

# CHILD PROTECTION IN CHINESE SOCIETIES

Challenges and Policies

Ko Ling Chan  
Editor

CHILDREN'S ISSUES, LAWS AND PROGRAMS

NOVA

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IN CHINESE SOCIETIES  
CHALLENGES AND POLICIES**

**KO LING CHAN**  
EDITOR



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## PREFACE

This book introduces the current situations of child victimization in the Chinese populations to readers, discusses the relevant political and legal systems as well as health and social services, and puts forward some recommendations for effective child protection with an emphasis on the unique cultural values and situations in the Chinese populations. Grounded in the recent and contemporary research and scholarly inquiry, this is a vital book for understanding trends and current situations in China, as well as an essential read for those who work, research, teach or study in the area. This book is the only one available to date to present a comprehensive and critical review of child maltreatment and victimization in China whilst promoting a multi-disciplinary collaboration to child protection.

Chapter 1 – This chapter reviewed 56 empirical studies on the prevalence and risk factors of various types of violence against children in Chinese societies. The reviewed studies were published between 1988 and 2009 and examined various forms of child abuse among the Chinese population. The vastly ranging estimates of the prevalence of child abuse in Chinese societies in these studies revealed that child maltreatment is highly pervasive among the Chinese population. Physical child abuse and corporal punishment had the highest prevalence rates, followed by psychological abuse, neglect, and sexual abuse. However, the studies also showed that there is a tendency to underreport child abuse due to a lack of awareness of the definitions of child maltreatment, a reluctance to expose a family's shame, and a cultural conceptualization of child abuse that is different from official definitions in Western countries. These studies also discussed various psychological, behavioral, and interpersonal consequences of each type of abuse.

Chapter 2 – Child victimization accompanied by injury has imposed a heavy demand on health services in China. However, efforts to recognize it as a public health problem have been hampered by the absence of reliable estimates of the prevalence of the different types of victimization. The objective of the population surveys is to investigate the prevalence and risk factors of child victimization, with specific emphasis on child sexual abuse. A multistage stratified sampling procedure was adopted to identify eligible participants from Hong Kong and 180 communes in 5 cities in mainland China. Face-to-face interviews were conducted with 8,945 Chinese parents of children younger than 18 years of age. A total of 3,321 children and 18,341 students, aged 15-17 years, were successfully interviewed. The lifetime prevalence rates of child sexual victimization and child victimization, as reported by household parents, were 1.3% and 35.2% respectively. The lifetime prevalence rates of child sexual victimization and child victimization, as reported by household children and school

students were 3.1% to 8% and 50.1% to 71.7%, respectively, which were significantly higher than those reported by parents. The findings provide reliable estimates of child victimization which will facilitate the allocation of resources. The associations between child victimization and family violence highlight the value of screening for multiple types of violence when one type has been detected.

Chapter 3 – The major findings related to child victimization and child sexual abuse in China were presented in the last chapter. In this chapter, the interpretation of the findings and possible explanations of some controversial issues will be discussed. The major issues include the underreporting of child victimization by parents, prevalence of childhood sexual abuse in Chinese populations, difficulties encountered in the study process, and recommendations.

Chapter 4 – The authors present an in-depth case analysis to provide a comprehensive understanding of the issues related to child sexual abuse in China. The case was an adult survivor from child sexual abuse recruited in Hong Kong. Through the framework of control and power, they argue that perpetrators systematically avoid being held responsible for their actions. They will go to great lengths to hide the truth. It is difficult for victims and their family members to seek help. The impact of sexual abuse on the victims is not only determined by the event itself, but also by the methods and attitudes adopted to handle the event. While people around the victim can assist him/her in healing, they can also impede the process and do more harm than good.

Chapter 5 – The construction and development of the continental legal system in Mainland China has been influenced by the international and national environment. Since 1949, the child protection legal system in Mainland China has gone through three stages: inception, establishment, and preliminary development. Throughout this period of development, significant advancements have been made in areas such as the goals of legislation; the principles, conceptualization, and content of child protection; child protection in criminal, civil, and administrative justice; and the supervision and execution of law on child protection. The basic spirit of the principles on the best interests of the child, non-discrimination, respecting the child's views, and protecting of child's rights to survival and development established in the United Nations Convention on the Rights of the Child (CRC) are also reflected in the relevant legislation in mainland China. The child's right to survival, development, to be protected and participation have been clearly stipulated by the Protection of Minors Act in China. To date, has formed a legal framework for the child protection system, with the Constitutional Law as the core, and coordinated by the Protection of Minors Act and other laws, as well as a large number of related regulations and policy measures. Nevertheless, the current situation regarding the legal protection of children in mainland China faces the following challenges: (a) the influence of traditional values in legislation and the enforcement of laws; (b) inadequate integration of systems and standards in legislation; (c) the lack of standard content; and (d) deficient enforcement.

Chapter 6 – Ensuring a child's rights of access to justice and dignity is one of the fundamental principles of the United Nations Convention on the Rights of the Child (CRC). Since the 1980s, China has explored the issue of establishing a juvenile justice system. However, the current Penal Code and Criminal Procedure Law still contain no judicial diversion mechanism for children, and thus the issue of juvenile justice remains a law in the making. In addition, the absence of a unified child protection system with appropriate mandates increases the risk of vulnerable groups of children, especially migrant children in cities and left-behind children, coming into conflict with the law. The double insufficiency in

the judicial sector and the administrative sector reveals the need to accelerate the reform of juvenile justice and to establish a comprehensive child protection system in China. The chapter will first examine the interdependency of the child protection system and the juvenile justice system from the perspective of child rights and then review the situation in China by focusing on the ongoing juvenile justice reform and local innovative pilot practices. This will be followed by an analysis of the success of these measures and the challenges that remain. Finally, practical recommendations on ways forward will be presented.

Chapter 7 – Cyberbullying is a global and alarming problem, and this has led to calls for regulation at the national, regional and international level. Yet, the resort to direct and sole legal means to tackle cyberbullying has remained controversial. The alternative model of co-regulation combining legal intervention, education, and regulation from the telecommunications industry has been adopted, in various degrees, in Europe and North America. Drawing from their lessons, this chapter first maps out the problem of cyberbullying in Hong Kong, Taiwan and Mainland China, then explains why the current legal regimes in the three jurisdictions have failed to address adequately the problem of cyberbullying. This is followed by discussion on current attempts on anti-bullying policies made by the education authorities in Hong Kong and Taiwan. Finally, it argues why a co-regulatory and integrated approach involving all stakeholders should be implemented to tackle the problem.

Chapter 8 – The policies and social services related to child welfare and child protection in Mainland China and Hong Kong are examined. The traditional Chinese cultural characteristics of filial piety and familism have a great influence on the perspectives and behaviors of the Chinese. The legal and social service delivery systems in Mainland China and Hong Kong are quite different. Hong Kong is relatively more mature in terms of the development of a child protection system, although there is still much room for improvement. The development of child protection services in Mainland China can use the experiences of Hong Kong as reference points, while the new initiative in Mainland China can, in turn, create a positive force to push Hong Kong to further improve its system.

Chapter 9 – China faces many complex new challenges in light of the current trends of rapid economic growth, urbanization, massive domestic migration, dislocation and separation of family members, changing family structures, increasing cost of basic social services, rising disparities, and increasing frequency of natural disasters. In this current context, children and their families are increasingly exposed to new social welfare and child protection risks, with poverty acting as a contributing factor to the risk of child protection violations. As it has become more difficult for the Chinese government to manage these risks and vulnerabilities through vertical social protection programs, China is beginning to shift from an issues-based approach to social welfare and child protection toward a more comprehensive, multisectoral child welfare and child protection system as the most effective way to address new challenges. This new system comprises a social welfare system that provides (a) universal benefits to support social protection and services for all children and their families, and within this, (b) a child protection system that targets the most vulnerable children. UNICEF is supporting the Chinese government to strengthen its social welfare system for children at three basic levels: (a) at the upstream and national level, supporting the development of child-sensitive national social protection, social assistance and child protection policies, laws, and frameworks; (b) at the intermediate or provincial level, developing strategies, mechanisms, and plans that facilitate the implementation of national child welfare and child protection laws and policies; and (c) at the community level, piloting and demonstrating effective, affordable,



and sustainable intersectoral child welfare and child protection packages and models within diverse local settings for possible government replication (this component also feeds into policy development). Within this social welfare framework, UNICEF is supporting China to move toward the establishment of a child protection system; this involves policy and legal reforms aimed at a strengthening a systems approach to child protection which is integrally linked with the social welfare and justice systems. Support is also being provided to demonstrate and develop community-based child protection service models that prevent and respond to violence, abuse, exploitation, and neglect.

Chapter 10 – News about child abuse is reported almost daily. It has been recognized as a social problem and not just a family matter of child discipline. Different professionals need to work together for the prevention of child abuse. This chapter reviews the milestones in child protection and examines what has been done and achieved in the past three decades. The World Health Organization (2002) recommends a public health approach to the early identification of child abuse. To improve the system in Hong Kong, it will be necessary to conduct research and strategic evaluations, strengthen professional development, and build bridges between sectors. On the issue of the ways ahead, the following strategies are suggested in this chapter: 1) develop a data link system and conduct a prevalence study so as to inform policies and practices; 2) ensure a home visitation to each family, including cross-border families with newborn children; 3) put effective preventive services into the mainstream; 4) establish a review mechanism for cases of serious and fatal child abuse; 5) show concern for the child victims of psychological abuse and for children who are emotionally disturbed; 6) impose a total ban on corporal punishment as it is a form of violence and an infringement of children's rights; 7) set up a mandatory sex offenders registry; 8) conduct a review of sentencing options and require every convict to receive therapy and treatment; 9) put in place laws and ways to protect unattended children; and 10) establish an independent child commission to look into all child-related issues. Every child is precious. It is everyone's responsibility to ensure that each child is protected and develops in a safe environment. What our society will be like depends on how determined we are to provide a nonviolent environment at home and in society for our children today.

Chapter 11 – With rising public awareness of HIV/AIDS, the living condition of children orphaned by HIV/AIDS has gradually become a focal issue in society. Since the onset of this disease, children orphaned by HIV/AIDS have emerged as a new social group. Struggling with family difficulties, social stigma, and other difficulties, these children have become a typical vulnerable group in society. It is therefore necessary to explore the living condition and unmet basic needs of children orphaned by HIV/AIDS so as to establish a certain social psychological care model and social support system to meet their needs and enable their healthy development. This chapter aims to examine the living condition and social environment of HIV/AIDS orphaned children, to analyze their needs, and to suggest ways to build an effective social support system for them through field investigations.

Chapter 12 – As the world's economy has grown, the child mortality rate due to infectious and contagious diseases has dropped significantly. However, while the latest developments in medical research and technologies are improving the health of children, the situation with regard to child injuries and deaths has worsened considerably. Accidental child injury can be fatal, and it has a significant impact on both families and society. It has been recognized as an essential child health issue by international academic communities. This chapter explains the importance and the necessity of child safety education by reviewing the

literature and presenting typical cases. It then introduces the strategies used to organize educational programs. It discusses in detail how to cultivate a harmless environment for children and provides accompanying guidance on educating parents and suggestions to the government and society on the protection of children.

Chapter 13 – Hong Kong professes to have zero tolerance toward violence against children, and the government claims that child protection is already built into various policies and systems. Yet, every day, many children still experience different forms of violence, whether at home, in school, in the community, or in the virtual world. Child protection is often viewed in terms of programs targeting different forms of maltreatment, but to tackle the root causes of child abuse, a comprehensive approach that respects and protects the basic rights of the child as laid down in the United Nations Convention on the Rights of the Child (hereinafter, the “Convention”) is required. In its concluding observations on the report on the Convention submitted by Hong Kong in 2005, the United Nations Committee on the Rights of the Child urged Hong Kong to establish a human rights institution to monitor children’s rights and to implement the Convention. A motion to set up a Commission on Children was passed in the Legislative Council in 2007, but as this was a nonbinding motion, no action has yet been taken. Using examples of recent concerns in Hong Kong, this chapter discusses why no time should be lost in establishing a children’s commission if Hong Kong is to turn zero tolerance toward violence against children from a slogan into a reality.

Chapter 14 – Child maltreatment has been recognized as a major public health problem in Chinese communities and worldwide. Around 50 to 90 children under 18 die of external causes in Hong Kong annually; 5% of these cases are due to “assaults.” The Child Fatality Review conducted in Chinese communities elsewhere identified a significant number of child deaths due to unnatural causes that were related to neglect and a lack of proper care. In a review of 494 suspected child abuse cases reported in Hong Kong hospitals from June 1997 to August 1999, 58% were substantiated as child abuse and 1% (5 children) had died from serious head injuries. Child abuse is a prevalent problem worldwide, and in western countries, official statistics from child protection registries or statistics on offenses against children are considered to be important social indicators. However, most Chinese communities lack an effective surveillance system to monitor and report key epidemiological data on child abuse and thus to describe the real situation and address the need for child protection. In 2010, the Hong Kong Child Abuse Collaborative Research Team produced the first database of abuse-related hospital admissions in Chinese. From 2001 to 2008, there were 5,430 admission cases that were later discharged with a diagnosis of child maltreatment syndrome. In contrast to the significant decline in the annual incidence of child maltreatment syndrome in England, there has been an upsurge in maltreatment admissions in Hong Kong. The annual incidence rate has followed a simple linear curve and has increased from 32.5 to 73 per 100,000 ( $R^2$  0.96,  $p < 0.0001$ ). The alarming rise in child maltreatment and the unequal distribution of cases in Hong Kong demonstrate the need to recognize child abuse as an important social indicator which warrants further investigation to delineate its underlying causes and to recommend appropriate prevention strategies. There is an obvious need to build up a more effective child abuse surveillance system in order to improve child protection in Chinese communities. The authors’ team is working on an innovative project commissioned by the government to integrate the social service sector’s Child Protection Registry (CPR) and the health sector’s

Child Abuse Database in order to provide a clearer picture and epidemiology of child maltreatment and to explore the feasibility of integrating existing key databases, which could then serve as a child abuse surveillance model in Chinese communities.

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# **SECTION 1.**

## **CHILD VICTIMIZATION IN CHINESE SOCIETIES: CURRENT SITUATIONS**

This section provides an overview on the current situations of child victimization, including child maltreatment and other types of violence victimization, in Chinese societies. It starts with a review on relevant past studies and extends the discussion with the findings of two new empirical studies in China in later chapters.

Chapter 1 presents the results of a literature review on previous research on child maltreatment in the Chinese populations in the last two decades (1988-2009). The prevalence rates, risk factors and consequences of the problem are explored. The review also focuses on possible factors leading to the reporting or underreporting of child maltreatment, with a special emphasis on the great influence of the Chinese cultural values on the Chinese societies.

In addition to the past research on child maltreatment, Chapter 2 and Chapter 3 provide details of a new empirical study using a national, representative sample in China. While the former introduces the study methodology and offers a variety of reliable estimates on the problem, the latter puts forward some explanations of the findings as well as some recommendations for the making of relevant policies.

Case studies, which facilitate deeper understanding of a problem, are as important as their large-scale empirical counterparts. In Chapter 4, a case of child sexual abuse is analyzed. What happened to the case during childhood? How have these experiences affected her life later on? This chapter presents the details of a real-life example of the adult survivors from childhood sexual abuse in China.



*Chapter 1*

# **CHILD MALTREATMENT IN CHINESE SOCIETIES: A COMPREHENSIVE REVIEW**

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## **ABSTRACT**

This chapter reviewed 56 empirical studies on the prevalence and risk factors of various types of violence against children in Chinese societies. The reviewed studies were published between 1988 and 2009 and examined various forms of child abuse among the Chinese population. The vastly ranging estimates of the prevalence of child abuse in Chinese societies in these studies revealed that child maltreatment is highly pervasive among the Chinese population. Physical child abuse and corporal punishment had the highest prevalence rates, followed by psychological abuse, neglect, and sexual abuse. However, the studies also showed that there is a tendency to underreport child abuse due to a lack of awareness of the definitions of child maltreatment, a reluctance to expose a family's shame, and a cultural conceptualization of child abuse that is different from official definitions in Western countries. These studies also discussed various psychological, behavioral, and interpersonal consequences of each type of abuse.

**Keywords:** Child maltreatment, Child abuse and neglect, Chinese, Prevalence, Risk factors

## **INTRODUCTION**

Child abuse is a serious public health problem that is receiving increasing public attention in China. During the past decades, researchers have begun to identify a different pattern of child abuse among the Chinese population (Samuda, 1998). There are cultural and traditional features among the Chinese that potentially allow for more physical violence and



psychological abuse against children. Traditional Chinese culture advocates family harmony, parental loyalty, respect for parents, and familial piety. In other words, the child is obligated to show respect and obedience to his/her parents regardless of what the parents may do (Shen, 2009). The authoritarian parenting style practiced by the Chinese is harsh, restrictive, domineering, physically coercive, and controlling (Nelson, Hart, Yang, Olsen, and Jin, 2006). Chinese parents believe that the infliction of physical pain as a form of discipline is necessary not only to maintain obedience but also to train children to have the strength to endure physical hardship in the future (J. T. F. Lau, Liu, Yu, and Wong, 1999; Tang, 1996). Therefore, within Chinese culture, there is a high tolerance of physical punishment, regardless of the socioeconomic background of the parents (Fong, 1997). Psychological abuse and neglect are also unrecognized in Chinese culture, as scolding, beating, and shaming children is often done deliberately in front of others and in public in order for discipline to be effective (J. T. F. Lau, Liu, and Cheung, 1999; J. T. F. Lau, Liu, Yu, et al., 1999). Due to this unique familial culture in Chinese families, culture-specific epidemiological studies are needed to understand the prevalence, patterns, and risk factors of child abuse in order for the government to be able to provide effective prevention and intervention services for victims and families (Ma, Yau, Ng, and Tong, 2004). Moreover, the negative impact of child abuse on the mental health, behavior, and physical wellbeing of victims is highly relevant to our society's future and has important implications in terms of the costs to society.

The scope of this review focuses on journal articles and book chapters located in databases including the Criminal Justice Abstract, Criminology, MEDLINE, PsycINFO, Psychology, Social Services Abstracts, Sociology, and Sociological Abstracts. Keyword terms including Chinese, China, Hong Kong, Taiwan, child, children, adolescent, abuse, maltreatment, violence, aggression, and victimization yielded 660 articles, 515 of which were excluded from this review. The 515 irrelevant articles were mostly about substance abuse, spousal abuse, alcohol abuse, patients with psychological symptoms, crime and violence, juvenile delinquency, HIV, and suicidal ideation. We also excluded child abuse studies of people of other ethnicities because the focus of our review was limited to the Chinese. A second round of screening narrowed the 145 articles down to 56; 89 articles with a focus on interventions and perceptions of child abuse were excluded as no information could be obtained from them. The final 56 articles included reports on the situation in Chinese populations in Mainland China, Hong Kong SAR, and Taiwan and among the large Chinese communities in Singapore and America. Various forms of child maltreatment, such as physical abuse, sexual abuse, psychological abuse, neglect, bullying, child abduction, slavery, and trafficking, were included in the scope of the review as were hospital and clinical records of child maltreatment among the Chinese population. Accounts of community knowledge of child abuse are also presented in the review to show how cultural beliefs may be risk factors of child victimization among Chinese communities. The current laws and regulations concerning child abuse within various Chinese communities are also included in this review of the most current child abuse research in Chinese societies.