

The Hong Kong Council of Social Service

**Submission to Legislative Council
Subcommittee on Strategy and Measures to Tackle Domestic Violence and
Sexual Violence**

On Support Services for Victims of Child Abuse

Public awareness on child abuse, child protective services by the government, as well as various supportive services and advocacy efforts by NGOs have undergone much development since 1980s. However, prevalence of child abuse remained high – according to the Study on Child Abuse and Spouse Battering commissioned by the Social Welfare Department (SWD) in 2005¹, the annual prevalence of different types of child abuse stood at 23% (parental physical assault), 58% (parental psychological aggression) and 27% (parental neglect). A more recent study by Chan K.L. in 2011 indicated that 13.1% of children aged 12-17 in Hong Kong had experienced child abuse and neglect². Based on this study, Chan estimated that the actual number of cases in the population would have amounted to 120,000 per year³. On the other hand, according to the government's Child Protection Registry, there were 8,979 reported cases of child abuse between 2005 and 2014, i.e. an average of 900 cases per year. The alarming number of incidents and low percentage of cases being reported compel us to review and improve the current system, from legal, policy to service levels, to ensure that our children could be protected from violations of their rights to life and healthy development, among others.

Child abuse and maltreatment is a complex issue and its prevention requires a multi-sectoral approach. The social service sector is concerned and takes responsibility in safeguarding children's welfare and enhancing their well-being. Listed below are our key concerns and some recommendations for bridging the gaps identified.

1. Legal Protection

- a. **Existing gaps** - currently there is no discrete definition of child abuse under Hong Kong law, and specific abusive acts are dealt with under a number of Ordinances. Such legal protection is inadequate in protecting children against all forms of abuse. For example, under Offences Against the Person Ordinance, Cap 212, children aged 2 or above are not protected by Section 26 (Exposing child whereby life is endangered) and those aged 16 & 17 are not protected by Section 27 (Ill-treatment or neglect by those in charge of child or young person). Besides, with corporal punishment by parents not legally banned, there is a huge gap in protecting children from physical violence and other degrading treatment applied in the name of parenting and discipline. Further, specific legal protection on psychological abuse is lacking.
- b. **A comprehensive law on child abuse** could be considered to fill the gaps,

¹ The report can be accessed at:

[http://www.swd.gov.hk/vs/doc/Overall%20Report%20\(%20Part%20One\).pdf](http://www.swd.gov.hk/vs/doc/Overall%20Report%20(%20Part%20One).pdf)

² Chan, K.L., Brownridge, D.A., Yan, E., Fong, D.Y.T., & Tiwari, A. (2011). Child maltreatment poly-victimization: Rates and short-term effects on adjustment in a representative Hong Kong sample. *Psychology of Violence*, 1(1), 4-15.

³ News article published by The Standard, titled '120,000 cases' of child abuse a year', on 29 August 2012 (http://www.thestandard.com.hk/news_detail.asp?art_id=125897&con_type=1)

wherein specific prohibition of corporal punishment within the family and psychological abuse should be considered. While it is understandable that public consensus would be necessary to enable such legislation, the government should initiate a serious societal discussion over these issues, as well as awareness raising on concerned negative impact on children. Without a legal definition of child abuse, especially a clear stand on corporal punishment at home as well as psychological abuse which easily goes hidden, reporting and subsequent social inquiry/ investigation as well as rendering of professional support to children and families in need will not happen consistently. Professional training alone would not be able to prevent the bulk of cases slipping through the cracks.

- c. Domestic violence not only inflicts physical harm on the victims but also brings about negative impacts on children, which can be serious and is both immediate and long-lasting. General Comment No. 13 on Article 19 of the UN Convention on the Rights of the Child defines exposure to domestic violence as a form of mental violence⁴. **Inclusion of children's exposure to domestic violence as a form of child abuse** should also be considered to step up protection in this area.

2. Handling of Suspected Child Abuse Cases

a. Need for comprehensive review of the Procedural Guide for Handling Child Abuse Cases

The SWD has just completed a review of the Procedural Guide for Handling Child Abuse Cases ("Procedural Guide") but limited to the parts on operation of Multi-disciplinary Case Conference (MDCC). During the consultation, social service organizations had expressed limitations in practice when handling suspected child abuse cases, including interpretation of the working definition, inadequate legal protection, uneven compliance with the Procedural Guide, etc. Such issues reflect a need to revisit the overall policy as stipulated in the Procedural Guide. We believe a comprehensive review of the Procedural Guide, instead of one part after another, would be much more effective in addressing these issues.

b. Identification and reporting

As mentioned, there is great discrepancy between the incidence of child abuse (based on the mentioned SWD study in 2005 and Dr. K.L. Chan's study in 2011) and no. of cases captured by the CPR. While it is understood that the definitions of child abuse employed by the studies are different from the criteria for case registration at the CPR, the discrepancy is still worth noting and follow up. On the one hand, it would be useful for SWD to commission a study on the prevalence of child abuse again to gauge the current situation and trends in the past 10 years. Besides, identification and reporting mechanisms need to be enhanced. Before a comprehensive review of the Procedural Guide, it is recommended that SWD could conduct forums for relevant professionals to share about practice gaps and develop common understanding in handling grey areas or difficult situations, such as lack of parental consent, cases involved in compensated dating, etc.

⁴ Committee on the Rights of the Child. General Comment No. 13 (2011) Article 19: The right of the child to freedom from all forms of violence
http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf

- c. Evaluation on **implementation and effectiveness of welfare plans and follow up services** recommended by MDCCs

There is currently a lack of information about how the recommendations from MDCCs have been implemented and difficulties encountered, let alone impact of follow up services in protecting children from further abuse and supporting their rehabilitation and wellbeing. It is recommended to conduct systematic study in this aspect so as to obtain useful information for improving decision-making in MDCCs.

- d. **Support services for victims of child abuse**

The government should ensure adequate and timely provision of various support services for victims of child abuse, including crisis intervention, counseling, clinical psychological services, emergency and longer term out-of-home care, as well as shelter for families (including children) facing domestic violence. Counseling and support services for abusers is also crucial for prevention of further abuse. Among these, as child abuse is among the top main problems faced by children leading to out-of-home care, the provision of adequate and quality residential child care services (RCCS) is of high concern. Yet in recent years, the increased proportion of children with special needs under the care of RCCS has been draining the caring manpower and the service quality is at stake. Improvement of the physical environment of concerned service units is also much needed to cater for changing social needs.

Besides, there is currently no structured service programme dedicated for children witnessing domestic violence. It is recommended that such service be developed, encompassing clinical interventions for affected children and public education to raise awareness of the negative impacts on children and their need for support.

3. Prevention

- a. Filling gaps of Comprehensive Child Development Service (CCDS) through **school social work service for KGs / outreaching/ home-visit programmes**

It should be noted that, the CCDS being an important mechanism for prevention and early identification of psycho-social problems and needs of parents and children from 0-5 yrs, has limited capacity in reaching out to children from 1.5 – 3 yrs old and their families. That is when the children have completed the immunization programme and before they enter kindergartens. Children at this age are getting more active, which adds to parenting difficulties and risks of being abused or having accidents at home. Furthermore, even after the children entered kindergartens, teachers have limited time, training and experience to spot families in need (including those with risk of child abuse) and refer them to appropriate services for follow up. School social work service for kindergartens/ nursery schools widely tried-out by NGOs and special children centres/ home visit programmes to outreach to families with young children could be viable measures to fill these gaps.

b. Enhancement of Child Fatality Review mechanism and setting up new mechanism for reviewing serious cases

Serious child abuse may lead to child deaths, and a review of such cases should help to identify gaps and areas for enhancement in relevant social service systems. Currently, child death cases are being reviewed by the standing Child Fatality Review Panel appointed by the Director of Social Welfare. The aim of review is to facilitate the enhancement of social service systems pertaining to child welfare with focus on inter-sectoral collaboration and multi-disciplinary cooperation for prevention of avoidable child death cases. The Panel has published two reports covering 476 cases. Yet it is observed that most of the recommendations pointed to public and parent education instead of “enhancement of social service systems”. While possibility of child abuse and neglect, among other social issues, is being surfaced in the review of child deaths from different causes (accidents and assault in particular), there is a lack of deeper analysis of the problem and targeted recommendations. Besides, responses from government departments to the recommendations by and large reiterated current policies and practices. Public information on the progress of implementation of the recommendations is also unavailable. To enable the Panel to achieve its set aim, we believe it should be placed at a cross-departmental level (instead of under SWD) and given statutory status and sufficient resources, so that it can conduct investigation as necessary and demand follow up actions by concerned government departments.

Nevertheless, we welcome that the SWD is going to initiate discussion with relevant stakeholders on the possibility of introducing a mechanism to review serious cases of child abuse. This could be a useful supplement to the existing Child Fatality Review mechanism to shed light on preventive measures and areas of improvement on handling of child abuse by looking at the underlying factors and handling processes of selected cases in more details.

c. Increase provision of affordable and quality childcare services

A recent Study on Child Care Services for Low Income Families in Hong Kong conducted by The Hong Kong Council of Social Service revealed gaps in the accessibility of current child care services, including capacity, location, service hours, delivery mode, etc. It is acknowledged that parents’ needs are changing, with weakening family and neighborhood support, increased concern about child development and quality child care for all, as well as pressing need to engage in employment especially for low income families⁵. Understandably, provision of adequate, affordable and quality child care service, together with parenting education and support, is an important primary prevention for child abuse and neglect and a lot more needs to be done.

4. Data on Child Abuse and Child Protection Registry (CPR)

We are glad that the SWD is going to review the CPR soon. While thorough consultation with relevant stakeholders is expected, the following are some early recommendations on the review:

- It should address the discrepancies in child abuse data held by the CPR, public hospital and the police.

⁵ The report can be accessed at: http://www.hkcss.org.hk/uploadfileMgnt/0_2015713144128.pdf

- The issue of missing data on the most serious cases of child abuse – children died of abuse – should also be dealt with.
- To increase understanding of Special Education Needs of children as a likely risk factor for child abuse and facilitate relevant prevention and support service planning, it is suggested to include SEN under “Contributing factors of abuse” in the data input form.

It is widely recognized that the impact of abuse against children is devastating, including short and long term health consequences as well as development and behavioral ones. Besides, denying children’s rights to protection incurs enormous human, social and economic costs. “Direct costs may include medical care, legal and social welfare services and alternative care. Indirect costs may include possible lasting injury or disability, psychological costs or other impacts on a victim’s quality of life, disruption or discontinuation of education, and productivity losses in the future life of the child. They also include costs associated with the criminal justice system as a result of crimes committed by children who have experienced violence.”⁶ It is therefore in the interest of the whole society to invest and act together to prevent child abuse and protect our children.

⁶ Committee on the Rights of the Child. General Comment No. 13 (2011) Article 19: The right of the child to freedom from all forms of violence
http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf