

**Recommendation for adding Sexual Orientation as a topic in future
reports by Hong Kong Special Administrative Region under
International Covenant on Economic, Social and Cultural Rights**

-By HORIZONS-

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A. BACKGROUND

Sheer number:

Academics and scientists today generally agree that the size of homosexual population is six-10 percent of the whole population. The figures base on two comprehensive studies done by Alfred Kinsey: *Sexual Behavior in the Human Male* (1948) and *Sexual Behavior in the Human Female* (1953). These two landmark publications created the foundation for sex research.

The number of homosexual people in Hong Kong, therefore, is estimated to fall between 600,000-700,000. This is a very sizeable group whose many basic social rights have been undermined. This situation causes a lot of social woes that are as invisible as the minorities themselves.

However, the Hong Kong Special Administrative Region (HKSAR) Government has shown very little initiative in tackling the problem of discrimination based on sexual orientation. Even in its most recent Policy Agenda the HKSAR Government has failed to acknowledge tackling such discrimination as an initiative. By being negligent on this front, the HKSAR Government is failing to comply with the International Covenant on Economic, Social and Cultural Rights (called the Covenant hereon).

B. THE EXTENT OF THE PROBLEMS

As a counseling service provider HORIZONS has received many cases that involve discrimination based on sexual orientation. The following is a presentation to reflect the extent of discrimination faced by homosexual people in Hong Kong, generated from actually cases we have come across.

When actual cases are cited, real names may be used with the clients' approvals; otherwise, pseudonyms are used:

i) At work places

Article 6 of the Covenant states that: *The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*

But due to the lack of an anti-discrimination ordinance an employer in Hong Kong would not be held liable even if she/he rejected the application of a candidate for a job

based on the candidate's sexual orientation. The employer would also be free from legal obligations when she/he decided to sack an employee because of her/his prejudice against the employee's sexual orientation.

The result is that 10 percent of Hong Kong's population has to be subject to the fear of becoming unemployed should their sexual orientations be made known. Consequently, many homosexual people keep the truth of their sexual orientation from their superiors and colleagues. They are compelled to tell lies about their personal lives. Some choose to isolate themselves from colleagues to lower the chance of being "out-ed" as homosexual.

A working person spends an average of eight hours a day at work. That means that for many homosexual people, every weekday consists of eight hours of deceit and dishonesty. Not only does this phenomenon make close relationships between colleagues difficult, it is also damaging to the mental health of these homosexual employees.

From time to time our hotline receives calls from clients who are seemingly depressed. Their stories reveal lives that are encroached by fear of possible persecution. If the government continues to ignore such cases, many of these people will one day reach breaking point. Many will need to turn to psychiatric help at public hospitals (in fact, some already have), consuming publicly funded medical resources that could have been saved had there been measures to prevent these unfortunate cases from happening in the first place.

ii) In the government

At a signatory of the Covenant, the HKSAR Government pledges no discrimination of any form in the public sector. That pledge, however, has not been met by actual practices. The following case will illustrate this point:

At only 16, Wang Siu-yung was kicked out of the house abruptly by his father after he admitted to being gay. He was only saved from sleeping on the street by sympathetic relatives. But to continue his studies, Siu-yung had to seek help from the Social Welfare Department. What thought to be a simple application procedure, however, turned into a humiliating experience.

According to Siu-yung, the officer who took his case made a lot of assumptions in the beginning, asking him whether or not he was kicked out by his father

because he was into something bad. But when confronted by the truth, the officer froze. Instead of offering comfort, the officer discontinued the talk with Siu-yung and asked that Siu-yung write down his story on a piece of paper. After that was done, Siu-yung was led to an open office in which he was requested to read the story he had just written out loud to a witness. Siu-yung was then sent away to wait for a response.

Judging from Siu-yung's account, this officer at the Social Welfare Department has shown disheartening insensitivity towards a citizen who was seeking help. First the officer made assumptions about a client before the story was even told. Secondly, the officer's unease with Siu-yung's story showed that she lacked any training in talking about sexual orientation issues. Finally, she made a client relive a horrible experience over and over again by asking him to write it and read it, to say nothing about how the latter was done in an open office without privacy.

Although the government claims that its offices do not discriminate, it has failed to educate its officers to be open minded, leaving civil servants' personal prejudices unchecked and out to hurt clients.

By all means Siu-yung has been an exceptional case, in the sense that he was able to pull his own life back together. We'd like to point out that in many cases the youngsters in question might resort to crimes and even suicides.

HORIZONS has also dealt with clients who are civil servants. Most of these clients express the same fear faced by workers in private sectors. They feel that they would most certainly face grave consequences if their sexual orientations were made known.

While some might question whether or not the fear these people have are rational and justified, the government has certainly not done enough in mainstreaming the equal opportunities perspectives. The government needs to ensure that senior managements of public offices protect homosexual employees from discrimination.

iii) At home

Unfortunately, the suffering that Siu-yung endured seems slight when compared to the distress inflicted on other sexual minority teenagers who remain home but face constant verbal, and even physical, abuses from family members who do not accept their sexual identities.

We'd like to bring you another actual case to illustrate this point:

Mike (not his real name) involuntarily revealed his sexual orientation when studying abroad in New Zealand. His host family discovered homosexual erotic magazines under his bed. At the time he was 17. He was asked to leave the house and the school. Without an ounce of sympathy the agent that arranged Mike's overseas studies called up Mike's father and told him the whole story. When Mike involuntarily returned home his father and sister became hostile to him. Name-calling was a daily phenomenon and conflicts became physical at times. In one incident a knife was even raised.

Mike later had to move out of the house the first chance he got. Fortunately, Mike's mother, who has divorced Mike's father and since remarried, has been more supportive of Mike. Mike was also consoled by many supportive friends. Had it not been this much needed support, Mike confesses, he would've most certainly resorted to suicide.

Today, Mike is a hard-working 23-year-old at a communications company.

Why a family member would react negatively towards the revelation of her/his loved one's sexual orientation is very complicated. Sometimes it is because of anger that arises from guilt (What have I done that made my son gay?), other times it could also be because the helplessness these family members feel in dealing with the situation. "I love my child no matter what, but what am I supposed to say to my friends and relatives?" many parents confide to counselors. These family members of sexual minorities face as much discrimination as the sexual minorities themselves.

The Social Welfare Department should make its officers aware of these cases and provide them with proper training in handling such cases.

iv) In marriage

Paragraph 1 of Article 10 of the Covenant states that:

The States Parties to the present Covenant recognize that: The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

In Hong Kong, same-sex couples continue to be denied the right to form families. Some parties of these couples have children born to previous heterosexual marriages they were in. Without the opportunity to remarry their same-sex spouses, these parents are left with only one choice: To raise their children without a legally recognized family. We'd like to present to you the case of Karen (not her real name), whose story can be heard in audio format at our website www.horizons.org.hk.

Karen married to her former husband not very long after graduating university because, she confides, she thought that getting married was "what every woman will eventually do." But she soon realized that her truest affection was towards women. And although she appreciated her husband in many ways, she felt more like a friend towards him. Afraid that she might be deserted if her husband knew about her sexual orientation, Karen hid her feelings inside. Many years and two children later, however, estrangement became painfully apparent. Karen did not feel for her husband the way he expected, and it showed however hard Karen may try to disguise. The marriage finally ended in divorce.

Karen was given custody of the two children, and subsequently she met a woman she loved and formed a loving relationship. But the fear was never far away. "I am so fearful of what my husband might do if he found out that I was gay, he would probably drag me to court again for more painful litigation process," she told HORIZONS.

The court obviously considered Karen to be a fit mother to grant her the children's custody. But none of the legal professionals can say for sure if the judgment would be overturned had Karen's former husband obtained knowledge of Karen's sexual orientation and tried to use it against her in court. To this date, Karen still lives under an overcast of dishonesty.

Opponents of gay marriage often play up fear that same-sex couples raise gay children. But many actual cases in the US and many other countries have already shown that children who grow up with same-sex parents are not any more likely to be homosexual than those who grew up with opposite-sex parents. Besides, even if a child turns out homosexual, it should by no means be considered an undesirable result. The only thing that matters is whether or not this child is given a loving home by her/his parents, and equal opportunities by the society.

v) **In sham marriages**

Since discrimination runs rampant in Hong Kong and same-sex marriage is not allowed, many homosexual people have succumbed to pressure and married heterosexual partners they do not love.

Some of these homosexual people do so to fulfill their parents' dream for grandchildren. Others simply hope that by having a heterosexual partner, their sexual identities would not be easily discovered. Very often these people lead a double life, appearing to be wives/husbands but are secretly in relationships with other partners. Even those who refrain from having affairs outside can only keep their marriages in appearance but feel very little passion or love in it.

These unfortunate circumstances have been made ironic by the government's insistence that homosexual people's rights to marriage have not been denied since they are free to marry heterosexually.

Is it really what the government wants, more sham marriages?

**C. ECONOMIC BENEFITS IN
ELMINATING SEXUAL ORIENTATION DISCRIMINATION**

Don't let things get worse—

Moral duties aside, the government should also be proactive in eliminating sexual orientation discrimination for the sake of economy. Discrimination hurts social harmony, which in turn hurts the economy.

As mentioned before, such discrimination undermines the morale of homosexual employees at work places. It also causes distress to homosexual people and their family members, in some cases pushing these people to the verge of mental breakdowns. Many of these distraught victims of discrimination will in turn seek psychiatric help at public hospitals, costing a rise in public medical expenditures.

Discrimination also causes hardship to homosexual youngsters, pushing them to vices and even suicides. Not only does that cost us some bright young citizens who could otherwise have made many contributions to the society, it stirs social problems that will eventually incur more costs onto us.

A responsible government must not sit by and let these social calamities unfold.

Turn things around—

By proactively promoting equal opportunities between people of different sexual orientations, the government can help facilitate festivities that bear a lot of economy-boosting potentials.

In a letter I wrote to South China Morning Post, I analyzed the economic benefits Hong Kong would enjoy from a gay parade. The letter was published on November 6, 2002.

The following is an excerpt from my letter, which clearly explains my points:

A number of cities already have [a gay parade], the most successful being Sydney's Mardi Gras. A study conducted in 1994 found that the Mardi Gras had generated A\$38 million (about HK\$165 million) for the Australian economy. In 1998 celebrating its 20th anniversary it was estimated that the Mardi Gras brought A\$99 million to Sydney. In 1996, Toronto's Pride '96 had large crowds and was so successful that major companies jumped at the chance of sponsoring the event the following year.

Most lesbians and gays do not raise children and so they are more willing to use some of their disposable income on luxuries and travel. If a gay parade was to be held in Hong Kong, it would certainly attract many high-spending lesbian and gay tourists. International brand names, having already tapped into the gay market, would also be interested in sponsoring the event.

Hong Kong is cosmopolitan and vibrant, so it would be the perfect venue for a gay parade. The city boasts a good number of gay non-governmental organisations and charities, including Horizons (www.horizons.org.hk), which has the expertise to organize a notable gay pride event. All they need is a little support from the Hong Kong government, which prefers to shun the taboo subject of sexual minorities because it does not want to stir controversies.

The administration should seize a readily available economic opportunity that has benefited many major cities around the world.

The term “pink dollar”, meaning the consumer power of sexual minorities, has already been widely included in the corporate strategies of many businesses around

the world. But in Hong Kong, such economic potential has been left mostly unexplored. The government should take the lead in exploring such economic potential.

F. PROPOSED SOLUTIONS TO PROBLEMS

Many solutions to the social problems mentioned above are as simple as saying yes and giving existing charities and NGOs the needed assistance to do the work. Others might require more initiative but are well within the scope of regular governmental duties.

We, therefore, recommend the government to:

- Set up a committee to examine the problem of sexual orientation discrimination.
- Assign full-time personnel at Home Affairs Bureau to work closely with such committee.
- Place television and radio broadcasts to promote equal opportunities for people of different sexual orientations, as it has with other equal opportunities grounds such as sex, age and disability.
- Conduct sensitivity training for civil servants to instill open-mindedness in government offices.
- Encourage all government departments to work closely with NGOs in tackling relevant social problems arisen from sexual orientation discrimination.
- Encourage Hong Kong Tourism Board to initiate/sponsor a gay parade.
- Encourage chambers of commerce and various corporations to look into the potential of the pink dollar.
- Begin to look into legislating against sexual orientation discrimination.
- Legalize same-sex marriages.

All volunteers of HORIZONS including myself would be happy to assist the government in implementing the above solutions whatever ways we can. We support the government's call for a caring and just society, and we are committed to facilitate the achievement of such goal. Should you want to get in touch with us, please call.

Yours truly,

Reggie Ho
Secretary
HORIZONS