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(English version only)

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The Legislative Council of
the Hong Kong Special Administrative Region
Panel on Constitutional Affairs

**Written Submission by HORIZONS regarding the proposed outline of the topics
to be included in the third report of the Hong Kong Special Administrative
Region under the International Covenant on Economic, Social
and Cultural Rights**

February 3, 2010

HORIZONS, founded in 1992, runs the longest running counseling hotline for sexual minorities in Hong Kong. We received some 150 calls last year, and they showed us the continued plight of people of different sexual orientations and gender identities living in a jurisdiction where their relationships are not recognized and their rights not protected.

In recent years, we have seen judicial review cases resulting in judgments that righted some wrongs for sexual minorities, but more importantly, they shed light on how many laws and policies were discriminatory and in desperate need of reform, if, for no other reason, than to comply with the Basic Law. It has also shown that Hong Kong is in even more desperate need of a law to ban discrimination on the ground of sexual orientation.

The government has claimed that it has done its part in mitigating discrimination on

the grounds of sexual orientation and gender identity through education and named measures it has taken, but these measures sound superficial at best and the government has offered no proof of their effectiveness.

The Gender Identity and Sexual Orientation Unit (GISOU), established in 2005 by the government as an interim measure to deal with sexual minority issues, also seems hamstrung in its work as it has no mandate. The Sexual Minority Forum meetings GISOU organizes, supposedly a platform for discussion between sexual minority groups and government officials, never seemed to be taken seriously by various departments. Officials invited often said they were too busy to attend and when they did, they were unprepared to answer any questions.

The government's refusal to outlaw discrimination on the grounds of sexual orientation and gender identity, together with its lackluster efforts in mitigating discrimination through education, means that sexual minorities continue to be treated unfairly and living in fear.

The following is a list of some of concerns HORIZONS has:

- GISOU has been unable to give complainants confidence that mediation efforts would resolve their grievances, making it seem superfluous
- The Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation, written some one and a half decades ago, has never been updated and become increasingly irrelevant. Yet, this outdated tool continues to be what GISOU uses in its public education efforts
- In the last Sexual Minority Forum meeting held on December 22, 2009, GISOU has admitted that there are no parameters to measure the effectiveness of the Code of Practice
- Times seem to have moved ahead of GISOU. Many international companies with offices in Hong Kong have established diversity policies, but GISOU, at the aforementioned meeting, has admitted that it has made no efforts to contact or consult these companies
- Sexual Minority Forum meetings, the only platform by the government to regularly communicate with sexual minority groups, are not taken seriously by various bureaus and departments, making them ineffective
- The "Code of Practice for Registered Social Workers" issued by the Social Workers Registration Board has supposedly stated that social workers would respect people of different sexual orientation issues, but monitoring of how well

the code is followed or even promoted is not made clear

- Treatment of children/youngsters of different sexual orientations/gender identities in correctional/residential homes is also unknown
- The Education Bureau claims that it has programmes and curricula to facilitate an environment of respect for people of different sexual orientations and gender identities, but accounts HORIZONS has heard show a different picture. Treatment of sexual minority students at school remains unknown.
- It has never been made clear if law enforcement agents have been given any sensitivity training

I urge that the government address the above concerns in its third report under the International Covenant on Economic, Social and Cultural Rights and to explain when it will start the process in drafting a bill to outlaw discrimination on the grounds of sexual orientation and gender identity issues.

Yours truly,

Reggie Ho
Honorary Chairman
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