

PathFinders Limited

Oral Submission

to

**The Hong Kong SAR's Legislative Council's
Subcommittee on Children's Rights**

'Rights of Children in Correctional Home and Correctional Institution'

23rd May 2017

My name is Vrinda Choraria. I represent PathFinders, a Hong Kong-registered charity that works to ensure that the most vulnerable children born in Hong Kong, and their migrant mothers, are respected and protected.

PathFinders' submission today focuses on the pregnant women, migrant mothers and their children who are detained in Hong Kong's correctional institutions.

In a 2014 case, PathFinders was approached by Thai woman, who had heard about our services from other inmates. The woman's son had been born while she was in prison and was now approaching 3 years of age, being the maximum age a child is permitted to stay with its mother in prison under the statutory Prison Rules.¹

The woman had no family or friends in Hong Kong who could care for her son. The only option offered by the state was to have the boy placed into the institutional child care system. The woman feared that her son would be an utterly lost cultural and racial minority. It would also make it difficult for him to assimilate in Thailand, where she planned to return upon her release in 2017. She wanted her son to be looked after in Thailand. In these circumstances, the woman contacted PathFinders.

Even though the woman had no relatives able to take care of the boy full-time, PathFinders was able to find a suitable children's NGO in Thailand, near the woman's elderly mother, to care for the boy. PathFinders helped the woman and boy to navigate multiple local and international legal and documentary requirements to ensure that the boy was protected and that his best interests were kept as the paramount consideration.

In Thailand, the boy's grandmother visited him regularly and after they bonded, she made the decision to take him home to live with her. The boy is now in a family environment that entirely suits him culturally and linguistically, waiting for his mother to join him this year.

PathFinders recommends:

1. That the statutory Prison Rules regarding how the baby is to be supported in prison, and which currently only provide for clothing, be significantly overhauled and extended to cover all typically

¹ Cap. 234A Rule 21: https://www.elegislation.gov.hk/hk/cap234A!en@2015-11-12T00:00:00?xid=ID_1438402869554_004

required supplies from newborn to 3 years of age including educational and social stimulation in the best interests of the child as well as immunisation and other medical support;

2. That the Prison Rules provide for maternal and child education and support in a culturally and linguistically appropriate manner. Specifically that they include birth registration, national documentation, legal, health, nutritional and child development information;
3. That within institutions, advice, referral and support networks for ethnic, linguistic, religious and cultural minorities be put in place; and
4. That well in advance of the time when the child is to leave the prison, a detailed and full assessment be made of child care options available, focussed absolutely on the best interests of the child. Specifically for children born to ethnic minority women, such assessment should include consideration of family and other care options in the mother's home country and should be done in conjunction with the consular officials.

Thank you.