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23 April 2024

To: Members of the Bills Committee (Mandatory Reporting of Child Abuse Bill)

Dear Members of the Bills Committee,

Inaugurated in 1979, we work to promote a caring and non-violent environment for the optimal growth and development of our children through delivering quality services in the areas of prevention, training, crisis intervention, treatment and advocacy.

From the media, we are aware of the concern by some stakeholders on the penalty of violation of the Ordinance, particularly on prison terms. For child's best interest and safety first, we would like to raise the following:

1. **Level of Penalty - Nature and Seriousness of Offence.** We agree with the Government's working group in proposing a penalty of 3-month imprisonment and a fine at level 5 for any person who does not report the serious crime. This proposal has taken into consideration local legislations of non-reporting of serious offences such as drug trafficking, or terrorism etc.
2. **Defence for Professionals and Reporting Protection.** The Bill has provisions for defence for the professionals and pre and post-reporting protection. Further, the penalty in question is the maximum penalty. The court will exercise its judgement based on the nature of individual cases.
3. **Deterrent and Legal Effect.** The Mandatory Reporting Responsibility focuses on serious child abuse cases. Without early identification and intervention, impact on children is long-lasting and can be lethal. The deterrent and legal effect of the Ordinance will be seriously hampered if the level of penalty is limited to a fine. Further, in such circumstances, the goal of child protecting could not be achieved and the child protection net is incomplete.
4. **Effective Child Protection Net.** The abuse death of the 5-year girl in 2018 has sped up works in Mandatory Reporting Responsibility. It is an important child protection milestone. We do not want to see loopholes in the child protection net resulting in recurrence of tragedies, legislative reviews and the society bearing heavy costs.

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5. **Supporting Measures.** The current focus is on creating strong supporting measures. These include a clear comprehensive Mandatory Reporter Guide, reporting decision tree, case identification and assessment examples and workflows. Further, professional trainings, emergency homes and manpower support are important.

We hope the Mandatory Reporting of Child Abuse Bill will gain support from the Bills Committee, for its early implementation creating a comprehensive and effective protection net for our children.

Best wishes,

Against Child Abuse