

AGAINST CHILD ABUSE

Submission to Legislative Council Panel on Constitutional Affairs

on

**An outline of topics in the second report on the HKSAR under
the Convention on the Rights of the Child**

May 2009

1. Introduction

This year 2009, being the twentieth year that the UN Convention on the Rights of the Child (UNCRC) has been ratified. The UNCRC was extended into Hong Kong in 1994 and until now it has been fifteen years of its implementation. It is high time for Hong Kong to review, at all levels: policy, legislation, education, services and research/resources; survival/development, protection and participation, as to:

- (a.) what was the Hong Kong Plan of Action in Child's Rights Implementation, did we have one? if so how did it come about and was the public properly informed? If not, are we going to have one developed with proper public involvement?
- (b.) how far and how well have we accomplished in terms of respecting children's rights in all areas as stipulated in the UNCRC.
- (c.) what channels were created for its monitoring and implementation,
- (d.) what steps were taken at each level to ensure such attended,
- (e.) what are the achievements and what are the limitations and the government's plan in mobilizing the community to overcome such limitations.

2. Consultation on Child Rights Subject Matter in addition to the Outline

The government's practice to invite comments on the outline of the report has given advocates a channel to reflect concerns on the UNCRC implementation yet consistently advocates and NGOs have urged for a proper consultation and involvement of NGOs, adults and children, on the compilation of the report itself. So active and genuine community participation is essential in the compilation of the report to include how children's rights have been or have not been respected and not just the outline itself that requires community participation.

3. A Child Commission and Platforms ensuring a Child Perspective

The Hong Kong Legislative Council passed the motion, on 8 June 2007, urging for a Child Commission to be set up representing children and actualizing the spirit of the UNCRC. The government should specifically report on how this has been dealt with and while Hong Kong has set up Youth Commission, Elderly Commission and Women Commission and a Family Council, why wasn't there a Child Commission

and how would these available Commissions and Council ensure a strong child perspective in policies and practices and funding allocation.

The Child Rights Forum was said to perform this role. However in view of its merely consultative, discussion and no action status, participants urged for a mechanism with operational power supported by resources such as funding and manpower. This Child Rights Forum could be retained to ensure children and NGOs a forum to share and interact and formulate proposals for the long proposed child commission.

4. **Honoring the Best Interest of the Child Notion**

A special section on how Hong Kong has addressed the definition and interpretation of the best interest of the child notion is essential for this report. Very often when there is any new or amendment of policies, legislation and services, an adults view come strongly into the scene and a child perspective gives way. Specific examples have been the debate of a child sex offender's register, that the offender's rights overshadowed the child's. When we urge for legislation against leaving children unattended, then the care giver's rights came into force and overshadows that of the child.

5. **Child Impact Assessment when Policies/Legislation Introduced or Amended**

It has been widely agreed of the significance for child impact assessment when policies, legislations or services were introduced or proposed for amendments. This report should specifically list out how Hong Kong has conducted such assessment and whether there is any centralized party to follow up on such assessment and its implementation.

6. **Child Rights Baseline Study**

This report has to attend to the steps Hong Kong has taken to measure progress and in this evidence based era whether Hong Kong has worked out specific indicators to measure the various aspects of progress of C children's rights development. If not, how would Hong Kong do so in the future? We suggest baseline studies and on going studies in an interval of three to five years to be conducted with government funding and resources. Such findings should be widely publicized and included in reports to the UN.

7. **Set Up a Central Data Bank on Children & Family Data**

The government has not confronted the urge for a Central Data Bank on Children and

Family matters and we urge this report to include this item and the government to set up one in the near future. The current data kept by various departments have sometimes not been conducted with common definition and function. Though we recognize the continued need for each department, GOs and NGOs to keep ones own statistics, we do propose the current HK statistics such as data on children, child protection and domestic violence be centralized as they are currently incomprehensive and could sometimes be misleading.

8. Specific efforts and funding for child rights education/training & promotion

The report should include a report on efforts and finance devoted and spent in the early childhood, children, family and community education and promotion in UNCRC. Advocates such as this agency consider budget allocated insufficient at all levels and should be improved. To be cost effective head start programs, early childhood education as well as formal education from primary school onward should include a mandated designation of agreed hours of child rights curriculum. A Budget to train teachers, child care workers, social workers, health care workers and every Civil servant to uphold the best interest of child essence as conveyed by the UNCRC should be put in place.

9. Specific efforts/funding for prevention & head start home visitation projects

Prevention is better than cure. Hong Kong continued to report child deaths, injuries, abuse of various natures: neglect, physical abuse, sexual abuse and psychological abuse such as children witnessing horrific domestic violence while our neglect and psychological abuse reported rate still remained low. What efforts have Hong Kong devoted to ensure head start programs such as our Comprehensive Child Development Service include a home visitation angle and to ensure home and child safety? How does the government recognize and support good programs and practices also of the NGOs. How many such good practices and programs have government funding sustained in the past should be included in this report to reflect will and determination and actions taken.

10. Ensuring a Zero Tolerance of Violence Notion

Corporal punishment of children remained a practice by many parents though Hong Kong has banned corporal punishment in schools and in the juvenile justice system as well as in children institutions. The Hong Kong government has endorsed a declaration against violence towards children formulated by the Against Child Abuse in 2005 stating that Corporal Punishment is a form of Violence and it infringes the rights of the child. Nevertheless in 2006 when invited to endorse an appeal to ban

corporal punishment, ACA did not receive the government support. However 24 countries have been more decisive and banned corporal punishment in law and we urge this report to cover efforts involved to ensure children living in caring and non violent families. The government should report on plan of action to ban corporal punishment and to ensure positive discipline by parents and care givers. We hope to see that Hong Kong will take the lead in South East Asia by becoming the first jurisdiction banning corporal punishment.

11. Serious Cases and Child Fatality Review

This report should include actions in the formulation of the fatality review mechanism set up in recent years in Hong Kong and explain whether such review has helped to alert professionals and the families to prevent further children harmed and killed. Advocates have urged for a serious and fatal cases review channel and what has been the government's plan to ensure such cases included. This report should list findings by the fatality review exercise in Hong Kong and such findings could thus be made public for program improvement and design purpose.

12. Cross Border Child and Family Mechanism

With the intimate cross China- Hong Kong border relationship, there were large number of child births registered from one or both parents being non Hong Kong, but China Citizens. The government should review and reflect actions taken in the best interest of children to support such split families, to speed up the processing of their right of abode applications and to reduce the financial implication and time spent traveling back and forth for visa application of such families.

It was reported that at least 6000 young children traveled alone across the border to Hong Kong for schooling and their safety and protection aroused concern. There were also child protection and management concerns observed in conjunction with domestic violence cases increasing in reporting. The need to set up a Cross Border Platform by the China and Hong Kong government is observed and this report should mention actions taken by the Hong Kong government to ensure such promptly attended in the best interest of children. Whether the Family Council have taken specific action to ensure cross border concerns being address should also be included in this report.

13. Child Rights to Safe Cyber Education and Services

The hi tech internet world has on one hand stimulated children's education and learning but on the other hand increased risks and harm to children and families.

This report should specifically include how Hong Kong has mobilized all walks of life and how we have been striking this balance of ensuring freedom of speech yet adequately enacting law to ensure protection for the innocent. The government should also indicate how we have mobilized the internet providers and corporations to join in with self discipline and shoulder social responsibility.

How large a budget has the government spent ensuring professionals trained, parents and young people receiving the necessary education and support. Again NGO's good practices and programs should be included in the report to reflect a genuine honor of partnership in Hong Kong.

14. Funding and Awarding Specialized Services and Good Practices

Hong Kong has in the recent decades turned to acquire an integrated approach in social service deliver. Such integration has its merits but also limitations in terms of limited resources to cope with increasing demands and also in terms of limited expertise to cope with serious cases and demands such as domestic violence of various kinds. Need to allocate funding, support and award specialization and good practices should be encouraged rather than discouraged and this report should cover the action taken by the Hong Kong government in these respects.

15. Report on Strengths and Weaknesses, Achievements and Shortcomings

It was said that there were good reports on the implementation of the UNCRC and those good reports were the ones who were courageous enough not only to mention the strength or matter of factually listed out what was done. The good reports also list succinctly what were not done and the limitations, the many difficulties encountered. Most importantly, the good reports specifically listed action plans for future to overcome hurdles and to work out baseline for measurement of progress. It is our hope to see such traits of good reports being acquired when compiling the Hong Kong Report.

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