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AMNESTY
INTERNATIONAL
國際特赦組織香港分會



人權
HUMAN RIGHTS

THE RIGHT OF ETHNIC MINORITIES TO EDUCATION

We

We all

We all have

We all have the right

We all have the right to

We all have the right to learn

We all have the right to learn.

We all have the right to learn.

We all have the right to learn.

CONTENT

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01/ WORDS FROM THE EDITOR-IN-CHIEF IN FOCUS

02/ THE RIGHT OF ETHNIC MINORITIES TO EDUCATION

04/ DISCRIMINATION AGAINST THE ROMA IN EUROPE

06/ INTERVIEW WITH PUJA KAPAI ON THE RIGHT OF ETHNIC
MINORITIES TO EDUCATION IN HONG KONG

09/ HUMAN RIGHTS DOCUMENTARY: AT HOME IN THE WORLD

10/ AI GLOBAL CAMPAIGNS

11/ GOOD NEWS
LOCAL HAPPENINGS

12/ THIS IS YOUR PAGE: SHORMI AHMED

13/ WRITE FOR RIGHTS: HUMAN RIGHTS DAY 2016 CARNIVAL,
SERRINI CONCERT

YOUNG HUMAN RIGHTS JOURNALISTS SCHEME, LGBTI GROUP

14/ RUN FOR HER 2016

WORDS FROM THE EDITOR- IN-CHIEF

In the past decade, the number of years of free education in Hong Kong has changed from 9 years to 12 years. Citizens generally support the idea that education is our basic right. However, many Hong Kong citizens only regard education as a way to improve individual and family economy as well as upward social mobility. In fact, education is also vital for the advancement of our society and human rights protection.

I conducted some interviews with ethnic minorities for a study on the right to education among ethnic minorities in Hong Kong. I learnt that ethnic minority youth have been facing difficulties in our education system. Some poor families cannot support their children in learning Chinese and subsequently these students get poor grades and have a slim chance to higher education. Some traditional families neglect the importance of education for girls and encourage them to marry at a young age. Regardless of how diligent the girls are, they have no chance to become a lawyer, a doctor or a teacher.

Hence, ensuring a child's access to education on an equal basis is a right in itself as well as an enabler for realizing other rights including the rights of the child and gender equality.

A black rectangular box containing the handwritten signature 'Au Mei Po' in white ink.

IN FOCUS

THE RIGHT OF ETHNIC MINORITIES TO EDUCATION

Ethnic minorities constitute 6.4% of the whole population in Hong Kong. However, due to the absence of an accessible curriculum, teaching materials and assessment, ethnic minority students encounter profound difficulties in learning Chinese, which in turn undermines their equal right to education, thus limiting their academic performance and access to higher education. Subsequently they have limited employment opportunities and a lesser chance for upward social mobility. Let us look into the right to education enshrined by the international human rights framework.

EVERYONE IS ENTITLED TO THE RIGHT TO EDUCATION ON AN EQUAL BASIS

The right to education applies to everyone regardless of race, colour, sex, language and religion. It is protected by article 2 of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). No discrimination is permitted even in times of public emergency.^[1] Racial segregation has no place in international human rights treaties as well as the Race Discrimination Ordinance in Hong Kong.^[2]

THE AIMS OF EDUCATION STIPULATED BY INTERNATIONAL HUMAN RIGHTS TREATIES

Access to education is "both a human right in itself and as indispensable means of realizing other human rights". Article 26(2) of the UDHR, article 13(1) of the ICESCR and article 29(1) of the Convention on the Rights of the Child (CRC) stipulate the aims of education.

Education enlightens the mind. It aims at developing a person's "personality, talents and mental and physical abilities to the fullest potential". It also leads to human rights education, which strengthens "the respect for human rights and fundamental freedoms". It empowers persons to get rid of poverty, to access social resources as well as to effectively participate in a free society.

The aims of education also include fostering child respect for his/her "parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own". It also promotes "understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and furthers the activities of the United Nations for the maintenance of peace".

FREE EDUCATION SHOULD BE PROVIDED

Article 13(2) of the ICESCR stipulates the content of the right to education, in which "primary education shall be compulsory and available free to all"; "secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education" and "higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education".

4 FEATURES OF THE RIGHT TO EDUCATION

The right to education does not only mean having a chance to study, it also requires taking the needs of the students into account. The best interests of the student shall be a primary consideration in primary, secondary and higher education while putting the following "interrelated and essential features" into practice. The first feature is availability, which are the basic facilities provided including classrooms, "sanitation facilities for both sexes, safe drinking water, teaching materials", "library, computer facilities and information technology". Secondly, accessibility should be ensured, which means non-discrimination, free and accessible school locations as well as affordable school fees. The third feature is acceptability, which means that "the form and substance of education, including curricula and teaching methods, have to be acceptable to students" and meet the minimum educational standards.

Fourthly, adaptability should be guaranteed. This means that education should be "flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings". [3]

UN IS CONCERNED ABOUT DISCRIMINATION AGAINST ETHNIC MINORITY STUDENTS IN HONG KONG

In sum, ethnic minorities are entitled to the right to education on an equal basis. Education should meet the aforementioned 4 features, particularly acceptability and adaptability. It should also cater the needs of ethnic minority students.

However, the UN has repeatedly expressed concerns on discrimination against ethnic minority students in Hong Kong. The situation has yet to be improved. For instance, in 2014, the UN Committee on Economic, Social and Cultural Rights urged Hong Kong to "urgently take all necessary measures to eliminate de facto discrimination against non-Chinese speaking students, including by the reallocation of resources, and to promote their access to education in mainstream schools". It also urged Hong Kong "to step up its efforts to implement legislation and policies on bilingual education at all levels of education and provide high-quality education in Chinese as a second language". [4]

Reference

- [1] ICCPR, Article 4.
- [2] International Convention on the Elimination of All Forms of Racial Discrimination, Article 3, Race Discrimination Ordinance, s4(3).
- [3] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, Para 6.
- [4] UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China*, 13 June 2014, Para 52-53.

DISCRIMINATION AGAINST THE ROMA IN EUROPE

The Roma migrated to Europe from the Indian subcontinent several hundred years ago. They are Europe's largest ethnic minority as well as an underprivileged group. They live in poverty. They are always stigmatized as criminals and often discriminated against. Taking education as an example, Romani children suffer systemic and ongoing discrimination in primary education in the Czech Republic. Their right to education on an equal basis is curtailed and therefore limits their access to higher education and employment. Subsequently they are trapped in a vicious cycle of poverty and marginalization.

OVER 30% OF STUDENTS IN SPECIAL SCHOOLS ARE ROMA

Although special schools are designated for children with mild intellectual disabilities, there is an over-representation of Romani pupils. In 2007, the European Court of Human Rights held that the disproportionate placement of Romani children in special schools in the Czech Republic violated their right to education on an equal basis. The Czech Government then implemented some measures to improve the situation. However in 2014, around 32% of the children studying in special schools were still Roma.

ROMA-ONLY CLASS

Romani children studying in mainstream schools are segregated into a Roma class and have less favourable treatment. Schools do not provide sufficient language support for Romani children, so it is very

difficult for the children to follow the curriculum as the Czech language is not their mother tongue.

SCHOOL BULLYING

Romani children also experience bullying by classmates and discrimination by teachers. For instance, Katka, a Romani girl studying in a mainstream school, said nobody wanted to be friends with her after learning she was Roma. The boy who used to sit next to her also said he did not want to sit next to her. These painful experiences reminded her that she was Roma and that others thought she was dirty and different.

Amnesty International urged the Czech Government to effectively implement education reforms to combat race discrimination and prejudice. The Government should phase out special schools and to ensure inclusive education of Romani pupils as well as pupils with mild intellectual disabilities.

Reference

Amnesty International. *Must Try Harder: Ethnic Discrimination of Romani Children in Czech Schools*. 2015.

Amnesty International. *Segregation, Bullying and Fear: The Stunted Education of Romani Children in Europe*. 8 April 2015.

In Slovakia, Romani children do not enjoy equal right to education.

ROMA CLASS IN MAINSTREAM SCHOOLS

A United Nations survey in 2012 suggested that over 40% of Romani children in mainstream schools in Slovakia were enrolled in segregated Roma classes. Some Romani parents protested against the segregation. They were worried that their children would not be able to progress at school and this would thus profoundly affect their future. The Court in Slovakia ruled that by placing Romani pupils in separate classes, the school violated anti-discrimination laws and infringed their human dignity. Unfortunately, the situation has remained unchanged.



SEGREGATION WORSENER BY CONTAINER SCHOOLS

Segregation of Roma children is even worsened by the emergence of "Container Schools". "Container Schools" are built from material resembling shipping containers. They are situated in Roma communities and established for Romani children. Since their establishment, the Romani pupils rarely go outside the settlement, restricting their inclusion in the mainstream society.

Amnesty International urges the Slovak Government to ensure the equal right to education of the Romani children by introducing systemic reform to combat race discrimination and segregation, abolishing the practice of segregation and providing resources and training to ensure all children enjoy equal access to quality education.

Reference

Amnesty International. *Unfulfilled Promises: Failing to End Segregation of Roma Pupils in Slovakia*. 2013.

Amnesty International. *Slovakia's "Container Schools" Worsen Segregation of Roma Children from Society*. 13 March 2015.

INTERVIEW WITH PUJA KAPAI ON THE RIGHT OF ETHNIC MINORITIES TO EDUCATION IN HONG KONG

Q / *Amnesty International Hong Kong*

A / *Puja Kapai (Associate Professor of Law, The University of Hong Kong)*

Q From your experience, what are the major learning difficulties for ethnic minority students in mainstream schools in Hong Kong?

A First of all, that would be the language barrier. For example, studying in the mainstream schools would mean that all the teaching would be conducted in Cantonese, without regard to whether children are able to follow. Children are very active and need to be kept occupied. If the language of instruction is not one that they understand, they will easily be distracted and become playful during the class. And for me at least, there were often times that I was not able to follow the curriculum. So it was very challenging for the first 2 years I was in a designated school and then I moved to another school.

Another difficulty was that the Chinese curriculum is developed on the understanding that the students are native Chinese speakers. The tools and the framework teachers rely on to convey some ideas to the children are not part of the regular repository of ethnic minority children. So it is not accessible to a non-native Chinese speaker. The learning gap grows every day. For example, I would come home and maybe I learnt 2 new Chinese words but my classmates who are Chinese would come home and then pick up another 20 words. There are no focused resources at mainstream schools to assist ethnic minorities to learn Chinese as well.

Q Some schools adopt Putonghua as the medium of instruction for the Chinese subject. How does that affect the ethnic minority students?

A It is absolutely confusing because the ethnic minority students are learning 3 different non-mother tongue languages at the same time. They are encouraged to learn Cantonese and English in kindergarten. When they go to primary school, the Chinese subject is being taught in Putonghua and so they are constantly challenged to pick up a new language. It is not a problem in itself but if there is no supporting framework to make sure that they are able to progress from one stage to the next, they will start underperforming in Chinese as well as the overall curriculum due to the medium of instruction. It is a very serious challenge because it suggests that the education system has not thought about the target group.

Q The United Nations and local NGOs have been advocating for a Chinese as a second language curriculum. In 2014, the Education Bureau (EDB) implemented the Chinese Language Curriculum Second Language Learning Framework. Do you think the Learning Framework largely solves the difficulties in learning Chinese faced by ethnic minority students?

A No. The Learning Framework is a new name which is given to describe old practices that have always been in place. After the Bi-literacy and Tri-lingualism policy was implemented by the Government, there were concerns that ethnic minority students would be left behind. That is why they had the segregated schooling system since the 2006/07 school year. Some of those designated schools began on their own to develop some teaching materials that would be more suitable for teaching Chinese to ethnic minorities. That material was not teaching Chinese as a second language but slowing down the pace of the amount of materials covered in the standard Chinese Curriculum in a given year. The result of this slowing down approach was that ethnic minorities were graduating from senior secondary school with the level of Chinese proficiency equivalent to primary 3 of their Chinese counterparts here.

The difficulties in mastering the Chinese Language come from the fact that ethnic minorities have not been offered a curriculum which is accessible to them as non-native Chinese speakers. For example Chinese students would learn English as a second language. But we do not have an equivalent Chinese as a second language curriculum. Even though the Government calls it the Chinese Language Curriculum Second Language Learning Framework, the curriculum is the same. It is still the old one for Chinese native speakers. The outcome is the same as the Chinese proficiency of ethnic minority students is comparably lower than their Chinese peers. The only difference is that you are taught at different paces and in different ways. So the Learning Framework has not really resolved the problem. Besides, there is no monitoring and evaluation mechanism. There is no sense of how well this new policy is being implemented and the challenges teachers encounter.

Q According to the report of the Census and Statistics Department in 2011, school attendance of ethnic minorities was lower than that of the whole population. What is your comment?

School attendance rates	Ethnic Minorities	Whole population
Aged 3-5 (pre-school)	87%	91%
Aged 17-18 (sixth form)	76%	86%
Aged 19-24 (post-secondary education)	33%	45%

A It comes down to a lack of awareness and knowledge among the ethnic minority parents about the resources available to them to send their children to school earlier. They may not be aware that pre-primary education can impact the rate of development of their children and their prospect of integrating into Hong Kong. If they were aware, I suspect that they would make a different decision. The language barrier, economic situation, peer-to-peer knowledge sharing, community practice and culture are the important factors which contribute to the importance attached to pre-primary education among ethnic minorities.

It is very important to emphasize you will see different patterns in different communities. Usually the dropout rates tend to be the highest among Nepalese and Pakistani and the Filipino community. If you compare that data with the employment statistics, income and household size data, you will see that

those are the same groups who are more likely to live in poverty. For example the poverty level of the Nepalese and Pakistani communities are extremely high compared to the local population. Those are communities in which the children are not attending pre-primary education, they are not graduating from sixth form and are not in higher education. It is all interlinked and each ethnic minority group has a slightly different characteristic because of a range of factors including how long they have been in Hong Kong, which profession they have been in here and particularly the language. Poverty, income level, family values and education determine whether children have access to education opportunities.

Q Do you think the Race Discrimination Ordinance provides adequate protection for the right of ethnic minorities to education? Do you have any suggestions?

A No. Unlike other discrimination ordinances, the Race Discrimination Ordinance (RDO) excludes the performance of functions or the exercise of powers of the Government. The Equal Opportunities Commission (EOC) has argued that because education is the function and power of the Government, the EDB is excluded from the purview of this ordinance. I do not buy that argument. The RDO can be broadly interpreted as covering the provision of education as a service rendered by the Government to the public. It may be possible to argue the service provider has violated the RDO on a number of grounds but particularly indirect discrimination based on language and segregated schooling through the designated policy which even is no longer officially in effect but allows the maintenance of those schools with such a high concentration of ethnic minorities that it leads to de-facto segregation. So I think it is possible to argue the right to education of the ethnic minorities suffers from race discrimination in terms of equal



access on a number of grounds. However, given the EOC's position the RDO does not clearly cover this situation, I worry that the RDO is inadequate in its protection of ethnic minorities.

The Government is the most powerful entity with the ability to impact the right to education of ethnic minorities significantly because it is the provider of a range of services. It is an imperative that the Government shall be brought to a full purview by the RDO, so that the full range of the Government's activities can be covered. There is no remedy to address discriminatory policies especially in areas such as education, immigration and law enforcement. It is deeply problematic and reinforces the idea that it is acceptable to discriminate against racial minorities.

Q Do you have anything to supplement?

A At this juncture of global politics like the anti-immigration rhetoric and the anti-globalization discourse, immigrants are being targeted at all parts of the world as an unwanted community. So it is very important to remain vigilant about the prospects for such a discourse to spiral out of control and give people a sense of authority that it is legitimate to discriminate against these groups because they are "others", not "us". It can be very threatening in terms of unraveling our achievements as humanity has been protected through international human rights treaties since the Second World War.

Many Indians, Pakistani, Nepalese and Filipinos in Hong Kong are already third or fourth generation. Many of them came before our Chinese friends, many of them defended Hong Kong in the Second World War and many of them contributed to the growth and prosperity of Hong Kong and continue to see Hong Kong as their home. If this group of people could not fall within the definition of being a Hong Konger, then what do you have to do to belong to Hong Kong? If policy and law makers can consider this question carefully, they may have renewed ideas for how to develop a more effective education policy for all children.

Besides, history being taught in Hong Kong classrooms does not include discussion of the role of ethnic minorities in Hong Kong. Students may not know that one of the primary endowments to the University of Hong Kong was made by Mody, a Parsi gentleman. Or they do not know the Star Ferry was set up by an Indian. So there are many gaps in public consciousness about the relevance and the role of ethnic minorities, which in turn limits the vision of the future of Hong Kong.

Reference

Puja Kapai. "Chapter 3: The Education of Ethnic Minorities in Hong Kong". *The Status of Ethnic Minorities in Hong Kong, 1997 to 2014*. Published by the Faculty of Law, The University of Hong Kong, 2015.



HUMAN RIGHTS DOCUMENTARY: AT HOME IN THE WORLD

In 2001, the denial of education applications of non-documented children from China sparked a lot of concern in Hong Kong. Nowadays, more than 500 non-refoulement claimants in Hong Kong are children. The Education Bureau has to seek confirmation from the Director of Immigration before school admission, on allowing asylum children to attend schools in Hong Kong. The United Nations has been concerned about this practice and urged Hong Kong to ensure "all children, including children of migrants, asylum-seekers and refugees and children belonging to ethnic minorities, have free access to compulsory education on an equal basis with other children". Let us learn about overseas practices by considering a documentary.

AT HOME IN THE WORLD

In a small Danish town where a Red Cross asylum school is located, refugee children from conflicted areas all over the world are united. Some arrived with their parents while others came alone. Most of them have been suffering from wars and on the run for years. Will they be resettled in Denmark? Will they be deported to where they come from? 5 of the refugee children from the Middle East are waiting for their first school year there as well as their future.

This film won the Award of the International Documentary Film Festival Amsterdam (IDFA) Competition for Mid-Length Documentary in 2015.

#Right to Education #Refugees #The Rights of the Child

Director Andreas Koefoed

Language Arabic, Chechen, Danish with Chinese and English subtitles

Duration 58 minutes

Year 2015

Film Division Category IIA (Not Suitable for Children)

USEFUL INFORMATION

Best for Secondary students

Relevant subjects Liberal Studies, Integrated Humanities, Moral and Civic Education, Human Rights Education, Global Citizenship Education

Email hre@amnesty.org.hk



AI GLOBAL CAMPAIGNS

1/ AI Ukraine: Photo exhibition of a disappeared human rights defender

"Abroad" was a photo exhibition at St. Michael's Square beginning from 16 December 2016, which aimed at drawing public attention to the case of the enforced disappearance and political persecution of Crimean Tatar activist Erwin Ibragimov. It was a joint project with independent photographer Liza German and Maria Lanko. Further info at <https://www.facebook.com/aiukraine/>

2/ AI Belgium: 10,000 people supported Syrian civilians

Around 10,000 people gathered in 70 Belgian cities in December 2016 to show their support for Syrian civilians. They also asked the Belgian government to take action.

Further info at <https://www.facebook.com/amnestyBE/>

3/ AI Italy: Wedding protest against child marriage

AI Italy staged a protest in the form of a "wedding banquet" involving a girl bride in Rome in October 2016. This was part of the Girls Never Brides Campaign aimed at denouncing the practice of child and forced marriages as well as other forms of violence.

More info at <https://www.facebook.com/AmnestyInternationalItalia/>

4/ AI Korea: Media Awards on Human Rights

The Amnesty International Korea Media Awards was held in November 2016. The top 22 out of 45 entries were selected including the report on the death of an old farmer who engaged in the protest of human rights violations in aging hospitals and the poor working condition of cleaning workers.

Further info at <https://www.facebook.com/AmnestyKorea>





It seems like wherever you look, people have written 2016 off as a terrible year. But with your action, we have found a lot to be positive about, too.

Last year, you helped us free more than 650 people – that was nearly 2 people per day – from unfair and often abusive imprisonment. Together, we helped change laws in 40 countries. We brought football's global governing body to account and helped convict war criminals. And in a year of so many uncertainties we found one thing we could be certain about: Outrage is not enough. Change happens when we take action together.

Thanks for defending human rights. Here are 2 out of 33 ways you helped change lives last year. The rest of the ways you helped make change happen can be read at

www.amnesty.org.hk

AUSTRALIA: PROTECTION OF THE RIGHTS OF INDIGENOUS PEOPLE

History was made following concerted campaigning and the release of Amnesty International's report on indigenous youth justice in Queensland, Australia. After 5 decades of injustice, 17-year-old indigenous youth will no longer be held in adult prison or tried as adults, which comes in line with international laws. This means that indigenous children, who are 22 times more likely to be in detention, will have more chances for rehabilitation.

POLAND: WOMEN FORCED U-TURN ON PROPOSED ABORTION BAN

Women and girls flooded the streets in unprecedented numbers in October 2016 to protest against a proposed ban on Poland's already highly restrictive abortion law. Women went on strike to show their collective fury at the proposals, and thousands of people, including Amnesty supporters, sent messages of solidarity. Ultimately, the Parliament banned the bill, a historic victory for women's rights in the country.

LOCAL HAPPENINGS

THIS IS YOUR PAGE:
SHORMI AHMED



NAME
SHORMI AHMED

OCCUPATION
ART PRACTITIONER

YEARS WITH US
A YEAR

How would you raise your friends' awareness about human rights issues?

A lot of my ethnic minority peers in Hong Kong are quite distant from the cultural and political happenings in Hong Kong mostly due to the language barrier and the apparent segregation in the local education system. A lot of the minorities who have grown up here choose to remain within their minority groups or the expat community only.

One way I engage my minority friends in human rights issues is by posting simple articles or videos on Facebook to raise questions they would not ordinarily ask themselves, to initiate an awareness that may lead to self-education.

If you were granted the power to wish away one human rights issue, what would it be?

Infringement of women's rights issues. Women have repeatedly proven themselves in their capacity and capability in different areas of life and throughout different cultures. The fact that we still have to "fight" for this right is indicative of the backwardness of humanity worldwide. When women's rights are in question, half of the world's population is literally crippled.

Why do you support Amnesty International?

Humans have gone through millions of years of evolution. We have made tremendous scientific and technological advancements. Unfortunately, we have not made such progress in the realms of humanity. It is absurd that our basic human rights remain neglected.

Independent organizations such as Amnesty International question and challenge the grand narrative. Amnesty International gives a voice to the oppressed and educates the ignorant. I support Amnesty International because I feel that my personal vision aligns with the goals of Amnesty International.

What inspires you to promote human rights through art?

Art can transcend nationalistic and linguistic barriers. Art in various forms has the ability to evoke and inspire ideas and thoughts and create subjective experiences for viewers. I feel that it is one of the purest and the most powerful medium of communication; therefore, it can serve as a channel to promote human rights messages.

WRITE FOR RIGHTS @ HUMAN RIGHTS DAY 2016 CARNIVAL



We joined the Human Rights Day 2016 Carnival to run our Write for Rights campaign. We received letters and postcards from participants which demanded that the then President of the United States Barack Obama pardon Edward Snowden, who revealed a massive surveillance programme conducted by the US.

WRITE FOR RIGHTS X SERRINI CONCERT



In December 2016, the Human Rights Friday was dedicated to the annual Write for Rights campaign. We invited Serrini, a local independent singer, to sing for human rights. At the same time, participants wrote postcards for 6 Write for Rights cases. Through our action, we hope to change the lives of people whose rights are abused, so that their rights are respected in their society.

YOUNG HUMAN RIGHTS JOURNALISTS SCHEME



Our Young Human Rights Journalists Scheme 2016 was successfully completed. In their final reports, the participants looked into various rights issues in Hong Kong including working hours, the rights of the child, discrimination based on sexual orientation, the use of public space and the right to adequate housing.

In addition, Zhou Yue Ting, Yung Wai Sze, Lun Pong Hei and Wong Ka Man, our Young Human Rights Journalists, won the Online Civic Engagement and Creativity Award 2016 (Secondary School Category), with their article which looked into the effectiveness of a mandatory remedial class in some secondary schools. We extend our congratulations to the awardees and hope that our participants will continue reporting on different human rights issues.

Read their work online at hrj.amnesty.org.hk

LGBTI GROUP



The recent proposed legislation on marriage equality in Taiwan has stirred heated debates among the Taiwanese public and beyond. We would like to show our support in solidarity with our friends in Taiwan. Thus, we launched a photo campaign named "Love is a Human Right, I support Taiwan" in December 2016, with the aim to elicit support for marriage equality and anti-discrimination against the lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals. In addition, our LGBTI Group also collected photos from the public during the Human Rights Day 2016 Carnival on 10 December.

Our LGBTI Group advocates for human rights, specifically those related to sexual orientation and gender identity. The Group meets regularly. Join the Group by emailing at

lgbti@amnesty.org.hk

RUNFO

為女權

20



DR HER

踏 美 而 跑

16



寫信馬拉松 X SERINI 演唱會

去年十二月「人權星期五」，我們舉行了「寫信馬拉松」活動，並邀請了獨立歌手 Serini 用音樂捍衛人權。在咖啡、輕食及音樂聲中，參加者一同為六名人權受侵犯的案主寫信。我們希望透過寫信能改變他們的生命，令有關當局尊重他們的權利。

寫信馬拉松 @ 國際人權日嘉年華

我們參加了國際人權日二〇一六年嘉年華，並在場收集「寫信馬拉松」明信片及信件，要求時任美國總統奧巴馬 (Barack Obama) 特赦揭發美國大型網絡及通訊監控的斯諾登 (Edward Snowden)。



LGBTI 小組

近日，台灣的婚姻平權法案引起當地激烈討論。有見及此，我們於去年十二月舉行「愛是人權，我撐台灣」徵集相片行動，聲援支持平權的台灣朋友，並藉此呼籲公眾支持婚姻平權及消除對同性戀者、雙性戀者、跨性別人士與雙性人士歧視的歧視。我們的 LGBTI 小組更於十二月十日國際人權日嘉年華現場收集了公眾支持台灣婚姻平權的相片。

LGBTI 小組致力推廣有關性傾向和性別認同的平等權利。小組定期舉行會議。如欲加入小組，請即電郵至 lgbti@amnesty.org.hk

青年人權記者計劃

二〇一六年度青年人權記者計劃已經圓滿結束。學員的畢業作品探討諸如合理工作時間、兒童權利、性傾向歧視、公共空間使用權及適足住屋權等本地人權議題。

我們在此恭賀學員周月婷、翁慧詩、倫邦稀及黃嘉敏憑著關於兒童權利的實習報導《補底班，值得嗎？》勇奪網絡公民獎最佳文字報導（中學組）。希望各學員繼續努力報導社會上的人權議題。

學員作品上載至《青權筆記》網頁：hrj.amnesty.org.hk



本地迴響

你的二頁：SHORMI AHMED

你為何會支持國際特赦組織？

人類進化經歷數百萬年。雖然現今科技非常進步，但是人文領域仍然裹足不前，我們的基本人權仍然受到忽視，這著實荒謬。

獨立組織敢於質疑和挑戰主流論述。以國際特赦組織為例，它為受壓迫的人發聲，亦致力推廣教育。我支持國際特赦組織，是因為我們的願景一致。

為何你會用藝術推廣人權？

藝術能跨越國族和語言界限。不同形式的藝術能啟發思考，且創造獨有的主觀經驗。而藝術是其中一種純粹而有力的溝通媒介，因此我會以此推廣人權。

你會如何令朋友關注人權？

礙於語言障礙和分隔的教育制度，很多身處香港的少數族裔朋友均對本地政治與文化頗為抽離。即使於香港土生土長，他們大多選擇留在少數族裔或外籍人士的圈子。

我會在 Facebook 分享人權短文或影片，提出朋友鮮會思考的問題，希望引起他們的興趣，從而啟發他們自我學習。

如果可以願望成真，而只能許一個願，你會選擇解決甚麼人權問題？

我會選擇解決女性權利受到剝削的問題。雖然女性已在不同範疇及文化中證明自己的能力，但我們仍需爭取女性權利，此反映全球人文發展依然落後。一日女性權利仍備受質疑，世上就有一半人口的權利受損。



姓名
SHORMI AHMED
職業
藝術工作者
與國際特赦組織同行
一年

好消息



無論怎麼看，二〇一六年似乎都很糟糕。但你的行動，我們仍能看到曙光。

去年，我們協助超過六百五十人離開不公正且經常充斥暴力的監獄，幾乎是每天有兩個人重獲自由。我們同心合力，促使四十個國家修改法律。我們要求國際足球組織承擔責任，並協助將戰爭罪犯定罪。雖然去年充滿變數，但我們仍能肯定一件事：只是感到憤怒並不足夠，唯有一起行動，才會帶來改變。

感謝你為人權發聲，協助改變各人生命。去年，我們有三十三宗好消息，以下是其中兩宗。如欲瀏覽其他好消息，請到本會網站：

www.amnesty.org.hk

澳洲：改革青少年司法制度，保障原住民權利

全賴公民社會持續倡議，包括國際特赦組織有關澳洲昆士蘭原住民青少年司法正義報告，我們終能創造歷史。經過長達五十年的不公義情況，十七歲原住民青年不再被囚於成人監獄，或視作成年犯接受審訊，終於與國際法接軌。這意味原住民兒童將有更多機會改過自新，而不用像目前般，拘留率比一般兒童高出二十二倍。

波蘭：婦女成功爭取國會否決嚴苛墮胎草案

去年十月，一眾波蘭女性湧上街頭，抗議比現行法例更嚴苛的墮胎草案。婦女透過罷工表示憤怒，並獲數千人包括國際特赦組織支持者聲援。最終，波蘭國會否決草案，婦女權利行動取得歷史性勝利。

全球人權運動

1 / 烏克蘭分會：失蹤人權捍衛者紀念攝影展開幕
 去年十二月，烏克蘭分會於當地聖馬可廣場舉辦攝影展。該展覽旨在引起公眾關注被失蹤及遭受政治迫害的克里米亞人權捍衛者 Ewin Ibrahimov。展覽名為 Abrid，作品出自獨立攝影師 Liza German 及 Maria Lanko。
 詳情：https://www.facebook.com/aiukraine/

2 / 比利時分會：萬人聲援敘利亞平民
 去年十二月，約一萬人分別於比利時七十個城市集會，以支持敘利亞平民，並要求比利時政府採取行動。
 詳情：https://www.facebook.com/amnestyBE/

3 / 意大利分會：婚禮抗童婚
 去年十月，意大利分會在羅馬舉行一場「婚禮」，新娘卻是一名女童。是次行動名為「女童永不是新娘」，旨在抗議世界各地女童被迫強迫結婚或受到其他暴力對待。
 詳情：
<https://www.facebook.com/AmnestyInternationalItalia/>

4 / 南韓分會：人權新聞獎
 去年十一月，南韓分會舉行人權新聞獎頒獎典禮。在四十五項參賽作品中，有二十二項作品脫穎而出，報導內容包括參與示威的韓農之死、長者醫院的人權侵犯情況及清潔工的惡劣工作環境等。
 詳情：<https://www.facebook.com/AmnestyKorea>



人權紀錄片：《小小難民上學去》

二〇〇一年，逗留香港的無證兒童被拒入學，社會上引起軒然大波。現時，有逾五百名滯留香港的免遣返聲請者為兒童。教育局須徵詢入境處處長意見後，才可通知學校取錄他們。聯合國關注這種做法，並促請香港「確保所有兒童，包括移民、尋求庇護者和難民子女及少數族裔兒童能夠與其他兒童平等接受免費義務教育」。讓我們透過紀錄片看看海外情況。

《小小難民上學去》

在丹麥紅十字會難民小學，有些兒童偕父母逃亡而來，有些則獨自逃難。他們長年飽受戰亂之苦，在顛沛流離生活之中與惡夢同眠。他們能夠定居丹麥嗎？還是會被送返家鄉？五名來自中東的小難民，迎接首個新學年，等待未知的答案。

此片榮獲阿姆斯特丹國際紀錄片電影節 (IDFA) 二〇一五年最佳中長度紀錄片大獎。

#教育權 #難民 #兒童權利

導演 Andreas Koefoed

語言 阿拉伯語、車臣語及丹麥語對白，中英文字幕

片長 五十八分鐘

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評級 第IIA級影片（兒童不宜）

實用資訊

建議對象 中學生

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通識科、綜合人文科、德育及公民教育、人權教育、世界公民教育

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問 你認為《種族歧視條例》是否足以保障少數族裔接受教育的權利？有何改善建議？

答

《種族歧視條例》不足以保障少數族裔接受教育的權利。和其他歧視條例不同，《種族歧視條例》未有涵蓋政府執行職務或行使權力。平等機會委員會（平機會）認為教育屬政府執行職務或行使權力範疇，所以教育局不受條例規管。但我不同意這種看法。若寬鬆解釋《種族歧視條例》，教育可屬政府「提供貨品、設施或服務」，雖然教育局已廢除指定學校政策，但它作為服務提供者仍容許前指定學校收取大量少數族裔學生，如同實質隔離，違反《種族歧視條例》，故此，我認為少數族裔學生因為受到種族歧視而未能平等享受教育權。不過，由於平機會認為條例並不涵蓋此情況，我擔心條例不足以保障少數族裔學生。

政府坐擁龐大資源，亦是主要服務提供者，足以影響少數族裔接受教育的權利。現時即使教育、入境政策及執法構成種族歧視，當事人亦無法藉此條例追究和獲得補救，這樣會鞏固容許歧視少數族裔的錯誤想法。因此，當務之急是修訂《種族歧視條例》，使其涵蓋政府執行職務或行使權力。

問 你有何補充？

答

國際政治瀰漫反移民和反全球化論述，各地都不歡迎移民。我們要對這種排外論述保持警惕，一旦失控，各地的人就會藉此合理化對移民的歧視。這足以摧毀自二次世界大戰以來，國際社會透過人權公約保障人權和尊嚴的努力。

少數族裔同是港人

誠然，許多印度人、巴基斯坦人、尼泊爾人和菲律賓人在香港落地生根，已是第三或第四代了。當中許多少數族裔早於中國人來港前已定居香港；許多於二戰時參軍捍衛香港；許多為香港發展和繁榮貢獻良多，並一直視香港為家。假如他們都不是香港人，怎樣才算香港人？倘若政策制訂者和立法者能仔細思考這個問題，他們或會重新審視如何為所有兒童制訂更有效的教育政策。

此外，學校歷史課鮮有探討少數族裔於香港歷史的角色和貢獻，譬如很多學生未必知道香港大學主要捐款者是印度巴斯人摩地爵士，未必知道天星小輪由印度人創辦。若公眾意識不到香港少數族裔是香港一分子，會限制其對香港未來的想像。

參考資料

Puja Kapai, "Chapter 3: The Education of Ethnic Minorities in Hong Kong". *The Status of Ethnic Minorities in Hong Kong, 1997 to 2014*. Published by the Faculty of Law, The University of Hong Kong, 2015.

問 聯合國和本地團體一直促請香港推行「中文作為第二語言」課程。二〇一四年，教育局推行「中文課程第二語言學習架構」。你認為當局推行學習架構是否已大致上解決少數族裔學生學習中文的問題？

答 學習架構不過是新瓶舊酒，未能解決少數族裔兒童學習中文的問題。政府推行兩文三語政策，並於二〇〇六至〇七學年推出隔離學校，以回應協助少數族裔學生免於進度落後的訴求。部分指定學校自行製作中文教材予少數族裔學生。可是，這些教材只是剪裁主流課程，縮減學習內容，放慢學習速度，而不是建基於「以中文作為第二語言」。結果少數族裔學生高中畢業後，中文程度只有小三。

其實，香港學生學習英文，也是以英文作為第二語言的方式學習。雖然政府推出「中文課程第二語言學習架構」，但終究是舊課程，而且是為以中文為母語人士而設，唯一差異只是採用不同速度和教學方式。結果少數族裔學生的中文水平依舊落後於人。故此，我認為學習架構無助解決少數族裔學習中文的問題。再者，現時亦無相應監察和檢討機制，我們無從得知學習架構的實施情況和教師面對的困難。

問 根據二〇一一年統計處數字，少數族裔就學率低於全港人口，你有何見解？

就學率	少數族裔	全港人口
3-5歲 (學前教育)	87%	91%
17-18歲 (預科)	76%	86%
19-24歲 (專上教育)	33%	45%

答 少數族裔家長未必知道他們可以使用現行學前教育的資源，未必理解入讀幼稚園會有助子女發展及融入香港。若他們知道，應有不同決定。此外，語言障礙、家庭環境、同儕知識分享、社群作風及文化也影響少數族裔家長是否重視學前教育。

不同少數族裔族群有不同模式。通常尼泊爾、巴基斯坦及菲律賓社群的入學率較低。再結合職業、收入及家庭人數來看，發現他們相對貧窮。譬如尼泊爾和巴基斯坦社群的貧窮率遠高於本地人口，而該族群的兒童較少入讀幼稚園、沒有讀預科及大學。這些數據環環相扣。族群特徵略有不同，受到居港年期、行業及語言等因素影響。此外，家庭收入、家庭價值及教育亦會影響少數族裔兒童接受教育的機會。

專訪 / 紀佩雅談香港少數族裔接受教育權利的情況

問 / 國際特赦組織香港分會
答 / 紀佩雅（香港大學法律學院副教授）

問 以你的自身經驗，你認為就讀於香港主流學校的少數族裔學生面對甚麼困難？

答 首先是語言障礙。主流學校以廣東話為教學語言，忽略學生語言能力。兒童好動活潑，需要時刻佔據心神，一旦聽不懂課堂語言，就更易分心，會在課堂玩耍。譬如我在指定學校讀書的頭兩年，感到相當困難，經常追不上進度。後來我就轉校了。

其次，中文科課程是為以中文為母語的學生而設，與少數族裔學生的語境和文化不同，所以少數族裔學生難以明白，於是，學習進度的差異與日俱增。譬如我放學回家，學習了兩個中文詞語，我的廣東話同學則已學懂了二十個詞語。主流學校亦無著力協助少數族裔學生學習中文。

問 有學校以普通話教中文，這對少數族裔學生有何影響？

答 這絕對令人費解。這樣的話，少數族裔學生需要同時學習三種非母語的語言。他們在幼稚園學習廣東話和英文，但由於小學改用普通話教中文，又要重新學習另一種語言。學習普通話本身不是問題，但若無足夠支援確保少數族裔兒童能適應教學語言轉變，他們就會追不上中文科以至所有科目。此反映教育制度並無考慮不同背景學生的需要。



在斯洛伐克，羅姆兒童未能享有平等接受教育的權利。

主流學校的羅姆班

聯合國於二〇一二年調查發現，在斯洛伐克主流學校中，逾四成羅姆兒童獲安排於羅姆班讀書，儼如種族隔離。有羅姆家長就此抗議，並擔心子女被迫接受次等教育，影響前途。同年，斯洛伐克法院裁定當地小學設立羅姆班的做法違反歧視條例，且損害兒童尊嚴。可惜情況未見改善，羅姆班仍屢見不鮮。

貨櫃學校加劇種族隔離

更甚的是，當地出現羅姆人「貨櫃學校」，加劇種族隔離。斯洛伐克政府於羅姆人社區，用便宜的貨櫃物料興建「貨櫃學校」，並專門收取羅姆兒童。從此，羅姆兒童與世隔絕，鮮有機會接觸非羅姆人，更遑論融入社會。

國際特赦組織認為，斯洛伐克政府應保障羅姆兒童平等接受教育的權利，包括推行全面教育改革，消除種族歧視和隔離；要求學校廢除隔離的做法，並提供資源與培訓，最終令所有兒童皆能平等接受高質素的主流教育。

參考資料

- Amnesty International. *Unfulfilled Promises: Failing to End Segregation of Roma Pupils in Slovakia*. 2013.
- Amnesty International. *Slovakia's "Container Schools" Worsen Segregation of Roma Children from Society*. 13 March 2015.



在歐洲飽受歧視的 羅姆人

幾百年前，羅姆人從印度移徙至歐洲，現時是歐洲最大的少數族群。不過，羅姆人屬邊緣社群，生活貧困，亦經常被視為罪犯，飽受社會歧視。以教育為例，捷克的小學教育制度持續歧視羅姆兒童，剝削他們平等接受教育的權利，以至影響升學和就業，令他們難以向上流動及改善弱勢處境。

逾三成特殊學校學生是羅姆兒童

當地特殊學校雖為智障兒童而設，但同時記錄許多羅姆兒童。二〇〇七年，歐洲人權法庭裁定捷克特殊學校出現不合比例的羅姆學生人數，違反其平等接受教育的權利。雖然捷克政府已採取改善措施，但截至二〇一四年，仍有高達百分之三十二的特殊學校學生為羅姆兒童。

隔離的羅姆班

然而，在主流小學讀書的羅姆兒童，亦會獲安排入讀羅姆班，如同種族隔離，並且受到較差待遇。學校亦未能提供適切語言支援，以致母語非捷克語的羅姆兒童難以追上課程進度。

校園欺凌嚴重

羅姆兒童亦經常受到同學欺凌，甚至被教師歧視。譬如在主流學校讀書的 *Alma* 指，自從同學知道她是羅姆人後，就不再理睬她，鄰座男生亦不願與她為鄰。這些痛苦經驗不斷提醒她既是羅姆人，就是骯髒，就是有別於常人。

國際特赦組織促請捷克政府推行教育改革，消除種族偏見和歧視，並逐步廢除特殊學校，確保羅姆兒童和智障兒童均能接受融合教育。

參考資料

- Amnesty International. *Must Try Harder: Ethnic Discrimination of Romani Children in Czech Schools*. 2015.
- Amnesty International. *Segregation, Bullying and Fear: The Stunted Education of Romani Children in Europe*. 28 April 2015.

教育權四大要求

教育權不僅是有書讀，還須相應配套，並切合學生需要。無論是何種形式的初等、中等及高等教育，均應以學生最大利益為首要考慮，展現以下四個互為關連的基本特徵：

- 一、恰當供應 (availability)：學校有基本設備，譬如課室、男女廁、安全食水、教材、圖書館及電腦設備等；
- 二、公平獲取 (accessibility)：包括人人平等，無所歧視、學校位置安全易達及人人皆可負擔學費；
- 三、人皆接受 (acceptability)：教育形式和內容，包括課程及教學法，須為學生所能接受，並符合最低教育標準；
- 四、盡可適應 (adaptability)：教育回應社會需要，並切合來自不同社會和文化背景的學生需要。^[3]

聯合國批評香港歧視少數族裔學生

由此可見，少數族裔享有平等接受教育的權利。教育應符合四個基本特徵，尤其是「人皆接受」及「盡可適應」，因材施教，照顧少數族裔學生的需要。

可是，聯合國屢次批評香港歧視少數族裔學生，情況有待改善。譬如二〇一四年，經濟、社會與文化權利委員會促請香港「緊急採取一切必要措施，消除對非華語學生事實歧視，包括重新劃撥資源，促進他們在主流學校接受教育」，並「加強在各級教育中落實雙語教育立法和政策，確保中文作為第二語言的優質教育」。^[4]

參考資料

- [1] 《公民權利和政治權利公約》。第四條。
- [2] 《消除一切形式種族歧視國際公約》第三條。《種族歧視條例》(第六〇二章)第四(三)條。
- [3] 經濟、社會與文化權利委員會。《第十三號一般性意見：受教育的權利》。一九九九年十二月八日。段六。
- [4] 經濟、社會與文化權利委員會。《關於中國(包括中國香港和中國澳門)第二次定期報告的審議結論》。二〇一四年六月十三日。段五十二至五十三。

少數族裔接受教育的權利

在香港，有百分之六點四的人口為少數族裔。由於欠缺適切課程、教材及評估等配套，令少數族裔學生學習中文困難重重，更因而削弱了學業成績和升學機會，未能充分享受平等教育權，以至就業機會受到限制及減少向上流動的機會。以下，就讓我們來看看教育權的國際人權標準。

接受教育，人人平等

無論是甚麼種族、膚色、性別、說何種語言及相信甚麼宗教，人人皆有平等接受教育的權利，此乃《世界人權宣言》、《公民權利和政治權利公約》及《經濟、社會與文化權利的國際公約》第二條所保障。即使處於緊急狀態，政府措施也不得歧視。^[1] 國際人權公約和本地《種族歧視條例》亦不容許種族隔離。^[2]

國際人權公約訂明教育宗旨

接受教育本是權利，亦是實現其他權利的基礎。《世界人權宣言》第二十六(二)條、《經濟、社會與文化權利的國際公約》第十三(二)條及《兒童權利公約》第二十九(二)條均訂明教育的目的為何。

教育啟迪心靈，旨在「充分發展人的個性、才智和身心能力」。教育亦包括人權教育，加強學習者「尊重人權和基本自由」，有助其充權，從而脫離貧窮、獲得社會資源及有效參與自由社會。

除此以外，教育目的還包括培養兒童尊重「父母、自身的文化認同、語言和價值觀、所居住國家的民族價值觀、其原籍國以及不同於其本國的文明」，亦務求促進「各國、各民族間及各種族、人種或宗教團體間之了解、容忍及友好關係」及「聯合國維持和平之工作」。

政府應提供免費教育

《經濟、社會與文化權利的國際公約》第十三(二)條具體訂明教育權的內涵：「初等教育應屬強迫性質，免費普及全民」；中等教育應逐漸免費，令人人都有機會接受包括技術及職業訓練的中等教育；高等教育則「應根據能力，以一切適當方法，特別應逐漸採行免費教育制度，使人人有平等就讀機會」。

主編的話

過去十年，香港由九年免費教育發展成十二年免費教育，可見市民普遍贊成教育是我們的基本權利。然而，時下社會大眾只視教育為改善個人及家庭經濟，以至尋求攀升社會階梯的不二之法，似乎忽視了教育對於推動社會進步，令更多市民享有人權的重要性。

筆者曾就少數族裔接受教育權的情況，走訪少數族裔朋友，了解到不少青少年在現行教育制度下面對重重障礙。不少比較清貧的少數族裔家庭沒有資源供子女學習中文，以至他們成績落後，難以繼續升學。有些家庭更可能因為傳統文化影響，輕視女童接受教育的機會，寧願一早讓女兒出嫁，也不想投放額外資源供書教學，即使當中很多女童努力學習，也無緣成為律師、醫生和教師等。

因此，切實保障兒童平等接受教育的機會，正正是兒童權利及性別平等等權利的實踐。

一區美寶

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01/ 主編的話

專題

02/ 少數族裔接受教育的權利

04/ 在歐洲飽受歧視的羅姆人

06/ 專訪：紀佩雅談香港少數族裔

接受教育權利的情況

09/ 人權紀錄片：《小小難民上學去》

10/ 全球人權運動

11/ 好消息

本地迴響

12/ 你的一頁：SHORMI AHMED

13/ 寫信馬拉松：國際人權日嘉年華 /

SERINI 演唱會 /

青年人權記者計劃 /

LGBTI 小組

14/ 為女權而跑 2016

