

Spanking should have no place in Hong Kong homes so our children can feel safe and thrive

- With the Social Welfare Department reporting that the number of child abuse cases reached a 14-year high in 2018, Hong Kong's Commission on Children must take the lead in convincing the government that corporal punishment should be abolished
- **Grenville Cross**
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Parents were the main abuser in 64.5 per cent of the cases recorded by the Social Welfare Department.
Photo: Shutterstock

International No Spank Day, launched in 1998, is marked around the world on April 30. In support, the NGO Against Child Abuse held its Spank Out Day 2019 on Sunday in Wong Tai Sin. An end to corporal punishment is the objective, together with a wider appreciation of non-violent ways of teaching children appropriate behaviour.

The United Nations Committee on the Rights of the Child [defines](#) corporal punishment as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however slight”, and calls it “invariably degrading”. Unfortunately, it is rampant in Hong Kong.

In February, the Social Welfare Department [revealed](#) that the number of child abuse cases reached a 14-year high in 2018. Its Child Protection Registry recorded 1,064 cases, up from 947 in 2017, with a parent being the abuser in 64.5 per cent of cases. A breakdown showed that physical assaults predominated, with 493 cases recorded. These figures, while horrifying, are just the tip of the iceberg, as most cases go undetected.

Although many cases are confined to slapping, tragedies are always a possibility. While the case of Chan Sui-lam, the five-year-old girl who [died last year](#) after being repeatedly thrown at a ceiling and poked with scissors, was exceptional, children are always in danger when tempers rise domestically. The misery of the children whose lives are blighted by ongoing abuse at home can only be imagined, and very few dare to protest.



Mourners take part in a candlelight vigil in Tamar, Admiralty, for five-year-old Chan Sui-lam who died in January 2018 in Tamar, Central. Her father and stepmother were arrested in connection with her death. Photo: Handout

A study by the Caritas Youth and Community Service [in 2013](#) discovered that, whereas almost 63 per cent of children surveyed had been struck by their parents in the previous year, 14.5 per cent were adjudged to have been severely abused, sometimes with a belt, stick or other hard object. This can traumatise a child and cause psychological damage.

In the United States, [research](#) has shown that children who are beaten regularly have higher rates of aggression and delinquency than those who are not. In adulthood, they become more likely to use violence against family members, turning it into a vicious circle. There is even a link to criminality, with researchers pointing out that the US, where 90 per cent of parents spank their children, has one of the world's highest per capita incarceration rates, while Norway, which abolished corporal punishment in

1987, has one of the lowest rates.

In Hong Kong, official beatings, in schools and correctional institutions, are no longer sanctioned, but it is a different story domestically. What the common law describes as “reasonable chastisement” is tolerated, which means that if a parent is prosecuted for striking a child, he or she has a possible defence. What is “reasonable” depends on the circumstances, including the child’s age, the type of punishment and its consequences.

A beating which leaves no obvious injury can rarely be prosecuted, as the courts look for tangible evidence. It is only if there is clear proof that excessive force has been used that a prosecution will be viable. It is, of course, often hard to say when reasonable chastisement ends and undue violence begins, and suspects generally receive the benefit of the doubt.

Alleged child abuse cases from 2017 to 2018

Nature	Number of cases	(%)
Physical abuse	131	61
Neglect	25	12
Psychological abuse	20	9
Sexual abuse	19	9
Multiple abuse	19	9

SCMP

Source: Hong Kong Committee on Children’s Rights

The UN Convention on the Rights of the Child has applied to Hong Kong since 1994, and it [makes clear](#) that children also have basic rights. Article 19 requires state parties to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse”, and many are taking heed. In September, for example, Nepal became the 54th state worldwide to prohibit corporal punishment.

In March, the Welsh government published a bill removing “reasonable chastisement” as a defence for someone charged with assaulting a child. The deputy health minister, Julie Morgan, said “our

children must feel safe and be treated with dignity”. A clear message was being sent that what may have been thought appropriate in the past is no longer acceptable.

Of course, if children misbehave, sanctions may be appropriate, such as a suspension of privileges or a curfew. Force, however, is the preferred option for many parents, and is often applied irrationally. It is, for example, wholly unacceptable to use violence against a child whose school results are not considered good enough, or who spends too much time playing [computer games](#). In most situations, firm advice will suffice, and beatings are invariably counterproductive.



Children play at Hong Kong’s first barrier-free government playground at Tuen Mun Park in January. Hong Kong is obliged to protect children from “physical or mental violence, injury or abuse” under the UN Convention on the Rights of the Child. Photo: K.Y. Cheng

The UN committee, in observations directed at mainland China, Hong Kong and Macau, in 2013 called for China, as the state party, to “explicitly prohibit by law corporal punishment in the family, schools, institutions and all other settings”. This must now be taken seriously, not least because children can be raised successfully without hurting them.

In June, the [Commission on Children](#), chaired by Chief Secretary Matthew Cheung Kin-chung, began work. Although little has since been heard from it, the time has come for it to prove its worth. It should tell the government why corporal punishment is wrong, and then demand its abolition. Grenville Cross SC is the patron of Against Child Abuse

Reference: <http://bit.ly/2GPSxA7>