

Sexual Orientation Discrimination in Hongkong

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1. Introduction

"I was hit by a gang of young people at the beach, just because they saw me kissing my girlfriend."

"We don't dare do what everyone else does. We are not allowed to show that we are gay in my workplace. We can't hold each other's hand in the street or kiss in public. We can't risk being spontaneous, but have to hide instead."

"The Society for Truth and Light took out four full-page advertisements in a local Chinese language paper on April 29 this year, claiming that over 9000 individuals and more than 100 groups have signed a petition to express disapproval of the legislation. They claimed that they all anti-gay!"

These statements provide a strong sense of how homophobic attitudes can overshadow the lives of lesbian and bisexual people in Hong Kong today. Such statements represent a mere sample of the numerous responses to a questionnaire survey that sought to conduct initial research into the nature and extent of sexual orientation discrimination in Hongkong.

The survey was carried out by the LBT human rights group Women Coalition of HKSAR(WC) and represents the second investigations conducted in HK under the same issue.

The central purpose of this report is to call attention to the extent of sexual orientation discrimination in Hongkong, and to increase the awareness of discrimination cases to Hongkong government, in response to the needs of legislation against discrimination as soon as possible.

The survey addressed the issues of

- (1) Violence and harassment;
- (2) Discrimination in employment, school, goods and services provider, health care services, and housing services;
- (3) Needs for basic human rights.

Full details of questionnaire results are provided in the Appendix to this report.

The survey was conducted from May-June 2005. During this period, 693 persons completed the questionnaire. Respondents were primarily those individuals who regularly frequent openly lesbian and gay meeting places in Hongkong or who are indirectly connected with lesbian, gay and bisexual organizations . The questionnaires were distributed in the lesbian bars, cafes, shops in Hongkong Island, and it also distributed to members of WC. We have a online edition distributed thru lesbian websites , egroups, and newsgroups, available on the website <http://www.wchk.org/survey/survey.html> .

A survey of this type does not purport to produce results that are statistically valid for the entire target population, as would be the case with a random sample. Nonetheless, the survey results provide valuable information and permit certain broad conclusions to be drawn about the nature and extent of sexual orientation discrimination in Hongkong.

In considering any findings, allowance must be made for two important factors:

Surveys that seek to quantify the extent of discrimination directed toward same-sex desires women confront a particular problem: unlike many other minorities that experience discrimination, most lesbian and bisexual women can conceal the aspect of their identity that is the target of discrimination, namely their sexual orientation. Thus any survey investigating sexual orientation discrimination is likely to understate the actual extent of discrimination.

As noted above, the survey respondents consisted mainly of participants in openly lesbian and gay scene, as well as individuals connected with LGBT organisations in Hongkong. It is likely that this sample is atypical of the general lesbian and bisexual population in Hongkong, since it includes a relatively high proportion of individuals who are politically aware and open about their sexual orientation.

This report is going to publish in both Chinese and English at the end of August.

2. SUMMARY OF FINDINGS

The findings of this survey lead to the conclusion that there is a high level of discrimination against lesbian and bisexual people in Hongkong. For example, 39% of respondents had experienced some form of violence or harassment because of their

sexual orientation, and one in ten had suffered harassment at the workplace. The survey findings also raise serious concerns about discriminatory behavior in the school, in the police force, in the health service, and in the goods and services providers, and the difficulties faced by open lesbians and bisexual women in finding housing.

However, it is highly probable that these findings seriously understate the scale of the problem, due to the above-mentioned fact that many lesbian and bisexual women seek to avoid discrimination by concealing their sexual orientation. The potential magnitude of this factor is revealed when one compares the number of incidents of workplace harassment with the number of respondents who stated that they are open to their co-workers and superiors about their sexual orientation. On the basis of this comparison, the proportion of those harassed rises doubled from 5% to 12%.

Thus it is impossible for the survey to measure precisely the extent of sexual orientation discrimination in Hongkong. The overall level of discrimination in Hongkong is shocking and entirely unacceptable. Acts of discrimination, and the potential for discrimination, have profound and negative consequences on the lives of lesbian and bisexual women in Hongkong.

3. RECOMMENDATIONS - The Hongkong Government

Hongkong has no Sexual Orientation Discrimination Bill (SOD) now. Because of the lack of protective law, victims of discrimination are often reluctant to make a complaint, not to mention there is no complaint mechanism throughout the government to handle sexual orientation discrimination cases.

SOD is to fulfill international and constitutional obligations to eliminate discrimination. Anti-discrimination laws, is an effective valuable first steps in the fight against discrimination. Sexual Orientation Discrimination Legislation for Hong Kong is a MUST!

However, this survey demonstrates clearly that such measures are not sufficient in themselves to create a society in which lesbians and bisexual women can live free from discrimination. Broad ranging government action is required.

The Hongkong government should make a public commitment to promoting equal

opportunities rights for GLBT persons. This commitment should be implemented by means of a detailed strategy which should be developed in consultation with lesbian, gay and bisexual community organizations. It should include measures in, amongst others, the education system, the police, health service, and the employment, designed specifically to address the types of discrimination identified in this survey.

The government should also act to remove a major area of discrimination, the lack of legal recognition for same-sex relationships.

4. SCOPE OF THE SURVEY

The questionnaire was divided into seven sets of questions addressing issues that are of particular concern in relation to sexual orientation discrimination. The survey attempted to ascertain whether respondents had actually experienced discrimination in these issue areas, to what degree, and how they had experienced it. The survey also asked respondents to identify the aspects of discrimination that most significantly affected their lives.

The 7 issues addressed were:

- Violence and harassment on the basis of sexual orientation
- Goods and services provider
- Employment
- Education
- Health care services
- Housing
- Needs of basic human rights (same-sex partnerships, apply for public rental housing, child adoption)

5. DEMOGRAPHIC DATA

The survey included data on the gender, age, educational level, marital status and occupation of the respondents.

Gender (Q1)

98% of the 693 respondents were women, 2% were men, and 0% stated others.

Age (Q2)

The questionnaire asked respondents to indicate their age, respondents aged between 11-55.

39% of respondents indicated that they were under 20, 48% stated that they were 21-30, and 13% were over 31.

Education (Q3)

Respondents' level of education was also divided into four categories:

Those who had completed primary or secondary school (44%), completed High school (10%), those who had completed a university education (41%) and those completed Master or above (5%). The high proportion of respondents possessing a university education or above is an additional factor indicating that the survey sample is atypical of Hongkong's general lesbian and bisexual women.

6. VIOLENCE AND HARASSMENT (QUESTIONS A1-15)

The first set of questions addressed the issue of violence and harassment directed toward lesbian and bisexual women in Hongkong. The elimination of these problems is a top priority of the Hongkong LGBT movement in its struggle against homophobia.

The survey showed that 39% of respondents had experienced violence or harassment because of their sexual orientation (A1).

The most frequent forms of violence or harassment identified by respondents were verbal insults, taunts, treated less favorable or refuse to provide goods and/or services, violent attack and sexual harassment (A12). Respondents were more likely to experience harassment and insults. Some respondents also named other forms of harassment they had experienced, including malicious gossip, hate speech, derisive remarks and being spat on.

Those most commonly cited as perpetrators of acts of violence or harassment were strangers (27.30%), family members (16.35%), classmates and teachers (12%) and co-workers (11.10%) (A13). Cleric were involved in 4.43% when Police officers were in 3.83% of cases reported. Other perpetrators mentioned by respondents included service providers, neighbors and friends.

It is perhaps unsurprising that the largest category of perpetrator is "strangers." However, it is disturbing that such a high proportion of perpetrators was known to the victim - as family members, classmates and co-workers.

Only four in 23 of those who experienced violence or sexual harassment reported the incident to the police (A14). A possible explanation for this low figure is that victims may not always consider the incident sufficiently serious to involve the police. Even allowing for this possibility, the percentage of incidents reported appears to be quite low and includes less than half the number of violent incidents reported.

7. EMPLOYMENT (QUESTIONS 20-27)

7.1 Openness about Sexual Orientation in the Workplace (20)

Only 28.20% of respondents stated that they were definitely "out" as lesbian or bisexual to their co-workers or superiors in the workplace. A further 39.50% suspected that their co-workers or supervisors might be aware of their sexual orientation. Finally, 32.15% of all respondents concealed their sexual orientation at their places of employment. These figures are crucial for understanding the overall extent of discrimination that is implied by the responses to other questions dealing with employment.

7.2 Harassment in the Workplace because of Sexual Orientation (21)

10.80% of all respondents had experienced harassment at the workplace. This is a serious enough statistic in and of itself. This figure may rise if more people can be "out" there.

The most frequent forms of harassment or violence reported were offensive remarks, mockery, and sexual harassment (22). Two cases of physical violence were also reported.

7.3 Dismissal (23)

1.29% (9 out of 693) of respondents reported that they had been dismissed from a job because of their sexual orientation, while a further 3.75% suspected that they had been dismissed for this reason.

7.4 Applying for Employment (25)

Question #25 asked respondents whether they had ever experienced not receiving the offer when applying for a job. 4.90% reported that they had experienced such discrimination, while a further 15.40% suspected that they had. The questionnaire did not establish how many respondents were open about their sexual orientation when

applying for employment. However, the effect of this factor can be estimated by comparing the number of discriminatory incidents while applying for employment with the number of respondents who were open about their sexual orientation in their current positions (28.20%).

If they were as open about their sexual orientation when applying for employment as they are in their current jobs - and this is unlikely - the proportion experiencing discrimination during the job application process would have been 26.2%, while the proportion which suspected that they had been the victims of such discrimination would have represented an additional 26.2%.

7.5 Promotion (26)

2.45% of all respondents reported that they had been denied promotion because of their sexual orientation, while a further 9.09% suspected this to be the case. Thus, the proportion of all respondents denied promotion, or who suspected such treatment, was half to the percentage of respondents who were open about their sexual orientation in the workplace (26.2%). This can be a powerful indication of the risk - real or perceived - of revealing one's sexual orientation at work.

8. HEALTH CARE SERVICES (42-44)

1.01% of respondents reported that they had experienced discrimination in health care services (42), Only 39.1% of the total were currently out to their current doctors about their sexuality. Lesbian respondents mentioned the following examples: negative attitudes among gynecologists, explicit insults, and derisive treatment by medical personnel. When comparing 36.30% of women who will denied their sexual identities to their doctors, their health may delayed seeing a doctor more often and had poorer overall physical and mental health.

We know how important it is for patients to be able to talk with their doctors about their sexual behaviors. We also know that some patients are routinely denied care because of their sexual identity or sexual orientation.

9. HOUSING (46)

2.45% of respondents reported that they had experienced discrimination or harassment in the area of housing. Examples included:

·a landlord letting a flat to another applicant when the respondent told him that she

was a lesbian;

·a landlord who let a flat to a heterosexual couple rather than to "a pair of girls;"

·students afraid to share accommodation with a lesbian.

10. Needs of basic human right (48-50)

Legal Recognition of Same-Sex Relationships (48)

An important aspect of discrimination in Hongkong is the absence of any form of legal recognition for same-sex partnerships. Respondents to the questionnaire were asked whether they would register their partnership if this were legally permitted. An overwhelming majority – 68.70% - replied in the affirmative.

11. CONCLUSIONS

The findings of this survey lead to the conclusion that there is a high level of discrimination against lesbian and bisexual women in Hongkong. No less than half of the respondents had experienced some form of violence or harassment because of their sexual orientation. In addition, 11.7% had suffered harassment at the workplace. Finally, approximately 15% had been referred for psychiatric treatment. 1.01% and 2.45% separately had experienced problems within the areas of health care services and housing.

However, it is important to emphasise once again that these findings seriously understate the scale of the problem because of the fact that LGBT individuals are able to avoid discrimination by concealing their sexual orientation. Again, the extent of this factor can be estimated by comparing the level of workplace harassment with the number of respondents who are open to their co-workers and superiors about their sexual orientation, rather than with the total sample.

To repeat, the survey cannot precisely quantify the overall extent of sexual orientation discrimination in Hongkong.

The survey demonstrates clearly that:

- The overall level of discrimination in Hongkong is shocking and entirely unacceptable.
- Acts of discrimination, and the potential for discrimination, have profound and

negative consequences on the lives of lesbian and bisexual women in Hongkong.

On the positive side, the survey results provide evidence that the lesbian and bisexual women community in Hongkong is no longer a passive recipient of violence and harassment. Although few individuals are currently willing to file complaints, the survey revealed a clear awareness of sexual orientation discrimination, as well as an understanding that such discrimination is neither self-evident nor to be tolerated. Many respondents viewed their experiences of discrimination within a broader context, including the general ineffectiveness of anti-discrimination provisions, discrimination due to the lack of legal recognition of same-sex partnerships, and exclusion from the enjoyment of basic human rights and freedoms.