

RECOMMENDATIONS FOR CHILD SEXUAL OFFENCE LAWS

A JOINT POSITION PAPER

02 APRIL 2026

ABOUT

This position paper provides comprehensive recommendations for reforming sexual offence laws related to children in Hong Kong, with the best interests of the child in mind.

Signed by concerned NGOs and other stakeholders.

This position paper is put forward jointly by:



INTRODUCTION

We agree with many of the proposals set forth in the HKLRC's review and applaud their in-depth work on issues related to sexual offences. In this submission we focus on those areas that we believe should be altered or added with a particular focus on crimes against children. We submit these views based on our own lived experience of childhood sexual abuse and sexual assault; our advocacy for child protection throughout the years and hope that these first-hand insights will be useful to the Bureau. We welcome your further inquiries and requests for collaboration.

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1. RECOMMENDATIONS OVERVIEW

- a uniform **age of consent** of 16
- a definition of **consent**
- sexual **penetration** without consent should cover penetration of the genitals and mouth
- abolish offences for **buggery**
- offences should be **gender neutral**
- should include an offence of **persistent child sexual abuse**
- should include an offence of **abuse of position of trust**
- should include an offence of engaging in sexual activity **in the presence** of a child
- should include an offence of causing a child to look at a **sexual image**
- should include an offence of sexual **grooming**
- should include offences related to **emerging technology**
- abolish **marital defence** with regards to children
- TALK Hong Kong is of the view that sexual offences against children should **not be separated into <16 and <13** since impact is same and sentencing should be same, but there could be **prosecutorial discretion** for mutual acts between children 14-15
- abolish “**pornography**” in favour of “child sexual abuse material”
- abolish “**prostitution**” in favour of “child sexual exploitation & commercialisation”
- abolish “**indecent assault**” in favour of “sexual assault”

2. NEW RECOMMENDED OFFENCES

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| <h3>2.1 Persistent Child Sexual Abuse</h3> <p>We recommend that the new legislation should include an offence of persistent child sexual abuse along the lines of model provision drafted by the Australian Royal Commission into Institutional Response to Child Sexual Abuse (“Royal Commission”) in 2017, with appropriate amendment to the terminology based on local context and discussion.</p> | Support |
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*Child sexual abuse is often not disclosed until a considerable time has passed. Unfortunately, under requirement of current Indictment Rules, there can be only one charge for each alleged act of misconduct. This means survivors are required to recall with precision the frequency of the assaults, the dates, and the distinguishing features of each incident. When the abuse occurred persistently, meeting such evidential standards is extremely difficult. Artificial compartmentalisation of a pattern of continuous abuse also easily leads to more inconsistencies and inaccuracies in the victim’s testimony. Requiring the victim (who were then a child) to particularise specific details of recurring abuse is both unreasonable and inconsistent with modern neuroscience research findings. The current legal framework that focuses on individual acts instead of the continuity of the abuse work against how memory is processed by most victim-survivors of **persistent child sexual abuse (PCSA)**, resulting in ineffective criminal justice response.*

Noticeably, this is not a unique situation faced by Hong Kong. Other jurisdictions using separate charges on individual acts in PCSA faced similar challenges. Many jurisdictions abroad have implemented different legal reforms, either by establishing a specific offence or by amending indictment rules, to respond to the unique nature of PCSA. These reforms aim to ensure that perpetrators are held accountable and survivors receive the justice they deserve. Having considered legislation and experiences in various common law jurisdictions, we believe having a specific offence is most effective in raising social awareness and improving criminal justice response towards PCSA.

We recommend establishing a new and discrete offence criminalising persistent sexual abuse to a child, along the lines of the model provision drafted by the Australian Royal Commission into Institutional Response to Child Sexual Abuse (“Royal Commission”), on which several major features of the Queensland offence was based on, to tackle the issue of PCSA. Instead of proving each individual acts through particularisation of details, the new offence emphasises on existence of the continuous pattern of abuse relationship between the adult and the child (by proving two unlawful sexual acts took place between certain period). Recognising the distinctive features of PCSA would encourage victims help-seeking and enhance protection for vulnerable children.

2.2 Abuse of Position of Trust

Support

We recommend that the new legislation should include an offence of abuse of position of trust based on LRC's Final Recommendation 40, drafted by UK Sexual Offences Act 2003, with appropriate amendment to the terminology based on local context and discussion. This offence criminalises sexual activity by persons in positions of trust with children in their care, regardless of whether the child is above the age of consent.

In FR27-32, LRC suggested a series of offences relating to sexual activity with a person with mental impairment (i) by people involved in his or her care, or (ii) involving abuse of a position of trust or authority, or a relationship of dependency. While the LRC has proposed offences addressing sexual abuse of trust in cases involving persons with mental impairment—particularly where the perpetrator is involved in their care or holds a position of authority—we believe these protections should be extended to cover children under 18 who are similarly vulnerable in relationships of authority and dependency. Given that Hong Kong legally defines a child as anyone under 18, it is necessary to ensure that young people are safeguarded from exploitation by adults in positions of trust.

Under the current legal system, any sexual intercourse with children under 16 is unlawful. While 16 and 17-year-olds are legally above the general age of consent, they remain highly vulnerable when under the authority of adults (e.g., teachers, social workers, coaches, religious leaders). Research highlights that in many cases of child sexual abuse, perpetrators rely not on physical force but on their position of authority to manipulate victims. These relationships carry inherent power imbalances that compromise genuine consent and create opportunities for grooming and exploitation. Even if the parties feel they have a 'genuine relationship', safeguarding experts still consider it to be an abusive one, simply because it is an unbalanced power relationship. The adult is the abuser because they are abusing their power, authority, and position. Drawing on international best practices from the UK, Canada, and Australia, Hong Kong may ride on this reform opportunity to establish a series of offences to prevent sexual abuse of authority.

The extension of the aforementioned proposed offences to children under 18, drawing on the UK Sexual Offences Act 2003, was recommended, which criminalises sexual activity by persons in positions of trust with children in their care, regardless of whether the child is above the age of consent. This aims to ensure that no adult can misuse their position to exploit a young person's trust, strengthen safety and integrity to avoid child sexual abuse.

3. HKLRC RECOMMENDATIONS

3.1 RAPE AND OTHER NON-CONSENSUAL SEXUAL OFFENCES

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| <p>LRC Final Recommendation 1 - Guiding Principals We recommend that any reform of the substantive law on sexual offences should be guided by a set of guiding principles and any departure from those principles should be justified.</p> <p>We recommend that the guiding principles should include:</p> <ul style="list-style-type: none"> (i) Clarity of the law. (ii) Respect for sexual autonomy. (iii) The protective principle. (iv) Gender neutrality (v) Avoidance of distinctions based on sexual orientation. (vi) The provisions of the International Covenant on Civil and Political Rights, the Hong Kong Bill of Rights Ordinance (Cap 383) and the Basic Law should be adhered to. | <p>Support</p> |
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3.2 SEXUAL OFFENCES INVOLVING CHILDREN

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| <p>LRC Final Recommendation 1 – Add Age of Consent We recommend that there should be a uniform age of consent in Hong Kong of 16 years of age, which should be applicable irrespective of gender and sexual orientation.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 2 – Gender Neutral We recommend that offences involving children and young persons should be gender neutral in the new legislation.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 3 – Under 13 & Under 16 We recommend that the law reflects the protection of two categories of young persons, namely, children under 13 and children under 16 respectively with a range of offences for each category rather than one single offence of child abuse.</p> | <p>The group is of diverse views, with a note of dissent from TALK Hong Kong</p> |
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TALK Hong Kong is of the view that sexual offences against a child should not be defined by reference to the age of consent but instead, by reference to the age at which a person is legally considered to be a child. According to the Interpretation and General Clauses Ordinance (Cap 1) an “adult” is a person who has attained the age of 18 years and an “infant” or “minor” is a person who has not yet attained the age of 18. TALK therefore, submits that sexual offences against a child be defined in accordance with the legal definition of infancy or childhood. And that the judiciary have discretion to consider mitigating factors such as proximity of age to protect mutual acts of sexual autonomy.

In summary, TALK would like the Bureau to appreciate that the age division currently supported by the LRC implies that the impact of a sexual assault on a child under 13 is greater than for a child between the ages of 13 and 15, that the ability of a child over the age of 13 to consent is greater than that of a child under the age of 13, and / or that an assault in and of itself against an older child is somehow not as serious as an assault against a younger one. It is worth noting that in 2024, only 22% of perpetrators of CSA reported to SWD were under 16 years old themselves (Edgar, T. (2025). Magnitude Of Child Sexual Abuse In Hong Kong: Review Of Evidence 2015-2024. Current sentencing is as follows: CO, s 123 Sexual Intercourse with a girl under 13 maximum sentence Life imprisonment - CO, s 124 Sexual Intercourse with a girl under 16 maximum sentence 5 years imprisonment

As seen in the attached Victim Impact Statements, TALK survivors of child sexual abuse support the idea that harm to a younger or older child are equally damaging.

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| <p>LRC Final Recommendation 4 – Remove “Unlawful” We recommend that the word "unlawful" should be removed from all offences involving sexual intercourse or sexual act in the Crimes Ordinance (Cap 200).</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 5 – Adult or Child Offender We recommend that the proposed offences involving children and young persons be capable of being committed by either an adult or a child offender thus rendering it unnecessary to specify the age of the offender in the relevant legislation.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 6 – Absolute Liability We are of the view that absolute liability should apply to offences involving children between 13 and 16 years and there should not be a distinction between penetrative and non-penetrative sexual activity.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 7 – Abolish Marital Defence We recommend that there should not be any marital defence to offences involving children in the new legislation (and any such existing defence should be abolished).</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 8 – Consensual Activity Between 13 and 16 We recommend that all consensual sexual activity between persons who are between 13 and 16 years of age should be criminalised but recognising that prosecutorial discretion will be exercised as to whether a case is appropriate for a charge to be brought.</p> | <p>Support with comments</p> |
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Recommend not using the word “consensual” with this age group as they cannot legally consent. Consider “mutually accepted” or other such terms.

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| <p>LRC Final Recommendation 10 – Add Penetration of a Child We recommend that the new legislation should include an offence of penetration of a child under 13, along the lines of sections 5 and 6 of the English Sexual Offences Act 2003.</p> <p>However, we recommend that the new legislation should incorporate a provision along the lines of section 319 of the Western Australian Criminal Code Act Compilation Act 1913 to the effect that the scope of sexual penetration should cover any penetration of the vagina or anus and also penile penetration of the mouth.</p> | <p>Support with comments</p> |
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| We also recommend a similar offence of penetration of a child under 16. | |
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Recommend expanding to include penetration with any object (including a penis) of the vagina, anus and mouth where the act is sexual in nature. This allows all genders to be included as victims or perpetrators in this serious offence.

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| LRC Final Recommendation 11 – Add Sexual Assault of a Child | Support |
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We recommend that the new legislation should include an offence of sexual assault of a child under 13. The offence should be constituted by a person (A) who intentionally does any of the following acts to another person (B) and B is a child under 13:

- (a) touches B where the touching is sexual;
- (b) ejaculates semen onto B; or
- (c) emits urine, saliva or any other bodily fluid onto B sexually.

We also recommend a similar offence of sexual assault of a child under 16.

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| LRC Final Recommendation 12 – Add Causing or Inciting a Child to Engage in Sexual Activity | Support |
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We recommend that the new legislation should include an offence of causing or inciting a child under 13 to engage in sexual activity, along the lines of section 8 of the English Sexual Offences Act 2003.

We also recommend a similar offence of causing or inciting a child under 16 to engage in sexual activity.

LRC Final Recommendation 13 – Add Engaging in Sexual Activity in the Presence of a Child

We recommend that the new legislation should include an offence of engaging in sexual activity in the presence of a child under 13 along the lines of section 22 of the Sexual Offences (Scotland) Act 2009.

We also recommend a similar offence of engaging in sexual activity in the presence of a child under 16.

These two offences should also be constituted by causing such a child to be present while a third person is engaging in a sexual activity. Moreover, the purpose of the accused's act should be for obtaining sexual gratification, humiliating, distressing or alarming the child, or any combination of these purposes.

We recommend that the Government considers the need for an additional offence which would render it criminal for a person to engage in sexual activity in the presence of a child, being reckless as to whether such conduct would have the effect of humiliating, distressing or alarming the child.

Support

LRC Final Recommendation 14 – Add Causing a Child Under 13 and Under 16 to Look at a Sexual Image

We recommend that the new legislation should include an offence of causing a child under 13 to look at a sexual image along the lines of section 23 of the Sexual Offences (Scotland) Act 2009.

We also recommend a similar offence of causing a child under 16 to look at a sexual image.

The purpose of the accused's act should be for obtaining sexual gratification, humiliating, distressing or alarming the child, or any combination of these purposes. The definition of a sexual image in section 23(3) of the Sexual Offences (Scotland) Act 2009 should be adopted.

The new legislation should also include text and audio messages along the lines of section 24 of the Sexual Offences (Scotland) Act 2009.

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| <p>LRC Final Recommendation 15 – Add Arranging or Facilitating the Commission of a Child Sex Offence</p> <p>We recommend that the new legislation should include an offence of arranging or facilitating the commission of a child sex offence along the lines of section 14 of the English Sexual Offences Act 2003.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 16 - Health and Treatment Issues as Exceptions</p> <p>We recommend there should be exceptions to aiding, abetting and counselling an offence involving children along the lines of section 14 of the English Sexual Offences Act 2003, where a person's actions are intended to protect a child from pregnancy or sexually transmitted infection, to protect the physical safety of a child or to promote a child's emotional well-being by the giving of advice.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 17 – Abolish Sexual Intercourse with a Girl</p> <p>We recommend that the offences of sexual intercourse with a girl under 13 (section 123 of the Crimes Ordinance (Cap 200)) and sexual intercourse with a girl under 16(section 124 of the Crimes Ordinance (Cap 200)) should be <u>abolished</u> upon the enactment of the new legislation.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 18 – Abolish Indecent conduct towards a child</p> <p>We recommend that the offence of indecent conduct towards a child under 16 in section 146 of the Crimes Ordinance (Cap 200) should be <u>abolished</u> upon the enactment of the new legislation.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 19 – Abolish Man Committing Buggery with a Girl Under 21</p> <p>We recommend that the offence of a man committing buggery with a girl under 21 in section 118D of the Crimes Ordinance (Cap 200) should be abolished upon the enactment of the new legislation.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 20 – Abolish Homosexual Buggery with or by Man Under 16 and Gross Indecency with or by Man Under 16</p> <p>We recommend that the offence of homosexual buggery with or by man under 16 (section 118C of the Crimes Ordinance (Cap 200)) and gross indecency with or by man under 16 (section 118H of the Crimes Ordinance (Cap 200)) should be abolished upon the enactment of the new legislation.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 21 – Abolish Abduction of an Unmarried Girl Under 16 and Abduction of an Unmarried Girl Under 18 for Sexual Intercourse</p> <p>We recommend that the offences of abduction of an unmarried girl under 16 (section 126 of the Crimes Ordinance (Cap 200)) and abduction of an unmarried girl under 18 for sexual intercourse (section 127 of the Crimes Ordinance (Cap 200)) should be abolished upon the enactment of the new legislation.</p> | <p>Support</p> |
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| <p>LRC Final Recommendation 22 – Add Sexual grooming</p> <p>We recommend that the new legislation should include an offence of sexual grooming, along the lines of section 15 of the English Sexual Offences Act 2003.</p> <p>We also recommend that apart from meeting the child or travelling with the intention of meeting the child, sexual grooming may also be constituted by making arrangements to travel with the intention to meet the child.</p> | <p>Support with comments</p> |
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| <p>We also recommend that it should be an ingredient of the offence that the accused did not reasonably believe that the child was 16 or over at the time of the offence.</p> | |
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Rather than focusing on travel, Sexual Grooming should encompass the unique strategies, behaviours, language and attitudes of adult offenders who target children. It is intended to desensitise children and adult bystanders such that sexual offending can take place effectively in plain sight.

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| <p>LRC Final Recommendation 40 – Protection of young persons aged 16 or above but under 18 We recommend the Government to consider the merits in proposing legislation for the protection of young persons aged 16 or above but under 18 from the policy angle, and in consultation with the legislature as and when appropriate.</p> | <p>Support <i>See also Abuse of Position of Trust request</i></p> |
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| <p>LRC Final Recommendation 41 - Extraterritorial effect We recommend that the proposed new offences involving children including sexual grooming and the proposed new offences involving persons with mental impairment should have extraterritorial effect.</p> | <p>Support with comments</p> |
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We recommend that on top of the extraterritorial effect provided by section 153P of the Crimes Ordinance (Cap. 200) as proposed in the Consultation Paper, the extraterritorial effect of the proposed new offences should cover the following:-

- 1. A person who is a holder of recognizance paper commits the crime outside Hong Kong;*
- 2. The crime is committed outside Hong Kong in relation to a person who is a holder of recognizance paper; and*
- 3. The crime is committed by any person outside Hong Kong in relation to any person where there is a nexus to Hong Kong, for example, using a Hong Kong based bank, travelling to or transiting through Hong Kong.*

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| <p>NEW 1 - Abolish “pornography” in favour of “child sexual abuse material”</p> <p>Pornography is a term used for adults engaging in consensual sexual acts distributed (mostly) legally to the general public for their sexual pleasure. Using the phrase 'child pornography' hides the true impact of perpetrators' behaviour. They are not making or watching pornography, they are abusing children. The term diminishes the seriousness of the crime, which can lead to children not getting the support and protection they need.</p> | <p>Support</p> |
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| <p>NEW 2 - Abolish “prostitution” in favour of “child sexual exploitation & commercialisation”</p> <p>The term “prostitution” should not be used in relation to children. It may be interpreted in a way that implies that the phenomenon is a legitimate form of prostitution or that the child has knowingly consented to prostitution. Similarly, the terms “child prostitute” or “child sex worker” distort the reality of the phenomenon, suggesting it is the child’s choice.</p> <p>A child does not choose to engage in prostitution, she/he is forced by circumstances, values, social norms, or abusive people.</p> | <p>Support</p> |
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3.3 OTHER SEXUAL OFFENCES

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| <p>LRC Final Recommendation 1 - Incest Reformed</p> <p>We recommend that the offence of incest be retained and the term "incest" should continue to be used.</p> <p>We also recommend that the offence of incest be reformed and the new offence should:</p> <ul style="list-style-type: none"> (a) be gender neutral; (b) cover all penile penetration of the mouth, vagina and anus; and (c) be extended to cover uncles (aunts) and nieces (nephews) who are blood relatives. | <p>Support with comments</p> |
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| <p>We are of the view that the new offence should:</p> <p style="padding-left: 40px;">(a) apply to other forms of penetration; and</p> <p style="padding-left: 40px;">(b) cover adoptive parents</p> <p>We recommend the retention of the need for the Secretary for Justice's consent to prosecute.</p> | |
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We further recommend incest should include step parents and siblings and foster parents and siblings.

4. CREATING A CHILD FOCUSED RESPONSE

Even the most well-crafted legislation is rendered futile without child-friendly legal procedures in sensitive cases such as child sexual abuse. Evidence of child witnesses is of paramount importance in such cases. Failure to assist the child in clarifying issues during court proceedings; excessively lengthy and intense cross-examination may lead to emotional distress, secondary harm, resulting in withdrawal, refusal to testify or loss of patience... which is a common occurrence.

Internationally frameworks such as Children's Advocacy Centers (CACs) and Barnahus recommend a trauma-informed, multidisciplinary "one-stop-shop" model for child-friendly justice, bringing together justice, child protection, and health services under one roof to support child victims/witnesses, minimising re-traumatisation by coordinating investigations, using child-friendly interview techniques (like audio-visual recording with forensic interviewers), avoiding separate court appearances, and prioritising the child's best interests and recovery. Key supports include integrated services, reduced interviews, use of recordings as evidence, legal aid, and specialised training for professionals.

We call on the Judiciary to review the Practice Directions in relation to child sexual abuse to support child witnesses in legal proceedings. Several jurisdictions abroad have already laid down directions, such as setting time limit for cross-examination and must cease even if unfinished; questions asked to the child witness have to be vetted by the court beforehand; and wording used in court should be cautious, such as accusing the child witness of lying should not be allowed, etc.

In the long run, the Judiciary might also consider only judges who have undergone relevant training to preside over cases of child sexual abuse.

[Please see the Practice Guidelines Overseas References to learn more]

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5. SIGNATURES

This Position Paper is collaborated with the support of the following professional groups, non-governmental organisations, and child protection partners:

Association Concerning Sexual Violence Against Women

Hong Kong Committee on Children's Rights

Plan International Hong Kong

TALK Hong Kong

Additional Signatory organisation and professionals (in alphabetical order)

1. Anfield Hearts Foundation
2. Association for the Advancement of Feminism
3. Bless Ministry Community Church
4. Harmony House
5. Love 21 Foundation
6. Hong Kong Social Worker's General Union
7. Mekong Club
8. Mind HK
9. PathFinders Limited
10. Playright Children's Play Association
11. Quarks Hong Kong
12. Save the Children Hong Kong
13. Sons and Daughters (HK) Limited
14. The Hong Kong Family Law Association
15. The Hong Kong Medical Association
16. The Zubin Foundation
17. Amanda S Whitfort, Associate Professor and Director of Knowledge Exchange, Faculty of Law, The University of Hong Kong; Barrister at Law, Liberty Chambers
18. Anton WAN, General Secretary of Family Value Foundation of Hong Kong
19. Azan Aziz Marwah, Barrister-at-law
20. Carrie Li Ka Wai, Assistant Professor, Department of Social Work and Social Administration, Associate Director, Center for Criminology, The University of Hong Kong
21. Darcy Davison-Roberts, Senior Lecturer, The University of Hong Kong, Faculty of Law
22. Dr Fok, Yuen Hung Doris, Assistant Professor, Felizberta Lo Padilla Tong School of Social Sciences, Saint Francis University
23. Dr Gabrielle Tüscher, Clinical Psychologist
24. Dr Karen Ng, Consultant, Clinical Associate Professor (Honorary), Department of Obstetrics and Gynaecology, Prince of Wales Hospital, NTEC, The Chinese University of Hong Kong

25. Dr Nikki Lee, Obstetrician & Gynaecologist
26. Dr Tsang, Kit Man Sandra, Honorary Associate Professor, Department of Social Work and Social Administration, The University of Hong Kong
27. Jennifer Moberg Pforte, Executive Director, Hong Kong Dignity Institute
28. KWOK Sin Hang, Helen 郭倩衡 - MSocSci (CounPsy), Fellow(HKPS), Reg CounPsy(HKPS), Reg Clinical Supervisor & Reg Counsellor(APCPA)
29. Lynette Nam, Executive Director, Justice Centre Hong Kong
30. Priscilla LUI, BBS, former Director of Against Child Abuse and former Member of Commission on Children
31. Puja Kapai Paryani, Associate Professor, Faculty of Law, The University of Hong Kong
32. Shaphan Marwah, Barrister-at-law

ADDENDA

Crimes Ordinance (Cap 200)¹:

Section 47 incest by men

Section 48 Incest by women of or over 16

Section 118 Rape

Section 118A Non-consensual buggery

Section 118B Assault with intent to commit buggery

Section 118C Homosexual buggery with or by man under 16

Section 118D Buggery with girl under 21

Section 118G Procuring others to commit homosexual buggery

Section 118H Gross indecency with or by man under 21

Section 118I Gross indecency by man with male mentally incapacitated person

Section 118J Gross indecency by man with man otherwise than in private

Section 118K Procuring gross indecency by man with man

Section 119 Procurement by threats

Section 120 Procurement by false pretences

Section 121 Administering drugs to obtain or facilitate unlawful sexual act

Section 122 Indecent assault

Section 123 Intercourse with girl under 13

Section 124 Intercourse with girl under 16

Section 125 Intercourse with mentally incapacitated person

Section 126 Abduction of unmarried girl under 16

Section 127 Abduction of unmarried girl under 18 for sexual intercourse

Section 128 Abduction of mentally incapacitated person from parent or guardian for sexual act

Section 129 Trafficking in persons to or from Hong Kong

Section 130 Control over persons for purpose of unlawful sexual intercourse or prostitution

Section 131 Causing prostitution

Section 132 Procurement of girl under 21

Section 133 Procurement of mentally incapacitated person

¹ <https://www.elegislation.gov.hk/hk/cap200>

Section 134 Detention for intercourse or in vice establishment

*Section 135 Causing or encouraging prostitution of, intercourse with,
or indecent assault on, girl or boy under 16*

Section 136 Causing or encouraging prostitution of mentally incapacitated person

Section 137 Living on earnings of prostitution of others

*Section 138A Use, procurement or offer of persons under 18 for making
pornography or for live pornographic performances*

Section 140 Permitting girl or boy under 13 to resort to or be on premises or vessel for intercourse

*Section 141 Permitting young person to resort to or be on premises or vessel for intercourse,
prostitution, buggery or homosexual act*

*Section 142 Permitting mentally incapacitated person to resort to or be on premises or vessel for
intercourse, prostitution or homosexual act*

Section 146 Indecent conduct towards child under 16

Section 147 Soliciting for an immoral purpose

Section 148 Indecency in public

Section 159AAB Voyeurism

Section 159AAC Unlawful recording or observation of intimate parts

*Section 159AAD Publication of images originating from commission of offence under section
159AAB(1) or 159AAC(1)*

Section 159AAE Publication or threatened publication of intimate images without consent

*Section 159AAG Who cannot give consent that would prevent conduct from becoming offence
under Division 2*

Section 159AAH Disregard whether consent is given

+ Prevention of Child Pornography Ordinance (Cap 579)

+ Mandatory Reporting of Child Abuse (Cap 650)

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Practice Guidelines Overseas References

UK

- Criminal Procedure Rules 2025, Rule 3.8(9): This rule explicitly requires the court to set ground rules for questioning vulnerable witnesses, particularly during Ground Rules Hearings (GRH). It states that the court must invite party representations and set ground rules, which may include advance submission of proposed questions for judicial approval.
- <https://www.legislation.gov.uk/ukxi/2025/909/rule/3.8>
- Youth Justice and Criminal Evidence Act 1999 at <https://www.legislation.gov.uk/ukpga/1999/23>:
 - Section 16 defines “vulnerable witnesses” and makes them eligible for special measures.
 - Section 28 allows for the pre-recording of cross-examination, which typically involves prior approval of questions by the judge at a ground rules hearing.
 - Sections 34–36 prohibit defendants from personally cross-examining vulnerable witnesses and outline judicial control over the manner in which questions are put.

Other jurisdictions

Scotland: Primary legislation now mandates ground rules hearings for vulnerable witnesses (see section 5(2) of The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019, which amends section 271B of The Criminal Procedure (Scotland) Act 1995). This also allows pre-recorded cross-examination and judicial approval of questions.

Australia:

<https://www.wlsnsw.org.au/wp-content/uploads/Loughman-Vulnerable-Witnesses-LSJ-Feb-2016.pdf>

Ireland: see pp9-11 of

<https://www.dppireland.ie/app/uploads/2023/02/PAPER-Caroline-Biggs-SC-Prosecutorial-Challenges-Vulnerable-Victims-and-Witnesses.pdf>

APPENDIX

I - Victim Impact Statement - Taura Edgar

11 August 2025

I was raped routinely by my father from about the ages of 10 to 14. As with many people who abuse children, control always seemed to be the most important aspect to him. He treated me like his girlfriend and convinced me that “our” infidelity would damage my weak mother beyond repair. He told me that it was love. His love for me. My love for him. My love and protection to my mother. Also like most people who violate children, my father was an expert manipulator who spent months and years at his craft. Providing me with his emotional framework for why I should never tell. There was no violence. In fact it was some of the only “peaceful” time we spent together in an otherwise very angry household. Just the lesson that this is what love is. And it can be removed. And he demonstrated how terrible it was to have love removed. He stopped talking to his own family for many years and made sure that I understood the lesson well.

When I ran away from my parents’ home for good at 17, I closed that chapter. So tightly that I did not look at it again until my mid-40s. Over the intervening decades, I suffered a variety of mental health issues mainly related to deep suicidal depression, anger management, and hyper-vigilance. I would concoct many reasons for why I coped with life so poorly. Why I didn’t trust anyone. Why I got angry so easily. I went to therapy and medical doctors for a host of other side-effects.

In my mid-forties a chance conversation with a friend from my teenage years triggered a memory that was not new, but long untouched. Long avoided. Long unnamed. And finally I could put a name to it. I went back to therapy and began to work directly on the childhood sexual abuse that my brain had been so good at hiding from me until I was equipped to handle it. And now I know what traumatic memory is. Why events are not in a neat timeline that I could report to a policeperson. Why I don’t remember long periods of childhood and don’t remember any sound associated with my abuse. If you are a child in an earthquake, someone will say afterward “Hey that was an earthquake! It was terrible but we survived!” But if you don’t know the word “earthquake” and no one ever tells you this terrible thing is an earthquake – your chances of being able to articulate that even to yourself is low.

Today I am a happy productive person reaping the rewards of my hard work to overcome what happened to me. Before I founded TALK in 2019 to provide support to adult survivors in Hong Kong, I reached out to my own cousins to form a family support group. You see, all but one of the girls in my generation of 1st cousins were sexually abused. Uncles, grandfathers, fathers used us for their own gratification. Why didn’t other family members protect us? Were they evil? I don’t believe there is such a thing. Sexual abuse is hard to look at, hard to understand, and they had too few skills to know how to leave with their children to safety.

In meeting hundreds of survivors over the past 6 years in our TALK sessions I’ve realised that these histories of childhood sexual abuse we are telling you today are not unusual at all. In fact they all hold common themes. The abuse was over long periods of time and usually not violent. The parent who was supposed to protect you but didn’t. The trauma so deep

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you couldn't / wouldn't name it let alone report it. The ones who told but were not believed or no action was taken.

In my role as Founder of TALK I have a platform to talk to parents that I meet and share with them the scale of the issue of child sexual abuse. They frequently believe several things that evidence does not support: 1) I have a great relationship with my child and they would definitely tell me 2) This is something that happens rarely and not to anyone I know 3) I would never let my child spend time with someone I thought was dangerous and I would know who is dangerous 4) Records checks are mandatory in Hong Kong. Myths, all.

Through my own experiences, from listening to countless stories of others who have such similar experiences, and from talking to the public – I have come to believe these key things that drive my efforts:

- No matter the age you were abused, be it 5 or 15, the impact is enormous. Additionally, most people I meet who were abused at 16, 17, 18 look back and understand that they were still children too.
- It takes most people a very long time, if ever, to report a child sexual crime. And they see no public messages that such a thing exists, is acknowledged or that they would be supported in asking for help in that.
- The general public does not understand the scale of child sexual abuse in sheer numbers or in methods or signs of abuse. We should look, at every opportunity, for ways to help people understand that this is not something that only happens to strangers far away but indeed right here at home most frequently. Without better tools and knowledge, adults cannot adequately protect children.
- My visit with the Berlin's Charite Hospital's Sexual Medicine Department, home to large scale paedophile treatment centre, showed me that publicising their treatment (as the do on buses, subways, Google search results) changes the conversation in the public sphere on very difficult topics. If we do not TALK we cannot start to engage the public on abuse and prevention in a meaningful way.

Turning my greatest trauma into something with the potential to help many has been a large part of my own healing and provided an opportunity to give back to Hong Kong where I have lived for over 25 years.

Best regards,

Taura Edgar

Founder + Chair, www.talkhongkong.org

II - Victim Impact Statement – Beth Jones

Victim Impact Statement in Support of TALK Hong Kong's Submission and Recommendations to the Review of Sexual Offences Sub-committee of the Law Reform Commission

1 February 2021

Relevant Personal Background

I have been sexually assaulted as a child 3 times in my life that I can remember. The first time I was around the age of 4 or 5, sexually penetrated by a grandparent, and my memory of this event is quite vivid. The second time I was around the age of 8, and my memory is less clear, but I know that the same grandparent was involved either directly or caused me to be assaulted by young people who were also in that grandparent's care, and the assault may have included sexual penetration. The third time I was 15 and was sexually penetrated by a 17- or 18-year-old boy.

I grew up in a family where protecting the reputation of the family and the family name, and thus the abuser, was more important than protecting me. My grandparent abused by sexual penetration of a child for many years, including my aunt before me, and probably others who have not found the courage to talk about what they have endured. To this day, discussion about this topic within the family has not occurred in a therapeutic way. Family history has always been shrouded in secrecy or buried all together, and any hint at the topic draws visceral reactions of extreme anger and hatred, even from my parent, the child of the grandparent who abused me.

Today I do not believe that either of my parents sexually abused me. But they both come from dysfunctional families and are dysfunctional, surviving their own traumas in their own ways. As a result of their dysfunction and survivorship, my childhood was rife with abuse stemming from my parents' own trauma responses including alcoholism, domestic violence, bullying and corporal punishment.

I was emotionally abandoned for most of my childhood as my parents fought each other and their own demons and were unavailable to support me. Indeed, I have never told my parents about the third time that I was sexually assaulted. Cloaking the reality of my childhood was an outer façade of a good life. I am a third-culture kid who wanted for no material possessions as a child. No one knew what went on behind closed doors.

I went on to marry someone who also comes from a dysfunctional family, suffered abuse and trauma in his childhood and as an adult. We have inflicted more trauma on each other as we've fought to survive individually and together.

The impact on my life has been serious and I deal with a variety of trauma responses. One of my most challenging responses is loss of memory most likely caused by dissociative amnesia – what I understand to be a normal trauma response and my brain's way of protecting me from remembering the bad things that have happened to me. I do not remember most of my childhood. I am void of physical sensation during sexual intercourse, either pleasurable or painful; there is nothing. And I have built a wall around me that is 45-years thick and 45-years tall, there to protect me from people, but in my attempts to protect myself, I had become very isolated and alone. Trust in relationships is an on-going

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issue for me, and I have never been able to fully engage in deep emotional relationships, even with my husband of 30 years. I only recently began to know who I am, struggling before to feel my own emotions and feelings, unable to identify my needs and questioning my purpose for being on this earth.

But, for all the negative and painful impact on my life, I consider myself to be one of the luckier survivors of child sexual abuse. As I have gone through therapy and read copious stories of other victims, I have learned that survivorship takes many forms. I am grateful that I am not addicted to drugs, alcohol or other damaging vices; I am grateful that I have not subjected myself or others to chronic reckless behaviour; and I am grateful that I have never had thoughts of ending my own life. While I will live with the negative and painful impact on my life forever, I am lucky to be on a path that is taking me from being a victim, to surviving my life with whatever coping mechanisms have been available, to thriving. Unlike so many other victims, I am lucky to be on a path to not be detrimentally imprisoned my entire life by unhealthy responses to the abuse, trauma and pain that I have endured. It is a fight every day, but freedom is mine for the taking.

TALK Recommendations

I am fully supportive of all recommendations that TALK is making in its submission to the Sub-committee. There are a few for which I would like to give my own perspective based on my personal experience.

TALK R1: There be no division of sexual offences against a child into offences committed against a younger child (13 years of age and younger) and older child (under 16 years of age).

I agree whole-heartedly with TALK's recommendation and its statement that such division implies that the impact of a sexual assault on a child under the age of 13 is greater than the impact on a child between the ages of 13 and 15, that the ability of a child over the age of 13 to consent is greater than the ability of a child under the age of 13 and/or that sexual abuse of an older child is somehow not as serious as sexual abuse of a younger child. I was assaulted under the age of 13 and under the age of 16, so I have personal experience with the idea of this division. None of the sexual assaults that I have endured impact me any less than the other, each has their own painful and traumatic effect on me for different reasons, but age certainly has nothing to do with how they have impacted me.

The assault when I was 5 in some ways has less impact on me because I did not know what was happening to me at that time and I did not know that it was wrong. I thought we were playing a game of hide-and-seek. It was only as I have gotten older and have been processing my trauma that I have come to understand the reality of what happened to me – academically, clinically and legally. I literally woke up one day as an adult and said to myself, “oh, that was rape [sexual penetration of a child].” Before that point I did not have a cognitive understanding of what had happened to me. In some ways the assault when I was 15 was more traumatic on me because I knew what was happening at the time and I knew I that moment that I was being violated. And for me, there was no one who I could turn to for help because it was unsafe to speak about such things in my own home. So I buried it, where it festered inside of me for 34 years.

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I don't need to comment on the idea of consent for a child under the age of 13. It seems we all see that as an unlikely proposition. Regarding my ability to consent at 15, I believe that I had only marginally more capacity to consent, or not consent in my case, at that age than I did when I was 5. While I had a different capacity to understand the situation I was in, I could not affirmatively say no because of the control that my abuser had over me during the abuse. He was a schoolmate and a very popular boy. He had asked me, a nerdy under-class man, to a high school event. To him, and many of my female classmates, I should be so lucky for him to have invited me. I remember fighting back and resisting, but could not overcome his force, both physical and emotional through peer-pressure. After the event, which did not result in the sexual gratification that he was after, I was bullied relentlessly for months by him and other schoolmates who he had told his version of what happened that night. There were many people who he told. I never found my voice to tell my story that he had sexually assaulted me, until now. In part because of crushing shame, but also because I had not been taught that what he had done to me was to violate me and wrong. And because I lived in an environment where I could not safely share and expect to be protected. In most likelihood I would not have been believed by anyone, even my parents. Only the taxi driver from that night had the knowledge that could have stood by me.

Finally, while I understand that the age of consent in Hong Kong is 16 and that may be driving the upper age boundary of many of the Sub-committee's recommendations, I do not believe that many children can consent as an adult at the age of 16, rather perhaps that is possible at the age of 18. At the age of 16, if being abused, many could still living in environments where they are not free to make decisions about consent – control of an abuser in the home or at school (as in my case) – or have not learned to freely consent in a healthy way - and therefore would still need the protections of the law.

TALK R2: The maximum penalty for all sexual offences against a child be the maximum sentence currently recommended for younger children, e.g., there be a single offence of sexual penetration of a child under the age of 16 with the maximum penalty set at life imprisonment.

For my entire life, I will live with the sexual penetration of a child crimes perpetrated against me, other directly and indirectly related forms of abuse and the impact that this trauma has had on my life. I have been punished with a life sentence from the age of 5 for awful events and a traumatic childhood that were not of my making. I was the victim of sexual abuse at the hands of a sexual predator and a sexual abuser. The effects of compound post-traumatic stress disorder that I must work so hard every day to overcome and survive is my life sentence. Why, then, shouldn't my perpetrators receive a life sentence for assaulting me? Isn't that justice?

A 14-year maximum sentence for sexual assault of a child between the age of 13 and 15, especially when actual sentencing in Hong Kong seems to be so light (2 years and 4 years as TALK's Submission points out) is, in my view, outrageous. Such light sentences (aggravated by the fact that time served is even less given sentencing reduction provisions of the law) disregard the gravity of the impact of the abuse on the victim and compounds the abuse by disregarding the victim and the victims right to their own life. While I wrestle with the question as to whether the older boy who abused me when I was 15 should be sentenced to life for his crime against me, it certainly was no petty crime where a penalty of

time-served of 4, 2 or less years is adequate. Isn't it the job of the justice system to ensure equal justice?

TALK R3: R3: That the Sub-Committee consider implementing mandatory minimum sentences for sexual offences, and in particular, with respect to sexual offences against a child.

My views on this recommendation are probably of no surprise given my view of equal justice with life sentences for sexual penetration of a child under the age of 16. And considering the reality of the light sentences that are given to criminals who commit such crimes, and the even lighter penalty in terms of time-served, the only ways to improve more equitable justice in the sentencing of these criminals are either to rely on judges to give heavier sentences under the current maximums, which doesn't seem to be practice, or to impose minimums such that the decisioning is taken out of the hands of human judgment and mandated by law. It also seems that considering the reality of the very modest time-served after applying the sentencing reductions provisions of Hong Kong law, the notion of a maximum sentence doesn't carry much deterrent effect because the reality is that no one is serving anything close to the maximum sentences for these crimes. Rather a minimum sentence (considering the time that will actually be served) could have a greater deterrent effect if the penalty had some teeth to it by setting a stiff minimum penalty.

TALK R6: The SCRC should be expanded to include all definitions of workers, including, volunteers, temporary or contract workers, and both current and prospective workers.

TALK R7: The SCRC scheme should be mandatory.

TALK R8: That spent convictions should be disclosed as part of the SCRC.

My grandparent who sexually abused me worked for several years as a dorm parent in a boys' home that housed boys who were wards of the State in which the home was located. My second sexual assault may very well have happened in the dorm where they lived. My grandparent was never convicted to be in the system to begin with, which is the first issue that must be addressed in a successful SCRC. Criminals who commit sexual offences must be convicted of the actual crimes that they are guilty of, and not just some lighter secondary offence.

Then there must be a system to ensure that people who are going to be responsible for the care of children and have access to the direct contact with or control over children, must be screened for sexual offence convictions before they can work or volunteer. Only a higher power than humans knows what happened to the boys who my grandparent was the caretaker for. But given what I have experienced and what I know happened in my family, I feel confident in saying they, too, were abused in some way. Had my grandparent been in a system where SCRC-like screening was mandated, they might have been protected from my grandparent's abuse. And I might have been saved from my abuse, at least part of it.

Best regards,
Beth Jones

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III - Victim Impact Statement – Jill Marshall

In Support of TALK Hong Kong's Submission and Recommendations to the Review of Sexual Offences Sub-committee of the Law Reform Commission

10 February 2021

My personal account is of my sexual assault experience as an adult aged 20.

I was 20 years old when I found myself in a difficult situation, unable to defend myself in a group of five young adult men in their twenties with the intention of planned sexual assault.

The attackers took me by surprise. While one held a knife to my neck, having ripped my jeans and underwear off, I think three of the others took turns to penetrate me, the remaining man intended to but was interrupted by someone concerned, I assume from my initial screams, before I was silenced by the realisation that this was happening and that there was a knife at my neck.

I actually cannot recall if four out of five men penetrated me or if it was in fact three, before I was saved by a concerned stranger as my memory of the event is hard to recall.

I have never been able to recall or to share the precise details of the event. I never made a report to the police. This took place in Bangkok, Thailand.

I instead kept all the details that I remember to myself for many years and only shared fragments with close friends and eventually, after suffering symptoms of depression or PTSD for 2 years I was put on anti-depressant medication by a professional health carer with whom I also shared that I had been assaulted.

Living life with undiagnosed depression and PTSD was a struggle and I experienced extreme anxiety, loneliness and feelings of isolation and paranoia.

I resolved some of my deep lack of confidence and shame by drinking alcohol and taking recreational drugs to socialise and to interact with people and to escape the depression. This really created a vicious circle and was making the depression worse.

As I was still a relatively young adult this impacted my relationships including existing friendships and relationships, family relationships (including parents and siblings), meeting new people and forming meaningful, loving, romantic and intimate relationships.

My relationship with family became distant. I could no longer communicate with them as before and I became distant and withdrawn from them to avoid sharing or not sharing about the assault. I found the thought of sharing this detail about my life with my parents heart-breaking and couldn't stand their shame or their sadness I imagined they would feel or any sense of sorrow or pity or disappointment.

I really was suffering greatly from the assault with no sense of justice as it had not been reported.

Further impacted by my lack of vitality for life was my education. I lost interest in the future and found it hard to commit to studying and to stay focussed enough to complete a degree or any Further Education when I moved from Hong Kong to the UK to study. I failed to

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complete my studies before coming back to HK where I finally sought medical guidance and was treated with antidepressants.

I had the immense privilege of becoming a parent aged 23, however at 3 years of PTSD I was unable to cope well and still carried a lot of unexplained anger that was not conducive to effective parenting. My choice of partner (my daughter's father whom I separated from soon after being pregnant) may have been a result of my low self-esteem as he had depression too (that took his life 13 years later, aged 40) and meant I single-parented my daughter. This is not a sad consequence of an unfortunate event, but a celebration of being a mother to a wonderful daughter, however, it does impact my daughter that I was suffering depression and still living a secret, shameful life while caring for her independently. I also was concerned that she would ever become a victim of sexual assault, so was perhaps overly concerned without any explanation, given I refused to open up about my past trauma with the people close to me.

Anger was a big part of my life and this did affect my relationship with my daughter and subsequent partnerships and relationships with men I attempted to create. I have never had a successful, long-term relationship.

Perhaps or perhaps not related, my daughter also had depression in her teenage years that required medical attention.

I became dependent periodically on the Government Health Care or Private Health Care at my parents' expense but to no real sense of closure or end to the event that had shaped my adult life.

After much counselling, including anger management and relationship coaching I had a breakthrough 3 years ago and have started to share my experience with others and have since set up a society to support sexual assault survivors through my work in trauma-informed movement classes and peer support as well as supporting charities for under-privileged and sexual assault victims. I have also teamed up with TALK Hong Kong in this capacity.

I know from experience that so many times since I started to share my experience that many women care to share their story and confide that they rarely, if ever share and most didn't report the incident (assuming it was one time)

If I couldn't cope with life assaulted at age 20, how do younger adults, or children under the age of consent cope?

The gap between 16 and 18 is large in terms of development of coping skills and ability to process and deal with such trauma, despite the age of consent being 16.

There is a lack of reliable resources and even a google search today it is hard to find useful and relevant information on how to cope or what steps to take for victims.

I am concerned also that there is not enough information on punishment or deterrence and that in HK most guilty offenders are not punished or lightly punished with a reduced sentence.

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There is also a general lack of statistics and education on the subject and I am sure that most people choose to live in guilty shameful silence for far too long with this taboo topic and no one safe to share with and go to.

While I am fortunate to have a great life despite a terrible event 28 years ago, I am clear that myself, and many others have been greatly impacted by sexual assault.

I am pleased to share my story to help in preventing this crime impacting others, both victims and offenders.

Best regards,
Jill Marshall
Director, Pause For A Cause

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