

# **Submission on Review of Sex Education in Schools**

**Equal Opportunities Commission**

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## **Introduction**

This paper aims to provide views of the Policy, Research and Training Committee (PRTC) of Equal Opportunities Commission (“EOC”) on the review of sex education in schools to the Education Bureau (EDB).

2. The EOC is a statutory body responsible for the implementation of the four anti-discrimination ordinances, including the Sex Discrimination Ordinance (SDO). The SDO renders unlawful discrimination on the grounds of sex, marital status, pregnancy, sexual harassment and victimisation.

3. In response to the EOC’s recommendations on the review of the SDO in 1999, the Government has amended the definition of "sexual harassment" under the SDO in 2008, by which the application of section 2(5)(b) of the SDO to apply to education. Section 2(5)(b) of the SDO provides that sexual harassment occurs where a person engages in conduct of a sexual nature which creates a hostile or intimidating environment for a woman.

## **Obligations under international covenants**

4. The importance of sexuality education has been recognised by a number of international treaties. A number of international human rights treaties applicable to Hong Kong concern about the rights of children and woman in terms of their sexual and reproductive health, and

the protection of children and women against sexual harassment and abuse. In addition, the provisions of these international conventions guard against discrimination of any kind as to race, colour, sex, sexual orientation, etc.

5. In particular, Article 19 of the Convention on the Rights of the Child provides that: “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.” Article 29 (1) (d) further stipulates that the education of the child shall be directed to the “preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.” In the Concluding Observations of the Committee on Rights of the Child on the HKSAR Report 2013, the Committee recommends that HKSAR should “ensure the widespread provision of comprehensive adolescent health services and psychosocial support; improve awareness and knowledge, including by providing sexual and reproductive-health education in schools.....”. (para. 70)

6. Similarly, Article 12(1) of the the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the right of everyone to the enjoyment of the highest attainable standard of physical and mental health too. In the Concluding Observations of the United Nations (UN) Committee on Economic, Social and Cultural Rights (ESCR) on the HKSAR report in May 2005, the Committee remained concerned about “the low level of awareness of the general public in HKSAR of sexual and reproductive health issues” (para.88). The UN Committee on ESCR also regrets that no comprehensive sexual and reproductive health programme exists in HKSAR and that education on sexual and reproductive health is not part of the school curriculum.

Hence, it called upon the HKSAR to introduce education on sexual and reproductive health in the school curriculum. (para.100)

7. Article 2(2) of the ICESCR stipulates: “The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In the Concluding Observations of the Committee on ESCR on the HKSAR report 2014, the Committee is concerned about the prevalence and widespread discrimination against some disadvantaged and marginalized groups, including discrimination on the grounds of sexual orientation and gender identity. (para. 41)

8. In addition, Article 10(c) of the Convention on the Elimination of All Forms of Discrimination Against Women stipulates that all state parties should take appropriate measures to eliminate “any stereotyped concept of the roles of men and women at all levels and in all forms of education ..... in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods.....”

### **Retitle the subject**

9. Sex education goes by a variety of names in different countries. In Hong Kong, young people when asked about sex education in their schools, if any, often complained about focussing too much on physical aspect of reproduction but too little discussion about relationship and values. The Policy, Research and Training Committee of the EOC (PRTC) finds that the term “sex education” reflects too narrow a spectrum of topics it covers and may lead to misunderstanding of the purpose of sex education. The PRTC believed that sex education should be comprehensive, goes beyond information about reproductive health,

helping young people cultivating positive attitudes about relationships, gender roles and gender equality.

10. In this regard, the PRTC believes that “sex education” should be retitled as “sexuality education” or “sexuality and relationship education”, in order to emphasize the gender and relationships elements of the subject and its comprehensive nature. It is also hoped that with the right emphasis being reflected in the title of the subject, more parents and schools will have a better understanding of the subject. Hopefully, it will no longer be omitted mostly or completely just because of teacher embarrassment or religious background of schools. For the purpose of this Submission, the term “sexuality education” will be adopted for discussion.

### **Purposes and objectives of sexuality education**

11. Sexuality education paves the way for young people to be responsible adults. It should be rights-based and gender-focussed. Sexuality education is not just about providing factual information on reproductive health, contraception and avoiding teenage pregnancy and sexually transmitted diseases. It should encompass and stress the importance of respecting individual anatomy, and cultivate positive attitudes about relationships, gender roles and gender equality. Taken together, comprehensive sexuality education should aim at helping young people develop responsible decision-making and respectful behaviour, which in turn, help eliminating sex harassment in the long run. Therefore, a new balance should be struck between the biological aspect and relationship aspect of sexuality education.

12. Another important objective of sexuality education is empowering and safeguarding young people. Young people have a right to information that will keep them healthy and safe. Sexuality education

forms an important part of schools' efforts to safeguard young people from sexual harassment, including sexual bullying and abuse, in particular for those vulnerable young people who are less able to protect themselves, such as students with intellectual disabilities.

13. In addition, the purpose of sexuality education is not only for schools to providing information and cultivating values to our younger generation, but also for young people to have an opportunity to express their views on these subjects safely and ask questions, instead of relying on hearsay rumour and online chit-chat with unknown "brothers and sisters" at online chatrooms or forums about sex and relationship on the Internet. It is a two-way communication process rather than indoctrination.

### **Content of sexuality education**

#### ***Equality is the core value***

14. Gender equality should be one of the core values to be taught in sexuality education, with more emphasis being given to power-relationship, gender stereotypes and gender bias which lead to sexual harassment and abuse. LGBTI issues should be covered as well. Sexuality education does not promote early sexual activity or any particular sexual orientation.

#### ***Consent education***

15. In particular, some issues need to be addressed so as to dispel the common myths about gender stereotypes and bias. Myths relating to consent such as 'when girls say "no", they mean "yes"', and 'accepting an invitation to drink means accepting invitation to more sexually intimate behaviour' should be challenged and clarified. Young men and

women should be taught that consent needs to be a conscious, willing agreement, made without pressure or coercion. “No” absolutely means “no”.

16. The practical aspects of consent should also be taught in consent education. Young people should know what it means when someone gives consent, how you would know that one has given consent or said “no”, and respect the other party’s refusal to give sexual consent. Both young men and women should know the right to withdraw consent, and the capacity to consent (including the impact of alcohol on consent).

### ***Legal aspect of sexual consent and sharing sexual images of people***

17. Equally importantly, young people need to know about the law related to sexual consent. Section 122(2) of the Crimes Ordinance (Cap. 200) states that a person under the age of 16 cannot in law give any consent which would prevent an act being an assault for the purposes of this section. What that meant is that young men who have sex with someone under 16, with the young women’s agreement or not, can be prosecuted for committing sexual offences and may face the penalty of imprisonment once convicted. The ignorance of law is no defence. In addition, there is no consent if the complainant was incapable of giving consent or of exercising any judgment on the matter because of the consumption of alcohol or drugs or mental incapacity.

18. Recently, some secondary school students have been allegedly video-taped female schoolmates in school changing rooms by using hidden cameras. Students need to know that an act of non-consensual observation or visual recording (for example, a photograph, videotape, or digital image) of another person for a sexual purpose is also a criminal activity and its legal consequences of being prosecuted for loitering,

disorder in public place, or access to computer with criminal or dishonest intent.

### ***Dating violence***

19. Sexuality education should also include prevention of dating violence. While healthy relationship consists of trust, respect and equality, dating violence is controlling, abusive, and aggressive behavior in a romantic relationship. It may include verbal, emotional, physical, or sexual abuse, or a combination of those elements. Both young men and women can be the victim. The message must be clear that treating people in abusive ways is not acceptable. In sexuality education, the preteen and teenagers should learn the skills they need to form positive, healthy relationships with others, and prevent patterns of dating violence that can last into adulthood, which include attitudes about violence, gender stereotyping, conflict management, and problem-solving skills.

### ***Victim blaming***

20. Another gender bias that should be clarified in sexuality education is victim blaming. Many people have a skewed view of what rape is. The ideas that when a woman wears sexy clothing or gets drunk, she asked for it if she got sexually abused, or women are always falsely accusing men of sexual assault and rape are commonly seen in online comments on news or allegations of sexual harassment or sexual abuse. Our sexuality education needs to be more holistic for cultivating healthier attitudes toward sex and relationships among young men and women and teach young people how to report and complain against sexual harassment and abuse.

### ***Prevent online risks***

21. It is natural for adolescents to be curious about sex as they grow up. They are hungry for such information and want to seek answers for their questions. If their parents and teachers do not provide accurate and proper sexuality education, they will rely on those “answers” given online or even online pornography for their self-sex education. Sexuality education should equip young people with a critical eye to identify the authenticity of online information related to sex, and address online risks to young people, including online sexual harassment, naked chat, online pornographic messages or images, etc, and teach them how to stay safe online.

### ***How to seek help***

22. Young people also need to know where they can seek help and what kinds of assistance and support are available if they have unprotected sex or were sexually assaulted, in particular when they face unintended pregnancy.

### **Measures to facilitate implementation in schools**

23. Sexuality education should start as early as possible, preferably from primary schools, providing age appropriate information to children and young people.

24. The PRTC believes that there should be recommended lesson hours for each elements of sexuality education in primary and secondary schools so that schools and teachers know their obligation and arrange the time-table of teaching in order to cram into the limited amounts of time with their students.



25. With a view to facilitating the teaching of sexuality education, the EDB may consider compiling the existing teaching materials and resources in a structured manner to provide a one-stop webpage for teachers' easy reference.

26. The EDB may also consider requiring all teachers teaching sexuality education to have taken related professional development courses organised by the EDB. Incentives should be provided to both teachers and schools to facilitate the commitment of time and effort to get teachers trained for teaching sexuality education. Training should also be provided to the management level of schools so that they have a better understanding of the subject and how sexuality education can be better implemented in schools.

### **Guidelines for Sex Education in Schools**

27. Although the existing Guidelines on Sex Education in Schools were published some twenty years ago in 1997 and has not been revised since then, it provides detailed guidance on each key element covered at each stage of education. The PRTC therefore recommended that after the review of sex education and its curriculum, the 1997 Guidelines should be revised accordingly and posted on EDB website again as reference.

### **Consultation**

28. Consultation should be conducted as widely as possible, at least covering key stakeholder groups, including young people, to discuss on the amount of time and classes devoted to sexuality education, the topics covered, the training and qualification of those conducting sex education.