

香港兒童權利委員會  
THE HONG KONG COMMITTEE ON CHILDREN'S RIGHTS

**The Legislative Council Panel on Welfare Services**

**Subcommittee on Strategy and Measures to Tackle Domestic Violence and Sexual Violence**

**Handling of domestic violence and sexual violence cases involving children and young persons**

**Meeting on 12 May 2015**

The World Health Organization (WHO) describes the levels of violence experienced by the world's women as "a global public health problem of epidemic proportions, requiring urgent action."

Domestic violence (DV) and sexual violence (SV) not only adversely impacts women, they seriously hinder the healthy growth and development of children and young persons. Children are being abused in different ways: physical, sexual and psychological, children witnessing domestic violence are also duly affected but very often unrecognized and unidentified. Such children are unrepresented and without a voice?

There is substantial evidence indicating that children who witness DV have a tendency to develop psychosocial maladaptation that is associated with demonstrable changes in the anatomic and physiological make up of their central nervous system. Experts are calling to encourage legal systems around the world to make the act of DV in the presence of a child a stand-alone felony. (1)

While all families could be under stress of one kind or another, some families are more vulnerable than others. We know that living in poverty, the disabled, in domestic violence environment, with parents and/or care givers in undesirable situations are more vulnerable. Equally vulnerable are children in institutions, with extraordinary families such as those with substance abuse, special sexual orientations must also receive priority attention and support.

The recent survey from China, said to be the first of its kind, on Social Adaptation of Women Who Married Gay Men found that 90% of respondents have suffered domestic violence and some have suffered serious injuries. Children in such circumstances deserve special care and treatment. (2)

Children abused and/or witnessing domestic violence is often traumatized, horrified, petrified, and some of them desensitized. Some children become aggressive resorting to violence to vent their fear and anger. There are children and young persons, some in their very tender years, who inflict violence and/or sexual violent acts on their parents, elderly members or siblings. Such cases must be properly reviewed to trace trends and characteristics.

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Some children responded differently by turning their anger inward to hurting themselves. Others suppress such negative emotions or pretend they do not exist. Some children suffer cognitive distortions or misconceptions. These children have impaired learning skills, poor school performance and poor social skills. There are detrimental impacts on their physical, emotional and mental health and such not only affect their personal health and development but in a long run often also their families and in turn, the community at large.

The magnitude of the domestic violence is alarming and the social economic costs are considerable. Investing early for prevention and adequate rehabilitation programs are essential and must receive the government's priority in policy and in budget allocation. It also requires strategic mobilization of the participation of the entire community.

The safety net must be widely and carefully built so that no children; be them personally injured, threatened, literally present during the violence scene, heard of such or being told of the violent relationship; would be left unsupported.

Participation of child victims who witnessed violence or were subject to violence, in their problem's identification and treatment helps in many ways, including unravelling the true extent of the problem, facilitating investigations, helping convictions and enabling their rehabilitation, is essential.

Some countries are more determined than others. Strategic long term efforts are made in some countries from government policy to national budget allocation.

One positive example is that the Australian Government, one among the seventy countries who have set up a Child Commission and appointed a Child Commissioner, has made a long term 12-year commitment with a sizable budget from 2009 to 2021. Australian Government has invested AUD 42million in 2009 to address urgent recommendations, AUD 44million in 2010 for long term programs. (3)

Australia is among the countries which have recognized the harm done to children who have witnessed domestic violence by defining such incidents as child abuse. Their move towards better integrated, multi-agency responses and coordination across all levels of government through their National Plan, ranging from safety surveys, comprehensive data collection, direct services for identification, treatment and community awareness campaigns, has been received favourably and is viewed as making significant progress in terms of reducing the levels of violence experienced by families in Australia.

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Where as in Hong Kong, we do not have any action plan or separate, long term budget to prevent domestic violence. We lack a genuine child perspective in combating the problem.

Our determination hasn't gone far enough to make witnessing domestic violence as an incident of abuse; to hold a multidisciplinary case conference in circumstances where a child witnesses domestic violence and to register such a case in the child protection registry to ensure statistics reflecting such incidents and swift collaboration with different disciplines.

It is often found that time is spent in arousing awareness and in the discussion of how multidisciplinary investigations were conducted. These are of course important areas. However there is a lack of efforts devoted to ensure follow up plans carried through; effectiveness of treatment/rehabilitation programs measured and primary prevention programs in place.

Intervention models are plenty in other countries and may be also in Hong Kong. Treatment programs especially for the very young is challenging. Evidence based good practices should be identified and refined to be evidence based and culturally relevant. Such initiatives should be longer term funded, monitored and supported.

It has been found that intervention before seven results in the best outcomes and intervention in teenagers is not as effective. Early identification of these distressed children would allow social support and treatment measures to be brought in early making early, aggressive, professional intercession possible. (1)

Tragic domestic violent cases, such as the Chan Kin Hon case in Tin Ping Estate in 1998 , the Kam Shuk Ying case in Tin Shui Wai in 2004, the Sham Shui Po, Wing Cheong Street case in 2014 , all sadly involved children who witnessed domestic violence and died traumatic deaths. There are costly lessons to learn and long lists of recommendations have been derived. Investigation check list for police has been developed. Handling guidelines have been revised. Training sessions conducted for multidisciplinary professionals. Legislation amendments took place. A child fatality review mechanism has been established.

A lot seemed to have happened. But what is lacking is the thoroughness, coordination and consistency in public policy for children and an absence of proper mechanism that ensure an enduring child perspective, a high-powered body to be established in order to relentlessly pursue stated objectives.

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There is a lack of genuine concern or political will in the top government policy makers such as the Chief Executive and his policy secretaries in the subject of child welfare, which is totally overshadowed by other pressing and eye-catching economic and political agenda.

The Hong Kong government must attend to the fundamental need to establish mechanisms such as a Child Commission, a Central Data Bank for children and families and the requirement to conduct child impact assessment in policy formulation. Unless we tackle the root problem and set up effective policy and mechanisms, the problem will not be properly tackled.

There are concerns that Hong Kong is becoming a place not safe, not friendly, not pleasant to live in. It is heart breaking for those who genuinely want to make Hong Kong a place for our citizens, young and old alike. It takes the entire community with a capable and caring government leadership "to turn the tide" and to prove that this is not the case.

We have extended the UN Convention on the Rights of the Child to Hong Kong since 1994 proclaiming commitment for the best interest of the child. Let's make effective and determined efforts to honour such a commitment to children!

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