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Submission on An outline of the topics to be covered in the third report of the Hong Kong Special Administrative Region under the Convention on the Rights of the Child

Foreword

The Against Child Abuse (ACA) was established in 1979 and has been committed to eliminate all forms of child abuse in Hong Kong and promote a caring and non-violent environment for the optimal growth and development of children.

In 1989, the United Nations General Assembly enacted the Convention on the Rights of the Child to safeguard the basic human rights of children, which include the right to survival, development, protection and participation. The Convention has been extended to Hong Kong since 1994, and its provisions continue to apply to Hong Kong after the establishment of the Hong Kong Special Administrative Region. Regarding the proposed outline for the third report of the Hong Kong Special Administrative Region issued by the Constitutional and Mainland Affairs Bureau in February 2021 under the Convention on the Rights of the Child, ACA has the following opinions:

1. Part II IA Article 4: Implementation of rights

Child Rights Practice Blue Print and Child Development Index

The Convention has been implemented in Hong Kong for 26 years, and it is time to review the implementation of children's rights in all areas. In this regard, we suggest that the government elaborates on whether Hong Kong has a blueprint or action plan for the practice of children's rights, index of children's physical, psychological and social development, and friendly channels for children to express their opinions effectively? If so, it can show what results have been achieved, what are the limitations and solutions that have not achieved the expected results? If not, will the government establish a blueprint for the realization of children's rights, child development index and open up more channels for children to express their opinions? In the process of construction, how to properly involve children, the sector and the public?

Commission on Children

The government established the Commission on Children on 1 June 2018. After more than two years of work, we propose to include in the report how the Commission can

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improve Hong Kong's child protection mechanism and effectiveness, how to help promote the protection of children's rights and welfare, and how to use its authority to review and promote child protection laws, child protection policies, databank on children, and resource allocation for children's projects. In addition, how to evaluate the impact of various laws and policies on children when they are formulated or amended, and what criteria are used to set timelines and priorities for dealing with different issues are also very important.

Child Policy

In its Concluding Observations of 2013, the United Nations Committee on the Rights of the Child recommends that Hong Kong, China adopts a comprehensive policy on children and, based on that policy, develop a strategy with clear objectives and coordinated plans of action for the implementation of the Convention, and allocate adequate human, technical and financial resources for their implementation, monitoring and evaluation. A comprehensive child policy plays an important role in the realization of children's rights. We recommend that the government states its specific plans and work progress in this regard.

Central Databank on Children

In its Concluding Observations of 2013, the United Nations Committee on the Rights of the Child strongly recommends that central data collection system be established in Hong Kong, China to collect independently verifiable data on children, and to analyze the data collected as a basis for assessing progress achieved in the realization of child rights and for designing policies to implement the Convention. At present, Hong Kong has not yet established a central databank on children, and children-related data are stored in different departments and lack a unified definition and classification. We urge the government to include this regard and the timetable for establishing a central databank on children in the report to facilitate policy formulation, budget allocation and results monitoring.

2. Part II IIC Article 6: The right to life, survival and development

Review of Child Deaths and Serious Cases

The Child Fatality Review piloted in 2008 and became a standing mechanism in 2011 to formulate strategies to prevent the occurrence of avoidable child deaths. Incident of child abuse leading to death is an important review focus. However, the current

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review process for child death cases takes time. The reports are released several years after the child fatality accidents. The recommendations of the Child Fatality Review Panel are mostly educational. Since this Panel is not an independent organization with statutory powers, recommendations are not binding. Does the government have a certain timetable and plans to optimize the review mechanism so that it can quickly respond to grief cases in a timely manner and formulate countermeasures? Is there any plan to develop the Child Fatality Review Panel into an independent organization with statutory powers? In addition, the government also needs to set up a review mechanism for serious cases so that serious cases can be reviewed, responded to, and preventive measures can be formulated to avoid tragedies.

3. Part II V Violence against children

A. Articles 19 and 24(3): Abuse, neglect and harmful practices

Legal Protection

Law is the baseline for protecting children. The government needs to periodically review and revise relevant legislations to plug loopholes and fully protect children from any form of physical and psychological harm, abuse or exploitation. However, the existing “Offences against the Person Ordinance” has limitations, and the process of enacting and amending the law takes time. Some legislative proposals that have an important impact on the well-being of children, such as “Causing or allowing the death or serious harm of a child or vulnerable adult”, it took more than 10 years from research to public consultation. What support measures does the government have to strengthen the identification and protection of children during the transitional period, and whether it has established a legislative timetable? In addition, what measures does the government have in the consultation process to relieve the public and the industry's doubts, so as to prevent the interests of other stakeholders from continuing to obscure the best interests of children?

Mandatory Reporting of Suspected Child Abuse Cases

In 2011, the United Nations Committee on the Rights of the Child recommended that all State parties establish mechanisms for reporting violence against children. In its Concluding Observations of 2013, the Committee recommended that the State party adopts a national coordinating framework, including mandatory reporting of all cases and the follow-up measures necessary to address all forms of violence against children. The existing child protection reporting mechanism cannot fully protect

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children. Tragedies of similar serious child abuse or even child death occur continuously and repeatedly, and there are many cases hidden in the community that are not followed up by social welfare agencies. We urge the government to include this regard in the report and to plan when to start work, establish support packages and how to implement a mandatory reporting mechanism for professionals.

Child Neglect

According to the statistical reports of the Child Protection Registry of 2017-2019, there had been a sharp increase in the number of neglect cases of children between zero and two years old and most of the cases were related to children's drug abusive parents or care givers. We recommend that the government explains in this respect the important role played by Comprehensive Child Development Service in secondary and tertiary prevention, service results and areas that need to be optimized. We also suggest that the government states the various situations of children under the care of their drug abusive parents or care givers, including the need for out of home placement, repeated child abuse cases, the percentage of children with developmental and mental health problems, and the extent of children's injuries, as well as plans to promote early identification and provide support for such families in crisis.

Child Mental Health

The mental health of children in Hong Kong has always been a concern, and the situation has become more severe after the raging of COVID-19 pandemic. In recent years, the number of children with mental or emotional problems seeking treatment in the psychiatric department of hospitals has increased, and they are becoming younger. This shows that children and adolescents are in great demand for psychiatry service. However, the waiting time for identification and treatment in public institutions is very long. The median waiting time for psychiatric patients under the age of 18 in 2019/20 is about 90 weeks. During the same period, the turnover rate of full-time psychiatric doctors reached 7.2%. Delaying assessment and Treatment can have many effects on children. We recommend that the government elaborates in the report on measures to shorten the waiting time, plan long-term policies of mental health, manpower training, and plans of publicity and education to increase public awareness of children's psychological harm.

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Support Families at Risk and Early Prevention Services

According to the Child Protection Registry, most of the abusers or suspected abusers are parents and family members. The main risk factors relating to abusers are, in order, lack of parenting skills, psychological/emotional problems, and heavy/chronic use of drug. To take precautions, we urge the government to report on early strategies and services for prevention of child abuse, how to support the services of good models and home visitation projects of non-governmental organizations, and how to provide timely and appropriate supports to families with infants and families at risk, such as deprived families, single families, new arrival families, blended families, parents with emotional distress or drug abuse.

Child Protection Policy

It is not rare for children to be abused or sexually assaulted while receiving education, services, and participating in various activities. The premises engaged in child-related work, including schools, social welfare institutions, cultural and recreational groups, etc., really need to formulate internal child protection policies, specifying the principles and boundaries when contacting children, and the mechanisms and procedures for handling complaints or suspected child abuse incidents. We recommend that the government elaborates on how to publicize and promote such child protection policy in the community.

B. Article 34: Sexual exploitation and abuse

Child Sexual Abuse and Online Sexual Offences

According to the Child Protection Registry, newly reported child sexual abuse cases account for about 30% of the overall number of child abuse cases each year. Data from 2018 and 2019 showed that most of the children who had been abused were between the ages of 12 and 14, most of them were girls. The offenders were mainly friends of the victims or unrelated strangers. In recent years, cases of cyber sexual grooming have risen sharply, which also involve the production of child pornography. Furthermore, the impact of COVID-19 has resulted in frequent opportunities for children to use mobile phones or the Internet. This is really worrying about criminals' sexual exploitation and abuse of children through online platforms. Children enjoy the right to safe online education and services, but the high-tech online world may bring children the risk of harm. We urge the government to describe in the report how the laws, policies, mechanisms, and measures to deal with the issue of child sexual

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exploitation and sexual abuse, and what plans are there to promote network providers to assume the social responsibility of protecting children.

Sexual Conviction Record Check

The Sexual Conviction Record Check that took effect in December 2011 is still a voluntary administrative measure. The breadth and strength are insufficient, and the measures have loopholes. Many groups and people in the industry have always stated that the measures need to be optimized and reformed for providing children a more effective safety net. The Law Reform Commission of Hong Kong issued a consultation paper on "Sentencing and Related Matters in the Review of Sexual Offences" in November 2020, recommending that the government should review the mechanism of Sexual Conviction Record Check. We urge the government to include this item in the report, explaining the effectiveness and limitations of its implementation in the past, what plans it has to expand the scope of checking to the maximum, and what criteria are there to assess the need for a mandatory mechanism.

School Sex Education and Curriculum Guideline

According to surveys, the level of sex knowledge among young people in Hong Kong has declined, while the rate of exposure to pornography has increased. In the 2001 curriculum reform, the Education Bureau included primary and secondary school sex education in moral education and civic education, and the planning and implementation of sex education courses were school-based. The school sex education guideline compiled by the Education Department in 1997 only provides a reference for schools. Given that sex education plays an important role in nurturing students' holistic development, we recommend that the government clarifies in the report the effectiveness of the implementation of sex education in primary and secondary schools under moral and civic education, whether there is a mechanism for regular evaluation of school sex education implementation, and whether it plans to revise the school sex education guideline that has been in use for more than 20 years to meet the developmental needs of children and young people.

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C. Articles 37(a) and 28(2): The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment

Total Ban of Corporal Punishment by Legislation

The United Nations Committee on the Rights of the Child urges the State party to explicitly prohibit by law corporal punishment in the family, schools, institutions and all other settings. At present, 61 countries or regions around the world have totally prohibited corporal punishment. We recommend that the government reports the action plan of a total ban of corporal punishment on children, and to convey by legislation the determination of intolerance of corporal punishment on children to the Hong Kong society, and allocate resources to strengthen the positive parenting knowledge and skills of parents and care givers.

Conclusion

This report submitted by the Hong Kong Special Administrative Region Government in accordance with the United Nations Convention on the Rights of the Child is an important document showing the status of the practice of children's rights in Hong Kong. It is hoped that through the collaboration and efforts of the government, non-governmental organizations, civil organizations, and the public, it can promote the various rights of children.

Donna Wong
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