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**The Scope and Diversity of International Obligations
and National Laws Governing Same-Sex
Relationships and Emerging Issues in China**

By

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I, Tang Chao, hereby declare that, I am the author of the above thesis and it is my original research work. This work has not been submitted anywhere else, either in part or whole, for a degree or other academic credits. I undertake the sole responsibility for any inaccuracy in this declaration.

Yours Sincerely,

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Abstract

Currently with the adoptions of Same-sex marriage or partnership legislation in several countries, gay rights once again draw much interest and attention from academic circle worldwide. The legal issues around homosexual people and same-sex relationship vary in different parts of world. In essence, these issues are all about the human rights, and gay rights as basic human rights thus deserve all states' action of protection. Based on such a hypothesis, the research aims to detect what's the content and diversity of international human rights law regarding same-sex relationships and what are the exact obligations imposed on states, with a special look at the situation in China. The research starts from the clarification of some basic concepts and the historic involvements of same-sex relationships and sums up three kinds of main same-sex legal issues facing today: Criminalization; Discrimination and the Blindness for same-sex union recognition. Then the legislative and judicial protection and recognition of same-sex relationship are examined at both international or regional level and domestic level in a comprehensive and comparative way. These laws and practices help to prove and conclude that there are emerging customary international human rights laws which support the protection and recognition of the same-sex relationships.

At last, the thesis analyzes the same-sex issues in China with the help of the findings from previous parts, and found out that the wording and narration used properly in western world should not be easily applied in the context of China without qualification, as China bears its own characteristics and specialties. When it comes to consider the pathway of legal recognition of same-sex relationship/unions in China, the same-sex marriage is not the best choice and partnership mode should be advocated instead.

【 Key Words 】 International Human Rights Law, Same-sex Relationships, Decriminalization, Discrimination, Legal Recognition, Same-sex union and China

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ABBREVIATION



UDHR	— Universal Declaration of Human Rights
ICCPR	— International Covenant on Civil and Political Rights
ICESCR	— International Covenant on Economic, Social and Cultural Rights
UNHCR	— United Nations High Commissioner for Refugees
LGBT	— Lesbian, Gay, Bisexual and Transgender (community)
OHCHR	— Office of the High Commissioner for Human Rights
EU	— European Union
ECHR	— European Convention of Human Rights
ECtHR	— European Court of Human Rights
UN	— Union Nations
ILGA	— International Lesbian, Gay, Bisexual, Trans and Intersex Association
TEC	— Treaty establishing the European Community
ECJ	— European Court of Justice
CAL	— Coalition of African Lesbian
NGO	— Non-Government Organization
OAS	— Organization of American States
PACS	— Pacte Civil de Solidarite
CPPCC	— Chinese People's Political Constitutive Congress
NPC	— National People's Congress
CCMDIII	— Chinese Classification of Mental Disorders III
DOMA	— the Defense of Marriage Act (USA)