

THE HONG KONG COMMITTEE ON CHILDREN'S RIGHTS

**Response to the Report of the HKSAR under the
International Covenant on Economic, Social and Cultural Rights (ICESCR)**

Submitted to the Legislative Council Panel on Constitutional Affairs

Article 2: Progressive realization of the rights recognized in the Covenant and the exercise of those rights without discrimination

Human rights institution

It has been a repeated call of the civil society and a recommendation of the CESCR to set up an independent human rights institution with a broad mandate to oversee issues on human rights protection in the HKSAR.

The CRC also made a strong recommendation in the Concluding Observations in October 2013 that a Children's Commission or an independent human rights institution with a clear mandate to monitor children's rights should be set up in the HKSAR without delay.

Indeed, the Legislative Council passed a motion on 20 November, 2013 (Universal Children's Day) urging the HKSAR Government to set up a commission for children so as to ensure that children's wellbeing and perspectives are taken into account in the process of formulating policies. This was the second time that the Legislative Council has passed such a motion unanimously across all political parties. The first time was on the 7 June, 2007.

Support for setting up a Children's Commission is crystal clear across the local and international communities as well as HKSAR's legislative body. However, our Government maintained the view that there was no obvious need for another human rights institution nor a Children's Commission. The HKSAR Government needs to be asked on that.

The HKSAR Government also needs to be asked on why:

- No standing cross-border mechanism to handle children and family matters, eg. residency, child care, health, education, and many others as a result of the changing population pattern between Mainland China and Hong Kong since 1997.
- No child impact assessment in the policy formulating process
- No child friendly channel is set up to inform and consult children on changes in policies or new policies

Article 10: Promotion of children and families

The HKSAR Government needs to be asked on why:

- No law to ban corporal punishment in all settings
- No law to stop leaving children unattended

- No law to require background check for child sexual offenders
- No specific laws to protect and assist trafficked children and young people.
- The age of criminal responsibility remains at 10 that cannot in par with the internationally acceptable level
- No coordinated approach to address the needs of teenage mothers, eg. school education, housing, life skills, future planning
- No review of the service provision standards in residential settings for children out of home for decades
- The inaction of our Government on the 72 recommendations made by the Law Reform Commission on child custody and access facing the continuous climb of divorce rate and the breakdown of parental responsibility in our society
- No mechanism is set out in legislation to ascertain the child views be expressed in the course of family dispute resolutions

Article 12: The right to health

The HKSAR Government needs to be asked on why:

- No robust injury surveillance system to collect data on injuries sustained by children, identify the magnitude and causes of injury as well as to monitor the trends and evaluate intervention policies/programmes.
- The mortality rate of age under-5 children is 3 times higher in low income group.
- Child Fatality Review Panel has no statutory power to access information and the ability to monitor the implementation of the recommendations.
- Long waiting time for child psychiatrist service in public hospitals
- No baby friendly hospital to keep in line with the world standard, and the breastfeeding rate of 6 months is extremely low.
- Facilities for breastfeeding mothers and protected time for nursing breaks are not guaranteed.
- The existing 10-week maternity leave falls far short of the recommendation of International Labour Organization and the paternity leave has not yet come into place
- No official announcement on the draft "Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children" despite the public consultation having been concluded in February 2013

Article 13 and 14: Right to education

- Human rights education including children's rights education, integration, inclusion, sex education, life and death education are not implanted in the school setting and pre-service teachers' training
- No Individual Learning Plan is made for children with special educational needs in normal school settings
- No binding school policy to ensure students with special educational needs be fairly treated at school with comprehensive protection.

香港兒童權利委員會
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Article 15: Right to cultural life, scientific progress and its applications

The HKSAR Government needs to be asked on why:

- The lack of play and inclusive play opportunities for children with special needs and low-income families
- Lack of quality playable space in the community-based recreational facilities and schools.
- No policy to ensure the right to play of school children in the campus area
- The play provision for children in hospitals is not systematically built in for all public hospitals.
- The lack of standard cricket venues to meet the cultural sport needs of children and youth with ethnic minority origins
- No community toy library is set up in all regional libraries to meet the growing community needs.
- No mechanism to handle the online safety of children

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