

Against Child Abuse
Responding to
An Outline of the topics to be covered in the third report of the
Hong Kong Special Administrative Region under
The International Covenant on Economic, Social and Cultural Rights
21 January, 2010

We take note of the recommendations made by the UN Committee in the Concluding Observations (C.O.) of the UN Committee on Economic, Social and Cultural Rights for People's Republic of China (including Hong Kong and Macau) (Thirty-fourth session: 25 April – 13 May 2005), Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant.

Responding to the Hong Kong Government's consultation on the Outline of the topics to be covered in the third report, the Against Child Abuse has the following comments.

1. The government to ensure a thorough and on going consultation on the Covenant at all levels in the community and not just on the Outline of the report nor should consultation start only before report compilation dates.
2. The government should establish a child commission and appoint a child commissioner to ensure a child perspective and a child's rights especially in the area of economic, social cultural rights being respected and their best interest genuinely taken into consideration.
3. Child impact assessments should be made mandatory. And thus government department prior to policy/ legal amendments would have to make child impacts assessment promptly.
4. Some areas of concerns are cross articles and should be addressed cross articles such as;
 - **Poverty (Concluding Observations point 98)**
The UN Committee appreciated the establishment of the Commission on Poverty. However, this Committee on Poverty has been dissolved. This third report must cover the monitoring of the list of recommendations by this Commission.

- **Cross Border issues encountered by children and families (point 78 (f))**
 - (i) The large number of children under cross border families, including babies born by Hong Kong fathers and Mainland mothers; both parents being Mainland citizens but children born in Hong Kong as Hong Kong citizens; children, especially preschoolers traveling cross border for schooling all deserve mentioning in terms of policy, legislation, education and services.
 - (ii) Children whose HK resident parent died and returned to the Mainland with their Mainland parent had no citizen's rights to stay in China and yet some had no carers in Hong Kong.

5. Article 1: Progress and development of democracy

- it would be important to include under this section (responding to Concluding Observation : CO point 131) how did the government disseminate the present concluding observation among all levels of society.
- (point 130) how did the government engage NGOs and other members of the civil society in the process of discussion prior to the submission of the third report.
- (point 129) any measurement mechanism or on going research being put in place to measure progress of human rights and specifically child rights progress in HK in the area of economic, cultural and social rights
- (point 78 (b)) The lack of a human rights platform and the lack of a child commission and commissioner to represent children hinder the progress and development of democracy and children's rights.
The government must explain why there is a youth commission, an elderly commission, a women's commission and a family council all with its own jurisdiction and budget, but, there is this reluctance to set up one for children. The legislative council has urged for one set up since 2007, June.
- The government should make public the budget and financial reports of all the above mentioned commissions.

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

- Under the section on Equal Opportunities Commission, it is important to discuss plans to have a child commissioner and plans to introduce legislation to ensure child's equal opportunities being ensured.
- Under the section on Human rights and children rights institution(s), it is important to explain plans to establish such institution(s) and list the hurdles

Article 3: Equal rights of men and women

- We are therefore concerned with equal rights of children.
- Impact of Domestic Violence and Sex Discrimination etc. on Children must be measured and effective actions promptly taken should be reflected and hurdles should be listed, resolutions recommended.
-

Article 7: Right to enjoy just and favorable conditions of work and

Article 10 Protection of the family should be read jointly with each other

- For women to be able to enjoy just and favorable conditions of work, adequate, safe, affordable, accessible child care support and placements must be made available. The government's policy on this must be explained.
- **Unattended and neglected children**
The government insisted not to legislate on leaving children unattended without a sound reason. The recent explanation by the Secretary for Welfare and Food was that if a law is enacted to make leaving children unattended at home, parents may instead of leaving them at home, lock children out in parks and supermarkets. The law need not limit to a home situation. It should stipulate general protection against neglect and leaving children unattended.
- **Protecting children against violence and corporal punishment**
Twenty five countries have banned corporal punishment of children and Hong Kong has not done so. Ways of ensuring positive parenting and to ensure corporal punishment being considered as an illegal option.
- **The situation of divorce and family breakdown** has increasingly aroused concern. Children were caught between parental disputes and many were seriously impacted witnessing domestic violence. Joint parenting and family mediation have become a trend and procedures and systematic training of personnel for Hong Kong to ensure such being implemented is essential.
- **On the subject of Foreign Domestic Helpers**, (CO point 95), a large percentage of them have the duty of child care. There was lack of support and supervision of whether children are properly taken care of as some cases of shaken babies, physical abuse and neglect were reported.
- **Child trafficking and child sexual exploitation in Hong Kong (C.O.point 97)**

To include upon the figures on child trafficking and child sexual exploitation is essential. It was also said that China is one of the transit centre for such trafficking and exploitation. Has it affected Hong Kong and what steps does Hong Kong take to ensure children protected.

- Make public the findings of the Commission on Women on Domestic Violence and ensure recommendations followed through (point 97)

Article 9: Rights to Social Security

- (point 96) The government should review the coverage and the level of social security particularly in the area of children. This should involve the inclusion of broadband expenses to allow children go online for studying and to obtain similar exposure as any other counterparts.
- (point 96) To ensure CSSA families with children, particularly in the stage of early childhood and teenage, receiving adequate support and attention. Mentoring programs should be funded and encouraged by the government and such projects' source of targets can come from those receiving social security.
- Staff of social security office must be trained and alerted to provide support and refer clients to their integrated family service centres and/or other relevant community resources and not simply focus only on cash assistance.
- Staff of the social security office must be trained and supervised to ensure funds allocated for children spent on children and not misused by irresponsible parties.

Article 12: The right to health

- (point 87) Children under medical care
There were recent cases of children received the wrong medication and treatment and lives endangered. Hospital personnel were observed working long hours and hard pressed and such affected the quality of service towards patients. How would these issues be addressed should be included.
- The department of health's study indicated pre schoolers found with psychological problems requiring further assessment and treatment. Some cases requiring treatment had to wait long durations before such service provided. Difficulties and solutions should be stated in the report.
- Mental health deserves special emphasis. Child Suicide deserved attention. The first fatality report 2010 January in HK indicated 14 children who killed themselves and 8 of them had indicated suicidal ideations prior to

their death. What efforts would be made to ensure community and professionals alert to such signs and intervene effectively early.

Article 13 and Article 14: Right to education

- (point 103) Actions and plans on human rights education in schools at all levels and how effective has Hong Kong been raising awareness on a person's economic, social and cultural rights. Such situation must be included in the report.
- Role of the new media in educating public on human and children's rights must be improved and expanded systematically. Any plan of action in HK in this respect should be highlighted and explained.
- (point 100) Sexual and reproductive health education in school curriculum should be mandatory and made universal and not left optional. There should be more focus on life stories and life situations not merely on biological or physical education. Teachers training in conducting effective sex education must be strengthened. Children should be given the opportunity to actively participate in the design, teaching and evaluation of such programs.

Article 15: Right to cultural life, scientific progress and its application

- The importance of play must be stressed and ensured in town planning, housing design, school curriculum, parent education and parks, playgrounds safety must receive priority.
- We do not have children's museum and plans for such should be made.
- Children in difficult circumstances such as the disabled, children in poverty, ethnic minority etc. must receive special support and consideration so that their cultural rights would be preserved. What measures and how effective had Hong Kong been in ensuring these children's rights to such cultural opportunities.

Prepared by: Priscilla Lui

Date: 11 February, 2010