



Submissions of Hong Kong Unison Limited
to the United Nations Human Rights Committee
on the information to be submitted by the Hong Kong government by April
2014

In its Concluding Observations on the third periodic report of Hong Kong, China (CCPR/C/CHN-HKG/CO/3), adopted by the Committee at its 107th session and published in April 2013, the Committee requested the Hong Kong government to provide within one year relevant information on its implementation of some of the Committee's recommendations in accordance with rule 71, paragraph 5. Some of these recommendations, namely those mentioned in paragraph 22 of the Concluding Observations, are about ethnic minorities. We are making these submissions to the Committee for the Committee's reference when considering the information to be provided by the Hong Kong government by April 2014.

We would like to thank the Committee for the concerns shown over ethnic minority issues during the 107th session and the recommendations made in the Concluding Observations.

Hong Kong Unison is an NGO which serves ethnic minorities in Hong Kong. We receive no government funding.

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

De facto racial segregation in the public education system

In paragraph 22 of the Concluding Observations, the Committee recommended that the Hong Kong government should intensify its efforts to encourage the integration of students of ethnic minorities in public school education.

Currently, there is de facto racial segregation in the public education system. In 2012/13, in at least 22 public schools, more than half of the students were non-Chinese speaking. In at least 8 of these schools, non-Chinese speaking students accounted for over 90% of the student population.

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’.

Changing of funding mode of schools

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.

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.

‘Parental choice’

The Education Bureau claims that ethnic minority parents choose to send their children to ‘designated schools’.¹ Although in its 64th session in September

¹ Please see paragraph 9 in <http://www.legco.gov.hk/yr11-12/english/panels/ed/papers/ed1212cb2-486-7-e.pdf> for example.



2013, the Committee on the Rights of the Child suggested in response to the parental choice argument that ethnic minority parents may understand that their children may be bullied or cannot manage the stringent requirements in mainstream schools, the government still continues to claim that the high concentration of ethnic minorities in certain school is a result of parental choice.

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 2013, the Education Bureau included the names of 33 ‘schools offering alternative language subject or adapting Chinese curriculum for non-Chinese speaking students’. However, 20 of these schools were ‘designated schools’ and many of the remaining schools are traditional elite schools. This information from the government necessarily impacts the decision-making of students and parents given the limited information they have regarding the local schooling system and which schools to opt for and why.

Moreover, many ethnic minority children have no choice but to attend ‘designated schools’ because they cannot manage the Chinese curriculum at mainstream schools. As mentioned above, the mainstream curriculum assumes students are native speakers of the Chinese language. Also, in the vast majority of mainstream schools, there is no adequate learning support or resources to enable teachers to provide assistance to non-Chinese students.

Furthermore, **any reliance on parental choice to evade the responsibility of eliminating de facto racial segregation violates Article 3 of the CRC on the best interests of the child.** The Committee on the Elimination of Racial 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.

We urge the government to take immediate and effective measures to eliminate the de facto racial segregation in the public education system.



Racial and gender segregation within schools

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 effective measures prevent and address any gender segregation within schools.**

Chinese language education

In paragraph 22 of the Concluding Observations, the Committee showed concern over the absence of an official education policy for teaching Chinese as a second language. It recommends the government to intensify efforts to improve the quality of Chinese language education for ethnic minorities in collaboration with the EOC and other groups concerned.

Currently, the education policy fails to equip ethnic minorities 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’², 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.

Recent developments

The government has announced in January 2014 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, outcome**

² The name of ‘designated schools’ has been changed by the government. Please see p.2 above.



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

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

Submitted in March 2014