LC Paper No.CB(2)1892/01-02(01)

Comments for Bills Committee on Prevention of Child Pornography Bill

As an organisation dedicated to the protection of children from sexual predators, the End Child Sexual Abuse Foundation strongly welcomes and supports the proposed amendments to the Prevention of Child Pornography Bill.

We believe it is absolutely necessary for a stronger deterrent to possible sex offenders preying on young children. These amendments will act as a further deterrent, especially in cases where paedophiles have not acted on their fantasies and/or are tempted to do so.

We cannot assume the Control of Obscene and Indecent Articles Ordinance will be able to stop all supply of child pornography. Paedophiles will have other possible means of sourcing what they want: not all mail – traditional or electronic - can be intercepted.

We strongly believe that in making possession a criminal offence will make these perpetrators think twice about succumbing to temptation. Prevention is just as important as punishment after the crime.

It is the End Child Sexual Abuse Foundation's stand also that with the borderless world we live in today, it is also important to extend our protection beyond our immediate jurisdiction. Thus we feel that the extension of the bill to cover child sex tours overseas is a step in the right direction as it will bring us on a par with international levels. The problem of child sexual abuse is no longer one country's fight, it is the world's.

However, we still feel there are two grey areas in the amendments and that is the defence offered on "artistic merit" and "genuine family purposes". Our Foundation would like to see more clear cut lines drawn on those two points.

For starters, "artistic merit" is highly subjective. An example of this is the work of photographer David Hamilton whose forte is nudes of adolescent girls. While Hamilton and his supporters claim his work to be artistic erotica rather than softcore porn, certain courts in the US - including San Diego, Alabama and Tennessee - have ruled his pictures as child porn. And for 15 Euros, anyone can access these pictures on his website. Our Foundation is not judging the work of Mr Hamilton; we are just offering this as an example of the subjectivity of the term "artistic merit".

The second defence of "genuine family purpose" is of a bigger worry since a large number of child sex abusers are immediate family members or relatives. Of almost 400 calls involving child sexual abuse taken by the End Child Sexual Abuse hugline service from September 1999 to November 2001, more than half were of sexual abuse perpetrated by an immediate family member – in many cases, the father. The second highest incidence was abuse by close relatives. We believe that even with less explicit photographs, a line should be drawn on the onset of puberty of the child. After that, there should be no genuine family purpose for parents to be taking pictures of that child in the nude.

護苗基金

護苗線

「護苗線」於 2000 年 1 月 25 日正式投入服務。目的是聆聽有關兒童性侵犯的來電，"聆聽大使"在電話中提供適當的轉介，給予兒童及其家人支持及鼓勵。由 2000 年 11 月 10 日開始，適合的兒童性侵犯個案會被安排接受外判輔導服務。

- **２０００年７月求助數字，與今年２００１年７月的人數相比，便大幅攀升４８％之多，**這證明大眾對原本是社會禁忌的「性」問題，已能更勇敢地去正視和面對。

- 近期更發現除了受害者本人之外，更多添了很多熱心的市民，查詢若發現有人被性侵犯時應如何協助當時人的電話，這證明了大眾已意識到，這不單是受害者個人的問題，同時也是大眾可以出分力來解決的社會問題，這實在是令人可喜的現象。

- 在不同的問卷調查和研究當中，我們發現很多令人髮指的事實，如：
  1) 受害兒童的年齡最多介乎於 13-15 歲之間，即中一至中三程度；
  2) 而受害者超過 73%是女童；
  3) 侵犯者則超過 72%為男性，而最令人心痛的，是侵犯兒童的罪犯，竟然超過大半數是親生父母所為，而親生父親更居首位！

護苗線統計資料

1999 年 6 月 9 日至 2001 年 11 月 30 日

共接聽 859 個救助電話

個案性質	百分比 (%)
兒童遭受性侵犯	34
成年受害者 (童年時曾遭受性侵犯)	12
其他*	54

*兒童性侵犯資料查詢;兒童及青少年性問題/性教育、心理、情緒、
　行為、學業、同性戀等其他問題;護苗基金資料查詢及惡作劇

兒童性侵犯資料
1. 受害兒童性別：女(73%)　　男(24%)　不知道(3%)

2. 最多受害兒童年齡組別(首三位，順序)：
　△ 13-15
　△ 10-12
　△ 16-18

3. 侵犯者性別：男(72%) 女(16%)　不知道(12%)

4. 侵犯者是誰？(首三位，順序)：
　△ 近親(包括親生父母及後父母，其中以親生父親最多)
　△ 親戚
　△ 陌生人

5. 性侵犯地點(首三位，順序)：
　△ 家
　△ 親戚家
　△ 學校

6. 性侵犯行為(最多，順序)：
　△ 觸摸/玩弄私處
　△ 強姦 / 被迫性交
　△ 暴露身体