

Addressing Human Rights Education Deficits in the Changing Political Order in Hong Kong

Yiu-kwong Chong, Hiu-chung Kwok, Yuk-kai Law *

Human rights and human rights education have never been essential to the Hong Kong government's agenda. The people in Hong Kong do not enjoy the full spectrum of human rights. Meanwhile, the establishment of an independent Human Rights Commission has been consistently refused by the authorities. Work and policies on human rights are scattered among different bureaus under the ineffective "supervision" of the Constitutional and Mainland Affairs Bureau (CMAB). Having the same rank with CMAB, other bureaus fail to follow its policy or advice. CMAB has not even done a proper job of co-ordination with other bureaus or governmental agencies on human rights policy.

On the other hand, the Education Bureau (EDB, formerly Education and Manpower Bureau or EMB) and the Committee on the Promotion of Civic Education (CPCE) of the Home Affairs Bureau (HAB) are responsible for human rights education inside and outside schools respectively. Human rights education is not an independent subject in the school curriculum. It is somehow embedded in Moral and Civic Education and other subjects, such as Liberal Studies (LS), which

was introduced as a compulsory subject for senior secondary students (aged 15 to 19) starting from September 2009. Moreover, human rights education is mainly subordinated to "national education." The Hong Kong government's lack of incentive to promote human rights education is further reflected in the disbandment of the Human Rights Education Working Group under the CPCE in December 2007.

This article examines human rights education in the Hong Kong school system in the following order: first, by examining general information on Hong Kong education, especially on human rights education and its international standards, and; second, by discussing current challenges and opportunities relating to human rights education in the Hong Kong school system.

General Information on Hong Kong Education

Normally in Hong Kong, students attend primary and secondary education before heading to university, and may choose to attend kindergarten before primary education. In the academic year 2009-2010, there are five hundred eighty-two primary

* The writing of this paper benefited from the advice of Dr. Leung Yan-wing, Associate Professor, Associate Director of the Centre for Governance and Citizenship of the Hong Kong Institute of Education. This paper was the product of a project on the State of Human Rights Education in the School Systems in Northeast Asia coordinated by the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA). Dr. Leung was an advisor to the Hong Kong part of the project which was conducted by the Hong Kong Human Rights Monitor.

schools and five hundred twenty-three secondary day schools.¹ The Hong Kong government has provided nine years of free and universal primary and lower secondary education through public sector schools since 1978.

Hong Kong is now undergoing dramatic educational reform, which changes the period and curriculum of secondary and tertiary education. Starting from September 2009, a new secondary education system has been implemented, which changes from the seven-year secondary education and three-year tertiary education system, to a six-year secondary and four-year tertiary education system. The new secondary education system is further divided into three years of lower and another three years of upper education. Primary and lower secondary education is fundamental education and compulsory by

legislation. Upper secondary education is also provided free but is not compulsory through public sector schools (i.e., extending the free education to twelve years). In addition to some core mandatory subjects required by EDB, the schools can choose some other subjects, such as Moral and Civic Education in lower secondary education. For the upper secondary education, there are four core subjects, namely Chinese, English, Mathematics and LS. It also requires students to specialize in a number of subjects, depending on the students' choices and academic results. A public examination, the Hong Kong Diploma of Secondary Education (HKDSE) is held at the end of the secondary education to assess students for entry to tertiary education. For details of the subjects being taught in schools at different education levels, please refer to Table 1.

Table 1. School Subjects

	Primary and Lower Secondary	Upper Secondary
Core subjects	Chinese; English; Mathematics; Personal, Social and Humanities; Science; Technology; Arts; Physical Education; General Studies	Chinese; English; Mathematics; LS
Core subjects depending on the school	Moral and Civic Education; Religious Studies	
Elective subjects		Chinese Literature; Literature in English; Chinese History; Economics; Ethics and Religious Studies; Geography; History; Tourism and Hospitality Studies; Biology; Chemistry; Physics; Integrated Science; Combined Science; Business, Accounting and Financial Studies; Design and Applied Technology; Health Management and Social Care; Technology and Living; Information and Communication Technology; Music; Visual Arts; Physical Education

International Standards on Human Rights Education

Moving on, we should first understand the concepts, values and objectives of human rights education. According to the Report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (Plan of Action), human rights education is defined as:

training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes and directed to:

- (a) The strengthening of respect for human rights and fundamental freedoms;
- (b) The full development of the human personality and human dignity;
- (c) The promotion of understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, and among racial, national, ethnic, religious and linguistic groups;
- (d) The enabling of all persons to participate effectively in a free society;
- (e) The furtherance of the activities of the United Nations for the maintenance of peace.²

The right to human rights education is one of the basic human rights. Various United Nations (UN) instruments specify the standards on human rights education, which are generally recognized among the international community. The Preamble of the Universal Declaration of Human Rights requires individuals and societies to “strive by teaching and education to promote respect for these rights and freedoms.” Its article 26(2) also states that,

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship

among all nations, racial or religious groups, and shall further the activities of the UN for the maintenance of peace.

Both the preambles of the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) state the same provisions, namely,

The States Parties to the present Covenant...
Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,
Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant...

The importance of human rights education can also be found in various UN human rights treaties that apply to HKSAR, including article 2 of ICCPR, articles 2 and 13 of ICESCR, articles 2 and 7 of Convention on the Elimination of All Forms of Racial Discrimination (CERD), articles 2 and 10 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), articles 2 and 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), articles 4, 17, 19 and 29 of the Convention on the Rights of Child (CRC) and articles 4 and 8 of the Convention on the Rights of Persons with Disabilities (CRPD). Except for the Committee on the Rights of Persons with Disabilities, for which the first hearing on the implementation of the CRPD in China including Hong Kong has yet to be held, all other treaty bodies, that have jurisdiction to monitor the implementation of treaty obligations in Hong Kong, have made recommendations on human rights education in Hong Kong. Article 5 of the Convention against Discrimination in Education, which has been applied to China and Macau SAR but not Hong Kong, also specifies the need of human rights education.

The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 (Vienna Declaration) calls on all States and institutions to “include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings”³ and recommends States to develop “specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women.”⁴ Furthermore, both the Plan of Action and the Vienna Declaration make it very clear that the government should play an active role in implementing human rights education to promote human rights awareness and mutual tolerance.⁵ The Plan of Action also requires that schools and other educational institutions “should be encouraged and assisted in developing human rights curricula and corresponding teaching and resource materials, with the help of Governments and international donors and programmes, for incorporation into formal education at the early childhood, primary, secondary, post-secondary and adult education levels.”⁶

Brief Development of Human Rights Education in Hong Kong

Before discussing the current human rights education policies in Hong Kong, we should review the local development of human rights education. In both the school or community sector, human rights education is considered in the eyes of the government to be part of civic education. In terms of education at the primary and secondary school level, human rights education has never been an independent subject in the official school curriculum. Leung Yan-wing, an expert who specializes in human rights education in Hong Kong, argued that civic education in school sector has evolved through three stages. Stage 1 is the period before 1984, in which nothing regarding human rights has been mentioned in the

school curriculum. Stage 2 is the period between 1984 and 1997. Triggered by a number of significant political events such as the signing of Sino-British Joint Declaration in 1984, the “June 4 Massacre” in Beijing in 1989, and the enactment of the Basic Law and the Hong Kong Bill of Rights (BORO) in 1990 and 1991 respectively, civic education and human rights education were formally included in the school curriculum. Stage 3 is the period after 1997 when China resumed sovereignty in Hong Kong. This stage is characterized by the removal of political content, including human rights, in the school curriculum. National education has since become the focus of civic education. A huge and ever increasing amount of resources has been spent on it. The value of human rights education is replaced by five paramount values, including national identity, a positive spirit, perseverance, respect for others and commitment to society and nation.⁷

For community civic education, the CPCE, which was established in 1986, aims to “liaise with related Government departments and community organizations in promoting civic education outside schools and encourage all sectors of the community to actively promote civic awareness and assume civic responsibility.”⁸ In 1992, a sub-committee to work on human rights education was formed to promote the Basic Law and the BORO in the community, especially the youth. The sub-committee was active in human rights education, as its work had the support of the community, and many materials such as teaching packages, videotapes and booklets were produced. Unfortunately the work of the sub-committee was gradually replaced by national education after 1997.

Human Rights Education: Hong Kong Government’s Perspective

In the re-organization of the Government Secretariat on 1 July 2007, CMAB replaced HAB as the agency responsible for coordinating government’s policies on

human rights. This also affected the human rights education policy of the government, especially at the community level. The government claimed that because of the “broad spectrum of policies and issues covered,” individual policy bureaus should be involved in promoting public awareness of relevant human rights.⁹ It should be a good thing for each policy bureau to have its own responsibility on human rights. However human rights education is not among their main concerns and is only given very low priority, if any at all. Moreover, there is practically no co-ordination at the senior level. This policy actually means that human rights education policies and human rights education are scattered among different individual bureaus and left to wither with little attention from the authorities.

EDB is responsible for human rights education at the primary and secondary school levels. It claims that “the promotion of [human rights education], as an issue of universal concern, is essential in the school education in Hong Kong,”¹⁰ and also claims that the promotion of human rights education is achieved through different channels. One of the main channels is the curriculum coverage in different subjects. Human rights education, in fact, has never been taught as an independent subject at either primary or secondary school level, and this situation continues under the new secondary education system. Instead, some human rights concepts can be loosely found among certain subjects at lower and upper secondary levels before the new education system was implemented. Here are some examples cited by EDB in 2008 for reference:¹¹

Other channels claimed by EDB to promote human rights education include various types of learning activities such as class periods, service learning and project learning in schools; training programs for teachers, either through commissioned courses at higher education institutes or through invited school professionals and experts, and

Table 2. Human Rights Contents

Education level	Human rights contents in subjects
Lower secondary level	<ul style="list-style-type: none"> - Society and citizenship in Economic and Public Affairs - Origin of democracy (Greco-Roman period), freedom of speech and equality (American and French Revolution) in History - Consumer rights in Technology Education
Upper secondary level	<ul style="list-style-type: none"> - Discussion platform is provided for students to debate on human rights issues in LS - E.g., one of its modules suggests a discussion thread on how human rights are being safeguarded under the Basic Law

lastly; through resource support including photos, video clips and other teaching packages.¹²

At the community level, HAB claims that civic education covers a wide range of themes including “fostering good citizenship,” “promoting civic awareness and civic responsibilities,” “promoting national education and enhancing the sense of belonging among the community,” “promoting understanding of and respect for human rights and the rule of law” and “promoting the Basic Law in the local community.”¹³ It further claims that HAB together with the CPCE has been working on human rights education through various publications and publicity materials targeting students and other youths. HAB has also been providing sponsorship to the community organizations to promote human rights education, including the rule of law and the Basic Law. Nevertheless, CMAB, the Equal Opportunities Commission (EOC) and the Office of the Privacy Commissioner for Personal Data (PCPD) have been working on human rights education under their respective terms of reference at both school and community levels. CMAB puts more effort into the promotion of the rights of persons against racial discrimination, the

rights of children, and equal opportunities for people of different sexual orientations. The EOC promotes the concept of equal opportunities, and the PCPD promotes public awareness on the protection of personal data privacy.¹⁴ However, for a very long time, these offices have not been provided with adequate financial and human resources to perform their work. In general, they promote human rights education through usual channels such as school talks, education kit, exhibitions and various publication and publicity materials¹⁵ without any co-ordination or strategic planning.

Challenges for Human Rights Education at School and Community Levels

At both school and community levels, human rights education in Hong Kong is now facing a number of challenges that hinder its development. These challenges can be divided into three areas: 1) government's insincerity; 2) unfavorable school environment, and; 3) lack of external support. Some of these challenges are shared at both the school and community levels, while some of them are unique to schools.

Challenges in both school and community sectors

Government's insincerity

The government lacks the commitment to improve the human rights situation in Hong Kong. In this environment, it is unlikely for the government to actively initiate human rights education in both sectors. This can be seen from the fact that some key human rights and institutions important to the protection of human rights are still being denied to the Hong Kong people with insufficient or no effort to address these problems, although the human rights record of Hong Kong is not too bad generally as compared to Mainland China and most Asian jurisdictions.

(a) Lack of commitment to human rights

The most prominent example of the denial of human rights is the denial of universal suffrage in Hong Kong for the election of the Chief Executive (CE) and all Legislative Council (LegCo) Members despite strong and continuous requests by the UN Human Rights Committee¹⁶ and Hong Kong people. Half of the seats in LegCo are returned not by universal suffrage but restricted franchise based on functional constituencies (FCs), which are composed of commercial, business and professional sectors. The CE is returned by restricted franchise by an Election Committee composed of people from four designated sectors. The electoral system in Hong Kong has been criticized as discriminatory and inherently biased towards business interests over those of the general community.

Although the Standing Committee of the National People's Congress (NPCSC) claimed in December 2007 that the election of CE and LegCo members in 2017 and 2020 respectively may be done through universal suffrage, nothing is actually guaranteed. Even if the so-called "universal suffrage" is implemented in two elections, it may not be a genuine one if there is an unreasonably high nomination threshold in the 2017 CE election, and if functional constituencies still survive in certain forms in the 2020 LegCo election. While the Hong Kong government admitted that the current system does not conform to the requirements of universal and equal suffrage in Hong Kong, it has refused to promise the abolition of FCs, in an effort to please the business sector and the privileged few. Senior figures like the Chief Secretary for Administration Henry Tang Ying-yen still hinted that FCs may co-exist with universal suffrage.¹⁷ In other words, FCs may still exist in the future and the future "universal suffrage" will not be genuine since it will not be in accordance with the ICCPR.

In addition, the government refuses to establish an independent Human Rights Commission. In resisting the UN's recommendation for establishing one, the government concludes that there was no obvious need for such a Commission. It claims that Hong Kong's current human rights framework, including rule of law, an independent judiciary, comprehensive legal aid system, human rights institutions (e.g. EOC, the Ombudsman and PCPD) and media corps, all provide sufficient protection of and support for human rights.¹⁸ Moreover, the government fails to admit the fact that all the various existing human rights institutions have limited jurisdictions and resources, and they are under delicate government influence through non-transparent and problematic government appointments and other means. There have been several scandals as a result of poorly considered appointments or other interferences from the government. All too often, totally inappropriate people are appointed. Moreover, litigation involves a substantial amount of legal cost and delay which ordinary citizens cannot afford to undertake making a human rights commission, with the power to provide a cheap channel for complaints and their expedient adjudication judgment and settlement, more indispensable. As such, there is no public body with a broad mandate and the required powers and resources for the strategic promotion and enforcement of human rights in law and daily life in Hong Kong.

Given the above, a statutorily independent human rights institution in line with the Paris Principles¹⁹ should be established to investigate human rights violations, advise the government on human rights issues, and conduct human rights education among the public. However, the government simply refuses to consider this fundamentally essential step.

Another example showing the government's lack of incentive in human rights issues is

that, after the re-structuring of the policy bureaux of the Government Secretariat on 1 July 2007, the work of human rights was transferred from HAB to CMAB. But, in fact, the CMAB only co-ordinates the work on human rights that falls into the policy portfolios assigned to different bureaux respectively. There are a number of bureaux responsible for different areas of human rights issues. For example, the Commerce and Economic Development Bureau (CEDB) is responsible for the policies on broadcasting and publication, which is related to freedom of the press and expression; the promotion of rights and equal opportunities of women and disabled persons is the responsibility of Labour and Welfare Bureau. However, CMAB has no power to command co-operation from the other bureaux even though it finds that the policies of certain bureaux should be improved from a human rights perspective. As a result, for many years the work on human rights has been unfocused, impotent and ineffectual.

Besides the above issues, Hong Kong's human rights situation in a number of other areas has also been unsatisfactory. Three areas are cited below as examples. First, Radio Television Hong Kong (RTHK) is asked to take up Hong Kong's public service broadcasting. But it is at the same time required to remain a government department, which means that it cannot be a genuine, independent public service broadcaster in accordance with the definition and requirements laid down by United Nations Educational, Scientific and Cultural Organization (UNESCO).²⁰ This substantially undermines Hong Kong's freedom of expression in the light of the already very serious self-censorship in the Hong Kong media and also the Hong Kong government's less tolerant approach towards dissent.²¹ Second, in spite of the criticisms of the UN Committee on the Elimination of Racial Discrimination, the Race Discrimination Ordinance (RDO) enacted

in 2009 fails to provide adequate protection to ethnic minorities in Hong Kong because there are too many exemptions in the legislation. The RDO does not apply to government functions and discrimination on the basis on nationality; immigration and residential status are explicitly excluded in the RDO. Third, the government refuses to take the international responsibility on refugee issues except those related to claims of torture and even spread its anti-refugee sentiment among the public through government propaganda.

(b) Government fails to promote human rights education effectively

The government is the main factor for the weakness of human rights education in Hong Kong. The government is responsible for formulating and developing the educational policies at all education levels, including the curriculum at primary and secondary levels, and also at the community level. Inconsistent with the international practice of governments actively promoting human rights education, the Hong Kong Government has abdicated its responsibility.

(1) Unsystematic curricular framework of human rights education at the school level

Human rights education has never been an independent subject in Hong Kong's education system. Since 2001, it has been considered as part of Civic Education, or Moral and Civic Education. The "Guidelines for Civic Education in Schools" published in 1996 (1996 Guidelines) encourages all schools to implement them through school-based Civic Education. Although it is not compulsory to have Civic Education at schools, most schools choose to have something related to Civic Education, either as an independent subject or embedded into different subjects. It is embedded into General Studies in primary schools and probably in Personal, Social and Humanities Education in secondary schools. Generally speaking, concepts such as rights and

responsibilities of individuals are included in the curriculum. Using Civic Education as an example, issues or information on equality, freedoms, rights and duties, rule of law and democracy are included in the curriculum. However, the main purpose for many schools to promote Civic Education is to get extra funding from the government. Very few schools are seriously involved in the program. Students who were admitted at the upper secondary level before the implementation of the new secondary education system in September 2009 received relatively less Civic Education. The same is true for all schools that specialize in Arts, Sciences or Commerce streams. Only those who specialize in Arts and some in Commerce streams in all schools receive Civic Education in selected subjects, such as History and Government and Public Affairs. Students admitted in or after September 2009 may have more exposure to Civic Education because LS becomes a compulsory subject for upper secondary students and its curriculum covers a lot of issues. Human rights can be one of the perspectives in addressing the issues.

Hong Kong does not have a systematic curriculum framework to implement human rights education in schools. The syllabus of Civic and Moral Education is very broad and includes national education, moral education, education on environment, education on personal development and education on the Basic Law. The government recommended in 2008 that Moral and Civic Education should have 19 percent of total lesson hours in primary education, 8 percent in lower secondary education and 5 percent in upper secondary education. However, given the examination-oriented Hong Kong education system, it is believed that fewer classes and less emphasis are allocated for Moral and Civic Education in various schools, especially in secondary schools, raising the concern that human rights education is not given enough time in school lessons and activities. On the other hand,

some human rights contents are taught in other subjects besides Moral and Civic Education as mentioned before. This reflects that although human rights education is mainly under the umbrella of Moral and Civic Education, human rights education is still scattered in different subjects. Such policy on human rights education may negatively affect the students' learning and understanding of the values and principles of human rights. Even if concepts on human rights are taught and discussed in these lessons, they are taught in a piecemeal and superficial way. Therefore, students may fail to become aware of or understand the human rights issues and specific concepts, and even less likely to grasp the human rights concepts in a comprehensive and integral way.

The three stages of development on human rights education also reflect the shift of emphasis in Civic Education. Human rights education was one of the focuses of Civic Education in the 1996 Guidelines, with the objective of helping students understand the importance of democracy, liberty, equality, human rights and the rule of law.²² It was still reasonable to expect that the 1996 Guidelines would form a basis to bring about positive developments in human rights education, even though the guidelines have been criticized for not being systematic and for having been compromised by incompatible political forces and ideologies without addressing some of the embedded conceptual conflicts, such as the compatibility of education for democracy, human rights education, and national education.²³

However, the document "Learning to Learn – The Way Forward in Curriculum"²⁴ published in the 2001 Curriculum Reform shifted Civic Education to Moral and Civic Education, which unfortunately marked a step backward for human rights education. In response to a LegCo member's questions on human rights education, the government claimed that the themes and topics on

human rights education had been updated in the 2001 Curriculum Reform. It further stated that topics such as "human rights," "democracy" and "rule of law" were systematically and comprehensively incorporated.²⁵ However, the detailed contents of the Moral and Civic Education show a totally different picture. Human rights education remains a part of Moral and Civic Education, but no longer one of its focuses. There are five paramount values in Moral and Civic Education, including national identity, a positive spirit, perseverance, respect for others and commitment to society and nation. Contents related to personal and interpersonal education, family education and moral education were given much higher priority than human rights education and education for democracy. Such a shift of focus can be further reflected by the most recently revised Moral and Civic Education curriculum in 2008, in which caring and integrity are added to the paramount values.

According to the EDB website, there are four key points in human rights education, namely, characteristics of human rights (inherent, not to violate one's human rights without reasonable and lawful reasons), basic concepts on human rights (life, freedom, equality and respect), important human rights documents (Universal Declaration of Human Rights, international human rights treaties) and value as well as attitude to respect human rights.²⁶ Unfortunately it is not the same in the outline of Civic Education or later the Moral and Civic Education, which prevails in schools. This part will be discussed in a later chapter.

(2) Disbandment of human rights education working group under the CPCE

The CPCE under HAB is responsible for human rights education and civic education among the community. Human rights education at the community level faces a few similar challenges with those at the school level, especially the lack of government

commitment. After the re-organization of the policy bureaux of the Government Secretariat in 2007, the work on human rights was transferred from HAB to CMAB and the work on civic education remains under HAB. But, at that time no one knew which bureau was responsible for the work on human rights education. Six months after the re-organization, the government was prompted to announce the following in response to questions raised by a LegCo Member:

- (1) the CPCE under HAB would continue working on human rights education;
- (2) due to the re-structuring of the government bureaux and the need to streamline the CPCE's existing structure, the human rights education working group under the CPCE was disbanded in December 2007 and the work on human rights education was assigned to the CPCE Publicity Sub-committee which is responsible for the promotion of civic values; and
- (3) the CPCE decided to terminate the survey on human rights awareness of Hong Kong people commissioned to the University of Hong Kong. They alleged that the survey had not yet commenced and the work on human rights was transferred to CMAB.²⁷

This government announcement reflects the lack of government commitment to the promotion of human rights education at the community level. The government declared that the bureau was responsible for the work on human rights education only after six months had passed since its re-organization. It gave an impression that no bureaux were willing to take up the task. Both HAB and CMAB would like to pass work on human rights to the other bureaux. The government claimed that the human rights education working group was disbanded to "streamline the existing structure", but other sub-committees including Civic Values and Corporate Citizenship Sub-committee,

National Education Sub-committee and Research, Development and Community Participation Sub-committee remained. The terms of reference of Publicity Sub-committee, which was assigned to take up the work on human rights education, mentions nothing about human rights education. Even worse, after re-structuring, the CPCE works on human rights education under HAB but human rights policy is to be formulated by CMAB. The termination of the survey on human rights would make it difficult for the government to formulate the policy and direction of human rights education based on sound empirical data. Further, the preparation work of the survey, including the tender assignment and design of questionnaires, has been completed. It is definitely a waste of public money because of the premature termination of the survey contract. The government failed even to disclose the amount paid to the contractor for the work performed and the sum paid by way of compensation for the premature termination of the contract.

The CPCE, in its meeting in December 2007, concluded, "The CPCE agreed that the promotion of human rights education remains one of the important work of the CPCE, but the work of the CPCE should focus on education and promotion of those human rights concepts, in particular those related core values, driven by CMAB and developed out of the consensus of the society."²⁸ This decision by the CPCE demonstrates its failure to appreciate fully the universality, indivisibility and interdependence of human rights. Its readiness to promote only those human rights concepts on which consensus has already been reached and endorsed by CMAB but not other rights seems to suggest that it cares more about avoiding controversies than discharging its obligation to educate and inform the general public on human rights. It fails to realize that the identification of education needs should be based on professional assessment, not social

consensus or government sponsorship. The CPCE, with its ignorance in education and human rights, is simply not qualified to be responsible for any work on human rights education. It may well be said that the CPCE should recognize that it is itself in desperate need of being educated on basic human rights concepts such as universality and indivisibility of rights.

(3) Shift of emphasis to national education

After the return of sovereignty of Hong Kong to China, national education has increasingly been promoted as the key focus of Civic Education. The Commission on Strategic Development opines that national education is “a form of country-oriented education that aims to develop a concept of nationalism. Through national education, each and every national is to become a person who is able to abide by the laws of our country, cater for the interests of our country and dedicates himself to the destiny of our country.”²⁹ There was even a rumor that national education is the pre-requisite of universal suffrage. In 2003 when the government was legislating on National Security (Legislative Provisions) Bill, the legislation was criticized by the Hong Kong community as a violation of the “Two Systems,” human rights and freedoms in favor of “One Country.” Since then, national education became the focus of civic education in the eyes of the Central and Hong Kong authorities. The Policy Address in October 2007 further strengthened the emphasis on national education. It stated that the government would continue implementing “One Country, Two Systems” faithfully and strengthen promotion of the Basic Law and national education.³⁰

National education and human rights education are not necessarily contradictory. As an EDB official said in a LegCo Panel on Home Affairs meeting, “national education is related closely to HRE as the former also embedded concepts of rights and duty” and “the approach to national education adopted

by schools was informative and aimed to develop students’ critical thinking skills.”³¹ However, in reality, the authorities and their close supporters see human rights education as a hindrance to national education or to the uncritical indoctrination of the more or less narrow patriotism. The Commission on Strategic Development explained the difficulties and challenges of national education in Hong Kong as a lack of national pride and national identification among the public due to colonial education and a prevailing sense of individualism, which emphasizes the importance of the self rather than one’s sense of community.³²

Under the objectives of promoting national identity and a sense of belonging, national education tends to be a “brainwashing” exercise. Its content tends to provide facts mainly on positive developments, while education for critical thinking is inadequate. Taking the national education on 2008 Beijing Olympic Games as an example, the Education and Manpower Bureau (the bureau responsible for education policies before 2007) held a number of activities that mainly provided some facts about Olympic Games and glorified the achievement of being the host of the Olympic Games.³³ Violations of human rights in many aspects were hidden, such as forced evictions and resident displacements, and infringements of the labor rights and freedom of expression before and during the Olympic Games. The Chinese and Hong Kong governments’ national education provides positive information only. It fails to incorporate the promotion of students’ and the public’s understanding of human rights concepts or their ability to think critically of matters related to the Olympic Games.

Education on the Basic Law is part of national education in Hong Kong. The Basic Law is the mini-constitution of Hong Kong under the “One Country, Two Systems.” Chapter III of the Basic Law stipulates the fundamental rights and duties of Hong Kong residents, and its Article 39 states that the

provisions of the ICCPR, ICESCR and international labor conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws in Hong Kong. The government allegedly preserves the principle that human rights education should be treated as a major component of the education on the Basic Law. However, in reality, education on the Basic Law focuses on the positive aspects of “One Country” in the Basic Law. Human rights education and education on critical thinking are neglected. The government stated in 2008 that in the following year, it would continue stepping up its efforts in further promoting the Basic Law, especially to promote in-depth messages including the “One Country” concept and the relationship between Hong Kong and Central Authorities, etc.³⁴ The government’s proposed framework on Basic Law education shows that the topic on rights and duties of Hong Kong residents is included but not its focus.

The performance indicators of national education proposed by the Commission on Strategic Development focus on the level of knowledge and the extent of recognition or dedication to Mainland China.³⁵ These indicators are not comprehensive for the students to learn the whole picture of national education. Such Basic Law education will only cover the positive aspects of the Basic Law and the development of Mainland China. It fails to give the students a chance to attain national education in a balanced way and critically recognize the development of Mainland China. One of the indicators, namely the extent to which one is dedicated to safeguarding national interests, arguably contradicts human rights education, if national interests are narrowly constructed and critical thinking is underplayed, because human rights are usually exploited in the name of protecting national interests in Mainland China.

Another sign of the emphasis is the large discrepancy in resources distributed to

national education and human rights education.

As stated above, Basic Law education forms part of the national education in Hong Kong. According to the government paper provided to the LegCo Panel on Home Affairs for its meeting in March 2008, the total provisions for the promotion of the Basic Law from various bureaus and departments were over twelve million Hong Kong dollars in 2007-2008 and increased to over twenty million Hong Kong dollars in 2008-2009.³⁶ In addition to these amounts, different bureaus in the area of national education were formally allocated further sums.

In the same paper, EDB set aside an annual provision of about thirty-eight million Hong Kong dollars for implementing various existing national education initiatives. An additional ten million Hong Kong dollars has been earmarked on a recurrent basis to meet the funding requirements of the new programs on national education from 2008-2009 onwards.³⁷ When questioned by LegCo Members in the Panel meeting about the lack of preference for human rights education, EDB claimed that the thirty-eight million Hong Kong dollars covered funding for both national education and human rights education initiatives and it was difficult to provide a breakdown on the two areas.³⁸ It is doubtful if human rights education actually benefited from the sum in any meaningful way given the overwhelming emphasis on national education, the problematic nature of national education under EDB, and the marginalization of human rights education by the whole government.

HAB has allocated an annual provision of about ten million Hong Kong dollars to implement various existing national education initiatives, and another twenty-three million Hong Kong dollars to meet the funding requirements of the programs for national education in 2008-2009.³⁹ On the

other hand, in the same document, HAB was silent on the amount of resources committed to human rights education.

In response to questions from LegCo members in the Panel meeting, HAB disclosed that the CPCE had allocated some 100,000 Hong Kong dollars to support human rights promotional activities in 2007-2008, and had also approved a funding allocation of 300,000 Hong Kong dollars to eight publicity schemes for the promotion of human rights in 2008-2009.⁴⁰ Nevertheless, according to the working plan of the CPCE in recent years, human rights education is never the main task of the CPCE. According to the Working Plan in 2008-2009 and 2009-2010, there are five main areas on development on values, including worldwide, family, society, nation and personal. The words “human rights” disappeared totally from the Working Plan. Due to the Beijing Olympic Games in 2008 and the 60th anniversary of the establishment of China in 2009, national education, probably due also to its problematic nature discussed earlier, dominated the work of the CPCE.⁴¹ The CPCE decided to take “Build up positive life, establish healthy family together” as the main theme of the CPCE’s work in 2010-2011, and decided to set respect, responsibility and love as the main civic values to be promoted.⁴² Among the one hundred forty seven projects sponsored under the Community Participation Scheme in 2010-2011, none of them were explicitly about human rights education.⁴³ All these reflect that the work on human rights education in the CPCE is marginalized if not totally discarded.

Challenges unique to the school sector

In addition to those challenges common to both school and community sectors, there are also some challenges that are unique to the school sector, making the promotion on human rights education in schools even more difficult.

Content of human rights education determined by the Government.

It is very important to look at the content of the human rights education provided by the government. Education is an important and efficient way for the government to transfuse its message to the students. If the government sabotages the objectivity and comprehensiveness of human rights education, its quality is rendered questionable, no matter how systematic it is or how much resources are committed to it.

In 2005 the Society for Truth and Light (the Society)⁴⁴ was commissioned by the government to educate primary and secondary teachers on human rights and anti-discrimination concepts. The government’s decision outraged local human rights activists and organizations, mainly because of the Society’s anti-gay rights position.⁴⁵ When pressed, the Society admitted that it was the first time for them to run human rights courses for the EDB, and that the courses would not include homosexual rights.⁴⁶ The Bureau said that it adopted an open tendering process that required tenders to be “evaluated on the basis of the course design, the expertise of the speakers and the experience of the organizer” and “[t]he tender that [met] the requirements and [had] the lowest asking price [would] be selected.”⁴⁷

However, the doubts of local human rights organizations and activists were seemingly well founded based on the outline of the course. Its introduction states that: ⁴⁸

...following the trend of liberalization, people only emphasize individual rights and ignore one’s responsibility and obligation to society. Extreme liberals always uphold human rights to strike against traditional social values. The society hopes, by organizing this programme, teachers will understand the true meaning of ‘human rights’ and that any misunderstanding of the true meaning of human rights can lead to more social problems.

The course will identify ways to prevent excessive use of human rights rather than ways to promote human rights. Its lessons include topic on “individuals’ rights and responsibilities in free society” and “the excessive use of human rights.” The discussion will cover the dangers of excessive human rights and how to balance individuals’ rights and social responsibilities. A teaching material for the course, while talking about “rights,” seems to focus on responsibilities. Fundamental concepts on human rights, such as “universality” and “inalienability,” are not given the proper treatment in the material. It emphasizes that rights are to be understood only together with responsibilities with examples in daily life, family, school and social life. One participant in the training for teachers held by the Society also observed that an instructor kept stressing responsibilities when talking about rights in one of the lessons.⁴⁹

There are legitimate concerns on the human rights course for teachers commissioned by the government. It is inclined heavily towards responsibilities and the dangers of excessive use of human rights. It not only has the risk of inadequately emphasizing the intrinsic values and concepts of human rights but actually indoctrinating wrong values. For example, the teachers attending the course may be misled into believing that human rights are not inherent and are conditional upon the prior fulfillment of certain responsibilities. As a result, teachers may fail to use the basic human rights concepts and international human rights standards to understand human rights and analyze human rights violations. It may even transfer some extreme conservative Christian messages to the teachers, making them more confused and mix up the concepts and values of human rights as a result. The course could have been better delivered by independent groups of experienced educators specialized in human rights education who have also submitted their tender.

The emphasis on responsibilities when talking about rights in human rights education is probably the hidden message of the government. The government stated in its “Information Paper on Human Rights Education in Hong Kong Schools” that

... [I]mportant concepts and values on human rights, such as the right to life, freedom (e.g. speech, religion), respect for all peoples (e.g. their cultures, ways of life), equality, anti-discrimination, etc are discussed and developed through the teaching and learning of Key Learning Areas at various Key Stages. Students’ concepts and understanding of human rights are strengthened progressively from a basic understanding of the rights and responsibilities to more complex concepts of human rights...⁵⁰

The government does not provide UN human rights education materials to local teachers. The contents of human rights education provided by the Government, whether for teachers of primary and secondary schools or to the students, fail to give them a comprehensive picture on human rights. As mentioned before, the four main points in human rights education named by EDB are not effectively present in today’s human rights education in schools. Very often, “rights” are linked with “responsibilities” and are taught in the lessons together. This is probably what the government meant by the “basic understanding of the rights and responsibilities.” In the teaching objectives of different subjects where human rights education can be embedded, whenever the word “rights” appears, the word “responsibilities” or “duties” also appears. Similarly in these subjects when rights and responsibilities are being taught, the importance of the Basic Law, and how rights and responsibilities are protected by the Basic Law must be understood. This message fails to define human rights as inherent, and would give students the wrong impression that they need to fulfill certain responsibilities before they are entitled to

rights. The basic concepts of human rights or the important international instruments on human rights, which can give students a more comprehensive picture on human rights, are not the focus of teaching human rights in different subjects. It seems that the government is trying to emphasize responsibilities to promote a harmonious society at the expense of promoting the concepts of human rights. It also fails to educate students on situations when inherent human rights are neglected, or even violated, by empirical law. These biased contents on human rights education do not help enhance students' ability to understand human rights. The quality of government-supported human rights education in Hong Kong is at best dubious.

Unfavorable school environment

The individual teachers are the main mediums to transmit knowledge and skills to students. Their understanding on human rights is thus critical to the success of human rights education. However, most Hong Kong teachers do not have adequate knowledge of the fundamental concepts of human rights. According to a survey conducted by the Amnesty International Hong Kong (AIHK) in 1995 (AIHK survey), a majority of school teachers were "unclear about the definition as well as the way of handling human rights education." 60 percent of teachers thought that "human rights involve a lot of legalities and cases, making it too complicated for teachers and students."⁵¹ Of course, this is partly or mainly due to inadequate training or resources provided to teachers. The AIHK survey showed that 66 percent of teachers felt that they had "not enough teaching resources" and 76 percent felt that there was "not enough training for teachers."⁵²

Human rights education has never been high on the agenda of the schools. Considering the education system, the parents' aspiration, employers' preferences, and the social reality, there is an overemphasis on

examination results as the prime indicator of the ability of a student and the performance of a teacher or a school. This is probably the most important reason why human rights education is not given proper support. Knowledge in human rights has little importance in school or public examinations and therefore human rights education should give way to crucial examination subjects such as English and Chinese languages and mathematics. According to the AIHK survey, 44 percent of the teachers believed that human rights education had "no direct benefit to students on their future education/career prospect" and 30 percent of them thought that "Hong Kong people generally were indifferent towards human rights issue."

The worries that human rights are inconsistent with school discipline or Chinese culture are also important reasons. The AIHK survey showed that 28 percent worried that "students will abuse human rights, disturbing school discipline and school administration" and 21 percent felt that there was "contradiction between human rights issue and Chinese culture."

The background of the schools may be another factor. There are quite a number of pro-Beijing and Christian schools that focus more on national education or religious studies in Moral and Civic Education.⁵³

Another study conducted jointly by Oxfam Hong Kong and AIHK also reported that human rights education is not much valued by Hong Kong teachers:

While teachers and students generally understood human rights, many teachers valued social stability over people's fundamental rights. And while teachers believed in basic human rights for everyone, most placed their personal interests above other people's rights.⁵⁴

Other scholars share this argument. Fok Shui-che from the Hong Kong Institute of

Education (HKIEd), based on the findings of AIHK, wrote that,

They (school principals and teachers) were afraid that students might use human rights to challenge the school administration or the legality of school rules, with resulting chaos and loss of dignity for both the school authority and teachers. They feared that students will only talk about rights but have no sense of responsibility. In this way, the authority of the school would be threatened and this would adversely affect the education it could provide. Many Hong Kong teachers regarded human rights in schools as not absolute and could be abandoned if circumstances necessitate.⁵⁵

The above survey and study may be outdated because they were conducted in the mid-nineties. Teachers' understanding of human rights and incentive to promote human rights might have been improved, for example, due to the introduction of the LS syllabus. To have a better understanding on the current situation, the government should consider commissioning a similar survey.

Besides formal lessons, the hidden curriculum or children's implicit learning in schools is also an important element in human rights education. For example, teachers should be role models in respecting human rights in lessons and in the school. However, inadequate understanding on human rights and poor incentive to promote human rights education are in fact weakening the effectiveness of the hidden curriculum of human rights education. Most schoolteachers would state that they respect human rights and undertake human rights education. But, they tend to miss many rights unintentionally despite their good intention since they do not understand human rights. They do not understand, for example, the "indivisibility" of human rights. A good indication of this is the fact that the right to participation, which recognizes the rights of children to make certain choices for themselves and communicate their ideas to others, is often denied in schools. According

to Article 12 of the CRC, students should be provided with opportunities and channels to express their views to influence school policies affecting their school lives, while Article 13 provides that students are entitled to the right to receive and express different views, ideas and opinions by any media they choose. In reality, Students Councils are seldom empowered to have influence on school policies, and school authorities censor most of the student bulletins tightly.⁵⁶

Another example is the implementation of school discipline. School principals and teachers, and sometimes parents, set very often modes of school discipline. Students seldom have the power or choice on the formulation of school discipline. There is little room for democratic participation of the students in school rule making and implementation.

When students are suspected of violating school rules, the same teacher usually does all the necessary or relevant processes such as identifying violators, investigation and imposing punishment. This is problematic irrespective of whether the teacher has poor understanding of procedural justice, or this is done merely for the sake of administrative convenience. Indeed, it is quite different from what are required in the disciplinary or judicial processes in our society and it may affect the students' perception of human rights.⁵⁷

The trial scheme on School Drug Testing (the Scheme) in Hong Kong is an example reflecting the inadequacy of human rights in school environments.⁵⁸ The Scheme aims at preventing students from drug abuse, but it is criticized for violating students' human rights, including the lack of consultation of students, the violation of privacy, the infringement of the right not to self-incriminate and the lack of genuine consent to join the Scheme due to pressure from peers, parents and schools.⁵⁹ Although the government has modified the detailed arrangements to provide a better protection

to the students involved in the Scheme, it has failed to address the fundamental problems of how the basic rights of school-age students can and should be protected. These hidden curriculums are adversely affecting the students' understanding on human rights.

Teachers do not have high incentive in doing human rights education. Their heavy workload may further weaken their incentive to promote human rights education. According to the AIHK survey, 70 percent of teachers surveyed felt that they were already "overloaded."⁶⁰ Given the various reforms on educational policies, the teachers' high workload including administrative work and extra-curricular activities, it is unlikely for teachers to have adequate time to prepare themselves to teach human rights. Moreover, the teaching environment in Hong Kong is not favorable to human rights education. Most teachers still adopt traditional teaching methods, which are inadequate for human rights education. After understanding human rights concepts, effective human rights education requires in-depth discussion on different cases and experiential learning to enhance students' understanding and thinking. Interactive approaches, which allow students to participate and stimulate them to think critically and analytically, are important to human rights education. However, the Hong Kong education system is knowledge-centered and examination-oriented with the primary purpose of preparing the students for better examination results and for further study. Moreover, according to the experience of non-governmental organizations (NGOs), teachers who were involved in their civic education programs found it difficult to organize small-group discussions when class size was normally around thirty-five to forty students in primary and lower secondary levels. Teachers could not be effective stimulators and facilitators with so many students per class.⁶¹ The class size remains

large in today's primary and lower secondary schools. This size would definitely affect the students' ability to get the message of human rights education and enhance their understanding.

Inadequate external support for schools

There are also some external factors that challenge the effectiveness and quality of human rights education in Hong Kong. First, Hong Kong education relies on textbooks as the key supporting materials in teaching. Textbook publishers do not want to invest on textbooks on human rights education or Moral and Civic Education because both are not compulsory subjects in schools. And textbooks on other subjects that include human rights have unsatisfactory content quality. AIHK conducted in 2006 a thorough study on the interpretation of Hong Kong mainstream textbooks on human rights. The study concluded that human rights are inappropriately interpreted such as follows: (1) most of the textbooks present law, especially the Basic Law, as the origin of human rights but do not elaborate on "inherent" human rights; (2) most textbooks simply describe conflicts of different human rights as "abusing human rights;" (3) they unnecessarily associate moral responsibility and human rights; and (4) they fail to discuss the relationship between government and citizens, of which the government has the responsibility to protect citizens' human rights. The poor content of Hong Kong textbooks is partly caused by the failure of EDB to provide proper and systematic stipulations on the curricular framework and content of human rights education and its conceptually problematic understanding of human rights. Heavy workload prevents teachers who are aware of the problems in the textbooks from giving adequate time to prepare teaching materials on human rights education. They have little choice but to rely on those weak mainstream textbooks.

Some enthusiastic NGOs, including the Hong Kong Human Rights Monitor, develop human rights teaching materials to help to address the deficits of mainstream education. They also organize education programs for primary and secondary schools, such as school talks, workshops and day camps. However, in making education materials and running these education programs, limited resources hinder them. Further, most NGO workers are not experts in education. They may have in-depth knowledge in human rights, but they do not specialize in teaching and are not familiar with the syllabus of subjects in mainstream schools that may affect their effectiveness in delivering human rights messages to students.

The lack of thorough understanding of human rights by most teachers is due to several reasons. One reason is inadequate human rights training in local education institutions. Currently there are several tertiary institutions providing professional pre- and in-service teacher training, including the University of Hong Kong (HKU), the Chinese University of Hong Kong (CUHK) and HKIEd. Among them, HKIEd specializes in teachers' training while the others are comprehensive universities in Hong Kong. All of them provide Bachelor of Education programs, majoring in LS. HKIEd also provides courses on Civic Education, which touch lightly on human rights. All these programs suit the new syllabus of LS in Hong Kong's schools, which include topics such as Culture and Society, State and Personal Responsibilities, and Personal Development and Interpersonal Relationship. These topics are to a certain extent relevant to human rights issues, but the course outlines of all these university programs provided by different institutions show that human rights issues are not one of the main themes in any of the courses. The HKIEd provides a broader area of general education courses that include human rights, the rule of law,

the Basic Law, social justice and discrimination, etc. However, these courses are not compulsory and, as such, even those students majoring in LS are not required to take them. The program in CUHK provides an elective course on Civic Education that covers human rights as one of the subjects, and also in the course on Education Law that covers human rights issues related to schools. Some inter-faculty courses that directly or indirectly cover human rights or the rule of law are available but are not compulsory for students to take. These training programs are definitely not enough to prepare the teachers for LS or Civic Education.

Opportunities for Human Rights Education

There is no doubt that the promotion of human rights education in Hong Kong, both in schools and at the community level, is facing a number of difficulties and obstacles originating from the government, the school and also from society. However, there are actually some improvements that can bring favorable opportunities for human rights education in Hong Kong. The most prominent opportunity is probably the implementation of LS as a new core subject in upper secondary study.

LS as a new opportunity

According to the "Liberal Studies: Curriculum and Assessment Guide" (LS Guide), the aims of LS in upper secondary education include:

- (1) to enhance students' understanding of themselves, their society, their nation and the human world and the physical environment;
- (2) to enable students to develop multi-perspectives on perennial and contemporary issues in different contexts (e.g. cultural, social, economic, political and technological contexts);

- (3) to help students become independent thinkers so that they can construct knowledge appropriate to changing personal and social circumstances;
- (4) to develop in students a range of skills for life long learning, including critical thinking skills, creativity, problem solving skills, communication skills and information skills;
- (5) to help students appreciate and respect diversity in cultures and views in a pluralistic society and handle conflicting views;
- (6) to help students develop positive values and attitudes towards life, so that they can become informed and responsible citizens of the country, society and the world.⁶²

While human rights are not explicitly mentioned in the aims of LS, the type of citizens that LS aims at is similar to that of human rights education. Therefore it is expected that there is room for human rights education within the framework of LS. A further look at the content of LS reveals themes, issues and questions within the units that can be used for human rights education.⁶³ The basic curriculum framework of LS is listed in Table 3.

The three Areas of Study (“Self & Personality Development,” “Society &

Culture” and “Technology & Environment”) are inter-related. They cover six modules including “Personal Development and Interpersonal Relationship,” “Hong Kong Today,” “Modern China,” “Globalization,” “Public Health,” and “Energy, Technology and Environment” that raise various key questions.⁶⁴ The concepts of human rights, or various human rights issues, can be embedded into different themes under different modules. In “Quality of Life” under the module of “Hong Kong Today,” students are required to choose directions in maintaining and improving Hong Kong residents’ quality of life. In response to this question, “rights-based” concepts derived from various international human rights instruments can be used as one of the directions. The “Rule of law and socio-political participation” is also under the module of “Hong Kong Today.” Students need to study Hong Kong residents’ participation in political and social affairs, their rights and responsibilities and respect for the rule of law. The Basic Law, Hong Kong Bill of Rights and various international human rights instruments should be included in this area.

In the “China’s reform and opening-up” under the “Modern China” module, students are asked about the impact of the reform and opening-up and the overall development of the country and on people’s life. Students

Table 3. Contents of Liberal Studies

Units of Study	Independent Enquiry Study
Self & Personality Development Module 1: Personal Development and Interpersonal Relationship	Students are required to conduct an Independent Enquiry Study (IES) making use of the knowledge and perspectives gained from the three Areas of Study and extending them to new issues or contexts. To help students develop their IES titles, the following themes are suggested: - Education - Media - Religion - Sports - Arts - Information and communication technology
Society & Culture Module 2: Hong Kong Today Module 3: Modern China Module 4: Globalization	
Science, Technology & Environment Module 5: Public Health Module 6: Energy, Technology and Environment	

can again introduce international human rights standards and the issues about the ratification and implementation of various international human rights treaties by China. In the theme of “Science, technology and public health” under the module of “Public Health,” when discussing the extent of the enhancement of science and technology on the development of public health, individuals’ rights to public health services can be discussed. Through the shared concepts of “Multiple Citizens and Multiple Identities” in “Hong Kong Today,” “Modern China” and “Globalization,” students also have the opportunity to explore human rights as global ethics. There are also opportunities for the inclusion of human rights in “Energy, Technology and Environment.” The requirement for students to conduct an Independent Enquiry Study (IES) on topics such as media, education, religion, sports and arts allows the inclusion of human rights principles.⁶⁵

LS emphasizes students’ construction of knowledge and recommends the “issue based approach” and “experiential learning.” It is suggested that students study and evaluate issues and information from a variety of perspectives and various points of view, and favor learning outside the classroom. These approaches are also considered to be effective by human rights educators.⁶⁶

However, LS cannot fully replace human rights education. There is still a gap between the types of citizens expected from LS and human rights education respectively. One of the important aims of human rights education (cultivating students to become “transforming agents” for the protection and improvement of human conditions) is largely neglected in LS. The recommendation of participatory learning strategies in LS is to “enable students to achieve certain learning that are difficult to attain through classroom learning alone” and “to provide opportunities so that students can explore the community through observation, surveys, interview and various forms of

fieldwork.”⁶⁷ Again, this is different from human rights education that aims to cultivate students as “transforming agents.”⁶⁸

Some teaching approaches in human rights education emphasize the role of students as “transforming agents.” For instance, critical pedagogy,⁶⁹ transformative learning⁷⁰ and emancipatory transformation⁷¹ are some important components of human rights education, but they may not be covered in LS. It is suggested that these pedagogies take a more critical position in emphasizing the need for critical perspectives in the dominant discourse. The lack of a critical position and perspective in LS may tend to homogenize controversial issues and ignore diversities, resulting in various forms of discrimination and violations of human rights.⁷² In addressing these concerns, students “should be motivated to develop a critical consciousness of problems, to analyze them, to make their cause explicit, to attempt to explore solutions and change conditions to discover what is possible in confronting and taking action to solve the problem.”⁷³ However, these elements are missing in the LS.

Fortunately, despite the gap between human rights education and LS, there is still a room for human rights education within the framework of LS. Leung Yan-wing argues that civic education in Hong Kong schools will be entering a fourth stage, which can be named Civic Education through LS, where an “action-poor HRE” can have a place.⁷⁴

External support from tertiary institutions, NGOs, civil society and media

Teachers’ understanding of human rights issues is very important to the quality of human rights education, especially with the opportunities to include human rights issues in LS. The education institutions are now getting more active in enhancing teachers’ understanding of human rights issues. The HKIEd, for example, since 2008, has added

more courses on human rights such as the Rule of Law, the Basic Law, and Social Justice & Discrimination. With more courses on human rights, students can be better equipped as teachers in human rights education and Civic Education in the future. Some other tertiary institutions, such as The Hong Kong University of Science and Technology (HKUST) and The Open University of Hong Kong (OUHK) also provide master's programs in LS Education for schoolteachers.

Human rights NGOs can facilitate schools in their integration of human rights concepts and issues in LS, especially through experiential learning. The LS Guide also suggests that NGOs are potential sources of information for studying issues in the LS curriculum.⁷⁵ Research has shown that NGOs that are politically active are effective in helping schools use experiential learning for the cultivation of democratic citizenship.⁷⁶ Thus, it is expected that human rights NGOs can be more involved in human rights education. Local NGOs are involved more in school activities since they are more frequently invited by schools to offer school talks, workshops or even day camps on various human rights issues. On the other hand, NGOs should be more proactive in providing service to teachers. It seems that a model of close cooperation between schools and NGOs in human rights education is expected. However, NGOs should take measures to be prepared for human rights education. Further they should address the worry of indoctrination.⁷⁷

It seems that in the near future, the government's emphasis on the achievement of the Chinese government in national education will not change. Against this background, the local NGOs and civil society can help address the deficiencies in the national education implemented by the government.

In 2008, while Chief Executive Donald Tsang Yam-kuen emphasized national education,

the Hong Kong Human Rights Monitor expressed its disappointment on the imbalance of resources distribution between human rights education and national education, and criticized that the nature of national education promoted by him was only a promotion of the positive side of the issues of the country. It lacks introduction to and reflection on the deficits of Chinese authority, as well as diversified knowledge and objective assessment on China's situation. This is clearly inconsistent with the spirit of genuine national education.⁷⁸

The Alliance of Civic Education, composed of a number of local NGOs, teachers and other individuals, provides a series of education materials on national education from a critical perspective, aiming at cultivating critical patriots. Its education materials on Chinese economic development introduce issues on unsafe working environment, poor food production, poverty and environmental pollution to provide another angle on Chinese economic development. Its education materials on national education critically explore the issues on "recognition of Hong Kong people on national identity," "what is patriotic" and "national flag and national song."⁷⁹ The Hong Kong Alliance in Support of Patriotic Democracy Movements of China also provides education materials and offers school talks and workshops to introduce the June 4 Massacre and explore different issues about China, such as economic development and arbitrary detention. These activities and education materials prepared by local NGOs and civil society supplement the national education and also provide human rights education to students. At the community level, different media also provide information and programs on human rights education and national education. For example, RTHK provides excellent TV programs introducing issues such as universal suffrage, rights of persons with disabilities, voluntary drug test schemes in schools and rights of human rights defenders in China.

These also serve the purposes of human rights education.

The growth of civil society

Another opportunity for the future of human rights education is the growth of civil society. The establishment of civil society is creating or speeding up changes in the society. The development of the civil society also allows students to develop their understanding of human rights concepts and concerns about different social and human rights issues. In 2003, during the over half-a-million strong July 1 demonstration, many secondary students joined the demonstration. A network called Hong Kong Secondary Students Union was founded in 2003 to “boost secondary school students’ awareness of social affairs and community policies and jointly promote Hong Kong’s democratization, so as to set up a democratized society for our next generation.”⁸⁰ Research found a number of factors behind the development of students’ enthusiasm. The first is the work done by active teachers to promote experiential learning and exploring of issues. These teachers helped students gain exposure to different social issues such as poverty, fair trade and human rights violations. The work of various NGOs also helped. They provided education materials, school talks and workshops, and brought the students out of classrooms to observe the society. Furthermore, the technological development signified by the Internet helped students transfer information and ideas, and organize different activities to express their opinions about society. In recent years, a form seven secondary student established a Facebook group called “Hong Kong anti conservative Christian hegemony movement” in January 2009 and over two thousand people joined it within two weeks of its establishment.

In late 2009 the government implemented the voluntary school drug test scheme and many students expressed their concerns about the Scheme. Between late 2009 and

early 2010, many secondary students participated in the campaign to oppose the construction of the Hong Kong section of the Hong Kong Guangdong Express Railway. In all these events, the work of teachers and civil society and the social atmosphere have nurtured a number of students paying attention to different human rights issues, which in turn has served as a kind of human rights education to other students and the community.

Conclusion

This article demonstrates that human rights education in Hong Kong faces numerous challenges from the government, unfavorable school environment and inadequate external support from the community. The government plays a dominant role in human rights education but gives it very low priority. EDB has failed to ensure that human rights education is taught as a subject in primary and secondary education and has exerted little effort to effectively embed human rights education into other core or elective subjects. The absence of proper and systematic stipulations by EDB on the curricular framework and content of human rights education and its conceptually problematic understanding of human rights offer little help to those engaging in human rights education, making the embedment of human rights education into different subjects not very fruitful. The shift of focus of civic education to national education further marginalizes human rights education. The examination-oriented education provides an unfavorable school environment that limits the space for, and hinders the effectiveness of, human rights education. The same is true for the inadequate external support to school.

With the recent introduction of LS as a core subject in the new upper secondary education system, human rights education can be more easily embedded if teachers have sufficient awareness and knowledge of

human rights. The content of LS, including the themes, issues and questions within the study units of LS may accommodate human rights issues and a human rights perspective essential to human rights education. The “issue based” and “experiential learning” approaches are useful to human rights education. The type of citizens expected from the aims of LS is similar to those expected from a successful human rights education. Thus the inclusion of LS a core subject provides a new opportunity for human rights education.

However, there is still a gap between human rights education and LS. Effective human rights education involves critical pedagogy, transformative learning and emancipatory transformation, aimed at cultivating students to become transforming agents taking action based on critical thinking for the protection and improvement of human conditions. Such aim, pedagogies and the kind of actions expected of students in effective human rights education are usually not found in LS in its current form. The gap between human rights education and LS probably means that the kind of human rights education embedded in LS is basically “action poor.” In other words, the new upper secondary education opens the opportunity for action poor human rights education in Hong Kong. In the absence of an independent subject of human rights education, teachers, schools, NGOs and other stakeholders committed to human rights education have to work hard to seize this opportunity to promote human rights education in the school system.

Endnotes

- 1 Education Bureau, “Overview on Kindergarten, Primary and Secondary Education”, last updated on 3 March 2010 at www.edb.gov.hk/index.aspx?nodeID=2062&langno=1. Website visited on 21 March 2010.
- 2 “Report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education” (Plan of Action), 12 December 1996 at www.unhcr.ch/huridocda/huridoca.nsf/%28Symbol%29/A.51.506.Add.1.En?OpenDocument. Website visited on 18 March 2010.
- 3 Para 79, “The Vienna Declaration and Programme of Action”, as adopted by the World Conference on Human Rights on 25 June 1993 (“Vienna Declaration”) at www.cpps.org.my/sub_page.aspx?catID=203&ddlID=205. Website visited on 10 February 2010.
- 4 Para 81, *ibid*.
- 5 Para 11, Plan of Action and para 82, Vienna Declaration
- 6 Para 25, Plan of Action
- 7 Leung Yan-wing, “How Should We Move Forward?: A Critical Review of Human Rights Education in Hong Kong” (Critical Review of HRE), *Human Rights Education in Asian Schools*, 10, 143-151, available at www.hurights.or.jp/archives/human_rights_education_in_asian_schools/section1/2007/03/volume.html.
- 8 Committee on the Promotion of Civic Education, “Terms of Reference” at www.cpce.gov.hk/eng/cpce/tor.htm, last updated on 1 April 2008. Website visited on 17 February 2010.
- 9 Para 16, Education Bureau, Constitutional and Mainland Affairs Bureau and Home Affairs Bureau, Legislative Council Panel on Home Affairs: “National Education and Human Rights Education” (NE and HRE), March 2008 at www.legco.gov.hk/yr07-08/english/panels/ha/papers/ha0314cb2-1310-1-e.pdf.
- 10 Para 1, Education and Manpower Bureau, “Information Paper on Human Rights Education in Hong Kong

- Schools” (Information on HRE), February 2006.
- 11 Para 17, NE and HRE
 - 12 Para 17, NE and HRE
 - 13 Para 22, NE and HRE
 - 14 Para 16, NE and HRE
 - 15 Para 19, NE and HRE
 - 16 For example, the Concluding Observations of Human Rights Committee on Hong Kong Special Administrative Region contain the criticism in its paragraph 18 that “the Committee still considers that the electoral system in Hong Kong does not meet the requirements of article 25, as well as articles 2, paragraph 1 and 26 of the Covenant (ICCPR) at [www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/81d010e0d4641cacc125716c0044237b/\\$FILE/Go641436.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/81d010e0d4641cacc125716c0044237b/$FILE/Go641436.pdf).
 - 17 Albert Wong and Ambrose Leung, “Tang open to ‘one man, two vote’ system”, *South China Morning Post* (SCMP), 20 November 2009.
 - 18 Para 5, Home Affairs Bureau, “Initial response to the Concluding Observations of the United Nations Human Rights Committee on the Second Report of the Hong Kong Special Administrative Region (HKSAR) in the light of the International Covenant on Civil and Political Rights”, May 2006 at www.legco.gov.hk/yr05-06/english/panels/ha/papers/hao609cb2-2219-1e.pdf.
 - 19 Paris Principles refers to the Principles Relating to the Status of National Institutions, see www.info.gov.hk/info/eoc/annex6_e.pdf.
 - 20 Please refer to United Nations Educational, Scientific and Cultural Organization: Public Service Broadcasting at http://portal.unesco.org/ci/en/ev.php-URL_ID=1525&URL_DO=DO_TOPIC&URL_SECTION=201.html for the definition of Public Service Broadcasting, last updated on 3 June 2010. Website visited on 20 July 2010.
 - 21 Hong Kong Journalist Association, 2010 Annual Report: *‘The Vice Tightens: Pressure Grows on Free Expression in Hong Kong*, 4 July 2010 at www.hkja.org.hk/site/portal/Site.aspx?id=A1-870&lang=en-US.
 - 22 Education Department, *Guidelines on civic education in schools*, 1996.
 - 23 Leung Yan-wing, “Back to Square One: The ‘Re-depoliticizing’ of Civic Education in Hong Kong”, at www.ied.edu.hk/epa/sri/doc/4_a.ppt. Last updated on 29 June 2009, website visited on 22 February 2010.
 - 24 Education Department, *Learning to Learn – The Way Forward in Curriculum*, 2001 at www.edb.gov.hk/index.aspx?lang=zh&nodeID=2877. Website visited on 21 June 2010.
 - 25 Hong Kong Government’s press release on “Human Rights Education,” 9 July 2008 at www.info.gov.hk/gia/general/200807/09/P200807090204.htm.
 - 26 Education Bureau, *Objectives and Focus of Human Rights Education*, at http://cd1.edb.hkedcity.net/cd/mce/Ming_HR_program/learningpt.htm (Chinese only). Website visited on 23 February 2010.
 - 27 Hong Kong Government’s press release on “Human Rights Education”, 9 January 2008 at www.info.gov.hk/gia/general/200801/09/P200801090113.htm.
 - 28 Para 9i, “Minutes of Committee on the Promotion of Civic Education meeting on 18 December 2007” at www.cpce.gov.hk/common/doc/min2007_12_18.pdf. (Chinese only).
 - 29 Reference 1, Task Group on National Education of the Commission on Strategic Development, *Promotion of National Education in Hong Kong – Current Situation, Challenges and Way Forward* (Translation) (Promotion of NE), April 2008 at www.cpu.gov.hk/english/documents/csd/csd_2_2008.pdf.
 - 30 “Policy Agenda of 2007-2008 Policy Address” at www.policyaddress.gov.hk/07-08/eng/docs/policy.pdf.
 - 31 Para 7, “Minutes of meeting of Panel on Home Affairs held on 14 March 2008” at www.legco.gov.hk/yr07-08/english/panels/ha/minutes/hao80314.pdf.
 - 32 Para 83, Promotion of NE.
 - 33 See Hong Kong Government’s Press Release on “Students and teachers treated to extravaganza on Beijing Olympics 2008,” 2 May 2007 at www.info.gov.hk/gia/general/200705/02/P200705020267.htm for some examples.

- 34 Para 11, NE and HRE.
- 35 Para 99, Promotion of NE.
- 36 Para 9, NE and HRE.
- 37 Para 4, NE and HRE.
- 38 Paras 26 and 28, “Minutes of meeting of Panel on Home Affairs held on 14 March 2008.”
- 39 Paras 12 and 13, NE and HRE.
- 40 Para 27, “Minutes of meeting of Panel on Home Affairs held on 14 March 2008.”
- 41 Working Plan of Committee on the Promotion of Civic Education in 2008-2009 and 2009-2010. (Chinese only)
- 42 Para 4, “Minutes of Committee on the Promotion of Civic Education meeting on 6 October 2009” at www.cpce.gov.hk/common/doc/min2009_10_06.pdf.
- 43 Projects sponsored under Community Participation Scheme 2010-2011 at www.cpce.gov.hk/eng/cpscheme/project2010.htm. Website visited on 27 April 2010.
- 44 See the website of Truth Light Society at www.truth-light.org.hk for more information.
- 45 Chloe Lai, “Anger over human rights contract”, SCMP, 3 October 2005 and Albert Wong, “Rights ire as anti-gay group wins bid to brief teachers,” *Hong Kong Standard*, 4 October 2005; Sandra Wong, Director of AIHK, “Society cannot teach enshrined human rights”, SCMP, 6 October 2005.
- 46 Chloe Lai, *ibid.*, and Liz Heron, “Rights advice group to ban gay issues”, SCMP, 8 October 2005.
- 47 Dr. Catherine Chan, “Trainer must not impose own values in human rights”, SCMP, 11 October 2005. Dr. Chan signed the letter to the editor for the Secretary for Education and Manpower.
- 48 Outline of the human rights courses organized by the Truth Light Society, translated in Chloe Lai, *op. cit.*
- 49 The Pearl Report at www.youtube.com/watch?v=XogCOLWYjKo, uploaded on 20 May 2007.
- 50 Para 2, Education and Manpower Bureau, “Information on HRE,” February 2006.
- 51 Amnesty International Hong Kong, “Response to questionnaire on human rights education in Hong Kong secondary school”, 1995 (AIHK survey), in Shui Che-fok, “Meeting the Challenge of Human Rights Education: The Case of Hong Kong” (HRE of Hong Kong), *Asia Pacific Review* 2/1, page 59.
- 52 “AIHK survey 1996” in “HRE of Hong Kong”, page 59.
- 53 吳迅榮、梁恩榮 (Ng Shun-wing, Leung Yan-wing), “香港初中推行公民教育的現況” (“Promotion of Civic Education in Hong Kong junior secondary education”), *Hong Kong Teachers’ Centre Journal* 《香港教師中心學報》, 3, 2004 available at <http://edb.org.hk/HKTC/download/journal/j3/7.pdf>. (Chinese only)
- 54 Angela Lee and Mary Yuen, “Promoting Human Rights Education in Hong Kong Secondary Schools” (Promoting HRE in HK schools), *Human Rights Education in Asian Schools*, 2, at http://www.hurights.or.jp/arcs/hives/human_rights_education_in_asian_schools/section2/1999/03/promoting-human-rights-education-in-hong-kong-secondary-schools.html in Critical Review of HRE, page 146.
- 55 HRE of Hong Kong, page 60.
- 56 Critical Review of HRE, page 147.
- 57 “Interview with Dr. Leung Yan-wing” on 13 March 2006 at <http://www.hkace.net/resource/FIN%20HK%20Report%20in%2000ne.doc>. Website visited on 30 January 2010.
- 58 See FAQs of Trial Scheme on School Drug Testing in Tai Po District (School Year 2009/10) at www.nd.gov.hk/pdf/school_drug_testing_faq_en.pdf.
- 59 Hong Kong Human Rights Monitor, “Beware of the Trial scheme on School Drug testing in Tai Po District. Beware of human rights being violated”, 30 November 2010 at www.hkhrm.org.hk/resource/final_drugtestdeci.doc.
- 60 “AIHK survey 1996” in HRE of Hong Kong, page 59.
- 61 Angela Lee and Mary Yuen, *op. cit.*
- 62 Para 1.4, Curriculum Development Council and Hong Kong Examinations Assessment Authority, “LS: Curriculum and Assessment Guide (Secondary 4-6)” (“LS Guide”), 2007, at www.edb.gov.hk/FileManager/EN/Content_5999/ls_final_e_070508.pdf.

- 63 Critical Review of HRE, page 148.
- 64 LS Guide, pages 14-15.
- 65 Critical Review of HRE, pages 148-149.
- 66 Meintjes 1997 and Tang 2006 in Critical Review of HRE, page 149.
- 67 Para 4.3.5, LS Guide.
- 68 Leung Yan-wing, "An 'action-poor' human rights education: a critical review of the development of human rights education in the context of civic education in Hong Kong" (Action-poor HRE), *Intercultural Education*, 19/3, June 2008, page 238.
- 69 Giroux 1983 in Action-poor HRE, page 238.
- 70 Mezirow 1997 in Action-poor HRE, page 238.
- 71 Freire 1972 in Action-poor HRE, page 238.
- 72 Magendzo 2005, Nazzari, McAdams, and Roy 2005 and Tibbitts 2005 in Action-poor HRE, page 238.
- 73 Magendzo 2005 in Action-poor HRE, page 239.
- 74 Action-Poor HRE, page 239.
- 75 Para 4.3.5, LS Guide.
- 76 Boehnke & Boehnke 2005, Finkel 2003 and Leung 2003, 2006 in Critical Review of HRE, page 149.
- 77 Leung 2003, 2006 in Critical Review of HRE.
- 78 Hong Kong Human Rights Monitor, "National education policies outlined in the CE's Policy Address," 15 October 2008 at www.hkhrm.org.hk/resource/HKHRM_policy_address_NE_press_release_20081015.doc. (Chinese only).
- 79 See the education materials order form of the Alliance of Civic Education at www.hkace.net/index/material.doc. (Chinese only). Website visited on 10 March 2010.
- 80 Hong Kong Secondary Schools Union, "About Us" at www.hkssu.org/english/index.htm. Website visited on 10 March 2010.