

2020.12.23 SCMP (Opinion) Hong Kong's child abuse laws must be updated as a matter of urgency in 2021

- Risks to children have risen during the coronavirus pandemic and the antiquated law must be extended to cover emotional abuse and neglect, sexual grooming, cyberbullying and doxxing



After an awful year, everything possible must be done in 2021 to provide our children with a future which is decent, happy and safe. Photo: Shutterstock

If the road to hell is paved with good intentions, the child abuse laws are a vivid illustration. Although improvements have been proposed or are being considered, children continued to face great dangers throughout 2020. Real progress has been lacking, and a far greater sense of urgency is vital next year.

Although, in the opening months of the year, the official figures of child abuse cases declined by a third compared to the two previous years, we cannot celebrate.

In some households, particularly crowded ones where parents feel pressurised, children can be at great risk even at the best of times. In a pandemic, with children at home most of the time, the [situation deteriorates](#).

Because of restrictions, schools and community facilities are closed for long periods, and the teachers, health professionals and social workers who normally identify 70 per cent of child abuse cases cannot exercise their customary oversight.

The good news, however, is that the NGOs, which have received many more calls for help on their hotlines than usual, have done some outstanding work. This has included counselling callers, emergency outreach visits, advice to parents in difficulty, online workshops and providing health equipment.



Covid-19 woes dominate messages from children writing to Santa say 'elves' at French post office

NGOs have also taken the lead in raising public awareness of the extent of child abuse, and their calls this year for the government to urgently formulate proposals for the [mandatory reporting](#) of child abuse will hopefully have been heard. There are, however, limits to how much NGOs can achieve.

Although the Commission on Children, chaired by the chief secretary, Matthew Cheung Kin-chung, with the secretary for labour and welfare, Law Chi-kwong, as his deputy, started work in 2018, little has been heard from it. It should have found its feet by now, and it must prove its worth in 2021. In particular, it needs to crack the whip where reform is long overdue, and galvanise governmental agencies.

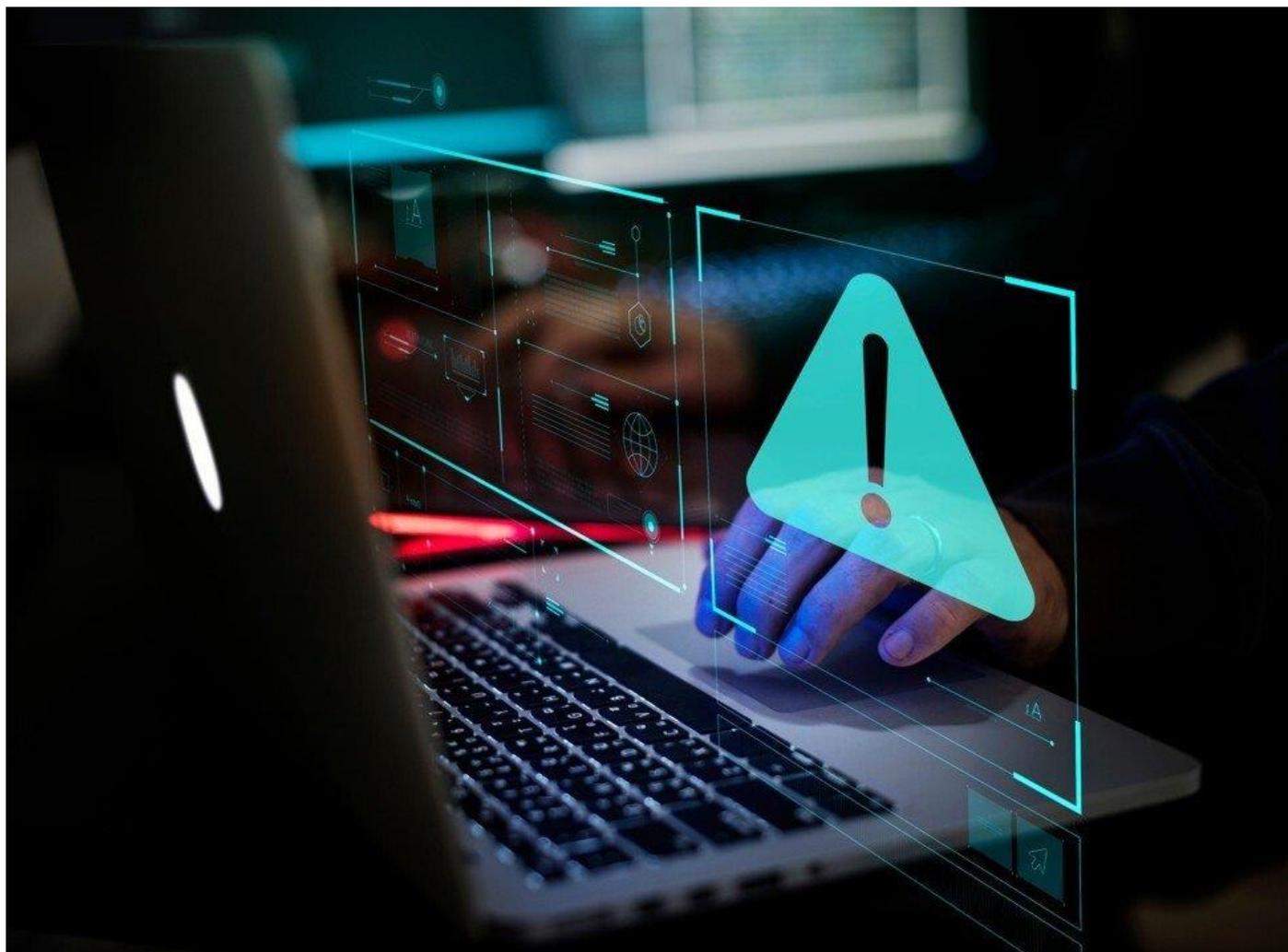
In May 2019, for example, a subcommittee of the Law Reform Commission [recommended](#) the introduction of a new offence of "failure to protect a child or vulnerable person where the child's or vulnerable person's death or serious harm results from an unlawful act or neglect".

This was greatly welcomed, given some horrific child neglect cases in recent times, several resulting in death. In Britain, a similar proposal was fast-tracked in 2004, but in Hong Kong, discussions continue endlessly, and this is simply not good enough.

Hong Kong has an [antiquated child cruelty law](#) that has not been updated, as elsewhere. If an abuser physically harms a child, causing a tangible injury, he or she can be prosecuted. But if a child is subjected to emotional abuse or neglect, it is often impossible to bring a charge as there is no hard evidence upon which prosecutors can act.

In 2015, Britain enacted its "Cinderella law", whereby those who emotionally abuse a child can be prosecuted. This was done by simply extending the definition of child cruelty to cover grave instances of psychological harm, and Hong Kong must urgently follow suit. Indeed, various Law Reform Commission subcommittees have recommended significant criminal justice reforms to help children, and these must not be left on the shelf.

Last year, for example, a [new offence of “sexual grooming”](#) to protect minors from predators online was suggested by one subcommittee, and early progress is essential. Some adults are also sending sexual messages to children, often as a precursor to a meeting, and this also needs to be criminalised, as the latest statistics show.



The internet poses existential threats to many children, and better regulation cannot be delayed. Photo: Shutterstock

On November 22, the police [revealed](#) that even children aged seven to 10 years were becoming the victims of sex crimes or child pornography, and that they are being befriended by paedophiles online while at home during the pandemic.

There was an increase of reports of unlawful sexual intercourse between men and girls under 16 years old, with the youngest victim aged only 10. In the first three-quarters of the year, the reports rose to 85, up from 71 in the same period last year, with 38 of the males having located their victims online.

The internet, therefore, poses existential threats to many children, and better regulation cannot be delayed. This, presumably, is one of the reasons the Law Reform Commission established its cybercrime subcommittee in January 2019, although its report is still awaited.

When it reports, it must make up for lost time with concrete proposals to combat, for example, [cyberbullying](#) or [doxing](#), which is a nightmare for many schoolchildren when their personal information is posted online without their consent.

Also needed are measures to require online providers to ensure that adult websites are not accessible to young people and children, given that pornography can warp young minds.

The United Nations, in its 2020 policy brief entitled “The impact of Covid-19 on children”, has called for measures to “protect children from violence, abuse or exploitation”, and the Commission on Children must take up the cudgels in 2021. It should identify the areas where updated abuse laws are imperative for child welfare, declare war on foot-dragging, and insist that the Law Reform Commission’s recommendations are implemented in good time.

After an awful year, everything possible must be done in 2021 to provide our children with a future which is decent, happy and safe.

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This article appeared in the South China Morning Post print edition as: Child abuse laws must be updated as matter of urgency

參考資料 Reference:

<https://www.scmp.com/comment/opinion/article/3114979/hong-kongs-child-abuse-laws-must-be-updated-matter-urgency-2021>