

AGAINST CHILD ABUSE

Responding to

**Security Panel invitation for deputation concerning sexual conviction records checks
recommended by the Law Reform Commission**

8 April, 2010

**Ex-offender's safety and their rights! A Child's safety and his/her rights!
No one would deny that both are important.**

However, much more time and efforts have been spent to ensure adults', ex-offender's safety and their rights but not that of the child's. Such is true when we strive to ban corporal punishment, to ensure legal protection for children left unattended and in this case a register and background checking against sexual offenders. **A child is young, powerless and vulnerable to speak up for their own rights.** That is why we continue to remind **Hong Kong of the need of a special representative and a mandatory mechanism to ensure a child perspective in our policy, law, education and services.** Some thirty countries have already formed some kind of system, often named Child Commission, Child Commissioner and Child Ombudsman.

We need background checks for people working with children and a carefully monitored child sex offender's register ensuring carefully defined ex-offenders registered and their data seriously protected. Such have long been the good practice of many overseas countries. The US, despite the fact that they have not signed the UNCRC, has even taken a more drastic approach to ensure safety and rights of the child protected. We should attach serious sanctions to any ex-offender's rights violations and any privacy infringement must be heavily penalized. A specific duration of cases being registered and deregistered should be put in place to limit the number of unnecessary exposures for ex-offenders. **Technicalities as to how the law should specifically be written and despite its complexity, tackling the administrative chores can be resolved with will and determination** as well as learning from practice experience overseas.

Setting up a mandatory and, if as an interim, administrative child sex offender's register is one of the many important measures that need to be put in place. It does not as a single measure elicits the problem of child sexual abuse as no single measure would be able to do that. **But a restrictive, well monitored child sex offender's**

register and a serious background checking system for those who work with children helps the community in general and the employers in particular to join hands monitoring the adequate selection and screening of employees working with children. Register of this kind does not infringe upon their rights but helps to alert ex offenders to be extra careful and restrict their own behavior and that they would be tracked and monitored and thus helps to prevent their freedom from being deprived. **It is both educational and often serves a deterrent to re-offending.**

The Law Reform Commission has been doing a thorough and important job studying overseas practices and pinpointing significant areas requiring immediate action. Their stressing of all children under the age of eighteen; background checks for commercial and non commercial setting to be included in the exercise; and their pointing out the serious harm done to children and the society and the possibility of Hong Kong under-estimating the recidivism rate all deserves big applause. **The only major criticism has been that such a thorough report only contributed to their recommendation of an administrative system as an interim instead of an immediate mandatory system.**

More efforts and resources should be spent finding ways, presenting action plans to genuinely ensure child safely protected against any form of abuse and against any form of sexual abuse in this case.

Cases identified and handled, contributing factors to such child sexual abuse must be studied to trace trends and characteristics and develop models for treatment, management and prevention. Therapy, treatment and early prevention are essential. Prevention would only be made effective by the **involvement of all necessary parties:** parents, children, multidisciplinary professionals, **government, the commercial sector,** the mass media and by including all perspectives: educational, social, medical, **legal, political and economical.**

Children and families need to be supported by proactive child and family policy, comprehensive legal protection, family and formal education and quality services rendered by well committed and well trained multidisciplinary professionals. **Children deserve our priority and we must act now to honor the best interest notion and not merely paying lip service!**

Priscilla Lui, Director, Against Child Abuse