

## HUMAN RIGHTS WATCH

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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

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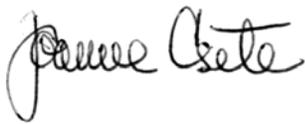
have been harassed or forced to close. HIV/AIDS activists, particularly in rural China, have been beaten and jailed.

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