



香港融樂會有限公司  
HONG KONG UNISON LIMITED

## **Submission to the UN Special Rapporteur on Human Rights of Migrants**

on the impact of COVID-19 on the human rights of migrants

14 June 2021

*Hong Kong Unison ('Unison') was established in 2001 and registered as a charitable organisation in 2005. We are a local non-governmental organization that supports ethnic minority residents of Hong Kong. We are committed to safeguarding the rights of ethnic minorities and eliminating racial discrimination in Hong Kong. We are concerned with the lack of support measures for ethnic and racial minorities during COVID-19, the flaws of the Race Discrimination Ordinance ('RDO') enacted in 2009 and the lack of equitable opportunities in education for ethnic minority children. Unison has been following up closely with concerned stakeholders including academics, school teachers, ethnic minority communities on the rights of ethnic minorities of Hong Kong.*

Contact Person:

Phyllis Cheung

Executive Director

Email: [director@unison.org.hk](mailto:director@unison.org.hk)



### **Lack of special measures to support ethnic minorities during COVID-19 pandemic**

1. During the COVID-19 pandemic, the HKSAR Government fails to provide special measures to support ethnic and linguistic minorities who have been disproportionately and adversely impacted.
2. Since the outbreak of COVID-19, the Education Bureau has intermittently suspended face-to-face classes. Lessons are held online and lesson time shortened; after-school free Chinese tutorials and support for ethnic minority children came to a halt. Hong Kong Unison observes that the Chinese proficiency of many ethnic minority children has been severely impacted<sup>1</sup>, impeding their Chinese language development and progress and hence, participation in the local community.
3. The poverty rate of South Asians in Hong Kong was 25.7% in 2016 (compared to the average territory-wise figure of 19.9%) and 80% of the poor Pakistanis and Nepalese resided in working households (the overall working poverty in Hong Kong was 50.3%). Furthermore, nearly 80% of poor South Asians resided in 4 persons and above households. South Asians are often the first to be sacked during COVID-19 because of discrimination in the city and the poor Chinese proficiency; the Government has not provided distinct financial support measures to this vulnerable group.
4. During the fourth wave of COVID-19 outbreak in Hong Kong in early 2021, a discriminatory remark made by a senior government official at HKSAR Centre for Health Protection sparked off racial tensions<sup>2</sup> in the community. The racially insensitive remark promoted fear and negative stereotypes towards the already marginalized ethnic minority groups. Rapid growing number of race discrimination cases were reported after the remark, including customers refusing food delivery services by South Asians<sup>3</sup>, and suspension from work of South Asian construction workers who nonetheless were tested negative for COVID-19<sup>4</sup>. Furthermore, the Government did not allow non-refoulement to be vaccinated until very recently.
5. During the fourth wave, the Government imposed strict lockdown measures and mandatory COVID-19 tests in buildings with confirmed COVID-19 cases. Some of these buildings are home to many ethnic minorities; yet, the government failed to deploy appropriate manpower on announcement, notification and interpretation of these measures, hence bringing confusion and apprehension to many ethnic minority families.

<sup>1</sup> <https://www.scmp.com/news/hong-kong/education/article/3121684/falling-through-cracks-hong-kongs-vulnerable-pupils-set?fbclid=IwAR1Hx2civ64cPw5QRNO8Igyf9I0maw9OPIIYb-CCxWLFoex9uPgVbsoVap8>

<sup>2</sup> <https://www.scmp.com/news/hong-kong/health-environment/article/3118122/hong-kong-fourth-wave-mandatory-covid-19-testing?fbclid=IwAR0JOWJAHJx4cKefYDReAY6V4Zk-m1RQ4UV9zzv0VX28O5fPp9yO0rPWYso>

<sup>3</sup> [https://www.scmp.com/news/hong-kong/health-environment/article/3118914/coronavirus-hong-kong-anti-racism-watchdog-speaks?fbclid=IwAR3fsJEcCN5HsRRUDLLthonzZRelG\\_eHsHH8QM2BACVsMyui\\_ZuObqDMUo](https://www.scmp.com/news/hong-kong/health-environment/article/3118914/coronavirus-hong-kong-anti-racism-watchdog-speaks?fbclid=IwAR3fsJEcCN5HsRRUDLLthonzZRelG_eHsHH8QM2BACVsMyui_ZuObqDMUo)

<sup>4</sup> <https://www.eoc.org.hk/eoc/graphicsfolder/ShowContent.aspx?ItemID=17130>



6. Since the kick-off of the vaccination programme in Hong Kong, the HKSAR government has refused to provide vaccination for refugees and asylum seekers in Hong Kong until recently after much lobbying by civil society organisations. The Government announced that they will extend the vaccination programme to about 13,000 non-refoulement claimants and refugees but only starting July 2021.

### **Increased discrimination against migrant domestic workers**

7. Hong Kong is home to more than 370,000 migrant domestic workers (MDW) who live in their employers' residences because of the "live-in" rule. Since the outbreak of COVID in early 2020, many MDW have been forced to stay at employers' homes for months, unable to take time off or travel home to see their families, following an appeal made by the HKSAR Labour Department<sup>5</sup> at the end of January 2020 to stay home on their rest day to reduce the risk of the spread of the novel coronavirus in the community. This is the only appeal made by the HKSAR government to urge workers to stay at their work places because of COVID.
8. Police was especially hard on MDW who violated social distancing measures while congregating in public areas during their rest days. "Some officers brought giant rulers to measure whether each group was maintaining a distance of 1.5 metres". As of 6pm on a Sunday in August 2020, police issued 11 penalty tickets<sup>6</sup>. Chinese people gathering in parks and public areas however, were rarely penalized. The HK\$2,000 fixed fine, which was raised to HK\$5,000 in December 2020, amounts to nearly half of the the domestic workers' minimum monthly wage of HK\$4,630.
9. At the end of April 2021, all MDWs were "ordered" to undergo compulsory coronavirus tests within 10 days after a single domestic worker was diagnosed with two mutant strains. The comments made by the Secretary for Labour and Welfare<sup>7</sup> was discriminatory and stigmatizing which fanned negative sentiment against MDW: "considering they often have gatherings with their friends during their days off, if they are infected, it's highly possible that it will lead to cross-transmission across families and hence they are a high-risk group."

### **Threat of an increasing number of forced marriage cases during the COVID**

10. Some forced marriage cases may have been put on hold due to the suspension of international travel since March 2020<sup>8</sup>, experts however expressed concern over the rising number of South Asian women forced marriage cases after the travel constraint loosens. Currently, there are

<sup>5</sup> <https://www.info.gov.hk/gia/general/202001/30/P2020013000428.htm>

<sup>6</sup> <https://hongkongfp.com/2020/08/10/covid-19-hong-kong-police-issue-domestic-workers-with-hk2k-gathering-ban-penalties/>

<sup>7</sup> <https://hongkongfp.com/2021/04/30/anger-as-hong-kong-orders-compulsory-covid-tests-for-citys-370000-domestic-workers-amid-mutant-strain-fears/>

<sup>8</sup> <https://www.scmp.com/week-asia/people/article/3124141/coronavirus-puts-girls-hong-kong-britains-ethnic-minorities>



neither laws nor standard operating procedures to protect ethnic minority women from being trafficked or forced into marriage.<sup>9</sup> Some ethnic minority women are subjected to the threat of domestic violence following discontent or rejection of the unwilling marriages.

### **Room for improvement of cultural sensitivity for frontline government officials**

11. Throughout several urgent mandatory quarantine arrangements ordered by the HKSAR government since May 2020, there have been news reporting that Muslim ethnic minorities received pork food products in the quarantine centres<sup>10</sup>, which indicates a lack of cultural sensitivity for frontline government officials.

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<sup>9</sup> <https://www.scmp.com/week-asia/people/article/3124141/coronavirus-puts-girls-hong-kong-britains-ethnic-minorities>

<sup>10</sup> <https://news.mingpao.com/ins/%E6%B8%AF%E8%81%9E/article/20200503/s00001/1588505456852/%E5%B7%B4%E8%A3%94%E6%B8%AF%E4%BA%BA%E6%AA%A2%E7%96%AB%E7%8D%B2%E8%B1%AC%E8%82%89%E9%A3%9F%E5%93%81-%E5%8D%80%E8%AD%B0%E5%93%A1%E6%89%B9%E6%B8%AF%E5%BA%9C%E4%B8%8D%E5%B0%8A%E9%87%8D%E4%BF%A1%E4%BB%B0>