



**Suggestions to the HKSARG regarding the Consultation on the Third Report of the Hong Kong Special Administrative Region under the Convention on the Rights of the Child**

The Zubin Foundation

7 April 2021

1. **Introduction**

1.1. We are a group of individuals who are independent members of the Commission on Children (COC) in Hong Kong.

2. **Commission on Children and Child Engagement**

2.1. The Hong Kong SAR Government set up the Commission on Children in June 2018, which comprises 21 independent non-official members, many of whom are from civil society and are advocates for children.

2.2. The COC gives the government an opportunity to engage on matters related to children.

2.3. The COC meets 4 times each year. In addition, there are 4 working groups that are chaired and vice-chaired by a non-official member in the role as a Convenor and Vice-Convenor.

2.4. The working groups are: Children with Specific Needs, Protection of Children's Rights and Development, Education and Publicity, Children Protection, and Research and Public Engagement.

2.5. The COC is now in its second term of 2 years. There are 21 female members and 8 male members. Of the total number of members, 2 are Hong Kong ethnic minorities. There are also two youth members.

2.6. Children have not yet been directly engaged since the inception of the COC.

3. **A. Article 4: Implementation**

3.1. It is our belief that the COC should be an independent statutory body with designated funds and manpower. At present there are insufficient resources to ensure the effective implementation of the Convention on the Rights of the Child.

3.2. It is our belief that there is an urgent need for an independent paid Commissioner of the COC, resources and manpower to effectively run the COC.

3.3. At present there is no strategy in place for the COC nor a long-term plan of focus and need.

4. **Article 42 and 44 (6): Dissemination of the Convention and report**

4.1. At present the dissemination of the Convention is limited and reactive, especially among children and vulnerable groups.

4.2. Child-friendly versions of the Convention must be widely delivered to children, including ethnic minority children.

5. **General Principles (Articles 2,3,6 and 12) Article 2: Non-discrimination, Article 30: Minority Children and Special Needs Children and Article 23: Children with disabilities**

5.1. The COC has a specific Working Group for Children with Specific Needs. This working group addresses the needs of ethnic minority children and the need of special



education needs children. The Convenor of the Working Group for Children with Special Needs is a female from the ethnic minority community (and the Founder of The Zubin Foundation)

- 5.2. In addition, the government has committed to addressing the needs of ethnic minorities and has set up the steering Committee for Ethnic Minorities which is a government committee that brings together various government bodies to coordinate efforts to address the ethnic minority community.
- 5.3. The government is commended for its commitment to addressing the needs of the ethnic minority community and taking positive steps to engage their views.
- 5.4. The government has made a conscious effort in its visual publicity to include ethnic minority children alongside their Chinese counterparts. More can be done but this is a very good start. In addition, publicity created by the Commission Children at a minimum must be in English. Hindi, Urdu and Nepali are also very important to our ethnic minority community so that they can access information.

5.5. Ethnic minority children:

- 5.5.1. At kindergarten, children remain victims of discrimination based on their race. Research conducted by NGOs such as The Zubin Foundation and Unison has found that kindergartens prefer not to have ethnic minority children in their schools as they are regarded as “naughty” by Chinese parents. In addition, kindergartens report separating the ethnic minority children from the Chinese children by session (to attend in the afternoon for example and not in the morning).
- 5.5.2. The government has yet to develop a *Cantonese as a second language curriculum for teaching Cantonese* to ethnic minorities. It says that this is not necessary and has developed a second language framework which teachers find difficult to teach with no curriculum support.
- 5.5.3. The lack of a Chinese language curriculum has meant that many ethnic minority children end up going through primary and secondary schooling unable to read and write Chinese at the same level as their counterparts.
- 5.5.4. The government has shied away from using romanization in its teaching Cantonese pedagogy citing that experts (none of whom are ethnic minorities) do not feel this is necessary. It is noteworthy that in Mainland China, romanization is a tool for teaching Putonghua). Ethnic minorities have called for romanization but again, their calls have been in vain.
- 5.5.5. During this time of Covid when children in Hong Kong have not gone to school for over one year, the gap in Chinese learning of ethnic minority children compared to their Chinese counterparts has widened. Ethnic minority children do not have family members who can support their language learning at home and they do not practice the language in their home setting. Furthermore, their family members are unable to help them with their Chinese homework and they are unable to afford the cost of home tutors.
- 5.5.6. There have been calls by ethnic minority children for assistance in learning Chinese during this time, but none has been forthcoming. The administration has left this to individual schools to address.



- 5.5.7. Given that most public schools teach in Chinese, the ethnic minority are not just losing out on access to Chinese language learning but all learning at school because of their lack of Chinese skills.
- 5.5.8. In addition to racial discrimination, children have complained about religious discrimination (wearing a hijab or a turban) as well as language discrimination for not speaking Cantonese.
- 5.5.9. Teacher training in cultural competency is not compulsory. Teachers lack information about the various minority groups. In teacher training that The Zubin Foundation has conducted amongst teachers, for example, teachers who are mostly Chinese say that they would regard the issue of forced marriage as a “cultural issue” and therefore not get involved.
- 5.5.10. Public awareness about racial diversity and inclusion is critical and lacking. In schools there is no teaching that all people are different, and each must be respected for their individuality. Diversity is not addressed, let alone celebrated in public schools in Hong Kong. We recommend that the government address this.
- 5.5.11. The government does not present data on the absenteeism by student ethnicity. We encourage them to keep this information so we can assess the extent to which girls from some minority communities are denied schooling as they enter their teenage age and taken out of Hong Kong for marriage purposes. Currently there is no such data available.
- 5.6. Ethnic Minority Special Education Needs (SEN) Children**
- 5.6.1. The administration lacks data on numbers of children across age brackets with different special needs. Without data it is difficult to assess the extent of the issues.
- 5.6.2. Kindergartens:
- 5.6.2.1. This has been a core focus of the Working Group of Children with Specific Needs.
- 5.6.2.2. Because of the “golden years” from birth to 6 years, this has been the primary focus.
- 5.6.2.3. The government has spent considerable resources bringing therapies and support for children with specific needs into the kindergartens. This has resulted in the children receiving direct support in the kindergartens but the bottleneck in proper assessment is still present and intensified by professional manpower shortage in Child Assessment Services despite the opening of a new centre. Attracting and retaining human resources in basic health services is very important.
- 5.6.2.4. Not all kindergartens receive this support and there are long waiting times for children to access external, government funded support.
- 5.6.2.5. Children from ethnic minority backgrounds with special needs are “left behind in much of the government efforts. Teachers often reason that this SEN ethnic minority children are behaving differently because they come from a “different culture” or because Cantonese is not their first language. As such, SEN ethnic minority children are not flagged for assessments until much later than their Chinese counterparts. As such, they miss out on the “golden age” of intervention.



- 5.6.2.6. The On-Site Pre-School Rehabilitation Service works directly to help children aged 0- 6 in preschools who suffer from mild disabilities. This is an interdisciplinary approach and is much needed. However, it is only provided in Cantonese. Ethnic minorities are unable to access this. Service provision must be provided in English, Hindi, Urdu and Nepali order for the ethnic minority children to access this in their “golden years”. Translators are not able to offer the same level of skill as qualified therapists and counselors native in English, Hindi, Urdu and Nepali.
- 5.6.2.7. The transition from kindergarten to primary schools requires much more attention with information not being passed on.
- 5.6.3. Primary Schools, Secondary Schools and Special Schools
- 5.6.3.1. Children with special needs in primary, secondary and special schools have been hardly addressed by the COC.
- 5.6.3.2. Schools should have necessary planning and modification of facilities and curriculum to accommodate the needs of students with disabilities and specific needs.
- 5.6.3.3. There is insufficient (or even lack of) resources for early identification of special needs of children, and the problem becomes more severe amid COVID-19 pandemic. Neither parents nor teachers are "well-equipped" enough to identify those children
- 5.6.3.4. We recommend that these communities of children be addressed.
- 5.6.3.5. There is no data available on numbers of ethnic minority children with special needs and types of special needs.
- 5.6.3.6. This group of children are a particular minority group which deserves more attention as they fall within the intersectionality of race, language, religious and special needs minorities.
- 5.6.3.7. All Special Schools operate in Cantonese, there are none that operate in English, even though English is one of the official languages in Hong Kong. This is a significant problem for children who are non-Cantonese speakers who are unable to pay for private education. They are left no choice but to attend a special school where the language of education is in Cantonese, making the education inaccessible.
- 5.6.3.8. For ethnic minority special needs children, with mild from birth to age 6, there is very limited support in the English language. There are only 2 centres (known as Early Education and Training Centres) that have long waiting lists, sometimes taking families years to have an assessment.
- 5.6.3.9. In addition, for children aged birth to 6 years old with severe special needs, there are no facilities in the English language, but there are some in Cantonese. These children are further excluded because of their language barrier plus their special needs.
- 5.6.3.10. Hong Kong is still lacking policy blessings on the education opportunity of non-Chinese population and for those with major disabilities and SEN

## 6. Article 3: Best interests of the child

- 6.1. At present there is no guideline or clear definition to ensure consistency in the interpretation of the best interests of the child.



- 6.1.1. Child impact assessment mechanisms should be put in place to ensure policies and practices honoured and child rights respected.
- 6.1.2. The best interest is often not observed. In the case of ethnic minority children and the education of girls in particular, the administration must take active steps to ensure that girls remain in school and are not taken out of Hong Kong for early marriage. The best interests of the child must prevail over the interests of parents.
- 6.1.4 The laws on protection of children are under different ordinances. Hong Kong needs one comprehensive and up-to-date law on all related children matters.

**7. Article 14: Freedom of thought, conscience and religion: Ethnic minority children**

- 7.1 Children in Hong Kong have the freedom to practice their religion.
- 7.2 However, protections against discrimination on the grounds of religion are not protected in Hong Kong; and sometimes, neglected.
- 7.3 There are cases in Hong Kong where boys of the Sikh religion are teased and mocked at school and girls from the Muslim faith are ridiculed because of the wearing of a hijab.

**8. Article 19 and 24(3) Abuse, neglect and harmful practices: Ethnic minority children**

- 8.1 Whilst the number of forced marriages in the ethnic minority community is low, there is an increase in number seen by civil society.
- 8.2 Abuse, both emotional and physical, is often used to control girls to comply with parents' desire for forced marriage. Also, coercion is one of the most used forms of abuse. By threatening to withdraw other siblings from school in Hong Kong and take them "back to Pakistan", the parents are able to force their daughter to agree to marriage.
- 8.3 Marriage is often organized with much older close family members in the ancestral village in the original country outside of Hong Kong. For example, in Pakistan.
- 8.4 There is little support provided for girls in this predicament of forced marriage.
- 8.5 There is also little awareness on the part of the HKSAR government of both the issue and the treatment of this issue.
- 8.6 The government must learn more about forced marriage and how to address the issues that often accompany this from other governments, for example the UK.
- 8.7 In addition, the government must monitor school absenteeism rates aggressively and when girls are taken out of school, there must be due follow up by the administration and penalties to parents. An effective deterrent must be put in place so that girls are not forced to enter marriage early and to leave Hong Kong for early marriage under the guise of a "family vacation"
- 8.8 The government must consider mandatory training on cultural issues and cultural sensitivity to all healthcare workers, social workers, and teachers as they are the first line to identify if there is something "not right" with a child. Currently there is no such training for these workers which results in forced marriage and other issues pertinent to ethnic minority families, going unchecked. This is clearly not in the best interest of the child.

**9. Article 5 and 18 (1) – (2): Parental Guidance and responsibilities: Ethnic minority children**



- 9.1 There is little parental guidance to the ethnic minority community by way of training and guidance particularly on the pitfalls of early marriage and the benefits of education to girl children.
- 9.2 In order to engage parents and encourage the education of their children and delaying of marriage, it is critical to work with minority leaders and religious leaders
- 9.3 The Zubin Foundation, a local NGO in Hong Kong, works solely with marginalized ethnic minorities and has developed its own set of parental training for ethnic minority parents in Hindi and Urdu.

10. Article 6(2): Survival and development: Ethnic Minority Children

- 10.1 Hong Kong does not have data by ethnicity on infant mortality, maternity protection and other issues that could contribute to child fatality.
- 10.2 We encourage the government to have all data disaggregated by ethnicity, gender and age.

11. Article 24: Health and health services- of ethnic minority children; Article 33: Protection from substance abuse: Ethnic minority children

- 11.1 Hong Kong does not disaggregate its health data by ethnicity.
- 11.2 Medical practitioners in Hong Kong do not undertake mandatory cultural competency training to understand the cultures and issues of the South Asian community, particularly those of women and girls in more conservative communities. This gives rise to a lack of cultural awareness in the provision of such services.
- 11.3 There is no medical campaign/ outreach targeted at the ethnic minority community so that children understand their body and mind.
- 11.4 Because sex education is not compulsory in schools, many ethnic minority children grow up and never have heard from a trusted adult about sex.
- 11.5 There is no mental health service provided by the government to ethnic minority children in Hindi and Urdu, which are the most prevalent languages of the ethnic minority community. The Zubin Foundation is the only provider of child mental health counselling for the ethnic minority community in Hindi, Urdu and English. The counseling is offered directly in these languages.
- 11.6 Drug and alcohol use is on the increase in the ethnic minority community and there is limited outreach to these communities.
- 11.7 Children in prisons are not provided outreach in their languages of Hindi and Urdu. Most is done in Cantonese.

12. Article 27 (1) – (3) Standard of Living: Ethnic minority children.

- 12.1 The standard of living of ethnic minority families is much lower than that of the HK general population (As per the HK Census, 2016 Median Income Level of South Asian households is HK\$23,800; General Population Median Income is HK\$24,900)
- 12.2 Hong Kong's ethnic minority population is only 4% of the total population of Hong Kong.



- 12.3 South Asian families also tend to be larger in size with a mean household size of 3.0 compared to 2.7 of the general population.
- 12.4 The Covid pandemic has highlighted the lack of studying space facing ethnic minorities. With large families in sub-divide apartments of 120- 150 square foot for up to 8 people, children have been unable to study. Public libraries and study centres have been closed for over a year and children have been unable to find quiet space to study.
- 12.5 Hong Kong schools have been closed mostly since the end of January 2020 and so have public libraries and study centres.
- 12.6 The administration needs to consider opening up spaces from lower income families to study.
- 12.7 The Covid epidemic has highlighted the poverty gap with those from lower income families having no supply of books for their children. This has resulted in an education and knowledge deficit for poorest children. The government must consider ways of ensuring that children from all income levels can have access to books at all times.
- 13 Article 28: Vocational training and guidance and Article 23: Children with Disabilities: Ethnic Minority Children
- 13.1 Ethnic minority children perform far lower than their Chinese counterparts in high school leaving exams in Chinese proficiency. This results in them tending towards lower paid jobs and available career options.
- 13.2 Post-secondary, there is no access to free education that allows ethnic minority children to learn Chinese so that they can “catch up” and be at the same level as their Chinese counterparts. So, if they have not performed well in Chinese high school leaving exams in Chinese, essentially their options are limited to lower paid jobs for the rest of their lives. Higher paid jobs require Chinese reading and writing. Their social mobility is thus much lower.
- 13.3 In order to equalize the playing field and provide equity in job and career access, we recommend that the government develops subsidized high level certificated courses that will allow an ethnic minority to learn Chinese reading and writing to the same high level as their Chinese counterparts. This will give them an opportunity to learn the Chinese language in order to enable them to attain higher paid jobs and break the cycle of poverty. The lack of Chinese language is a barrier to economic progress and breaking the cycle of poverty.
- 13.4 Tertiary education for ethnic minorities: Vocational training options for ethnic minority children have increased and we recommend a further enhancement of options for them. Data is unavailable with regard to enrollment numbers and impact of training on job attainment and income levels.
- 13.5 We should consider exemption of Chinese language as a basic requirement for University entrance which currently bars children with high potential who are English speaking only.
- 13.6 The government should focus on generating more career opportunities for ethnic minority youth including those with special needs in the government itself. The government must lead by example.



13.7 Ethnic minority children with special needs have no vocational training opportunities in English and many are unable to access the Cantonese programmes available.

13.8 They are therefore unable to contribute fully and live a full and decent life.

14 Article 17: Mass Media

14.1 Racial stereotyping is a problem in public school textbooks and there has been little effort to address these biases. The government is encouraged to review all textbooks that would stereotype the diverse races of Hong Kong into fixed roles.

14.2 Media needs to be encouraged to stop its use of racial profiling of ethnic minorities and depicting them in a derogatory way.

14.3 The government must also use English subtitles on its own TV news channels for news and current affairs programmes so as to ensure that full local and national information is provided to ethnic minority children. This large amount of information is not currently presented in English language media resulting in a knowledge gap for ethnic minority children about local and national affairs and limits their social integration into affairs in Hong Kong and the Mainland.

Contact Person:

Shalini Mahtani, CEO,  
The Zubin Foundation  
[mummy@zubinfoundation.org](mailto:mummy@zubinfoundation.org)