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Clerk to
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Sir or Madam:

**Re: Submission to the Subcommittee on Children’s Rights
Agenda: Rights of children affected by domestic violence**

The horrific child abuse case that ended in the death of a 5-year-old girl in Tuen Mun earlier this month has shaken Hong Kong. The girl lost her life after a prolonged abuse that included repeatedly being thrown to the ceiling and poked by scissors in the hands of her father and stepmother. They also allegedly abused the girl’s 7-year-old brother.

After the Tuen Mun case, four other cases of domestic child abuse were reported in the span of three days. We believe these cases are merely a tip of the iceberg. There are many more cases that we are not aware about – it is [estimated](#) that only 1% of child abuse cases are reported to the authorities – while 99% never reach the authorities. The lack of mandatory reporting mechanism for child abuse cases in Hong Kong has a role in it. In addition, of the 1% reported cases, only a fraction are investigated and even smaller percentage are prosecuted.

[According to](#) the Social Welfare Department’s Child Protection Registry, there were 704 reported cases of child abuse between January and September 2017 – which means a monthly average of 78. The reported cases have shown an upward trend: 892 cases were reported in 2016; 874 in 2015 and 856 in 2014 – which translates to a monthly average of between 71 and 74 in those three years.

The SWD’s registry also [reveals](#) that physical abuse was the most common, occurring in four of 10 cases, followed by neglect and sexual abuse. In more than half of the reported cases, the abuser was a parent, while in contrast, 10% of the cases, family friends or unrelated persons were the perpetrators.

This is no surprise considering corporal punishment is still allowed at home – despite studies showing that physical punishment *is* child abuse. However, under the so-called “reasonable chastisement” loophole in Hong Kong, physical abuse at home tends to be dismissed and ignored.

The widespread lack of understanding in the dynamics of domestic abuse – even among professionals, including social workers, police officers, health care workers, teachers, psychologists, lawyers and judges – also puts Hong Kong children at risk. For example, few people realize that [witnessing](#) or [being exposed to domestic violence is child abuse](#). Moreover, in line with the World Health Organisation, which has defined domestic violence to include different forms – physical, sexual, verbal, emotional and psychological abuse – the Domestic Violence and Cohabitation Relationships Ordinance was also amended so that the broad definition would be incorporated in the law’s practical implementation, for example in the SWD’s guidelines. Nonetheless, non-physical forms of abuse are not only vastly underreported but also seldom taken seriously.

The “reasonable chastisement” justification, the lack of mandatory reporting and widespread ignorance put our children, who are among the vulnerable members of society, in an even more vulnerable position. There is a strong link between domestic violence and child abuse: [according to](#) the United Nations, 40% of child abuse victims report domestic violence in the home, while the SWD/HKU study in 2005 [revealed](#) 48% of children who were physically maltreated said they witnessed physical assault between parents. Therefore, we need a holistic approach to tackle abuse and violence that happens in the family.

Domestic abuse has a devastating impact on children, with traumatic effects that can be long-lasting, causing problems from mental health, addiction to self-harm and suicide. As a city grappling with underage suicide, we should take all forms of domestic abuse seriously. The UK-based SafeLives’ [study](#) on children and domestic violence estimates that by the time they start school, at least one child in every class will have been living with domestic abuse since birth. Given our class sizes tend to be larger, it is possible that more than one child is a victim of domestic violence since birth.

How frontline workers and other professionals deal with domestic violence and child abuse is discouraging, however. Police officers are said to often tell family members (who themselves have experienced domestic violence) not to lodge a report of child abuse but to “discuss the matter” with the abusers. Social workers dismiss allegations of child abuse, saying “it is not serious enough”. Traumatized child abuse victims at school are misdiagnosed of having special needs or even severely punished, adding more trauma to the children. Psychologists are more interested in keeping families together, preferring the abused parent and the abusive parent to “cooperate”, instead of stepping in to protect the child. Reporting child abuse incidents to the authorities and raising the issue of domestic violence in legal proceedings is frowned upon in family court. Child abuse issues which often surface in the course of family legal disputes are misunderstood as parents’ legal tactic and manipulation.

All of the above examples show a systemic failure to protect children in Hong Kong, subjecting

them to more abuse and trauma.

Our recommendations:

- Ban physical punishment in Hong Kong, including at home and by parents, in order to give children equal protection from assault
- Implement mandatory child abuse reporting mechanism to frontline professionals, teachers and child care workers
- Recognize that being exposed to and witnessing domestic violence *is* child abuse
- Hong Kong should have a zero tolerance on domestic violence and child abuse, from physical and sexual abuse to less visible ones like verbal, emotional and psychological abuse
- Provide training with up-to-date knowledge on domestic violence and child abuse that captures the complexity of such violence and crime to frontline workers and professionals who deal with children, such as social workers, police officers, psychologists, schoolteachers, lawyers and judges
- The government should step up to tackle all forms of domestic violence and child abuse, not only crisis intervention but also prevention and recovery
- Establish the Children's Commission and empower it to investigate child abuse cases and formulate policies to prevent and raise awareness on child abuse
- Formulate policies that focus on protecting children in all branches of the government: courts and government departments must put in place policies to address the safety of adult victims of domestic violence and their children, including custody and visitation rights
- Introduce comprehensive sex and relationships education that covers the issues of abuse, bullying and consent at schools in Hong Kong, from kindergarten to secondary schools

Association for Concern for Legal Rights of Victims of Domestic Violence
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