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ISSUE 16

WINTER 2015 / www.amnesty.org.hk

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INTERNATIONAL  
國際特赦組織香港分會



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# CONTENT

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## PUBLISHER

Amnesty International Hong Kong / www.amnesty.org.hk

## PUBLISHING DATE

December 2015

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## 01/ WORDS FROM THE EDITOR-IN-CHIEF IN FOCUS

## 02/ THE RIGHT OF THE CHILD TO BE HEARD

## 04/ TRAVEL ALERT FOR CHILDREN IN SOUTH EAST ASIA

## 06/ INTERVIEW WITH KIDS' DREAM: THE RIGHT OF THE CHILD TO BE HEARD

## 08/ INTERVIEW WITH LEUNG YAN WING: THE RIGHT OF THE CHILD TO BE HEARD AT SCHOOLS

## 10/ AI GLOBAL CAMPAIGNS

## 11/ GOOD NEWS

## LOCAL HAPPENINGS

## 12/ THIS IS YOUR PAGE: BILL KP CHOU

## 13/ LEAVE A GIFT TO THE FUTURE / UNIVERSITY AI CLUB

## 14/ RIGHTS OF THE CHILD, IN THE EYES OF A CHILD

**WORDS  
FROM THE  
EDITOR-  
IN-CHIEF**

In 2014, there was a large scale Occupy Movement demonstration in Hong Kong. The main demand of the protestors was related to constitutional reforms. The majority of the participants were youth, including high school and junior school students. In light of the youth-led social movement, the Hong Kong Government and broader society discussed youth policy and attempted to find solutions to handle this "problem". I can hardly understand why the Government perceived the youth fighting for constitutional reforms as a "problem".

Until now, student organizations are still questioning the Education Bureau for implementing patriotic "National Education". After a pupil fell to her death from her primary school building, the Coroner's inquest revealed improper handling by the school management staff. Ethnic minority students still suffer from learning problems arising from the medium of instruction. The needs of students with disabilities are yet to be addressed. The kids from kindergartens and primary schools are pressured to participate in tutorials and interest classes as much as they can during summer vacations, which mean they have insufficient time to rest and play. Despite the Territory-wide System Assessment (TSA) driving students and parents crazy in doing drilling exercises, the Education Bureau rejected parents' calls to scrap it.

All of the examples above concern persons under the age of 18. However, the Government's response has been irrelevant. It suggests holding music concerts, dancing parties and military training camps etc. instead of addressing the youth's demands and respecting their freedom of expression and participation. Perhaps our childhood may be distant from us, but young age does not mean ignorance, so let us respect and uphold the rights of the child enshrined by the United Nations Convention of the Rights of the Child.

An Mei Po

# IN FOCUS

## THE RIGHT OF THE CHILD TO BE HEARD

A child is neither a future custodian of our society nor an accessory of his or her parents. Children are citizens here and now who hold a certain degree of independence. Although a child does not enjoy the full autonomy an adult does, he or she still holds rights and is protected by the United Nations Convention of the Rights of the Child (CRC) (1989). The CRC is the most widely ratified international human rights treaty, enjoying extensive recognition throughout the international community.

### 3PS AND 4 PRINCIPLES OF THE CRC

The CRC protects persons under the age of 18. It explicitly protects the civil, political, economic, social and cultural rights of the child. The 3Ps of the CRC are Protection, Provision and Participation while the 4 main principles of the CRC are defined as: non-discrimination; the best interests of the child; the right to life, survival and development; and the right of the child to be heard.

### THE RIGHT OF THE CHILD TO BE HEARD

The right of children to be heard is enshrined in article 12 of the CRC: "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child".

A child has both the right to express their views freely and also the right not to express any view at all. (para 22) He or she must be free to exercise this

right without being subjected to undue influence or pressure. (para 22) There is no age limit on the right of the child to express his or her views. (para 21) In the expression of these views, the government should recognize and respect a variety of communication forms including verbal, "body language, facial expression and drawing etc". (para 21)

### THE RIGHT OF THE CHILD TO BE HEARD IS STRONGLY LINKED TO FREEDOM OF EXPRESSION

Freedom of expression is one of the "crucial prerequisites for the effective exercise of the right to be heard".(para 80) The two are closely linked but differ from each other in that: Freedom Of Expression protects the right to seek and receive information as well as the right to express opinions, whereas The Right To Be Heard enshrines the right of the child to express views on all matters affecting him or her and the right to participate in actions and decision-making. The government is therefore obliged to introduce legislation or mechanisms necessary to facilitate the active participation of the child. (para 81)

### TO PROVIDE AN ENVIRONMENT ENABLING THE RIGHT OF THE CHILD TO BE HEARD

In the formulation of public policy and decision-making, particularly education policy, the government "should encourage children to form a free view and should provide an environment that enables a child to exercise her or his right to be heard". (para 11) For instance, the government should provide child-friendly information and "dialogue between children and adults based on mutual respect". (para 3) It should also facilitate children with disabilities

and indigenous and migrant children who do not speak the majority language in making their views heard. (para 21)

#### TO SET UP AN INDEPENDENT CHILDREN'S COMMISSION

The government should establish "independent children's ombudsmen or commissioners with a broad children's rights mandate". (para 49)

#### TO PROMOTE CHILD'S RIGHTS-BASED FAMILY EDUCATION

The UN suggests that the government should promote the right of the child to be heard "in the diverse settings and situations in which children grow up, develop and learn". (para 89) For instance, if a child can freely express his or her views and "be taken seriously from the earliest ages", it will be beneficial for both the family and society as a whole since this parenting approach "serves to promote individual development, enhance family relations" and foster the prevention of domestic violence. (para 90) Furthermore, it can serve as "preparation for the child to exercise the right to be heard in wider society". (para 90) The government should therefore introduce legislation and establish policies that encourage "parents and guardians to listen to children and give due weight to their views in matters concerning them". (para 92) It should also promote parent education programmes (para 93) addressing "the development of mutual respect between parents and children, the involvement of children in decision-making, the implications of giving due weight to the views of every family member, the understanding, promotion and respect for children's evolving capacities and ways of dealing with conflicting views within the family". (para 94)

#### STUDENT PARTICIPATION IN SCHOOL GOVERNANCE

If a child exercises their right to be heard in school life and chooses to learn about human rights through participation, this not only teaches them to respect human rights, it also helps nurture the child to become a more responsible citizen. The UN is concerned however about "continuing authoritarianism, discrimination, disrespect and violence which characterize the reality of many schools and classrooms". (para 105) It is of the view that "such environments are not conducive to the expression of children's views and the due weight to be given to these views". (para 105) It is essential that the government promotes "the active role of children in a participatory learning environment". (para 107) For instance, in a child's rights friendly school, children should be legally entitled to the right to participate in school governance and decision-making processes through "class councils, student councils and student representation on school boards and committees, where they can freely express their views on the development and implementation of school policies and codes of behaviour" (para 110) particularly concerning "disciplinary matters". (para 113)

#### Reference

*The UN Committee on the Rights of the Child.*  
*General Comment No. 12 (2009): the right of the child to be heard.* 20 July 2009.

# TRAVEL ALERT FOR CHILDREN IN SOUTH EAST ASIA



Myanmar



Thailand



Malaysia



Singapore



Hong Kong

LACK

Taiwan

The Christmas holiday season is coming at the end of year and it is time for a vacation! However, a number of countries in South East Asia are recorded as repeatedly violating the right to be heard and freedom of expression of children. It is normal for children to express their thoughts, and this is protected by the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC).

As yearend is coming, the "Travel Alert for Children in South East Asia" is being introduced to help children to stay alert when picking their vacation destinations – yes, "human rights conditions" should be taken into account when you choose your next holiday location.

#### MYANMAR

Since the "National Education Law" was enacted by the government led by Thein Sein in September 2014, a series of peaceful protests led by the students have taken place since November 2014, as the new law curtailed academic freedom and institutional autonomy and did not protect the right to set up students' unions and teachers' unions with legal entities. As the talks between the government and students broke down, the latter organized a peaceful march. The march was dispersed by police deploying excessive force including beating protesters with batons.

Bao Zhuoxuan is a 16-year-old boy whose parents are human rights lawyers in China. After China's crackdown on human rights lawyers, he went to Myanmar and was taken away by a group of uniformed officials on 6 October. He was then under house arrest in China.

#### THAILAND

Since Thailand is currently ruled by a military junta, its human rights condition has raised concerns from the international community. For instance, the military government has criminalized peaceful political gatherings of 5 people or above. On 22 May 2015, the first anniversary of the day the Thai army took over, 16 students participated in peaceful protests at Bangkok and Khon Kaen respectively. 14 of them were arrested for sedition and some of them were persons of age below 18. They will face trials in a military court on sedition charges which can lead to up to 7 years' imprisonment.

#### TAIWAN

In May this year, some high school students in Taiwan started the "Anti-Curriculum Change Movement" demanding that the Government withdraw the revised Curriculum as it was brainwashing and lacked consultation. Students surrounded and occupied the Ministry of Education. They were handcuffed and arrested by the police. 11 of them were persons under age 18. A student activist committed suicide and passed away due to pressure arising from prosecution.

#### HONG KONG

So, as it seems dangerous to travel – how about staying in Hong Kong? Well, Hong Kong is actually not safer, let us take the "Chalk Flower Girl" as an example. After the Occupy Movement in 2014, a 14-year-old girl who drew a chalk flower onto the "Lennon Wall" was immediately surrounded by 14 police officers and then arrested on suspicion of criminal damage. She was detained for 17 hours. Police applied for a Care and Protection Order and the girl was thus temporarily held in a children's home under supervision held by the Magistrate. She was released on bail after her lawyer lodging an application to the High Court. The police's handling in this case was seen to deter young people from protesting. It did not comply with the ICCPR and the CRC.

#### MALAYSIA

Though the recent Bersih 4.0 assembly did not receive a violent crackdown by the police as the other Bersih protests did, the participants were threatened. For instance, Idris Jusoh, the Deputy Prime Minister, warned that he would use any laws to charge the protesters. The University Council and Chancellor also warned that they would take action against students who participated in the assembly including suspension. In fact, the Malaysian government imposes strict restrictions on children's participation in public assemblies and protests. The Peaceful Assembly Act enacted in 2012 stated that any persons below the age of 21 cannot be an organizer of a public assembly and protest, while any persons below the age of 15 cannot participate in public assembly and protest. There were participants under 15 in the recent Bersih 4.0 protest, and they are more vulnerable to the threat by the government with these laws restricting their participation.

#### SINGAPORE

Amos Yee, a 16-year-old child was arrested after publishing an online video criticizing Lee Kuan Yew, the founding Prime Minister of Singapore, after Lee's death. He was found guilty and sentenced to a 4-week imprisonment. Even worse, Amos was detained in a mental ward with one of his hands and legs strapped to his bed. This caused him to have great difficulty in urinating and moving, and his bed stank of urine. The ward's light was on for a long time. Not only breaching freedom of expression, this also constituted degrading treatment and violated the rights of the child protected by the CRC.

# INTERVIEW WITH KIDS' DREAM: THE RIGHT OF THE CHILD TO BE HEARD

**Q / Amnesty International Hong Kong**

**A / Children Representatives of Kids' Dream (Angie, Sarah, Jeff, Rainbow, Yoyo and Douglas); Youth Representatives of Kids' Dream (Althea and Jason)**

## ABOUT KIDS' DREAM

Established in 2006, Kids' Dream is the first child-led organization in Hong Kong. Members are mainly children under the age of 18. They strive to promote the United Nations Convention on the Rights of the Child (CRC).

## STUDENT PARTICIPATION IN SCHOOL GOVERNANCE

**Q** Do you think Hong Kong students have sufficient and meaningful participation in school governance?

**A SARAH** For example, in my school, students have never succeeded in altering the school regulations, but they do take part in making other policies. Through our Student Association, we express our opinion to our school and our actions once led to an earlier opening time of the school library, for the students to return books more conveniently. I think such participation is meaningful and capable of improving our school lives.

**ANGIE** I think that students do not participate enough in school governance. In general, Hong Kong schools have their own school management committees, which consist of representatives from the schools and alumni, but not student representatives. The management committee is only responsible for general management, but not fine details in daily operations. Shouldn't it include student representatives as well? Although there is a student association in my school, their participation is superficial. Students do discuss ideas with the principal but the principal always has his/her own reasons to ban the proposed ideas. Is it real and genuine participation?

**RAINBOW** Students do not participate enough in school governance. Schools adopt a one-way approach in making school policies, allowing only themselves to speak but not the students. That may well be a problem in the schools' management structure. Principals and management teams may want to listen to students' opinion, but there always exist other organizations and bodies in between them, making it difficult for students' opinions to reach the management teams. In addition, although the tender committee of our school's tuck shop

consists of student representatives, representatives of the teachers and the Parent Teachers Association have 2 votes each while the students' representative only has 1 vote (despite the fact that students will be affected the most). I feel it quite useless even if students discuss and express their opinions. Participation in a limited scope and such minimal degree is not meaningful.

**Q** Do you think Hong Kong schools are human rights friendly?

**A ANGIE** Perhaps schools think that there are conflicts between human rights and school regulations. For example, schools check whether students wear coloured underwear or knickers which are relatively long. But then we would ask, why does the school need to regulate what underwear we wear? It is difficult for me to decide what is right or wrong, whether I have the right to wear coloured underwear but sometimes I do wonder, is that because the school has power so they can restrict many aspects of students' lives? Moreover, equality is the core of human rights. Yet, Hong Kong is comparatively utilitarian, for instance, schools arrange good teachers to teach the "elite classes", and chances are always left to those who are able to gain fame for the schools. Such features are often self-explanatory, making students feel bad and unequal.

**JEFF** Human rights friendly schools mean that students enjoy their rights of participation, and meanwhile, the schools promote human rights education so that students can manifest their rights in the schools. However, I think that Hong Kong schools in general are still human rights unfriendly. For instance, there is insufficient human rights education - only civic education and liberal studies can cover topics of human rights, while the latter is already exam-oriented. Another example would be my homosexual schoolmate who was discriminated in the school and got kicked out of the school in the end. In my opinion, the school did not respect that student's human rights.

**YOYO** There are stereotyped and structured mindsets in schools, contending that students should not participate in school governance, but should only study and play instead. Also, teachers think that their workload will be heavier if students participate in school governance. Students have relatively few chances to take part in school governance, e.g. the school regulations change without prior notice or consultation. For example, students are prohibited from wearing shorts (sportswear) at school and girls must

tie their hair back in solemn ceremonies. Another example would be that during the class boycott last year, teachers-in-charge reminded us not to boycott classes using the name of student association, so as to prevent the school's fame from being adversely affected.

**SARAH** My school is comparatively human rights friendly. The school does not stipulate our hairstyle or our hair length, or order us to tie up our hair. They only require us not to dye our hair or hide our face with our hair, which will make us look tired. Our principal said that we were given suitable freedom and we should, in return, bear the responsibility of keeping our appearance neat and tidy. In the class boycott last year, our school did not forbid us from participating. Instead, they gave us a platform to share our ideas, allowing relevant students to express their opinions in the school hall. They also invited alumni and participants of the Occupy Movement to share their experience with the students. I truly think that other schools can also promote more about students' rights as well as responsibilities.

#### SOCIAL PARTICIPATION

**Q** In the Occupy Movement last year, a 14-year-old girl used a chalk to draw flowers on the "Lennon Wall" outside the Government Headquarters, and got arrested by police under the charge of criminal damage. She was detained for 17 hours subsequently. Afterwards, police applied for a care and protection order in juvenile courts so as to take control over her. What are your comments on this incident?

**A ANGIE** From the perspective of child's rights, a child should be allowed to obtain bail as soon as possible after they get arrested. Yet, the "chalk-girl" was detained for as long as 17 hours, which was undoubtedly harsh. The care and protection order, which separates the girl from her father, is not supported with reasonable grounds, and is not made in the best interests of the child. We become more concerned with juvenile judicial procedures after this incident. Currently, the procedures have low transparency. Children know little about the procedures. Consequently, if they get arrested, they do not know their own rights, and therefore cannot be sure about whether their rights have been deprived.

**DOUGLAS** For the best interests of the child, I think that the right way is look in the eyes of the children, but not the authority. For instance, if mother leaves her child alone at home due to gambling, then the society can accept police to execute the laws; on the other hand, it is wholly unreasonable if police applies for a care and protection order when a teenager does something political-sensitive while her father with hearing disability is not with her. That actually prevents her father from manifesting his right to take care of his daughter. Moreover, the chalk left on the wall can be easily washed, thereby not causing permanent damage to the wall. Thus, it is difficult to constitute criminal damage. Using chalk to draw is piecemeal in every sense, but it leads to a detention for 17 hours; isn't that very unreasonable? Secondary school students like drawing on blackboards and desks. Does it mean the schools ought to call the police and the police have the right to detain those students for 17 hours?

**Q** What are your comments on the Hong Kong Government's implementation of the right of the child to be heard?

**A ALTHEA** I think that the way that the Government consults children is not sincere. Currently, the Government sets up a children's rights forum to consult children. But it invites children representatives to attend the forum through children's organizations, making it hard for the public to get to know of this channel. If I were not a member of Kids' Dream, I would not know about that. The Government officials used Powerpoints during their presentation, but their target audience are professionals instead of children, thereby making it difficult for children to understand. Also, the officials seem boastful, feeling that they are teaching us, instead of listening to or facilitating us to present our opinions. For example, although the issue of "joint parental responsibility model" is close to our lives, the consultation document is difficult, long, and made without a children-friendly version. Hence children cannot understand the document, not to mention writing commentaries based on the document. In the past, consultation topics were comparatively broad, e.g. West Kowloon Cultural District Design Project, and we were only consulted after a conclusion had already been reached. We are only there to present our opinions, and fail to bring changes.

**Q** Why do you fight for the establishment of a Children's Commission by the Hong Kong Government?

**A ANGIE** A Children's Commission would be independent of the Government, and function as a permanent platform for children to voice their opinions similar to the Equal Opportunities Commission. The Government, in their process of making and implementing policies, can then consult children through child-friendly ways, e.g. employ pictures and story-telling to consult the younger children. Even though the Legislative Council passed the bill "urging the Government to set up a commission on children to fulfill the obligations under the CRC" in 2013, the bill is not binding.

#### Reference

Kids' Dream website: <http://kidsdream.org.hk/>



## INTERVIEW WITH LEUNG YAN WING: THE RIGHT OF THE CHILD TO BE HEARD AT SCHOOL

**Q / Amnesty International Hong Kong**

**A / Leung Yan Wing (Adjunct Associate Professor,  
Department of Education Policy and Leadership,  
The Hong Kong Institute of Education)**

**Q** Why should we implement the right of the child to be heard? Isn't it a strike against authority of teachers?

**A** Perhaps we should first question why the rights of the child are held in the hands of adults, and why the rights of the child can be deprived of without their consent.

2 questions are involved. First, should students have such rights? In democratic societies, citizens agree upon delivering certain powers of their own to the government, for the sake of better governance. The distribution of powers between teachers and students is however different from that between government and citizens. Yet, children are "here and now citizens" and the Convention on the Rights of the Child (CRC) also protects the right of the child to be heard and ability to participate. Thus, there is indeed a need for the school to distribute the powers fairly. If we focus on the outcome, numerous studies have found that students develop stronger sense of belonging after participating in the school's administration. Other benefits including enhancement of all-rounded abilities, more amicable teacher-student relationship and better academic results are also apparent. Getting involved in the making of school regulations makes students more willing to comply with them, e.g. in a school where there are various colours of uniform and students can choose which to wear, students feel more proud and honoured to wear the school uniform as they are entitled to such freedom. What come along with rights are responsibilities, since we have the responsibility to respect others' rights.

Secondly, how should the right of the child to participate be put into effect? Undoubtedly, it is difficult but there have been schools trying and testing. Our society holds a rather narrow interpretation towards education, limiting it to private morals (i.e. obedience) even in terms of holistic education. It requires going back to the root question, that is, what is education for and what kind of persons it aims to nurture? If studying is only for the purpose of taking exams but not solving various problems in their daily lives, then we only need tutorial schools, not to mention it had been stated in the CRC that education should aim at nurturing respect for human rights.



**Q** Do you think that the situation of Hong Kong children participating in school policy conform to the right to be heard as protected by the CRC?

**A** I would say the situation is not satisfactory and falls short of the standard set by the CRC despite recent improvements. When assessing the situation of Hong Kong students participating in school affairs, we can use the concept provided by a scholar, Lundy, i.e. space, audience as well as influence.

In terms of space and audience, improvements can be seen since that 90% of Hong Kong schools have set up student associations constituted by one-person-one-vote election, which can bridge schools and students, given that teachers may consult and accept opinions of the student associations. However, the way how students participate in school affairs is no more than a formality. Students associations can only decide on minor, piecemeal matters like the destination of school picnics. School policies are always out of their reach, not to mention school regulations.

In a study regarding democratization of school policies, we interviewed schools where both teachers and students recognized a high level of student participation but we then discovered that it is merely a result flowing from students' misconception. Students think that their teachers treat them well and thereby satisfy the "protection" and "provision" requirements in the rights of the child. In spite of their discontent with school regulations, e.g. prohibiting students from going out for lunch, students chose not to voice out for the sake of teacher-student relationships.

Even in schools that are comparatively more democratic in school administration, other problems arose. A school set up council which allowed everyone to discuss about school affairs. However, although students took part in school affairs to a high extent, the conclusion can hardly be made even in minor matters such as the destination of school picnics. The reason behind it is simply that students did not have the opportunity to learn about democratic participation, and consequently they insisted on their own stances and were unwilling to compromise. Thus, while opening up school administration for students to take part in, schools must also teach students about necessary concepts so that they can respect others' opinions and become able to discuss rationally.

**Q** What factors may affect schools in becoming human rights friendly?

**A** That depends on whether the society places emphasis on the nurturing of human rights through education. Currently, Hong Kong has no education policies on the democratization of school policies and administration. It follows that there are insufficient resources. Even if teachers try to promote human rights in education, they are bound by the lack of resources and therefore it is impossible to change the atmosphere of the schools or let students learn about human rights through participation. Given that Hong Kong does not implement small class teaching, the decline in number of classes makes teachers, as a career, unstable and so it is hard for teachers to divert their focus. In Taiwan, schools have backup from the government and thus possess sufficient resources to promote human rights education. On the other hand, frankly speaking, it is hardly possible for Hong Kong to do so in the near future.

Back to the schools themselves, it depends greatly on their vision and attitude, i.e. whether they believe in human rights and how they envisage the aims of education. In fact, after the Occupy Movement, students have already developed a stronger sense of human rights and autonomy. These influences will be going beyond Admiralty and reaching the schools, creating a bottom-up pressure. In such cases where schools are placed in passive situations, if they do not respond to students' autonomy, more conflicts are likely to happen. If teachers are afraid of another occupy movement happening in the schools, the best option is to talk with the students and respect their autonomy. This may well be an opportunity to create a human rights friendly school.



# AI GLOBAL CAMPAIGNS

YOUTH CAMPAIGN AROUND THE WORLD

## 1/ AI Canada: Youth activists in support of the 43 disappeared students in Mexico

On a sunny Sunday in late September, Amnesty Toronto's Youth Leadership Council hosted their first public event in Toronto's popular Kensington Market. They garnered 700 signatures for the petition in 5 hours! They marched with the portraits of the 43 missing students, while chanting the same mantra echoed by classmates of the students and their parents: "They were taken away alive. We want them back alive!"

## 2/ AI USA: Day of action for Ireland

28 September is the Global Day of Action to Decriminalize Abortion. On that day, young activists in different cities throughout the United States joined the solidarity demonstrations with other activists in Ireland. They showed their support for the decriminalization of abortion in front of the Irish embassies and consulates in cities such as Chicago, Boston, New York City, Pittsburgh and St. Louis. All of these cities have relatively large Irish-American populations and would be perfect locations to increase the pressure on Ireland, while spreading the message that Ireland needs to decriminalize abortion and respect the rights of its women.

## 3/ AI Italy: Human chain for refugees in the Alps

On 13 September 2015, 6,000 supporters of AI Italy formed a 10km human chain to encircle the iconic Tre Cime mountain in the Dolomites in order to show their solidarity with refugees around the world. They urged European Union leaders to protect refugees by taking critical steps like providing more safe routes and increasing resettlement places.

### Video footage at

<http://on.fb.me/1SNsWoN>

## 4/ AI Scotland: Time to show your PRIDE!

The campaigners of AI Scotland marched at the Pride Parade in Glasgow on 22 August 2015. It is Scotland's largest LGBT Pride Festival! See all the fun pictures on Instagram:

<https://instagram.com/amnestyscotland/>



## **EGYPT: AI JAZEERA JOURNALISTS HAVE BEEN PARDONED BY THE EGYPTIAN AUTHORITY**

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The President of Egypt, Abdel Fattah al-Sisi granted pardons to 100 people, including Al Jazeera journalists Mohamed Fahmy and Baher Mohamed on 23 September 2015, ahead of the Muslim Eid holiday.

Mohamed Fahmy and Baher Mohamed, were convicted of "spreading false news" along with their colleague, Peter Greste. They had been awaiting their fate for over 2 years, having been arrested in 2013 for covering a protest organized by the Muslim Brotherhood. The Egyptian court had ruled 10-year jail terms for both men but this was reduced to 3 years after appeal. Peter Greste was released and deported after the appeal hearing, leaving 2 remaining journalists behind bars until they were pardoned.

We thank all our members and supporters who have participated in #FreeAJStaff social media campaign over the past 2 years.

## **INDIA: DALIT FAMILY TO BE PROVIDED WITH PROTECTION**

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On 16 September 2015, the Supreme Court of India ordered the Delhi police to provide 23-year-old Meenakshi Kumari, her 15-year-old sister and the rest of their family with protection, after they fled their village in Baghpat, Uttar Pradesh, fearing for their safety. The sisters had been ordered to be raped by the unelected all-male village council as a punishment for their brother eloping with a married woman from a higher caste. It led to an international outcry and a huge number of appeals from Amnesty International activists.

Many thanks to all those who took action. We will continue to monitor their situation and take further action to support their family as and when appropriate.

# LOCAL HAPPENINGS

**THIS IS YOUR PAGE:  
BILL KP CHOU**



**NAME**

**BILL KP CHOU**

**OCCUPATION**

**GUEST LECTURER,  
THE HONG KONG  
INSTITUTE OF EDUCATION**

**YEARS WITH US**

**SINCE 2003**

## Why do you support Amnesty International?

Human rights are the basic conditions for living. When they are not guaranteed, personal properties, freedom of the person and even life will be threatened; the pursuit of personal well-being is rendered impossible. I used to live in Macau, helping local organizations to write reports on human rights there, so the idea of supporting Amnesty International just came naturally.

## What do you think about the human rights situation in Hong Kong and Macau? In what ways could the situation be improved?

The biggest difference between Macau and Hong Kong is that the former has not developed a strong civil society. Pro-government social groups dominate local politics and there are no human rights groups. When the government stamps on or is unable to protect human rights, only a few people stand up and try to oppose the government's actions.

Another issue is that many lawyers in Macau have business relationships with the government or the pro-government groups. It is hard to find human rights lawyers who are willing to represent victims whose rights have been violated. Finding people to work for justice and human rights at a very low price or even voluntarily is difficult. We can find them in Hong Kong, but not in Macau. Scholars who are familiar with the legal system in Macau are mostly pro-government. It is hard to expect them to stand publicly against the government and the pro-government parties' human rights violations. Besides this, standards of professional responsibility are relatively low within the media in Macau. Self-censorship is very common and this significantly hinders the role of the media in developing human rights education, particularly when it comes to civil and political rights.

On the institutional level, the Security Forces Discipline Committee in Macau is even more pro-establishment than its counterpart in Hong Kong, the Independent Police Complaints Council (IPCC). I cannot recall a time when it has ever publicly criticized any misuse of police power. Macau does not have a public authority like the Equal Opportunities Commission in Hong Kong, which handles citizens' complaints against violations of equal opportunities by the government or in the private sector. Macau has yet to criminalize indecent assault or sexual harassment. All of these factors hinder the promotion of gender equality in Macau.

To improve human rights conditions in both Macau and Hong Kong, the most urgent measure to be taken is to set up an independent human rights commission that is professional and has sufficient resources to handle citizens' complaints about rights-violations and to help them propose class action lawsuits. This would eventually raise public awareness about human rights issues.

## As a social activist, how would you encourage young people to stand up for freedom of speech and academic freedom?

Among the Hong Kong university students I have met, many of them are cognizant of civil rights and are willing to defend academic freedom. They actively participate in various campaigns or advocacy work. A lot of university programmes require an internship for all graduates and many non-governmental organizations that promote human rights in Hong Kong provide students with placement opportunities. As a social science teacher, many of my classes are related to human rights and social affairs and this allows me to include some content on civil rights in my teaching.

This is much harder in Macau however. I invited representatives from the pro-democracy camp to give a speech on civil rights at the university, but the department head vetoed the event, claiming that it might lead to public misunderstanding of the university's political stance. I also invited scholars to attend an academic seminar on China's ethnic minority policies concerning Xinjiang. This was also banned because the department deemed the topic politically sensitive. A few years ago, the Student Union planned to arrange a seminar on the legislation of article 23 of the Basic Law, but that also did not take place because of the school's obstruction.

## If you were granted the power to wish away one human rights issue, what would that be?

The increasing tension between Hong Kong citizens and the Chinese authorities intensifies internal conflicts within society and between the Executive and the Legislature. These issues are largely related to the fact that universal suffrage has still yet to be fulfilled. Therefore, the implementation of universal suffrage for both the Chief Executive and Legislative Council Elections is paramount.

## LEAVE A GIFT TO THE FUTURE

As once said by Peter Benenson, the founder of Amnesty International, "Only when the last prisoner of conscience has been freed, when the last torture chamber has been closed, when the United Nations Universal Declaration of Human Rights is a reality for the world's people, will our work be done."

However difficult it may be to act, Amnesty International believes that a single action, taken by just one individual can make a difference. The significance of such an action may not become clear until long after the individual has passed but we believe that every individual has the ability to leave a legacy to the future and to pass the torch of human rights defence to the next generations.

Not only does a Will distribute your assets to your beloved ones, it is also a way of expressing the values you have upheld for life. If you agree with the values of Amnesty International, we sincerely hope that you could include Amnesty International Hong Kong in your Will. Your donation will be used in local human rights education, letting the future generation learn about your belief in human rights.

**You may find out more information at**  
<http://legacy.amnesty.org.hk>

## UNIVERSITY AI CLUB

### Organizing Committee of AI Club of the Chinese University of Hong Kong (CUHK)

Ophelia Ling Yuen Ting (Bachelor of Arts in Philosophy year 2)

Leung Kai Shu Calvin (Bachelor of Social Science in Architectural Studies year 2)

Yeung Kwun Kow Philip (Master of Social Science (Social Work) year 1)

#### Why did you form AI Club at CUHK?

**Philip** I think there is still a lot of room for human rights to grow in Hong Kong. There should be various platforms for the discussion of rights - be it social, economic or political rights. Apart from academic training, I think AI Club is a good platform for us to understand the human rights movement. It is because Amnesty International advocates for international human rights issues and has international campaigns. Also, as an advocacy group, it has achieved some very effective and concrete advocacy work, which gives us a sense of achievement. I think it is necessary for CUHK to set up its own AI Club, because every institution has its own culture. CUHK has a strong humanities culture, so students may look at human rights issues from a different perspective from students in other institutions. Our viewpoints can also serve as a reference for Amnesty International Hong Kong.

#### What is the one human rights issue or activity that you want to promote on CUHK campus this academic year?

**Ophelia** This academic year, we want to let students in CUHK know that they have a choice. We want to let them know about us. In Hong Kong, when we want to know more about various social issues, we have to get involved in some organizations. Often these organizations are affiliated with political parties. However, some students do not want to join organizations that are politically affiliated. CUHK AI Club, like Amnesty International, is independent from all political parties. Thus, for them, we are a very good alternative.

#### Why do you think it is important for tertiary students to join the human rights movement?

**Philip** In universities and colleges, students prepare themselves for entering society. We do not only prepare ourselves as employees, but also as citizens. We are still searching for our roles in this society. I think at this stage, attention on human rights should be amplified. To join the human rights movement is to understand that every individual has fundamental rights and dignity. In the future, we will be in charge of different resources in this society. If we can see the needs of different social groups now, we will be able to consider different sectors of society and make mature decisions.

Also, institutional autonomy facilitates us to do something that we think is right, such as adopting more radical positions, without scrupling and considering political interest.

#### What is the greatest challenge in organizing CUHK AI Club?

**Calvin** All students joined AI Club voluntarily and agree that human rights have to be defended. However, when we get together to organize activities, we realize that each of us has a very different stance on a number of different human rights issues. It takes a lot of effort for us to reach a consensus.



## HKU AI CLUB

HKU AI Club has recruited its first batch of members!

#### Why did you join HKU AI Club??

**Cyrus Wong** I want to know how I can help others in this city where human rights seem to be well fulfilled.

**Markus Ching** I think not a lot of people pay attention to human rights, especially in Hong Kong. There is even less attention on campus. People do not pay attention because they have little knowledge and the issues seem to be quite far away from them.

**Binarree Phasakorn (Tony)** As a student, I can just watch and witness, but have no chance to get involved in human rights movements. I believe that our generation needs to do something on human rights. We should not only take from our society, but we also need to give.



## RIGHTS OF THE CHILD, IN THE EYES OF A CHILD

### What do you think a human rights friendly school might look like?

**Lau:** Walls should be set up both inside and outside of the campus for students to express their opinions. The school would not penalize students for their opinions on the wall.

**Tsui:** Having the right to elect a student union!

**Li:** A human rights friendly school should respect students' autonomy. It would not make decisions on school policies without consulting students, thus overlooking their interests.

**Chong:** I think a human rights friendly school should provide channels for students, teachers and all staff to express their opinions.

**Lam:** I think the school should accept students' opinion and suggestions, and to make improvements accordingly.

**Cheng:** A human rights friendly school should try its best to fulfill the needs of different students, such as providing assistance and giving them space.

### Why do children/teenagers need freedom of expression?

**Ngan:** Teenagers forms the core of our future society, freedom of expression leads to the creation of a better future.

**Chan:** Everyone has independent thinking, so do children and teenagers. Therefore, they have the rights to express their thoughts, stances and feelings. Freedom of expression allows them room for thinking, making changes and taking actions.



## 兒童眼中的兒童權利

**你認為尊重人權的校園是怎樣？**

**劉同學：**校園內外當眼處各有一幅高牆，任由學生表達任何意見，校方不可藉此作出處分。

**徐同學：**有投票選舉學生會的權利！

**李同學：**尊重學生自主，不會在未諮詢學生的情況下規定校政，剝削學生利益。

**莊同學：**讓學生、老師和所有工作人員有表達他們看法的途徑。

**林同學：**我認為校方應該接納學生的想法和建議，並作改善。

**鄭同學：**盡量配合不同學生的需要，為學生提供支援，予以空間。

**為何兒童和青少年應當享有表達自由？**

**顧同學：**青少年作為未來社會的中堅份子，表達自由是為了創造更好的未來。

**陳同學：**每個人都有獨立思想，兒童和青少年也一樣。所以，他們有權利表達自己的想法、立場和感受。表達自由給予他們更多思考空間，用行動帶來改變。

國際特赦組織創辦人 Peter, Berenson 曾說：「只有在最後一個良心犯獲釋、最後一間拷問室被關閉、每一個人都能享受《世界人權宣言》的時候，我們的工作才算完成。」

這是一份無比艱難的工作，但是星星之火可以燎原。國際特赦組織深信，無論多微小也好，您的一舉一動也能改變世界人權狀況。即使身故後，大家可以為未來留下一點禮物，讓捍衛人權的薪火承傳下去。

一紙遺囑，除了是按自己的意願分配財產予所愛的人外，更是將自己一生堅持的信念宣揚開去的途徑。假若您支持我們的人權工作，我們希望您能在遺囑內註明將一部分財產捐贈國際特赦組織香港分會。您的捐款將投放本地人權教育工作，讓未來一代得悉您所堅持的人權信念。

#### 詳情請參閱

<http://legacy.amnesty.org.hk>

## 留給未來的禮物

### 香港中文大學學生會國際特赦組織籌委會

國際特赦組織學會已於香港中文大學（中大）成立。為何成立學會？有何最新動向？我們請來籌委會成員凌緣庭（哲學文學士二年級）、梁啟樞（社會科學士（建築學）二年級）及楊貴求（社會科學碩士（社會工作）一年級）為大家現身說法。

#### 你們為甚麼成立國際特赦組織學會？

楊貴求：我認為香港人權議題還有很大發展空間。不論是社經權利還是政治權利，也應該有不同討論平台。除學術訓練外，國際特赦組織學會是個不錯的平台，讓我們了解人權運動，因為國際特赦組織議題國際化，亦有不少國際倡議活動。而作為壓力團體，它做過有確實成效的倡議工作，這些都會讓我們有成就感。中大應有專屬國際特赦組織學會，因為各院校有不同文化，而中大最具人文氣息，可能較其他院校有不同觀點理解人權議題。我們的觀點也能為國際特赦組織香港分會提供參考。

#### 你們在這個學年最想在中大推廣甚麼人權議題？

凌緣庭：我們希望給中大學生多一個選擇，讓他們知道學會的存在。因為在香港，當我們想接觸社會議題時，所接觸的組織同時會有政黨背景。有些同學不想參與有政黨背景的團體，而學會像國際特赦組織一樣獨立於政黨，對他們而言會是個非常好的選擇。

#### 大專生參與人權運動有何重要？

楊貴求：大專是學生未正式踏入社會前的準備階段。我們不只準備就業，也準備成為公民。我們正在尋找自己在社會的角色。我認為此時應該盡量多加關注人權。參與人權運動就是讓我們理解每個人皆有基本權利和尊嚴。我們未來會掌管這個社會不同資源，所以如果現在能看到不同社會群體的需要，未來就能做較成熟和顧及不同群體的決定。另外，院校自主有助我們無所顧忌也不需考慮政治利益去做一些我們認為對的事，包括抱持較激進立場。

#### 你認為籌備國際特赦組織學會最大的挑戰是甚麼？

梁啟樞：雖然大家主動參加這個學會，可能都認為人權值得捍衛，但當落手落腳籌備活動時，就會發現其實大家對不同人權議題也有不同立場，需努力達成共識。

#### 香港大學 HKU AI Club

HKU AI Club 已經招募首批會員！讓我們看看會員心聲！

#### 你為甚麼參加 HKU AI Club ？

黃浩軒：我希望知道在看似滿足人權的香港，可以如何幫助他人。

程珩：我覺得好像沒有很多人會關注人權，特別是香港，大學校園更是少之又少；因為議題不切身，大家不太認識，沒太多人會留意。

Binarree Phasakorn (Tony)：作為學生，我只能觀察和見證，卻沒有機會參與人權運動。我相信我們這一代需要為人權做一些事。我們不應只取之於社會，也應回饋。

## 大學 AI CLUB

## 本地迴響

你的一頁：仇國平

## 你為甚麼會支持國際特赦組織？

人權是安身立命的基本。人權得不到保障，個人財產、人身自由及生命也會受到威脅，謀取個人幸福自然不可能。我曾在澳門生活，協助當地關心人權狀況的團體撰寫澳門人權報告，支持國際特赦組織也順理成章。

## 你認為香港與澳門的人權狀況有何不同？有何方法有助改善兩地人權問題？

澳門與香港最大不同，在於公民社會發展薄弱。許多社會力量被吸納到建制，專注人權的社會團體連一個也沒有。當遇到政府打壓人權或維護人權不力時，反對聲音非常微小。

另外，澳門法律界人士很多都和建制派或政府有業務來往。因此難以出現類似香港的維權律師，願意為了公義及保障人權，高調以低廉收費甚至免費為侵權受害人打官司。很多熟悉澳門法律的學者也是建制派，難以寄望他們會公開反對政府及建制派的侵權行為。同時，澳門的傳媒專業水平較低，自我審查情況較嚴重，以至傳媒在發展人權教育，特別是公民及政治權利的角色更顯消極。

在制度方面，澳門警監會比香港監警會更保皇，主席由官委立法議員擔任。由成立至今，印象中從未公開譴責警方濫權。澳門也沒有類似香港平機會的公共機構，接納和處理市民就政府或民間違反平等機會的投訴。澳門還未將非禮刑事化，亦無刑法禁止性騷擾，有礙推動男女平等。

要改善兩地人權狀況，最急切的是成立獨立、專業及資源充足的人權委員會，以處理侵犯人權的投訴，有需要時協助市民提出集體訴訟，從而提高公眾對人權的關注及意識。

## 多次參與社會運動的你，如何鼓勵青年人捍衛言論自由及學術自由？

我接觸過的香港大學生，很多都對捍衛學術自由等公民權利有一定意識，也勇於參加社會運動，倡議各類政策。不少大學課程也會要求學生參加實習，香港有不少與關注人權的非政府組織非常樂意為學生提供實習機會。再者，我本身任教社會科學，不少課堂內容與人權及社會事務有關，只需稍加調整，便能結合教學和倡議公民權利。

但在澳門就困難得多。我曾經邀請民主派陣營的社會人士到大學就公民權利演講，但學系主任以不想外間誤會其政治立場為由加以禁止。另外，我亦曾經邀請學者參與中國有關新疆少數民族政策的學術講座，卻被系方以題材敏感為由禁止。再早幾年，學生會擬就《基本法》二十三條立法舉辦研討會，最終被校方多番阻撓而夭折。

## 如果可以願望成真，而只能許一個願，你會選擇解決甚麼人權問題？

現時香港民間與北京關係日益緊張，香港社會內部矛盾尖銳，行政立法機關關係緊張，很大程度與雙普選遲遲不能落實有關。因此，落實雙普選事不宜遲。

姓名  
仇國平

職業

香港教育學院客席講師

與國際特赦組織同行

自二〇〇三年起

## 埃及總統特赦卡塔爾半島電視台記者

今年九月二十三日，埃及總統阿卜杜拉·法塔赫·塞西在穆斯林節慶前夕，宣布特赦及釋放卡塔爾半島電視台記者Mohamed Fahmy、Baher Mohamed及另外九十八人。

他們兩人及任職同一間電視台的澳洲籍記者Peter Geste，在二〇一三年因採訪埃及穆斯林兄弟會示威而被當局拘留，並控以「發布假新聞」罪。三人被判囚十年，而在上訴審訊後，Peter被驅逐出境，另外兩人改判監禁三年，直至特赦才獲釋。我們感謝各位會員及支持者，在過去近兩年參與#FreeAJStaff社交媒體行動。

## 印度法院頒令保護最低種姓階級家庭

印度最高法院頒令，要求德里警方保護二十三歲的Meenakshi Kumari，其十五歲胞妹和其他家人的人身安全。兩姊妹本來居於Baghpat區的村落，因哥哥與高級種姓階級家庭的已婚婦女私奔，遭村代表議會下令強姦她們，並赤裸遊街示眾。該議會成員全為男性，而所有代表皆非由民主方式產生。

兩姊妹於是逃離村落，並向國際特赦組織印度分會求助。她們的遭遇引起全球公憤；國際特赦組織的會員及支持者均積極參與緊急行動，要求印度政府不要袖手旁觀。

我們感謝各位參與行動的會員及支持者。我們將會密切留意兩姊妹的情況。如有需要，我們將有後續行動，不斷予以支持。

# 全球人權運動

全球青年動起來

## 1 / 加拿大分會 — 青年組織者支持四十三名墨西哥失蹤學生

在九月底一個陽光普照的周日，加拿大分會的青年領袖議會在多倫多肯森頓市場主辦首次公眾活動，聲援四十三名墨西哥失蹤學生。他們在五小時內收集到七百個市民簽名，隨後手持失蹤學生的照片遊行，並高呼失蹤學生親人和同學的口號：「他們被活生生帶走，我要他們活著回來！」

## 2 / 美國分會 — 撐愛爾蘭行動日

九月二十八日是全球推動墮胎非刑事化行動日。當天來自美國不同城市的青年人齊集在芝加哥、波士頓、紐約市、匹茲堡及聖路易市的愛爾蘭領事館前，齊撐愛爾蘭反墮胎政策的示威。在這些美國城市中，美籍愛爾蘭人的人口比例較高，因此有助向愛爾蘭政府施壓，並推動愛爾蘭墮胎非刑事化，以保障當地婦女及女孩的人權。

## 3 / 意大利分會 — 阿爾卑斯山上牽手撐難民

今年九月十三日，六千名意大利分會支持者在阿爾卑斯山多洛米蒂山脈三牙峰上攜手圍成人鏈，為全球難民展示團結精神，並促請歐盟領袖保護逃離戰火的難民，譬如提供安全逃難路線及增加安置配額。

## 精彩片段

<https://on.fb.me/1SNsW0N>

## 4 / 蘇格蘭分會 — 展示你的驕傲啊！

今年八月二十二日，蘇格蘭分會同事參與格拉斯哥同志遊行。這是蘇格蘭最大的同志及跨性別節。當日有趣照片載於 <https://instagram.com/amesjyscotland/>



**問** 為何要落實兒童表達主見權？這不正是衝擊師長權威嗎？有何好處？

**答** 我們應該反問，為何權在大人手中？為何成人不需兒童同意，就可剝奪兒童權利？這牽涉兩個問題。第一，學生應否有權？在民主社會中，公民同意交出部分權力，予政府管治。師生權力分配不同於政府與公民。不過，兒童是「此時此地公民」(here and now citizen)，《兒童權利公約》(《公約》)亦肯定兒童表達主見權和參與能力，因此學校需要公平分配權力。若談後果，不少研究指出，學生參與校政後，對學校有更強歸屬感；改善了師生關係；甚至成績更好，並有助培養其多元能力。學生可參與制訂校規，便更願意遵守，譬如有學校設多種顏色的校服上衣和裙褲予學生自行配襯，學生因為學校讓其自由選擇，更自覺要穿得好，並為此感到自豪。講權利也自然提到責任，因為我們有責任尊重他人的權利。

第二，如何落實兒童參與？其實有難度，不過有學校嘗試實踐。社會對教育理解較為狹窄，即使全人教育也是培養私德，要聽話順從。這返回基本問題：教育所為何事？希望培養怎樣的人？如果學習只為應付考試，而不是解決生活問題，我們只需補習學校，更何況《公約》訂明教育目的包括培養尊重人權。

**問** 你認為香港兒童參與校政的情況是否符合公約保障的表達主見權？

**答** 我認為情況惡劣，雖有進步，但與《公約》標準相距甚遠。我們可借用學者Lundy的框架，以空間(space)、致取(audience)和影響(influence)評論香港學生參與校政情況。

就空間和受眾而言，有九成香港學校設有一人一票選出的學生會，並有負責教師聆聽學生會意見，成為學校與學生的橋樑，確是進步。然而，學生參與校政

流於形式，學生會只可自行決定諸如旅行目的地等無傷大雅的事，但校政無緣置喙，校規更是鐵板一塊，不容改動。

在校政民主化研究中，有些學校的師生皆認為學生高度參與校政，於是我們前往訪談，卻發現學生將關愛誤解為參與校政。學生認為老師很愛錫他們，滿足了兒童權利3p的「保護」(protection)和「提供」(provision)，縱然不滿校規，譬如不准外出午飯，也因為不想影響師生關係，所以忍氣吞聲「算數」。

即使是校政較為民主的學校，也有其他問題。有學校設立師生議會，予全校討論校政，學生的確高度參與校政，卻簡單如旅行地點也無法決定。因為學生未有學習何謂民主參與，結果各持己見，不肯妥協。所以開放校政的同時，也需要培養學生尊重他人意見和理性商議的能力。

**問** 有何因素影響學校成為人權友善校園？

**答** 這視乎社會是否重視透過教育培養人權。現時香港並無校政民主化的教育政策，無政策就無資源，即使教師相信人權，也苦無資源推動人權校園，讓學生從體驗人權中學習人權。香港亦無推行小班教學，縮班導致教師職業不穩定，教師較難分心。台灣學校有政府支援，所以有資源推廣人權，但香港短期內也不太可能。

至於校內，亦取決於意識形態，即是否相信人權及其教育目的。其實經歷佔領運動，學生人權意識抬頭，有更強自主意識，這不單只會留在金鐘，更會帶回校園，造成由下而上的壓力。學校處於被動，不去回應學生已提升的自主意識，可能會增加衝突。若師長擔心學生佔領校園，應與之對話，並尊重其自主。這亦是推動人權友善校園的契機。

專訪 / 梁恩榮談學校落實兒童表達主見權的情況

問 / 國際特赦組織香港分會  
答 / 梁恩榮 (香港教育學院教育政策與領導學系兼任副教授)



有規定必須束起頭髮，只要求我們不要染髮，也不可遮臉，以免看上去精神頹靡。校長說這樣給了我們適當自由，而我們也有責任保持儀容整潔。又如去年罷課，學校並無禁止，反而給予我們平台，予罷課學生在禮堂表達意見，也邀請舊生和參與佔領運動的人回校分享。我覺得其他學校也可以多加推廣權利和責任。

### 社會參與

**問** 去年佔領運動中，十四歲少女在政府總部「連儂牆」用粉筆畫花，遭警方以涉嫌刑事毀壞罪拘捕，並拘留十七小時，及後警方向少年法庭申請保護令接管該名少女。你有何評論？

**答** Angie：就兒童權利而言，兒童被捕後，應在短時間內讓其保釋，但粉筆少女被拘留長達十七小時，實在太嚴厲。而保護令將少女和爸爸分開，理據並不充分，並非以兒童最大利益為依歸。我們亦因此事更加關注青少年司法程序。現時程序透明度低，兒童不知道程序，萬一遇事，不知自己有何權利，也不肯定權利有否被剝削。

Douglas：就兒童最大利益而言，我認為應用兒童角度去看，而不是當權者角度。譬如媽媽因賭錢而獨留兒童在家，社會可以接受警察執法，但少女做些政治敏感的事，而聽障父親不在身邊，警方就申請保護令，令父親無法行使照顧女兒的權利，那並不合理。粉筆畫牆容易清洗，不是永久損害建築物，很難構成刑事毀壞。用粉筆塗鴉可說小事一宗，卻遭拘留十七小時，是否很不合理？中學生很喜歡畫黑板和書桌，學校是否就要報警？警方是否要拘留十七小時？

**問** 你對政府落實兒童表達主見權有何評論？

**答** Althea：我覺得政府諮詢兒童的做法並不誠懇。現時政府設兒童權利論壇諮詢兒童意見。政府透過兒童團體邀請兒童代表出席，公眾較難知道這個渠道，如果我不是「童夢同想」成員，我也不會知道。政府官員先用簡報

演講，但內容以專業人士為對象，兒童難以理解。官員態度高高在上，如同教導我們，而不是聆聽或協助我們表達意見。譬如即使「共同父母責任模式」議題貼身，但諮詢文件冗長難明，沒有兒童友善版本，兒童難以明白，更遑論撰寫意見書。以往諮詢議題較廣，譬如西九文化區設計方案，且有定案才諮詢我們，我們純粹表達意見，沒有帶來改變。

**問** 為何會爭取香港政府成立兒童事務委員會？

**答** Angie：兒童事務委員會獨立於政府，是個兒童發聲的永久平台，形式類似平等機會委員會。政府在制訂和落實政策過程中，會以兒童友善方式諮詢兒童意見，譬如用圖片和講故事的方式諮詢較年幼的兒童。雖然立法會曾於二〇一三年通過有關「促請政府設立兒童事務委員會，以履行聯合國《兒童權利公約》訂明的責任」議案，但議案並無約束力。

### 參考資料

「童夢同想」網頁：<http://kidsdream.org.hk/>



## 專訪 / 童夢同想談兒童表達主見權

問 / 國際特赦組織香港分會

答 / 「童夢同想」兒童代表 (Angie、Sarah、Jeff、Rainbow、Yoyo 和 Douglas) 及青年代表 (Althea 和 Jason)

### 「童夢同想」簡介

「童夢同想」於二〇〇六年成立，乃香港首個兒童主導的組織，致力推廣聯合國《兒童權利公約》，成員以十八歲以下兒童為主。

### 校政參與

**問** 你認為香港學生參與校政是否足夠？參與是否有意義？

**答** Sarah：以我學校為例，學生不曾更改校規，但可參與制訂其他政策。我們透過學生會向學校表達意見，曾經成功爭取學校圖書館早上開放，以便同學還書。我認為這種參與有意義，並可改善我們的校園生活。

Angie：我覺得學生參與校政不太足夠。香港普遍學校有校董會或學校管理委員會，當中有校方、校友代表和校董，但無學生代表。管理委員會負責宏觀管理，而不是日常運作細節，是不是應該加入學生代表？雖然我就讀的學校有學生會，但純屬表面參與。學生可以和校長開會討論，不過校長總有千萬個理由否決，那是否真正參與？

Rainbow：學生參與校政並不足夠。學校制訂政策甚為單向，有學校講無學生講。這可能是學校架構問題。校長和管理層也想聽到學生意見，但中間隔著其他架構，學生意見難以直達管理層。此外，雖然學校的小食部招標委員會有學生代表，但教師代表和家長教師會代表各有兩票，影響最大的學生代表反而只得一票，我覺得就算學生開會表達意見，好像也沒甚作用，有參與但不足夠，不太有意義。

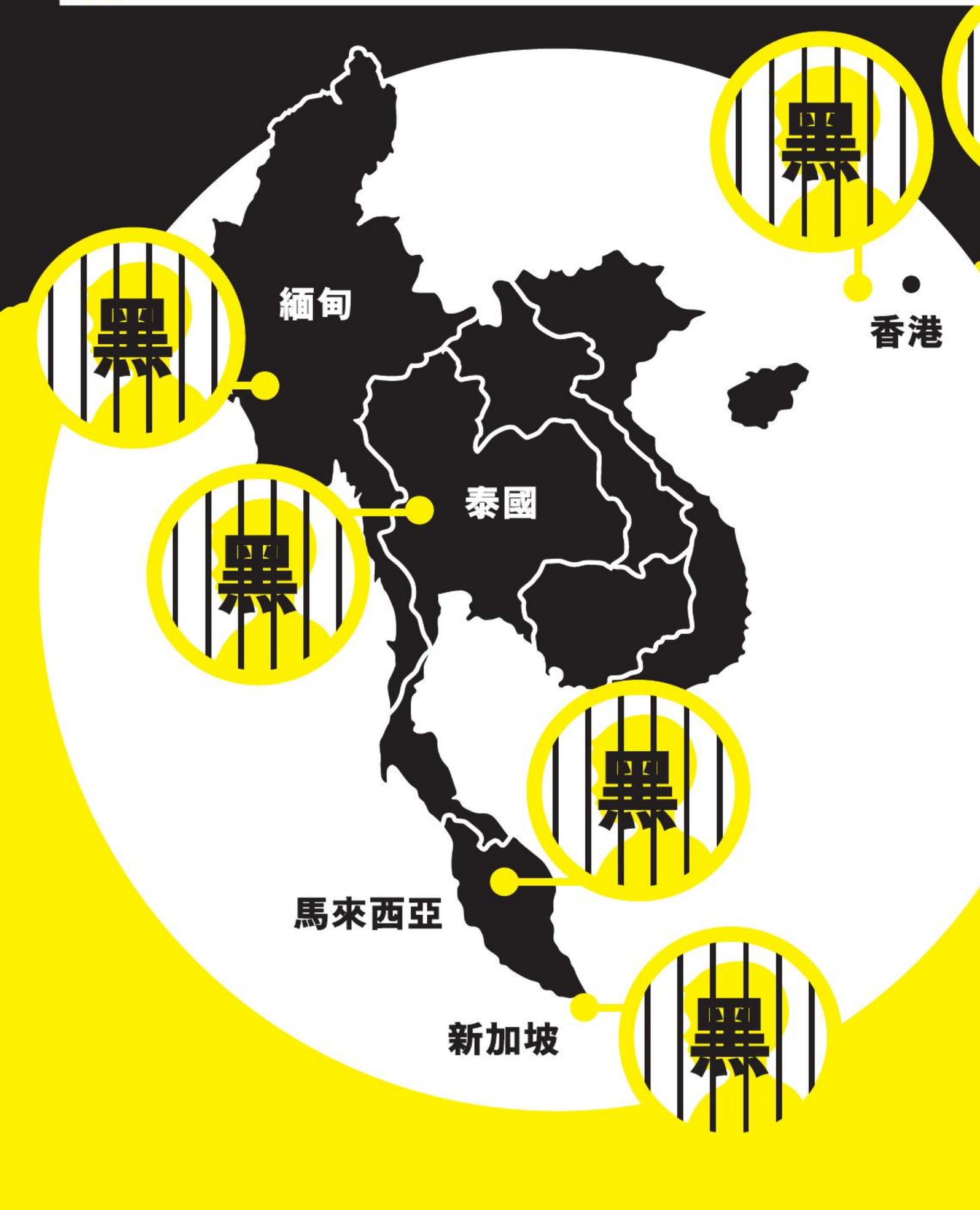
**問** 你認為香港學校能達到「人權友善」嗎？

**答** Angie：學校或會覺得人權與校規有衝突。譬如學校會檢查我們有否穿有明顯顏色的底衫或較長的打底褲，但我們會問為何學校連底衫的顏色也要管？我很難界定對與錯，到底我是否有權爭取穿有色底衫？但有時會想，學校是否因為有權就去限制我們眾多事情？此外，人人平等是人權很重要的精神。但香港比較功利，譬如學校會安排好老師栽培精英班，機會只留給可為學校爭光的學生，這些都是不言而喻，同學感覺很差，覺得很平等。

Jeff：人權友善校園就是學生享有參與權，而學校也有人權教育，學生從而在學校實踐人權。但我覺得香港普遍學校仍是人權不友善。譬如人權教育不足，只有公民教育和通識科涵蓋人權，而通識科卻是考試導向。又如我有一位同性戀同學在校內備受歧視，最終竟被踢出校，我覺得學校不尊重該名學生的人權。

Yoyo：學校始終有階級觀念，覺得學生不應干涉校政，只應盡本分讀書和玩樂；而老師已經很忙，恐怕學生若參與校政將會增加他們的工作量。學生較少機會參與校政，譬如校規「話改就改」，忽然不准我們穿體育服的短褲回校，又規定女生在莊重典禮必須束起頭髮，老師只是向我們宣布，從沒有諮詢我們。又如去年罷課，學校要保持中立，負責老師告誡我們切勿用學生會名義罷課，以免影響學校聲譽。

Sarah：我就讀學校比較人權友善。學校沒有規定學生髮型和長度，也沒



緬甸

香港

泰國

馬來西亞

新加坡

黑

黑

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黑

## 兒童旅遊警示（東南亞篇）

聖誕節及新年假期讓莘莘學子期待了一整年，才得以拋下沉重的書包透透氣，甚或與家人出外遊玩，追尋更勝萬卷書的見聞和體驗。可是，一些東南亞國家不僅不尊重兒童表達己見的權利和自由，甚至施以打壓，非常令人震驚！天真無邪、活潑敢言的兒童將自己內心真誠的想法表達出來，乃自然不過的事，而且受《公民權利和政治權利國際公約》及《兒童權利公約》保障。

年近歲晚，有鑑於若干窒礙兒童權利的東南亞國家亦是港人旅遊熱點，為了協助學童放假外遊時提高警覺，我們特別發出「兒童旅遊警示」。當大家選擇旅遊目的地時，除了留心吃喝玩樂好去處，也要關注其他兒童權利受侵犯的情況啊！

### 緬甸

自二零一四年九月緬甸總統登盛 (Thein Sein) 批准《國民教育法》後，觸發了一場學運——學生不滿法例損害大學自主和學術自由，亦未涵蓋成立獲法律承認的學生組織與教師工會的權利。於是自去年十一月起，一場又一場大型和平示威接續發生，及後政府與學生談判破裂，學生於今年三月再次和平示威，警方卻使用過分武力，用警棍驅趕他們。

早前中國政府大肆拘捕維權律師，連維權律師的子女也不能倖免。譬如十六歲的包卓軒是維權律師王宇的兒子。今年十月，他在緬甸境內遭押返中國軟禁。

### 泰國

自從泰國軍政府掌權後，實行軍法管治，人權狀況更令人擔憂，譬如五十年以上的政治集會即屬違法。今年五月二十二日，泰國軍政府掌權一周紀念，十六名學生分別參與曼谷市中心和東北部孔敬的和平示威，其中十四人（有未滿十八歲人士）被控煽動罪。他們將面對軍事法庭審判，若罪成最高可判囚七年。

### 台灣

今年五月，台灣高中學生發起「反高中課綱微調運動」，要求撤回「黑箱作業」和儼如「洗腦」的修訂課程綱領。學生包圍和佔領教習部，遭警方拘捕，被扣上手銬和索帶，當中十一人並未成年。有示威學生不堪被控壓力，最終自殺身亡。

### 香港

既然去熱門地點旅遊如此危險，不如留港消費？少年，你太年輕了，你以為留在香港就很安全嗎？不信，且看粉筆少女的遭遇：二零一四年佔領運動清場後，一名十四歲少女在金鐘「連儂牆」用粉筆畫花，和平表達意見，卻遭十四名警員包圍，以涉嫌刑事毀壞罪拘捕，通宵扣查十七小時後才獲釋；及後警方向少年法庭申請保護令接管女童，法庭下令女童暫住屯門兒童及青少年院，直至律師代表上訴至高等法院才獲准保釋。警方做法被質疑企圖阻嚇兒童和平表達，不符《公民權利和政治權利國際公約》和《兒童權利公約》保障。

### 馬來西亞

雖然最近馬來西亞「乾淨與公平選舉聯盟 P.O」（淨選盟）和平集會並無出現以往警方暴力鎮壓的情況，社會卻瀰漫著白色恐怖——因為副首相揚言「不惜引用任何法例對付參與集會人士」；有大學校長表示會對參與集會的學生「秋後算帳」。事實上，馬來西亞對兒童參與集會限制多多，譬如二〇一二年通過的《和平集會法》禁止二十一歲以下人士組織集會，亦禁止十五歲以下兒童參加集會。有十四歲兒童參與淨選盟集會後，於網上匿名發表感受，相信兒童參與並不是個別例子，不過政府隨時可以引用《和平集會法》對十五歲以下兒童「秋後算帳」，的確令人不寒而慄。

### 新加坡

新加坡十六歲少年余澎杉於網上發布批評新加坡首任總理李光耀的片段，因而遭當局拘捕，及後被法庭定罪，並判監四星期。更甚的是，他在拘留期間受到不人道對待：被囚於精神病房，一邊手腳被綁於床；只能於床邊的馬桶如廁，迫著於充滿尿味的地方度日；囚室內長時間亮着燈，非常困擾。新加坡政府以言入罪本已不妥，更向兒童施予不人道待遇，完全無視《兒童權利公約》。

台灣

黑

## 權

**創設促進兒童表達主見權的環境**

政府在制訂政策和決策時，尤其教育政策，除了鼓勵兒童自由表達意見外，更應「創造促進兒童行使表達主見權的環境」（段十一），譬如提供兒童易明資料、尊重兒童及與之平等對話（段三），並提供便利措施，協助殘疾兒童、不諳主流語言的少數族裔及移民兒童表達主見。（段二十一）

**設兒童權利委員會**

此外，政府應設立獨立兒童事務專員或兒童權利委員會，專門監察兒童權利情況。（段四十九）

**推動兒童權利家庭教育**

聯合國亦建議政府於兒童成長、發展和學習環境推廣兒童表達主見權。譬如若兒童自小在家中可自由表達意見，並獲家庭成員適當考慮，對家庭和社會皆有所裨益，因為這種育兒方法「有助兒童發展、增進家庭關係及預防家庭暴力」（段九十），並為兒童「參與社會做好準備」。因此，政府應透過立法和政策鼓勵家長和監護人聆聽和適當看待兒童對其有關事務表達的意見（段九十二），推動認識兒童權利的家長教育（段九十三），包括「父母與兒童互相尊重、兒童參與決策、適當看待所有家庭成員意見、認識、促進和尊重兒童發展能力及解決家庭衝突的方法」。（段九十四）

**學童參與校政，落實表達主見權**

倘若兒童在校園生活實踐表達主見權，並從中學習人權，不僅有助達到培養學童尊重人權的教育目的，亦可培養其成為負責任的公民。然而，聯合國關注學校「長期出現專制、歧視、毫不尊重和暴力的情況」，並認為此不利兒童表達主見權。（段一〇五）因此，政府應推廣「以兒童為中心的參與式學習」（段一〇七），譬如兒童友善校園，並透過立法成立班會、學生會、學校董事會及委員會學生代表等，讓學生自由表達對校政和校規意見和參與決策過程（段一一〇），尤其參與紀律程序（段一一三）。

**參考資料**

聯合國兒童事務委員會。（第十二號一般性意見：兒童表達主見權）。二〇〇九年七月二十日。

兒童既不會未來才是主人翁，也不是父母的附屬品，而是此地此地的公民 (here and now citizen)，有相當自主能力，亦享有表達主見的權利。兒童雖未如成人般享有全面自主權，但仍然受聯合國《兒童權利公約》(一九八九年) 保障，不容漠視他們的權利，《公約》乃迄今最多國家批准適用的國際人權公約，獲國際社會廣泛認同。

#### 守和四大原則

《公約》涵蓋十八歲以下人士的公民、政治、經濟、社會與文化權利，大致分為保護 (protection)、提供 (provision) 和參與 (participation)，合稱兒童權利 3P。《公約》亦有四大原則：(一) 人人平等，無所歧視，(二) 兒童最大利益、(三) 生存及發展權及(四) 表達主見權。

#### 兒童有權自由表達主見

兒童表達主見權受《公約》第十二條所保障：「締約國應確保有主見能力的兒童有權對影響到其本人的一切事項自由發表自己的意見，對兒童的意見應按照其年齡和成熟程度給以適當看待」。

兒童既有權自由表達主見，亦有權保持沉默，不應受到不當影響或壓力。(段二十二) 政府應假設任何年齡的兒童皆有能表達意見，並尊重其表達方式，包括語言、「身體語言、臉部表情及繪畫」等。(段二十一)

#### 表達主見權與言論自由息息相關

言論自由是兒童表達主見權的前設，兩者環環相扣，但有所不同。言論自由包括尋求和接收資訊及表達意見的權利，而表達主見權則指明兒童有權就影響其一切事務表達意見，並參與該行動和決定，因此政府有責任立法和設立機制，以促進兒童參與權。(段八十一)

在二〇一四年，香港發生了一場非常大型的佔領運動，主要訴求是關於政制改革，參與人士大部分是年輕人，亦有高中甚至初中學生，於是政府及社會突然討論青少年政策，並提出要「處理」這個「問題」。

首先，把青少年提出政制改革的訴求視為「問題」，令我感到大惑不解。另一方面，學生團體至今仍然對教育局疑似推行「國民教育」提出爭議；此外，有小學生在校內墮樓死亡，死因聆訊暴露了學校管理層處理事件的諸多流弊；少數族裔學生對教學語言無所適從；特殊教育學生的需要未獲適當回應；在過去的暑假，幼稚園及小學學童所參與的補習班及興趣班之多已達至瘋狂程度；還有令學生及家長苦不堪言的全港性系統評估（TSA），教育局表示絕不廢除。

上述種種問題均與未成年人息息相關，政府的回應卻「牛頭唔搭馬咀」——建議推出音樂會、舞會及邀請青少年參加軍事訓練等活動，迴避了問題，並且不尊重未成年人士的表達及參與權。成年人也許遠離童真已久，但年少絕非無知，看看《兒童權利公約》如何闡述未成年人士的權利吧！

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出版

國際特赦組織香港分會 / www.amnesty.org.hk

出版日期

二〇一五年十二月

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01/ 主編的話

專題

02/ 淺談兒童表達主見權

04/ 兒童旅遊警示(東南亞篇)

06/ 專訪：童夢同想談兒童表達主見權

08/ 專訪：梁恩榮談學校落實兒童表達

主見權的情況

10/ 全球人權運動

11/ 好消息

本地迴響

12/ 你的一頁：仇國平

13/ 留給未來的禮物 / 大學 AI Club

14/ 兒童眼中的兒童權利

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ISSUE. 16  
WINTER 2015 / [www.amnesty.org.hk](http://www.amnesty.org.hk)

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