

**Report of the Hong Kong Special Administrative Region
(HKSAR) under the United Nations Convention on the Rights of the Child**

**Panel on Constitutional Affairs
Meeting on 18 May 2009**

- Submission from the Equal Opportunities Commission -

Background

1. The Equal Opportunities Commission (the Commission) is responsible for administering four anti-discrimination ordinances: the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, the Family Status Discrimination Ordinance and the Race Discrimination Ordinance. Under these ordinances, the Commission is charged with the responsibility of eliminating discrimination on the grounds of race, sex, marital status, pregnancy, disability and family status, eliminating sexual harassment, racial and disability harassment and vilification, and promoting equality in opportunities between men and women, between persons with disabilities and without disabilities, persons with family status and without family status and persons with different racial background.
2. Although the Commission has not submitted any parallel report to the United Nations in respect of the Report of the HKSAR under the Convention on the Rights of Child, it expresses concerns regarding the rights of child, especially in the area of education, to the United Nations, the Legislative Council and the relevant government bureaus and departments from time to time.

Progressive realization of the rights recognized in the Convention

3. Article 2 of the Convention requires that the Government shall respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

4. The present anti-discrimination legislations already cover discrimination on the basis of race, sex, marital status, pregnancy, disability, and family status. Educational establishments are prohibited from discriminating against students on these grounds. In anticipation of racial discrimination legislation coming into effect in the near future, the Commission expects that children, especially ethnic minority children, could enjoy their full rights in receiving education and can have a full development of their potentials.

Education for Students with Disability

5. While we are all aware that the Government has a duty to ensure that disabled children have effective access to and receives education in a manner conducive to the child's achieving the fullest possible social integration and individual development. The Commission is concerned about the Ombudsman report about the serious deficiency of education support for children with Specific Learning Disabilities (SLD). The Commission urges the Government to improve the support for children with SLD and those with Attention Deficit Hyperactivity Disorder (ADHD).

Education for Ethnic Minority Children

6. While many ethnic minority children express interest in learning Chinese in Hong Kong, the Commission wants to point out that language barriers is still the major obstacle hindering education for ethnic minority children in Hong Kong. Given that many, if not all, of these children are likely to use their native language at home, and that there is generally a lack of facilities to learn Chinese in local schools to cater for non-Chinese speaking students, these challenges would impact on their ability and opportunity to receive quality education, which would in turn reduce their chance of securing tertiary education in Hong Kong.
7. With the racial discrimination legislation is coming into effect soon, the Commission urges the Education Bureau to expedite their effort to provide effective means to integrate ethnic minority students into mainstream schools, and eventually to enable them to participate fully in our local society.

Conclusion

8. The Commission agrees with the principles enshrined in the Convention on the Rights of Child. The Commission would be pleased to provide assistance by way of advice and experience sharing to the Government and related bodies to realize the rights recognized in the Convention, if so requested. Should the Panel or the Government require further information, the Commission would be happy to provide.

Equal Opportunities Commission

May 2009