**Written Response for the Consultation with**

**the Committee on the Elimination of Racial Discrimination (91st Session)**

About Hong Kong Unison

Hong Kong Unison is a non-governmental organization committed to serving local ethnic minorities in Hong Kong and promoting racial equality through policy advocacy. We focus on advocating for equitable education for ethnic minority children.

Key challenges and issues of racial discrimination in Hong Kong today

1. ***De facto* racial segregation still exists in former “designated schools”.** “Designated schools” are those primary and secondary schools recognized by the HKSAR Government for taking in ethnic minority students, and are entitled to receive official cash subsidies. While the HKSAR Government removed the label “designated school” in 2013 and changed its funding mode in 2014, no effective measures have been taken by the Government to address the high concentration (over 90%) of ethnic minority students in at least 10 public schools, comprising more than 60% total ethnic minority student population in Hong Kong. In these former designated schools, the medium of instruction is English and students often learn Chinese at a lower level compared to the mainstream curriculum; these schools also lack Chinese language environment for students to acquire the necessary language ability to integrate into the mainstream society.
2. **Absence of a real Chinese language learner policy to ensure ethnic minority children’s equal participation in the education system.** The current public education system in Hong Kong discriminates against ethnic minorities by failing to consider and provide for the needs of students whose first langauge is not Chinese. Although the Government announced in January 2014 the implementation of the “Chinese Language Curriculum Second Language Learning Framework” starting from September 2014, the Learning Framework is in fact not developed from a Chinese as Second Language (CSL) perspective. The Education Bureau (EDB) does not provide any curriculum, teaching materials, stage learning objectives or guidance to schools on pedagogic principles and methods to adopt; CSL training is not mandatory for Chinese language teachers teaching ethnic minority students. The EDB also has not set policy goals, outcome indicators, detailed implementation plan and timetable, and monitoring mechanism for the policy. The lack of accountability severely undermines the effectiveness of the Framework. The HKSAR Government permits ethnic minority students to acquire alternative Chinese qualifications to pursue further studies, yet these qualifications are not widely recognized in Hong Kong and do not equip students with the necessary language skills to survive in the job market. These piecemeal measures cannot replace a real CSL curriculum to improve ethnic minority children’s Chinese learning and ensure their equal participation under the public education system.
3. **Critical flaws continue to exist in the Race Discriminaiton Ordinance (RDO) despite recommendations made in the 2009 CERD Concluding Observations.** The RDO came into effect July 2009 and is the weakest amongst the four anti-discrimination ordinances in Hong Kong including but not limited to the following exemptions:

* It does not cover “the performance of Government’s functions” or “the exercise of Government’s power”;
* It excludes discrimination based on immigration status, length of residence, nationality from the scope of racial discrimination;
* It does not protect against discrimination by language or religion;
* It excludes vocational training bodies and education bodies from making different arrangements regarding medium of instruction for persons of any racial group.

Hong Kong Unison’s work addressing the above issues

Unison addresses the issues mentioned above by

* Making policy suggestions to the Education Bureau (EDB) through written submissions and meetings;
* Lobbying Legislative Council (LegCo) members to monitor education policies in LegCo meetings and subcommittee panels;
* Meeting with Equal Opportunities Commission (EOC), the statutory body that implements the RDO, to lobby for better implementation of the law and improvement on complaint mechanism;
* Assisting service users to make racial discrimination complaints to EOC to register the problem on an official level;
* Organizing CSL conference to provide a platform for stakeholders to exchange views regarding education policies;
* Conducting researches and focus groups to formulate policy suggestions;
* Organizing press conference and publishing research finding to capture media and public attention;
* Organizing public education and media campaign to promote public awareness through school talks, booths, activities as well as news feature, op-ed, interviews, etc.

Hong Kong Unison’s experience of engaging with CERD

Hong Kong Unison has been making submissions to CERD since our establishment in 2001; we have submitted shadow reports and attended formal hearings in Geneva to reflect the problems of racial discrimination in Hong Kong. The last submission to the Constitutional and Mainland Affairs Bureau of the HKSAR Government was made in November 2015, in anticipation for the third report on its implementation of ICERD. Since its last report in 2008, although the Government has made some progress in a few issues related to ethnic minorities, the big picture of public policies disadvantaging ethnic minorities remains unchanged.

How can the CERD improve and enhance its engagement with civil society, and its work on racial discrimination for greater impact on the ground?

* CERD can make regional visits or hold regional conference between the submission years so that civil society can still make known the progress or the lack thereof in the region.
* CERD can make consultations such as this one accessible online so civil societies around the world can participate remotely.