

Ethnic Minorities

There were no recommendations made for the Hong Kong Special Administrative Region, China (HKSAR) in the Second UPR Cycle.

Framework in HKSAR

According to the 2016 By-census, there were 600,000 non-Chinese individuals in HKSAR, including 320,000 migrant domestic workers. Filipinos and Indonesians constituted 57% of the population. This was followed by 'Whites' and Indians, who constituted 10% and 6% respectively. The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) apply to HKSAR. The Basic Law and the Hong Kong Bill of Rights accord rights to ethnic minorities. The Race Discrimination Ordinance offers limited protection. There is no race or culture policy.

Challenges

Cases, facts and comments

<ul style="list-style-type: none"> Many ethnic minority students are not taught a level of the Chinese language that would ensure equal opportunity in higher education, employment and access to other rights and services, violating particularly Articles 2, 6, 7 and 13 of ICESCR and Article 5 of ICERD about non-discrimination, the right to work, the right to the enjoyment of just and favourable conditions of work and the right to education. 	<ul style="list-style-type: none"> According to the By-census, only 64.3% of ethnic minorities aged between five and 14 could read Chinese. The Education Bureau set up a "Chinese as a Second Language Framework" but has not developed a curriculum for non-native speakers. Many ethnic minority students are taught Chinese for the General Certificate of Secondary Education examination in the England, Wales and Northern Ireland, the equivalent of Primary Two level in HKSAR, in 12 years of schooling.
<ul style="list-style-type: none"> <i>De facto</i> racial segregation exists in the education system, violating Articles 2 and 13 of ICESCR and Article 5 of ICERD about non-discrimination and the right to education. 	<ul style="list-style-type: none"> 17% of kindergartens surveyed by the Equal Opportunities Commission in 2018 screened children for Chinese language proficiency in admissions even though the children were not native speakers. Research conducted by The Zubin Foundation also found that over 40% of kindergartens in HKSAR did not have any ethnic minority students, while at least five kindergartens had more than 81% being ethnic minorities.
<ul style="list-style-type: none"> Legal protection from discrimination is inadequate, violating Article 2 of ICERD. 	<ul style="list-style-type: none"> The Race Discrimination Ordinance (RDO) is the only anti-discrimination ordinance that does not apply to government functions and powers. Nationality, citizenship, residence status and language are not grounds covered in the RDO. There have been reports of ethnic minorities being unable to open bank accounts on the basis of nationality and therefore left with no legal redress.



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<ul style="list-style-type: none">• Access to information, including official Government information, is limited, violating Articles 2 and 19 of ICCPR and Article 5 of ICERD.	<ul style="list-style-type: none">• Research conducted by Hong Kong Unison found that 99% of the Government's quality review reports on kindergartens were only available in Chinese, even though English is also an official language.
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Recommendations

- **Consistent with the concluding observations of the Human Rights Committee (HRC), the ICESCR Committee and the ICERD Committee, HKSAR should immediately intensify efforts to implement legislation and policies to improve the quality of Chinese language education for ethnic minority and non-Chinese speaking students, as well as efforts to promote ethnic minority students' access to mainstream schools.**
- **Consistent with the concluding observations of the HRC, the ICESCR Committee and the ICERD Committee, HKSAR should amend the RDO within one year so that it applies to Government functions and powers, and covers the grounds of nationality, citizenship, residence status, and language.**
- **HKSAR should provide all Government information in its two official languages, namely Chinese and English, immediately.**
- **HKSAR should ensure adequate space and time for students of different religions to pray in schools.**

Questions to ask in advance

- *What steps will HKSAR take to address unequal access to rights and opportunities, including access to information, education, employment and services, for individuals of different nationalities and ethnicities?*
- *Has HKSAR adopted a target date for implementing the recommendations of the HRC, ICESCR Committee and the ICERD Committee on improving laws and policies on education for ethnic minorities and legal protection from discrimination? If so, when will that be?*

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