

#MakePeopleCount

Advocacy Recommendations

GOVERNMENT

LEGISLATION

Criminal Law

Introduce the Law Reform Commission's recommendations from their "[Review on Substantive Sexual Offences](#)" in the Legislative Council and fast track their implementation into law. These recommendations contain critical updates including definitions of consent, expanded definitions of rape and sexual assault, and protections against non-consensual upskirt-photography among many others

Sexual Discrimination Ordinance

- **Discrimination Legislation (Miscellaneous Amendments) Bill 2018:** Advocate for the Discrimination Legislation Bill currently in LegCo to be passed into law. This Bill contains important protections against sexual harassment for volunteers, consignment workers and interns, and members or prospective members of clubs.
- **Sex Discrimination Ordinance Amendments:** Amend the SDO to provide legal protection from sexual harassment for tenants or sub-tenants harassed by other tenants or sub-tenants occupying the same premises.

Mandatory Sexual Harassment Policy & Training

Introduce legislation mandating that both public and private sector organisations have a written sexual harassment prevention policy and that all employers provide sexual harassment training for their staff.

Non-Disclosure Agreements

Introduce legislation making any contractual clause in a Non-disclosure Agreement which prevents disclosure of future acts of discrimination, harassment, retaliation or victimisation void.

Changes to Listing Rules¹

Introduce sexual harassment indicators for HKEX-listed entities to report against. Including:

- Specific mention of sexual harassment in guidance on company codes of conduct
- Information about measures taken to address sexual harassment (including initiatives to provide information, education and training on sexual harassment in the workplace), as part of its requirements that listed entities have and disclose a diversity policy and set measurable objectives to achieve gender diversity
- Disclosure of the number of incidents/complaints of sexual harassment by gender and associated action taken

¹ Adapted from the [Australia Sexual Harassment National Inquiry Report](#) 2020

SUPPORT SERVICES

One-Stop Service Unit

Establish a one-stop service unit for sexual assault survivors that includes medical care, psychological services, and legal services.

Hong Kong Police

A broad range of reforms in the Hong Kong Police Force to enhance protections for sexual crime victims as well as strict preventative measures to protect against any further allegations of sexual violence against the HKPF:

- **Special Unit:** Add a special unit to the Hong Kong Police Force to handle sexual assault cases that has special training and operates to a code of practice
- **Code of Practice:** Introduction of a Code of Practice for the Investigation of Sexual Crimes with the aim of:
 - Minimising trauma and increasing the confidence of sexual crime victims and the public in the management of sexual crimes
 - Providing a coordinated approach to the handling of sexual crime cases by Hong Kong Police, forensic medical services and other victim support services
 - Achieving best practice through consistent, clear and accountable response to, and investigation of, sexual offences
- **Revision of the Police General Orders:** To include enhanced requirements on gender sensitivity and prevention of sexual harassment and sexual offences
- **Gender sensitivity and sexual harassment training:** As a priority, all officers should be provided with gender sensitivity and sexual harassment training

EDUCATION & AWARENESS RAISING

Online Sexual Harassment & Cyberbullying

Work with social media and technology companies to develop enhanced protections and solutions to curb sexist behaviour, abuse, harassment, and hateful comments (including rape threats, body-shaming, doctored photos and release of private intimate videos) particularly for women as they are impacted far worse by online harassers and targeted more frequently than their male counterparts.

Media Guidelines²

Work with the regulatory and industry bodies to promote responsible, victim-centred and gender-sensitive reporting of sexual violence, and provide training to use international best practice when reporting on sexual violence through a Code of Practice for example.

Research

Conduct a territory-wide survey that provides comprehensive publicly available data on sexual harassment and sexual assault, with a view to update this data annually.

² Adapted from the [Australia Sexual Harassment National Inquiry Report](#) 2020

Education Curricula

Update and expand the Hong Kong sexual education curricula to be in line with international best practices that are age appropriate, evidence-based and addresses the drivers of gender-based violence.

Public Campaigns

Collaborate with NGOs and other relevant organisations to promote public campaigns to encourage more positive conversations to support victims collectively and bystanders to help to overturn the cultural taboo and social stigma placed on victims.

EMPLOYERS

Mandatory Training³

Training should be conducted and reinforced on a regular basis for all employees, by live interactive trainers and routinely evaluated for effectiveness. Bystander training must be included as a part of this to ensure that inappropriate conduct is checked not only through complaints but also informally.

Non-disclosure Agreements

Review current NDAs with a view to make any contractual clause in a NDA which prevents disclosure of future acts of discrimination, harassment, retaliation or victimisation void.

Complaint Mechanisms

A clear, well-defined corporate policy; protocols for full accountability and an independent, trauma informed, complaint mechanism with confidentiality, transparency and an anti-victimisation / anti-retaliation policy as imperatives. This includes approaches to address the underlying barriers that undermine victims' willingness to take action and a trauma informed approach to investigations, for example: ensuring confidentiality in early discussions of potential complaints, informing victims of their rights and offering counselling support.

Accountability⁴

Employers should hold all managers and front-line supervisors accountable for preventing and/or responding to workplace harassment, including through the use of metrics and performance reviews

Tone from the Top⁵

Visible commitment by senior leaders to a diverse, inclusive, and respectful workplace in which harassment is simply not acceptable is essential. Including, clearly articulating the specific behaviors that will not be acceptable in the workplace, setting the foundation for employees throughout the organisation to make change.

Core D&I Strategy

Commitment to a harassment-free workplace must be part of an overall diversity and inclusion strategy rather than a compliance based mindset.

³ [Turning the Tables and Ending Harassment at Work](#) Equality and Human Rights Commission, 2018

⁴ Ibid

⁵ Ibid

INDIVIDUALS

Understanding Definitions

Be aware of what types of behaviours and language constitute sexual harassment and sexual assault.

Rights Education

Understand related laws and what medical, legal and psychological resources are available to victims of sexual harassment and sexual assault.

Active Bystander

If you see instances of what may appear to be sexual harassment or sexual assault, take appropriate action which may include talking to the harasser or contacting appropriate authorities.

Awareness Raising on Victim Shaming

Call out instances where family, friends or media reporting may be unfairly placing blame on a victim of sexual assault or sexual harassment.

Refrain from Judgement

When listening to a survivor's experience, do not make judgments or evaluations about their responses or decisions. Listen respectfully and convey support.