

**PathFinders Limited Oral Submission to The Hong Kong SAR Legislative Council's Subcommittee on
Children's Rights On 'Rights of ailing children and expectation on Hong Kong Children's Hospital'
20 March 2018**

Good morning Chairman and Committee Members,

My name is Lisa Ringner Naeckter, I am Manager of the Access to Healthcare Programme at PathFinders Limited, a Hong Kong charity.

We want to draw your attention to the rights of the unborn child and the lack of access to prenatal tests for pregnant migrant women and in particular those deemed ineligible for public healthcare. Tests that can detect and, in some cases, allow prevention or treatment of serious illnesses and congenital abnormalities in the developing foetus.

The Hong Kong Hospital Authority and Department of Health recommend blood tests, Ultrasound scans and prenatal diagnosis for early detection of prenatal conditions. Thalassaemia major, HIV infection, Hepatitis B infection, blindness or deafness as a result of Syphilis infection, Down's Syndrome and other congenital abnormalities are all conditions that are possible to detect and in some cases prevent or treat during pregnancy.

An Ultrasound scan can highlight potential birth complications which, as in two tragic PathFinders' cases, led to the death of the newborn. Despite being eligible for healthcare, neither mother was offered an Ultrasound scan during their pregnancy.

However, not all unborn children in Hong Kong have access to this due to their mother's immigration status. All too often Foreign Domestic Workers are unlawfully terminated from their jobs once the pregnancy becomes known to their employer. Evicted from their homes, and without an income or support, they and their unborn child are also denied access to healthcare.

For some cases it is too late in the pregnancy for the mother to return to her country of origin. Some mothers are too frightened to return home where, having a mixed race child out of wedlock is heavily stigmatised. Others may decide to file claims against their former employer under the Employment and Sex Discrimination Ordinances. While pursuing these claims the woman can apply for a visitor visa. However, she and her unborn child will not be deemed eligible for public healthcare.

A pregnancy is a continuous process and women should continue to receive health care throughout their pregnancy to ensure the health and safety of her unborn child. Article 24 of the United Nations Convention on the Rights of the Child, to which Hong Kong is a signatory, specifically calls on member States to 'ensure appropriate prenatal and postnatal care for mothers'.

PathFinders therefore makes the following recommendation:

- For eligible persons - Medical coupons should be issued to all pregnant women allowing them to access Ultrasound scans from private practitioners when the Hospital Authority is unable to provide one; and
- For non eligible persons who were previously eligible, have a legal claim pending, or are awaiting their USM status to be confirmed - prenatal blood tests and an Ultrasound scan should be provided during pregnancy as a basic minimum.

This is in the best interests of the child. Our children should not have to suffer simply because of a lack of basic care or its mother's immigration status.

Thank you.

