

**PathFinders Limited: Oral Submission on  
The Third Review of the Hong Kong Special Administrative Region by the Working Group on the  
Universal Periodic Review of the United Nations Human Rights Council  
Monday, 15 April 2019  
2 pm - 4:30 pm  
Conference Room 1, LegCo Complex**

Good afternoon.

My name is Catherine Gurtin and I am the Chief Executive Officer of PathFinders. Our submission today is two-pronged: focusing first on the rights of Foreign Domestic Workers who fall pregnant; and second, on the children born in Hong Kong to these migrant mothers.

PathFinders is an NGO that works to ensure the most vulnerable and unsupported children born in Hong Kong to migrant mothers are respected and protected. Since inception in 2007, PathFinders has helped over 6,150 vulnerable babies, children and their migrant mothers.

For pregnant Foreign Domestic Workers, we urge the HKSAR Government to do more to safeguard and protect their maternity rights under the laws of Hong Kong, namely the right to enjoy maternity leave, and the right not to be terminated and discriminated against because they are pregnant. On paper these rights exist and apply to local employees and migrant workers alike. However in reality pregnant migrant workers are all too often unlawfully terminated or forced to resign because neither the workers, nor their employers, nor the employment agencies, know how maternity leave should or could work out for a worker who is required to live with their employers, especially after the birth of the baby. After termination the pregnant worker loses access to housing, healthcare and social welfare, and is left homeless and penniless. The cycle of deprivation begins even before the child is born.

Clarity and guidance to all stakeholders is crucial to ensure lawful, safe and healthy pregnancies free from harmful treatment for migrant mothers and their unborn babies. This could mean including maternity rights in the standard Domestic Helper Contracts, publishing practical guidance on the rights and responsibilities of parties involved, relaxing the live-in rule during maternity leave, providing affordable temporary cover for employers whilst the worker is on leave, or extending the initial maternity leave period to enable pregnant workers to return to their home countries to give birth. Establishing clear and workable policies now is vital if we are to prevent the escalating problems likely with the proposals to extend maternity leave to 14 weeks and to increase the number of Foreign Domestic Workers in Hong Kong to 600,000.

For children born in Hong Kong to migrant mothers, they are often unable to enjoy basic rights due to their immigration status, especially in birth registration, education and access to healthcare. Some children born to migrant mothers do have HK Permanent Resident status, but as was recently ruled by the Court of Final Appeal their rights do not matter when Immigration Department decides to remove their sole carer mothers from HK.

We therefore urge the HKSAR Government to do more to protect these children. Improved policies and guidelines should be issued to Government Departments and front line officers on how to deal with migrant children - the newly created Commission on Children could lead this effort. Finally, domestic legislation should be enacted to give actual effect to the provisions of the United Nations Convention on the Rights of the Child, and Hong Kong should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Thank you for considering our submission..