

香港兒童權利委員會
THE HONG KONG COMMITTEE ON CHILDREN'S RIGHTS

**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**

Points on top of the Outline of Topics for public consultation

1. We called on the HKSAR Government to launch a public consultation on the full report again when it is ready; and that a child friendly version shall be provided and made available for children in Hong Kong as this piece of document is closely related to them.
2. We called on the HKSAR Government to invite Members of the UN Committee on the Rights of the Child to visit Hong Kong and meet with relevant parties including government bureaux and departments, Legislative Councilors, NGOs, children's groups and media to get a better view of Hong Kong's child rights situation. It is particularly important for children's groups and children to meet with the UN members as they are comparatively difficult to acquire resources, help, guidance, and voice out in the CRC reporting process.
3. We also called on the HKSAR Government to provide resources and support to children in Hong Kong to give views in the CRC reporting process, for example by providing funding, resources, guidelines and manpower to facilitate the whole process.
4. We also wish to know the overall plan of the HKSAR Government in how to mobilize public discussion in the community about the CRC report. The spirit of CRC reporting process is not just about compiling a report routinely to UN every five years. More importantly, it is both an exercise and an opportunity to mobilize discussion in the community and draw the duty bearers of children together to identify the problems, evaluate the past, shape new directions and lay plan of actions to improve the well-being of 1.3 million children under the age of 18 in Hong Kong. These exercises can certainly benefit the government in mapping policies relating to children.

Points related to the Outline of Topics for public consultation

1. National Plan of Actions

We called on the government to respond directly to the UN recommendation about the lack of a comprehensive national Plan of Actions for the general implementation of the CRC in Hong Kong. This included setting up of index on issues particularly affected children and generating

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plan of actions to eliminate the problem in a systematic and comprehensive way.

2. Children's Commission/Ombudsman

We urged the government to respond actively on the repeated calls of the UN in establishing a national and independent institution with clear mandate for the monitoring of children's rights and the implementation of the CRC. This is particularly important when the Legislative Council has passed a motion on 8 June 2007 with unanimous votes across various political parties to establish a Children's Commission for children in Hong Kong.

3. Central Data Bank for children

We urged the government to report on the progress of setting up a reliable and comprehensive Central Data Bank related to children on all areas covered by the CRC and made available to the public, so as to ensure that the data is used for the development, implementation and monitoring of policies and practices for children.

4. Dissemination of the Convention

We wish to know how children can be sensitized systematically about their rights and the Convention if it has not been actively introduced into the school curriculum by the government. This also closely related to the insufficient training of teaching professionals in this area, as well as lack of parent education in the community.

5. Respect for the views of the child

We understood that the government will explain more in the full report on how to seek children's views on all policies and programmes. However, we wished to raise to the attention of the Council that the existing Children's Rights Forum which conducts quarterly is far from sufficient in seeking children's views on all policies related to children. Besides, the establishment of a standing body/platform to represent children's views as suggested by the UN and advocated by many Child Councilors and children's groups for years has not been answered constructively. We also urge the government to explain the mechanism in schools in ensuring the rights of children to express their views on matters relating to them.

6. Corporal punishment

The government shall respond in the report to the international call of banning all forms of corporal punishments against children including home. For example, the steps taken by the government followed the UN Secretary General's Study on Violence against Children was announced.

7. Cross-border children

Taking into consideration of the geographical situation and special relationship between Hong Kong and Mainland China, we called on the government to give a detailed account of the problems faced by the cross-border children, as well as the mechanism in handling the problems that seem not being mentioned specifically in the outline of topics in the consultation document.

8. Family environment and alternative care

We urged the government to update on the steps taken to follow the recommendations made by the Law Reform Commission of Hong Kong regarding:

- Report on Child Custody and Access, March 2005
- Report on the Family Dispute Resolution Process, March 2003
- Report on International Parental Child Abduction, April 2002
- Report on Guardianship of Children, January 2002

9. Children with disabilities

The government shall give an account on its position on the new UN Convention on the Rights of Persons with Disabilities (CRPD) that took effect on 3 May 2008 and its implication to children with disabilities in Hong Kong. The Convention has already been signed by Mainland China. Please also update about the progress of forming reliable data base of children with disabilities in Hong Kong, as well as their opportunity to all levels of education and career development.

10. Mental health of children

We urged the government to give a clear account on the resources and long-term plan in tackling the deteriorating mental health of children in Hong Kong as indicated by many researches and findings.

11. Children in conflict with the law

Children under detention

We wish the government can update the progress of “temporary” detention of children with adults in the prisons/detention centres as a result of lacking of space in prisons in the past.

Age of criminal responsibility

In obtaining the support of the members of the Bills Committee in raising the minimum age of

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criminal responsibility from 7 to 10 in July 2003, the Government undertook to propose raising the age further to 12 years of age after putting forward proposals to provide additional supportive measures for unruly children below the minimum age. We urged the government to respond in the report on the call of the UN in raising the minimum age of criminal responsibility to an internationally acceptable level despite that the said minimum age was raised from 7 to 10 in 2003.

Restorative justice

We wish the government can update the progress of the development of a new juvenile justice system taking into account of the international trend of using restorative justice system for unruly children and young persons.

12. Drug abuse

The government shall explain if child impact assessment has been introduced into the policy making process when new methods are introduced to tackle drug abuse among children and youth. We have learnt that many proposed new practices are closely related to the privacy and re-integration of the affected children and youth.

13. Optional Protocol on the sale of children, child prostitution and child pornography

The government shall update if the Optional Protocol has been extended to Hong Kong. If so, what are the relevant policies and actions have taken to ensure its implementation so far.

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Submitted by : The Hong Kong Committee on Children's Rights