

AGAINST CHILD ABUSE
Responding to Consultation on
Outline of the topics in the third report on
The International Covenant on Civil and Political Rights
July 2010

1. Measures to Reflect Significant Developments or the Lack of It and Contributing Factors behind and Specifically in the areas of Children's Rights should be reflected as stipulated by Article 24 Rights of Children

The third report will consist of information/explanations about any significant developments since the submission of the previous report in 2005. The government should explain if there is any objective and on going measures and channels put in place to measure progress, collect data and contributing factors behind.

Steps taken, if any, to overcome hurdles and difficulties should be listed, explained and not simply rejecting calls for improvements.

2. Genuine Community Participation and Public Consultation needed

We welcome this public consultation exercise to allow concerned advocates opportunities to share and reflect concerns. Nevertheless on going, action oriented and multi stakeholders' consultation is essential but lacking. This is particularly important to allow those vulnerable, with special needs and those under the age of eighteen (children) to be properly informed and given ample time and channels to express their views and make recommendations.

3. Article 2: Ensuring to all individuals the rights recognized in the Covenant

Hong Kong Lacks A Human Rights Commission and A Child Commission.

If this is stipulated in the Covenant that all individuals rights should be recognized and ensured, we would like to stress **the need to ensure a Child Perspective being properly observed in the report and explanation on whether** a proper platform to ensure this principal actualized is essential.

The calling is loud and clear for the establishment of a Child Commission in

Hong Kong for children and with children to ensure a strong child perspective for their rights and well being. Nevertheless despite the fact that Hong Kong has established Youth Commission, Elderly and Women's Commission without a sound reason. Duplication is not an acceptable reason as some thirty jurisdictions have set up such mechanism to actualize the rights of children. In 2007, the Legislative Council of the Hong Kong, Special Administrative Region had unanimously passed a motion urging the Government to set up a Child Commission. There is also no special provision under the Ombudsmen Office and the Equal Opportunities Commissions jurisdiction to protect children's rights and well being.

4. Article 3: Equal rights of men and women

While there is a visible increase in community recognition and participation of women in the civil and political arena, the responsibility of parenting is still pretty much on mother's shoulder. Though the world has been more aware of shared responsibility of parents, cases with mothers, directly neglecting or physically harming children, are still the one solely bearing the blame. Their behavior harms but the contributing factors to their commission and omission in terms of parenting must be tackled more in-depth. There should be more resources, education, publicity and legislation to ensure a proper balance.

5. Article 6: The Right to Life

There is evidence (the Hong Kong Council of Social Service Social Development Index) that Family Solidarity has continued to deteriorate with increasing reporting of cases with domestic violence, homicide suicide and parent committing suicide with his/her child. The increase in child fatality in an affluent society such as Hong Kong is something that the government must explain what measures they have put in place to proactively prevent, effectively manage and all stakeholders being mobilized to join in its prevention.

The pilot project of reviewing fatal child death cases should be expanded to include serious and child death review. It should be made an on going, independent rather than advisory mechanism under the social welfare department. Reviews should be more promptly conducted with more committed and experience multi-discipline personnel being involved. Findings should be made more widely known in order to ensure recommendations followed through.

The recent tragic fatal case of the three months old baby, weighing less at three months than first born, malnourished to death was most alarming. Proactive head start home visitation programs should be put in place for every family with new born. This would help to ensure child safe and friendly culture and good practices and to enable at risk families being bridged up for services. Such aspirations must be supported by adequate training and supervision of multidisciplinary staff to render thorough assessment and management of children and related cases.

6. Article 7: No Torture or inhuman treatment and no experimentation without consent

The third report should explain extent of children being treated with corporal punishment, a treatment that is often humiliating and harmful to the self image and parent-child relationship and furthermore, often times contributed to more a vicious cycle of violence and other social problems. The rationale, efforts and difficulties, if any, of the Hong Kong government realizing the spirit of non violence and discipline of children beyond corporal punishment should be explained.

Children were still allowed to be humiliated and treated with corporal punishment as a legal means. Advocates urged the banning of corporal punishment and there were at least ten thousand signature endorsements by individuals and organizations, including legislators, professional groups, lawyers and young people. The Against Child Abuse who obtained such signatures handed them to the government and the Legislative Council for action. We have regretfully observed no action so far.

7. Article 8: No Slavery or servitude: no forced or compulsory labour

Hong Kong has been considered the transitional ground for sex trafficking of adults and children though the reported cases remained small in number. Smuggling and trafficking though are two different matters are interlinked. Girls and women are found smuggled from different part of the world and to Hong Kong or via Hong Kong to other parts of the world. The Government claimed supportive to combating the problem and yet unlike in other countries, no specific protocol, guidelines, law or specialized training/education was put in place.

There are more and more cases of young girls joining the modeling industry and some are being forced or lured into the business for monetary interest. Child sex tourism and child prostitution deserve special attention and coverage to reflect if adequate law and practices are in place. International Body such as ECPAT claimed in their 2010 report that Hong Kong has not given serious weight in the problems identification, management and prevention. immigration officers etc. to proactively handle the matter. It was said that Hong Kong did not ensure the anti sex trafficking protocol to be brought into Hong Kong. Reasons for its exclusion should be explained and action to ensure such extended to Hong Kong should be listed.

8. Article 14: Equality before courts and right to fair and public hearing

In order to ensure a child's equality before courts and right to fair and public hearing, affordable and accessible legal representation must be made available and this should not remain an initiative of the judges or court. There should be clear guideline to ensure children and families being well informed of their rights and legal representation be made available for their decision.

9. Article 23: The Family – a vital component of society

The Family is a vital component of society. It would be important to formulate a comprehensive family policy with significant focus on the best interest of children and vulnerable family members. Nevertheless it is doubtful that such a comprehensive family policy existed in Hong Kong. If it exists, it should be made widely known and carefully monitored by the Government and the Family Council.

There must be special discussion on how Hong Kong has attended to the widening gap between the rich and the poor and the impact of poverty on children's optimal growth and development. Reasons for dissolving the Poverty Commission needs to be explained and whether the long list of recommendations had been properly attended and budget implication should be stated clearly.

With significant number of cross border families and significant number of child births from both parents being Mainlanders and one parent being Mainlander, the variety of concerns such as adjustments, stability and integration would need to

be properly addressed and children adequately protected and supervised. A Cross Border Platform to obtain data, plan and implement effective services for cross border families is essential. Steps that the Hong Kong Government has taken or not taken attending to such population policy and children and families well being need to be included in the report.

The Current mode of service delivery has turned from generic family service to integration family service centre. The intention to include all three levels of prevention targeting a wide spectrum of stakeholders is admirable. Nevertheless there are rather serious grievances from the field claiming that not sufficient time and emphasis allowed to rendering core services. Too much time was spent attending to duties that could have been done by other staff such as making attempts to collect monthly rent payment, attending to complaints between tenants etc. etc.

Furthermore, the lack of specified manpower and work ratio exposed such staff to large amount of workload and did not allow time for in-depth case management and counseling services for children and families. Sometimes such limitations were contributing factors to staff not properly attending to such cases and only reacting to those more obviously at risk and injured.

Furthermore in the Hong Kong, SAR, Chief Executive Report, 2005 promised by making the comprehensive child development service universal to all families with new born. However this did not receive the promised budget and attention. Reasons for making such decisions should be properly addressed and difficulties must be overcome as soon as possible.

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