

**Extract of the submission (English version only) from
the Hong Kong Human Rights Monitor
on the Report of the Hong Kong Special Administrative Region of
the People's Republic of China in the light of the International Covenant
on Economic, Social and Cultural Rights [Paper No. CB(2)948/00-01(01)]
for the meeting of the LegCo Panel on Home Affairs on 26 February 2001**

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ARTICLES 13 and 14

13.1 Gender stereotyping in education

Article 13(1) of the Covenant states that the right of everyone to education refers to “education . . . directed to the full development of the human personality [and enabling] all persons to participate effectively in a free society.” Since Article 3 of the Covenant further requires Governments to guarantee the exercise of rights without discrimination on the basis of gender, the practice of gender stereotyping and limiting the opportunities of individuals to receive training in particular subjects on the basis of their gender would be contrary to the Covenant.

In April 1999, the Equal Opportunities Commission conducted a survey of the teaching of Design & Technology and Home Economics in 471 secondary schools. From the 200-plus questionnaires returned, the EOC learned that in offering the two subjects, most co-educational schools did not give students the freedom to choose but simply assigned the boys to Design & Technology and the girls to Home Economics. Moreover, all single-sex boy's schools only offered Design & Technology while merely 4% of single sex girl's schools offered both subjects. Finally, the study found that schools generally devoted more resources to Design & Technology than to Home Economics.¹⁶⁸

Upon releasing the results of the study, the EOC stated that these educational practices violated the Sex Discrimination Ordinance. Said EOC Chairwoman Dr. Fanny Mui-ching Cheung, “The restriction of study of Design & Technology and Domestic Science, on the basis of sex, not only reinforces gender stereotypes in our younger generation but also prevents boys and girls from developing skills which are of practical use to both sexes.” The EOC has indicated that it will conduct workshops in October 1999 to encourage schools to structure its curriculum so that it will be in compliance with the Sex Discrimination Ordinance.

¹⁶⁸ Equal Opportunities Commission, “EOC Releases the Results of a Study on Design & Technology and Home Economics in Secondary Schools.” (28 July 1999).

In addition to outright restrictions on taking courses, more subtle obstacles have led to the segregation of certain fields by gender. For example, while women studying education and arts at the University of Hong Kong in 1990 constituted 90.5% and 79.6%, respectively, women studying engineering and medicine only composed 6.2% and 27.8%, respectively, of the total students in those fields.¹⁶⁹ Some of the reasons that have been suggested for these gender disparities include the expectations of teachers and parents, and the gender distribution of teachers and professors.¹⁷⁰

Human Rights Monitor requests your Panel to urge the Government to continue to study all forms of gender stereotyping in education, and to develop to abolish gender segregation in academic fields by publicly condemning such practices and raising awareness among educators and parents about these issues. The Government should issue internal guidelines on eradication all forms of gender discrimination in education, make the implementation of such guidelines a condition of funding arrangements, and require schools to submit periodic action plans detailing steps they have taken to implement such guidelines.

13.2 *Educational opportunities for children with special needs*

Article 13(2)(a) and Article 14 of the Covenant call upon Governments to work towards the provision of free and compulsory primary education. Since Article 2(2) requires Governments to guarantee the exercise of rights without discrimination, children with special needs should also be guaranteed access to educational opportunities, at the primary school level.

With regard to the physical accessibility of schools, the Government notes in its report that “all new schools planned for completion in May 1997 and thereafter will be purpose-designed to ensure easy access for disabled children.”¹⁷¹ The Government fails to mention, however, what steps it will take to ensure that schools built prior to 1997 will be accessible to children with special needs. Even when schools may have the physical infrastructure to accommodate children with special needs, the attitudes of school administrators may prove to be an even greater barrier. In June 1999, it was reported that a primary school student recovering from surgery was banned by his principal from attending school “as long as he needs needs to use his wheelchair.” The child was required to remain at home for one semester, and allowed to return only

¹⁶⁹ Choi Po-king, “Women and Education in Hong Kong,” in Veronica Pearson and Benjamin Leung, *Women in Hong Kong* (Oxford: 1995) at p. 104.

¹⁷⁰ Choi Po-king, “Women and Education in Hong Kong,” in Veronica Pearson and Benjamin Leung, *Women in Hong Kong* (Oxford: 1995) at pp.109 – 120

¹⁷¹ HKSAR Report, at para. 548.

after repeated requests by the parents. The boy was subsequently refused use of the staff bathroom located next to his classroom and forced to use the student bathrooms upstairs. Upon an investigation, the Equal Opportunities Commission found that, contrary to the principal's assertions, the wheelchair did not obstruct the hallway nor did teachers object to the student's use of their bathroom.¹⁷²

The Government states that it launched a pilot project in September 1997 to promote the integration of children with special needs into mainstream schools. Originally intended to accommodate 80 students and involve 10 schools, the integration program fell short of its projected goals due to opposition from school administrators and parents opposed participation in the program. In July 1999, a mother filed a lawsuit against the Director of Education and a school headmistress after her speech-impaired child was refused placement at the Shau Kei Wan Government AM Primary School.¹⁷³

Efforts to promote integration of children with special needs into international schools have also been problematic. In June 1999, it was reported that at least five children have been waiting one year to attend primary school. Only one private international school, the Korean International School, sponsors a program for special-needs children, while a few international schools accept special-needs students on a case by case basis. Although a number of schools run by the government-subsidized English Schools Foundation are able to accommodate children with special needs, students also may have to remain on waitlists for over one year; moreover, some parents have reported that the English Schools Foundation will be limiting the participation of autistic children in its programs.¹⁷⁴ As a result, some English-speaking students with special needs have been forced to go abroad to enroll in primary school.¹⁷⁵

The conditions of students who are unable to be integrated into mainstream schools and attend special schools should be closely monitored. Special schools often have high student-teacher ratios, little training for teaching disabled students, and no services such as physiotherapy and speech therapy. Parents have also complained about the physical conditions of the schools, including overcrowding, falling objects, odour from rubbish dumps, and rat infestation.¹⁷⁶

¹⁷² Shirley Kwok, "Principal banned wheelchair boy," South China Morning Post (7 June 1999).

¹⁷³ Alison Smith and Magdalen Chow, "Woman sues to claim son's school place," South China Morning Post (15 July 1999).

¹⁷⁴ Cynthia Wan, "Disabled face long wait for schools," South China Morning Post (7 June 1999).

¹⁷⁵ Patsy Leung, "Studying together as equals," South China Morning Post (28 April 1997).

¹⁷⁶ Shirley Kwok, "Angry parents may turn to watchdog for help," South China Morning Post (8 November 1997).

Human Rights Monitor request your Panel to urge the Government to ensure that children with special needs are able to enjoy the right to education. The Government should improve the physical accessibility of schools for children with special needs, and educate school administrators, teachers, and parents about the right of such children to education. The Government should continue to promote the integration of children with special needs in both local and international mainstream schools. For students who attend special schools, the Government should ensure that the special schools provide a safe learning environment, adequate training for its teachers, and appropriate services such as physiotherapy and speech therapy for its students.

13.3 *Adult education in prison*

Article 13(2)(d) provides that “[f]undamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.”

In 1997, Human Rights Monitor and Human Rights Watch conducted an inspection of 22 prisons in Hong Kong. The delegation observed that while school education is offered to juvenile prisoners, the educational program for adult offenders is lacking. This is evident from Annex 35 of Government’s Report and a comparison of the programmes for young offenders and for adult offenders. Young offenders receive a wide range of vocational training, culminating in external accreditation, and a common core education programme based on primary and secondary school syllabuses.¹⁷⁷ However, adult offenders may only take evening classes, correspondence courses, and self-study programmes. It is unlikely that the educational opportunities available to adult offenders would provide them with basic skills, such as literacy, to help them re-integrate into society upon release.

Human Rights Monitor requests your Panel to urge the Government to expand the educational opportunities offered to adult inmates in prison, to provide basic skills such as literacy and to ensure that they have completed the requirements of form three (secondary education).

¹⁷⁷ HKSAR Report, Annex 35: Education programmes for inmates in prisons.

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