

PathFinders Limited: Oral Submission on the HKSAR Government's Outline of its HKSAR Report to China for China's Third Report to the United Nations Human Rights Council's under its Universal Periodic Review Mechanism (UPR)
Monday, 30 April 2018
4:10 pm to 5:40 pm
Conference Room 2, LegCo. Complex

My name is Haleema Raheel and I represent PathFinders. PathFinders has now helped over 5,300 vulnerable babies, children and their migrant mothers.

PathFinders implores HKSAR government to include the topics and recommendations set out in this submission in HKSAR Government's report to China.

Given PathFinders' client numbers, the protection of our pregnant, migrant workers and their HKSAR-born children is now critical.

Migrant women and their Hong Kong-born children should be granted humanitarian support, access to healthcare and legal protections while in HKSAR, and the employers of Foreign Domestic Workers should be provided with clear guidelines as to how lawfully to manage the pregnancy and maternity of their employees.

We make 9 Recommendations:

1. HKSAR reviews, creates, clarifies, clearly communicates and enforces laws, contracts, practices and policies to enable lawful, safe and healthy pregnancies free from harmful treatment for FDWs and their unborn babies;
2. HKSAR introduces a public education programme about these maternity rights and obligations to all key stakeholders;
3. HKSAR relaxes the live-in rule during statutory maternity leave specifically explaining how to manage the so-called live-in rule;
4. HKSAR follows China and extends HKSAR's statutory maternity leave period to "*not less than 14 weeks*" in line with ILO Convention 183, Article 4;
5. HKSAR adds a specific line to its standard FDW employment contracts stating that pregnant FDW's are entitled to maternity protections and protection from pregnancy-related discrimination;
6. HKSAR's departments and their agencies collect and publish relevant data to assess the magnitude of problems faced by pregnant FDW's, their babies, their employers and other stakeholders;
7. China and HKSAR to ensure protection at law, under policy and in practice to all children born in HKSAR regardless of their own or their parents' immigration status;
8. HKSAR investigates the reason for delays in issuance of Birth Certificates and ensures the time-bound issuance of Birth Certificates; and
9. HKSAR and appropriate judicial and administrative bodies consider children's claims for asylum separately and with immediate effect, and put in place free legal representation for these children.

Thank you.