

## Disability Rights – Education, Employment & Access to Information

There were no recommendations made on the Hong Kong Special Administrative Region, China (HKSAR) in the Second UPR Cycle.

### Framework in HKSAR

*The Commissioner for Rehabilitation is responsible for the overall strategy relating to disabilities. However, various reviews, such as those of the Rehabilitation Program Plan and the Mental Health Ordinance, happen at the same time, without an independent monitoring mechanism. The Disability Discrimination Ordinance, the Social Welfare Department, the Labour and Welfare Bureau and the Education Bureau have different definitions of ‘disability’. The Convention on the Rights of Persons with Disabilities has been extended to HKSAR. Additionally, the International Covenant on Economic, Social and Cultural Rights (ICESCR) has been extended to HKSAR. Article 39 of the Basic Law provides ICESCR shall be implemented through HKSAR laws.*

### Challenges

### Cases, facts and comments

<ul style="list-style-type: none"> <li>Persons with disabilities in sheltered workshops are considered trainees. They do not enjoy employee protection, including the minimum wage or mandatory provident fund schemes, in a manner consistent with Article 27(1)(c) of the CRPD.</li> </ul>	<ul style="list-style-type: none"> <li>In 2016/17, there were 5,279 places at sheltered workshop and a waiting list of 2,798 persons.</li> <li>The Committee on the Rights of Persons with Disabilities (CRPD) commented in the concluding observations on HKSAR in 2012 that the allowance is too low, bordering on exploitation.</li> </ul>
<ul style="list-style-type: none"> <li>The mechanism for determining eligibility for and level of disability allowance is stigmatising and unsuitable, violating the right to social security under Article 9 of ICESCR.</li> </ul>	<ul style="list-style-type: none"> <li>The occupational injury compensation scale used for disability allowance has been used since 1973. Persons with disabilities need to lose all earning capacity to receive the allowance.</li> <li>The Government has not accepted CRPD’s recommendation to introduce uniform standards for allowance assessments.</li> </ul>
<ul style="list-style-type: none"> <li>Students with disabilities do not have equal access to education, consistent with Article 24(2)(b) of CRPD.</li> </ul>	<ul style="list-style-type: none"> <li>There are not publicly-funded sign language classes in mainstream schools. Students have to pay for their own sign language interpretation.</li> </ul>
<ul style="list-style-type: none"> <li>HKSAR government publications are not accessible to persons with disabilities, violating, inter alia, their right to participate in public affairs and freedom of opinion and expression, and breaching Article 9 of the CRPD.</li> </ul>	<ul style="list-style-type: none"> <li>The UPR public consultation document was not available in braille or easy read despite civil society requests.</li> <li>The website of the Rehabilitation Programme Plan public engagement was not legible to persons with visual loss.</li> <li>Few broadcasts and publications are available in sign language, which is not an official language.</li> <li>The directory of sign language interpreters supported by the Rehabilitation Advisory Committee, an advisory body to the Government, requires only 200 hours of training with no verification of the qualifications of the interpreters, screening or complaint handling procedures.</li> </ul>



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## Recommendations

- HKSAR should immediately reform the sheltered workshop model ensuring persons working therein are considered to be employees, have a reputable adult role, and enjoy rights afforded to employees.
- HKSAR should introduce policies ensuring the autonomy of persons with disabilities in exercising their right to work within one year.
- HKSAR should immediately abolish the Productivity Assessment Mechanism and introduce wage supplements to ensure persons with disabilities have minimum wage protection.
- HKSAR should conduct a comprehensive review of the current classification of persons with disabilities, making reference to the International Classification of Functioning, Disability and Health, within one year.
- HKSAR should recognise sign language as an official language within four years. Consistent with concluding observations of the CRPD Committee, HKSAR should provide training and support to sign interpreters and promote the use of sign language in healthcare, judicial and education systems.
- HKSAR should make all Government press conferences, broadcasts and Announcements of Public Interests in sign language, within two years. All domestic free television broadcasters should provide simultaneous sign interpretation for news within two years.
- HKSAR should develop an inclusive school system. In particular, the Education Bureau should adopt and provide resources for a model for deaf and hearing students to study in the mainstream classroom in spoken and HKSAR Sign Language within four years.
- HKSAR should provide publicly-funded sign classes as well as sign interpretation in all schools, especially Applied Learning classes, from pre-school to post-secondary education, by the 2019/20 academic year.
- Consistent with the general comment of the ICESCR Committee, HKSAR should include a distinct duty to make reasonable accommodation for persons with disabilities in all relevant fields in its legislation, including employment and education within one year.
- For further related recommendations, see paragraphs 76 and 80 of the submission.

## Questions to ask in advance

- *What measures will the HKSAR government take in the next three years to coordinate disability policy formation and implementation, ensuring consistency with the CRPD and other international human rights treaties?*
- *Noting that the CRPD Committee commented that the allowance for persons with disabilities in sheltered workshops were too low and bordered on exploitation, what is the time frame for HKSAR to reform the sheltered workshop model and afford employee rights and protection to the workers there?*
- *What are the time frame and action plan for HKSAR to recognise sign language as an official language?*

## Contact

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