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As the United States (US) Department of State reported in its 2004 country report, in China "[n]o laws criminalize private homosexual activity between consenting adults" (Country Reports 2004 28 Feb. 2005, Sec. 5; see also Beijing Review 28 Oct. 2004; BBC 13 Jan. 2004; Gaytimes n.d.). The crime of "hooliganism," which in the past was used to prosecute homosexuals, was repealed in 1997 (BBC 13 Jan. 2004; Country Reports 2004 28 Feb. 2005, Sec. 5; ILGA 31 July 2000), and since May 2004, homosexuality is no longer prohibited under regulations relating to the behaviour of persons serving time in detention (Country Reports 2004 28 Feb. 2005, Sec. 5).

According to some sources, government and Chinese society are showing greater tolerance towards homosexuals than they have in the past (Gaytimes n.d.; see also Beijing Review 28 Oct. 2004; Country Reports 2004 28 Feb. 2005, Sec. 5), and homosexuals have acquired more "lifestyle options" (The Gay and Lesbian Review Worldwide 1 May 2003). More and more gays and lesbians have been "coming out" since the 1990s (ILGA 31 July 2000; see also Gaytimes n.d.), particularly in urban areas (AFP 22 Nov. 2003; BBC 13 Jan. 2004), though sources note that most homosexuals do not publicly reveal or discuss their sexual preference (Beijing Review 28 Oct. 2004; Country Reports 2004 28 Feb. 2005, Sec. 5; see also CSSSM 30 Dec. 2003). Telephone hotlines and Websites specifically for homosexuals are available (Beijing Review 28 Oct. 2004; see also BBC 13 Jan. 2004) while gay bars and clubs have sprung up even in smaller cities (ibid.; Beijing Review 28 Oct. 2004), and are for the most part tolerated by local authorities (AFP 22 Nov. 2003) or even sometimes publicly advertised (Sydney Morning Herald 27 Aug. 2005). A prominent gay novelist who goes by the pseudonym Tong Ge remarked to The Sydney Morning Herald that before 1999 the meeting place for gays was public toilets and parks (ibid.). A gay and lesbian film festival was held in "the outskirts" of Beijing in 2005 (BBC 24 May 2005; SCMP 25 Apr. 2005) and in 2001, when both times Peking University banned the festival from its campus (ibid.).

While Shenzhen in Guangdong Province is reportedly one of the most tolerant cities for gays in China (Gaytimes n.d.), the Chinese countryside has not experienced the same level of openness as urban areas have (BBC 13 Jan. 2004). According to The Sydney Morning Herald, "[i]n the Chinese hinterland ... the gay emergence is more tentative but strengthening among a homosexual community" (27 Aug. 2005). The manager of a prominent gay Website in China told Agence France-Presse (AFP) that "'[i]n a small village, if you find you're gay, there aren't many ways for you to talk'" (AFP 18 May 2005). Gay-bashing is reportedly uncommon in China (The Gay and Lesbian Review Worldwide 1 May 2003; Sydney Morning Herald 27 Aug. 2005), but reports of police blackmailing gays with threats of jail time in "less-cosmopolitan areas" have been noted (Chicago Tribune 9 May 2004).

Courses on homosexuality have been offered at Fudan University in Shanghai (BBC 13 Jan. 2004; ILGA 9 Sept. 2004), "a sign that mainstream attitudes towards homosexuals are becoming more liberal" (BBC 13 Jan. 2004), while in the eastern city of Ningbo, a new textbook for school children that tackles issues including
homosexuality has been introduced (BBC 7 Sept. 2004). Li Yinhe, a sociologist and expert on sex issues in
China, drafted a proposed law allowing same-sex marriages and submitted it to a delegate for discussion by
the Chinese parliament (ibid. 13 Jan. 2004). Though her proposal was unsuccessful, the British Broadcasting
Corporation (BBC) noted that "the fact that she could make the proposal at all was seen as a breakthrough"
(ibid.).

Nevertheless, homosexuals in China continue to face social stigma (AFP 18 May 2005; Beijing Review 28
Oct. 2004; Country Reports 2004 28 Feb. 2005; CSSSM 30 Dec. 2003), and thus have little community support
(AP 18 May 2005). Most Chinese lack knowledge about homosexuality (Women of China 4 June 2005), and
view it as "abnormal, disgraceful, or distasteful" (Beijing Review 28 Oct. 2004; see also The Gay and Lesbian
Review Worldwide 1 May 2003). Homosexuals whose sexual preference is revealed may face job loss or
removal from school (CSSSM 30 Dec. 2003). Books and films featuring homosexuality are banned (Chicago
Tribune 9 May 2004; Sydney Morning Herald 27 Aug. 2005). Homosexuality is also considered a taboo subject
in the media, though the BBC reported that by 2004 there was more coverage of homosexual issues in the
mainstream media than there had been in the past (BBC 13 Jan. 2004).

Country Reports 2004 notes that "strong pressure to conform to family expectations" also comes to bear
on homosexuals (28 Feb. 2005, Sec. 5). As a result, many homosexuals enter into marriage with heterosexuals
(CSSSM 30 Dec. 2003; The Economist 30 July 2005; Women of China 4 June 2005), but conceal their sexual
orientation (ibid.). People interviewed by China Daily for an article on homosexuals affirmed that "the single
biggest source of pressure and stigma comes from their own families," as Chinese culture insists on men
"carrying on the family line" (China Daily 6 Sept. 2005). Many parents reject their gay children when they
reveal their sexual orientation (ibid.). At the same time, The Gay and Lesbian Review Worldwide reports that
"the tendency for urban women to marry at a later age or not at all is taking some of the pressure [to get
married] off women who prefer women" (1 May 2003). Population policies have also "made it more acceptable
for people not to have children" while economic prosperity in the cities has acted as a "camouflage" for some
gays who enjoy both "the safety of marriage [and] the joy of same-sex relationships" (ibid.).

Police often do not allow public gatherings of homosexuals to take place (CSSSM 30 Dec. 2003). For
instance, police banned a get-together for gays at a resort in Dalian in 2002 "on the ground[s] [that] possible
'subversive' elements [were involved]" (ibid.). In 2003, AFP reported on a police raid of a gay brothel in
Chongqing City in southwest China (22 Nov. 2003). In Shanghai, the owner of a gay bar was sentenced to
eight years in prison and fined US$7,300 for allegedly running a gay prostitution service (AP 18 Feb. 2004).
Associated Press (AP) reported that even though laws against homosexuality have been relaxed, police raids on
public toilets and gay bars often result in gay men being fined or sent to labour camps for short terms (ibid.).
According to the Chinese Society for the Study of Sexual Minorities (CSSSM), there are no laws in China

Websites for gays and lesbians number in the "several hundred[s]" in China (AFP 18 May 2005), and
continue to multiply (BBC 13 Jan. 2004). Such sites have been credited with bringing "Chinese gays into
contact with each other and with news, ideas and information" (ibid.). At the same time, the BBC points out
that gay Websites "exist in a grey area, with some official interference" (BBC 24 May 2005). Chinese
authorities blocked one of the most popular sites for homosexuals in 2005, and in 2004 access to a number of
similar Websites was blocked for a period of one week while the government conducted an "inspection" (AFP 18
May 2005). According to an acquired immune deficiency syndrome (AIDS) activist in China, these Websites are
one of the few venues for information on the human immunodeficiency virus (HIV) and AIDS available to the
gay community (ibid.).

The first survey of China's gay population, undertaken in 2004, revealed that about 80 per cent of the
five to ten million gay men in the country were ignorant about HIV/AIDS (AFP 18 May 2005; AP 15 Dec.
2004). No comparable figures on lesbians were available (AFP 18 May 2005). Studies have shown that the
incidence of HIV among the Chinese gay community is on the rise, and that lack of information as a result of
the social stigma the community faces "compounds the problem" (Beijing Review 28 Oct. 2004; see also AP 15
Dec. 2004). Yet, while HIV/AIDS education campaigns and other efforts aimed at the general public have
intensified since 2002, AIDS activists argue that the gay community has been largely ignored (AP 15 Dec.
2004; see also Beijing Review 28 Oct. 2004). The Economist reports that over 30 "independent groups are
trying to fill the gap," offering HIV/AIDS information and assistance to homosexuals (30 July 2005). In the
provinces of Zhejiang, Hunan, Guangdong and Heilongjiang, programs at the provincial and local levels set up
in collaboration with international and foreign organizations such as the World Health Organization have been
introduced, with the aim of educating gay men and providing free HIV testing and counselling (Beijing Review
been printing pamphlets on HIV/AIDS and distributing condoms in places such as Guangzhou have received the
support and encouragement of the Ministry of Health (Shenzhen Daily 23 June 2005). As noted by The Sydney Morning Herald, "the need to control the spread of AIDS has led authorities, however reluctantly at first, to enlist the help of homosexual activists" (27 Aug. 2005).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References


_____. 18 February 2004. "Chinese Bar Owner Convicted in Landmark Gay Prostitution Case, Sentenced to Eight Years." (Factiva)


Additional Sources Consulted

One oral source did not provide information within time constraints.


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