

Association Concerning Sexual Violence Against Women

Submission on "An outline of the topics to be covered in the fourth report of the Hong Kong Special Administrative Region under the Convention on the Elimination of All Forms of Discrimination against Women"

The Association Concerning Sexual Violence Against Women (ACSVAW) was established in March 1997. It is a non-profit voluntary organisation committed through its services, education and initiatives to promoting gender equality and caring for women threatened and harmed by sexual violence. ACSVAW also works to raise public awareness and confrontation of the problem of sexual violence, in order to reduce the incidence of gender-based violence and to strengthen the protection of the rights and interests of victims of sexual violence.

ACSVAW makes the following submissions on "An outline of the topics to be covered in the fourth report of the Hong Kong Special Administrative Region under the Convention on the Elimination of All Forms of Discrimination against Women":

1. ARTICLE 2: OBLIGATIONS OF STATES PARTIES

Follow up on the legal reform of sexual offences in Hong Kong

In its concluding observations on the combined seventh and eighth periodic reports of China issued by the UN Convention on the Elimination of All Forms of Discrimination against Women (the "Convention") in 2014, it was mentioned that " The Committee notes that the Law Reform Commission in Hong Kong, China, has made proposals for the reform of legislation that governs sexual offences [...]. The Committee is, however, concerned that Hong Kong, China, has not yet produced any proposals concerning sexual offences against children and persons with intellectual disabilities to adopt the reform proposals made by the Commission." ¹ Only in 2016, 10 years after

¹ United Nations Committee on the Elimination of Discrimination against Women, 'Concluding observations on the combined seventh and eighth periodic reports of China', fifty-ninth session, 20 October to 7 November 2014 (available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsoVqDbaslinb8oXgzpEhivhQ3NCi1e8470HGzJcswgVQFqmcLRle5oHllbXpXbb5sZQhK9Ry3t3ZUdaSIXBeGda8VKatQc8B7D9rkBGmOHvnQYC%2B9%2BWwl09wtgYT%2BBwBqg%3D%3D>)

its establishment, did the Law Review Commission's Review of Sexual Offences Sub-committee publish a consultation paper on "Sexual Offences Involving Children and Persons with Mental Impairment". A consultation paper on "Miscellaneous Sexual Offences" was only published in May 2018. A final report in respect of these papers has yet to be published. At this rate Hong Kong's outdated sexual offences legislation has been in place for more than 60 years and it may take another decade for Hong Kong to pass amendments to these outdated laws, whilst similar jurisdictions have already completed the revision of the relevant laws over the past 20 years. We urge the government to supervise and assist the Sub-committee to complete the consultation and publish its report as soon as possible, as well as request the Sub-committee to provide a clear timetable. The government should use this timetable as a reference to establish a clear and specific legislative timetable for the legislature to amend Hong Kong's sexual offences legislation.

2. ARTICLE 2: OBLIGATIONS OF STATES PARTIES

Establishment of a one-stop crisis centre for sexual violence

If the victim reports an incident of sexual assault, she will need to constantly travel between the hospital, police station and other places, repeatedly describing the details of the incident to people in different departments. In the process, the victim not only suffers the trauma of sexual violence but also secondary trauma inflicted by the reporting system. In order to relieve the secondary trauma suffered by the victim in the reporting process, we believe that the government should set up a one-stop crisis centre as soon as possible. This would allow victims to undergo incident reporting procedures, such as making a statement and forensic examinations, in the same secure location rather than making victims rush to the police station and hospital, repeating descriptions of the incident and aggravating secondary trauma in the process.

3. ARTICLE 5: STEREOTYPING AND PREJUDICES

Introduce sex/gender education to eliminate gender stereotyping and prejudice

Eliminating gender stereotyping and prejudices is one of the main emphases of the Convention. Although the government claims to attach importance to public education to eliminate gender stereotypes and prejudices, Hong Kong's sex/gender education is still superficial and far from adequate. Education in Hong Kong is focused on technical subjects. In circumstances where moral

and sex/gender education are not valued, schools are only willing to devote a limited amount of time and resources to promote sex/gender education. Additionally, sex/gender education is still rooted in simple gender binary discussions, and consequently fails to broaden students' understanding of gender. Gender stereotypes and prejudices still exist, and as a result many people with different gender traits and non-mainstream views are plagued by problems, even suffering from bullying or unfair treatment.

At the same time, Hong Kong's Education Bureau has failed to provide additional resources and training for schools to promote sex/different education on the basis that sex/gender education is already integrated into different disciplines, making it more difficult for students to receive comprehensive sex/gender education at school. As a result, they lack the space to understand gender diversity and to reflect on their views of gender stereotypes.

According to a government survey, out of 134 schools surveyed, a total of 70% of the schools provided AIDS or sex education during the 2011-2012 school year. The surveyed schools provided on average 4 hours and 3 hours for AIDS and sex education respectively. It can thus be seen that the result of schools not necessarily implementing sex/gender education and having insufficient resources is that students are not fully commensurate with developments in sex/gender education. As a result, they encounter difficulties exploring and reflecting on gender issues, let alone eliminating stereotypes and prejudices.

The government should provide schools with more resources and teacher training to promote sex/gender education, starting from curriculum and content development, and include sex/gender education in regular lessons rather than allocating fewer than 5 hours per semester to covering limited topics in sex/gender education. Looking closely at the concepts surrounding gender will help to eliminate stereotypes and prejudices.

4. ARTICLE 10: EQUALITY IN EDUCATION

Follow-up on the implementation of sex education in Hong Kong

Hong Kong's Education Bureau published the "Guidelines on Sex Education in Schools" in 1997.

However, the guidelines are designed only for reference and schools are not obliged to follow them.² As a result, not every student receives sex education during his or her academic career and, even where sex education classes are available, the content may not necessarily meet the needs of students or reflect their current situation. The "Guidelines on Sex Education in Schools", published over twenty years ago, suggests that schools should not only teach about physiological aspects of sex, such as the names of sexual organs, changes in adolescence such as menstruation and wet dreams, but also cover new topics such as gender diversity, sexual orientation, sexual violence and pornography. However, general sex education classes today still only teach about aspects of physiology, menstruation and wet dreams. The insufficient, narrow content of sex education gives students only a simple understanding of sexual violence, such that they do not even understand the definition of sexual violence. "A Study on Sexual Violence among Secondary School Students in Hong Kong", a report published by ACSVAW in 2002, found that secondary school students in Hong Kong do not have a good understanding of sexual violence. Only 5.6% of interviewed secondary school students were able to identify case studies involving sexual violence. Lack of awareness of sexual violence prevents students from understanding that they may be exposed to sexual violence, let alone from seeking assistance when it occurs. In fact, many victims of sexual violence in childhood do not seek help or report the incident until adulthood. The inadequacy of sexual violence education, coupled with negative social views on sexuality or sexual violence, causes victims to blame themselves in such situations, make it difficult for them to take the first step in seeking help.

Aside from the lack of sex education and the failure to solve the problem of sexual violence, according to the statistics of the Department of Health, in the five year period from 2011 to 2015 the number of new HIV infections among young people under the age of 29 rose sharply by more than 120%. Bain & Company, an international management consulting firm, also conservatively estimates that among the approximately 7,000 unwanted pregnancy cases in Hong Kong each year, the majority are unmarried girls under the age of 25. At present, the lack of sex education not only prevents young people from asking for help when they encounter sexual violence, but young people also contract sexually transmitted diseases because they do not know how to refuse unsafe sexual practices from their partners. Under circumstances where there is a severe shortage of sexual knowledge, young girls cannot recognise what constitutes an effective contraceptive method against

² The Government of the Hong Kong Special Administrative Region, 'Sex Education in schools', 17 May 2006 (available at: <http://www.info.gov.hk/gia/general/200605/17/P200605160251.htm>)

unintended pregnancies. All these factors reflect the fact that Hong Kong's current limited sex education cannot provide adequate protection for young people.

ACSVAW believes that the implementation of comprehensive gender equality and sex education in all schools in Hong Kong is the only way to eliminate gender discrimination and address sexual violence, unwanted pregnancies and high rates of sexually transmitted diseases among teenagers. Comprehensiveness means that sexual education should cover different levels, including physiological structure, the transition from adolescence to adulthood, safe sex, intimacy, communication, gender and sexual orientation. In addition, sex education should not be a one-time course. Students should receive sex education that suits their needs at different ages. The Education Bureau currently integrates sexual education into different school subjects. This seemingly comprehensive approach to education actually has a considerable flaw, because the diversity of course materials and content, the different perspectives of each subject, and the absence of teaching guidelines and standards mean that the sex education received by students varies greatly, even to the extent that messaging on the issue might be confused. In the long term, only by establishing a gender-equal society can we actually reduce the incidence of sexual violence. To prevent occurrences of sexual violence, it is essential to promote gender equality education in schools. Therefore, we believe that the government should review the existing "Guidelines on Sex Education in Schools" as soon as possible and work towards incorporating formal sex education into the curriculum.

5. ARTICLE 10: EQUALITY IN EDUCATION

Teacher education on gender awareness

When students experience sexual violence, teachers are very likely to be their first port of call for help. If teachers have a good understanding of the methods of dealing with sexual violence and a positive attitude, it will enable teachers to become a means for victims to receive appropriate support. In addition to this, if teachers are sensitised to sexual violence against children, it would become easier for them to detect potential victims, keep them away from threats of sexual violence, and obtain help as soon as possible. It is a pity that the government has failed to understand the importance of teachers in dealing with issues of sexual violence and promoting sex/gender education. It has not provided relevant training and support for teachers, apart from referrals to social workers or social

welfare agencies. Teachers have not been able to fulfil their role in helping with and raising awareness of sexual violence and sexual health problems.

In order to understand the latest developments in sex education in Hong Kong, the government conducted a territory-wide survey from 2012 to 2013. Of the 134 schools surveyed, only 66% of those schools had teachers trained in AIDS, sex or life skills-based education (LSBE). An average of 2.1 trained teachers per school had taught related topics in the last school year. However, more notably the survey also found that an average of 4.9 teachers in each of those schools, who had never attended any professional development programmes, had taught sex education in the previous school year.³

In addition, in order to understand the current situation and difficulties faced by primary and secondary school teachers in implementing education on sex and relationships, the Hong Kong Federation of Youth Groups conducted a survey in 2015. The survey found that more than 60% of teachers felt that they had a responsibility to teach students about sex and relationships. However, as many as 62% of teachers believe current teaching about sex and relationships in schools is insufficient. Even though many teachers regard sex education as important and are willing to assume responsibility for teaching it, over 60% of teachers believe that there are not enough teaching materials or support for implementing sex education. 40% of teachers also responded that they do not have the knowledge or skills to teach about sex and relationships.

If the government can recognise the importance of teachers in implementing sex/gender education and anti-sexual violence education, increase resources to schools and provide teachers with training and support, it will help teachers to conduct sex/gender education confidently, as well as increase their sensitivity to students' needs. This will in turn inspire students to explore issues and re-examine their own relationships.

³ "Fact sheet on Survey of Life Skills-based Education on HIV/AIDS at Junior Level of Secondary Schools in Hong Kong" (available at: https://www.rrc.gov.hk/res/lisbe_07e.pdf)