

Joint Statement to Panel on Welfare Services
Special Meeting on 19 January 2018

Re: Looking into child protection policies and procedures in the light of recent child abuse cases

Children are a precious part of our society. They represent our hopes and our future. However, their lives can be irrevocably changed by the trauma of abuse. Child abuse comes in many forms, and from many sources. Unfortunately, it has become commonplace in Hong Kong. It is urgent that steps be taken to protect our children from all forms of child abuse, neglect, ill-treatment, and abandonment.

We humbly invite the Government and the Legislative Council to consider our experiences and views, and to take the actions we recommend, urgently, to protect children.

Problems revealed by the case of the 5-year-old girl in Tuen Mun

1. The case might have arisen from lack of parenting skills, lack of knowledge on child growth and learning needs, or other environmental and personal factors, e.g. parents' life experience, parent's lack of capacity of emotional control.
2. The girl's birth mother attempted to visit her children but was rejected. As a result, she failed to find out the abusive situation at an early stage.
3. Allegations of child abuse are not treated with sufficient urgency. It is critical that child abuse be detected quickly and that critical actions be taken immediately to protect children from extreme (and occasionally fatal) risks. However, many schools and hospitals dealing with suspected child abuse lack experienced personnel and dedicated resources to assess and handle cases, or fail to follow-up with timely intervention.
4. Insufficient resources and training can result in failures to comply with best practices. According to the Procedural Guide for Handling Child Abuse Cases (Revised 2015), when school teachers and social workers are notified of suspected child abuse cases, they should conduct first assessment and may consult with the Social Welfare Department (SWD) FCPSU in the process. If it is determined as a suspected case, they may immediately refer to SWD. However, the difference between consultation and referral, and the referral procedures are not clearly defined in the Guide. As a result, critical time is lost and SWD may fail to act timely to protect children.

Past experience

1. The police did not show a positive attitude towards the protective parent who reported domestic violence, but told her to "talk about" the domestic violence with the abusive father.
2. The police failed to inform victims of domestic violence of their rights, and sources of support.
3. The police made mistakes in a report about a domestic violence case, including stating the child interviewed said she was not assaulted while in fact she said she was assaulted.
4. The interview conducted by FCPSU was not child-friendly – children are interviewed as if they were adults.
5. Investigations and interventions into child abuse and domestic violence cases are frequently delayed due to lack of resources.
6. Where intervention by authorities occur, frequently there is no consideration as to whether siblings and cohabitants are also at risk of violence and/or abuse.

7. Judges are insufficiently trained in recognising and dealing with cases of child abuse and domestic violence.
8. There are no established procedures for dealing with allegations of child abuse in the Family Court.
9. Most victims of child abuse and domestic violence, as well as professionals serving victims (including social workers and lawyers), are unaware of the protections available under the Domestic and Cohabitation Relationships Violence Ordinance (Cap 189).
10. Victims are not able to easily obtain legal assistance to use the Domestic and Cohabitation Relationships Violence Ordinance (Cap 189) and applications for legal aid to apply for relief often take 4 weeks or longer.

We recommend Government:

1. Ban parental corporal punishment through legislation and enhance positive parenting.
2. Review existing education regulations and include kindergartens, primary schools and secondary schools in the same reporting mechanism. To ensure prompt intervention and assistance, if children are absent from school due to family problems, schools do not have to wait for 7 days for referral to appropriate units.
3. Refine case referral system, provide appropriate assistance for schools, especially in cases of sending child to hospital and reporting to police, and accelerate the review of the Procedural Guide for Handling Child Abuse Cases (Revised 2015).
4. Expand social work manpower to kindergartens and primary schools, and enhance their staff training on identifying and handling child abuse.
5. Implement the course “Identification and Prevention of Child Abuse” as a compulsory subject in universities.
6. Implement mandatory child abuse reporting mechanism for teachers, professionals and child care workers.
7. Allocate more resources on early preventive services, e.g. Home Visitation Service for New Born Babies, systematic parent education, and provide appropriate supportive services to the groups at risk such as deprived family, single family, new arrival family, blended family, emotionally disturbed parents and substance abusing parents.
8. Review the scope of coverage and support package of the Comprehensive Child Development Service.
9. Establish child central data bank to develop specific child development indicators so as to develop long-term child development policies and strategies.
10. Enhance the child fatality review system and establish a review system for serious child abuse cases.
11. Authorise the Children’s Commission, due to be set up in mid-2018 to look into the serious and fatal cases for improving systems and preventing child abuse.
12. Review the existing arrangements and operation of divorced parents visiting their children to ensure that those families in need are provided with appropriate assistance.
13. Review child care support and services in view of the vulnerability of infant and preschool children
14. Strengthen the comprehensive service for prevention and early identification
15. Improve and review legal protection for children under the framework of the Convention on the Rights of the Child (CRC)
16. Review multidisciplinary professional training both prior to the service and in service.

17. Establish a separate child protection court, with plenary jurisdiction and sufficient resources to treat all child abuse cases as urgent, and make decisions without undue delay.
18. Appoint an independent Commission of Inquiry under the Commissions of Inquiry Ordinance (Cap 86) to investigate the series of tragic incidents involving children in Hong Kong to:
 - (a) Ascertain the causes of the incidents and make appropriate findings;
 - (b) Evaluate the child protection system in Hong Kong;
 - (c) Evaluate the child care support and services targeting infants and pre-school children; and
 - (d) Make recommendations on measures required for the prevention of the recurrence of similar incidents in future.

【從虐兒案看兒童保護政策和程序】聯合聲明

兒童代表著社會的希望和將來。但兒童的生活可隨時因遭受虐待而被扭轉。虐兒有不同的方式，背後亦有不同的原因。虐兒的情況在香港亦愈趨常見。保護兒童是迫切的，我們應該保護我們的兒童免受到任何方式的傷害。

我們一眾關心兒童權利的團體，懇請政府及立法會認真考慮我們的經驗和意見，並促請政府立即採取行動去保護我們的下一代。

事件成因

1. 學校在處理懷疑虐兒個案時，危機意識不足，缺乏具經驗的專責人員評估及處理是次事件，以致未能及時介入及跟進。
2. 根據《處理虐待兒童個案程序指引》，學校教師或社工若發現懷疑虐兒個案，應先作評估，過程中可諮詢社會福利署保護家庭及兒童服務課，若確定屬懷疑虐兒個案可即時轉介社會福利署。惟現時指引沒有清晰界定轉介和查詢的分別，以及列明轉介程序。同工必須以兒童最大利益為首要考慮而多走一步，而非以指引作為金科玉律。
3. 家長欠缺管教技巧，使用體罰，不明白孩子的成長及學習需要，又或受其他環境及個人因素影響，家長本身的經歷、個人管控情緒的能力等。
4. 女童母親表示她曾嘗試探訪一對子女被拒，以致未能發現子女受虐的情況。

過往經驗

1. 警方對於舉報家暴個案多持不正面的態度，曾有警員向受害人表示受害人應多向嫌疑犯事的父親溝通。
2. 警方多未能告知家暴受害人他們的權利及支援。
3. 警方在處理有關家暴的報告時缺乏敏感度。
4. 社會福利署保護家庭及兒童科的會面並不兒童友善，職員處理與兒童會面時的態度，與成人會面的態度相若。
5. 在處理及調查家暴及虐兒的過程中經常有延誤的情況發生。

6. 不同部門處理虐兒個案時大多沒有考慮到受害人的其他家庭成員或同居者是否亦存在遭受虐待的風險。
7. 家事法庭的法官沒有足夠訓練去識別及處理虐兒及家暴的個案。
8. 在家事法庭上並沒有一套既定的程序去處理有關虐兒的指稱。
9. 專業人員（包括律師及社工）在處理虐兒及家暴個案時經常忽略了受害人在家庭及同居關係暴力條例(Cap 189)之下的保護措施。
10. 受害人在取得法律援助以引用家庭及同居關係暴力條例(Cap189)方面上有困難，他們通常需要花四週或以上的時間去申請法律援助。

建議

1. 建議政府立法全面禁止體罰，同時加強及裝備父母正向管教的能力。
2. 檢視現行教育條例，將幼稚園與中小學看齊，納入同一於缺課7天的申報機制。如果懷疑缺課是因為家庭問題，為確保適時介入，作出跟進及協助，是無須等待七天才轉介適當的機構。
3. 優化個案轉介機制，為學校提供適切的支援，加快檢視《處理虐待兒童個案程序指引》的不足及不清晰的地方。學校在處理嚴重懷疑虐待兒童個案時，尤其是面對需要送院及報警的情況，社會福利署保護家庭及兒童服務課需即時介入，協助學校處理。
4. 建議政府增撥資源擴展社工人手至小學及幼稚園，並加強幼稚園及小學教職員在辨識及處理虐兒方面的培訓、督導及指引。
5. 加強專業人員的培訓，建議各大學院校設辨識及預防高危和虐兒為必修科
6. 建議政府實施(專業同工)強制性舉報虐兒機制
7. 建議政府需投放更多資源於早期預防服務，例如為新生嬰兒家庭提供探訪服務，推行有系統的家長教育課程。尤其對危機組群，如貧困家庭、單親家庭、新來港家庭、重組家庭、有情緒困擾或濫藥家長，更應提供適切的支援服務。
8. 兒童身心全面發展服務實施多年，應該是時候檢討涵蓋的危機組群是否全面，支援配套是否恰當。
9. 設立兒童中央資料庫，針對各政策範疇制定具體兒童發展指標，以制定長遠兒童發展政策、策略和指標
10. 加強兒童死亡個案檢討機制，並設立嚴重個案檢討機制
11. 政府必須賦予年中成立的兒童事務委員會有法定和足夠權力去調查嚴重及死亡個案，以改善制度，預防兒童被虐事件一再發生。
12. 政府需檢討現行離異父母探視子女的安排和運作，確保有需要的家庭得到適切援助。
13. 有見於嬰、幼兒尤其容易受到傷害，有必要檢討幼兒照顧服務及支援。
14. 有必要加強預防和及早介入的整全服務。
15. 有必要以《兒童權利公約》為依據改善及檢討對兒童的法律保障；及
16. 有必要檢討各個專業的職前及在職專業訓練
17. 成立獨立保護兒童法庭，當中有全面的司法權，並有充足資源去處理虐兒個案以避免不必要的延誤。
18. 促請行政長官引用《調查委員會條例》第86章成立獨立調查委員會，調查近日一連串有關兒童受害的悲劇，以：(a) 確定事故的成因並就此作出適當的裁斷；(b) 檢討香港

的保護兒童制度；(c) 檢討嬰、幼兒照顧服務及支援；以及(d) 作出建議，防止同類型事件再次發生。

Submitted by (排名不分先後、名單陸續增加)

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關注家庭暴力受害人法權會

Association concerning sexual violence 關注婦女性暴力協會

New Arrival Women League 同根社

The Association for the Advancement of Feminism 新婦女協進會

Association of Women with Disabilities Hong Kong 香港女障協進會

Hong Kong Women Worker's Association 香港婦女勞工協會

Hong Kong Women Christian Council 香港婦女基督徒協會

Hong Kong Women's Coalition on Equal Opportunities 平等機會婦女聯席

Concerning CSSA and Low Income Alliance 關注綜援低收入聯盟

Justice and Peace Commission of the Hong Kong Catholic Diocese 香港天主教正義和平委員會

SEN Rights Association 特殊學習需要權益聯會

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