

Legislative Council Panel on Home Affairs

**Report on the Hong Kong Special Administrative Region
under the Convention on the Rights of the Child**

Introduction

The report was among those discussed at the Panel's meeting on 11 June 2004, under item IV of the agenda. In this paper, we take the opportunity to advise the Panel of the position in regard to the hearing of the report.

The hearing

2. At the meeting on 21 June 2005, we informed the Panel that the UN Committee on the Rights of the Child (the Committee) would hear China's report (of which ours forms a part) on 19 September 2005. A Hong Kong team will attend as part of the Chinese delegation, under the leadership of China's Permanent Representative to the United Nations in Geneva, or his representative. The team itself will be led by the Deputy Secretary for Home Affairs, with the Deputy Solicitor General, as his deputy. The full team list is at **Annex A**.

3. We will, of course, be ready to inform the Committee of any significant developments since we finalised the report, should it so request. However, we think it likely that the Committee will wish to focus on the questions in its 'List of Issues' that reached us on 23 June. The List is attached for the Panel's

information at **Annex B**. At the date of submitting the present paper, we were finalising our response which, together with inputs from Macau, will form part of China's overall reply to the Committee. We will post our response on the Home Affairs Bureau's website <http://www.hab.gov.hk/> on confirmation that it has been submitted to the UN Secretariat.

4. Members of the Hong Kong team have been selected on the basis of their knowledge of the issues that we believe are most likely to be of interest to the Committee. Those areas are clearly indicated in the list of issues, both in the parts for which the Committee requires written responses and in regard to Part IV, which indicates where the Committee's more general interests lie. The aim is to ensure that, as far as practicably possible, we are in a position to respond to the Committee's questions on the spot. Should we be unable to answer a particular question in situ, we will undertake to provide written reply.

5. After the hearing, we will make the Committee's concluding observations public as soon as they are available.

Home Affairs Bureau

July 2005

**Hearing of China's third report under
the Convention on the Rights of the Child, 19 September 2005:
composition of the Hong Kong team**

Team leader: Mr Stephen Fisher, Deputy Secretary for Home Affairs

Deputy team leader: Mr Stephen Wong, Deputy Solicitor General

Members

Department of Justice

Mr Godfrey Kan, Senior Government Counsel

Education and Manpower Bureau

Ms Michelle Wong, Principal Education Officer (School Administration & Support)

Health, Welfare and Food Bureau

Ms Linda Lai, Deputy Secretary for Health, Welfare and Food (Family & Women)

Home Affairs Bureau

Mr John Dean, Principal Assistant Secretary for Home Affairs

Ms Amy Yeung, Assistant Secretary for Home Affairs

Ms Cynthia Tong, Principal Information Officer

Home Affairs Bureau

July 2005

CRC/C/Q/CHN/2
15 June 2005

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fortieth session

Pre-sessional Working Group 12-30 September 2005

**IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE
CHILD**

**List of issues to be taken up in connection with the consideration of
the second periodic report of CHINA (CRC/C/83/Add.9, Part I and
Part II)**

PART I

**Under this section the State party is requested to submit in written form
additional and updated information, if possible, before 5 August 2005.**

A. Data and statistics, if available

Unless otherwise specified, these questions apply equally to all parts of the State party, except with regard to aspects that may not be applicable such as the disaggregation of data for rural areas in the Special Administrative Region of Hong Kong, for instance.

1. Please provide disaggregated statistical data (by gender, age groups, ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004 on the

number and percentage of children under 18 living in mainland China and the Special Administrative Regions of Hong Kong and Macau respectively.

2. In the light of Article 4 of the Convention, please provide disaggregated data on budget allocations and trends (in absolute figures and percentages of the national budget) for the years 2003, 2004 and 2005 regarding the implementation of the Convention evaluating also the priorities for budgetary expenditures given to the following:

(a) education (different types of education, i.e. pre-primary, primary and secondary education, and vocational training);

(b) health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care, HIV/AIDS and other health-care services for children, including social insurance);

(c) programmes and services for children with disabilities;

(d) support programmes for families;

(e) support for children living below the poverty line;

(f) protection of children who are in need of alternative care including the support of care institutions;

(g) programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour;

(h) programmes and services for children belonging to minority groups, and refugees;

(i) programmes and services for abandoned children, including street children; and

(j) juvenile justice and the rehabilitation of juvenile offenders.

Please also indicate the estimated expenses of the private sector, in particular for health and education.

3. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by gender, age groups, if possible ethnic groups, urban and rural areas) for the years 2002, 2003 and 2004 on the number of children:

(a) separated from their parents;

- (b) placed in institutions;
- (c) placed with foster families; and
- (d) adopted domestically or through intercountry adoptions.

4. Please specify the number of children with disabilities, up to the age of 18, disaggregated by gender, age groups and, if possible, ethnic groups, urban and rural areas, covering the years 2002, 2003 and 2004:

- (a) living with their families;
- (b) living in institutions;
- (c) placed with foster care;
- (d) attending regular schools;
- (e) attending special schools; and
- (f) not attending schools.

5. Please provide disaggregated statistical data (by gender, age groups, if possible ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004:

- (a) rates of infant and child mortality;
- (b) rates of immunization;
- (c) rates of malnutrition;
- (d) children infected with and/or affected by HIV/AIDS;
- (e) adolescent health, including early pregnancy and sexually transmitted infections (STIs), abortions, mental health and suicide, drug, alcohol and tobacco abuse; and
- (f) percentage of health professionals working in the health-care services for children.

6. With reference to child abuse, please provide disaggregated data (by age, gender, if possible ethnic groups, and types of violations reported) covering the years 2002, 2003 and 2004 on the:

- (a) number of child abuse cases reported;
- (b) number and percentage of reports which have resulted in either a court decision or other types of follow-up; and
- (c) number and proportion of victims that have received counselling and assistance in recovery.

7. With reference to the right to education, please provide disaggregated statistical data (by gender, age groups, urban and rural areas, ethnic minorities and immigrant children) covering the years 2002, 2003 and 2004 in percentage of the relevant age group on the:

- (a) rates of literacy, below and over 18 years;
- (b) rate of enrolment in pre-primary schools, primary schools and in secondary schools;
- (c) percentage of children completing primary and secondary education;
- (d) number and percentage of dropouts, repetition and retention;
- (e) number of children in private schools; and
- (f) ratio teacher per children and number of children per class.

8. Please provide disaggregated statistical data (including by gender, age and type of crime) covering the years 2002, 2003 and 2004, in particular on the number of:

- (a) persons below 18, who have allegedly committed a crime, reported to the police;
- (b) persons below 18 who have been charged with a crime and of them those who are sentenced, and the type of punishment or sanctions related to offences including length of deprivation of liberty;
- (c) detention facilities for persons below 18 in conflict with law and their capacity;
- (d) persons below 18 detained in these facilities and persons below 18 detained in adult facilities;
- (e) persons below 18 kept in pre-trial detention and the average length of their detention;

(f) reported cases of abuse and maltreatment of persons below 18 occurred during their arrest and detention; and

(g) percentage of recidivism cases.

9. With reference to special protection measures, please provide statistical data (including by gender, age, if possible ethnic group, urban and rural areas) for the years 2002, 2003 and 2004 on the number of children:

(a) involved in sexual exploitation, including prostitution, pornography and trafficking and the number of children provided with access to recovery and other assistance;

(b) involved in substance abuse and the number of children who received treatment and recovery assistance;

(c) involved in child labour; and

(d) unaccompanied asylum-seeking, refugee and displaced children.

B. General measures of implementation

1. The Committee would appreciate to receive detailed information on activities meant to implement recommendations contained in the Committee's previous concluding observations (CRC/C/15/Add.56 of 7 June 1996 on mainland China, and CRC/C/15/Add.63 of 30 October 1996 with respect to Hong Kong) on the initial reports of China (CRC/C/11/Add.7) and Hong Kong (CRC/C/11/Add.9), which have not yet been fully implemented.

With regard to mainland China, the Committee would like information related to the implementation of its concluding observations regarding the establishment of a national human rights institution (para. 26), the strengthening of data collection mechanisms (para. 28), the elimination of rural and urban disparities through budgetary allocations (para. 31), and ensuring Tibetan children are guaranteed full opportunities to develop knowledge about their own language and culture (para. 40). Please explain the obstacles to implementation and how the State party envisages overcoming them.

With regard to the Special Administrative Region of Hong Kong, the Committee would like to inquire whether the State party has changed, or foresees a change in its position with regard to the non-implementation of the Committee's concluding observations on the development of a

comprehensive child policy (para. 20), the establishment of an independent monitoring mechanism (para. 20) and the coordination of policies on child abuse (para. 22).

2. Please provide information on cases, if any, where the Convention has been directly invoked in domestic courts in mainland China or the Special Administrative Regions of Hong Kong and Macau, and if so, please provide examples of such cases.
3. Please provide updated information on the current status of implementation of the National Children's Development Programme (2001-2010) for mainland China.
4. Please provide updated information on efforts to develop a National Plan of Action or similar child policy in the Special Administrative Regions of Hong Kong and Macau.
5. Please explain whether there are any plans to establish a national human rights institution with a specific mandate on children's rights in conformity with the Committee's general comment No. 2 in mainland China or either of the Special Administrative Regions. With regard to the Special Administrative Region of Hong Kong, please provide additional information on the specific mandate of the Ombudsman and the Equal Opportunities Commission as related to children and the extent to which children may file a complaint with these bodies.
6. Please provide updated information on the dissemination of the Convention and the State party report and on efforts made to provide training, awareness on the Convention and on human rights in general, to children, parents, teachers, social workers and other professionals working with and for children in all parts of the State party.
7. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

PART II

Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages or the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

PART III

Under this section, the State party is to briefly (3 pages maximum) update the information provided in its report with regard to:

- new bills or enacted legislation;
- new institutions;
- newly implemented policies;
- newly implemented programmes and projects and their scope.

PART IV

The following is a preliminary list of major issues (that does not contain issues already covered in Part I) that the Committee may take up during the dialogue with the State party. They do not require written answers. This list is not exhaustive as other issues might be raised in course of the dialogue.

Unless otherwise specified, these apply to all parts of the State party

1. Non-discrimination, in particular with respect to girls, children with disabilities, internal migrants and children living in rural areas, refugees and other migrants, and ethnic minorities.
2. The right of the child to express his or her views freely in all matters affecting him or her.
3. Freedom of religion in mainland China.
4. Violence against children both within the home, schools and other institutions.
5. Adoption and alternative care for children separated from their parents.
6. Access to health care in rural areas of the mainland.
7. Children infected and affected by HIV/AIDS.
8. Adolescent health concerns, including reproductive health, mental health, alcohol and drug abuse and youth suicide.

9. Disparities with respect to standard of living and social security.
10. Access to education, including for children living in rural areas, ethnic minorities, internal and international migrants, and refugees.
11. Child labour.
12. Sexual exploitation.
13. Trafficking and sale of children.
14. Juvenile justice.
15. The situation of children belonging to ethnic minorities and the implementation of the Ethnic Regional Autonomy Act.
