



Domestic Violence Team,
Family and Child Welfare Branch,
Social Welfare Department,
Room 721, 7/F, Wu Chung House,
213 Queen's Road East, Wan Chai, Hong Kong
mrenq@swd.gov.hk

Monday 30 August 2021

Dear Sirs.

Re: Public Consultation on Proposed Mandatory Reporting Requirement for Suspected Child Abuse Cases

1. The Zubin Foundation (TZF) is a local charity that seeks to improve the lives of marginalised ethnic minorities by providing opportunities and reducing suffering.
 - 1.1. A major stakeholder group of ours are ethnic minority children. We provide mental health counselling to ethnic minority children in English, Hindi, and Urdu. In addition, we work directly with public schools on delivering parenting skills and training to ethnic minority children. A core group are parents with special education needs children. Children are also often impacted by domestic violence cases which we receive through our helpline, Call Mira. Lastly, children are sometimes the direct victims of forced marriage, either themselves or their siblings.

Based on our work in the ethnic minority community, we make the following recommendations.

1.2. **Whom to protect?**

- 1.2.1. TZF does not agree with the proposed age threshold of 16 years old. TZF recommends that the age of a child be 18 years of age. This is because:
 - 1.2.1.1. Girls require protection from forced marriage, and this may happen from our experience from mid teenage years onwards. This sometimes-involved violence on the girl at home to force her to marry. Girls in this situation are in a vulnerable position and lack agency throughout much of their lives. Therefore, the longer they are protected by this law, the more chance they must be protected, and;



- 1.2.1.2. To be aligned with the age of 18 in the “Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary Co-operation (Revised 2020) definition in Chapter 2.1, “In a broad sense, child maltreatment is defined as any act of commission or omission that endangers or impairs the physical/psychological health and development of an individual under the age of 18”.

1.3. **Who is required to make reports?**

- 1.3.1. TZF agrees that there should be a mandatory reporting requirement. This is subject to:

1. Mandatory training as part of their accreditation
2. Regular training as part of their accreditation
3. An enabling procedure to report (not overly cumbersome)
4. The person who reports to be given due protection in case of backlash by the perpetrator of the violence or a family member.
5. All training to include a component on the issues that may be faced by ethnic minorities (e.g., forced marriage).

- 1.3.2. TZF further agrees that the following groups should be covered by the law:

1. Professionals cited in paragraph 7. All these bodies already have professional accreditation bodies in Hong Kong except for childcare workers/ supervisors in publicly funded, non-profit making and private standalone childcare centres and kindergarten-cum-child care centres. As such for those that do not currently have accreditation bodies, a systemic approach to embedding mandatory training and regular training is recommended.
2. Professionals cited in paragraph 8. All these bodies already have professional accreditation bodies in Hong Kong except for counsellors; and home managers and health workers in residential care homes for persons with disabilities who are vested with the responsibility of children under their care.
3. In terms of counsellors, there is no formal accreditation in Hong Kong. However, this profession needs to be accredited and credible overseas institutions must be recognized. In the ethnic minority community, this is essential as most of our mental health professionals working directly with children are trained counsellors who have received their qualifications with overseas bodies. Like the professionals cited above, they should receive mandatory training and regular training.
4. We agree that home managers and health workers in residential care homes are vested with the responsibility of children under their care. They should have mandatory training and regular training is recommended.



5. Many small NGOs are unable to afford social workers and their project staff work directly with children. As such, there must be a responsibility for front line workers that work directly with children to report as well. This needs to be considered.

1.3.3. TZF has noted that teachers and NGOS have cited that they have not reported forced marriage when a girl child has mentioned it because it is a "cultural issue". This is the wrong way of dealing with his and all professionals need to understand that violence against a child is not based on culture, race or religion, it is absolute.

1.4. What types of suspected cases to be reported?

1.4.1. TZF agrees that very clear guidelines must be issued to provide front line workers and professionals with assistance. These guidelines should cover at a minimum the following:

1. The overall purpose of the law
2. Examples of the types of cases that may be reported. In this, examples from various parts of the community should be included. For example, sometimes a parent in the ethnic minority community may use coercion to "force" their teenage girl to marry. This would entail the parents saying they will withdraw from educating all her siblings if she does not agree. They further threaten that these children will be sent "back" to the ancestral country.

1.5. What should be the appropriate level of penalty for failure to report?

1.5.1. TZF agrees that a mandatory reporting system be implemented, and we agree with a penalty.

1.5.2. Organisations may need to consider insurance coverage to protect them. The insurance sector will also need to be engaged.

1.6. Safeguard reporters' interest?

1.6.1. TZF agrees with the reporters' interests should be protected.

1.6.2. In the case of the ethnic minority community, TZF is one of the only providers providing mental health counseling to children in the ethnic minority community and in their native languages. It would be very obvious to a parent that it is TZF that has reported a



case. The government must consider this very carefully for NGOS such as ours which work alone in its area.

1.7. Administrative measures

- 1.7.1. TZF recommends cultural sensitivity training for all the categories of professions and occupations included in paragraph 7 and 8 of the consultation paper. TZF has observed through our helpline and children counselling services about the tendency of the low reporting rate of domestic violence and child abuse cases among ethnic minorities. The Zubin Foundation strongly recommend all the practitioners (the frontline personnel, medical, social welfare professions included) should attend training on cultural sensitivity.
- 1.7.2. The government should consider ethnic minority team members to handle and investigate cases involving ethnic minority children.
- 1.7.3. The government should consider public awareness to parents in the ethnic minority specifically designed around culturally pertinent issues, and not just direct translations of collateral produced for the Chinese population.

Please contact us at The Zubin Foundation if you would like further information.

Yours faithfully,

Shalini Mahtani and Derek Chan
The Zubin Foundation