



## 回應民政事務委員會有關四個公約的立場諮詢

二〇〇四年是聯合國兒童權利公約延伸入港十週年，明年二〇〇五年五月本港將聯同中國於日內瓦報告實踐公約的情況。

香港特別行政區已提交的報告，值得鼓勵的地方包括：

- 時間的掌握
- 印製精美
- 資料統計詳盡
- 談論機制及服務種類及現況
- 封面以兒童參與為前題

但不足之處則包括：

- 未能實際反映兒童權利發展的狀況
- 未能評論政策、機制、服務的成效得失
- 並未詳細講述實踐兒童權利方面的困難及對策
- 未曾指出未來的方向、政策及策略
- 更缺乏充份諮詢並聽取民意(包括十八歲以下的人士的聲音)

要積極實踐公約對兒童的承擔和對兒童權利的落實，有以下三個大前題：

(一) 堅定的決心

(二) 清晰的方向及政策

a. 訂定維護三方權利發展的指標

- 生命、生存、成長發展
- 保護
- 參與

(並訂定未來五年具體的指標)

- b. 訂定量度成效的機制
- c. 成立獨立、賦權、靈活的監察及執行機制
- d. 預防與治療並重
- e. 必須全民（包括孩子）參與
- f. 配合社會大方向及大政策

### (三) 配合適當的資源

再者，本會對香港社會及家庭的凝聚力嚴重倒退，及近年接二連三在香港發生的家庭慘劇影響兒童全人發展的狀況十分關心，並呼籲政府必須馬上作出有效的回應，落實不同公約的精神，使兒童的利益真正獲得優先考慮。

#### 一. 把社會由於經濟、政制不穩定而引致兒童及家庭的傷害降至最低

在修改任何政策服務前，必須進行諮詢，並作出對兒童及家庭影響的評估。

#### 二. 政府應當馬上成立獨立，透明度高的跨專業嚴重及死亡個案檢討機制

必須正視香港家庭凝聚力嚴重倒退，社會氣氛緊張，兒童面對虐待及家庭暴力危機重重，複雜的家庭慘劇發生頻密，使人震驚。

當社會開始認同在保護兒童及家庭上集體有責時，竟不只一次發現連陌生人短時間近距離接觸都發現的嚴重疏忽及虐兒個案，卻未被專業人士及早發現，適當處理，而兒童在延續的虐待和疏忽中嚴重受創，甚至死亡。政府必須全面檢討保護家庭及兒童的建制及各部門合作的情況，並檢視監察服務及工作人員服務質素的渠道，保證兒童及家庭獲得及時並優質的支援。

## **甚麼是兒童死亡研究（致命）檢討(附件一)**

由多專業專家為兒童死因研究作出檢討

目的：改善社會對兒童死亡原因的了解，並採取預防措施

- 調查兒童死因之趨勢及模式
- 建議政策、執行、修改法例、專業及社區教育以避免兒童之死亡
- 監察政府、非政府機構及社區執行這些政策

集中於以下幾方面：

- 對於預防兒童死亡的責任，並不是單靠任何一個部門或機構，而是社區及整個政府的責任
- 目的在於了解兒童死亡的有關因素，而並非意圖去決定是否需要刑事程序
- 改善機構之間的協作、溝通和合作來提供家庭服務
- 將搜集資料的程序標準化；並準確辨識兒童致命原因的數字
- 發展準確和完整的舉報制度
- 評估兒童死亡可預防的程度
- 發展社區教育及其他預防性的政策

## **兒童死因研究檢討與死因裁判官之審查和內部檢討不同之處**

- 死因裁判官之審查最主要是了解死者致命的情況及原因。他們有權力提出一些有關預防政策的建議，而這些建議只是根據一些個別案件調查所得的。但如果在審查當中涉及刑事問題，整個審查過程會被終止。並轉介到刑事檢控專員處理。
- 兒童死因研究檢討不是集中於了解疑犯是否曾犯罪，因為調查兒童死因之責任在於警方及死因裁判官。
- 兒童死因研究檢討制度上之失敗及不足之處。
- 兒童死因研究不會評論個別人在事件須負上之責任或其表現(但會記錄並反映結果)。
- 兒童死因研究檢討是多專業的，並不是取替機構本身之內部檢討。

### 兒童死因研究檢討之成效

- 調查之守則及指引：例如死亡事件之調查、屍體剖驗的程序
- 更準確指出兒童死亡之原因
- 不同的專業或機構有更好的了解、溝通及合作
- 提高倡導角色及發展一些有效活動，去針對一些問題包括：被遺棄之嬰孩、嬰兒猝死症候群、虐待致頭部重創、意外攝取美沙酮、日間託兒所之牌照、煙霧探測器、兒童乘客座位、運動之安全性、逃學及青少年自殺、哀傷及喪治服務

### 三. 參與全面消除暴力，並停止在家庭中對孩子施以體罰

在高唱零度容忍的時候，週圍已有十二個國家比香港多走一步以立法禁止家庭以內的體罰。香港必須正視體罰而引伸的惡果，顯示杜絕的決心，加入這個行列，用資源及努力探討體罰以外有效的管教方法，放棄對孩子身體及自尊的侵犯。

四. 附上本會就香港特別行政區根據《兒童權利公約》提交的報告作出的 回應。(附件二)

雷張慎佳  
防止虐待兒童會總幹事  
二〇〇四年六月三日

PL/gw

## 兒童死因研究檢討

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### 其他國家發展兒童死因研究檢討之歷史

- 第一個成立兒童死因研究檢討委員會是 1978 年在美國洛杉磯。當中包括有刑事司法、衛生署及人民服務之專業人士。他們的工作“顯示出一個有系統性的檢討有關死亡的機制是可以改善提供給活着的人的服務”。(Dr M J Durfee)
- 現在美國 49 個州、加拿大大部份省、澳洲的 2 個州都設有兒童死因研究檢討的系統；而其他地方也在發展當中。

## 兒童死因研究檢討之成效

- 調查之守則及指引：例如死亡事件之調查、屍體剖驗的程序
- 更準確指出兒童死亡之原因
- 不同的專業或機構有更好的了解、溝通及合作
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## 香港為何需要引入兒童死因研究檢討

現時在社會福利署兒童保護檔案記錄中，只反映香港兒童被虐待及疏忽照顧的數字，但並沒有記錄最嚴重的結果——兒童死亡。

兒童死因研究檢討的成立是一個國際性的運動

每一個兒童的生命都是寶貴，特別是現在香港的出生率下降。這個檢討是一個有效預防兒童死亡的方法。大部份的國家在初期主要集中分析兒童被虐待或疏忽致死的個案；而後期延伸到兒童受傷而死亡的個案。

甚至在圍產期嬰兒的“自然死亡”亦與妊娠期及圍產期中的照顧有關。

在香港 1997 年至 2001 期間，由 0-14 歲死亡率中，每年平均有 46 宗由外在原因引致的死亡個案。當中包括每年平均 7 宗的自我傷害及 9 宗受到襲擊或暴力傷害的死亡個案。

每一個因受傷而死亡的個案背後，有無數入院個案，甚至有更多曾經接受急症室及醫生諮詢的服務的個案。因此，預防兒童受傷及死亡是涉及公眾健康的議題。

## 香港建立兒童死因研究檢討需要的是

- 為兒童死因研究檢討建立職涵範圍
- 挑選兒童死因研究檢討隊伍：由社區部門及機構代表組成，並獲秘書處支援
- 修改法例：授權審閱警方、醫生、社區服務機構及學校取得機密資料
- 每年向立法會滙報機制：但個別兒童、家庭成員及工作人員的具體資料不會在報告中顯示
- 經費（在紐西蘭由不同的政府部門攤分所需費用）

二零零四年四月廿六日

**The NGO Second Report  
in respect of the Implementation of  
the United Nations Convention on the Rights of the Child in Hong Kong**

**May 2004**

**Introduction**

The Report of the Hong Kong Special Administrative Region under the Convention on the Rights of the Child though presented systematic coverage of data and information of the Hong Kong system and practices but lacked the following:

- a. a vision for a consistent approach to children's rights
- b. a right's approach and yet, stressed welfare and protection
- c. an evidence based progress of children's rights development in Hong Kong
- d. a thorough assessment of the implementation of the policy, legislation, system and practices
- e. a discussion of the difficulties and strategies to counter such difficulties
- f. future directions and indicators to measure success
- g. a truth consultation to involve all related parties, including the under 18 year olds as the report was only made public after sending to the UN and a consultation section only on the outline of the report was not sufficient.

**I. General measures of implementation**

**A. Article 4 - Implementation of rights**

Child Ordinance and Child Policy are still being considered by the government as unnecessary and would not bring about significant improvement in the promotion of the best interest of the child.

The existing child related ordinances do not reflect a consistent spirit conveyed by the UNCRC and there are discrepancies in different ways which must be harmonious, an example would be the age of the child.

A clear and up-dated set of Child Policy reflecting community's collective responsibilities would be instrumental for the entire community, GOs and NGOs, professionals and lay public, adults and children to adopt as the striving direction. The lack of which is creating confusion and difficulties in the interpretation and thus the implementation of the best interest of the child notion.

The government considered the existing advisory committees and working group's adequate channels of communication and the establishment of a

Child Commission unnecessary and undesirable since government departments already work closely together to formulate and implement policies affecting children and the range of policies and services affecting children is too wide for a single committee to manage.

It is our view that the range of policies and services affecting children is too wide and the existing channels often only focus on specific areas of concern, so even channels with multidisciplinary membership were unable to tackle such concerns in a comprehensive manner. An example in hand is the Committee on Child Abuse which is indeed an important mechanism to monitor policy and practices in the area of child protection. However, it focused on child protective issues and areas outside this would not be tackled promptly. Moreover, this Committee meets rather infrequently and more experts from the NGOs should be co-opted to enable balanced representation between GOs and NGOs. Furthermore the inconsistency in government's thinking is reflected by the establishment of the Elderly Commission, the Youth Commission and the Women's Commission. The Equal Opportunity Commission currently only focuses on women and the disabled.

We are very concerned that a child commission has not been established to ensure adequate respect of a child perspective in necessary policies and practices. We consider the existing advisory committees and working groups, with their own terms of reference, cannot on its own comprehensively deal with child's rights issues.

Furthermore, there is no mechanism to measure progress in terms of human rights development and community attitude change. We propose the government to allocate on-going resources to ensure such mechanism established at least on a periodic basis to measure progress and effectiveness.

## **B. Article 42 - Dissemination of the Convention**

Inadequate. The dissemination has been passive and not extensive nor comprehensive.

### **Child's Rights Education**

Hong Kong has not included the area of children's rights systematically in the education curriculum and there is no specific time allocated in schools to cover such concepts and information. Training manuals by the NGOs has been developed but it is only one among many other training manuals left on the bookshelf waiting for concerned teachers to find extra time to launch such program for students.

Furthermore publicity has also been piecemeal and not strategic, nor comprehensive. Moreover, there is no systematic way to



measure success and to trace whether public views and values on children's rights have been affected by these efforts.

It is also very important to systematically include child's rights in the area of parent's education. However there is a lack of conscious coordination and planning for such activities and to include child's rights in such activities.

Equally important would be training of professionals to disseminate such concepts and information. However, such trainings have been infrequent and such efforts have not received funding support.

## **II. Definition of 'the child'**

In general the child was defined as anyone under the age of 18. However in different child related Ordinance, there was an inconsistency in honoring the spirit of the convention. We thus proposed the government to review all children related ordinance so that a uniformed approach can be adopted and reflected.

## **III. General Principles**

### **A. Article 2 - Non-discrimination**

#### **Non-discrimination in major aspects of child welfare**

##### **Education**

Gender discrimination in the school placement allocation exercise has been dealt with by the Equal Opportunity Commission. (S.C.M.P. July 21, 2001)

The 180 Children of Abode Seekers not receiving schooling during the process of screening has been of grave concerns in the community. Adopted children of abode seekers have not received similar treatment as any other local adopted children received criticism.

Children under poverty have not received adequate protection for optimal growth and development and a large number of them were deprived of social, cultural and recreational activities. (Refer to Ming Pao article dated 1 June, 2002).

### **B. Article 3 - Best interests of the child**

#### **White paper on 'Social Welfare into the 1990s and beyond'**

This paper has been there for a decade and must be reviewed to cover significant concerns arises and anticipated for the new millennium.

The current white paper recognises that the primary responsibility for the adequate care of children rests with the parents. But it has adopted a focus in remedial efforts for the vulnerable and those in trouble, but not sufficiently in prevention and total reform in the community. Furthermore it has not recognise the importance of government and community support to the families which has shrunk in size and is facing more challenges than it can single handedly cope.

We reiterate our urge for a comprehensive up-dated child protection policy to prevent all forms of abuse, to empower children and community at large and to encourage their active participation. We think that the current approach had been piece meal, reactive, remedial and disintegrated and some times, inconsistent.

The current consultation in preschool education reflected this danger of throwing responsibilities of child care and education of the 0-3 to parents without providing an option of choice and support. (Refer to Ming Pao article dated 1 June, 2002).

How did the government in terms of policy and programs try to improve the cooperation between Hong Kong and Mainland in ensuring child protection and family preservation for the split families and families traveling back and forth between the two jurisdictions?

### **Representation of children's interests in court**

We recommend the government to review child related ordinances to reflect adequacies, consistencies and to produce a simplified and coherent body of law. Different Ordinance defined a child differently and the situation should be properly looked into to ensure equal protection and fair hearing.

The Offences Against the Persons Ordinance has to be reviewed to make its provisions comparable with the scope included in the protection of Children and Juveniles Ordinance. At the present moment even if a child is placed under the Care or Protection Order, the parents are not subjects of supervision. Statutory workers sometimes considered such orders false assurance to children and society.

There exists an expressed concern about bureaucratic neglect of young children who are the subject of Care and Protection orders. The emotional welfare of these children has been ignored as they continue to be treated in the same manner as those older children who have been accused of criminal activities such as engaging in the vice trade or having suspected triad links. It appears that they are regularly placed in the same room as the older children. This creates the perception by these children that they have done something wrong and that the Care and protection Orders is regarded as punishment of their 'wrong behavior'.

Effective legal protective measures for unattended children must be recognized and put in place. There were still strong forces in the

community rejecting legal protection for fear of criminalizing parents. Help and resources, particularly during economic downturn, must be injected to ease the situation. The best interest of the unattended children must be addressed in law and in resources. Sanctioning of those who left children unattended should include not only imprisonment or paying a fine, but attending parenting courses, doing community services, receiving counseling etc. etc. etc.

Our legal system does not provide adequate channels for consultation and participation for the children. In Hong Kong, a child is entitled to separate legal representation when such need is 'observed' or when a request is made. A review and proper monitoring of children in court and children under care or protection is of great importance.

In court proceedings, the invitation of views from the child should lie with the child and not the judge. Separate representation should be made available for every child in need.

We urge that the age of criminal responsibility to be raised to 14 to reflect consistency in child protection policies and to go on par with China and Taiwan.

Measures Alternative to Prosecution for Handling Unruly Children must be put in place to minimize harm done through the process and consequence of criminalization. (Annex 1).

### **Child care and protection institutions and facilities**

The result of the review of the child care centres ordinance has made new provisions for the prohibition of unsuitable persons from acting as child-minders.

### **Protection institutions and facilities**

Areas of concerns include: child abuse by personnels of such institutions and there is no carefully monitoring to reflect whether such personnels have criminal records in significant areas such as child sexual abuse or other sexual crimes.

Personnels of such institutions lack adequate training and support in the handling of child abuse situation. Such training should be made available prior to joining the service and as staff development programs.

### **Health and safety in schools**

Child bullying and child abused by school children have observed to be increasing and requires special attention to train personnel of various disciplines, children and parents to work together promptly to ensure health and safety of children.

## **C. Article 6 - the right to life, survival and development**

The increase in domestic violence and the increase in homicide-suicide cases involving the killing of children by their family members shook the community's conscience to review policies and practices of the problem's prevention.

Furthermore, the increase in divorce, separation and extra-marital affairs and the frequencies of children witnessing violence and parents' disputes have all been increasingly adversely impacted children's rights in all aspects.

We support the urge that the current legislation on family violence is outdated and a new Ordinance with wider coverage of protection must be brought in place. (Refer to Annex 2)

Government must formulate long term and strategic programs to involve all relevant parties at different levels to identify, manage and prevent the problems' deterioration. Such program must include built in measurement to reflect success.

## **D. Article 12 - Respect for the views of the child**

It was said that the views and wishes of the child are ascertained having regard to his or her age, maturity and circumstances. However in our experience some parents complaint that they have not been adequately informed and involved through the process of investigation of child abuse and neglect. It was not uncommon to find that children were

not adequately informed of what is happening and the rationales behind decisions affecting them and their families.

Channels and opportunities for child participation need to be increased at all levels, particularly when new policies and practices come into existence and in the compilation, and assessment of the implementation of the UNCRC.

#### **IV. Civil rights and freedoms**

##### **C. Article 13 - Freedom of expression**

###### **Parent-child communication**

The government has acknowledged the importance to strengthen parent education and parent-child communication. However efforts in strategic planning and coordination of such activities have been piecemeal and no measurement to reflect success has been systematically included. The community is still striving for methods to include the hard to reach and the definition of hard to reach must be drastically reviewed.

###### **Freedom of children to express views on matters particularly affecting them**

Mechanisms for ascertaining and expressing the child's views by the child must be set up at different levels, particularly to ensure their voice being heard by policy makers and legislators. An example for Hong Kong to consider is the formation of a child legislative council.

A channel to solicit children's views regarding the progress of implementation of this convention should also be set up.

##### **D. Article 17 - Access to appropriate information**

###### **TV Children Program**

Outdated and old fashion particularly when we are talking about education TV. We are still using old programs, Japanese cartoons and there is a lack of locally produced programs for children.

###### **Internet violence and pornography**

Such materials have been very commonly received and would have adversely affected our children's growth and development. The government should commission a hotline to receive complaints and trace trends and prevalence regarding Internet concerns. The police hotline established since December 2003 focused on child pornography was

a good start and the hotline must be made widely known to the public, including children and their families.

#### **G. Article 16 - Protection of privacy**

##### **Personal Data (Privacy) Ordinance**

There has been concern regarding the infringement of privacy by the mass media contributing to adverse impact on victims of child abuse. (Refer to Annex 3) The Mass Media being an important stake holder in child protection and children's rights helps to disseminate important message and concepts and impacts upon the value system in the community. A delicate balance must be maintained to respect freedom of speech and protection of child and families.

#### **V. Family Environment and Alternate Care**

##### **Article 20 - Protection of children deprived of family**

The need of a Comprehensive Family Policy should be stressed. Reasons why the government rejected such appeal had not been convincing and there has not been sufficient attention and debate about this concern.

Resources must be devoted to ensure evidence based and effective early prevention programs such as healthy start home visitation programs be implemented for every new born family in Hong Kong.

We applaud the current announcement of the increase in budget for foster care. (SCMP February 26, 2002) However in Hong Kong a child found abandoned is not entitled to foster care unless parental consent is obtained. Therefore children of very tender years were placed in institutions and deprived of a family environment. Such policy must be amended in due course. (SCMP February 27, 2002)

## **Children receiving residential service**

Staff of such institutions should receive adequate training and supervision in the management of child abuse in order to ensure adequate child protection against abuse.

## **Children in boarding school**

Children being abused by in-mates yet school personnel retained low profile trying to keep case from public eyes must be properly monitored.

## **I. Article 19 - Abuse and neglect**

### **Central Data Bank**

There is a lack of comprehensive Data bank regarding child related data, including child abuse. Data and statistics kept by police and Social Welfare Department varied. Present data reflected by the Child Protection Registry does not fully reflect the child abuse situation and some cases are missed. Cases handled are often not researched and analyzed leading to the lost of practice wisdom. Research to reflect prevalence and contributing factors are lacking.

### **Committee on Child Abuse**

The government, at one point, attempted to amalgamate this committee with the committee on domestic violence. It would have diluted experience and efforts spent specialising in the area of child abuse if amalgamation was accepted.

### **Mandatory Reporting**

There is no mandatory reporting and a lack of its thorough debate and exploration. Some suspected cases have not been properly handled.

### **Multidisciplinary Partnership**

Cases reported to the police but not established as abuse are often not referred or not referred promptly to relevant parties for follow up. The Tin Shui Wai Family Tragic Homicide case with four family members killed reflected that the police didn't even properly record a complaint received with a number of previous complaints. The case though known to a number of parties and a case conference on a suspected child sexual

abuse situation was held but not established, was still not aided adequately. (Refer to Annex 4)

### **A Fatality and Serious Child Abuse & Domestic Violence Cases Review Channel**

A Fatality and Serious Child Abuse and Domestic Violence Cases Review Committee was recommended but rejected by the government. The 3 persons Review Committee set up by the Director of Social Welfare was not an independent committee with authority and resources to act. The two members appointed were not representative enough as they were both from the same university, the same faculty and appointed in the same family service review which in one way or the other may be related to the handling of the case. The chairperson appointed was also criticized as neither being fair nor objective as in the start he already criticized the current immigration policy as contributing to domestic violence.

### **Procedures of Handling of Child Abuse (Revised 1998)**

The voluminous procedure has not been properly disseminated and professionals have not received adequate multidisciplinary training to the work together with the guidance of such document.

### **Mandatory Treatment Programs**

Treatment for all parties involved, victims, perpetrators and family members have been lacking in depth and effectiveness not properly examined. Mandatory treatment and rehabilitation are not in place and should be made available.

### **Wider and Flexible Sentencing Options**

Wider and more flexible Sentencing Options should be made available to ensure efforts to put a stop to violence and abuse of children and families' rights and safety.



### **Child Protection Registry**

The function of the Child Protection Registry has not been reviewed since its establishment. Information recorded under the Registry needs to be revised based on understanding of various forms of cases received. The existing data are designed at a stage when physical abuse was the dominating trend.

### **Multidisciplinary Case Conference**

The Procedures of Case Conferences have been revised with membership of such MDCC changed to two tiers which we disagree for we anticipate many difficulties in its interpretation. Professionals involved with children and families should not be excluding from the discussion and formulation of child protection action plan for any reasons.

### **Amalgamation of Family and Child Protection Services**

The Child Protection Services, Family Protection and Child Custodial Units of the Social Welfare Department were amalgamated, without prior consultation, into the FCPSU to take up all such cases. We are concerned that efforts for children should not be overshadowed by services for other parties and practice experience should not be diluted.

### **Integrated Family Service Centre**

The restructured Integrated Family Service Centre model constituted of a three tier service to support targets at three different levels of prevention: the primary, secondary and tertiary. Better coordination and collaboration must be put in place to avoid proper help and action delayed when client facing more serious problems seek help at the wrong level and the wrong tier of service.

### **Definition of Child Abuse**

Definition of child abuse is still inconsistent and a lack of consensus must continue to be addressed in training and in case management.

## **Physical Abuse**

For physical abuse, the lack of intent to harm is sometimes blocking harmful situation being put into perspectives. Corporal punishment is still widely practiced and tolerated in families and sometimes also in schools (Ming Pao April 29, 2002). Unless the government is firm enough to legislate against it in the community, it will continue to harm our children and families.

The policy should state clear and specific principles on:

How do we ensure the public to adopt non-violent alternatives to corporal punishment as an effective means of discipline at home and in the community? The vicious cycle of victims victimizing others seems increasing. Situations of children abusing children and bullying were increasingly reflected and must be properly managed and prevented.

## **Neglect and Psychological Abuse**

Among different forms of abuse, neglect and psychological abuse are receiving the least attention and number of reports has thus remained low. Child neglect at one stage aroused discussion and media attention but limited resources were allocated to improve the situation. Legislating against leaving children unattended was strongly refuted. However to more comprehensively record prevalence, various departments: fire services, housing, social welfare department, police should record unattended cases to the above proposed central data bank. Mutual help childcare services have not been properly supported by resources. Registration for child minders is not in place. Safety curriculum lacking in formal and informal education.

The most recent life threatening malnutrition and continuous abuse under child protection supervision case caused grave concerns. (Refer to Annex 5) (March 2004) The 7 year old girl was spotted by a stranger to be acutely ill while she was on her way to school and was admitted in a state of serious malnutrition with severe anemia, and low blood levels of potassium and protein. The situation was tolerated and allowed to linger on too long.

With the weakening of family solidarity (HKCSS Social Indicators: SCMP May 29, 2002), the blow of economic recession, unemployment, child suicide have increased. Adequate mental health care must be systematically enforced. Definition and treatment of psychological abuse has been particularly weak. Prevention programs must be designed and supported by resources. With the increase in domestic violence, children witnessing domestic violence have also increased. Yet such cases have not been properly registered nor defined as abuse. Such children should be protected by law to receive adequate treatment and protection.

## **VIII Special protection measures**

### **I. Article 34 - Sexual Exploitation and Sexual Abuse**

#### **Sexual Abuse**

The increase in child sexual abuse reports and the increase in the under eighteens as abusers deserve attention. The government should define child sexual abuse broadly to include all forms which violate the child's sexual integrity. Working definitions should be made available to facilitate prompt action and prevention. Child Abuse Handling Procedures must be made available to a wider spectrum in the community. The recent public concern regarding the church handling of CSA indicated that there are still sectors not familiar with the handling procedures and reluctant to adopt a multidisciplinary approach in its handling. (SCMP May 2, 2002)

Furthermore Hong Kong has been adopting a legalistic approach in the problem's handling. Many efforts have been devoted to investigate and prosecute. The strong legal flavour and emphasis in not contaminating evidence tend to affect people from talking to the child about the abusive incident and sometimes may delay support and assistance.

The one problem (CSA) two systems handling approach is undesirable. The Child Abuse Investigation Unit handles CSA of family members and serious physical abuse and Criminal Investigation Department (CID) handles CSA of non-family members and other forms of abuse due to resource and manpower limitation. One consistent humane system with properly trained staff and supported professionals in the handling of all forms and degrees of child abuse, by any party, is essential...

The government has been trying to legislate against child pornography and child sex tourism since 1998. However there are still resistance among legislators to include possession, virtual, audio depictions, writing and drawings. There are also lengthy debates as to the balancing of freedom of speech and protection of children from child pornography. Emphasis should be placed to protect the best interest of children.

#### **Lack of a true and on-going consultation on the implementation of the UNCRC in HK**

On-going sharings and debates regarding children's rights issues and such channels are lacking. To hold meeting(s) only for the preparation of the report to UN is passive and desperately inadequate. Related bureaus and parties should be present in such meetings to facilitate thorough discussions. In the past, the only Bureau present was the Home Affairs Bureau and issues relating to the Health and Welfare Bureau, the Education and manpower Bureau were not supported by adequate information.

The full text of the implementation report was sent to UN before being sent to NGOs and publicized in the community. A consultation only of the outline and topics to be

included in the report is highly insufficient. The children have not been adequately involved in the up-dating of the implementation and the report compilation of the UNCRC.

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