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Hong Kong needs to do more to protect its children, a vulnerable group who still lack a champion of their own

Grenville Cross says setting up a dedicated children's commission is the only way to ensure the gaps in provision for their welfare, legal and otherwise, are properly addressed

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Grenville Cross



Unlike other vulnerable groups, children lack a dedicated body to safeguard their interests, which is a blight on Hong Kong. Photo: Nora Tam

As they celebrate Christmas, most children will be unaware of the dangers they face. Unlike other vulnerable groups, children lack a dedicated body to safeguard their interests, which is a blight on Hong Kong.

In the 1990s, the lot of child crime victims was vastly improved by, for example, the introduction of live television links and video-recorded testimony. Since then, justice reform has largely stalled.

Across the criminal justice spectrum, and beyond, children badly need a dedicated body to promote their interests

Although domestic child abuse is not uncommon, if death results, it may be impossible to identify the culprit, as it may have involved different people. In Britain, legal reforms enable the prosecution of someone who has either caused the death or should have known that the child was at risk of serious harm but failed to take reasonable steps to prevent the harm, and Hong Kong must follow suit.

Moreover, while recent cases have highlighted the dangers to children of predators posing as volunteer tutors, parents cannot check criminal records before hiring them. Although the Security Bureau's Sexual Conviction Record Check allows minimal checking of job applicants, realistic child safety requires a sex offender register.



If Chief Executive Leung Chun-ying announces a children's commission in his policy address, he will help those least able to help themselves. Photo: Dickson Lee

Although child physical abuse has tangible signs and is prosecutable, the emotional abuse or neglect of a child lacks outward manifestations. If a child is persistently frightened, bullied, ignored, isolated or scapegoated, the psychological effect may be devastating, yet culprits invariably escape justice. Hong Kong's child cruelty law is unfit for purpose, and must be widened – following Britain's "Cinderella law" – to include cruelty likely to cause psychological harm or suffering.

In 2013, the UN Committee on the Rights of the Child urged governments to prohibit by law corporal punishment in all settings. Although corporal punishment is prohibited in Hong Kong schools, it remains legal in homes, and is widely used. Force traumatises the child and has no role in modern child rearing.

When children do misbehave, alternatives to prosecution must, where possible, be explored

When children do misbehave, alternatives to prosecution must, where possible, be explored. Restorative justice, for example, promotes victim-offender mediation, and can be therapeutic for young offenders. However, the government, fearful of looking weak on crime, blocked restorative justice for young offenders in 2007.

Across the criminal justice spectrum, and beyond, children badly need a dedicated body to promote their interests. However, the government has failed to act.

If the chief executive announces a children's commission in his policy address next month, he will not only give children a much-needed champion, but also help those least able to help themselves.

Grenville Cross SC is honorary consultant to the Child Protection Institute

Reference:

<http://www.scmp.com/comment/insight-opinion/article/1893896/hong-kong-needs-do-more-protect-its-children-vulnerable>