



## LGBT China Today: Surprising Progress yet Daunting Obstacles

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China's poor record on a range of human rights issues such as freedom of speech, freedom of assembly, and freedom of religion is often criticized, and rightly so. This record, including on lesbian, gay, bisexual and transgender (LGBT) issues, will again be under fresh scrutiny at the end of July when the International Olympic Committee votes to choose a host city for the 2022 Winter Olympics, for which Beijing is the leading contender.

The situation facing LGBT people and organizations working for the rights of this community in China is nuanced. Existing research and reporting indicates that LGBT people are making encouraging and important legal and social progress and that civil society organizing for the rights of LGBT people is picking up speed. Yet many obstacles remain before LGBT individuals are fully equal.

A recent panel discussion at the Brookings Institution in Washington, D.C. brought together a number of noted experts on this topic. Influential Chinese sociologist Li Yinhe, who has a doctorate from the University of Pittsburgh and recently retired from the Chinese Academy of Social Sciences, said that homosexuality has historically been tolerated by Chinese society. Same-sex relationships have never been explicitly criminalized and there are records of gender diversity, cross-dressing and male same-sex relations dating to 650 B.C. Homosexuality in ancient China was accepted as long as traditional notions of family responsibility were met by marrying someone of the opposite sex and by producing offspring, with male heirs particularly coveted.

Yinhe noted that the Chinese tolerate rather than accept homosexuality because, based on her research, 70 to 80 percent of Chinese are indifferent to homosexuality and the rest are divided between supporters and opponents. Hate crimes against LGBT people are rare.

Yinhe also described how she courageously submitted proposals between 2003 and 2006 through an official citizens advisory body to the National People's Congress, China's top legislative

body, to legalize same-sex marriage. Not surprisingly, she did not receive a response, given the fact that the Communist party has a clearly enunciated policy of not taking a position on LGBT issues. Nevertheless, Yinhe believes that same-sex marriage is something that is not hard to imagine in her vast country despite pockets of conservative opposition.

According to Li Minyan, a Chinese LGBT advocate and law student at Northwestern University, social pressure to marry someone of the opposite sex is overwhelming, and many LGBT individuals do so and lead a double life. Others enter into marriages of convenience where lesbians and gay men marry each other to escape this pressure.

Despite this outward tolerance, a report about the situation facing LGBT people and civil society in China issued by the United Nations and the U.S. government last year flagged a host of serious problems. Chinese LGBT people lack legal protections from discrimination at work and in housing, there is no recognition accorded to same-sex couples, LGBT individuals cannot adopt children, same-sex rape is not a criminal offense and stigma and discrimination are rampant.

The major religions in China – Confucianism, Daoism and Buddhism – neither reject nor embrace homosexuality. However, Christian churches are proliferating and their intolerance toward LGBT people is cause for increasing concern. Guo Xiaofei, a professor at the China University of Political Science and Law, observed during the Brookings panel that the suppression of religious expression inadvertently benefits LGBT people, as strident anti-LGBT religious

zealots are muzzled by government censors.

Traditional notions of family responsibility that include producing offspring have survived largely intact and create a lot of pressure on LGBT youth and young adults. Children who come out face the risk of being cut off, or worse, by their families, which is severely debilitating in a culture where social networking revolves around one's family. Nearly half of lesbians in a survey reported experiencing violence or abuse from relatives or intimate partners. The concept of saving face is crucial so many LGBT children do not come out to spare their parents any potential embarrassment.



Ah Shan, PFLAG China

Ah Qiang, the head of Parents and Families of Lesbians and Gays in China (PFLAG), said it will be essential to first promote acceptance of LGBT children by their families and communities before moving on to gradual social acceptance and eventually equal rights under the law. Since the first chapter of the organization was established less than a decade ago, PFLAG has expanded rapidly and now at least 12 of the largest Chinese cities have chapters.

As in other parts of Asia, the HIV epidemic has had a disproportionate impact on gay men and men who have sex with men (MSM) in China. Homosexual transmission accounted for 30 percent of new infections in 2012. Many HIV-positive gay men and MSM experience double stigma and social ostracism because of their sexual orientation and HIV status. At the same time, the epidemic has helped to bring attention to LGBT people and provided them a cause and funding with which to mobilize.

Homosexuality was removed from the Chinese Classification of Mental Disorders (CCMD) in 2001. However, despite these guidelines, many mental health practitioners continue to recommend or impose “corrective treatment” or “conversion therapy,” on LGBT patients against their will. Many LGBT people are forced to undergo these “treatments” to “cure their disease.” The United Nations has described these practices as sometimes being tantamount to torture.

Transgender people continue to be pathologized by the CCMD. However, those who have undergone sex reassignment surgery and meet other criteria have been able to marry someone of their birth gender in Hong Kong since May 2013.

LGBT people of all age groups face a variety of mental health challenges, and a third have contemplated suicide. Seventy-seven percent of LGBT students reported being bullied. This has negative health outcomes, including depression and suicidal tendencies.

In the corporate sector, most Chinese companies do not provide benefits to the families of LGBT employees. Labor laws do not protect them from discrimination and as a consequence, very few LGBT employees are open about their sexual orientation or gender identity. Less than one percent of self-identified LGBT employees reported being honest about their identities with their superiors.

However, some companies have started implementing LGBT-friendly human resources policies. Hong Kong is ahead of the mainland in LGBT-inclusiveness in the workplace. The Human Rights Campaign has partnered with Community Business in Hong Kong, which has devised an LGBT Workplace Equality Index, a tool that allows companies to benchmark, drive progress and promote their efforts to create inclusive work environments for LGBT individuals.

Hong Kong has also hosted initiatives such as Out on the Street (Asia), a 2013 event where corporate leaders made the case that companies need to attract and retain a broad pool of talent, including LGBT employees, to be successful.

On the mainland, HRC helped organize a training on LGBT corporate diversity and inclusion in Shanghai for more than 120 business leaders in March 2014. E-commerce giant Alibaba, which handles more than \$170 billion in annual sales, is leading the trend to attract the “pink yuan” by targeting LGBT consumers whose annual purchasing power is estimated by *Forbes* to be \$300 billion. Darren Gan Tian, who worked for the Washington, D.C.-based Council for Global Equality and Human Rights First, said the increasingly visible LGBT population provides a vast untapped market segment.

Chinese government suppression of free speech and association affects LGBT people. Dan Zhou, a Shanghai-based advocate and former visiting scholar at Yale Law School, noted that the censorship law prohibits gay-themed movies, plays, and dramas. The Chinese government also operates a sophisticated Internet surveillance and control system that prevents online free speech, blocks thousands of selected websites and prevents meaningful free exchange of opinions. In addition, negative stereotyping of LGBT people in the media is common and pervasive.

Despite the absence of protections or rights, Zhou described an increasingly vibrant and visible LGBT community, especially in urban areas. Wenxu Xu, a former LGBT rights officer with the United Nations in Beijing, noted that it will be challenging to advance LGBT civil or legal rights unless advocates are better able to articulate how their goals fit in with the government’s priorities such as stability and economic growth. Tian described promoting LGBT human rights in an environment where the government is suspicious of all human rights work as an extremely challenging task.

However, social media has also made organizing easier, and students on university campuses are increasingly engaged on LGBT rights issues. Organized LGBT groups exist in major cities, but as with other civil society entities, registering LGBT organizations can be difficult. There are no overarching networks that bring LGBT organizations under one umbrella, and most LGBT organizations work in isolation from other social justice groups. Part of this stems from self-censorship and a focus on narrow programmatic areas so as not to attract undue attention from the government. NGOs are often forced to rely on volunteers instead of

professionals because of a lack of funds and career opportunities.



Shanghai Pride: Provided by Li Minyan

While large-scale pride parades are rare on the mainland, some LGBT communities have been able to organize low-key public gatherings. Shanghai, the wealthiest and largest city, held a small pride festival in 2009 and continues to host this event each year – although it pales in comparison to similar events in neighboring Hong Kong and Taipei.

Some government agencies have supported work on the health and rights of LGBT people. These include the Ministry of Health, Family Planning Commission, Supreme People’s Court and Central Party School. Minyan noted that, in 2013, the government responded to U.N. recommendations related to LGBT issues by acknowledging that the laws allow for discrimination against certain groups. This may indicate a greater openness to acknowledging the hardships encountered by LGBT citizens.

In short, the LGBT movement in China is gaining ground despite all the obstacles it faces in a restrictive environment. These include, but are by no means limited to, an unsupportive legal framework and widespread social stigma and discrimination. But the good news is that, unlike in many neighboring countries in Asia, LGBT people in China are not generally subject to hate-motivated violence or punitive laws. As civil society organizing gathers steam and as more LGBT people come out and engage their families and communities in conversations about the challenges they face, there is plenty of cause for optimism that LGBT people in China will gain greater acceptance in the years ahead.

*~ This Global Spotlight series is a collection of research-based articles that examine the situation facing lesbian, gay, bisexual and transgender people in a variety of countries where high profile developments that affect LGBT people are occurring or imminent in the near future ~*