



尋道會

Unitarian Universalists Hong Kong

Submission on the  
Outline of the topics in the second report on the  
Hong Kong Special Administrative Region under the  
Convention on the Rights of the Child

Unitarian Universalists Hong Kong is based on the liberal religion Unitarian Universalism. The first principle of the Unitarian Universalist Association affirms the inherent worth and dignity of every person. We urge the HKSAR government to comply with the United Nations Committee on the Rights of the Child to take a holistic and comprehensive approach to the implementation of the Convention, as stated in paragraph 6(b) of the Concluding Observations (CRC/C/CHN/CO/2).

Independent monitoring

The Committee recommended Hong Kong government to set up a national human rights institution with a clear mandate to monitor children's right in paragraph 17 (CRC/C/CHN/CO/2). The government report should respond to this point, on why there is little initiative to set up such institution to monitor human rights, especially child's right.

General Principles: Non-discrimination

We welcome the government update to the Committee on the passage on Race Discrimination Ordinance and the progress on the implementation work.

The Committee is concerned about the persistence of discrimination against refugee, asylum-seeking and undocumented migrant children in Hong Kong SAR in paragraph 31 (CRC/C/CHN/CO/2). The Race Discrimination Ordinance didn't cover the area on refugee, asylum seeking children.

We urge the government to be sensitive to racial discrimination in implementing policy that might impact on racial minority's children, like policy regarding medium of education, and recruitment policy that limited the chance for racial minority's employment.

We also urge to immediate follow the Committee recommendations in paragraph 33, to expedite efforts to draft and adopt legislation prohibiting discrimination on the basis of sexual orientation. As the Committee is concerned about the lack of legislation specifically prohibiting discrimination on the basis of sexual orientation, as shown in paragraph 31 of the Concluding Observations while indicate similar concern for race discrimination.

General Principles: Best interests of the child and Respect for the views of the child

The best interest of the child has not been shown, especially in term of policy that might affect the child. The government needs to put best interest of the child in the "primary consideration" in policy changes as stated in paragraph 35 of the last Concluding Observations. Education reform, killing of schools, teaching medium changes, closing down on schools are all government policies

that haven't put the best interest of the child in mind, never were children being consulted even if they are persons being affected mostly by these policies.

The government should respect the views of the child, especially on the policies that impact them. This is clearly stated in the paragraph 37 to 41 on the Concluding Observations.

#### Civil rights and freedoms: Freedom of religion

We concern about religious education in schools. The Committee's recommendations paragraph 45 (d) specifies "take all necessary measures to ensure that children may choose whether to participate in classes on religion or atheism". Although it is understood that the focus of this paragraph is mainland China, a general principle like this can apply to HKSAR as well. Government's proposed "Outline of the topics in the second report" paragraph 25 repeats the position in the first report that "children may withdraw from religious education in school with the consent of their parents". This is a fair position. However, there have been examples when ethnic minorities (and hence religious minorities like Muslims, Hindus and Sikhs) parents who have children in Christian schools (because of lack of choice in their region of residence) worried their children's religion being converted by the school. Obviously, these parents lack the knowledge that they and their children have the right to choose not to participate in religious classes. This in turn reflects that this right has not been adequately advertised. We recommend the government to oblige schools run by religious organizations to hand out notice to parents to spell out their right to withdraw their children from religious classes, and to include this policy in the report.

In addition to religious classes, a related issue of concern is the public collective religious activities, such as public prayers, in schools with religious background. Public collective prayers in a Christian school effectively force a Muslim child or an atheist child to pray to the Christian God. The religious freedom of the child is thus severely violated. Provision of choice not to participate is not enough because a Muslim child will feel being singled out if (s)he refuse to participate in a collective school activity which everybody else join. Therefore, we recommend abolition of public collective religious activities in schools to protect religious freedom of the child. This will not affect private religious activities in schools. The report shall raise this point as an opinion from the public and explain how the Administration will respond.

#### Civil rights and freedoms: Corporal punishment

The Committee is concerned that corporal punishment within the family is not prohibited by law and continues to be practiced in the home in Hong Kong, and thus recommends explicitly prohibit by law corporal punishment in the family. Yet the Administration only responds that "legislation is in place to protect children from abuse and penalize abusers whose acts of child abuse involve assault or other criminal offences" (paragraph 10). This flatly fails to address the Committee's concern and recommendation. Explicit prohibition by law corporal punishment in the family is not yet realized. This should be honestly admitted in the next report. Research for feasibility of legislation should be started as soon as possible. Meanwhile, instructions to family on alternative non-violent discipline methods are needed and this could be implemented immediately.

#### Family environment and alternative care: Abuse and neglect, maltreatment, violence

The government should enact comprehensive child protection laws, especially for dealing with abuse, neglect and maltreatment and violence. Just relying on inadequate and not fully effective social service is not enough to tackle child abuse problem. The recent incident of a woman abusing of 10 month old toddler has set alarm to the society. The case of young children being trapped at home alone, or left alone without basic supply of food have been breaking into the news. The law is

inadequate to protect children especially if they are too young to make a complaint. The government should take on the recommendation on paragraph 56 of the Concluding Observations, to use mandatory reporting requirements for staff working with children, such as doctors, teachers, and social workers, to combat abuse and neglect. The Committee has explicitly recommended the Hong Kong government in paragraph 58. The report should state what have been done since 2005. The government has done the study but yet to put into practice on how investigation of suspected child abuse cases were being strengthened in handling cases.

#### Basic health and welfare: Adolescent health: sex education in schools

The Committee is concerned at the high incidence of teenage pregnancies and abortions in the Hong Kong SAR and recommends providing sexual and reproductive health education in schools. The Administration's response (paragraph 15) mentioned the Department of Health's Adolescent Health Programme (AHP), which includes sex education such as discussion of intimate relationships, casual sex and its consequences, the concept of safe sex, and the subjects of contraception. The topical coverage seems to be good but we worry about the actual penetration of this programme into schools, i.e., whether each student can actually have time to learn these information. We recommend official allocation of adequate school time for the AHP in each school as a measure to ensure adequate contact of AHP with school children, and report this measure to the Committee.

#### Basic health and welfare: HIV/AIDS

The government should strengthen the education in prevention of HIV/AIDS. The recent statement by the Hospital Authority on the website that give out HIV/AIDS information to possible young persons who might be on drugs is contradicting to the goal of reducing HIV/AIDS in the community. The government should state in the report how to resolve the goals of HIV/AIDS prevention with the zero-tolerance to drug use campaign including the pressure that might deal with safe sex practice with drug use.

#### Education, leisure and cultural activities: Education, including vocational training and guidance

The report should include what the government has done and has not done to reduce dropout rate in secondary schools, and what policy has been made to reduce bullying in schools as recommended in paragraph 76. One important aspect is to study how the teaching of anti-gay attitude in religious-related schools have or have not created a hostile environment and increase of bullying incidents for children with same sex orientation or suspected to be homosexuals.

#### Special protection measures: Refugee and migrant children

Last but not least, the government has failed to address in the outline for the education rights of refugee, asylum seekers and illegal migrant children. They have the rights to be educated while staying in Hong Kong with their families, regardless of duration. The government should deal with this without delay and provide educations for these children.

15 May 2009