

EO Files (January 2016)

“THINGS WE DO, PEOPLE WE MEET - Reflections in Brief”

No one should be excluded because of their sexual identity – we all belong to Hong Kong

York Chow says it is high time for the government to take action on discrimination against LGBTI people, and a public consultation on introducing legislation would be a good start

Imagine that you are a student. But you dread going to school because, every day, you face cruel taunts from your classmates. During group activities, you are often left on your own. Sometimes, your school work is stolen or you are physically harassed. You feel you can't seek help from your teachers, who also sometimes ridicule you in front of other students.

Imagine being unfairly denied a job promotion, or being constantly mocked or verbally harassed by your colleagues at work. Or being pressured to dress or act a certain way at work, under threat of dismissal. In such circumstances, would you stay in your job?

What if these things happened because of your sexual orientation, gender identity or intersex status? Would you feel helpless and isolated? What would your future look like after such experiences?

On Tuesday, the Equal Opportunities Commission released the findings of our study on legislation against discrimination on the grounds of sexual orientation, gender identity and intersex status, which was commissioned to a multidisciplinary research team at the Gender Research Centre of the Chinese University of Hong Kong. As the most comprehensive study of its kind in our city, it combined both qualitative and quantitative methodologies, including 13 focus groups with the public and 14 focus groups with lesbian, gay, bisexual, transgender and intersex (LGBTI) people, as well as a territory-wide public opinion phone survey of over 1,000 respondents.

The study highlights that there is widespread discrimination against LGBTI people in Hong Kong across multiple domains, including in education, employment, provision of services, management of premises and government functions. Those who have faced discrimination felt that there was little or no means of redress.

Some reported that those in the professions of care and compassion, such as teachers or social workers, who are expected to be kind, sensitive and supportive, sometimes held prejudicial attitudes about sexual minorities.

This is unacceptable for Hong Kong's future as an inclusive society. Such discrimination severely affects the ability of LGBTI people to participate equally in everyday life and opportunities. It also harms employers' ability to attract and retain the best talent, which seriously affects our city's continued development and standing as an international business centre.

It is high time for the government to take concrete action. The commission is calling on officials to conduct a public consultation on introducing anti-discrimination legislation on the grounds of sexual orientation, gender identity and intersex status as soon as possible. The consultation should focus on the scope and content of the legislation, such as relevant definitions, applicable domains and exemptions, rather than whether there should be legislation.

Indeed, the study shows that there is already clear support from the public for anti-discrimination legislation on these grounds. More than half (56 per cent) of the phone survey respondents agreed that there should be legislation. Importantly, this is almost double the corresponding figure (29 per cent) from a government survey conducted in 2005, indicating a significant shift in public opinion.

Public views are likely to continue to shift towards greater inclusion for the LGBTI community, given that young people tend to be more supportive of equality for sexual minorities. In our study, respondents aged 18 to 24 showed remarkably strong support for legislation – nearly 92 per cent of them agreed that legislation was necessary, as opposed to 37 per cent of those aged 65 or above. As future voters and leaders, our youth are playing an increasingly important part in Hong Kong's political and social affairs. As the issue of LGBTI equality gains increasing political prominence, the government would benefit from taking early action to tackle this.

It is also vital to ground public discussions in facts and recognise that there are divergent views even within distinct communities and groups. For instance, LGBTI equality has often been characterised as incompatible with religious views and rights. Yet the study found that nearly half (49 per cent) of respondents with religious beliefs agree that there should be anti-discrimination protection for LGBTI people. This shows a far more nuanced picture of the situation.

The study also delves into some groups' concerns relating to anti-discrimination legislation and potential encroachment on freedom of religion and speech, and privacy rights. The commission believes these concerns can be successfully balanced with equal rights for the LGBTI community, including through exemptions. Hong Kong's existing human rights legislation and anti-discrimination ordinances already take into account these concerns. For instance, the domain of parental teaching is not covered under the anti-discrimination laws. The approaches of other comparable jurisdictions, which were thoroughly examined in the study, may also provide useful models for Hong Kong. It is also worth noting that other jurisdictions which have anti-discrimination protection for LGBTI people are generally considered better and fairer places to live. Certainly, their societies have not collapsed in the years since such laws were passed.

Through the study, we hope to enhance public understanding about the experiences of LGBTI people and dispel stereotypes which pose major barriers to their equal opportunities. To address this, the government should provide more discussion platforms to improve understanding between different groups. Frontline service providers to the public should be given specific training and guidelines to ensure they do not inadvertently discriminate.

Some religious groups have raised concerns about "reverse discrimination", but relatively little information about the prevalence of religious discrimination exists. The government should give further consideration to exploring these claims.

In the study, a number of LGBTI respondents noted that discrimination made them feel displaced from the Hong Kong community: "The sense of having a place, the sense of having a purpose, a sense of duty, a sense of identity – you don't really have any of these," said one. Whatever our differences, we all belong to Hong Kong. LGBTI individuals are members of the community just like anyone else – they are our family members, colleagues, neighbours, customers, friends. More must be done to ensure that no one faces the indignity of exclusion and discrimination because of who they are.

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(Note: A version of this article was originally published in the South China Morning Post on 27 January 2016.)