



amnesty international

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## SUBMISSION TO THE BILL COMMITTEE ON DOMESTIC VIOLENCE AMENDMENT (2007) BILL RESPONSE TO ADMINISTRATION PROPOSAL ON COVERAGE OF COHABITATION RELATIONSHIPS IN DOMESTIC VIOLENCE ORDINANCE OF MAY 08

May 23, 2008

Amnesty International Hong Kong welcomes the government proposal to introduce amendments to the Domestic Violence Ordinance (DVO) to include cohabitation between persons of the same sex in the coverage. As the government proposed to implement this inclusive amendment in the next Legislative session in a separate legislative exercise, more details plan should be reviewed as of the timeline and plan of implementation so that sexual minorities could know for sure how they would be included and what need to be done to assist the process.

In the government statement title "Coverage of Cohabitation Relationships in Domestic Violence Ordinance", the administration has stressed its position on not recognizing same sex marriage, civil partnership or any same sex relationship. It is important to stress that although the same sex couples lacks any legal status in Hong Kong; they nonetheless exist as de-facto couples. And it is the administrative responsibilities to protect their rights as obligated by the ratified international laws on human rights.

Amnesty International Hong Kong would like to remind the government its obligation under ICCPR, not to discriminate people based on their sexual orientation. To single-out same sex couples for less favorable treatment under the law, especially a law that has to deal with violence within relationships is a form of discrimination. As the DVO amendment bill has included other relationships and not just marriage, it is only reasonable to conclude that DVO is not for opposite sex married couples, but protection of victim of violence in intimate relationships. The exclusion of same sex couples, even if it is not legally recognized in Hong Kong, is still discriminatory based on sexual orientation as established in international human rights laws.

Further, the government has the responsibility to protect victims of abuse in intimate relationships. And it should not be fall into the argument on the nature of the relationships before government extends the DVO protection. The government could not use this law as a "punishment" for people who entered into the relationships that the administration deems immoral including cohabiting opposite couples and cohabiting same sex couples. Morality changes and the government policy position should reflect a more inclusive protection for all people entering into intimate relationships, recognizing the difficult for victims, and act accordingly in protecting the victims.

Amnesty is looking forward to see the inclusive amendment to the DVO that include same sex couples, and would ask the government to uphold the principle of non discrimination based on sexual orientation and equality before the law in its amendments.

Amnesty International Hong Kong Section

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