
For Immediate Release

CHINA: POLICE SHUT DOWN GAY, LESBIAN EVENT

Government persecutes civil society groups that address HIV/AIDS

TORONTO/NEW YORK, December 20, 2005 — In shutting down Beijing's first-ever gay and lesbian cultural festival, the Chinese government violated basic freedoms and persecuted activists who are addressing the country's burgeoning AIDS crisis, Human Rights Watch and the Canadian HIV/AIDS Legal Network said today in letters to the Chinese authorities.

"China continues to talk about political reform, but closing down a cultural event is a crude reminder of the limits on openness," said Scott Long, Director of the Lesbian, Gay, Bisexual, and Transgender Rights Program at Human Rights Watch. "This police raid was an effort to drive China's gay and lesbian communities underground and to silence open discussions about sexuality throughout the country."

Human Rights Watch and the Canadian HIV/AIDS Legal Network today sent letters detailing these human rights abuses to Chinese President Hu Jintao, Premier Wen Jiabao, the Ministry of Public Security and the State Council Committee on HIV/AIDS.

Organizers planning the Beijing Gay and Lesbian Culture Festival anticipated a groundbreaking weekend of films, plays, exhibitions and seminars about homosexuality, a subject that has long been taboo in China. Participants were to include noted academic researchers, actors, filmmakers and artists, as well as activists for sexual rights and health, specifically HIV/AIDS.

The event was originally booked to take place at the "798 Factory" art colony in the Dashanzi area of Beijing. But on Wednesday, December 14, two days before the opening, the Beijing Public Security Bureau banned the organizers from using the "798 Factory" area. The organizing committee, some of whose members reported police surveillance, decided to move the festival to a private establishment, the On/Off bar. About 3 p.m. on Friday, just before the start of activities, around a dozen uniformed police, accompanied by plainclothesmen, raided the bar and shut down the event.

According to the event's organizers, police ripped down signs, decorations and posters. They filmed the raid and festival attendees, and ordered the bar closed for a week.

"This raid is part of a pattern of censorship and harassment of Chinese activists working for sexual rights and health," said Joanne Csete, Executive Director of the Canadian HIV/AIDS Legal Network. "The Chinese government tells the world that it is dealing with HIV/AIDS in internationally acceptable ways, but continues to persecute civil society organizations that can lead the way to effective programs."

As Human Rights Watch documented in its June 2005 report, *Restrictions on AIDS Activists in China* (<http://hrw.org/reports/2005/china0605/>), Chinese authorities have shut down Web sites offering information to lesbian, gay, bisexual and transgender people.

Non-governmental organizations serving and advocating for people living with HIV/AIDS have been harassed, hampered or forced to close. As many as hundreds of thousands of rural villagers in Henan province may have been infected through faulty blood collection practices in government-backed clinics. In Henan, young activists who started an AIDS orphanage have been beaten and jailed, and many people living with HIV/AIDS who have sought medical care or assistance for their children have been harassed and incarcerated.

The full text of the letters are available at www.aidslaw.ca.

About the Canadian HIV/AIDS Legal Network

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization. The Legal Network is Canada's leading advocacy organization working on the legal, ethical and human rights issues raised by HIV/AIDS.

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For more information, please contact:

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December 19, 2005

President Hu Jintao
Yongneixijie
Beijingshi 100017
People's Republic of China
VIA POST & FACSIMILE: 011 8610 6 520 5316

Your Excellency:

Human Rights Watch and the Canadian HIV/AIDS Legal Network write to protest the arbitrary action of Beijing police who on December 16 closed down the First Annual Beijing Gay and Lesbian Culture Festival. The suppression of the festival, on whatever pretext, violates fundamental rights to freedoms of expression and assembly. Furthermore, in view of China's burgeoning HIV/AIDS crisis, the closure threatens to drive further underground a segment of the population the Chinese government itself has identified as in need of lifesaving outreach services. Social stigma and legal harassment have already made such efforts highly difficult. In addition, the closure limits the likelihood of free and open discussion of sexuality and safer sex throughout China.

The Beijing Gay and Lesbian Culture Festival was planned as an academic and artistic event, with a weekend of films, plays, exhibitions, and seminars about homosexuality. Participants were to include noted academic researchers, actors, filmmakers, and artists. It was originally scheduled to begin on December 16, 2005 in the "798 Factory" art colony in the Dashanzi district of Beijing.

On December 14, the Beijing Public Security Bureau issued an order to the festival's organizers prohibiting use of the "798 Factory" area. The committee, some of whose members reported police surveillance, decided to move the festival to a private establishment, the "On/Off" bar. At about 3 p.m. on December 16, as the festival was preparing to open, some dozen uniformed police, accompanied by plainclothesmen, raided the bar and disbanded the festival.

According to festival organizers, police tore down signs, decorations, and posters. They videotaped the raid and festival participants, and confiscated film from a photographer present. Police offered shifting explanations for the closure, ranging from lack of government permission to problems with the lighting engineers' work certificates. They also ordered the bar to close for a week.

This heavy-handed intervention sent an unequivocal message that censorship is a grim reality in China, and that lesbian, gay, bisexual, and transgender people's voices and cultural expressions are among its targets. In addition, the shutdown violates China's commitments under international law. The International Covenant on Civil and Political Rights (ICCPR), which China signed in 1998, but has not yet ratified, protects freedom of expression and assembly. As a signatory, China is bound not to subvert the object and purpose of the covenant. In the case of *Toonen v Australia* in 1994, the United Nations Human Rights Committee held that the protections of the ICCPR against discrimination in all areas of rights should be understood to include sexual orientation.

This police raid followed on a series of repressive actions directed against activists working in the areas of HIV/AIDS and lesbian and gay people's rights. As Human Rights Watch documented in its June 2005 report, *Restrictions on Aids Activists in China*, authorities have shut down websites offering information to lesbian, gay, bisexual, and transgender people. Non-governmental organizations serving and advocating for people living with HIV/AIDS



LESBIAN, GAY, BISEXUAL, AND TRANSGENDER RIGHTS PROJECT

Scott Long
Director
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Chair, Board of Directors


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Human Rights Watch, an independent, non-governmental monitoring and advocacy organization that documents and reports on human rights violations in over ninety countries worldwide, and the Canadian HIV/AIDS Legal Network, a national, community-based, charitable organization working on policy and legal issues raised by HIV/AIDS, both within Canada and internationally, urge that:

- the Ministry of Public Security fully investigate the closing of the Beijing Gay and Lesbian Culture Festival, and appropriately discipline those responsible for arbitrary action;
- the Ministry of Public Security work with both HIV/AIDS organizations and activists and experts in the area of lesbian, gay, bisexual, and transgender people's rights, to organize training programs in each province. The programs should train police to work with partners in civil society to ensure that the rights of lesbian, gay, bisexual, and transgender people, and of people living with HIV/AIDS, are respected;
- the Ministry of Public Security cease censorship of Internet websites, publications, and public gatherings providing information about lesbian, gay, bisexual, and transgender people's lives and rights, or information about HIV/AIDS;
- The State Council Committee on HIV/AIDS direct provincial authorities to respect the rights of lesbian, gay, bisexual, and transgender activists, as well as HIV/AIDS activists, to freedom of expression, association, and assembly; and
- The State Council Committee on HIV/AIDS work with the Ministry of Public Security to identify, investigate, and modify local and national policies and regulations that restrict or inhibit the activities and free expression of such activists.

Thank you for your attention. We look forward to your reply.

Sincerely,



Joanne Csete
Executive Director
Canadian HIV/AIDS Legal Network



Scott Long
Director
Lesbian, Gay, Bisexual, & Transgender Rights Project
Human Rights Watch

Cc: Prime Minister Wen Jiabao
Deputy Premier Wu Yi
Ministry of Public Security Zhou Yongkang
Embassy of the People's Republic of China in the United States of America

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December 19, 2005

Wu Yi
Deputy Premier
State Council Committee on HIV/AIDS Prevention and Control
27 Nanwei Road, Xuanwu District
Beijing 100050
People's Republic of China
VIA POST AND FACSIMILE: 86-10-83157903

Dear Madame Wu,

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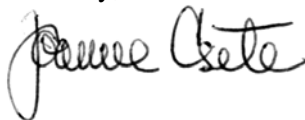
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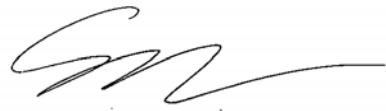
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Executive Director
Canadian HIV/AIDS Legal Network



Scott Long
Director
Lesbian, Gay, Bisexual, & Transgender Rights Project
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Cc: President Hu Jintao
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December 19, 2005

Wen Jiabao Guojia Zongli
The State Council
9 Xihuangcheng Genbeijie
Beijingshi 100032
People's Republic of China
VIA POST AND FACSIMILE: 011 86 10 65292345
(c/o Ministry of Communication)



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Joanne Csete
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Cc: President Hu Jintao
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December 19, 2005

Zhou Yongkang
Ministry of Public Security
14 East Changan Avenue
Beijing 100741
People's Republic of China
VIA POST AND FACSIMILE: 86-10-65204691



LESBIAN, GAY, BISEXUAL, AND TRANSGENDER RIGHTS PROJECT

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