

**Joint Submissions of Hong Kong Unison and Society for Cultural  
Integration to the Panel on Constitutional Affairs  
on the hearing of the United Nations Committee on the Rights of the Child  
on the second report of the HKSAR in light of  
the Convention on the Rights of the Child**

18 November 2013

The United Nations Committee on the Rights of the Child held a hearing on the implementation of the Convention on the Rights of the Child in China including Hong Kong and Macau in September 2013. Its Concluding Observations was published in October 2013. **In the Concluding Observations, the Committee stated that ethnic minority students in Hong Kong face de facto discrimination.**

**De facto racial segregation in the public education system**

In the concluding observations, the Committee expresses concerns over the “de facto racial segregation in the public school system,” and recommends that Hong Kong SAR “urgently abolish the system of so-called ‘designated schools’ for children of ethnic minorities, and reallocate resources to promote their access to education into mainstream schools.”

In the 2012/13 school year, in at least 22 public schools, more than half of the students are ethnic minorities; in 8 of these schools, ethnic minorities make up over 90% of the student body, constituting racial segregation in the public school system.

The government claims that the racial segregation is a result of parental choice. However, this is not in fact a real choice. It is more accurately depicted as a forced decision. As the rapporteur of Committee of the Rights of the Child Ms Maria Herczog pointed out in the formal hearing in September, ethnic minority parents may have to send their children to “designated schools” because their children may be excluded or left behind in mainstream schools. Unison adds that parents are to choose either to let their children fail in the mainstream schools where they do not receive adequate support, or to graduate from “designated schools” with primary 2 level Chinese skills.

The above-mentioned recommendation of the Committee that the government urgently abolish the “designated school” system shows that this parental choice

argument is not sound according to international legal standards. The government still has the legal responsibilities to eliminate racial segregation in the public education system.

### **The best interests of the child not fully reflected in policies for ethnic minorities**

The Committee is also concerned that “the best interests of the child is not always fully reflected and incorporated in key child-related acts and policies” and recommends that Hong Kong strengthen its efforts to ensure the best interests of the child are a primary consideration in all policies affecting children.

Unison maintains that the government's continued reliance on parental choice as the sole basis for maintaining racially segregated schools violates the best interests principle.

### **Ensuring quality education in Chinese as a second language**

Moreover, many ethnic minority children in Hong Kong are graduating from secondary school with Chinese language standards equivalent to the primary two level because there is no Chinese as a Second Language policy that suits their learning needs as non-native Chinese speakers. The Committee recommends that the government intensify its efforts to implement legislation and policies that ensure high quality education in Chinese as a second language.

### **Government’s avoidance of problems brings disgrace to Hong Kong in the international scene**

Unison is disappointed with the government's lack of commitment towards eliminating racial segregation in the public school system. The government press release on the concluding observations does not acknowledge the Committee’s concerns or suggestions regarding ethnic minority education despite the strong recommendation of the Committee on racial segregation in schools. Instead, the government merely reiterates its fragmented current policies.

The government’s continuing avoidance of the problems in ethnic minority education policies is a blatant disregard of international human rights standards and brings disgrace to Hong Kong on the international stage. This avoidance shows exactly the government's understanding that its policies are

discriminatory against ethnic minority children. In March 2013 the Committee on the International Covenant on Civil and Political Rights (ICCPR) showed concern over the lack of a “Chinese as a Second Language” curriculum in Hong Kong. It also urged that Hong Kong intensify its efforts to improve the quality of Chinese language education for ethnic minorities and promote the integration of ethnic minority students, and requested that Hong Kong update the ICCPR Committee within a year on the implementation of this suggestion. However, so far no real progress can be seen.

The concluding observation on the implementation of the CRC has served to reaffirm the egregious and detrimental impact of these policies on ethnic minority children. It underscores the urgent need for a Chinese as a Second Language curriculum across all schools and the abolition of the de facto segregation in public schools in Hong Kong. Unison urges the government to stop evading its obligations towards human rights and equal opportunities for ethnic minorities, and undertake the task to improve education policies for ethnic minorities by abolishing racial segregation and implementing a “Chinese as a Second Language” policy.

### **Our demands**

- 1. The Education Bureau should eliminate the de facto racial segregation in the public education system as soon as possible.**
  
- 2. We urge the Chief Executive to announce in the coming Policy Address the adoption of a “Chinese as a Second Language” policy, which has been promised in his election manifesto, with a budget and details on the following:**
  - a ‘through-train’ curriculum from K1 to S6;**
  - benchmarks that clearly outline the learning objectives for each stage;**
  - appropriate assessment mechanisms, including pre-tests and post-tests, that keep track of student progress and assess students’ learning needs;**
  - quality, standardized teaching materials which teachers can refer to and modify, and guidelines on curricula and lesson plans;**
  - teacher training of sufficient intensity and duration and incentives for training; and**

- **mechanisms for the government and schools to continually inform parents of the level of Chinese proficiency of their children, the programmes their children are enrolled in and additional resources available in a language the parents understand.**
- 3. If the government does not announce the adoption of a “Chinese as a Second Language” policy in the coming Policy Address as mentioned in point 2 above, the Equal Opportunities Commission should conduct a formal investigation on the education policy for ethnic minorities.**
  - 4. We hope the Legislative Council will request the Government to submit a progress report on the concrete measures and their effectiveness before the Government submits that to the Human Rights Committee next year.**

### **Conclusion**

We are always ready to have a constructive dialogue with the Education Bureau on the matter. We hope the Education Bureau will recognize the urgency and gravity of the issue and collaborate with us and other NGOs or concern groups, as recommended by the Human Rights Committee.