

Responding to the outline of the topics to be covered in the third report of the Hong Kong Special Administrative Region under the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment

1. The commentator considers the way that the report is being consulted restrictive and recommends a proactive and extensive approach by the involvement of relevant stakeholders, including children in the Hong Kong SAR, in writing and in consultation meetings .
2. The government should find out from other progressive jurisdictions, e.g. jurisdictions with Child Commissions and Child Commissioners and Ombudsmen, as to how they conduct their consultation in order to ensure a more progressive situation in Hong Kong.
3. The report should ensure a more extensive child perspective by adequate involvement of children and child advocates. The previous report and the outline suggested for the coming report lacks a clear and strong child perspective. There was only a brief coverage of issues and concerns relating to children.
4. This restrictive approach does not provide sufficient attention and scope of protection to children against torture, cruel, inhuman and degrading treatment or punishment in general and especially in their family setting. The topic of Corporal Punishment, inhuman and degrading treatment or punishment affects the growth and development of children and impact a humane, democratic, violence free and dignified society in a long run which many of us in Hong Kong treasures. The government should make it clear and official to public and professionals her stance against corporal punishment and any cruel, inhuman and degrading treatment or punishment and list the possible consequences to such actions and inactions.
5. The commentator urges the Hong Kong SAR government to acquire a higher standard as suggested in the Concluding Observation by widening the definition of torture, cruel, inhuman and degrading treatment or punishment, especially towards children, and to ban such inhuman and punitive approach by means of more progressive, rehabilitative legislation, to abolish defences and to ensure early education and support to parents and families put in place.

6. Instead of repetitively indicating preservation of status quo, the Hong Kong SAR Government should ensure the following swiftly in place:

a. comprehensive review of all child related legislation to reflect international standard,

b. establishment of a child commission and appointment of a child commissioner to ensure a strong and sound child perspective and equal representation for children,

c. ensure adequate and on-going training of all related professionals, law enforcement, judiciary, social services, education and administration, policy makers and professionals in the government and non government sectors, front line and supervisory alike.

7. The government should consider to list ways of overcoming hurdles in the process of implementation and difficulties left outstanding. The government should strive more actively to ensure community participation in the actualization of the spirit conveyed in treaties and conventions signed and extended to the Hong Kong SAR .

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