



Urgent Appeal to the members of CERD
Further Information on Hong Kong's Language Policy and Education

“Education is an inalienable human right, and is more than a mere commodity or a service. Furthermore, education is a human right that is crucial to the realization of a wide array of other human rights, and an indispensable agency for the expansion of human capabilities and the enhancement of human dignity. Education plays a formative role in socialization for democratic citizenship and represents an essential support for community identity. It is also a primary means by which individuals and communities can sustainably lift themselves out of poverty and a means of helping minorities to overcome the legacies of historical injustice or discrimination committed against them.”

RECOMMENDATIONS OF THE FORUM ON MINORITY ISSUES (15 & 16 December 2008)

By Mr. Gay McDougall, the Independent Expert on Minority Issues

1. In Hong Kong, the right to education is not enjoyed equally by ethnic minority children. They suffer disproportionately from unequal access to quality education, high illiteracy levels as well as inappropriate education strategies.
2. Members of ethnic minority communities in Hong Kong face unequal educational, vocational training and employment opportunities due to language barriers. Taking the Chinese language education as an example, the Government has yet to formulate a “Learning Chinese as a second language” policy. As a result, our ethnic minority students could not obtain the Chinese language skills necessary for pursuing further education and employment. This seriously harms their chances in further studies as well as the job market. Thus, ethnic minorities in Hong Kong have been trapped into the cycle of poverty.
3. Although the Government claims resources has been allocated to enhance Chinese-language learning for minority students, these efforts have been limited, short-term, piecemeal and ineffective in nature. On the one hand, a full-scale and standardized Chinese language curriculum has yet to be developed, so as quality teaching materials/textbooks, appropriate assessment tools and systematic teachers’ training. On the other, the Government encourages schools admitting ethnic minority students to develop their own school-based Chinese language curriculum under the mainstream framework. However, this non-systematic approach lacks professionalism and results in varied quality.



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4. In addition, majority of ethnic minority do not sit for the Chinese language subject of the local public examination (HKCEE) due to their low Chinese proficiency. The Government allows them to opt for the GCSE Chinese Language Examination. However, the examination fee is a high of HK \$965, five times that for the HKCEE, which is HK\$195.
5. Moreover, the Race Discrimination Ordinance (RDO) explicitly provides that **nothing** in the Ordinance would require educational establishments or vocational training providers to modify arrangements regarding the language of instruction (**RDO sections 26(2) and 20(2)**). These **exemptions appear designed to avoid challenges under the RDO in relation to language policies** in the fields of education and vocational training.
6. Furthermore, the Equal Opportunities Commission (EOC) has **refused to produce a Code of Practice (COP)** on Education, despite repeated calling from the NGOs, educational sectors, and ethnic minority communities.
7. In fact, there are **only a handful** among hundreds of ethnic minority youth could enter universities every year. To make matters worse, there are **only three** out of hundreds of vocational training courses are tailor-made (English as the medium of instruction) for ethnic minority high school leavers.
8. **To conclude, further special and concrete measures are required** to ensure that individuals belonging to ethnic minority groups in Hong Kong can enjoy their fundamental human rights, including education, training and employment, without discrimination. It is necessary for the Hong Kong Government to take actions immediately on:
 - i. Formulating a policy on learning Chinese as Second Language, on top of that a full-scale and standardized Chinese language curriculum, quality teaching materials/textbooks, appropriate assessment tools and teachers' training are essential to ensure the ethnic minority children learn Chinese language, the dominant local language, effectively.
 - ii. Indicators and benchmarks are necessary for the accurate appraisal of education policies and the effectiveness of the supportive measures, so as to ensure that educational services for minorities are delivered at a quality that is comparable with national standards.
 - iii. Producing a Code of Practice on Education under the RDO so as to ensure a non-discriminative and harmony learning environment.



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- iv. Adopting the recommendations of the forum on Minority Issues (15 & 16 December 2008) to ensure that individuals belonging to ethnic minority groups in Hong Kong can enjoy their fundamental human rights, including education, vocational training and employment, without discrimination.