

EO Files (May 2017)

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

**Love makes a family: It's time to advance the rights of Hong Kong's  
sexual minorities**

On 17 May 1990, the World Health Organization officially declassified homosexuality as a mental disorder, marking a momentous step in the advancement of lesbian, gay, bisexual, transgender and intersex rights. In 2004, this day was designated as International Day Against Homophobia, Transphobia and Biphobia, or IDAHOT.

During this coming week, LGBTI communities and their supporters around the world will come together to celebrate diversity and speak out against intolerance against sexual minorities.

In recent years, many countries and jurisdictions have taken significant steps to ensure that sexual minorities' rights are protected. The same, however, has not happened in our city, where advancement in LGBTI rights remains inert.

Last month, the HKSAR Government was given a timely reminder when the High Court ruled that it was discriminatory to deny spousal benefits to the same-sex partner of a Senior Immigration Officer.

In the judgment, the court ruled that the Civil Service Bureau's denial of spousal benefits to the couple who were married abroad amounted to discrimination based on sexual orientation. The judge also stated that regardless of whether the couple was heterosexual or homosexual, all civil servants should enjoy the same welfare and should not be treated differently due to their sexual orientation. And by granting same-sex couples spousal benefits, the judge stressed that it would not be tantamount to indirectly recognising same-sex marriage in Hong Kong.

It is high time for the Government to review existing legal framework and policies to ensure that sexual minorities can enjoy the same rights as everyone else. While many other countries and jurisdictions have legislated to protect individuals in the LGBTI community from discrimination, equivalent provisions are sorely lacking in our city.

There is still a great deal of bias against and misunderstanding of LGBTI individuals in Hong Kong. As the study published by the Equal Opportunities Commission last year shows, sexual minorities face discrimination in different areas in their daily lives. Many interviewees said they had no way of recourse after being treated unfairly. For sexual minorities in Hong Kong, the first step to ensure they can participate fully in society with dignity is to legislate against discrimination on the grounds of sexual orientation, gender identity and intersex status.

Such desire is not only confined within the LGBTI community. In fact, the sentiment is shared by many in the wider public. In the aforementioned EOC study, 56% of 1,005 respondents in a telephone survey supported LGBTI anti-discrimination legislation. The support is particularly strong among young people, as over 90% of those aged 18 to 24 surveyed said they want such legislation enacted.

In March this year, over 70 companies, organisations and individuals from a broad range of sectors espoused support for a statement jointly issued by the EOC and Gender Research Centre at The Chinese University of Hong Kong calling on the Government to begin public consultation on legal protection for sexual minorities. These companies and organisations see the benefits of an LGBTI-inclusive environment, which helps them recruit the best talent, enhance performance and productivity, and stay competitive.

If Hong Kong is to maintain its status and competitiveness as an international city, we have to take action now. It's been over 20 years since homosexuality, which carried with it a maximum sentence of life imprisonment, was officially decriminalised in Hong Kong. Yet we have barely inched forward in addressing LGBTI equality and are falling behind other countries and jurisdictions.

As we celebrate IDAHOT today, the EOC sincerely hopes that the next Administration will carry out a public consultation on the introduction of an anti-discrimination law on the grounds of sexual orientation and gender identity as soon as possible, and open up a platform for society to have a rational discussion on the issue. Even though the EOC has no statutory power over marriage issues, we believe it is time to start discussing the legal recognition and other issues associated with same-sex marriage. In light of the High Court

ruling, we must continue to build momentum to achieve LGBTI equality. After all, the progress of our city is not measured by economic growth alone, but also by our ability to accept differences and protect those who are vulnerable and oppressed.

This year, the IDAHOT global movement has adopted “family” as the theme, putting the spotlight on the support families provide to LGBTI individuals, as well as calling for respect towards LGBTI families.

As we consider the role of families, the question “what makes a family” comes to mind. The answer can be found in the slogan of the 2017 edition of IDAHOT: “love makes a family”.

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