

LGBTQ RIGHTS: THE PUSH AND PULL FOR PROGRESS IN CHINA



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Introduction

Despite the rapid global increase in LGBTQ support over recent decades, it is estimated only about 5% of China's queer community is "out" in their daily lives (UNDP). **We set out to discover what governmental, social, and historical factors have led to this disparity.**

Methods

- Analyzed scholarly studies, intergovernmental reports, and articles from reputable media
- Evaluated legal case studies
- Personally interviewed several of China's leading LGBTQ advocates, who we'd come across in our literary investigations.

Result 1: History

China has had many different eras throughout its long history, but one consistent cultural norm was **homosexual conduct**, so long as it didn't "interfere" with the continuation of a bloodline (Prager). One of the most famous historical examples of this is "**the story of the cut sleeve**". Many similar homosexual tales are commonplace. However, sexual diversity became viewed as sexual deviance as the result of external cultural influences.

Result 2: Censorship

The CCP has promoted the position of "不支持, 不反对, 不提倡" (not encouraging, not discouraging and not promoting), which justifies the suppression of conversation about LGBTQ issues. **Banned language and vague laws** have led to uncertainty and self-censorship for internet content creators. Problematic classifications of LGBTQ identities perpetuate misinformation in education.

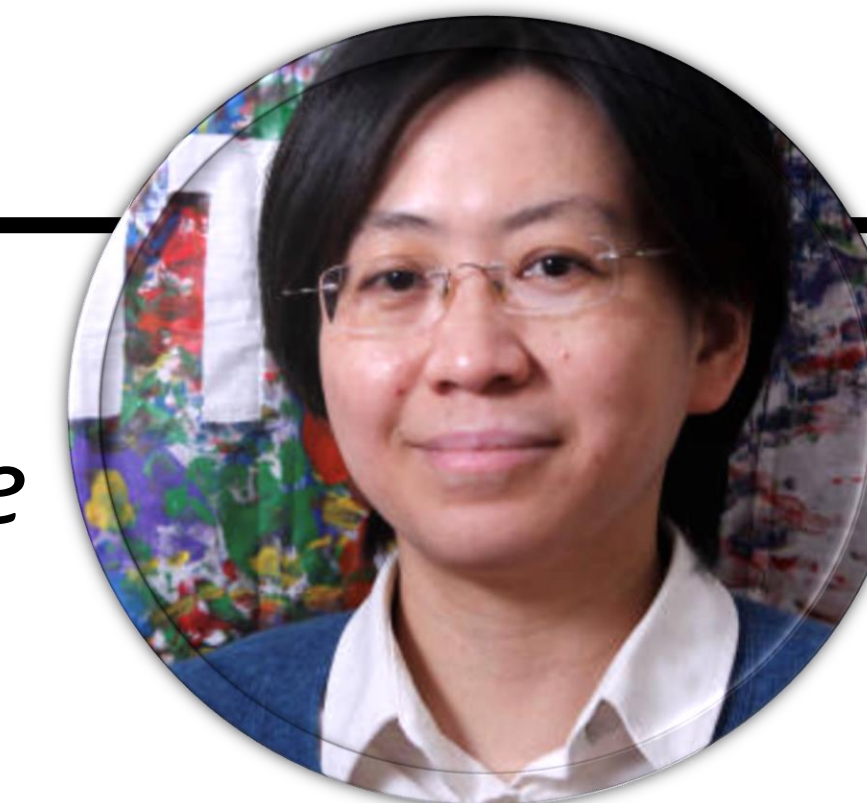
“For a long time, there was no anti-gay religion prevalent in Chinese history. We have no deep biblical hatred against homosexuality. But we have a strong tradition of Confucianism, mandating filial piety and patriarchy. That is a huge challenge for LGBT people...”



— Zhou Dan,
Leading Scholar, one of China's First Openly-Gay Lawyers and Early LGBTQ-Rights Activist

“Before introducing legislation, parties consider what people will think about it, and they will not make a challenging move. So, I think **progress relies on public acceptance.**”

— Representative for Bin Xu,
Co-founder of Anti-Gender-Based-Violence Center, Director of Common Language NGO



“My partner made the decision to take **conversion therapy**. They used electronic shocks on him. We knew it was total bullshit, so we sued the clinic. It was selected by the **Supreme People's Court**, and we won. It was the first anti-conversion therapy case in China. But because our system is different from the United States, one case cannot change the law. Although the judge's statements say conversion therapy is illegal, **it still hasn't become a law.**”



— Yang Yi,
Co-founder LGBT Rights Advocacy China, Communications Manager China Rainbow Media Awards

Result 3: Gov. & Legal System

CHINA CIVIL LAW VS U.S. COMMON LAW LEGAL SYSTEM

- US justices have power to establish and interpret laws i.e. 2003 decriminalizing homosexual conduct (Kemp).
- China's demands all laws be **explicitly written in a set of codes**. The right to author these codes belongs to the National People's Congress.

FEDERALISM VS CENTRALIZED GOVERNMENT

- Local gov. does not have the right to **establish their own laws** on LGBTQ matters in China.
- Because US local governments have that power, 70% of US citizens lived where gay marriage was legal before the Supreme Court national legalization in 2015 (Knight).
- The inability to build geographic momentum in China makes winning such freedoms extremely challenging.

Conclusion

Concerning the amount of freedom in China, Yang Yi explained that "As people who live in a country without democracy, without freedom, it is very **difficult to have a feeling of what freedom is**...we just think not having it is part of the world". This limited outlook makes the **vision of LGBTQ advocates**, like those we spoke to, vital in forging a path through censorship, cultural stigma, and centralized government.

Discussion

- Influence from LGBTQ stances of China's non-democratic allies on their domestic policy
- Effect of LGBTQ momentum under neighboring governments

