

AGAINST CHILD ABUSE
Responding to the Consultation on
The Control of Obscene & Indecent Articles Ordinance

1. Current concern and action had been fragmented and piece meal. Sometimes looking at O&IA, others sex offenders, still others sexual abuse in general.
 - 1.1 Hong Kong needs a comprehensive policy, a focal point, a mechanism for such matters to be dealt with proactively and to collect data on the problem and have them analyzed, publicized and used as the basis for prevention and management.
 - 1.2 Hong Kong needs a more comprehensive review of child related legislations and practices to reflect the spirit of best interest of the child and zero tolerance of violence and disrespect towards human rights.
2. The definition of obscene and indecent and child pornography had been confusingly unclear, sometimes conservative and narrow.
 - 2.1 While some countries have been striving for a higher ground for child growth, development, protection and respecting children's rights, there has been an undesirably strong sense of tolerance of abusive behavior in the Hong Kong community at various levels, including among policy makers, professionals and general public. This is sometimes due to the fear of parental or adult authority being eroded; the fear of stifling of freedom of speech, something that the government has to strongly reassure of its preservation, and sometimes a subconscious lack of or denial of the need of a child perspective.
 - 2.2 The current definition is unclear and unspecific. The terms "depravity and repulsiveness" were interpreted in a narrow and extreme sense, often times lacked consensus and are subject to individual interpretation even among tribunal members and the judiciary. Sometimes in life situations, complaints which received extensive community and district boards' support, did not receive the same level of interpretation by Tribunal members.
 - 2.3 There is a lack of content analysis of such articles and materials in order to know what is the trend, characteristics locally and overseas and what should be considered inappropriate, to what extent and why. Overseas experience should be seriously looked into despite but with respect of cultural differences.

- 2.4 We should be able to on one hand know where the community stand by means of baseline study/survey and on the other hand to lead the community to acquire a higher standard by reflecting children needs and rights base on international standard, if not being more progressive.

Case examples in the form of Memorandum stating principles with adequate community consultation can be used to ensure understanding when genuine cases are in hand.

- 2.5 We propose to acquire the America way of defining the problem by including:

- a. **the purpose aims at lust and sexual desire**
- b. **describes provocative sexual behavior**
- c. **lack of value in terms of art, politics, science and literature.**

3. We suggest retaining the current 3 levels classification instead of further classification of IIA and IIB as we believe in the similar level of care and protection for the 15-17 age group.

4. **The criminalization has been weak, inconsistent and the message blurred.** The law enforcement had not been effective as it often lacked direction, training, resources, lacked extra-territorial jurisdiction and effective extradition regulations and practices.

Operation Guidelines should be made available to assist the tribunals and judiciary personnel to make fair and consistent definition and sentencing.

5. **Training of law enforcement and related personnel to acquire a global and child perspective is an area of great importance** which did not receive attention in Hong Kong in the past. Such training should include, in addition to each department and each disciplines' own training, multidisciplinary angle and members from the TELA, Obscene and Indecent Articles Tribunal and Customs should be actively included.

6. **Children victims have not been properly involved and informed and the harm contributed by the lengthy and traumatic judiciary process must be properly minimized.**

Views and experiences of children victims have not been solicited and taken into careful consideration when cases and the issue have been handled.

The goal of any intervention should be for the victim's full recovery and social integration. Resources should be allocated to ensure good practices and effective programs made available in town.

7. **A lack of focal point and specialization on the matter** so that people, children, and professionals could participate and would know where to turn to for help, action and advice.
8. **A lack of a cross border collaborative platform to exchange data and information and to seek preventive and management measures.**
9. **Hong Kong should collaborate with International Bodies** such as UN, ECPAT, Interpol on the matters handling and prevention.
10. **To encourage and sanction corporate social responsibility among corporations** particularly including internet service providers, the tourist, travel and hotel business, the media and entertaining industry **by encouraging the introduction and signing of code of conducts and set up monitoring mechanisms.**
11. **To appoint a Child Commissioner and establish a Child Commission to ensure a child perspective and children represented.** The police, tribunal members, the customs officers and the judiciary need to acquire a stronger child perspective which needs to be reflected in the process and outcome of case management.
12. **To have a will, determination and decisive action to tackle the root problem** such as poverty, discrimination and inequality, beliefs surrounding sexual dominance, male power and control and viewing children as possessions, disrespect of individuals human rights.
13. **The role of the government is four folds:**
 - a. Allocate resources to ensure baseline studies, data and indicators in place and centralized in order to trace trends and characteristics, strength and

difficulties. Periodic review schedules must also be monitored.

- b. Dare to take the lead with adequate training/education, involvement and consultation with professionals and public, including children and youth.
- c. Educate through an up-to-date legislation with a wider range of sentencing options and consistent sentencing, ensuring the operation and enforcement of the law, formal and informal education channels in place.
- d. Ensure effective treatment programs for victims, offenders and related parties in place.
- e. Ensure child impact assessment when policy/law/resources/services changed or reviewed.

14. The Enforcement parties' roles should be reviewed to ensure clarity and no duplication.

15. We tend to support a two tier system of separating administration with law enforcement rather than a three tier one, which is often times overlapping and resource consuming, or only relying on the court.

16. Internet safety requires prompt and special efforts and resources and the set up of a special team in this respect deserves support and is certainly long overdue.

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Date: 29 December 2008