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Hong Kong Unison submission to the Panel on Constitutional Affairs on
An Outline of the Topics for the Third Report of the HKSAR under the
Convention on the Rights of the Child

1. Hong Kong Unison ('Unison') is a non-governmental organization that focuses on racial equality and equal rights to education for ethnic minority children. This submission provides a brief account of Unison's views on the Government's proposed outline ('Outline') for the captioned report.

Article 2: Non-discrimination

2. The Government stated in para 14 in its Outline that they will inform the Committee of measures taken to protect children against all forms of discrimination under the legal and institutional framework for promoting equal opportunities. Currently, it is not unlawful under the Race Discrimination Ordinance for public authorities to discriminate children on the grounds of race in the performance of their functions and exercise of their powers. This is inconsistent with the obligations prohibiting discrimination by public authorities under the Hong Kong Bill of Rights and the other three Discrimination Ordinances. The Government must explain to the Committee why ethnic minority children are not protected against racial discrimination committed by public authorities.
3. Racial profiling towards ethnic minority youth (under 18 years old) is not uncommon in Hong Kong. They are often stopped and searched by police without valid reasons. The Government should provide stop and search data to the Committee, disaggregated by ethnicity and age and information on inappropriate arrest and detention of ethnic minority children.



Article 28: Education, including vocational training and guidance

Chinese as a second language policy

4. The 2013 Concluding Observations of the combined 3rd and 4th periodic reports of China ('CO') recommended the HKSAR to "intensify its efforts to implement legislation and policies on bilingual education at all levels of education, ensuring high quality education in Chinese as a second language." Although the Education Bureau rolled out the "Chinese Language Curriculum Second Language Learning Framework" in the 2014/15 school year to support Chinese learning of ethnic minority children, the Chinese proficiency of many ethnic minority students is still only at mainstream primary two level after twelve years of primary and secondary education. Moreover, the Government has not released any substantive data to support the effectiveness of the Framework despite numerous requests from various stakeholders. The Government needs to update the Committee on the Rights of the Child ('Committee') on how its policies have ensured high quality education in Chinese as a second language and why legislation and language policies have not been implemented.

De facto racial segregation in mainstream education

5. Although the government-subsidized "designated schools" were abolished in name in 2014, significant improvement in racial de-segregation is yet to be seen. In the 2019/20 school year, about 50% of ethnic minority children were concentrated in 29 out of 926 primary and secondary schools in Hong Kong. Ethnic minority children are deprived of equitable education opportunities in these former "designated schools". The Government should explain to the Committee the measures implemented to promote ethnic minority children's access to education into mainstream schools with solid data, in response to the 2013 CO.

Language exceptions in education and vocational training

6. The Government stated in para 46 in its Outline that they will inform the Committee of notable developments in medium of instruction policy and vocational training. The Government should also provide explanations as to why they have not adopted



the priority recommendations from the 2016 Equal Opportunities Commission submissions to the Government on the Discrimination Law Review, i.e. to repeal the provision regarding education in relation to modifying or making different arrangements for medium of instruction, under section 26(2) of the Race Discrimination Ordinance and to repeal the provision regarding vocational training in relation to modifying or making different arrangements for medium of instruction, under section 20(2) of the Race Discrimination Ordinance. It is not appropriate to have a blanket exception regarding medium of instruction in education and vocational training.

Measures on education financial assistance, dropouts, school bullying

7. The Government is urged to report to the Committee financial assistance/measures in education especially during COVID-19 for non-Chinese speaking children and should provide data on school dropouts and school bullying disaggregated by age and ethnicity.

Article 29: Aims of education

8. The Government stated in para 48 in its Outline that they will inform the Committee of measures enhancing quality of education, including teacher training and the cultivation of concepts such as human rights, anti-discrimination, and cultural identity. The Government should report to the Committee the implementation of cultural sensitivity training to teachers and the development of culturally responsive curriculum for all students.

Article 4: Implementation of rights

9. In 2013, the Committee was concerned about the lack of an independent national human rights institution with a clear mandate to monitor children's rights in HKSAR. Although the Commission on Children was established in 2018, it is not independent and it was not established in accordance with the Paris Principles. The Government should report to the Committee the plans for actions and the monitoring and evaluation mechanisms in the implementation of the Convention on



the Rights of the Child. Furthermore, the Government should explain to the Committee the reason for the delay in establishing a centralized data collection systems, with particular attention to children of ethnic minorities, documented or undocumented migrant children, refugee and asylum-seeking children and children with disabilities.

Articles 19 and 24(3): Abuse, neglect and harmful practices

10. In its updates on the measures taken to protect children from abuse, the Government should specifically mention the legislative and administrative interventions taken against forced marriages of ethnic minority children.

Article 23: Children with disabilities

11. The Government stated in para 39 in its Outline that they are committed to recognising the special needs of children with disabilities. The Government should report to the Committee support measures for non-Chinese speaking children with disabilities to participate in the community and to be included in mainstream schools.

Article 27(1)-(3): Standard of living

12. The poverty rate (2016) of children in Hong Kong of South Asian descent is a startling 33.6%, notably higher than that of all ethnic minority children at 23.4%. The Government must inform the Committee the measures taken to eliminate ethnic disparities in children's standard of living and how they safeguard children in terms of access to social welfare, housing, nutrition, and necessary financial supplements especially during COVID-19, when ethnic minority families have been affected disproportionately.