

China's LGBT Community: History, Current Situation and Future Prospects

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ABSTRACT

The LGBT (lesbian, gay, bisexual, transgender) community in China has experienced a complex transition from secrecy to gradual openness. With social progress and changes in the international environment, the rights and social status of the LGBT community in China are also evolving. This article will explore the historical background, current social status, legal environment, and future prospects of the LGBT community in China, aiming to provide a comprehensive perspective on the development of the Chinese LGBT community.

KEYWORDS

LGBTs in China; Gender Roles; Social Acceptance; Legal Protections; International Cooperation.

1. INTRODUCTION

The historical and cultural perspectives on gender and sexual orientation in China have evolved significantly from ancient to modern times. In ancient China, gender roles were flexible, and there was a nuanced understanding of sexual orientation, as evidenced by historical documents and literary works. However, with the influence of Confucianism, traditional gender roles became more pronounced. Modern China has seen substantial changes in gender roles due to economic development, social modernization, and government policies promoting gender equality. Despite these advances, the LGBT community still faces challenges such as social discrimination and lack of legal protections.

2. HISTORICAL BACKGROUND AND CULTURAL PERSPECTIVES

2.1. Gender and Sexual Orientation in Ancient China

In ancient China, gender roles were not as strictly defined as in modern society, and there was a degree of flexibility in the expression of gender roles and sexual orientation. Although Confucian culture advocated traditional gender roles, historical documents indicate that ancient Chinese society's understanding of gender and sexual orientation was not entirely fixed (Wang, X., 2006). For example, Sima Qian, in the *Records of the Grand Historian: The Biography of Xiang Yu*, describes Xiang Yu's deep affection for the beauty Yu Ji. This depiction has been interpreted by some scholars as a subtle reference to ancient sexual orientation. Additionally, another ancient text, the *Spring and Autumn Annals*, also records complex situations regarding male and female relationships, demonstrating a flexible understanding of gender roles in ancient society. Confucian thought had a profound impact on gender roles in ancient China, emphasizing gender division and hierarchy in family and society, but there was also some flexibility in gender roles. Confucius provided certain explanations of gender roles in the *Analects*. Although he emphasized traditional gender divisions, he also acknowledged

women's virtues and talents, as reflected in the saying, "The Master said, 'Gentle, kind, humble, and accommodating,'" ("子曰：‘温良恭俭让’") which can be extended to the diversity of gender roles.

In ancient China, legal and moral norms had certain regulations regarding gender and sexual orientation. These norms not only influenced social gender roles but also constrained individual sexual orientation. For example, the ancient text Zhou Li (《周礼》) provides detailed records of social roles and the functions of men and women; in the Qing Dynasty, the Da Qing Lü Li (《大清律例》) included explicit legal provisions regarding gender roles and sexual behavior, including legal prohibitions against homosexual acts. These laws reflect the societal attitudes toward gender and sexual orientation at that time. Gender and sexual orientation in ancient China were also expressed in art and literature, with relevant depictions found in poetry, drama, and artistic works. These cultural expressions reflect contemporary societal views on gender and sexual orientation. For instance, the poetry of the Tang and Song dynasties often contains metaphors and representations related to gender and sexual orientation. For example, the deep portrayal of male and female emotions in Bai Juyi's Song of Everlasting Regret (《长恨歌》) from the Tang Dynasty can be seen as a cultural expression of gender and sexual orientation.

Homosexuality in ancient China was not uncommon, particularly reflected in the poetry of scholars and historical records. These records showcase the attitudes and societal acceptance of homosexuality in ancient Chinese society. One of China's Four Great Classical Novels, Dream of the Red Chamber (《红楼梦》), presents a complex portrayal of gender and sexual orientation and reflects the societal attitudes toward these issues through its literary form (Xu, Z., 2023). The novel indirectly reveals a certain degree of acceptance and cultural background of homosexuality in ancient China through the close relationships between Jia Baoyu and male characters. Gu Wen Guan Zhi (《古文观止》): This ancient literary collection includes many classical literary works, some of which contain metaphorical depictions of gender and sexual orientation, such as Liu Zongyuan's poetry expressing same-sex affection.

2.2. Gender and Sexual Orientation in Modern China

In modern China, gender roles have undergone significant changes, influenced by multiple social, economic, and cultural factors. In traditional Chinese society, gender roles were typically strictly defined, with men primarily responsible for economic support and women responsible for family and childcare. However, with economic development and social modernization, traditional gender roles have gradually been redefined, leading to important changes in women's roles in both the workplace and the family (Cao & Li, 2020). Economic reforms and marketization have led to a large number of women entering the labor market, and an increasing number of women are choosing to delay marriage and childbirth in pursuit of career development. Additionally, urbanization has brought about changes in lifestyles, making the boundaries of gender roles less distinct. Widespread education has enabled more women to obtain higher education and enter the workforce. In recent years, the Chinese government has implemented a series of policies to promote gender equality. These policies include legal measures, economic incentives, and social advocacy aimed at improving the social status of women and reducing gender inequality (Wang & Li, 2021). For example, the Law of the People's Republic of China on the Protection of Women's Rights and Interests, enacted in 1992, and the Gender Equality Action Plan, introduced in 2002, are both aimed at eliminating gender discrimination and protecting women's rights in employment, education, and family life. However, despite the establishment of these policy frameworks, the actual implementation is affected by social cultural habits and traditional views.

In modern China, cultural products such as films, literature, and media are increasingly diverse in their representation of gender and sexual orientation. This reflects a gradual acceptance and diversification of societal attitudes towards these issues (Wang, 2022). There has been a growing depiction of gender and sexual orientation in film, literature, and media works. This creative

expression not only mirrors societal changes but also fosters discussion about gender and sexual orientation. However, these forms of expression have faced numerous restrictions in recent years. For example, the National Radio and Television Administration has expressed a clear stance against media content related to homosexuality, especially "danmei" (a genre of fictional work focused on romantic relationships between men) in online dramas, through meetings and directives.

With the proliferation and development of the internet, online platforms and social media have provided new avenues for gender expression and sexual orientation, promoting diversity in gender roles and support for sexual minorities (Sun & Huang, 2021). Applications and online communities such as Blued (蓝色空间) and GAYMIR (同志网) allow users to discuss issues of gender and sexual orientation, share personal experiences, and drive social change. Online gender expression is more open, challenging traditional gender roles and norms (Sun & Huang, 2021). Although societal acceptance of sexual orientation is increasing in modern China, the LGBTQ+ community still faces difficulties in areas such as legal protection, social discrimination, and family pressure (Xie, 2022). In China, homosexual behavior is not explicitly prohibited by law, but there is a lack of legal provisions specifically protecting the rights of homosexuals. Particularly, same-sex marriage and partnership relationships are not legally recognized, which means that homosexual individuals lack essential legal protections (Xie, 2022). Despite more open attitudes towards sexual orientation in some cities and among younger generations, traditional beliefs and cultural norms continue to influence societal acceptance of the LGBTQ+ community. Social discrimination and family pressure remain significant issues, especially in smaller cities and rural areas (Chen & Xu, 2021).

3. SOCIAL STATUS OF THE LGBTQ+ COMMUNITY

3.1. Social Acceptance and Discrimination

The issue of social acceptance and discrimination against the LGBTQ+ community in modern China is complex and multi-layered. In recent years, with societal progress and openness, the LGBTQ+ community has gained more understanding and support in some large cities and among younger generations. For example, LGBTQ+ community activities have increased in urban areas, and public discussions and media exposure have created opportunities for advancing LGBTQ+ rights (Wang, 2022). However, acceptance is not uniform; in smaller cities and rural areas, traditional views and cultural norms still pose significant obstacles for the LGBTQ+ community (Chen & Xu, 2021). Despite increased social recognition of LGBTQ+ individuals in some cities, discrimination remains a serious issue. LGBTQ+ individuals often face clear discrimination and exclusion in areas such as employment, healthcare, and public services (Xie, 2022). Family pressure is also a significant factor, with many LGBTQ+ individuals facing strong opposition and rejection from relatives due to failure to meet traditional family expectations (Chen & Xu, 2021). Additionally, gender stereotypes and negative views on homosexuality in societal culture further exacerbate social discrimination against the LGBTQ+ community. In summary, while social acceptance of the LGBTQ+ community in China is gradually increasing, significant social discrimination and prejudice still persist. LGBTQ+ communities in large cities such as Beijing, Shanghai, and Guangzhou are relatively active and open, with more events and social circles. However, in more conservative regions and rural areas, the LGBTQ+ community continues to face considerable social pressure and exclusion.

3.2. LGBT Activities and Social Circles

LGBT activities refer to the social, cultural, and political initiatives centered around the LGBT community. The primary goals of these activities are to increase public awareness of LGBT issues, advocate for equal rights, reduce discrimination, and promote social inclusivity (Kollman, 2013). LGBT social circles consist of networks formed by LGBT individuals and their supporters. These social circles play a crucial role in providing cultural, emotional, and social support. Research

indicates that social support is vital for the mental health of LGBT individuals, helping to alleviate social pressure and feelings of isolation (Meyer, 2003). Additionally, LGBT activities and social circles not only promote the dissemination of LGBT culture but also advance societal understanding of gender and sexual orientation. For example, LGBT cultural festivals and pride parades not only offer a platform for the LGBT community to showcase itself but also enhance societal acceptance of diverse genders and sexual orientations (Herek, 2009). The impact of LGBT activities and social circles on society is profound. On one hand, they drive changes in laws and policies, providing greater protections for LGBT rights. On the other hand, they encourage society to make more efforts towards diversity and inclusivity. For instance, LGBT activities in the education system help schools develop anti-discrimination policies and provide support services for LGBT students (McCormick, 2017). However, in China, these activities and social circles are often conducted discreetly. For example, event notifications are typically shared on social media platforms such as Xiaohongshu and WeChat, and participants are primarily from the LGBT community, which limits their ability to raise public awareness.

3.3. Media and Public Image

According to the UN Human Rights Office, the media plays an important role in shaping public attitudes towards the LGBT community. Positive media coverage can raise public awareness of LGBT rights and reduce prejudice and discrimination (Jaxx, 2021). In recent years, LGBT characters and stories have increasingly appeared in Chinese films, TV dramas and online platforms, increasing public awareness of the LGBT community and gradually diversifying and positive images of the LGBT community. For example, the films 'Lan Yu' (蓝宇) and 'Spring Fever' (春风沉醉的夜晚) not only depicted the real lives of gay characters, but also promoted social understanding and acceptance of the LGBT community. However, media images of the LGBT community in China are not entirely positive. Some media still use stereotypes and clichés that lead to misunderstandings and prejudice against the LGBT community. For example, homosexual characters are often portrayed in an overly exaggerated or marginalised way, and transgender characters are often reduced to 'wonders' or 'deviant'. Although social acceptance of the LGBT community is gradually increasing, cultural differences and social prejudices persist. According to a study conducted by the United Nations Development Programme (UNDP), social acceptance of homosexuality is increasing among younger generations in China, but the LGBT community still faces serious social exclusion and discrimination in many areas with strong traditional attitudes (UNDP, 2016). In summary, despite positive developments in the media and public image of the LGBT community in China, continued efforts are needed to overcome social prejudice and discrimination in order to achieve true equality and inclusion.

4. LEGAL ENVIRONMENT AND POLICIES

4.1. Same-Sex Marriage and Family Rights

International human rights organizations in Same-Sex Marriage: Overview and History mention that same-sex marriage refers to a marriage between two individuals of the same sex that is legally recognized as a valid marriage. The legalization of same-sex marriage is a legal measure taken by many countries and regions to protect the rights of same-sex couples. By legally recognizing same-sex marriage, it ensures that same-sex couples enjoy the same rights as opposite-sex couples in areas such as inheritance, medical decision-making, and taxation (Eskridge, William, 1996). To date, China has not legalized same-sex marriage. According to the Marriage Law of the People's Republic of China, marriage is limited to the union of one man and one woman. This provision directly excludes same-sex couples from enjoying marriage-related rights. Nevertheless, with social progress and changing attitudes, more LGBT rights organizations and activists are calling for marriage equality, hoping to secure equal rights for same-sex couples through legal means. In 2021, China's Supreme

People's Court stated that it would consider the rights of same-sex couples. This statement was seen as an important step towards the legalization of same-sex marriage in China. However, despite this statement, specific legal changes have yet to be implemented. The Supreme Court's statement was mainly a response to public opinion and the demands of the LGBT community but did not provide a clear legislative timeline or specific measures. Due to the lack of legal protection, same-sex couples in China face numerous issues regarding family rights, including but not limited to the following aspects:

- 1) **Inheritance Rights:** Under current laws, same-sex partners do not have the automatic right to inherit each other's estate upon death.
- 2) **Medical Decision-Making Rights:** In cases of sudden illness or emergencies, same-sex partners cannot legally make medical decisions for each other.
- 3) **Child Adoption Rights:** The right of same-sex couples to adopt children is not legally recognized in China, posing significant challenges for those wishing to start a family.
- 4) **Social Security and Benefits:** Same-sex couples cannot enjoy the same benefits and treatments as opposite-sex spouses in areas such as pension and health insurance.

4.2. Anti-Discrimination Laws and Protection Measures

Article 33 of the Constitution of the People's Republic of China states: "All citizens of the People's Republic of China are equal before the law." However, implementing this provision to specifically protect the rights of the LGBT community has proven difficult. Despite the Constitution establishing the basic principle of equality, in practice, LGBT individuals often face discrimination and exclusion from society, family, and work. Furthermore, the current legal system in China lacks specific anti-discrimination laws for the LGBT community. This means that LGBT individuals have difficulty seeking legal protection when facing discrimination. For example, the Labor Law does not contain explicit provisions to address workplace discrimination based on sexual orientation or gender identity. As society progresses and becomes more open and inclusive, some local governments and organizations have begun to explore and make efforts in anti-discrimination and anti-violence. For instance, some local governments in Beijing and Shanghai have included anti-discrimination clauses in local regulations to protect the rights of LGBT individuals in employment, healthcare, and public services. Additionally, many LGBT rights organizations, such as Tongyu and Rainbow China, are promoting awareness and support for LGBT rights through advocacy, education, and legal assistance. Despite the positive attempts made by some local governments and organizations, nationwide legal protection remains insufficient. There are very few cases of LGBT individuals winning lawsuits, and many people choose to endure or privately resolve issues due to social pressure and lack of legal awareness. This situation leads to the ineffective protection of the legitimate rights of the LGBT community, especially in remote, rural, or economically disadvantaged areas.

5. FUTURE PROSPECTS AND CHALLENGES

5.1. Increasing Social Acceptance

With social progress and globalization, China's LGBT community is expected to achieve greater social acceptance in the future. Firstly, the key to improving social acceptance lies in education and raising public awareness. Education can help eliminate misunderstandings and prejudices against transgender individuals and the LGBT community. School and community education programs should include content on gender diversity and LGBT rights, helping people understand and respect different gender identities. Secondly, the media has a powerful influence in shaping public perceptions. Positive reporting and proactive promotion by the media can help enhance social acceptance of transgender individuals and the LGBT community. In recent years, some film and

television works, as well as news reports, have begun to focus on and portray the real lives of transgender individuals, helping to change societal stereotypes about them. Thirdly, LGBT rights organizations play an important role in increasing social acceptance. These organizations promote understanding and support for the LGBT community through advocacy, education, and legal assistance. For example, organizations like Tongyu and Rainbow China actively promote gender equality and LGBT rights through various activities and projects. Finally, transgender individuals can enhance their social identity and confidence through self-expression and participation in community activities. However, despite the positive outlook, there are still many challenges in achieving these goals. Traditional views and cultural customs have low acceptance of gender diversity, and prejudice and discrimination against the LGBT community are still prevalent. Additionally, there is a lack of educational and promotional resources, and many regions, especially rural, remote, and economically disadvantaged areas, lack relevant education and promotion.

5.2. Legal and Policy Improvements

In China, there is still much room for improvement in the legal protection and social acceptance of the LGBT community. Although there has been progress in recent years, the current laws and policies do not fully protect the rights of these groups. Firstly, enacting and implementing specific anti-discrimination laws is an important step in protecting LGBT rights. Explicitly prohibiting discrimination based on sexual orientation and gender identity can provide strong legal protection for the LGBT community. Currently, China's legal system lacks specific provisions in this area, leading to a lack of legal basis for LGBT individuals facing discrimination in employment, healthcare, education, and other fields. Secondly, the process for LGBT individuals in China to change gender information on identification documents involves cumbersome procedures, often including medical certification and gender reassignment surgery. Improving these procedures to be more humane and respectful of individual gender identity can significantly enhance the quality of life and well-being of LGBT individuals. For example, other countries' experiences can be referenced to simplify the legal process for gender change and reduce unnecessary medical requirements. Thirdly, LGBT individuals face many difficulties in accessing healthcare services, including a lack of specialized medical services and high treatment costs. The government should formulate policies to ensure the accessibility of transgender healthcare (such as hormone therapy and gender reassignment surgery) and include them in the health insurance coverage. Additionally, medical professionals' training should be strengthened to increase their awareness and ability to meet transgender healthcare needs. Fourthly, the government can create a more inclusive and friendly social environment for the LGBT community by formulating and implementing supportive policies. For instance, promoting public education on gender diversity and LGBT rights, and strengthening the publicity and enforcement of relevant laws and policies. Moreover, the government can support and fund the work of LGBT organizations to promote social understanding and acceptance of gender diversity. Despite the positive prospects for legal and policy improvements, there are still many challenges in achieving these goals. Traditional views and cultural customs make the formulation and implementation of laws and policies difficult. Additionally, the lack of professional knowledge and resources is a significant obstacle, as many policymakers and law enforcement officers are not adequately aware of the needs of the LGBT community.

5.3. International Cooperation and Experience

In the context of globalization, international cooperation and learning from other countries' experiences provide valuable opportunities for improving laws and policies regarding gender identity and transgender rights. China can optimize its legal system and policy measures by learning from the successful experiences of other countries to enhance the protection level for transgender individuals and the LGBT community. Many countries have made significant progress in protecting transgender and LGBT rights. For example, Germany and Argentina have adopted simplified and humane

measures for gender change procedures, not requiring transgender individuals to undergo gender reassignment surgery to change their legal identity. Furthermore, China can strengthen exchanges and cooperation with other countries by actively participating in international human rights organizations and related conferences. This not only helps to obtain the latest policy and legal information but also allows sharing and promoting China's successful experiences in some areas. For example, participating in activities of the United Nations Human Rights Council and Amnesty International can bring more international perspectives and resources to China, promoting domestic policy improvements. Thirdly, through international cooperation, China can receive technical support and financial aid to advance LGBT rights protection. For instance, funding support from international non-governmental organizations (NGOs) and foundations can be used for related research, education projects, and legal aid services. Meanwhile, technical support from international experts can help improve the professional capacity and service levels of relevant institutions and organizations in China. Fourthly, international cooperation can also take the form of cross-national research and collaboration projects. For example, collaborating with universities and research institutions in other countries to conduct comparative research on LGBT rights can provide scientific evidence for policy formulation. Cross-national cooperation projects can not only promote academic exchange but also provide China with broader data support and theoretical guidance. Lastly, cultural exchange is an important way to improve social acceptance. Through international cultural exchange programs, advanced concepts and cultural activities about gender diversity and LGBT rights from abroad can be introduced, helping Chinese society better understand and accept the LGBT community. For example, international film festivals, cultural exhibitions, and seminars can help eliminate misunderstandings and prejudices through art and culture, promoting social inclusion. Despite the significant advantages of international cooperation and experience-sharing, there are also many challenges. Firstly, cultural differences and varying social attitudes may affect the effectiveness of cooperation, making it difficult to localize advanced international experiences. Secondly, political factors and the complexity of international relations may also hinder international cooperation. Additionally, the lack of resources and information asymmetry poses practical challenges in implementation.

6. CONCLUSION

Despite the progress in social acceptance and legal recognition of LGBT rights in China, significant challenges remain. Traditional views and cultural norms continue to impact societal acceptance and policy implementation. The LGBT community faces discrimination in employment, healthcare, and public services, with rural and conservative areas being particularly challenging. Legal improvements are necessary, including specific anti-discrimination laws and simplified procedures for gender changes. International cooperation and cultural exchanges can provide valuable insights and support for advancing LGBT rights. However, cultural differences and resource limitations pose obstacles to fully realizing these goals.

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