

Sexual Orientation-Based Violence in Hong Kong

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INTRODUCTION

There is a growing body of empirical research on the violence suffered by lesbian, gay, and bisexual (“LGB”) people in various parts of the world. For example, one study found that, due to their sexual orientation, twenty to twenty-five percent of LGB people in the United States have been targets of violent crimes.¹ Roughly half of that study’s

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¹ The twenty to twenty-five percent figure includes “crimes against persons” (defined as being “hit, beaten, physically attacked, or sexually assaulted”), “crimes against property” (defined as being “robbed” or having property “stolen, vandalized or purposely damaged”), and attempted crimes against persons or property. Gregory Herek, *Hate Crimes and Stigma-Related Experiences among Sexual Minority Adults in the United*

respondents experienced psychological violence through harassment.² Another study suggested that there is an average of four prejudice-motivated murders every year against gay men in New South Wales.³ Research on violence against LGB people has also focused on other locations ranging from France⁴ to Mexico⁵ to South Africa.⁶

Although this body of literature has been growing, there has been very little empirical analysis of violence suffered by LGB people in Asia.⁷ This article addresses that gap by examining prejudice-motivated violence directed at LGB people in Hong Kong. Specifically, this article reports the results of a survey in which over six hundred LGB people in Hong Kong

States: Prevalence Estimates from a National Probability Sample, 24 J. INTERPERSONAL VIOLENCE 54, 59, 65 (2009).

² *Id.*

³ Jenny Mouzos & Sue Thompson, *Gay-Hate Related Homicides: An Overview of Major Findings in New South Wales*, 155 AUSTRL. INST. CRIMINOLOGY, TRENDS & ISSUES CRIM. JUST. 1, 2 (2000).

⁴ M.J. Saurel-Cubizolles & B. Lhomond, *Psychosomatique et Sexualité*, 33 GYNÉCOLOGIE OBSTÉTRIQUE & FERTILITÉ 776 (2005). This study compared heterosexual women (n = 6,332) and women who had had at least one female sexual partner (n = 78) in a French national survey on violence. *Id.* at 776. Women who reported having had at least one female sexual partner more frequently reported being victims of physical violence than heterosexual women. *Id.* at 780.

⁵ Luis Ortiz-Hernández & José Arturo Granados-Cosme, *Violence against Bisexuals, Gays and Lesbians in Mexico City*, 50 J. HOMOSEXUALITY 113, 114-15 (2006). In a study of 318 gay or bisexual men and 188 lesbian or bisexual women in Mexico City, the authors found that gay and bisexual men more frequently reported being victims of violence than lesbian and bisexual women. More specifically, more than half had been victims of verbal violence since the age of eighteen, while eight percent had been victims of physical violence. *Id.* at 126.

⁶ Graeme Reid & Teresa Dirsuweit, *Understanding Systemic Violence: Homophobic Attacks in Johannesburg and Its Surroundings*, 13 URBAN FORUM 99, 107-10 (2002) (describing interviews with forty-two victims of homophobic violence in Johannesburg and its surroundings).

⁷ Data on Asia's sexual orientation minorities is only starting to emerge. Most of that data concerns identity development, sexual behaviors, emerging political and social activism, and health risk factors. *See, e.g.*, Wei Wei, "Wandering Men" No Longer Wander Around: The Production and Transformation of Local Homosexual Identities in Contemporary Chengdu, China, 8 INTER-ASIA CULTURAL STUD. 572, 572 (2007); Wan Yanhai, *Becoming a Gay Activist in Contemporary China*, 40 J. HOMOSEXUALITY 46, 46 (2001); Yasuharu Hidaka et al., *Substance Use and Sexual Behaviors of Japanese Men Who Have Sex With Men: A Nationwide Internet Survey Conducted in Japan*, 6 BMC PUB. HEALTH 239, 239-46 (2006); Chongyi Wei, Thomas E. Guadamuz, Ron Stall & Frank Y. Wong, *STD Prevalence, Risky Sexual Behaviors, and Sex with Women in a National Sample of Chinese Men Who Have Sex With Men*, 99 AM. J. PUB. HEALTH 1978, 1978-81 (2009).

told us about whether, and how, they have experienced violence because of their sexual orientation.⁸

Cultural disparities can contribute to differences in the ways that violence manifests. Some cultural commentators speculate that aspects of Chinese culture make violence against LGB people rarer in Chinese societies than elsewhere.⁹ Thus, one cannot assume that the situation in Hong Kong can be ascertained from research conducted in other parts of the world. Our study sheds light on the situation in Hong Kong by engaging the local population directly. In Hong Kong, there is ongoing debate on whether, and how, the Government should reform laws and public policies to protect the rights and welfare of LGB people.¹⁰ A better understanding of LGB people's experiences with violence would help to shed light on the soundness and urgency of proposed reforms.¹¹

Before proceeding, it is worth pausing to clarify the scope of the term "violence." In this article, we adopt the World Health Organization's definition of violence as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation."¹² By

⁸ Our survey respondents consisted of individuals who did not consider themselves to be heterosexual. For ease of language in this article, we refer to our respondents as LGB. It is worth noting, however, that some of our respondents did not self-identify as LGB. Among our respondents, 93.4 percent self-identified as lesbian, gay, bisexual, and/or homosexual. The remaining respondents preferred other identification labels such as queer, same-gender loving, man who has sex with men ("MSM"), woman who has sex with women ("WSW"), women-loving woman, and *tongzhi* (同志). For a definition of *tongzhi* (同志), see *infra* note 37.

⁹ Some commentators believe that disapproval of LGB people is particularly virulent when the disapproval is based on religious doctrine. In Chinese societies, disapproval of LGB people is based less on religious doctrine than it is in many other parts of the world. At least one commentator has also suggested that Chinese culture emphasizes self-restraint, thereby reducing the likelihood of violence against LGB people. For more information on these views of Chinese culture, see *infra* notes 17-22 and accompanying text.

¹⁰ See *infra* Part IV.

¹¹ It is worth pausing to emphasize that we both view violence against the transgender community as a grave concern. Our survey, however, focused on sexual orientation. We did not focus on gender identity because our research was designed, in part, as a response to recent developments in Hong Kong pertaining specifically to sexual orientation. For background on the design and context of our survey, please see our earlier discussion of the survey in Holning Lau & Rebecca L. Stotzer, *Employment Discrimination Based on Sexual Orientation: A Hong Kong Study*, 23 EMP. RESPONSIBILITIES & RTS. J. 17, 17-23 (2010).

¹² WORLD HEALTH ORGANIZATION, VIOLENCE PREVENTION ALLIANCE: GLOBAL CAMPAIGN VIOLENCE PREVENTION 5 (Etienne J. Krug et al., eds.) (2002), available at <http://www.who.int/violenceprevention/approach/definition/en/index.html>.

referring to “power,” in addition to “physical force,” the World Health Organization’s definition encompasses a broad range of actions. This definition includes both physical violence and psychological violence, such as intimidation, stalking, and verbal abuse.¹³

The remainder of this article unfolds in five parts. To situate our research in the existing literature, we begin in Part I by providing an introduction to the limited existing research that sheds light on violence directed at LGB people in Hong Kong. We shift the focus to our own study in Part II, where we provide background on our survey method and on our survey participants. In Part III, we discuss our findings regarding experiences of violence. In Part IV, we begin to explore the public policy implications of our research. Although our research has implications for numerous areas of law and public policy, we focus our attention on the topic of education policy as a starting point. Finally, in the Conclusion, we provide a summary of this article’s contributions to the literature on violence directed at LGB people in Hong Kong.

I. EXISTING RESEARCH

The available research about violence suffered by LGB people in Hong Kong is limited. Scholars in cultural studies have written on the relationship between LGB-targeted violence and Chinese culture.¹⁴ To a certain extent, this literature is applicable to Hong Kong.¹⁵ In addition, there have been a small number of empirical studies concerning violence against LGB people in Hong Kong. These existing studies, however, have only focused on specific segments of Hong Kong’s LGB population.¹⁶

Scholars in the field of cultural studies have suggested that violence against LGB people may be modest in ethnic Chinese societies, compared to other parts of the world, but that such violence occurs frequently enough to be a cause for concern.¹⁷ Some commentators believe that violence based on sexual orientation is less prevalent in Chinese societies because religion is not the primary reason for prejudice against homosexuality in Chinese societies.¹⁸ Instead of being viewed as sin, homosexuality is more often viewed as shameful because traditional notions of family require men and women to marry and produce children

¹³ *Id.*

¹⁴ *See infra* notes 17-21 and accompanying text.

¹⁵ *See infra* note 21 and accompanying text.

¹⁶ The existing studies focus on either women or youth within Hong Kong’s LGB population. *See infra* notes 23-32 and accompanying text.

¹⁷ *See, e.g.,* Kyna Rubin, *How to Be Gay in Beijing*, 10 GAY & LESBIAN REV. WORLDWIDE 29, 29-31 (2003).

¹⁸ *See, e.g., id.* at 29; Chou Wah-Shan, *Homosexuality and the Cultural Politics of Tongzhi in Chinese Societies*, 40 J. HOMOSEXUALITY 27, 28-30 (2000).

to continue the family line.¹⁹ Some commentators believe that this stigma is less severe than the animus toward LGB people that stems from religious views.²⁰ It has also been suggested that Chinese cultural emphasis on restraint in personal relationships helps to prevent violence against sexual minorities.²¹ Of course, researchers should be mindful not to reduce views of Hong Kong to simplistic claims about traditional Chinese culture. The cultural fabric of Chinese societies has undergone many changes over time and has incorporated influences from other parts of the world.²² This is particularly true for Hong Kong because it is a global metropolis and former British colony.

Despite the cultural commentary suggesting that heterosexism in Chinese societies is less likely to manifest violently than in some other societies, there is evidence that Hong Kong is indeed home to sexual orientation-motivated violence. Three organizations—the Women Coalition of HKSAR (“Women Coalition”), the Boys’ and Girls’ Clubs Association (“BGCA”) of Hong Kong, and the Tongzhi Community Joint Meeting (“TCJM”)—have studied sexual orientation-motivated violence in Hong Kong. These studies provide a window into how violence affects LGB people in Hong Kong, but each of these studies only focused on a specific segment of Hong Kong’s LGB population.

In 2005, the Women Coalition surveyed 693 lesbian and bisexual women in Hong Kong. In her report based on that survey, Connie Chan, cofounder of Women Coalition, stated that thirty-nine percent of respondents had experienced some type of violence.²³ The most frequent

¹⁹ See, e.g., Chou, *supra* note 18, at 28-30; Pizza Ka-Ye Chow & Sheung-Tak Cheng, *Shame, Internalized Heterosexism, Lesbian Identity, and Coming Out to Others: A Comparative Study of Lesbians in Mainland China and Hong Kong*, 57 J. COUNSELING PSYCH. 92, 94 (2010).

²⁰ See, e.g., Chou, *supra* note 18, at 29-30.

²¹ See Rubin, *supra* note 17, at 29 (forming this view based on a small set of interviews that the author conducted in Shanghai and Beijing).

²² See Holning Lau, *Grounding Conversations on Sexuality & Asian Law*, 44 U.C. DAVIS L. REV. 773, 785, 788 (2011); Day Wong, *Rethinking The Coming Home Alternative: Hybridization and Coming Out Politics in Hong Kong’s Anti-Homophobia Parades*, 8 INTER-ASIA CULTURAL STUD. 600, 605-06 (2007); Liu Jen-Peng & Ding Naifei, *Reticent Poetics, Queer Politics*, 6 INTER-ASIA CULTURAL STUD. 30, 31-33 (2005).

²³ Connie Man-wai Chan, *Sexual Orientation Discrimination in Hong Kong*, 1, https://digitalcollections.anu.edu.au/bitstream/1885/8661/1/Chan_SexualOrientation2005.pdf (report for the Women Coalition of HKSAR). Specifically, Chan found that thirty-nine percent of respondents reported experience with “violence or harassment.” *Id.* In this paper, however, we adopt the World Health Organization’s definition of violence, which subsumes harassment that results from power differentials. For discussion of the World Health Organization’s definition of violence, see *supra* notes 12 and accompanying text.

perpetrators of violence were people known to the victim.²⁴ The Women Coalition conducted another survey in 2010.²⁵ Out of the 510 lesbian and bisexual women surveyed, fifty-three percent reported experiencing discrimination.²⁶ Among those women who had experienced discrimination, ninety percent reported experiencing verbal abuse and four percent reported being victims of physical violence.²⁷

In 2009, the BGCA of Hong Kong studied nearly five hundred openly LGB youth and their experiences of homophobic bullying in school.²⁸ Forty-two percent of respondents reported being victims of malicious gossip or insults based on sexual orientation, and 13.5 percent reported that they were the victims of physical violence, sexual harassment, and/or extortion.²⁹ Additionally, thirty percent of respondents claimed that their teachers stigmatized and discriminated against LGB students.³⁰ In a related study of forty school teachers conducted by TCJM and the BGCA of Hong Kong, over half of the teachers reported witnessing students being “called names or verbally insulted with homophobic language” by other students.³¹ In addition, 32.5 percent of the teachers witnessed LGB students being physically bullied by other students, and five percent reported school staff or faculty physically bullying LGB students.³²

Although these studies are illuminating, they only address specific segments of Hong Kong’s LGB population. The Women Coalition research focused on lesbian and bisexual women, while the research of the

²⁴ The perpetrators were family members in sixteen percent of the cases, classmates and teachers in twelve percent of the cases, and coworkers in eleven percent of the cases. *Id.*

²⁵ Press Release, Women Coalition of Hong Kong, 香港女性因性傾向受歧視狀況 [*Discrimination Suffered by Hong Kong Women Because of Their Sexual Orientation*] (2010) (unofficial translated title provided by us), available at <http://survey2010.wchk.org>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Richard Smith, *Cruel School*, HK DIM-SUM, <http://dimsum-hk.com/en/features/cruel-school/> (last visited Mar. 30, 2012).

²⁹ *See id.* The study also examined other manifestations of homophobia that were discriminatory but did not amount to violence. For example, forty percent of the respondents reported being victims of others “avoiding contact” or “refusing to be friends” with them. *Id.*

³⁰ *Id.*

³¹ Tongzhi Community Joint Meeting, *Homophobic Bullying in Hong Kong Schools—Online Survey Results*, PINK ALLIANCE (June 20, 2011), <http://tcjm.org/2011/06/20>.

³² *Id.*

BGCA and TCJM focused their attention on LGB students. In our study, we sought to broaden the scope of research by examining Hong Kong's LGB population generally and by examining how this population's experiences with violence relate to other factors.

II. SURVEY BACKGROUND

In 2008, we conducted a brief and anonymous internet survey of LGB people in Hong Kong, using a snowball sampling technique to recruit participants.³³ The survey contained demographic questions, questions regarding disclosure of sexual orientation, a variety of psychological measures concerning the respondents' attitudes and well-being, as well as questions regarding their experiences with discrimination and violence in Hong Kong.³⁴ This section provides additional background information on our recruitment process, the survey participants that it yielded, and the measures that we used in the survey.³⁵

A. Recruitment

Our study used a snowball sampling strategy for recruitment.³⁶ Our research team circulated a solicitation message in both English and Chinese among people in Hong Kong who were likely to self-identify as being a sexual orientation minority, such as being lesbian, gay, bisexual, queer, same-gender loving, and/or *tongzhi* (同志).³⁷ For ease of language, this article will refer to these non-heterosexual identities collectively as LGB.³⁸ Along with asking recipients to take the online survey, the solicitation asked recipients to pass the solicitation to other LGB people.

³³ For information on our sampling method, *see infra* Part II A.

³⁴ Our survey results pertaining to employment discrimination have been published previously. *See* Lau & Stotzer, *supra* note 11, at 24-26. For relevant questions related to violence, *see* Table 1.

³⁵ In Part II, we provide a summary of our survey methodology and the composition of our survey participants. For a more detailed account, *see* our previous discussion; *supra* note 11, at 23-26.

³⁶ "Snowball sampling is a method that yields a study sample through referrals made among people who share or know of others who possess some characteristics that are of research interest. The method is well suited for a number of research purposes and is particularly applicable when the focus of study is on a sensitive issue, possibly concerning a relatively private matter, and thus requires the knowledge of insiders to locate people for study." Patrick Biernacki & Dan Waldorf, *Snowball Sampling: Problems and Techniques of Chain Referral Sampling*, 10 SOC. METHODS & RES., 141, 141 (1981).

³⁷ "Tongzhi (同志) is a Chinese word, often translated as 'comrade,' which refers to people of different sexual orientations and gender identities in the Chinese-speaking world." Tongzhi Community Joint Meeting, *About*, PINK ALLIANCE, <http://tcjm.org/home> (last visited Nov. 6, 2012).

³⁸ For more details on this linguistic choice, *see supra* note 8.

Although snowball sampling does not produce a random sample, it is a well-accepted methodology for recruiting stigmatized and hard-to-reach populations for study purposes.³⁹ Because snowball sampling relies on social networks, it is a method that risks excluding “isolates” that are not sufficiently integrated into such networks. However, researchers believe that increasing sample size and varying the means of survey distribution help to mitigate these risks.⁴⁰ Accordingly, we sought to recruit a large sample through a variety of distribution channels.

The solicitation for participation in our survey was distributed through four channels. First, our research team sent the solicitation in e-mail format to individuals who managed listservs for relevant community groups. These groups included social networking forums, religious organizations, public interest groups, student organizations, and online newsletter communities. The solicitation was e-mailed in two waves that were spaced six months apart. Second, the solicitation was forwarded to self-identified LGB people on two social networking websites. One website catered to individuals seeking sexual activity, and the other catered to individuals seeking professional and platonic social networks. Third, the solicitation was posted on internet bulletin boards and blogs that target LGB communities. Fourth, we distributed the solicitation in postcard format. The postcards were circulated during Hong Kong’s 2008 International Day Against Homophobia (“IDAHO”) march and at bars that cater to LGB customers.⁴¹

B. *Participants*

Through this snowball sampling, we were able to recruit 792 respondents for the survey, all of whom were LGB individuals living in Hong Kong. Of those 792 respondents, 614 completed questions concerning experiences with violence. Because our questions about

³⁹ See, e.g., James Croteau, *Research on the Work Experiences of Lesbian, Gay, and Bisexual People: An Integrative Review of Methodology and Findings*, 48 J. VOCATIONAL BEHAV. 195, 197 (1996); M.V. Lee Badgett, *Vulnerability in the Workplace: Evidence of Anti-Gay Discrimination*, 2 ANGLES: POL’Y J. GAY & LESBIAN STRATEGIC STUD. 1, 1-2 (1997); Thomas Bucher & Daniel Raess, *Discrimination, Coming Out, and Job Satisfaction of Gay Men in Switzerland: Results of a Survey*, in SEXUAL ORIENTATION DISCRIMINATION: AN INTERNATIONAL PERSPECTIVE (Jefferson Frank & M.V. Lee Badgett, eds. 2007).

⁴⁰ Rowland Atkinson & John Flint, *Accessing Hidden and Hard-to-Reach Populations: Snowball Research Strategies*, 33 SOC. RES. UPDATE 1 (2001); Danielle A. Southern et al., *Sampling ‘Hard-to-reach’ Populations in Health Research: Yield from a Study Targeting Americans Living in Canada*, 8 BMC MED. RES. METHODOLOGY 57 (2008).

⁴¹ Volunteers distributed postcards at these events and bars directly to patrons and attendees. Bar employees did not participate in the recruitment. Postcard content was identical to the email solicitation and requested that recipients of the postcard pass along the survey information to other LGB people.

violence came at the end of our survey, it is possible that respondents did not make it to the violence-related question due to their time constraints. It is also possible that some respondents chose not to answer the violence-related questions because they were uncomfortable with the sensitive nature of the questions.

Although the first page of the online survey asked respondents to take the survey only if they were over the age of eighteen, the age range of the respondents who proceeded with the survey included people younger than that, with respondents as young as twelve and as old as seventy-two, with a mean age of 26.9 years.⁴² Of those who responded to demographic questions, 41.6 percent identified as male, 57.1 percent as female, and 0.9 percent identified as “other” (e.g., transgender). Thirty percent of the participants reported that their highest level of education attained was Form 7 or less, Form 7 being the final year of secondary education in the Hong Kong school system. Another 11.2 percent had completed some form of secondary education under a foreign or international system;⁴³ 8.4 percent held associate’s degrees; 36.4 percent held bachelor’s degrees; and 13.7 percent held graduate degrees. The overwhelming majority, 88.2 percent, identified themselves as ethnically Chinese, while another 8.9 percent were white/Caucasian; 1.5 percent were of another Asian ethnicity, and 1.3 percent were of mixed race.

Although the sample was not random, it closely corresponds to the demographics of Hong Kong’s general population.⁴⁴ The sample contained

⁴² Standard Deviation = 9.1.

⁴³ This category included the International Baccalaureate Diploma, the British General Certificate of Secondary Education (“GCSE”) and Advanced Level General Certificate of Education (“A-Levels”), high school diplomas from international schools, etc.

⁴⁴ H. K. CENSUS AND STATISTICS DEPARTMENT, 2006 H.K. POPULATION BY-CENSUS: SUMMARY RESULTS (2006), available at http://www.bycensus2006.gov.hk/FileManager/EN/Content_962/06bc_summary_results.pdf (last visited Oct. 3, 2012). Although the sample characteristics differ slightly from Hong Kong’s overall demographic profile, we have no way of knowing whether or not it misrepresents the population of LGB people in Hong Kong. There have been no census questions in Hong Kong that inquire about sexual orientation to determine the overall demographics of this population. In addition, snowball sampling, *supra* notes 36-40, is an appropriate nonprobability sampling strategy given these research questions. As sociologists Rafael J. Engel and Russell K. Schutt have noted:

[B]ecause nonprobability sampling methods do not use a random selection procedure, we cannot expect a sample selected with any of these methods to yield a representative sample. Nonetheless, these methods may be useful when random sampling is not possible, with a research question that does not concern a large population or require a random sample, when a random sample is not thought to be accessible, or for a preliminary, exploratory study.

only a slight over-representation of white/Caucasians. Also, on average, respondents were a bit younger than the general population and had attained more formal education.

C. *Measures*

The survey contained multiple parts. The survey asked demographic questions concerning variables such as age, how the person identified their sexual orientation, sex, citizenship, race/ethnicity, and relationship status. The survey also asked basic questions about various life circumstances. It asked participants about disclosing their sexual orientation to other people, and it asked about experiences with discrimination and prejudice-motivated violence in Hong Kong. The survey also measured the participants' psychological functioning by asking questions related to internalized homophobia and life satisfaction. Some of our findings concerning experience with employment discrimination have been published previously.⁴⁵ This article focuses instead on survey results that pertain to the topic of violence.

We measured our main variable of interest—violence—with a series of yes/no questions regarding whether or not participants had experienced certain types of victimization while in Hong Kong because of their sexual orientation. Participants were asked if they had ever experienced certain types of violence in Hong Kong (e.g., “Has someone called you names or verbally assaulted you in public because of your sexual orientation?” and “Have you been hit, beaten, or physically attacked because of your sexual orientation?”). Participants were asked about these specific types of violence rather than a more ambiguous question about “crime” due to potential misunderstandings about legal definitions. For further analysis, we calculated two subgroups of violence—physical violence and non-physical violence—to compare their rates and to study the relationship of other variables to these two types of violence.

To assess two aspects of the survey respondents' psychological functioning, we used two previously validated scales that measure psychological factors. The five-item Assessment of Internalized Homophobia Scale asks individuals to respond to statements such as “I have tried to stop being attracted to members of the same sex,”⁴⁶ utilizing a scale ranging from 1 to 7 (disagree to agree) to determine the degree to which participants had internalized negative messages about their sexual

⁴⁵ Lau & Stotzer, *supra* note 11.

⁴⁶ The Internalized Homophobia scale items were found to have an acceptable level of internal reliability ($\alpha = .82$). Gregory M. Herek, J. Roy Gillis & Jeanine Cogan, *Internalized Stigma Among Sexual Minority Adults: Insights from a Social Psychological Perspective*, 56 J. COUNSELING PSYCHOL. 32, 35 (2009).

orientation.⁴⁷ The original version of this scale had a male and female version, but we modified the scale to render it gender-neutral. Internalized homophobia is an important indicator of mental health because increased levels of internalized homophobia are related to increased reports of depression, anxiety, and suicidal ideation.⁴⁸ We also included the Satisfaction with Life Scale,⁴⁹ a five-item scale using a 1 to 7 (disagree to agree) range to determine a person's overall satisfaction with his/her life by measuring agreement with statements such as, "If I could live my life over, I would change almost nothing."⁵⁰

III. FINDINGS ABOUT VIOLENCE

To evaluate the situation in Hong Kong, we compiled basic statistics about experiences of violence. Next, we ran a series of bivariate and multivariate analyses to assess how experiencing violence related to the respondents' sex and their psychological well-being. This section reports the findings from these analyses.

A. Basic Statistics

Of the respondents who answered questions about violence, 69.8 percent reported that they had been victims of at least one of eight types of violence listed in Table 1. The percentages of respondents reporting experience with a particular type of violence generally increased as the severity of the violence decreased.

⁴⁷ See, e.g., ILAN H. MEYER, 36 J. HEALTH AND SOC. BEHAV. 38, 43 (1995) (describing the internalized homophobia scale developed by John L. Martin and Laura Dean).

⁴⁸ See, e.g., Herek, Gillis & Cogan, *supra* note 46 at 41-42; Gregory M. Herek & Linda D. Garnets, *Sexual Orientation and Mental Health*, 3 ANN. REV. CLINICAL PSYCHOL. 353, 359 (2007); B.R. Simon Rosser et al., *The Relationship Between Homosexuality, Internalized Homo-Negativity, and Mental Health in Men Who Have Sex with Men*, 55 J. HOMOSEXUALITY 185, 186 (2008); Dawn M. Szymanski & Arpana Gupta, *Examining the Relationship Between Multiple Internalized Oppressions and African American Lesbian, Gay, Bisexual, and Questioning Persons' Self-Esteem and Psychological Distress*, 56 J. COUNSELING PSYCHOL. 110, 111 (2009).

⁴⁹ The Satisfaction with Life scale was found to have an acceptable level of internal reliability ($\alpha = .87$). Ed Diener, Robert A. Emmons, Randy J. Larsen & Sharon Griffin, *The Satisfaction with Life Scale*, 49 J. PERSONALITY ASSESSMENT 71, 72 (1985).

⁵⁰ See *id.* at 71-75.

Table 1. Self-reported experiences of eight types of sexual orientation-motivated violence

Type of Violence in Hong Kong	N	%*
Verbally Assaulted in Private	355	60.0%
Verbally Assaulted in Public	291	48.9%
Chased or Followed	70	12.3%
Had Objects Thrown at You	34	5.9%
Personal Property Damaged or Destroyed	33	5.8%
Hit, Beaten, or Physically Attacked	32	5.6%
Raped or Sexually Assaulted	20	3.5%
Assaulted or Wounded with a Weapon	7	1.2%

* Percentages reflect the valid percent, which is the percent out of those who responded to the question.

The data suggest that the majority of violence encountered by LGB Hong Kongers is non-physical.⁵¹ Among the survey respondents, 60.3 percent reported being victims of only non-physical forms of violence, 9.4 percent reported experiences of both non-physical and physical violence, and 0.9 percent reported experience with only physical violence.⁵²

It is important to emphasize that the survey did not inquire about the overall frequency of each type of violence. It only asked whether or not the respondent had ever experienced each specific type of violence in Hong Kong. Thus, it is impossible to tell the relative severity based on frequency, such as encountering verbal abuse on a daily basis versus being a victim of verbal abuse on just one occasion.

Even though some scholars have suggested that LGB-targeted violence is relatively rare in societies that are predominantly Chinese,⁵³ these results suggest that both non-physical and physical violence motivated by sexual orientation are substantial in Hong Kong. The data do suggest, however, that particularly severe types of violence may be less prevalent in Hong Kong compared to some other parts of the world. Consider, for example, Gregory Herek's report on victimization data gathered in 2005 from LGB people in the United States.⁵⁴ Herek's article

⁵¹ We defined physical violence to include the following four categories of experiences: having been (1) "hit, beaten, or physically attacked," (2) "assaulted or wounded with a weapon," (3) "raped or sexually assaulted," and (4) "had an object or objects thrown at you." We defined non-physical violence to include the remaining categories of experiences listed in Table 1. Note that these categories are not mutually exclusive. Thus, a respondent who reported having been "assaulted or wounded with a weapon" was likely to report that he or she had also been "hit, beaten, or physically attacked."

⁵² Thus, ninety-four percent of the respondents who reported experiencing physical violence also reported experience with non-physical violence.

⁵³ See *supra* Part I.

⁵⁴ Herek, *supra* note 48.

is the only existing report that utilizes a national probability sample from the United States to examine victimization based on sexual orientation. Compared to respondents to our Hong Kong survey,⁵⁵ respondents to the United States survey were less likely to have ever experienced verbal assault (49.2 versus 69.4 percent).⁵⁶ However, compared to our Hong Kong respondents, the United States respondents were more likely to have had objects thrown at them (12.5 versus 5.9 percent),⁵⁷ more likely to have been physically or sexually attacked (13.1 versus 7.5 percent),⁵⁸ and more likely to have suffered property crimes (14.9 versus 5.8 percent).⁵⁹

B. *Men's and Women's Experiences of Violence*

First, we examined how one's sex relates to experiencing both physical and non-physical violence. Given the overlap in respondents who experienced physical and non-physical violence, we created a dummy variable to represent experiences of violence at three levels: (1) those who had *not* experienced violence (30.3 percent), (2) those who had experienced only non-physical violence (60.3 percent), and (3) those who had experienced both physical and non-physical violence (9.4 percent). Because only six people reported experiencing only physical violence, this group was dropped from the analysis.

When examining violence at these three levels, differences between men and women emerged. Similar numbers of men and women reported

⁵⁵ To be clear, one should be cautious about drawing comparisons between studies because differences in survey methodologies and wordings of questions might distort differences between the studies' findings. However, there were many commonalities between our study and the Herek study. For example, both surveys were conducted over the internet, allowed participants to self-define their sexuality, and measured violence with similarly worded questions. Thus, the comparisons that we draw here provide at least preliminary insights.

⁵⁶ See Herek, *supra* note 1, at 65. Although Herek did not use the phrase "verbal assault" as we did in our survey, Herek measured verbal assault by asking respondents whether they had been "verbally insulted or abused." See *id.* at 59.

⁵⁷ There are subtle differences in the ways that the two studies measured this variable. While we asked our respondents whether they had ever "had an object or objects thrown" at them, Herek asked his respondents whether "someone [ever] threw an object" at them. See *id.* at 59.

⁵⁸ In Herek's study, the 13.1 percent figure includes experiences of being "hit, beaten, physically attacked, or sexually assaulted." See *id.* at 59. In our study, the 7.5 percent figure includes experiences of having "been hit, beaten, or physically attacked," "assaulted or wounded with a weapon," or "raped or sexually assaulted."

⁵⁹ Herek's measure of property crime included experiences of being "robbed" and instances where "property was stolen, vandalized, or purposely damaged." See *id.* at 59. The 5.8 percent figure from our survey only includes property damage and destruction; it does not include robbery. The larger scope of Herek's measure of property crime may have exacerbated the difference between his findings in the United States and our findings in Hong Kong.

having no experiences of violence motivated by their sexual orientation (32.6 percent and 28.8 percent, respectively). However, more women (65.1 percent) than men (53.1 percent) reported being victims of only non-physical forms of violence. Likewise, more men (14.2 percent) than women (6.1 percent) reported experiencing both physical and non-physical forms of violence. Thus, men appear more vulnerable to physical violence based on their sexual orientation compared to their female counterparts. Policymakers and healthcare professionals ought to keep this disparate impact in mind as they develop programs to prevent violence and help heal victims of violence.

C. *The Impact of Violence on Psychological Well-Being*

Next, we considered how experiencing violence might affect psychological well-being. At the outset, it is worth noting that, overall, respondents to our survey reported low levels of internalized homophobia (mean of only 2.84 on the seven point scale),⁶⁰ and their life satisfaction scores were similar to other populations⁶¹ (mean of 4.39 on a seven point scale).⁶² Unsurprisingly, we found that those who reported experiencing violence also reported lower overall life satisfaction (mean of 4.34),⁶³ compared to those who did not report experiences of victimization (mean of 4.64),⁶⁴ at a statistically significant level.⁶⁵ Life satisfaction was negatively impacted both for victims of non-physical violence⁶⁶ and for victims of physical violence.⁶⁷ In contrast, there was no relationship between experiencing victimization and internalized homophobia scores,⁶⁸ suggesting that these experiences of violence generally did not alter the respondents' valuation of their sexual minority identity.

To deepen our analysis, we sought to understand how sex might relate to experiences of violence and psychological well-being. Thus, we

⁶⁰ Standard Deviation = 1.14.

⁶¹ Diener et al., *supra* note 49, at 71-75; Daniel Hultell & J. Petter Gustavsson, *A Psychometric Evaluation of the Satisfaction with Life Scale in a Swedish Nationwide Sample of University Students*, 44 PERSONALITY & INDIVIDUAL DIFFERENCES 1070, 1070-79 (2008).

⁶² Standard Deviation = 1.24.

⁶³ Standard Deviation = 1.25.

⁶⁴ Standard Deviation = 1.12.

⁶⁵ ($t(610) = 2.77, p < .006$).

⁶⁶ ($t(708) = 3.26, p < .001$).

⁶⁷ ($t(611) = 2.19, p < .029$).

⁶⁸ ($t(609) = -.89, p = \text{n.s.}$).

conducted a MANOVA (i.e., multivariate analysis of variance).⁶⁹ We found no interaction between respondents' sex and experiences of violence on overall life satisfaction, but we did find a statistically significant interaction between sex and experiences of violence on internalized homophobia. Female participants who experienced both physical and non-physical forms of violence reported increased internalized homophobia, whereas men did not.⁷⁰ It is unclear why male and female victims had these different patterns of psychological reaction to victimhood.⁷¹ Future research on this disparate impact could help policymakers and healthcare professionals to better address victims of sexual-orientation based violence.⁷²

IV. PUBLIC POLICY IMPLICATIONS: EDUCATION REFORM

Our findings confirm earlier research suggesting that violence suffered by LGB people in Hong Kong is a cause for concern.⁷³ To be sure, some scholars contend that prejudice against homosexuality manifests less virulently in ethnic Chinese societies than in some other parts of the world.⁷⁴ In this view, prejudice in Chinese societies is less virulent because prejudice in Chinese societies is less often rooted in religion, and religion-based animus tends to manifest more virulently.⁷⁵

⁶⁹ Life satisfaction and internalized homophobia were utilized as the dependent variables and were found to be significantly correlated ($r = -.22, p < .001$). Similar to the analyses above, we divided the first independent variable—the participants' experiences of violence—into three levels: (1) those who had not experienced violence, (2) those who had experienced only non-physical violence, and (3) those who had experienced both non-physical and physical violence. We then added sex as another independent variable. Lastly, the interaction between sex and experiences of violence was also tested.

⁷⁰ ($F(2, 577) = 4.85, p < .02$).

⁷¹ Very few prior studies have examined sex differences in internalized homophobia or sex differences regarding experiences of violence. Most frequently, studies associate internalized homophobia with "outcomes," such as decreases in health status or increased incidence of experiencing partner violence. See, e.g., Iain R. Williamson, *Internalized Homophobia and Health Issues Affecting Lesbians and Gay Men*, 15 HEALTH EDUC. RES. 97 (2000); David M. Frost & Ilan H. Meyer, *Internalized Homophobia and Relationship Quality Among Lesbians, Gay Men, and Bisexuals*, 56 J. COUNSELING PSYCHOL. 97 (2009).

⁷² It is commonly understood that healthcare delivery ought to account for differences between men and women, including healthcare delivery in the mental health context. See, e.g., World Health Organization, *Gender and Mental Health*, June 2002, available at <http://whqlibdoc.who.int/gender/2002/a85573.pdf> (arguing that mental health policies and programs need to address disparities between men and women).

⁷³ See *supra* Part I.

⁷⁴ See *supra* notes 17-22 and accompanying text.

⁷⁵ See *supra* notes 17-22 and accompanying text. It has also been noted that virulence might be mitigated by the fact that Chinese culture values restraint in interpersonal relations. See Rubin, *supra* note 17, at 29.

Our study yielded some support for this distinction. When comparing our findings to comparable findings from the United States, we found that the prevalence of particularly severe forms of violence were lower in Hong Kong.⁷⁶ Yet, the prevalence of verbal violence was higher in Hong Kong, and 69.8 percent of our respondents reported experiencing some form of violence.⁷⁷ Thus, our overall findings suggest that sexual orientation-based violence in Hong Kong is worrisome.

The implications for law and public policy are manifold. Governments in different parts of the world have developed a variety of law and policy reforms to address the problem of bias-motivated violence. Examples of reform options include, but are not limited to, public education campaigns against violence, legislative reform to address workplace harassment, and hate crimes legislation that enhances penalties for violence motivated by prejudice based on statuses such as sexual orientation.⁷⁸ In our limited space, this article cannot provide a comprehensive analysis of all these areas of potential reform. Instead, we focus our discussion on education reform as a means for addressing violence motivated by sexual orientation-based prejudice.

We focus on education policy because of its timeliness.⁷⁹ In recent years, there has been growing awareness about the problem of bullied

⁷⁶ See *supra* notes 54-59 and accompanying text.

⁷⁷ See *supra* notes 54-56 and accompanying text.

⁷⁸ For a discussion of these various types of reforms, see HUMAN RIGHTS FIRST, 2008 HATE CRIMES SURVEY 7 (2008), available at <http://www.humanrightsfirst.org/our-work/fighting-discrimination/2008-hate-crime-survey> (proposing ten different law and policy reforms to address hate crimes). Although Human Rights First directed their proposals at governments in Europe and North America, their proposals are worth considering for the context of Hong Kong. See *id.* It is worth noting, however, that some reform options are more controversial than others. For example, some governments have chosen to increase the sentences for violent crimes when the crimes are motivated by prejudice against certain groups of people, such as racial minorities or gays and lesbians. See, e.g., FREDERICK M. LAWRENCE, PUNISHING HATE: BIAS CRIME UNDER AMERICAN LAW 45-51 (1999) (discussing sentencing enhancement in the United States). Proponents of these sentence enhancements believe that the increased sentences help to deter hate crimes. See *id.* Proponents also argue that the sentence enhancements are warranted because hate crimes not only hurt the direct victims of violence; hate crimes also terrorize the minority communities at which the hate is directed. See *id.* Opponents of such sentence enhancements question the enhancements' deterrent effects and contend that they contribute to problematic over-criminalization. See James B. Jacobs, *The Emergence and Implications of American Hate Crime Jurisprudence*, in HATE CRIME: THE GLOBAL POLITICS OF POLARIZATION 167 (Robert J. Kelly & Jess Maghan, eds. 1998).

⁷⁹ In recent months, Hong Kong has garnered international attention due to public protests that have led the Hong Kong Government to retreat from mandating "moral and national education" curricular reforms that opponents perceive as mainland-Chinese propaganda. Keith Bradsher, *Hong Kong Retreats on "National Education" Plan*, NY TIMES, Sept. 9, 2012, at A8. This article, however, is not a response to the proposed "moral and national education" program. Rather, discussion of LGB-related education

LGB students in Hong Kong schools. Recall that in 2009, studies by the TCJM and BGCA of Hong Kong shed light on this problem.⁸⁰ Those studies spurred discussion about improving schools' responses to this problem,⁸¹ prompting then-Secretary for Education Michael Suen to issue a statement this year to address the problem of sexual orientation-based bullying.⁸² As discussed below, his statement demonstrated that the Government has adopted some measures to address sexual orientation-based bullying in schools, but the measures have been modest.⁸³

Our survey results augment the calls for Hong Kong's school system to better address sexual orientation-based violence. Our findings highlight the fact that violence directed at LGB people is not limited to school bullying; rather, it is a larger social problem. This reality ought to inform the way that policymakers approach education reform. In addition to developing policies that specifically deter school bullying and help heal student victims of bullying, schools should better inculcate values of tolerance and respect for LGB people, thereby cultivating norms that will reduce the various types of sexual orientation-based violence that our respondents reported. Indeed, schools are fertile ground for developing civic norms.⁸⁴ The Hong Kong Education Bureau ("Education Bureau") should endeavor to cultivate a citizenry that respects the dignity and equality of LGB people. The fact that violence directed at LGB people is widespread and not confined to schools makes it all the more urgent for the school system to combat such violence through education.

Before discussing what the Education Bureau should do, it would be helpful to review what is already being done. In February 2012, then-Secretary Suen reported to Hong Kong's Legislative Council that Hong Kong schools already prohibit discrimination based on sexual orientation.⁸⁵ Moreover, in the past three school years, the Education

policy reform is timely because of the growing awareness of sexual orientation-based bullying in Hong Kong schools. *See infra* notes 80-83 and accompanying text.

⁸⁰ *See supra* notes 28-32 and accompanying text.

⁸¹ For example, one of Hong Kong's primary television networks, TVB Pearl, ran a lengthy and critical report about bullying of LGB students. *Pearl Report: Homophobic Bullying in Hong Kong Schools* (TVB Pearl broadcast Dec. 27, 2010), available at <http://www.youtube.com/watch?v=DY-7abT3tHM>.

⁸² Press Release, Hon. Emily Lau & Secretary Michael Suen, *Press Release LCQ13: Sexual Orientation Discrimination and Bullying in Schools*, H.K. TIMES (Feb. 1, 2012, 2:51PM), available at <http://www.info.gov.hk/gia/general/201202/01/P201201310423.htm>.

⁸³ *See infra* notes 85-88 and accompanying text.

⁸⁴ For an articulation of public schools' important role in inculcating civic values such as equality and mutual respect among citizens, *see* STEPHEN MACEDO, *DIVERSITY AND DISTRUST: CIVIC EDUCATION IN A MULTICULTURAL DEMOCRACY* (2000).

⁸⁵ Lau & Suen, *supra* note 81.

Bureau organized “over 40 workshops, seminars and sharing sessions relating to anti-bullying and sex education” and the topics covered included “building empathy, handling conflicts, sex education (including gender awareness, sexual orientation, and understanding and paying attention to the concerns of homosexual students, etc.), cyber bullying, and how to launch anti-bullying campaigns in schools, etc.”⁸⁶

While these initial steps are laudable, they provide only the foundation upon which further reforms ought to be built. Recall that previous research by the BGCA of Hong Kong and TCJM suggests that a substantial amount of violence against LGB persons occurs in schools.⁸⁷ Those studies—both of which were conducted after the Education Bureau began offering teacher training on bullying—suggest that bullying remains a substantial problem, despite the Education Bureau’s efforts.⁸⁸ The Government should endeavor to prevent such violence, not only to protect children while they are in school, but also because positive examples that are set in school can help to diminish acts of violence outside of school.⁸⁹ By showing broader patterns of violence outside of schools, our study amplifies the urgency of using education reform as a tool for impacting broader social change.

There are at least three policy reforms that the Education Bureau should consider adopting to combat more forcefully the problem of sexual orientation-based bullying. The three potential reforms that we discuss in this article are not meant to be exhaustive. Rather, they are intended to inspire further discussion about how reforming education policy could help to address the problem of sexual orientation-based violence. These three strategies include implementing mandatory anti-bullying training for educators, ensuring that educator trainings are tailored to address LGB issues, and improving student education to address myths about LGB people.

A. *Mandatory Anti-Bullying Training for Educators*

The Hong Kong Government should consider making the Education Bureau’s anti-bullying training sessions, including specific training regarding sexual orientation-based bullying, mandatory for

⁸⁶ *Id.*

⁸⁷ *See supra* notes 28-32 and accompanying text.

⁸⁸ *Id.*

⁸⁹ For example, in a meta-analysis of “universal” school programs that address violence, researchers found that the programs had impacts outside of the school context, such as in reducing dating violence, general levels of violence, gang activity, and bullying. Robert Hahn et al., *Effectiveness of Universal School-Based Programs to Prevent Violent and Aggressive Behavior: A Systematic Review*, 33 AM. J. PREVENTIVE MED. 114 (2007).

teachers, principals, and other school staff. Currently, teachers and principals only attend the sessions on a voluntary basis.⁹⁰

Hong Kong would not be the first jurisdiction to mandate compulsory anti-bullying training for educators. In the United States, for example, a number of states have passed legislation mandating that teachers undergo periodic anti-bullying training.⁹¹ In Hong Kong, the Education Bureau already requires newly appointed principals to undergo training on providing equal opportunities to students; thus, there is both foreign and local precedent to support expanding compulsory training to include anti-bullying training for principals, teachers, and other school staff.⁹²

Research findings about anti-bullying programs' efficacy have been mixed,⁹³ but the bulk of evaluations suggest that anti-bullying programs are producing positive changes. In developing compulsory training, the Education Bureau should be mindful that some anti-bullying programs are more effective than others. Educators should be trained and encouraged to implement anti-bullying programs with the greatest likelihood of effectiveness. For example, the Olweus Bullying Prevention Program, a type of "whole school" approach to bullying, has been found through multiple studies to decrease involvement in self-reported bullying behaviors and victimization in Norway.⁹⁴ Another study examined the whole school approach to bullying prevention in four international schools in Hong Kong, compared to other types of interventions and one control

⁹⁰ Lau & Suen, *supra* note 81.

⁹¹ Massachusetts was a leader in developing this requirement. Massachusetts law requires public school districts and certain private schools to implement anti-bullying plans that "include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying." 2010 Mass. Adv. Legis. Serv. Ch. No. 92.3(d)-2010. For a survey of state laws in the United States that address how schools are to bullying, see United States Department of Health & Human Services, Policies and Laws, <http://www.stopbullying.gov/laws/index.html> (last visited Aug. 11, 2012).

⁹² For example, the Education Bureau "requires all newly-appointed principals to undergo[,] in the first two years of their principalship[,] a designated professional development programme, which includes a topic on 'Equal Opportunities and Education' delivered by the staff of the Equal Opportunities Commission." Lau & Suen, *supra* note 81.

⁹³ Faye Mishna, *An Overview of the Evidence on Bullying Prevention and Intervention Programs*, 8 BRIEF TREATMENT & CRISIS INTERVENTION 327, 327-41 (2008).

⁹⁴ Dan Olweus & Susan P. Limber, *Bullying in School: Evaluation and Dissemination of the Olweus Bullying Prevention Program*, 80 AM. J. ORTHOPSYCHIATRY 124, 124-34 (2010).

school. The study found that the whole school intervention demonstrated the greatest reductions between pre- and post-tests of bullying behaviors.⁹⁵ Research has also found that the effectiveness of anti-bullying programs in schools depends on levels of school commitment, both in resources⁹⁶ and in ongoing monitoring for program fidelity.⁹⁷

B. *Tailoring Trainings to LGB Issues*

The Education Bureau should ensure that teacher and staff training sessions do not only include topics related to bullying generally, but also include content that addresses sexual orientation specifically.

Certain myths about LGB people likely exacerbate the problem of sexual orientation-based violence. For example, some people wrongly believe that homosexuality is an illness to be cured.⁹⁸ Another myth is that therapeutic counseling can change people's sexual orientation.⁹⁹ This view

⁹⁵ Gerald Wurf, *High School Anti-Bullying Interventions: An Evaluation of Curriculum Approaches and the Method of Shared Concern in Four Hong Kong International Schools*, 22 AUSTRL. J. GUIDANCE & COUNSELING 139, 139-49 (2012).

⁹⁶ J. David Smith, J. Bradley Cousins & Rebecca Stewart, *Anti-Bullying Interventions in Schools: Ingredients of Effective Programs*, 28 CANADIAN J. EDUC. 739, 739-62 (2005) (examining reports from principals in Ontario about the resources devoted to anti-bullying programming and the overall levels of bullying at their schools).

⁹⁷ J. David Smith, Barry H. Schneider, Peter K. Smith & Katerina Ananiadou, *The Effectiveness of Whole-School Antibullying Programs: A Synthesis of Evaluation Research*, 33 SCH. PSYCHOL. REV. 547, 547-60 (2004).

⁹⁸ In a 2005 survey conducted by the Hong Kong Home Affairs Bureau, only forty-seven percent of respondents "strongly agreed" or "agreed" that "homosexuals" are "psychologically normal." HONG KONG HOME AFFAIRS BUREAU, GOVERNMENT SURVEY OF ATTITUDES TOWARDS HOMOSEXUALS 8 (2006), available at <http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0310cb2-public-homosexuals-e.pdf>. In a more recent survey, conducted in 2011 by the non-profit organization Community Business, twenty-two percent of respondents stated that they were "not accepting" of LGB individuals. KATE VERNON & AMANDA YIK, HONG KONG LGBT CLIMATE STUDY: ATTITUDES TO AND EXPERIENCES OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER EMPLOYEES 14 (2012), available at <http://www.communitybusiness.org/lgbt/climatestudy.html>.

⁹⁹ In 2011, the Government of Hong Kong played a role in perpetuating belief in such thing as a gay cure when the Social Welfare Department hired Dr. Hong Kwai-wah to train social workers. See Joyce Ng, *Hiring of "Gay Cure" Doctor Stirs Anger*, S. CHINA MORNING POST, June 18, 2011, at 3. Dr. Hong claims that he can convert LGB people into heterosexuals. See *id.* The appointment of Dr. Hong drew ire from mainstream health care professionals. In the wake of Dr. Hong's appointment, the Hong Kong College of Psychiatrists issued a position statement, clarifying that "there is, at present, no sound scientific and clinical evidence supporting the benefits of attempts to alter sexual orientation." HONG KONG COLLEGE OF PSYCHIATRISTS, POSITION STATEMENT OF THE HONG KONG COLLEGE OF PSYCHIATRISTS ON SEXUAL ORIENTATION, available at <http://tcjm.org/wp-content/uploads/2011/12/Posn-Stmt-on-SO-from-HK-College-of-Psych.jpg> (last visited Oct. 3, 2012). The fact that the Hong Kong Government has played a role in perpetuating misinformation about LGB people makes it

has been condemned by flagship healthcare professional organizations both in Hong Kong and abroad.¹⁰⁰ Yet, the myth of successful reparative therapy has persisted.¹⁰¹ Teacher and staff trainings ought to debunk myths about LGB people by providing sound factual information that has been endorsed by leading scientific organizations around the world.

In addition to debunking myths about LGB people, there are other ways in which educator trainings ought to address the topic of sexual orientation specifically. Trainings should educate teachers about the protection of LGB people's human rights under Hong Kong's constitutional norms, which Hong Kong's courts have elaborated upon in case law.¹⁰² Such human rights training could help teachers to appreciate the inherent dignity of LGB persons. Educating teachers about how men and women experience sexual orientation-based violence differently could

all the more fitting that the Government take positive actions to remedy the situation of misinformation in Hong Kong.

¹⁰⁰ See HONG KONG COLLEGE OF PSYCHIATRISTS, *supra* note 99 (position statement against so-called conversion therapy); HUMAN RIGHTS CAMPAIGN, LIES AND DANGERS OF REPARATIVE THERAPY, <http://www.hrc.org/resources/entry/the-lies-and-dangers-of-reparative-therapy> (last visited Oct. 3, 2012) (compiling position statements against conversion therapy issued by professional organizations in the United States, such as the American Academy of Pediatrics, American Medical Association, American Psychiatric Association, American Psychological Association, and National Association of Social Workers); Pan American Health Organization and the World Health Organization, *Cures for an Illness that Does Not Exist: Purported Therapies Aimed at Changing Sexual Orientation Lack Medical Justification and are Ethically Unacceptable*, available at new.paho.org/hq/index.php?option=com_docman&task=doc_download&gid=17703&Itemid (outlining the view of the Pan American Health Organization and World Health Organization that therapists practicing conversion therapies are aligning themselves with sexual prejudice rather than scientific evidence of human sexuality and health). See also Benedict Carey, *Psychiatry Giant Sorry for Backing Gay 'Cure.'* N.Y. TIMES, May 19, 2012, at A1 (reporting that Robert Spitzer retracted and apologized for his study that has been cited to support conversion therapy).

¹⁰¹ See *supra* note 98 and accompanying text.

¹⁰² In *Leung v. Sec'y for Justice*, a unanimous three-judge panel of the Hong Kong Court of Appeal set landmark precedent by recognizing sexual orientation as a proscribed ground of discrimination, treating sexual orientation discrimination like other proscribed grounds of discrimination, such as sex and race. *Leung T.C. William Roy v. Sec'y for Justice*, [2006] 4 H.K.L.R.D. 211, ¶¶ 46, 53 (C.A.), The court grounded its decision in Hong Kong's Basic Law and Bill of Rights Ordinance. *Id.* (holding that disparate ages of consent for anal and vaginal sex amounted to sexual orientation-based discrimination that violated the Basic Law and Bill of Rights Ordinance). In the subsequent case of *Sec'y for Justice v. Yau*, Hong Kong's Court of Final Appeal cited *Leung* to hold that a public indecency law's unequal treatment of same-sex and different-sex couples violated the Basic Law and Bill of Rights Ordinance. *Sec'y for Justice v. Yau Yuk Lung Zigo and Another*, [2007] 10 H.K.C.F.A.R. 335 (C.F.A.).

also help teachers to tailor their prevention and remedying of violence accordingly.¹⁰³

C. Educating Students

Education reform requires not only improving the Education Bureau's training of *teachers*, but also improving school curriculum to better educate *students*. The Government of Hong Kong should mandate teaching students a curriculum that debunks harmful myths about LGB people and fosters respect for LGB people's human dignity.¹⁰⁴ Adopting these measures would help to prevent sexual orientation-based bias and violence,¹⁰⁵ as opposed to simply addressing instances of violence after they occur.

Currently, the Education Bureau directs schools to cover topics such as "human rights" and "liberal studies," which should in theory cover facts about LGB people and their rights.¹⁰⁶ Research suggests, however, that the existing directives are too vague, and schools often avoid discussing matters concerning sexual orientation. For example, teachers in the BGCA and TCJM study stated that matters of sexual orientation are avoided in schools.¹⁰⁷ An investigative report by the television network TVB Pearl provided further anecdotal support of this point.¹⁰⁸ In fact, TVB Pearl's special report revealed that pamphlets promoting "conversion therapy"¹⁰⁹ had been distributed at a number of secondary schools, and

¹⁰³ For a discussion of how male and female respondents to our survey reported different experiences with regard to violence, *see supra* Parts III B-C.

¹⁰⁴ For a discussion of the protection of LGB people's human rights under Hong Kong's constitutional law, *see supra* note 102 and accompanying text.

¹⁰⁵ For similar calls to use education to combat racial bias, *see, e.g.*, Paula T. Tanemura Morelli & Michael S. Spencer, *Use and Support of Multicultural and Antiracist Education: Research-Informed Interdisciplinary Social Work Practice*, 45 SOC. WORK 166, 172 (2000). For research on the effectiveness of such interventions, *see, e.g.*, Frances E. Aboud & Virginia Fenwick, *Exploring and Evaluating School-Based Interventions to Reduce Prejudice*, 55 J. SOC. ISSUES 767, 767-85 (1999) (discussing findings from three studies that "support the assumption that talking about race and racial attitudes [with students] can reduce prejudice under certain conditions.").

¹⁰⁶ Lau & Suen, *supra* note 82.

¹⁰⁷ For example, one respondent reported that, "generally speaking, LGBT issues are tacitly avoided in schools." Tongzhi Community Joint Meeting, *supra* note 31.

¹⁰⁸ *Pearl Report*, *supra* note 81.

¹⁰⁹ Conversion therapies, also called "reparative therapies," are pseudo-scientific approaches that attempt to change a person's sexual orientation from homosexual to heterosexual. "[A] marginal subset of mental health practitioners continues to diagnose and treat individuals with a homosexual orientation as if they were mentally ill. The tools these clinicians have used include—either exclusively or sometimes in combination—psychoanalysis, religious faith healing, aversive behavioral conditioning, and even electroshock therapy." JACK DRESCHER ET AL., SEXUAL CONVERSION THERAPY:

that the Education Bureau endorsed the distribution.¹¹⁰ The news report also discovered that a religious organization had visited schools on at least fifty occasions to train students and teachers about conversion therapy.¹¹¹

If students are exposed to such materials about conversion therapy, at the very least, they should be provided with countervailing information from the leading scientific organizations around the world that condemn conversion therapy.¹¹² Moreover, students should be provided with additional curricular materials that promote respect for LGB people.¹¹³ The Education Bureau should develop concrete curricular guidelines that are explicitly aimed at fostering understanding and respect for the diversity of sexual orientations.

To explore options for curricular reform, Hong Kong can draw inspiration from the State of California in the United States, which is in the process of implementing the FAIR Education Act. This Act requires California to teach students about the positive contributions that LGB individuals have made to society.¹¹⁴ Surely, Hong Kong would need to ensure that its reforms are tailored to the context of Hong Kong, but the California experience could provide some helpful insights regarding implementation. Policymakers in Taiwan are also considering incorporating LGB-affirmative curriculum into textbooks used in Taiwanese schools, although the reform project seems to have stalled.¹¹⁵ If

ETHICAL, CLINICAL, AND RESEARCH PERSPECTIVES 1 (2001). These therapies have demonstrated extremely limited success in altering anyone's sexual orientation and, in fact, have inflicted serious harms on persons who participate in these therapies. Due to the lack of evidence of benefits and the growing evidence of harms, many professional bodies have written position statements condemning the practice of conversion or reparative therapy. For examples of these position statements, *see* the sources cited *supra* note 100.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *See supra* note 100.

¹¹³ Using education policy to cultivate norms that combat violence certainly is not new. Governments have used education policy to address prejudice-based violence directed against racial and religious minorities. *See, e.g.,* Erik Bleich, *Hate Crime Policy in Western Europe: Responding to Racist Violence in Britain, Germany, and France*, 51 AM. BEHAV. SCIENTIST 149, 159 (2007) (discussing the way France has reformed education policy to address race-based hate crimes in French society); *see also*, Neil Burtonwood, *Holocaust Memorial Day in Schools—Context, Process and Content: A Review of Research into Holocaust Education*, 41 EDUC. RES. 69, 69-82 (2002) (examining the development of Holocaust remembrance days in schools to combat prejudice and hate crimes in the United Kingdom).

¹¹⁴ *See* FAIR Education Act, Cal. S.B. 48 (2011) (enacted). *See also* Ian Lovett, *California to Require Gay History in Schools*, N.Y. TIMES, July 15, 2011, at A16.

¹¹⁵ *See* Stacy Hsu, *Groups Call for Gay Rights Protection and Education*, TAIPEI TIMES, Apr. 18, 2012,

Taiwan does move forward with its curricular reforms, it would provide another experience from which Hong Kong could draw insights. If Taiwan does not proceed with its reforms, however, Hong Kong should not hesitate to take the lead by reforming its curriculum first.

CONCLUSION

This empirical study of LGB people in Hong Kong has contributed to the literature in three ways. First, this study provides information about the experiences of violence among a broad cross-section of LGB people in Hong Kong. Prior to this study, studies on sexual orientation-motivated violence in Hong Kong only addressed specific subpopulations (women and children).

Second, this study establishes that although different social norms may impact the frequency and rates of violence across cultures, Hong Kong is not free from prejudice-motivated violence. Nearly seventy percent of respondents reported experiencing some type of sexual orientation-motivated violence while living in Hong Kong. Non-physical violence was the most commonly reported type of violence. Meanwhile, reports of physical violence, such as being physically attacked or sexually assaulted, still warrant concern and attention.

Third, the results of this study suggest that the Hong Kong Government should do more to address prejudice-motivated violence. Given the Hong Kong Government's current efforts to address bullying in schools, we contend that the Government should mandate anti-bullying training for educators, ensure that educator trainings are tailored to address LGB issues, and reform school curriculum to better address the problem of sexual-orientation based violence.

<http://www.taipeitimes.com/News/taiwan/archives/2012/04/18/2003530636> (noting that Taiwan's Ministry of Education was scheduled to implement the curricular reforms in August of 2011, but the reforms have been "temporarily postponed" due to opposition from religious groups).