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**Observations by Against Child Abuse on
Selected articles of the United Nations Convention on the Rights of the Child
(7 February 2026)**

The United Nations Convention on the Rights of the Child (UNCRC) is a legally binding agreement signed by 196 countries. The Convention has 54 articles covering all aspects of a child's life and set out the civil, political, economic, social and cultural rights. The treaty was extended to Hong Kong in 1994. The following are observations by Against Child Abuse on selected articles of the Convention (articles 19, 39, 37a, 28.2, 34).

Articles 19 and 39: Abuse and neglect, including physical and psychological recovery and social reintegration

Concluding Observation (2013): the United Nations Committee on the Rights of the Child "recommends that the State party (refers to HKSAR Government) prioritize the elimination of all forms of violence against children and take into account its general comment No. 13 (2011), and in particular: develop a comprehensive national strategy to prevent and address all forms of violence against children; adopt a national coordinating framework, including mandatory reporting of all cases and the follow-up measures necessary to address all forms of violence against children."

The need of a comprehensive strategy and proactive child protection policy

Severe child abuse and deaths aroused concern but responses from authority have been reactive. The Government had not made mandatory reporting of child abuse a priority until a child's death in 2018. The Government was urged to look into mandatory reporting.¹

Need to address systemic or institutional child abuse

Failure of the local child protection system came to limelight in 2021. Abusive acts on children in a residential institute were reported. More than 30 staff were prosecuted on over 100 counts of assault of 39 child victims.² Remedial actions, reviews of

¹ The Standard. (Oct 2019). Ombudsman says chances to stop child abuse are being missed. <http://www.thestandard.com.hk/breakingnews/section/3/135777/Ombudsman>

² SCMP. (9 Jan 2024). Nine former Hong Kong care workers plead guilty to 31 counts of child abuse at scandal-hit residential centre. <https://www.scmp.com/news/hong-kong/law-and-crime/article/3247828/9-former-hong-kong-care-workers-plead-guilty-31-counts-childabuse-scandal-hit-residential-centre>

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residential child care and related services were undertaken. Improvement measures are being implemented.³⁴

Existing laws, policies and social support cannot guarantee children's right to protection. A well consulted Child Development Blueprint and Index as basis for children's holistic growth and development is lacking. It is necessary for the Government to review existing child-related policies and systems, identify root causes of abuse, proactively develop comprehensive preventive strategies and child protection policies.

Progress of mandatory reporting of child abuse

Severe child abuse incidents continue to increase. Loopholes in identification, reporting and handling of child abuse have added to the quest for a mandatory reporting mechanism. Advocacy, consultations, debates and forums on such a mechanism followed. The carry forward of legislating Mandatory Reporting of Child Abuse was first announced in 2021. The Ordinance was gazetted on 19 July 2024. A preparation period of 18 month enabled supporting measures to be installed before the implementation of the mechanism on 20 January 2026. These supporting measures included a mandated reporter guide that aid analysis and reporting decisions, increased human resources, service support teams, emergency and residential placements, training and education of professionals and raising of public awareness. Ongoing review and timely adjustment of the scheme are critically needed.

Review of the Child Fatality Review mechanism

The Child Fatality Review Panel is not an independent statutory body. Reviews are based on information from the coroner and involved agencies. Review recommendations are educational in nature and not on policies, protective systems or

³ Committee on Review of Residential Child Care and Related Services. (Sep 2022). Report of First Phase Review of Residential Child Care and Related Services,
[https://www.coc.gov.hk/files/Report_of_the_First_Phase_Review_of_RCC_and_Related_Services_\(finaleng\).pdf](https://www.coc.gov.hk/files/Report_of_the_First_Phase_Review_of_RCC_and_Related_Services_(finaleng).pdf)

⁴ Committee on Review of Residential Child Care and Related Services. (Mar 2023). Report of Second Phase Review of Residential Child Care and Related Services,
https://www.coc.gov.hk/files/Report_of_the_Second_Phase_Review_of_RCC_&_Related_Services_final_EN.pdf

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resources. Government departments, agencies have no obligation to adopt recommendations. Urgent review of the mechanism is needed to avoid preventable child deaths.

Need a review mechanism for serious child abuse

Serious case review mechanism is long requested, but not carried forward. The Government needs to establish a review mechanism to ensure prompt responses so preventive measures are instituted timely.

Much needed child central database

Data drives policies, budget allocation, service developments and outcome monitoring. The Government has yet to come up with a comprehensive and reliable child central database to assemble, analyze and distribute information. While the Commission on Children has such an objective, pacing up of its work is needed. Childhood vulnerability data is vital. These should be integrated as priority to inform policy development.

Need to address psychological abuse

Child psychological abuse has been downplayed. Emotional neglect is put under the scope of psychological harm/abuse in the 2020 Procedural Guide.⁵ Difficult to identify, the number of established psychological abuse cases is very low.

Section 27 of Offences Against the Person Ordinance (OAPO) (Cap 212) does not address psychological abuse well and only involves physical assaults. The terms namely, 'wilfully', 'assault', 'ill-treat', 'neglect' need clear definition in the context of psychological abuse. Types of harm should be clearly defined, the antiquated term 'mental derangement' should be replaced.

The Offences Against the Person Ordinance of Hong Kong is based on UK law. In UK, the Children and Young Persons Act 1933 was amended in 2015. The so-called new law, the Cinderella Law, is explicit that offence covers conduct which is likely to cause psychological suffering or injury as well as physical harm. Ill-treatment can be either physical or non-physical.

⁵ Social Welfare Department. Protecting Children from Maltreatment Procedural Guide for Multi-disciplinary Co-operation. (Revised 2020). Chapter 2.

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The Hong Kong's Offences Against the Person Ordinance should be amended to ensure it fits the purpose which can be simply made and should not be controversial.

The witnessing is only briefly mentioned in the FAQ section in the 2020 Procedural Guide definition chapter. A better professional and public awareness of the impact of witnessing domestic violence on the child's psychological well-being should not be lightly emphasized.

Child and adolescent mental health is a concern

The number of children seeking psychiatric treatment in Hospital Authority (HA) is increasing. HA data shows the number of psychiatric patients aged below 18 has increased from 28,810 to 40,350 in 2019-20.⁶ The adoption of collaborative service model and efforts in the three levels of prevention⁷ have little impact on rising service demand. Number of new cases in specialist outpatient clinics remains high (12,245 in 2022). The median waiting time for routine new cases in specialist outpatient clinics has increased from 65 to 79 weeks from 2015/2016 to 2021/2022.

Children's mental health and services remain a major challenge.⁸ A policy in child and adolescent mental health is required to protect vulnerable children, ensure adequate care access, address demand-resource mismatch, develop care systems and programs, drive multi-sectoral collaboration, training, research, professionalism, and improve children's mental health literacy and participation by the public.

The neglected Child Neglect

Child neglect cases (children under 2) have sharply increased. Alarm on the problem of Hidden Harm was raised.⁹ The increase was the result of an initiative by frontline professionals working with drug abusing families having newborns. However, this is a

⁶ LCQ18. (2021 Mar 24). : Mental Health of students.

<https://www.info.gov.hk/gia/general/202103/24/P2021032400314.htm>

⁷ LCQ 12. (2022 Oct 26). : Provision of mental health services for children and adolescents.

<https://www.info.gov.hk/gia/general/202210/26/P2022102600475.htm>

⁸ LCQ 19. (2023 Dec 6). : Mental health of students.

<https://www.info.gov.hk/gia/general/202312/06/P2023120600278.htm?fontSize=1>

⁹ SCMP. (Sep 2018). Hong Kong must wake up to the role of drugs in child abuse and neglect.
<http://www.scmp.com/comment/letters/article/2164288/hong-kong-must-wake-role-drugs-child-abuse-and-neglect>

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small group of vulnerable children and a knowledge vacuum in drug and alcohol abusing families - magnitude, service provisions, short and long-term outcome of vulnerable children. Collaboration among professionals is essential but remains a major challenge.

Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult offence

A relevant legislation addressing child neglect is 'Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult' offence, was first deliberated in the Law Reform Commission of Hong Kong, a final report was issued in 2021. Any person owing a duty of care to a child under 16, fails to take steps to protect from serious harm or death, would bear criminal liability. This law offers incentives for early prevention and intervention before tragedy happens rather than mere punishment.¹⁰ It is hoped that the Government accepts this law for prompt legislative enactment.

Strengthen monitoring system to ensure proper rehabilitation of abused children

Any form of abuse affects physical, psychological, social development of children who should be entitled to receive appropriate counseling and therapy. The Government should establish a monitoring system to ensure recommendations from Multi-disciplinary Case Conference on Child Abuse (MDCC) is effectively implemented.

There is a knowledge vacuum after MDCC – re-abuse rate, frequently-changed case workers, number of children in care, their number and state under Care or Protection orders, rate of family reunion, adherence to permanency plan and therapy, etc. The child central database is vital for child protection work. Such data should shape the landscape of child protection work and not only be retrieved at times of distress.

More resources for early preventive services

According to the Social Welfare Department Child Protection Registry, most perpetrators are parents with inadequate parenting skills, emotional problems and undesirable habits. However, early prevention services are inadequate. Evidence based home visitation programs for at-risk families have not been a mainstream service. They provide emotional support, equipping parents with knowledge and skills

¹⁰ The Law Reform Commission of Hong Kong. (Sep 2021). Report on Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult.

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in parenting and is an effective strategy to prevent child abuse.

Comprehensive Child Development Service targets high risk children, aiming to facilitate optimal physical health and development achievement, preventing child abuse. Professionals working in cross disciplines and sectoral services have challenging career paths. Review for overall governance, manpower planning, service model, user coverage, program infrastructure and outcomes evaluation is needed. Of note is the positive outcome of early intervention in a community collaborative project resulting in standing service provision.¹¹

Need to promote Organizational Child Protection Policy

Publicity and effort to increase community awareness on child protection have been sporadic. Chapter 13 in Procedural Guide mentioned handling child maltreatment allegations against organizations' staff, carers and volunteers. The formulation of relevant policies should be emphasized.

Organizational Child Protection Policy should be proactively promoted with the Government taking lead, supporting child-related organizations establishing policy appropriate to their own setting. This should not be a monstrous task and is achievable.

Strengthen alternative care and placement provisions

When returning home is assessed as inappropriate for safety, abused children have a long wait for alternative care like foster care or residential placement.¹² The impact and effectiveness of recent financial subsidy increase for foster carers needs to be evaluated. There is no policy on perpetrator's access to children, the Government has to review and allocate resources to reduce risks of continual harm.

Cultivating a caring and non-violent community

¹¹ Cheng AWF, et al. The physical and developmental outcomes of children whose mothers are substance abusers: Analysis of associated factors and the impact of early intervention. *Front Pediatr.* 2022 Oct 20;10:1004890. doi: 10.3389/fped.2022.1004890. PMID: 36340731; PMCID: PMC9631827.

¹² SCMP. (March 2016). Hong Kong foster system on brink of collapse.

<https://www.scmp.com/news/hong-kong/education-community/article/1924019/hong-kong-foster-system-brink-collapse>

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Only when the society views child protection as a shared responsibility can we cultivate a caring and non-violent environment for children's development.

Articles 37 (a) and 28 (2): The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment

Concluding Observation (2013): "The Committee urges the State party to explicitly prohibit by law corporal punishment in the family, schools, institutions and all other settings, including penal institutions."

Corporal punishment of children is prevalent.¹³ It is considered a method of child discipline, occurring in the family, schools and tutorial centers. Some escalated into tragedies. Physical abuse is the predominant form (50%) of child abuse over the years.¹⁴ Apart from general comments in the appendix of the Procedural Guide,¹⁵ the Government is yet to clearly define corporal punishment and to adopt a position in line with that of UNCRC. There has been no progress or strategy to explicitly prohibit physical punishment since the 2013 CRC Concluding Observations.

Community views on corporal punishment have improved over time. Surveys in 2019 and 2024 showed over 70% of children and parents understand its negative impacts and support a non-violent approach. And 72.9% parents agreed to completely ban corporal punishment by law, including in the home.¹⁶

Moreover, the Offences Against the Person Ordinance is insufficient to protect children from violence, as a judge had called for a reform of the offences against children, in particular the maximum sentence of 10 years' imprisonment.¹⁷

The Government needs to disseminate a clear message to the public through legislation that corporal punishment cannot be tolerated. There should be zero

¹³ Survey Report on Corporal Punishment of Children, Against Child Abuse, March 2024
https://www.aca.org.hk/image/catalog/survey/20240327_survey_chi.pdf

¹⁴ Statistics on Child Abuse Cases captured by the Child Protection Registry of the Social Welfare Department.
http://www.swd.gov.hk/vs/index_e.html

¹⁵ Protecting Children from Maltreatment Procedural Guide for Multi-disciplinary Co-operation (revised 2020)
http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_fcwprocedure/id_1447/

¹⁶ Survey Report on the Experience of Corporal Punishment in Children and Parents, Against Child Abuse, April 2019 <http://www.aca.org.hk/top-a-survey-en.htm>

¹⁷ SCMP June 29, 2018. Hong Kong woman jailed for 15 years for starving seven-year-old daughter in 'grotesquely shocking' child abuse case

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tolerance to violence. Resources should be allocated to support parents and caregivers in mastering knowledge and skills in positive parenting.

Article 34: Sexual exploitation and sexual abuse

Concluding Observation (2013): "The Committee urges Hong Kong, China to establish effective and child-friendly procedures and mechanisms, including free helplines accessible to children, to receive, monitor and investigate complaints, and to undertake awareness-raising activities among children, including among boys, to encourage the reporting of sexual violence and abuse in schools and communities; to conduct a comprehensive review of sexual offences covered in the Crimes Ordinance and reform laws to criminalize all forms of child pornography and sexual exploitation of children on the Internet; to establish effective policies and procedures to identify and support child victims of trafficking and sexual exploitation; to develop a strategy to respond to the shelter, health, legal and psychological needs of child victims of sexual exploitation and abuse, including through adequate training for professionals."

Child protection response to social changes in terms of law, policy and mechanism

Social Welfare Department's Child Protection Registry (CPR) consistently revealed that over a third of the total abuse cases from 2009 to 2023 were newly reported child sexual abuse cases. Over 80% were girls age 12-14, followed by 15-17. Offenders were mainly friends or strangers, and 3-6% were school staff, tutors or coaches.

Cybercrime is made more rampant by the COVID-19 with rise in online activities. This poses a real challenge to the rule of law. Official data on child sexual exploitation online and abuse, sexual grooming and online pornography are lacking. Various community surveys showed children are exposed to unwelcomed online sexual materials (40%), and taking risk behaviours (shared naked photos 5.6%, naked chats 7%, invited out 23.8%, sexually harassed or assaulted 3%) ^{18 19 20} Although the CPR

¹⁸ 2023 Against Child Abuse Survey

https://aca.org.hk/image/catalog/survey/20230331_Survey_chi-only.pdf

¹⁹ 2022 Save the Children https://savethechildren.org.hk/wp-content/uploads/2022/05/Hong-Kong-Kids-Online-Report-English-Final.pdf?utm_source=Meal&utm_medium=report&utm_campaign=kids-online

²⁰ 2021 Hong Kong Family Planning Association Survey

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captures data on cybersex, pornographic images, acquaintance with perpetrator through internet or mobile phone software, such information should be analysed further and made readily accessible to stakeholders. Similarly, although the Consultation Paper on Cybercrime by the Law Reform Commission 2022 addresses the five cyber-dependent crimes of - illegal access to program or data, illegal interception of computer data, illegal interference of computer data, and illegal interference of computer system, and making available or possessing a device or data for committing a crime, it is not child-focused to have an impact on the protection of children in the cyberworld.²¹

The Security Bureau, in consultation with the Commerce and Economic Development Bureau, the Labour and Welfare Bureau and the Police, addressed the Legislative Council on Combating online sexual harassment of teenagers on 31 May 2023, by referring to the various laws in Hong Kong (the Control of Obscene and Indecent Articles Ordinance, the Prevention of Child Pornography Ordinance and the Crimes Ordinance). There was a description of enforcement figures and the work by individual Government departments.²² The follow up actions after this discussion on any policy, laws, mechanisms is wanting.

To combat the diverse online crimes timely nowadays, a proactive and comprehensive approach is needed to involve stakeholders in a common platform with authority, to examine the gravity of the problem, to set child-focused polices, legislations, procedures and mechanisms for impactful outcomes. The Commission on Children, established in 2018, would be such an appropriate platform. One vital area of work is the Government's regulation of child protection efforts by the internet service providers and social media companies. Timely identification, reporting, takedown of child sexual abuse material, and responsible industry conducts and innovative technology solutions to prevent and tackle online child sexual exploitation and abuse are areas that the authority should be asking for when regulating industries which has a responsibility to protect children.

<https://www.famplan.org.hk/en/media-centre/press-releases/detail/report-on-youth-sexuality-study-2021-secondary-school-survey>

²¹ The Law Reform Commission of Hong Kong. Consultation paper - Cyber-dependent crimes and jurisdictional issues. https://www.hkreform.gov.hk/en/docs/cybercrime_e.pdf

²² Legislative Council LCQ 19: Combating online sexual harassment of teenagers
<https://www.info.gov.hk/gia/general/202305/31/P2023053100409.htm>

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Enhance training of professionals dealing with child sexual abuse

Professional training in the handling child sexual abuse should be enhanced. This covers the journey of child-centered care, from abuse identification, handling of disclosure, timeliness in documenting such disclosure (Video Recorded Interviews by law enforcers/psychologists/social workers), collaborative work amongst hospital paediatricians and government forensic teams in physical assessment, appropriate child support e.g. child life specialists, family support and so on. Reducing secondary trauma should be the core.

Augment Sexual Conviction Record Check (SCRC)

The SCRC was in operation since December 2011. Currently it is a voluntary scheme. It does not cover current employees, volunteers, private tutors or coaches. Spent convictions and offences committed overseas are areas of concern. Areas of enhancement are - a statutory mechanism to cover current employees besides prospective employees, and volunteers in different organizations. And parents should be included in the scope of verifiable persons if private tutors, coaches or caregivers are to be hired.

Treatment services for sex offenders

Although the Social Welfare Department, non-governmental organizations and Correctional Services offer treatment for perpetrators, such is voluntary and participation rate is low. Government should consider how rehabilitation conditions should be imposed upon sentencing, specifically in sex offenders, to lower recidivism.

A comprehensive and systematic sex education in schools

A comprehensive and systematic sex education is lacking in primary and secondary schools. Teachers are not well trained in sex education.²³ The current policy is to integrate sex education into other related subjects. Although the Education Bureau provides schools with a sex education curriculum guideline in 1997 as a reference, its implementation lacks monitoring. Some schools spend one to four hours, others none.

²³ The 12th Children's Council (2017) Motion 3: The Government should implement sex education in primary and secondary schools as part of the standard curriculum
http://childrencouncil.org.hk/app/webroot/files/cms/12th_Motion3_eng.pdf

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This is inadequate for the growth and development of children, especially in equipping them with knowledge of self-protection and boundary in interpersonal relationship. The guideline, in use for over twenty years has outdated contents failing to meet the developmental needs of children and young people nowadays.

Against Child Abuse