p>	<p>(1) On an application by a party to a marriage the District Court, if it is satisfied that the applicant or a child living with the applicant has been molested by the other party to the marriage and subject to section 6, may grant an injunction containing any or all of the following provisions-</p> <ul style="list-style-type: none"> (a) a provision restraining that other party from molesting the applicant; (b) a provision restraining that other party from molesting any child living with the applicant; (c) a provision excluding that other party from the matrimonial home, or from a specified part of the matrimonial home, or from a specified area whether or not the matrimonial home is included in that area; (d) a provision requiring that other party to permit the applicant to enter and remain in the matrimonial home or in a specified part of the matrimonial home, whether or not any other relief is being sought in the proceedings. <p>(2) In the exercise of its jurisdiction to grant an injunction containing a provision mentioned in subsection (1)(c) or (d) the District Court shall have regard to the conduct of the parties, both in relation to each other and otherwise, to their respective needs and financial resources, to the needs of any child living with the applicant and to all the circumstances of the case.</p>
<p><u>Intimidation</u> S. 24 of the Crimes Ordinance, Chapter 200</p>	<p>Any person who threatens any other person-</p> <ul style="list-style-type: none"> (a) with any injury to the person, reputation or property of such other person; or (b) with any injury to the person, reputation or property of any third person, or to the reputation or estate of any deceased person; or (c) with any illegal act, with intent in any such case- <ul style="list-style-type: none"> (i) to alarm the person so threatened or any other person; or (ii) to cause the person so threatened or any other person to do any act which he is not legally bound to do; or (iii) to cause the person so threatened or any other person to omit to do any act which he is legally entitled to do, shall guilty of an offence

⁴⁶ Retrieved from Appendix XV, Working Group on Combating Violence (2004). *Procedural guidelines for handling battered spouse cases*. Hong Kong: Social Welfare Department.

<u>Non-consensual Buggery</u> <u>S.118A of the Crimes Ordinance, Chapter 200</u>	<p>A person who commits buggery with another person who at the time of the buggery does not consent to it shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.</p>
<u>Procurement by Threats</u> <u>S.119 of the Crimes Ordinance, Chapter 200</u>	<p>A person who procures another person, by threats or intimidation, to do an unlawful sexual act in Hong Kong or elsewhere shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 14 years.</p>
<u>Procurement by False Pretences</u> <u>S.120 of the Crimes Ordinance, Chapter 200</u>	<p>(1) A person who procures another person, by false pretences or false representations, to do an unlawful sexual act in Hong Kong or elsewhere shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.</p> <p>(2) For the purposes of subsection (1), "pretence" or "representation" includes a pretence or representation relating to the past, the present or the future and any pretence or representation as to the intention of the person using the pretence or representation or any other person.</p>
<u>Wounding with Intent to do Grievous Bodily Harm</u> <u>S.17 of the Offences against the Person Ordinance, Chapter 212</u>	<p>Any person who-</p> <p>(a) unlawfully and maliciously, by any means whatsoever, wounds or causes any grievous bodily harm to any person; or</p> <p>(b) shoots at any person; or</p> <p>(c) by drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person,</p> <p>with intent in any of such cases to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.</p>
<u>Wounding or Inflicting Grievous Bodily Harm</u> <u>S.19 of the Offences against the Person Ordinance, Chapter 212</u>	<p>Any person who unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 3 years.</p>
<u>Assault Occasioning Actual Bodily Harm</u> <u>S.39 of the Offences against the Person Ordinance, Chapter 212</u>	<p>Any person who is convicted of an assault occasioning actual bodily harm shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 3 years.</p>
<u>Common Assault</u> <u>S.40 of the Offences against the Person Ordinance, Chapter 212</u>	<p>Any person who is convicted of a common assault shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 1 year.</p> <p>guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 1 year.</p>

Child Abuse**Crimes Ordinance (CAP 200): Part IV Intimidation**

Section 24 Certain acts of intimidation prohibited

Offences Against the Person Ordinance (CAP 212)

Section 17 Shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm

Section 19 Wounding or inflicting grievous bodily harm

Section 25 Failure to provide apprentice or servant with food, etc. whereby life is endangered etc.

Section 26 Exposing child whereby life is endangered

Section 27 Ill-treatment or neglect by those in charge of child or young person

Section 39 Assault occasioning actual bodily harm

Section 40 Common assault

Section 42 Forcible taking or detention of person, with intent to sell him

Section 43 Stealing child under 14 years

APPENDIX 2: LIST OF OFFENCES RELATED TO SEXUAL VIOLENCE IN HONG KONG⁴⁷

Sexual Violence

Offences	Description
<p><u>Marital Rape</u></p> <p>S.117(1B) of the Crimes Ordinance, Chapter 200</p>	<p>For the avoidance of doubt, it is declared that for the purposes of sections 118, 119, 120 and 121 and without affecting the generality of any other provisions of Part XII of the Ordinance, "unlawful sexual intercourse" does not exclude sexual intercourse that a man has with his wife.</p>
<p><u>Rape</u></p> <p>S.118 of the Crimes Ordinance, Chapter 200</p>	<p>(1) A man who rapes a woman shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.</p> <p>(2) A man who induces a married woman to have sexual intercourse with him by impersonating her husband commits rape.</p> <p>(3) A man commits rape if-</p> <p>(a) he has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it; and</p> <p>(b) at that time he knows that she does not consent to the intercourse or he is reckless as to whether she consents to it.</p> <p>(4) It is hereby declared that if at a trial for a rape offence the jury has to consider whether a man believed that a woman was consenting to sexual intercourse, the presence or absence of reasonable grounds for such a belief is a matter to which the jury is to have regard, in conjunction with any other relevant matters, in considering whether he so believed.</p> <p>(5) In relation to such a trial as is mentioned in subsection (4) which is a trial in the District Court or a summary trial before a magistrate or in a juvenile court, references to the jury in that subsection shall be construed as references to the District Court, the magistrate or the juvenile court, as the case may be.</p>
<p><u>Administering Drugs to Obtain or Facilitate Unlawful Sexual Act</u></p> <p>S.121 of the Crimes Ordinance, Chapter 200</p>	<p>A person who applies or administers to, or causes to be taken by, another person any drug, matter or thing with intent to stupefy or overpower that other person so as thereby to enable anyone to do an unlawful sexual act with that other person shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 14 years.</p>

⁴⁷ Retrieved from Appendix XV, Working Group on Combating Violence (2004). *Procedural guidelines for handling battered spouse cases*. Hong Kong: Social Welfare Department.

<p><u>Indecent Assault</u></p> <p>S.122 of the Crimes Ordinance, Chapter 200</p>	<ol style="list-style-type: none"><li data-bbox="683 241 1414 376">(1) Subject to subsection (3), a person who indecently assaults another person shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 10 years.<li data-bbox="683 398 1414 510">(2) A person under the age of 16 cannot in law give any consent which would prevent an act being an assault for the purposes of this section.<li data-bbox="683 533 1414 667">(3) A person is not, by virtue of subsection (2), guilty of indecently assaulting another person, if that person is, or believes on reasonable grounds that he or she is, married to that other person.<li data-bbox="683 689 1414 916">(4) A woman who is a mentally incapacitated person cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of indecently assaulting a mentally incapacitated person by reason of that incapacity to consent, if that person knew or had reason to suspect her to be a mentally incapacitated person.
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Child Sexual Violence⁴⁸**Crimes Ordinance (CAP 200)****Part VI Incest**

- Section 47 Incest by men
 Section 48 Incest by women of or over 16

Part XII Sexual and Related Offences

- Section 118 Rape
 Section 118A Non-consensual buggery
 Section 118B Assault with intent to commit buggery
 Section 118C Homosexual buggery with or by man under 21
 Section 118D Buggery with girl under 21
 Section 118E Buggery with defective
 Section 118F Homosexual buggery committed otherwise in private
 Section 118G Procuring others to commit homosexual buggery
 Section 118H Gross indecency with or by man under 21
 Section 118I Gross indecency by man with male defective
 Section 118J Gross indecency by man with man otherwise in private
 Section 118K Procuring gross indecency by man with man
 Section 119 Procurement by threats
 Section 120 Procurement by false pretences
 Section 121 Administering drugs to obtain or facilitate intercourse
 Section 122 Indecent assault
 Section 123 Intercourse with girl under 13
 Section 124 Intercourse with girl under 16
 Section 125 Intercourse with defective
 Section 126 Abduction of unmarried girl under 16
 Section 127 Abduction of unmarried girl under 18 for sexual intercourse
 Section 128 Abduction of defective from parent or guardian for sexual act
 Section 129 Trafficking in persons to or from Hong Kong
 Section 130 Control over persons for purpose of unlawful sexual intercourse or prostitution
 Section 131 Causing prostitution
 Section 132 Procurement of girl under 21
 Section 133 Procurement of defective
 Section 134 Detention for intercourse or in vice establishment
 Section 135 Causing or encouraging prostitution of, intercourse with, or indecent assault on girl or boy under 16
 Section 136 Causing or encouraging prostitution of defective
 Section 137 Living on earnings of prostitution of others
 Section 139 Keeping a vice establishment
 Section 140 Permitting girl or boy under 13 to resort to or be on premises or vessel for intercourse
 Section 141 Permitting young person to resort to or be on premises or vessel for intercourse, prostitution, buggery or homosexual act
 Section 142 Permitting defective to resort to or be on premises or vessel for intercourse, prostitution, or homosexual act
 Section 143 Letting premises for use as a vice establishment
 Section 144 Tenant etc. permitting premises or vessel to be kept as a vice establishment
 Section 145 Tenant etc. permitting premises or vessel to be used for prostitution
 Section 146 Indecent conduct towards child under 16
 Section 147 Soliciting for an immoral purpose
 Section 148 Indecency in public

⁴⁸ Retrieved from Appendix XXIV, Working Group on Child Abuse (1998). *Procedures for Handling Child Abuse Cases – Revised 1998*. Hong Kong: Social Welfare Department.

APPENDIX 3: SEX DISCRIMINATION ORDINANCE (CAP 480)

"An Ordinance to render unlawful certain kinds of sex discrimination, discrimination on the ground of marital status or pregnancy, and sexual harassment; to provide for the establishment of a Commission with the functions of working towards the elimination of such discrimination and harassment and promoting equality of opportunity between men and women generally; and to provide for matters incidental thereto or connected therewith."

Section 5: Sex discrimination against women (same for S.6 Sex discrimination against men)

- (1) A person discriminates against a woman in any circumstances relevant for the purposes of any provision of this Ordinance if-
 - (a) on the ground of her sex he treats her less favourably than he treats or would treat a man; or
 - (b) he applies to her a requirement or condition which he applies or would apply equally to a man but-
 - (i) which is such that the proportion of women who can comply with it is considerably smaller than the proportion of men who can comply with it;
 - (ii) which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied; and
 - (iii) which is to her detriment because she cannot comply with it.
- (2) If a person treats or would treat a man differently according to the man's marital status, his treatment of a woman is for the purposes of subsection (1)(a) to be compared to his treatment of a man having the like marital status.

Section 7: Discrimination against married, etc. persons in employment field

- (1) A person discriminates against a person of either sex in any circumstances relevant for the purposes of any provision of Part III or IV if-
 - (a) on the ground of his or her marital status ("the relevant marital status") he treats that person less favourably than he treats or would treat a person of the same sex with a different marital status; or (b) he applies to that person a requirement or condition which he applies or would apply equally to a person with a different marital status but-
 - (i) which is such that the proportion of persons with the relevant marital status who can comply with it is considerably smaller than the proportion of persons of the same sex with a different marital status who can comply with it;
 - (ii) which he cannot show to be justifiable irrespective of the marital status of the person to whom it is applied; and
 - (iii) which is to that person's detriment because he or she cannot comply with it.

Section 8: Discrimination against pregnant women in employment field

A person discriminates against a woman in any circumstances relevant for the purposes of any provision of Part III or IV if-

- (a) on the ground of her pregnancy he treats her less favourably than he treats or would treat a person who is not pregnant; or
- (b) he applies to her a requirement or condition which he applies or would apply to a person who is not pregnant but-
 - (i) which is such that the proportion of persons who are pregnant who can comply with it is considerably smaller than the proportion of persons who are not pregnant who can comply with it;
 - (ii) which he cannot show to be justifiable irrespective of whether or not the person to whom it is applied is pregnant; and
 - (iii) which is to her detriment because she cannot comply with it.

Section 9: Discrimination by way of victimisation

- (1) A person ("the discriminator") discriminates against another person ("the person victimised") in any circumstances relevant for the purposes of any provision of this Ordinance if he treats the person victimised less favourably than in those circumstances he treats or would treat other persons, and does so by reason that the person victimised or any other person ("the third person") has-
- (a) brought proceedings against the discriminator or any other person under this Ordinance;
 - (b) given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Ordinance;
 - (c) otherwise done anything under or by reference to this Ordinance in relation to the discriminator or any other person; or
 - (d) alleged that the discriminator or any other person has committed an act which (whether or not the allegation so states) would amount to a contravention of this Ordinance, or by reason that the discriminator knows the person victimised or the third person, as the case may be, intends to do any of those things, or suspects the person victimised or the third person, as the case may be, has done, or intends to do, any of them.

APPENDIX 4: PREVENTION OF CHILD PORNOGRAPHY ORDINANCE (CAP 579)

An Ordinance to prohibit the production, possession and publication of child pornography; to amend the Crimes Ordinance to prohibit the use, procurement or offer of persons under the age of 18 for making pornography or for live pornographic performances, to extend the application of certain sexual offence provisions of that Ordinance to acts committed against children outside Hong Kong, and to prohibit the making of arrangements relating to the commission of those acts and the advertisement of such arrangements; and to make provision for connected purposes.

Section 2: Interpretation

(1) In this Ordinance, unless the context otherwise requires— "assisting officer" (協助人員) means a member of the Customs and Excise Service or a police officer called on to assist an authorized officer under section 5(2);

"authorized officer" (獲授權人員) means any person authorized by a warrant issued under section 5;

"child" (兒童) means a person under the age of 16;

"child pornography" (兒童色情物品) means—

- (a) a photograph, film, computer-generated image or other visual depiction that is a pornographic depiction of a person who is or is depicted as being a child, whether it is made or generated by electronic or any other means, whether or not it is a depiction of a real person and whether or not it has been modified; or
- (b) anything that incorporates a photograph, film, image or depiction referred to in paragraph (a), and includes data stored in a form that is capable of conversion into a photograph, film, image or depiction referred to in paragraph (a) and anything containing such data;

"distribute" (分發) includes making any message or data available through any means of electronic transmission;

"film" (影片) means—

- (a) a cinematograph film and includes any sound-track associated with such film;
- (b) a videotape or laserdisc and includes any sound-track associated with such videotape or laserdisc;
- (c) a still film and includes any sound-track associated with such film;
- (d) any other record of visual moving images that is capable of being used for the subsequent screening of those images and includes any sound-track associated with such record;
- (e) any combination of the films referred to in paragraphs (a), (b), (c) and (d); or
- (f) an excerpt or part of a film referred to in paragraph (a), (b), (c), (d) or (e);

"photograph" (照片) includes the negative as well as the positive version of a photograph;

"pornographic depiction" (色情描劃) means—

- (a) a visual depiction that depicts a person as being engaged in explicit sexual conduct, whether or not the person is in fact engaged in such conduct; or
- (b) a visual depiction that depicts, in a sexual manner or context, the genitals or anal region of a person or the breast of a female person, but, for the avoidance of doubt, a depiction for a genuine family purpose does not, merely because it depicts any part of the body referred to in paragraph (b), fall within that paragraph;

"still film" (定畫影片) means a slide, or a series of slides, including single frames of a film, of visual non-moving images that is or are capable of being used for the subsequent screening of those images. (2) For the purposes of this Ordinance, a person publishes any child pornography if he, whether or not for any form of reward—

- (a) distributes, circulates, sells, hires, gives or lends the child pornography to another person; or
- (b) shows the child pornography in any manner whatsoever to another person (including but not limited to showing, playing or projecting the child pornography to or for another person using any machinery or apparatus and publicly displaying the child pornography).

- (3) Any child pornography that is displayed in or so as to be visible from—
 - (a) any public street or pier, or public garden; or
 - (b) any place to which the public have or are permitted to have access (whether on payment or otherwise), shall for the purposes of this Ordinance be regarded as child pornography publicly displayed.

Section 3: Offences relating to child pornography

- (1) Any person who prints, makes, produces, reproduces, copies, imports or exports any child pornography commits an offence and is liable—
 - (a) on conviction on indictment to a fine of \$2000000 and to imprisonment for 8 years; or
 - (b) on summary conviction to a fine of \$1000000 and to imprisonment for 3 years.
- (2) Any person who publishes any child pornography commits an offence and is liable—
 - (a) on conviction on indictment to a fine of \$2000000 and to imprisonment for 8 years; or
 - (b) on summary conviction to a fine of \$1000000 and to imprisonment for 3 years.
- (3) Any person who has in his possession any child pornography (unless he is the only person pornographically depicted in the child pornography) commits an offence and is liable—
 - (a) on conviction on indictment to a fine of \$1000000 and to imprisonment for 5 years; or
 - (b) on summary conviction to a fine of \$500000 and to imprisonment for 2 years.
- (4) Any person who publishes or causes to be published any advertisement that conveys or is likely to be understood as conveying the message that any person has published, publishes or intends to publish any child pornography commits an offence and is liable—
 - (a) on conviction on indictment to a fine of \$2000000 and to imprisonment for 8 years; or
 - (b) on summary conviction to a fine of \$1000000 and to imprisonment for 3 years.

APPENDIX 5: RESOURCES

Mainland China

China Government:

<http://www.china.org.cn/english/government/205794.htm>

The National People's Congress (NPC) of the People's Republic of China

<http://www.npc.gov.cn/zgrdw/english/search/search.jsp>

All China Women's Federation

<http://www.womenofchina.cn/>

The National Working Committee on Children and Women (NWCCW) under the State Council

http://www.cinfo.com.cn/en/en_last/about/aboutus.htm

Shanghai

Shanghai government

<http://www.shanghai.gov.cn/shanghai/node8059/index.html>

Shanghai Women's Federation

<http://shwomen.eastday.com/>

NGO

The Network (Research Center) for Combating Domestic Violence (DVRIP), Beijing

Address: No.63 Bingmasi Hutong, Xisi Nandajie, Beijing, P.R.China Zip: 100034 Tel: 86-10-66134488—2105,2102; 86-10-66131269; 86-10-66514694

Fax: 86-10-66514693 Email: admin@stopdv.org.cn

Website: <http://www.stopdv.org.cn/en/index.asp>

The Maple Women's Psychological Counseling Center, Beijing,

A non-profit women's organization (The predecessor was the Women's Research Institute, China Academy of Management Science in October 1988). The Maple Women's Psychological Counseling Center focuses on research on women's employment and political participation, domestic violence, sexual harassment and family problems and community intervention.

Address: 北京市宣武区右安门内大街72号万博苑小区3号楼104室(100054)

Tel: 86-010-83548050 010-83546390

Fax: 86-010-83548720

Email: maplewomencenter@vip.sina.com

Website: <http://www.maple.org.cn/>

Council of Shanghai ZiQiang Social Services, Shanghai

Address: 上海市建国西路619弄1号 (200031)

Tel: 86-021-64741066 , 86-021-64332889

Fax: 86-021-64747988

Website: <http://www.cszqss.org/> (Chinese)

Shanghai LeQun Social Work Service

Website: <http://www.lequn.org/> (Chinese)

Hong Kong

Study on child abuse and spouse battering

http://www.swd.gov.hk/en/index/site_pubsvc/page_family/

Procedural Guidelines for Handling Adult Sexual Violence Cases

http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_fcwprocedure/id_SV/

Victim Support for Child Abuse, Spouse Battering and Sexual Violence Cases

<http://victimsupport.swd.gov.hk>

Family and Child Protective Services Units

http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_familyandc/

Child Protection Policy Unit, the Hong Kong Police Force

<http://www.police.gov.hk/hkp-home/english/missing/cpu.htm>

Women's Commission

The Women's Commission was set up on 15 January 2001 as a central mechanism to promote the well-being and interests of women in Hong Kong. It plays a strategic role in advising Government on policy direction on women issues.

Address: Women's Commission Secretariat, Labour and Welfare Bureau, 10/F., Citibank Tower, 3 Garden Road, Central, Hong Kong

Tel. : (852) 2136 2738

Fax No. : (852) 2501 0478

Email : women@lwb.gov.hk

Website : <http://www.women.gov.hk/eng/home.html>

NGO

Victims of Sexual Violence

CEASE Crisis Centre, the Tung Wah Group of Hospitals 24-hour Hotline: A crisis intervention and support service which aims to provide comprehensive support to survivors of sexual violence and individuals / families facing domestic violence or in crisis, and to link them with appropriate health care and social services units for necessary protection and services.

Fax: 852-2703 4111

Email: ceasecrisis@tungwahcsd.org

Website: <http://ceasecrisis.tungwahcsd.org>

Association Concerning Sexual Violence Against Women (Rainlily)

Room 1108, Workingbond Commercial Centre, 162 Prince Edward Road West, Mong Kok, Kowloon.

RainLily Hotline: 852-2375 5322

Tel: 852-23922569

Email: acsvaw@rapecrisiscentre.org.hk

Website: <http://www.rapecrisiscentre.org.hk/>

Anti480 - Anti Sexual Violence Resource Centre

Website: <http://www.anti480.org/> (Chinese)

The Family Planning Association of Hong Kong (FPAHK)

The FPAHK provides services to sexually assaulted survivors, including prevention of pregnancy, examination for sexually transmissible diseases, termination of pregnancy and counseling.

Address: 10/F., Southern Centre, 130 Hennessy Road, Wanchai, HK

Telephone: 852-2575-4477

Fax: 852-2834-6767

Email: fpahk@famplan.org.hk

Hotline: 24 hours service hotline 852-2572-2222

Website: <http://www.famplan.org.hk/>

The End Child Sexual Abuse Foundation (ECSAF)

ECSAF was founded in 1998. Its mission is to protect children from sexual abuse and to raise public awareness of this serious social problem in Hong Kong. The End Child Sexual Abuse Foundation has set up sex education programs with a variety of multimedia. The programs are aimed at providing sex education for local primary and secondary schools in Hong Kong. It also provides a helpline to provide information, resources and counselling services for survivors and their families.

Address : Unit 1-12, G/F., Nam Tai House, Nam Shan Estate, Shek Kip Mei, Kowloon.

Work: 852-2889-9922

Fax: 852-2889-9923

Website: www.ecsaf.org

Against Child Abuse (ACA)

The ACA provides services in the area of child protection, with a strong emphasis on advocacy.

Address: 107-108, G/F, Wai Yuen House, Chuk Yuen (North) Estate, Wong Tai Sin, Kowloon

Telephone: 852-2351 6060 Fax: 852-2752 8483

Email: webmaster@aca.org.hk

<http://www.aca.org.hk/>

Refuge Centres for Women

Wai On Home for Women hotline : 852-2793 0223 Website: <http://www.poleungkuk.org.hk>

Harmony House hotline : 852-2522 0434 Website: <http://www.harmonyhousehk.org>

Serene Court hotline : 852-2787 6865 Website: <http://www.cfsc.org.hk>

Sunrise Court hotline: 852-2890 8330 Website: <http://www.poleungkuk.org.hk>

Family Crisis Support Centre

The Family Crisis Support Centre (FCSC) operated by the Caritas-Hong Kong provides a time-out facility and an integrated package of services in helping people under extreme stress or facing crisis to manage their emotions and seek positive solution to family problems, including domestic violence.

Hotline: 852-18 288 [24 hours]

website: <http://fcsc.caritas.org.hk>

Hotline Service

Hotline service is available to provide information on social welfare services and immediate support to survivors of domestic and sexual violence (including child abuse). The hotlines which are operated by social workers or volunteers, or through the interactive voice processing system (IVPS) include:

SWD Hotline : 852-2343 2255

Family Crisis Support Centre : 852-18 288 [24 hours]

Mutual Aid – HKCSS Helpline : 852-1878668 [24 hours]

Men's Hotline

Caritas-Man's Hotline : 852-2649 1100 [Wednesday: 2:00 pm-5:00 pm]

Harmony House Third Path Man's Services : 852-2295 1386 [Monday, Wednesday, Friday: 2:00 pm-10:00 pm]

Po Leung Kuk Men's Hotline: 852-2890 1830 [24 Hours]

Victims of Spouse Battering

Harmony House 24 hour Women Hotline: 852-2522 0434 [24 hours]

HK Association for the Survivors of Women Abuse (Kwan Fook) Hotline service : 852-3145 0600 [Monday-Thursday: 10:00 am-1:00 pm, 2:00 pm-5:00 pm]

Child Abuse

Against Child Abuse : 852-2755 1122 [Monday-Friday: 9:00 am-5:00 pm Saturday: 9:00 am-1:00 pm] website: <http://www.aca.org.hk>

End Child Sexual Abuse Foundation : 852-2889 9933 [Monday-Friday: 12:00 noon -8:00 pm] website: <http://www.ecsaf.org>

Suicide Prevention

The Samaritan Befrienders Hong Kong: 852-2389 2222 [24 hours] website: <http://www.sbhk.org.hk>

Suicide Prevention Services: 852-2382 0000 [24 hours] website: <http://www.sps.org.hk>

The Samaritan Multi-Lingual Suicide Prevention Service: 2896 0000 [24 hours]

Crisis Intervention Team on Family Violence (CIT)

With grant from the Hong Kong Jockey Club Charities Trust, Harmony House has set up the crisis intervention team in A&E Department of TMH, UCH and TKOH to render immediate crisis intervention and support to battered spouse cases. Tel No. : 852-2959 3657 (Tuen Mun Hospital) Tel No. : 852-2310 0126 (Tseung Kwan O Hospital & United Christian Hospital). Social worker on duty : Tuesday, Wednesday, Thursday, Friday and Saturday : 7:00 pm to 12:00 mid-night.

**Sexual Violence Research Initiative
Gender and Health Research Unit
Medical Research Council
Private Bag X385
0001
Pretoria
South Africa**

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Facsimilie: +27 12 339 8582

E-mail: svri@mrc.ac.za

Website: www.svri.org