



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

20 September 2006

IMMEDIATE RELEASE

P
R
E
S
S

R
E
L
E
A
S
E

Hong Kong: William Roy Leung – Hong Kong Court Appeal

The International Commission of Jurists (ICJ) welcomes today's decision of the Hong Kong Court of Appeal in the case of *William Roy Leung v Secretary for Justice*.

The Hong Kong Court of Appeal upheld the decision of a lower court that a provision of the Hong Kong Crimes Ordinance (section 118C) was discriminatory based on sexual orientation, as it prohibits consensual male homosexual sex until both parties are above 21 years old. The Court also affirmed that this provision constitutes an arbitrary interference on the right to privacy.

"The decision is a vindication of the right to equality before the law and non discrimination and is consistent with Hong Kong's obligations under the International Covenant of Civil and Political Rights," said Philip Dayle, Legal Officer at the ICJ.

The Crimes Ordinance criminalizes parties to consensual male homosexual sex even if both participants are over 16 years of age, but one party is under the age of 21. Consensual sex between heterosexual persons who are above the age of 16 is not similarly outlawed. The Court reasoned that, *"...section 118C of the Crimes Ordinance significantly affects homosexual men in an adverse way compared with heterosexuals."*

The ICJ offered an exposition of the international human rights and comparative public law analysis in relation to sexual orientation in this matter. This intervention was incorporated in the amicus brief of the Equal Opportunities Commission of Hong Kong and was presented to the court.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

Both the decision of the court of appeal and the ICJ arguments in this matter are available on the ICJ website at http://www.icj.org/news.php3?id_article=4013&lang=en

For further information, please contact: International Commission of Jurists, at +41 22 979 3824