香港人權資訊中心
Hong Kong Centre for Human Rights

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CSO Alternative Report to the United Nations Committee on the Rights of the Child

103 Pre-Sessional Working Group (29 Sep 2026 - 02 Oct 2026)

Comprehensive Report covering clusters 1-5, 7, 10, 11

Hong Kong Centre for Human Rights

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I. General Measures of Implementation (Cluster 1)

Deficit in Accountability and Reporting Delays

1. The current review covers an unprecedented 13 years of development, resulting in a severe deficit in accountability.

2. Following the last review in 2013, the Committee requested the next State report by 31 March 2019. However, the Hong Kong Government delayed its public consultation for the report outline until 2021 and only submitted its report in 2023, eventually leading to the pre-session in 2026.

3. This four-year delay by the HKSAR severely undermined the timely monitoring of rapidly deteriorating human rights conditions across a 13-year period, and has accumulated much issues to address. A similar pattern was observed in its submission to the Committee Against Torture: the HKSAR gvernment submitted its sixth periodic report in February 2025—more than five years overdue, originally due on December 9, 2019. This severe delay clearly violates its legal obligations as a State party.

4. Compounding this, the UN system failed to provide adequate predictability regarding the pre-session scheduling. This caught civil society by surprise, denying them sufficient notice to properly review such a massive time gap, especially when civil society capacity has been significantly reduced due to the crackdown on civil society since the imposition of the Hong Kong National Security Law in 2020.

Exclusion of Civil Society and Flawed Consultation for the State Report

5. The HKSAR government used the COVID-19 pandemic as a pretext to exclude genuine civic engagement during the consultation process for its State report.

6. Prior to drafting a State report for UN treaty body review, established procedure dictates that the Hong Kong government gathers public views on the report outline. This is traditionally conducted through a Legislative Council (LegCo) panel meeting that accepts both written submissions and in-person deputations to foster genuine civic dialogue.

7. However, in March 2021, when the LegCo Panel on Constitutional Affairs initiated the consultation for the CRC report outline, it mandated a written-only process and explicitly banned public deputations.

8. The Panel cited COVID-19 precautions as the justification for shutting out the public, despite hypocritically holding a physical, in-person meeting for its own lawmakers and government officials.

9. Civil society groups, including Against Child Abuse, strongly condemned this exclusionary arrangement. In a joint statement, they highlighted the government's blatant hypocrisy, noting that while the LegCo had successfully implemented virtual meetings for

other matters during the pandemic, the Panel flatly refused to offer a virtual alternative for the CRC consultation.

10. They argued that authorities were deliberately weaponising public health measures as a pretext to suppress civic participation and silence public hearings on children's rights.[1]

11. Furthermore, the groups emphasised that this outright ban completely disregarded explicit guidance from the Office of the UN High Commissioner for Human Rights (OHCHR), which stressed the state's obligation to maintain and protect civil society participation during the COVID-19 pandemic.[2]

12. This restriction was part of a calculated, ongoing pattern by the government to shut out civil society from UN treaty body processes.

13. In fact, this exclusionary tactic had already been deployed in November 2020, when LegCo abruptly cancelled public deputations for the ICCPR reporting process, also citing COVID-19. This earlier decision was heavily criticised by Amnesty International and the Hong Kong Civil Rights Observer. Civil society exposed the hypocrisy of the move, noting that LegCo continued to operate normally with dozens of lawmakers and officials physically present, and that virtual meeting alternatives were entirely ignored.[3]

14. The cancellation was widely condemned as a political manoeuvre to suppress critical civic voices and strip Hong Kongers of their right to participate in public affairs.

Civic Space Crackdown

15. Following the imposition of the 2020 National Security Law and the subsequent narrowing of civic space, a massive number of civil society organisations and human rights advocacy groups have been forced to shut down.

16. This has severely reduced the capacity of remaining civil society to respond quickly to calls for submissions.

17. More critically, there is a pervasive fear of criminalisation under the National Security Law. Remaining organisations fear that engaging with UN mechanisms could lead to

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[1] Against Child Abuse Joint Statement (Exclusion of in-person deputations), 12 March 2021, https://aca.org.hk/image/catalog/positionpaper/20210312-position-paper_Chi.pdf

[2] OHCHR Guidance (Civic Space and COVID-19), 23 September 2020, https://www.ohchr.org/sites/default/files/Documents/Issues/CivicSpace/CivicSpaceandCovid.pdf

[3] RFI (Hong Kong LegCo cancelled in-person participation for public in meeting on ICCPR review), 13 November 2020, https://www.rfi.fr/tw/%E6%B8%AF%E6%BE%B3%E5%8F%B0/20201113-%E7%AB%8B%E6%B3%95%E6%9C%83%E6%96%B0%E9%A2%A8-%E5%A7%94%E5%93%A1%E6%9C%83%E5%8F%96%E6%B6%88%E5%85%AC%E8%81%BD%E6%9C%83-%E5%9C%98%E9%AB%94%E6%89%B9%E9%81%BF%E8%B3%AA%E8%A9%A2%E5%85%BC%E6%90%8D%E5%85%AC%E7%9C%BE%E5%8F%83%E8%88%87%E6%AC%8A

accusations of "collusion with foreign forces," effectively suppressing domestic child rights advocates.

Key proposed questions and recommendations:

Proposed Questions for the List of Issues (LOI):

18. How does the State justify the exclusion of in-person civil society deputations during the CRC reporting consultation, and what steps are being taken to protect child rights advocates from retaliation?

Recommendations:

19. Restore Civic Space: Urge the State party to cease the weaponisation of national security legislation against civil society organisations, ensuring a safe, unhindered environment where NGOs and human rights defenders can freely advocate for children's rights and participate in UN mechanisms without fear of reprisal or accusations of "collusion".

20. Guarantee that civil society actors can engage freely with the CRC treaty body review process without fear of government intimidation, reprisals, or prosecution under national security laws.

21. Explicitly assure that providing information or testimonies to UN human rights mechanisms will not be criminalized under any national security or public order legislation, or any other form of harassment, including restricting access to funding.

II. Views of the Child Not Respected (Cluster 2)

22. The current crisis facing children in Hong Kong is fundamentally rooted in the systemic denial of their right to be heard (Article 12). As the UN Human Rights Committee noted in its 2022 Concluding Observations, the massive scale of the 2019 Anti-ELAB protests indicated a severe failure of Hong Kong's participatory governance system. Children have suffered immensely from this denial of participation.[4]

23. The sheer scale of youth involvement—and the state's overwhelmingly punitive response—underscores the magnitude of this crisis. According to official figures published in 2022, a staggering 1,754 minors under the age of 18 were arrested in

[4] Human Rights Committee, CCPR/C/CHN-HKG/CO/4: Concluding observations on the fourth periodic report of Hong Kong, China, 11 November 2022, para 45, https://www.ohchr.org/en/documents/concluding-observations/ccprcchn-hkgco4-concluding-observations-fourth-periodic-report

connection with the protest movement, with 517 formally charged.[5] When these young people attempted to express their views, they faced the full might of legal, political, and social repression. Furthermore, they are now suffering the secondary impacts of this repression: the destruction of the once-vibrant civil society that previously provided safe platforms for their voices, safeguarded their rights, and maintained a stable social environment.

Peaceful Expression Ignored and Met with Repression

24. Crucially, the youth of Hong Kong did not inherently default to escalated actions, nor did they abandon peaceful assembly without profound cause. In the early stages of the movement, children and students actively sought to participate through entirely peaceful, traditional avenues of expression. For example, in September 2019, thousands of secondary school students peacefully boycotted the first day of classes, forming human chains and organising rallies on their campuses to demand government accountability and democratic reform.[6]

25. These actions demonstrated a strong, principled desire to be heard through civil disobedience. However, these peaceful and desperate pleas were met with absolute state indifference and escalating police violence. The official narrative that youth inexplicably "radicalised" deliberately ignores the reality that they were systematically stripped of all peaceful mechanisms to exercise their right to be heard, leaving them cornered by state-sanctioned force.

The PolyU Siege: The Catastrophic Consequence of Denying Dialogue

26. The starkest manifestation of this participatory failure was the November 2019 siege of the Hong Kong Polytechnic University (PolyU). Instead of facilitating dialogue to address youth grievances, authorities subjected protesting youth to a harrowing 13-day police cordon. Trapped inside the campus, children faced a terrifying and cruel reality: the looming threat of severe police brutality upon apprehension and the weaponisation of overbroad "rioting" charges, which carry draconian penalties even for mere presence.

27. The gravity of the threat to these minors was so profound that secondary school principals and educators were forced to physically intervene as frontline mediators, eventually negotiating the extraction of approximately 300 underage individuals from the besieged campus.[7]

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[5] Hong Kong Secretary for Security, reply to Legislative Council question “LCQ16: Preventing young people from committing crimes”, 26 October 2022, https://www.info.gov.hk/gia/general/202210/26/P2022102600463.htm

[6] Los Angeles Times, "Hong Kong students and workers strike, testing the city’s endurance," 2 September 2019. https://www.latimes.com/world-nation/story/2019-09-02/hong-kong-protest-students-workers-strike

[7] Yahoo News Taiwan, "30 Hong Kong principals rush into PolyU to persuade surrender; Students cry: 'Don't want to give up,' escaping via 'bridge drop'," 19 November 2019. https://tw.news.yahoo.com/%E6%B8%AF30%E4%BD%8D%E6%A0%A1%E9%95%B7%E8%A1%9D%E

28. This event inflicted a massive, unresolved trauma on the community. Desperate to save the trapped children from state violence and disproportionate criminalisation, the broader public orchestrated widespread "rescue missions." Citizens deliberately created diversions in other districts to draw police manpower or volunteered to evacuate escapees via highways and bridges, knowingly risking severe criminal charges themselves.[8] The PolyU siege stands as a dark testament to the state's complete abandonment of dialogue, demonstrating the extreme desperation of a society forced to risk its own freedom to protect children from their government.

Key proposed questions and recommendations:

Proposed Questions for the List of Issues (LOI):

29. What concrete measures is the State taking to ensure that children and youth can safely and freely express their political and social views without fear of prosecution under the National Security Law (NSL) or the Safeguarding National Security Ordinance (Article 23)?

30. Please provide data on the current legal status of the approximately 300 minors extracted from the Hong Kong Polytechnic University in November 2019, and explain what psychological support, rather than penal investigation, is being provided to address their severe trauma.

Recommendations:

31. Guarantee the Right to be Heard: Establish formal, safe, and independent institutional channels for children and youth to participate in public affairs and express their views on government policies, free from political censorship or intimidation.

32. Amnesty and Closure for PolyU Minors: Urge the State party to unconditionally drop pending investigations against the minors involved in the PolyU siege and those criminalised for participating in community rescue efforts, acknowledging the state's failure to provide a safe environment for youth expression.

9%80%B2%E7%90%86%E5%A4%A7%E5%8B%B8%E9%99%8D-%E5%AD%B8%E7%94%9F%E5%93%AD-%E4%B8%8D%E6%83%B3%E6%94%BE%E6%A3%84-%E9%9D%A0-%E5%A4%A9%E6%A9%8B%E5%9E%82%E9%99%8D-021228527.html; South China Morning Post, "Hong Kong protests: PolyU siege mediator calls for amnesty for arrests 'on both sides' to help heal divided society," 13 January 2020. https://www.scmp.com/news/hong-kong/education/article/3042340/head-hong-kong-principals-association-calls-amnesty

[8] Radio Free Asia (Sentenced to 20-70 months of imprisonment for assisting escape from PolyU), 18 June 2024, https://www.rfa.org/cantonese/news/hk-court-poly-06182024103946.html

III. Censorship of Library Collections and Publications (Cluster 3)

33. In its 2022 Concluding Observations, the UN Human Rights Committee expressed grave concern that national security has become a criterion for determining library collections.[9]

34. Authorities have purged hundreds of books from public and school libraries, directly depriving children and youth of access to diverse educational and historical materials.

35. The government has refused to publish the list of withdrawn titles, operating with complete lack of transparency.

Prior UN Recommendations:

36. Immediately stop censoring books and other materials in public libraries, including school libraries, and reinstate all materials removed under the pretext of national security.

37. Publish a full, transparent list of all books and materials that have been withdrawn.

38. Take concrete steps to guarantee non-recurrence.

Recommendation:

39. The Committee on the Rights of the Child is strongly urged to align with these UN mechanisms and follow up on these critical areas during the current review.

IV. The Criminalisation of Protectors (Clusters 3 and 4: Civil Rights and Freedoms, and Violence Against Children)

State Rhetoric, Police Violence, and Broad Criminalisation Drove Protest Escalation

40. The 2019 Anti-Extradition Law Amendment Bill protests saw unprecedented participation by children and youth in Hong Kong.

41. As Hong Kong people witness the extensive use of excessive and unlawful force by the police, causing severe and widespread injury particularly to the young protestors, public

[9] UN Human Rights Committee, Concluding observations on the fourth periodic report of Hong Kong, China (CCPR/C/CHN-HKG/CO/4, 11 November 2022, paras 43-44): https://www.ohchr.org/en/documents/concluding-observations/ccprcchn-hkgco4-concluding-observations-fourth-periodic-report

outrage ensured. Police violence were duly documented by reputable organisations such as the Amnesty International.[10]

42. In one documented case from 7 September 2019, a 17-year-old secondary school student—who was merely a bystander observing a police clearance operation—was surrounded and severely beaten by officers, sustaining head trauma. The physical injuries were so severe that he required immediate hospitalisation and surgical intervention. Furthermore, the ensuing psychological toll, including a diagnosis of Post-Traumatic Stress Disorder (PTSD), forced the student to withdraw from his Hong Kong Diploma of Secondary Education (HKDSE) examinations that academic year, fundamentally disrupting his future and violating his fundamental rights to bodily integrity and education.[11]

43. Then-Chief Executive Carrie Lam inadvertently further galvanised the general public to join the protest movement when she publicly labelled young protesters as "rioters" in June 2019.[12]

44. In its 2022 Concluding Observations, the UN Human Rights Committee expressed deep concern over the excessive restrictions placed on peaceful assembly under Hong Kong's Public Order Ordinance.[13]

45. Under this broadly applied and highly restrictive legal framework, the offence of "rioting" carries a severe maximum sentence of ten years' imprisonment. Crucially, an individual can be convicted of this serious charge without having committed—or even attempted to commit—any physical act of violence, under the extended form of the common law's doctrine of joint enterprise.

Targeting of Frontline Human Rights Defenders and Social Workers

46. Amidst the 2019 Anti-Extradition Law Amendment Bill (Anti-ELAB) protests, escalating police violence against minors and the looming threat of disproportionate legal consequences compelled civil society to step in as frontline human rights defenders.

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[10] Amnesty International, "Hong Kong: Evidence of police violence against protesters verified", 21 June 2019, https://www.amnesty.org/en/latest/news/2019/06/hong-kong-police-violence-2/
[11] Now TV News (Form 6 student suffered from police inflicted injury had to give up sitting in public exam) 29 December 2019, https://news.now.com/home/local/player?newsId=374831
[12] Hong Kong Free Press (Carrie Lam labelling protesters as "rioters"), 12 June 2019, https://hongkongfp.com/2019/06/12/tearful-leader-carrie-lam-says-sacrificed-hong-kong-police-use-tear-gas-rubber-bullets-clear-protests/
[13] Above 9, para 47-48.

47. Grassroots coalitions, most notably the Protect Our Kids Campaign[14] and social workers[15], emerged organically to protect children from physical harm and deescalate the conflict because the state was failing in its duty to do so.

48. Composed of elderly citizens, mothers, and religious figures, Protect Our Kids Campaign acted as a non-violent physical buffer between heavily armed riot police and young teenagers. They actively pleaded for peace and begged for time for the youth to disperse safely.

49. Simultaneously, registered social workers fulfilled their professional and ethical duties at protest sites. Social worker Jackie Chen Hung-sau, for example, was present to monitor police conduct, mediate conflicts through a loudspeaker, and de-escalate tensions. Her objective was to prevent injuries to young and vulnerable individuals at the scene.

50. Instead of respecting these efforts in the best interests of the child, the state violently targeted and criminalised these protectors. Members of grassroots peacekeeping groups routinely faced physical assault, pepper spray, and arbitrary arrest by law enforcement.

51. Social workers were prosecuted under unlawful assembly or the even more draconian riot offence, the very same low-threshold rioting laws used against the protesters.

52. Social worker Jackie Chen was convicted of rioting during an August 2019 protest, despite the court explicitly acknowledging her complete lack of violent conduct. The presiding judge outright rejected Chen's defence that she was acting as a mediator in the conflict. Instead, the verdict criminalised her speech, ruling that her vocal warnings through a loudspeaker regarding police's use of excessive force amounted to shouting "unfounded accusations." Ultimately, the judge concluded that Chen had exploited her role as a social worker under the guise of "safeguarding justice" to actively embolden and support the protesters, and inferred that Chen intended to participate in the riot. She was sentenced to three years and nine months in prison, and lost her social worker license as a result.[16]

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[14] Hong Kong Free Press (Protect Our Kids Campaign / Grandpa Chan), 25 September 2019, https://hongkongfp.com/2019/09/25/grandpa-chan-protest-mediator-says-hong-kong-police-pepper-sprayed-without-warning/

[15] BBC News Chinese (Social workers at protest sites), 26 July 2019, https://www.bbc.com/zhongwen/trad/chinese-news-49129856

[16] AP News (Jackie Chen rioting conviction), August 2024 (Coverage of her conviction and sentencing), https://apnews.com/article/social-worker-jackie-chen-hong-2019-protests-riot-c0249f72b4d6df1922808867864e54c7

Key proposed questions and recommendations:

Proposed Questions for the LOI:

53. Please provide data on the number of registered social workers, child protection advocates, teachers and mediators who have been arrested or prosecuted under the Public Order Ordinance for their presence at protests since 2019.

54. Please provide detailed information on the measures taken by the government, including law enforcement agencies, to genuinely communicate and engage in dialogue with children and youth who participated in the protest movement, and evaluate the effectiveness of such measures in upholding their right to be heard.

Recommendations:

55. Repeal Security Legislation and Amend the Public Order Ordinance: Echoing the urgent recommendations made by the UN Human Rights Committee in its 2022 Concluding Observations, the State must repeal the National Security Law (NSL) and the recently enacted Safeguarding National Security Ordinance, including its sedition offence. Furthermore, the State must urgently review and amend the Public Order Ordinance to align the definitions of "unlawful assembly" and "rioting" with international human rights standards. This is essential to guarantee the protection of peaceful expression and assembly, and to ensure that non-violent acts are no longer prosecuted as severe public order offences.

56. Protect Frontline Defenders: Demand the immediate cessation of prosecutions against social workers, mediators, and grassroots child protectors who intervene to safeguard minors from police violence and de-escalate conflicts.

V. Weaponisation of the Justice System and Deprivation of Liberty (Clusters 5, 11)

Abuse of Care or Protection Orders to Arbitrarily Detain Underaged Protestors

57. During the 2019 social movement, law enforcement abused the Protection of Children and Juveniles Ordinance (Cap. 213) to arbitrarily detain underaged protesters.

58. Originally designed as a welfare mechanism to rescue children from abusive environments, Cap. 213 section 34 allows courts to issue Care and Protection Orders.[17]

[17] Hong Kong e-Legislation (Protection of Children and Juveniles Ordinance, Cap. 213), https://www.elegislation.gov.hk/hk/cap213

59. Police systematically applied for these welfare orders against minors—some as young as 12 or 13—who had not been formally charged with any criminal offence.[18] Police argued to the Juvenile Courts that simply being present near a protest site proved the children were out of control and that their parents were incapable of protecting them. Consequently, courts remanded uncharged minors to the Tuen Mun Children and Juvenile Home for weeks.

60. A case of apparent abuse of the Care or Protection Order was reported. Three children aged between 13 and 15 were arrested for unlawful assembly after attending a community film screening in relation to the protest movement on 29 August 2019. After the maximum 48-hour detention limit, police baselessly challenged their families' suitability and applied for a Care and Protection Order.

61. As a result, they were arbitrarily detained in the juvenile home. One of the children, aged 13, was detained in the juvenile home for 27 days and severely restricted from contacting her family, until a magistrate ultimately rejected the unfounded police application.

62. Her legal representatives publicly condemned this practice. They concluded that police intentionally weaponised the welfare order system to inflict punitive detention and intimidate protesters under the age of 16 when criminal evidence was entirely lacking.[19]

63. This practice stripped children of their liberty, disrupted their education, and forcibly separated them from willing and capable parents. It effectively transformed a child protection law into a tool for political deterrence and arbitrary detention without trial.

64. Since the Juvenile Courts proceedings are not public, the society is unable to know the full extent of the abuse. The Hong Kong Committee on Children's Rights made a public statement on 4 September 2019 that 3 children were subject to this violation.[20] According to reports, at least 4 children protestors were given the Care or Protection Order by October 2019.[21]

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[18] HKSAR Government Press Release (Police applying for welfare orders) Date: 13 November 2019 https://www.info.gov.hk/gia/general/201911/13/P2019111300651.htm

[19] RFI Report (13-year-old and 15-year-old detained for 27 days without charge), 12 October 2019, https://www.rfi.fr/tw/%E4%B8%AD%E5%9C%8B/20191012-%E8%AD%A6%E6%96%B9%E6%8B%98%E6%8D%95%E6%9C%AA%E6%88%90%E5%B9%B4%E7%A4%BA%E5%A8%81%E8%80%85104%E4%BA%BA%E4%B8%80%E5%90%8D13%E6%AD%B2%E5%B0%91%E5%A5%B3%E7%84%A1%E6%95%85%E8%A2%AB%E6%8B%9827%E6%97%A5

[20] InMedia HK (Hong Kong Committee on Children's Rights statement on arbitrary detention), 4 September 2019, https://www.inmediahk.net/%E6%94%BF%E7%B6%93/%E5%B0%B1%E8%AD%A6%E6%96%B9%E5%90%91%E6%B3%95%E5%BA%AD%E7%94%B3%E8%AB%8B%E4%BF%9D%E8%AD%B7%E4%BB%A4%E5%B0%87%E6%9C%AA%E6%88%90%E5%B9%B4%E4%BA%BA%E5%A3%AB%E6%8B%98%E7%95%99%E5%9C%A8%E5%85%92%E7%AB%A5%E9%99%A2%E8%A1%A8%E7%A4%BA%E9%97%9C%E6%B3%A8

[21] HK01 (Reports of at least 4 children given Cap. 213 orders), 4 October 2019, https://www.hk01.com/article/381881

Denial of Legal Safeguards and Punitive Sentencing

65. UN human rights experts had noted that there were systematic denial of legal safeguards during mass arrests. Police routinely employed obstruction tactics at police stations to isolate vulnerable and terrified youth.

66. Within the courts, the state further demonstrated its commitment to punitive incarceration over rehabilitation, contrary to the Committee on the Rights of the Child's General comment No. 24 (2019) on children's rights in the child justice system.[22]

67. The Department of Justice actively weaponised the Sentence Review mechanism to systematically strip underaged defendants of non-custodial sentences.

68. Independent court data reveals that in protest-related cases over the past six years, the Department of Justice applied to the Court of Appeal to review the sentences of at least 14 minors.[23]

69. When lower court judges appropriately considered a minor's developmental stage and issued rehabilitative sentences, such as probation or community service orders, the prosecution aggressively appealed them. The Court of Appeal routinely ruled in favour of the prosecution, overturning these non-custodial sentences. The minors were subsequently ordered into custodial detention facilities, such as Training Centres, for prolonged periods.

70. This aggressive prosecutorial strategy proves that the Hong Kong government fundamentally rejects the Convention on the Rights of the Child mandate.

71. It systematically violates the core principle that the deprivation of liberty for a child must only ever be used as a measure of strictly last resort.

Key proposed questions and recommendations:

Proposed Questions for the LOI:

72. How many Care or Protection Orders under Cap. 213 were applied for by the police against minors in relation to the 2019 protests, and what safeguards exist to prevent this welfare mechanism from being used for arbitrary detention?

[22] General comment No. 24 (2019) on children's rights in the child justice system, 18 September 2019, https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-24-2019-childrens-rights-child

[23] The Witness HK (DOJ sentence reviews for minors), 27 May 2024, https://thewitnesshk.com/%E5%8F%8D%E4%BF%AE%E4%BE%8B%E5%85%AD%E5%B9%B4-%E8%87%B3%E5%B0%9144%E4%BA%BA%E8%A2%AB%E5%BE%8B%E6%94%BF%E5%8F%B8%E5%88%91%E7%BD%B0%E8%A6%86%E6%A0%B8-%E6%A1%88%E7%99%BC%E6%99%82%E6%9C%AA%E6%88%90/

73. In how many cases involving minors has the Department of Justice applied to the Court of Appeal to review and overturn non-custodial sentences in favour of custodial detention since 2019?

Recommendations:

74. End the Abuse of Welfare Orders: Explicitly prohibit law enforcement from weaponising Care or Protection Orders (Cap. 213) as a substitute for criminal detention or a tool for political intimidation against uncharged minors.

75. Respect the Last Resort Principle: Instruct the Department of Justice to cease its aggressive practice of seeking sentence reviews to strip juvenile defendants of rehabilitative, non-custodial sentences. The deprivation of liberty must strictly remain a measure of last resort.

VI. Cruel, Inhuman or Degrading Treatment and Ideological Coercion (Clusters 7, 10 & 11)

Systemic Physical Abuse in Juvenile Penal Facilities

76. The juvenile penal system in Hong Kong is characterised by systemic physical abuse that amounts to Cruel, Inhuman or Degrading Treatment or Punishment (CIDTP).

77. Extensive investigations by local media and civil society in 2017 exposed widespread, institutionalised abuse of youth offenders inside facilities run by the Correctional Services Department (CSD).[24] A severe case of abuse was also exposed in 2024.

78. In 2017, over 50 former juvenile inmates provided testimonies of horrific mistreatment orchestrated or permitted by correctional officers. Documented abuses included youth being subjected to degrading treatment, such as being forced to consume faeces and drink urine. Inmates also suffered severe physical assaults, including repeated slapping that resulted in permanent hearing damage.

79. As a result of this impunity, severe physical abuse within these facilities continues to this day. In January 2024, family of a 18-year-old male remand prisoner at Pik Uk

[24] Hong Kong Free Press, "Rough justice: Former juvenile offenders speak of abuse behind bars, and a broken complaints system", 19 November 2017, https://hongkongfp.com/2017/11/19/rough-justice-former-juvenile-offenders-speak-abuse-behind-bars-broken-complaints-system/; HK01, "50 former juvenile offenders reveal 9 ways of abuse, groups criticize complaint system for protecting officials, call for review" (translated from Chinese), 29 July 2017, https://www.hk01.com/article/108460; HK01, "Interview with 50 juvenile offenders reveals Correctional Services forced drinking urine and eating feces, slapping causing permanent hearing damage" (translated from Chinese), 7 August 2017, https://www.hk01.com/社會新聞/110179;

Correctional Institution exposed that a correctional officer colluded with inmates to assault the victim with a wooden stick while on duty. The victim suffered a torn anus and rectal injuries, which led to permanent physical harm.[25]

80. On 3 August 2026, the correctional officer was sentenced to 3 years imprisonment after pleading guilty to assault.[26]

81. It is a rare instance where an abuse case is investigated and correctional officers are held accountable. Despite immense public outcry demanding immediate reform since 2017, the government has refused to conduct systematic investigations or establish an independent, external complaints mechanism. The internal CSD complaint system remains fundamentally broken, serving primarily to protect offending officials rather than victims.

82. The Hong Kong Centre for Human Rights' report *Urgent Calls for International Oversight on Torture and Ill-Treatment in Hong Kong* detailed how the lack of independent and effective complaint mechanism, as well as the unchecked expansion of police and prison authority under national security laws have created an increasingly dangerous environment for torture and CIDTP to happen. For example, when passing the Safeguarding National Security Ordinance, the government made an amendment to Prison Rules that persons incarcerated for national security-related offences could be denied early release on good behaviour which was applicable to all prisoners. It gives absolute discretion to the Correctional Services Department commissioner to penalise prisoners who do not conform.[27]

83. Because the CSD controls its own complaint mechanism and the commissioner has wide discretion, young prisoners are deterred from speaking out due to a well-founded fear of retaliation and arbitrary sentence extensions. It was reported by a reputable youth outreaching social work team in a 2017 submission to the LegCo.[28]

84. These ongoing abuses constitute a grave and systemic violation of Article 37(a) of the Convention, which strictly prohibits torture and other cruel, inhuman or degrading treatment.

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[25] Ming Pao, "Correctional officer suspected of colluding with 4 inmates to assault with stick, doctor says permanent damage, another officer arrested and suspended" (translated from Chinese), 20 January 2024, https://news.mingpao.com/pns/%e6%b8%af%e8%81%9e/article/20240120/s00002/1705689903553

[26] Ming Pao (Correctional officer sentenced to 3 years, 3 inmates involved serve additional sentences of 4 to 6 months), 3 August 2026, https://news.mingpao.com/i1785731222750

[27] Hong Kong Centre for Human Rights, Urgent Calls for International Oversight on Torture and Ill-Treatment in Hong Kong, November 2024, https://hkchr.org/wp-content/uploads/2024/11/HKCHR-TortureReportNov2024.pdf

[28] LegCo Paper (Submission by youth outreach social workers on broken complaints system), 23 May 2017, https://www.legco.gov.hk/yr16-17/chinese/hc/sub_com/hs101/papers/hs10120170523cb4-1084-3-c.pdf

Mandatory Ideological Coercion and Political Indoctrination

85. The Secretary for Security confirmed to the Legislative Council that young protesters in custody who are arbitrarily assessed as holding "extreme ideological views" are subjected to targeted "re-education" programmes.

86. Furthermore, all youth in custody are now subjected to mandatory "patriotic" education and forced to participate in Chinese military-style foot drills.[29]

87. This systematic imposition of forced ideological change upon young political detainees is entirely unprecedented within Hong Kong's penal system.

88. It explicitly violates the child's right to freedom of thought and conscience under the Convention, transforming the juvenile justice system from an institution of genuine rehabilitation into a mechanism for political indoctrination.

The Legal Limbo Threat and Post-Release Social Exclusion

89. Beyond the prison walls, the state uses the continuous threat of prosecution to control thousands of youth who were arrested during the 2019 protests but never formally charged.

90. According to the Security Bureau, the government has quietly operated a conditional non-prosecution programme for these uncharged individuals, demanding they show remorse and participate in positive rehabilitation activities.[30]

91. According to esteemed legal scholar Prof. Johannes Chan, this scheme completely lacks a legal basis and circumvents standard prosecution guidelines, fundamentally differing from the established Superintendent's Discretion Scheme.[31]

92. The Department of Justice had already provided legal advice on these outstanding cases by 2022; under the Prosecution Code, cases lacking sufficient evidence should have been formally closed.

93. Instead, the state has weaponised this legal limbo, keeping cases open for up to seven years to extort ideological compliance from young people. Authorities exploit the youths' fear of sudden prosecution under low-threshold rioting charges, which carry sentences of up to ten years, to coerce them into state-mandated re-education programmes.

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[29] Radio Free Asia (Patriotic education and forced ideological change), 8 November 2022, https://www.rfa.org/english/news/china/protesters-11082022100105.html

[30] SCMP, “Rehabilitation project open to all 2019 Hong Kong protest arrestees: Chris Tang”, 12 April 2026, https://www.scmp.com/news/hong-kong/law-and-crime/article/3349779/rehabilitation-project-open-all-2019-hong-kong-protest-arrestees-chris-tang

[31] Green Bean Media (Analysis of the conditional non-prosecution scheme), 27 April 2026,

94. These programmes reportedly include mandatory exchange tours to mainland China, designed for political assimilation rather than genuine social reintegration.

95. By forcing youth to renounce their political beliefs and express manufactured remorse to avoid prison, the state is committing a severe violation of the freedom of thought and conscience guaranteed under international human rights law.

96. The punishment of these young people continues even after their release or the conclusion of their legal proceedings, resulting in severe social exclusion.

97. Instead of facilitating the child's reintegration into society, which is the core mandate of the Convention on the Rights of the Child, the government actively obstructs their future.

98. Grave concerns remain regarding the prospects of released youth resuming their education and securing gainful employment. Documented cases reveal that schools and employers frequently impose structural barriers against these young people, ranging from academic expulsions to discriminatory hiring practices.[32]

99. Rather than being supported in their rehabilitation, youths released after participating in the 2019 protest movement report being treated as pariahs.

100. They face a pervasive, unspoken social stigma and invisible institutional hurdles that effectively block their reintegration into society, fundamentally violating their right to constructive social reintegration.

Key proposed questions and recommendations:

Proposed Questions for the LOI:

101. Will the State commit to establishing a fully independent, external mechanism to investigate complaints of physical and psychological abuse by Correctional Services Department (CSD) officers against juvenile inmates?

102. What is the legal basis for the conditional non-prosecution scheme targeting the approximately 7,000 uncharged protesters, and does this scheme require youth to undergo patriotic education or express political remorse?

Recommendations:

103. Establish Independent CSD Oversight: Urge the government to dismantle the broken internal grievance system within the CSD and replace it with a fully

[32] AP News (Barriers to social reintegration and stigma for released youth), 18 June 2023, https://apnews.com/article/hong-kong-protesters-2019-jailed-reintegration-d556bc567b01ddd4cdeda15611d5e850

independent, external investigative body to end the impunity for physical abuse and CIDTP against youth in custody.

104. End Forced Ideological Coercion: Demand the immediate cessation of mandatory "re-education" programmes, Chinese military-style foot drills, and forced patriotic indoctrination within youth custodial facilities.

105. Unconditionally Close Outstanding Cases: Urge the authorities to formally and unconditionally close the cases of the thousands of uncharged youth protesters, ending the prolonged legal limbo and the extortion of ideological compliance.

VII. Basic Health, Welfare, and the Criminalisation of Trauma (Cluster 7)

The Surging Youth Suicide Crisis and Collective Trauma

106. The statistics of children suicide rate is deeply worrying. In the past 7 years (2019-2025), 187 primary and secondary school students committed suicide.

Year	Cases of death by suicide of children
2019-2021	71[33]
2022	25[34]
2023	32[35]
2024	28[36]
2025	31[37]
Total	187

107. In addition to the pandemic and academic pressure, young people in Hong Kong are struggling with collective trauma, the mass emigration of their peers and teachers, and a suffocating civic environment that silences their voices and denies them agency over their future.

[33] Social Welfare Department (6th CFRP Report on child fatalities), May 2024, https://www.swd.gov.hk/storage/asset/section/655/en/6th_CFRP_Report_Eng.pdf
[34] HKSAR Government Press Release (LegCo Q6 on student suicide numbers & "complicated behaviour"), 22 October 2025, https://www.info.gov.hk/gia/general/202510/22/P2025102200529.htm
[35] Ibid.
[36] Ibid.
[37] HKSAR Government Press Release (LegCo Q on June 2026 student suicide numbers), 24 June 2026, https://www.info.gov.hk/gia/general/202606/24/P2026062400367.htm

108. During the 2019 protest movement, Hong Kong society was already deeply alarmed by a wave of suicides in which the deceased left public notes explicitly expressing profound despair over the deteriorating political environment and systemic oppression.

109. This collective trauma was further entrenched by traumatic events such as the death of 15-year-old Chan Yin-lam, a regular participant in the protests whose body was found in the sea in late 2019.[38]

110. Her case became a focal point of societal grief, symbolising the intense political hopelessness and structural violence weighing upon young people.

111. Consequently, civil society is acutely aware that systemic oppression, political silencing, and collective trauma are major factors contributing to the worsening psychological health of the youth.[39]

Suppression of Mental Health Support and the Hunter Bookstore Case

112. Yet, there is a profound and deliberate hypocrisy in how the state manages this crisis.

113. To address the youth mental health crisis, an independent bookstore “Hunter Bookstore” collaborated with a student advocacy group to host an exhibition titled "Why We Are Disappointed with the World" (我們為何對世界失望).

114. The exhibition created a safe, much-needed space to display student suicide data and allow young people to share their emotional struggles, aiming to transform mutual understanding into psychological companionship.

115. In response, state-aligned media and pro-establishment figures orchestrated a severe smear campaign against the bookstore.

116. They condemned the exhibition for featuring words such as "suffocation, pessimism, oppression, and contradiction", accusing the organisers of "manipulating the suicide issue" to incite hatred against the government and brainwash children.[40]

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[38] The Star / SCMP Reprint (Inquest and societal trauma regarding Chan Yin-lam), 12 September 2020, https://www.thestar.com.my/aseanplus/aseanplus-news/2020/09/12/why-hong-kong-is-fixated-on-the-death-of-a-teenage-girl-whose-body-was-found-at-sea

[39] Pulse HK News, “School children suicide rate in 2025 record high in a decade. Frontline teacher: pressure from the National Security Law aggravates problem” (translated from Chinese), 31 July 2026, https://pulsehknews.com/samaritan/

[40] Pulse HK News (Hunter Bookstore exhibition and smear campaign), 26 June 2026, https://pulsehknews.com/civilchinesesupporthunter/; Examples of article accusing the exhibition of sedition: The Standard, “Promoting hatred to youth with suicide agenda, PIC of Hunter Bookstore under inquiry”, 30 June 2026, https://www.thestandard.com.hk/sup/national-security/articlecontent.php?article_id=336017&section_id=2; East Week Magazine (Chinese language), 30 June 2026,

117. The National Security Police raided the bookstore, tore down its displays, and arrested the owner, former district councillor Leticia Wong, alongside her husband.

118. They were arrested under the newly enacted Safeguarding National Security Ordinance (Article 23) for allegedly displaying and selling items with "seditious intent".

119. By deploying national security police to shut down a youth suicide exhibition, the government has effectively criminalised trauma, represses community-based mental health safety nets and creates a severe chilling effect among social workers, educators, and youth advocates.

120. It directly violates the state's obligation under Article 24 of the Convention to ensure children attain the highest standard of health, deliberately cutting them off from vital psychological and community support.

Key proposed questions and recommendations:

Proposed Questions for the LOI:

121. Given the surging youth suicide rate, how does the State justify the deployment of national security police to shut down community-led mental health exhibitions, such as the event hosted by Hunter Bookstore?

122. Request updated data on child death, included suspected suicide, and progress of the Child Fatality Review Panel on cases since 2022.

Recommendations:

123. Decriminalise Trauma Support: Urge the State to immediately halt the use of national security or sedition laws to censor, harass, or prosecute independent community groups, social workers, and educators who provide mental health support or facilitate open discussions about collective trauma and societal despair.

124. Provide Independent Psychological Care: Ensure that children and youth have unhindered access to independent, community-based psychological support that genuinely acknowledges their socio-political trauma, rather than subjecting them to state-mandated narratives that exacerbate their distress.

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https://eastweek.stheadline.com/witness/19975/%E6%93%8D%E5%BC%84%E8%87%AA%E6%AE%BA%E8%AD%B0%E9%A1%8C-%E7%85%BD%E5%8B%95%E5%B9%BC%E7%AB%A5%E4%BB%87%E6%81%A8-%E8%AD%A6%E5%9C%8B%E5%AE%89%E8%99%95%E6%9F%A5%E7%8D%B5%E4%BA%BA%E6%9B%B8%E5%BA%97-%E6%8F%AD%E5%89%8D%E5%8D%80%E8%AD%B0%E5%93%A1%E5%BA%97%E6%9D%B1%E6%94%B6%E5%A4%A7%E9%A1%8D%E6%B5%B7%E5%A4%96%E8%B3%87%E9%87%91

VIII. Impact of national security laws on Education, Academic Freedom, and Cultural Expression (Cluster 10)

Repression in Education and Academic Freedom

125. The Committee is respectfully invited to take reference from and follow up on the alarming observations and urgent recommendations made by other United Nations treaty bodies and Special Procedures mandate holders regarding the HKSAR Government's crackdown on education, academic freedom.

126. UN Special Rapporteurs have repeatedly raised serious concerns regarding the compatibility of national security legislation with international human rights standards in education (Joint Communications OL HKG 1/2021 and OL HKG 1/2024).[41]

127. In its 2023 Concluding Observations (E/C.12/CHN/CO/3, paras 126-127), the UN Committee on Economic, Social and Cultural Rights (CESCR) highlighted that national security laws are being actively used to pressure students and staff, censor curriculum content, and destroy academic freedom.[42]

128. This climate of fear has led to the dismissal, harassment, and arrest of teachers, university staff, and secondary school students.

Prior UN Recommendations:

129. Review national security legislation to ensure full academic freedom and protection for students, teachers, and educational personnel.

Suppression of Cultural Expression, Media, and History (ICESCR Review, 2023)

130. CESCR further warned (E/C.12/CHN/CO/3, paras 128-129) that national security enforcement is severely eroding the right to take part in cultural life.

131. Authorities have targeted cartoonists, independent filmmakers, theatre productions, podcasts, and online content, depriving young people of vibrant, critical, and diverse cultural expression.

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[41] UN Special Rapporteurs Joint Communication on the National Security Law (OL HKG 1/2021, 11 February 2021): https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26592; UN Special Rapporteurs Joint Communication on the Safeguarding National Security Ordinance (OL HKG 1/2024, 22 March 2024): https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=28893

[42] UN Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of China, including Hong Kong, China (E/C.12/CHN/CO/3, 22 March 2023, paras 126-129): https://www.ohchr.org/en/documents/concluding-observations/ec12chnco3-concluding-observations-third-periodic-report-china

132. Broad digital surveillance and online censorship are impeding youth from fully accessing historical truths, scientific progress, and independent media.

Prior UN Recommendations:

133. Review the National Security Law to ensure full artistic freedom and protect the rights of individuals to history, culture, and science.

Recommendation:

134. The Committee on the Rights of the Child is strongly urged to align with these UN mechanisms and follow up on these critical areas during the current review.

IX. Discriminatory School Appearance Rules and Degrading Discipline (Clusters 2, 4, and 10)

135. Hairstyle rules remain common in Hong Kong secondary schools while there is no standard and consistent guidelines among schools. Generally, boys' hair must not reach the eyebrows, ears, or collar, while girls may keep long hair if tied back. Enforcement includes demerits, parental notices, exclusion from activities, and, in documented cases, public reprimand or separation from classmates.[43]

136. Two sets of civil claims illustrate the pattern. In 2023, Lam Chak-chun and Wong Wing-hei, both former secondary students, filed unrepresented District Court claims (DCEO13/2023, DCEO14/2023) after the Equal Opportunities Commission ("EOC") discontinued Lam's earlier complaint and legal aid remained undecided for months. Lam's claim alleges he was publicly shamed and pressured into cutting his hair despite the school knowing he had gender dysphoria. Wong's claim alleges that, despite the school's awareness of his autism and ADHD, he was barred from regular classes and confined to the medical room over his hair length. Both claims remain unresolved after roughly three years, still at the expert-evidence stage.[44]

137. In April 2026, a further former student, Fung King-ho, filed a similar claim (DCEO3/2026) against another secondary school, alleging repeated public reprimand and disciplinary action over hair linked to his gender dysphoria, and a vice-principal's

[43] InmediaHK, High School Hair Length Restrictions Cause Stir Again: Student Punished Repeatedly for Long Hair Sues Alma Mater Upon Graduation, 22 June 2026, https://www.inmediahk.net/node/%E6%95%99%E8%82%B2/%E4%B8%AD%E5%AD%B8%E7%94%9F%E9%AB%AE%E7%A6%81%E5%86%8D%E6%B7%BB%E4%B8%80%E6%A1%88-%E7%95%99%E9%95%B7%E9%AB%AE%E5%B1%A2%E8%A8%98%E9%81%8E-%E7%95%A2%E6%A5%AD%E7%94%9F%E6%8E%A7%E6%AF%8D%E6%A0%A1

[44] Hong Kong Free Press, 2 Hong Kong students sue schools over ban on long hair for boys, 16 November 2023, https://hongkongfp.com/2023/11/16/2-hong-kong-students-sue-schools-over-ban-on-long-hair-for-boys/

assertion that the Sex Discrimination Ordinance ("SDO") does not apply to schools. A first hearing was set for July 2026.[45]

Key proposed questions and recommendations:

138. It is recommended that the Committee ask the State party what steps it intends to take to:

139. Issue clear administrative guidance to all schools that schools may not restrict students' hairstyle or discipline students on that basis except where necessary and proportionate on safety, hygiene, or disease-prevention grounds, and affirming students' bodily autonomy and right to personal development.

140. Amend the Sex Discrimination Ordinance, or enact standalone legislation, to explicitly prohibit discrimination on the grounds of gender identity and gender expression, implementing the recommendation already made by CEDAW in 2023 and previously proposed by the Equal Opportunities Commission.

141. Require schools to consult students, parents, and teachers through a documented process when setting or revising appearance-related rules, and to review such rules on a regular cycle, in fulfilment of children's right to be heard under Article 12.

142. Explicitly prohibit degrading, humiliating, or exclusionary disciplinary responses to appearance-rule breaches, including public reprimand, forced separation of a student from classmates or from mainstream classroom settings, and remarks concerning a student's gender identity or expression.

143. Provide mandatory training for teachers and school administrators on gender diversity, adolescent mental health, and children's-rights-consistent approaches to school discipline.

[45] SCMP, Transgender student sues Hong Kong school over ‘discriminatory’ hair policy, 4 May 2026, https://www.scmp.com/news/hong-kong/law-and-crime/article/3352370/transgender-student-sues-hong-kong-school-over-discriminatory-hair-policy

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