

香港兒童權利委員會  
THE HONG KONG COMMITTEE ON CHILDREN'S RIGHTS

**Our Response 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. We find the broad subject headings and individual topics under the Outlines of Topics of CAT are too brief and too restrictive for meaningful consultation. We called on the Government to launch a public consultation on the full report again when it is ready; and that a child friendly version shall be provided and made available for children in Hong Kong as this Convention and the report are closely related to them.
2. We wish to know the Government's plan on how to mobilize public discussion in the community about the CAT report. The spirit of the reporting process is not just about compiling a report routinely to UN on a regular manner. More importantly, it is both an exercise and an opportunity to mobilize discussion in the community and draw the stakeholders together to identify the problems, evaluate the past, shape new directions and lay plan of actions to improve the situation in Hong Kong. These exercises can certainly benefit the government in mapping better policies in this regard. We recommend the Government find out from other progressive jurisdictions on how to engage relevant stakeholders, including children and child advocates, and map out a proactive and extensive consultation exercise. The existing approach is too passive, and to a certain extent has excluded children's participation.
3. As stated in Paragraph 4 of the Concluding Observations, we wish the Government to explain why the Optional Protocol on the sale of children, child prostitution and child pornography that entered into force in 2002 under the CRC, still has not been extended to Hong Kong, even though the Government has repeatedly told different UN mechanisms that necessary steps have been taken.
4. We also wish to know if the Government has any plan to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in Hong Kong that was adopted by the UN General Assembly in December 2011. The OPCRC could give children an access to an international complaint mechanism that has experience and dedicated expertise to protect their human rights, in case the channels in Hong Kong failed them.
5. The Government shall make it clear and official to the public and the international community her stance on banning all forms of corporal punishment against children at any circumstances. In the meantime, corporal punishment is still lawful in the home of Hong Kong. It has contravened with the recommendations made by both the UN Secretary-General's Study on Violence against Children; and the UN Committee on the Rights of the Child's 2005 CRC Concluding Observations that "corporal punishment be explicitly prohibited in the family, schools, institutions, and all other settings."

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6. The Government shall indicate the present practice and circumstances on strip search and body cavity search, with particular attention on children detainees under the age of 18. We would like to know if there is any special consideration for children, guidelines, training for disciplined services and staff involved, with specific focus on the vulnerability of children to ensure no torture, cruel, inhuman and degrading treatment or punishment actions are resulted.
7. The Government shall state the situation of children refugees intercepting, entering and staying in Hong Kong. At present, The 1951 Convention relating to the Status of Refugees and the 1967 Protocol have not been extended to Hong Kong. We are very concerned of the practices and treatment of children asylum-seekers and children refugees at the checkpoints, detention, and during their stay in Hong Kong. Indeed, it is an invisible chapter to the general public. We would also like the Government to make it clear her intention of having the said Convention and Protocol extended to Hong Kong or not.
8. The report shall also explain the resources allocated on adequate and on-going training of all related professionals in the multi-disciplinary services of all levels. The training shall include specific sessions and chapters on children under the age of 18.
9. Lastly, the Government shall respond to the call from the community by establishing a Children's Commission to ensure a strong and sound child perspective and representation for children in the community to keep in line with the best international standards including each of the Conventions being ratified.

Hong Kong Committee on Children's Rights  
18 July 2012