



Submissions of Hong Kong Unison Limited
to the CEDAW Committee on the parts of
the Report of Hong Kong of China (CEDAW/C/CHN-HKG/7-8)
about ethnic minorities
for the Pre-Sessional Working Group in March 2014

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Hong Kong Unison is an NGO which serves **ethnic minorities** in Hong Kong. Our clients are mainly of Asian ethnic origin. We receive no government funding.



Introduction

1. According to the 2011 Census, there were about 10,000 ethnic minority women in Hong Kong excluding foreign domestic helpers. Most of them are of Asian ethnicity or white. Many of them are second or third generation residents in Hong Kong.

Article 10- Education

2. The majority of ethnic minority students in Hong Kong were born in Hong Kong and enjoy the right of abode here.

Chinese language education

3. Chinese language proficiency is very important for ethnic minority girls to enjoy equal education and employment opportunities. In its latest Concluding Observations in March 2013 (CCPR/C/CHN-HKG/CO/3), the United Nations Human Rights Committee noted with concern that non-Chinese speaking migrants face discrimination and prejudice in employment due to the requirement of written Chinese language skills, even for manual jobs.

4. Nevertheless, the education policy fails to equip ethnic minority girls with an adequate level of the Chinese language. The mainstream Chinese language curriculum falsely assumes the first language of all students to be Chinese, and ethnic minorities have a poor passing rate in it. On the other hand, many schools, such as most ‘designated schools’¹, put ethnic minorities under an alternative Chinese curriculum and prepare them for the GCSE (Chinese) examination, the level of which is about that of primary 2 in the mainstream curriculum, upon graduation from secondary school. **A Pakistani student attaining an A in GCSE (Chinese) could not even manage the duties of a delivery assistant because the student could not read the list of goods and addresses in the Chinese language.**

5. The government has announced the implementation of a “Chinese Language Curriculum Second Language Learning Framework” in 2014/2015. Even though the Framework is to be implemented in September 2014, the policy goal, implementation plan and timetable, output indicators, the monitoring

¹ The name of ‘designated schools’ has been changed by the government. Please see paragraph 11 below.



mechanism and measures to ensure the transparency of the policy formulating, implementation and monitoring process are lacking.

6. Also, the government claims in paragraph 10.28 of its report that the education opportunities for non-Chinese speaking students are equal for both male and female. However, this should not be a justification for government policies which do not give ethnic minority girls equal education opportunities. This is because ethnic minority girls are still disadvantaged compared with Chinese boys.

7. We urge the government to formulate a “Chinese as a Second Language” policy with a concrete policy goal, an implementation plan and timetable, output indicators and a transparent monitoring mechanism as soon as possible.

8. *Proposed issue:*

- **Please inform the Committee of details of any concrete policy goal, implementation plan and timetable, output indicators and monitoring and evaluation mechanism, and measures to ensure their transparency, related to the Chinese language education of ethnic minorities.**

De facto racial segregation in the public education system

9. There is de facto racial segregation in the public education system. In 2012/13, in 8 public schools, non-Chinese speaking students account for over 90% of the student population.

10. The United Nations Committee on the Rights of the Child stated in its Concluding Observations on the combined third and fourth periodic reports of China (including Hong Kong and Macau SARs) (CRC/C/CHN/CP/3-4) published in October 2013 that the Hong Kong government should urgently abolish the system of so-called ‘designated schools’. However, the government has thus far taken no steps to address these observations and does not seem sincere in dealing with this issue.

11. To address the concerns over ‘designated schools’, the government has simply removed the label ‘designated school’ and relabelled them ‘schools provided with recurrent funding by the Bureau to enhance school-based support



in servicing the needs of non-Chinese speaking students' with a change of funding mode.

12. *Our response to this policy:* Despite the expansion of funding support, the government has not done anything in substance to address the high concentration (over 90%) of non-Chinese speaking students in the 8 public schools. Those schools are still segregated schools in substance and violate Hong Kong's commitments under the CERD Convention and result in harmful social and economic consequences for the children and their future integration into the society.

13. The Education Bureau claims that ethnic minority parents choose to send their children to 'designated schools'.²

14. *Our response to this claim:* The government does not provide adequate information to help ethnic minority parents make educated and informed choices. In the information given to ethnic minority students on choosing schools in September 2012, the Education Bureau includes the names of the 31 'schools provided with recurrent funding and school-based professional support for non-Chinese speaking students', but does not inform the students that these schools generally teach a Chinese language level much lower than that of mainstream schools nor does it advise parents that there is a concentration of ethnic minority students in these schools. This necessarily impacts the decision-making of students and parents given the limited information they have regarding the local schooling system and which schools they might opt for and why.

15. **Moreover, many ethnic minority children have no choice but to attend 'designated schools' because they cannot manage the Chinese curriculum at mainstream schools** since there is no adequate learning support or resources provided in these schools to enable teachers to provide assistance to non-Chinese students so that they may learn the local curriculum at a pace that is suitable for them.

16. Furthermore, **any reliance on parental choice to evade the responsibility of eliminating de facto racial segregation violates Article 3 of the CRC on**

² Please see paragraph 9 in <http://www.legco.gov.hk/yr11-12/english/panels/ed/papers/ed1212cb2-486-7-e.pdf> for example.



the best interests of the child. The Committee on the Elimination of Discrimination states in its General Recommendation No. 19 that a condition of racial segregation can arise without any initiative or direct involvement by public authorities. The government should work towards the eradication of any negative consequences that ensue.

17. Proposed issue:

- Please explain the impact of measures taken by the government, including the change of mode of funding to schools admitting ethnic minority students, on lowering the concentration of ethnic minority students in the de facto racially segregated schools.

Racial and gender segregation within schools

18. Moreover, according to news reports, in 2012/13, there was segregation of ethnic minority girls within some co-educational secondary schools, such as the prohibition of interaction between male and female students. Also, in one school, Pakistani girls faced gender and racial segregation because they had a timetable different from that of Pakistani boys and non-Pakistani boys and girls. Pakistani girls had less learning time under this timetable. Even though the incident was reported in the media more than once, it is not clear to the public what the Education Bureau has done to investigate the issue. **We urge the government to take immediate, effective measures to eliminate the de facto racial segregation in the public education system and the gender segregation within certain schools.**

19. Proposed issue:

- Please provide information on measures taken to monitor whether there is gender segregation within schools and measures taken to address and prevent any such segregation.

Article 2- Complaint-driven approach of the Equal Opportunities Commission

20. The Equal Opportunities Commission (EOC) takes a complaint-driven approach to eliminating discrimination. For example, when the media sought



comments from the EOC on gender segregation within schools, the EOC, instead of stating that it would look deeper into the issue, stated that victims could lodge a complaint with the EOC. It was only after we wrote to the EOC did they investigate the matter. This approach particularly jeopardizes the access to equal opportunities of ethnic minority women, some of whom are victims of patriarchal oppression and are pressured by their community not to lodge a complaint. **We urge the EOC to take a more proactive approach to promoting equal opportunities, especially regarding vulnerable groups including ethnic minority women.**

21. Proposed issue:

- Please provide information on whether the Equal Opportunities Commission has taken any measures to be more proactive in addressing discrimination against vulnerable groups including ethnic minority women, such as reviewing the law of EOC powers, the issuance of internal training and guidelines, and programmes to reach out to potential victims.

Article 2- Race Discrimination Ordinance

22. The Race Discrimination Ordinance is the weakest among all the 4 non-discrimination ordinances in Hong Kong in the sense that there is no provision of the RDO that discrimination by the government in its exercise of powers and performance of functions is unlawful. The government submitted in paragraph 2.13 of its Third Report under CEDAW (CEDAW/C/CHN-HKG/7-8) that the Basic Law and the Bill of Rights Ordinance prohibit the government from practicing racially discriminatory acts in the exercise of its functions. This response undermines the provisions in international treaties including CEDAW that the government undertakes to adopt legislative measures prohibiting discrimination. **The Equal Opportunities Commission (EOC) is conducting a law review and we urge the EOC to proactively advocate amendment to the RDO in this regard.**

23. Proposed issue:



- Please provide the timetable for rectifying the defects in the Race Discrimination Ordinance, especially bringing the government's exercise of powers and performance of functions in all areas under the purview of the Race Discrimination Ordinance.

Submitted in February 2014