

Rights of Gender -diverse People in Mainland China

A Summary Report



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(A Summary Report)

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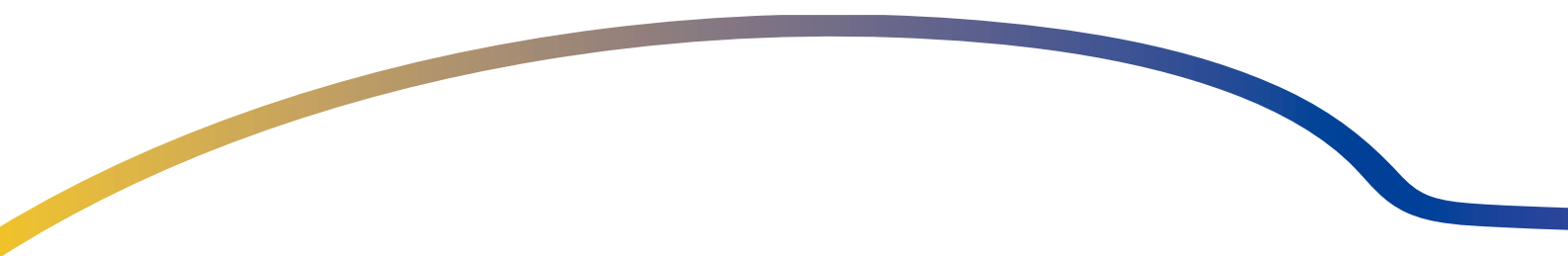
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Version: Jan, 2024, first edition



Founded in 2005, Common Language is rooted in and committed to Chinese communities of diverse genders and sexualities. Common Language's mission is to eradicate violence and oppression based on sexual orientation, gender identity, and gender expression (SOGIE) and seek equal rights through movement-building, direct aid services, and legal advocacy.

Organizational Core Values: Equality, Diversity, Openness

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1. The usage of "gender" in this report defines "gender" as encompassing sexual orientation, gender identity and expressions, and sex characteristics (SOGIESC)

Abstract

China has a large number of gender-diverse people; gender-diverse rights have vast impact on Chinese society. As visibility of gender-diverse communities gradually increases, gender-diverse issues have gained growing public attention, and the protection of gender-diverse rights has become a major concern of public welfare. The government is obligated to respond to the needs of gender-diverse communities, and tackle the discrimination and violence these communities face. By amending the relevant laws and policies to be more inclusive, the government could enable gender-diverse people to survive and thrive, and enhance public welfare while maintaining social stability.

By gathering and analyzing existing academic research, investigative reports, laws and policies, and media coverage, this report summarizes some of the most critical issues of gender-diverse rights in contemporary China. It depicts the development and progress of gender-diverse rights in recent years, unpacks the needs gender-diverse individuals experience and the challenges they face, and proposes concrete policy recommendations. It is hoped that professionals and government branches could reference this report in decision-making, and that laws and policies could be revised to be inclusive of protection of gender-diverse rights.

Introduction: The Past and the Present of Gender-diverse Rights in China

- At present, the estimated population of gender-diverse individuals in China exceeds 10 million. The lives of their parents, siblings, children, and spouses are directly affected by the wellbeing of gender-diverse people. Therefore, in China about 200 to 300 million people are affected by the efficacy of gender-diverse rights.
- In ancient China, the general attitudes toward homosexuality were neutral and tolerant. Systematic stigmatization, exclusion, and/or persecution of gender-diverse people or same-sex behavior was unheard of in Chinese history. In modern times,

however, the dissemination of western thought influence introduced moral judgment, criminalization and pathologization of gender diversity into China, establishing the basis of how modern Chinese society perceives and treats gender-diverse people.

- In 1997, the revised Criminal Law of China abolished the so-called charge of “hooliganism”, which at that time was often used to arrest and punish people who engaged in same-sex behavior. Legal sanctions against gays and lesbians consequently diminished, thus achieving the de facto decriminalization of homosexuality in China. In 2001, the Chinese Classification and Diagnostic Criteria of Mental Disorders (CCMD-3) eliminated homosexuality from its list of mental disorders, marking the milestone of homosexuality depathologization in China.
- Generally speaking, gender-diverse people in China currently face a multitude of challenges in their journey to survive and thrive. Gender-diverse communities are marginalized and mostly invisible, largely due to the systematic discrimination and violence these communities face.
- Systematic discrimination and lack of legal protection are the major causes of rights infringements for gender-diverse people in China. Existing laws and policies in China adopt a gender-binary and heteronormative stance on issues concerning gender and sexuality. General laws provide insignificant protection for gender-diverse people when their rights are violated due to their sexual orientation, gender identity and gender expression. Some of the rights infringements they face cannot be relieved by existing laws. The judicial system in China adopts an evasive and conservative attitude toward gender-diverse issues, limiting legal redress to these communities.

Part One: Health and Medical Services

Development and Progress

- In recent years, forced conversion therapy of sexual orientation was ruled unlawful in several litigation cases in China. These fair and just court decisions provided the much-needed protection for gender-diverse people, while acting as a deterrent to illegal agencies profiting from conversion therapy.
- In November 2020, the National Health Commission issued the Diagnostic and Therapeutic Norms for Mental Disorders (2020 version), in which the residual entries of homosexuality and bisexuality in Chinese Classification and Diagnostic Criteria of Mental Disorders (CCMD-3) were completely eradicated. So far, measures to “cure” or to “correct” homosexual or bisexual orientations have thoroughly lost scientific and legal endorsement.
- In 2022, the National Health Commission issued the latest version of Management Specification for Clinical Application of Gender Reassignment Technology, in which the age requirement for undergoing gender-affirming surgeries was lowered from 20 to

18, and many of the genital reconstruction standards were also loosened. This revision further eases the burden of legal gender marker change for transgender individuals.

- The Regulations on the Prevention and Control of AIDS issued in 2006 explicitly prohibits discrimination based on HIV status. This non-discriminatory principle advocated for gay rights: it raised HIV prevention awareness among gay men's communities, while creating an accepting and supportive social network for them.
- Peer education proved to be highly effective in HIV prevention, since the success of HIV prevention is inseparable from the efficacy of community building. Gay men's community-based HIV prevention social organizations played a pivotal role in this cause.

Needs and Challenges

- Gender-diverse people generally have subpar mental health conditions compared to the national average level, as a result of the tremendous pressure from lack of social acceptance and fearing identity exposure.
- The residual entries of "self-incongruent" homosexuality and bisexuality pathologizing gender-diverse people in the mental disorder list of CCMD-3 have persistent negative influences on healthcare providers. These entries hinder gender-diverse people from accessing quality medical services, while offering excuses for conversion therapy and encouraging a gray zone for illegal agencies to make a profit.
- Access to hormonal medication is heavily restricted, leaving many transgender individuals unable to obtain hormone replacement treatment from professional healthcare providers. Self-medication and black-market purchases are both unsafe and expensive.
- Access to gender-affirming surgeries is confined to a small proportion of transgender individuals who can find the few hospitals providing this treatment, afford the costly procedure and acquire family consent. Their gender dysphoria is compounded by the unreasonable policies and perplexing paperwork.
- The prevailing trend of HIV prevention is "prevention by intimidation". This trend, together with the outdated information portrayed in many of the education materials, proliferated stigmatization and discrimination of people living with HIV, impaired the effectiveness of prevention efforts, and worsened the living conditions of infected persons.
- People living with HIV are extremely vulnerable to discrimination when they need medical services, seek employment or pursue an education, which makes them further vulnerable to subpar living standards and survival crisis.

Part Two: Education and School Environment

Development and Progress

- For the first time in Chinese legislative history, the Minors Protection Law newly revised in 2020 draws clear definitions for student bullying and online bullying, as well as stipulates mechanisms for schools to prevent and respond to bullying incidents. This is a landmark step toward protecting students from bullying and violence.
- Laws and policies including the Minors Protection Law, the Family Education Promotion Law, the Outline of Children's Development, and the Outline of Women's Development (2021-2030) all underscore the importance and necessity of gender equality education in schools and families. Across China, an increasing number of education institutions are welcoming gender equality courses into their curriculum.
- Peer support networks self-organized by university students offer peer counseling to gender-diverse students, prevent physical and mental problems, and provide crisis intervention. Their work is indispensable for fostering tolerant, equal, and friendly school environments, as well as redressing school bullying based on prejudice and discrimination.

Needs and Challenges

- Gender-diverse students are frequently victimized by bullying and violence in schools. Existing laws in China, however, impose no explicit prohibition of bullying and violence based on sexual orientation, gender identity and gender expression. This leads to the lack of legal redress for students victimized by bullying and violence.
- Gender-diverse students suffer from unequal treatment due to their sexual orientation, gender identity and gender expression when they pursue an education. Discrimination during admission and enrollment, forced dropout or expulsion from school, and intentional adverse academic evaluation are a few examples.
- Sex education in Chinese schools is inadequate. Abstinence education and sexual assault prevention dominate current sex education in China, whereas perspectives of gender diversity and gender equality are rarely available. Consequently, gender-diverse students usually find their school environment to be hostile, with a strong probability for them to fall victim of bullying and discrimination.
- School facilities such as toilets, dormitories, and shower rooms ubiquitously follow a gender-binary setting, ignoring the needs of transgender students and increasing their risks of identity exposure and being bullied.
- Regulations of post-surgery gender marker change on educational certificates are yet to be optimized. Numerous transgender individuals have met obstacles in this process, which leads to further obstacles and induce identity exposure when they seek employment.

Part Three: Partnership and Family Relations

Development and Progress

- The Anti-domestic Violence Law enacted in March 2016 was reckoned as a great monument in China's endeavor of eradicating domestic violence. This new legislation amplified the scope of protection for victims, offering gender-diverse people potential legal protection from domestic violence.
- The appointed guardianship system that first appeared in the General Provisions of Civil Code (2017) brings about a new option of protecting gender-diverse rights. Through this new mechanism, gender-diverse individuals can make legal arrangements for their personal and property issues in the duration of their cohabiting relationship.

Needs and Challenges

- Violence from natal family is a prominent threat to gender-diverse people. Relevant government authorities fail to acknowledge the importance of gender-diverse issues, leaving victims of such violence with few options for support and aid.
- Intimate partner violence of same-sex couples is not under judicial jurisdiction, due to the absence of legal same-sex marriage and the ambiguous applicability of the Anti-domestic Violence Law on same-sex partnerships.
- Rights claims of shared property can hardly find legal proof, since same-sex partnerships are not recognized by the law.
- Application of artificially assisted reproductive technology is confined to married heterosexual couples by Chinese laws, excluding gender-diverse people and denying them reproductive rights.
- Gender-diverse people can only adopt children in the capacity of a single person rather than as a couple, since their partnership is not legally recognized. A married heterosexual couple is far more likely to be considered in the foster parents waiting list as in comparison to a same-sex couple.
- When a same-sex couple raise underage children together, only one person in the couple is legally recognized as the child's parent by Chinese laws, whereas the other person remains a legal stranger to the child. In case, if the couple terminated their partnership, one partner would be denied parental rights to the child entirely.

Part Four: Employment and Workplace

Development and Progress

- In 2018, the Supreme People's Court classified Disputes over Equal Employment Rights as an independent cause of action into the category of Disputes over General

Personality Rights. This optimization of judicial system advanced the protection of equal employment rights for all workers.

- The judicial system in China has gradually become sensitized about employment discrimination against gender-diverse people. A growing number of court decisions ruled in favor of the equal protection of personality, dignity, and labor rights of gender-diverse litigants. Many labor arbitrations awarded gender-diverse people compensation, setting pioneering precedents for future cases.
- Several companies in China have realized the significance of guaranteeing benefits for gender-diverse staff. The awareness of gender diversity and gender equality is budding in China's private sector.

Needs and Challenges

- Employment discrimination is one of the most prevailing challenges that gender-diverse individuals face. Gender-diverse individuals are not treated equally during the process of job hunting, onboarding training, and promotions, which has considerable negative impact on their career advancement.
- Ubiquitous discrimination against gender-diverse individuals leave them with an unsafe and unsupportive working environment. Equal opportunities of career advancement are rare for gender-diverse people, whereas wrongful dismissals are not uncommon for them.
- The majority of employers have not taken gender diversity and gender equality into consideration when designing enterprise infrastructure, internal regulations, and employee benefits, resulting in an aggravated pressure of identity exposure for gender-diverse staff, as well as escalating operating costs for the companies themselves.
- Legislation in China does not explicitly define discrimination on basis of gender, gender identity or sexual orientation. The Chinese judicial system is prone to avert the issue of discrimination. Compounded by the fact that most recruitment processes are not transparent, gender-diverse jobseekers can hardly preserve valid evidence of discrimination in order to seek legal redress in discriminatory instances.

Part Five: Media Expression

Development and Progress

- Public visibility of gender-diverse communities is gradually increasing, thanks to growing media coverage of gender-diverse issues.
- Mainstream media reports in China have repeatedly expressed support to gender-diverse communities in instances of public discrimination and violence. Comprehensive, fact-based, and fair reports about gender-diverse communities are indispensable for

the general public to overcome stigma, prejudice and violence.

- Gender diversity inspires artists and entertainers in China to create outstanding content. These works enriched the understanding of the general public about gender-diverse communities and propelled the influence of Chinese culture overseas.

Needs and Challenges

- Visibility of gender-diverse communities in Chinese media is still poor, and the bulk of media coverage of gender-diverse communities is far from comprehensive or fact-based. Biased reporting of these communities is unhelpful for advocating equality and eliminating prejudice, and perpetuates discrimination.
- Censorship regulations in China frequently relate homosexuality to pornography. Intensified censorship in recent years stifled the production of journalistic and cinematic works involving gender-diverse issues. The drastic decline of affirmative media expression reduced the opportunities to eradicate stigma and correct misunderstandings. The general public thus have even fewer opportunities to get an insight into the actual living conditions of gender-diverse people.
- Censorship of gender-diverse works undermines the prosperity of literary and artistic expression, crushes the enthusiasm of literary and artistic creators, brings economic loss to the film and television industry, and arouses disapproval among the general public.
- Lately, censorship of unconventional gender expression is intensifying as well, and has resulted in multiple instances of gender-based violence.

Part Six: Community Development

Development and Progress

- Compared to general social services, civil organizations serving gender-diverse communities have an unparalleled function in relieving living difficulties, maintaining family harmony, and promoting social stability. These community-based organizations serve as the lubricant that eases social conflicts and as a safety valve that prevents massive social unrest.
- The development of gender-diverse communities catalyzes the “pink economy”. Chinese companies targeting gay and lesbian customers demonstrate global business influence and contribute to worldwide economic growth.

Needs and Challenges

- Legal status of civil organizations serving gender-diverse communities is yet to be clarified. Many such groups are obstructed in their attempt to register as a social organization, which further limits their capacity of fundraising and service provision.

- Police investigation on gender-diverse organizations and intervention of their activities has increased in recent years, forcing many community organizations to halt or cease their operations. Friendly service and professional aid available to gender-diverse people therefore diminished substantially; the difficult living conditions of gender-diverse communities further deteriorated.

Part Seven: Global Trends and International Engagement —

- Overall, countries and territories around the globe all demonstrate gradually growing acceptance towards gender-diverse communities. Discrepancies occur, however, when it comes to the specific measures seen in each region to strive for gender-diverse rights: Asia and the Pacific present disparate patterns originated from their richness in cultural differences; Latin America and Africa propel their advocacy of gender-diverse rights in spite of various setbacks; Europe and North America remain the pioneers of gender-diverse rights protection due to their comparatively well-established legislations.
- Starting from 2011, issues of sexual orientation and gender identity (SOGI) have become a high-profile topic of debate at the United Nations. The UN has been advocating for holistic wellbeing and comprehensive rights of SOGI-related populations ever since.
- The Chinese government has declared at the UN on several occasions that it firmly opposes discrimination and violence on basis of sexual orientation and gender identity (SOGI), while it tends to deal with SOGI issues as a matter of public welfare and as internal affairs of the nation. China underscores its state sovereignty and cultural differences, and it objects the politicization of SOGI issues.

Policy Recommendations

Part One: Health and Medical Services

1.Ensure thorough depathologization of gender-diverse people in psychiatry

- Departments of healthcare and commerce administration are recommended to strengthen their supervision over medical services, mental health professionals, and psychological counseling agencies, make sure services provided by these agencies are in line with the standards of the latest Diagnostic and Therapeutic Norms for Mental Disorders, and eliminate the illegal practice of forced conversion therapy of sexual orientation.
- Departments of healthcare, education, and press and publication are recommended to strengthen their quality inspection of university textbooks and specialized publications concerning psychology and mental health, to ensure content of these publications is in line with the latest scientific conclusions, and eliminate pathologized interpretation of gender-diversity.

2.Promote awareness of gender diversity amongst healthcare professionals

- Departments of healthcare and professional associations of the medical industry are recommended to incorporate acceptance and respect of gender-diversity into their professional guidelines and ethical standards, and organize trainings on gender diversity aimed at sensitizing healthcare professionals.
- Departments of healthcare, China Psychological Society, China Mental Health Association, and Institute of Psychology of Chinese Academy of Sciences are recommended to incorporate gender diversity and gender equality into Assessment of Psychotherapists, Registration System for Clinical and Counseling Psychology,

Professional Skill Training for Psychotherapists, and Comprehensive Test of Basic Programs for Psychotherapists, in order to encourage psychological practitioners to provide quality services to gender-diverse individuals.

3. Fulfilling the needs of gender-affirming medical care for transgender individuals

- Departments of healthcare and drug administration are recommended to optimize and promote Transgender Series Therapy, ensuring the proper regulation and reasonable access of hormone replacement treatment for transgender individuals.
- Departments of healthcare are recommended to mobilize more research resources for gender reassignment technology, facilitate more hospitals to become qualified for such surgeries, and train more doctors to be competent of such operations.
- Departments of healthcare and national medical insurance are recommended to incorporate transgender-related examination, medication, and surgery into National Medical Insurance, and make regular physical check-ups available for transgender individuals receiving hormone replacement treatment.
- Departments of healthcare are recommended to simplify the requirements for receiving gender reassignment surgery, remove “proof of already notified immediate family about the surgery” as one of the preconditions, and facilitate the access to “transsexualism” diagnosis which is also one of the surgery prerequisites currently only available at a handful of mental health institutions across China.
- Departments of healthcare are recommended to strengthen visibility and advocate individual autonomy of the patients; departments of law enforcement are recommended to strengthen intervention and punish disruptive behavior of the patients’ family. Only in this way can doctors and hospitals providing gender-affirming medical services to transgender people drop their apprehension of family complaints and waive the requirement of family consent.

4. Enhance HIV-related anti-discrimination advocacy and rights protection for people living with HIV

- Departments of press and publication are recommended to enhance public education and anti-discrimination advocacy of HIV, promote the concept of U=U (Undetectable = Untransmittable), and eliminate HIV-related stigma of men having sex with men.
- Departments of education, human resources and social security, and healthcare are recommended to enhance training and supervision of schools, enterprises, and medical institutions, and raise their awareness of equal rights of people living with HIV. Discrimination and rights violation of people living with HIV in schools, at workplace, and in hospitals must be handled seriously in accordance with the law.
- Departments of human resources and social security and departments of finance are

recommended to offer financial subsidies and preferential treatment to companies which take affirmative measures to guarantee staff benefits for HIV-positive employees.

- Legislators and policy makers are recommended to revise discriminatory provisions in existing laws and policies regarding persons living with HIV or populations vulnerable to HIV, including: the compulsory HIV test in General Standards for Medical Examination of Civil Servants (Trial), and the “crime of propagating sexually transmitted diseases” in which an HIV-positive person who has already reached U=U status or has taken sufficient protective measures is still subjected to potential criminal liability.

Part Two: Education and School Environment

1.Foster school environments that embraces gender diversity

- The Ministry of Education is recommended to launch gender equality inspection on national curriculum standards, national unified textbooks, and policy documents. They are also recommended to develop gender-friendly psychology and mental health textbooks and courses based on expert opinions and the latest scientific conclusions.
- The Ministry of Education is recommended to recall textbooks which contain unlawful, discriminatory, and outdated information, and require publishers to release updated versions in accordance to the latest scientific conclusions.
- The Ministry of Education is recommended to integrate gender diversity into existing gender equality education, promote comprehensive sex education, and endorse newly developed curricula of gender equality which contain content on gender diversity.
- The Ministry of Education is recommended to incorporate gender diversity and gender equality into the Qualification Test for Primary and Secondary School Teachers, sensitize students of teacher’s colleges, and urge schools to organize sensitivity trainings for staff on responding to discrimination and violence based on sexual orientation and gender identity.
- The Ministry of Education is recommended to formulate departmental regulations and policy guidelines, support the establishment and growth of gender-diverse student organizations, and foster friendly school environments for gender-diverse students.
- The Women and Children’s Work Committee of the State Council is recommended to supervise the Ministry of Education in the implementation of all the tasks described above.

2.Protect gender-diverse students from school bullying and violence

- Legislative organs and the State Council are recommended to formulate specifically inclusive laws and administrative regulations of anti-bullying in schools that embrace

gender diversity as soon as possible.

- The National People's Congress is recommended to optimize the Minors Protection Law; legislative organs at provincial and municipal levels are recommended to optimize local regulations accordingly. Sexual orientation, gender identity and gender expression ought to be explicitly listed as prohibited grounds of discrimination.
- Departments of education administration at different levels are recommended to instruct and supervise school implementation of non-discriminatory principles and regulations of anti-bullying as prescribed in the Minors Protection Law and the Outline of Children's Development, while discriminatory practices against gender-diverse students must be handled seriously in accordance with the law.
- The Rule of Law Vice Principals of primary and secondary schools who oversee legal education and student protection are recommended to reach out to gender-diverse student groups, work with them to promote peer support and campus safety, and prevent school violence.
- Education institutions at all levels are recommended to list sexual orientation, gender identity and gender expression as protected categories in their anti-bullying school policy, and take dedicated measures to protect gender-diverse students.

3. Popularize school public facilities that are friendly to gender diversity

- The Ministry of Housing and Urban Rural Development and the Ministry of Education are recommended to construct infrastructures that are friendly to gender diversity, including but not limited to building gender-neutral toilets in education institutions at all levels, and ensure the availability and accessibility, and dedicated use of these facilities, as currently many of these facilities are being misused as miscellaneous storage due to lack of awareness around reasonable accommodation.
- The Ministry of Education is recommended to integrate availability of gender-friendly facilities into the school management evaluation system, to encourage schools to provide friendly facilities such as gender-neutral toilets and individual shower stalls.
- Education institutions at all levels are recommended to optimize student accommodations, build individual dormitory rooms that are not allocated according to binary genders, permit students with privacy needs to live off-campus, and offer subsidies in case off-campus accommodations are more costly.
- The National Health Commission is recommended to coordinate and assist the construction of the above-mentioned gender-friendly school facilities.

4. Facilitate gender marker change on educational certificates

- The Ministry of Education and education administration departments at the provincial level are recommended to promptly enact departmental regulations and policy documents, standardize the process of education background registration, unify

the procedures of name change and gender marker change after awarding the degree, ensure dignity and privacy of transgender students, and protect their right to education and right to employment.

- The Ministry of Education is recommended to optimize the verification systems of education background and education degrees, such as the China Higher Education Student Information Network, and the Degree and Graduate Education Development Center of the Ministry of Education, clarifying that there is no need to display or verify irrelevant information, including gender of the student.

Part Three: Partnership and Family Relations

1. Protect gender-diverse people from family and intimate partner violence

- The State Council and legislative organs at different levels are recommended to enact national and local implementation guidelines of the Anti-domestic Violence Law, stipulate that law enforcement must file written reprimands and adequately intervene in accordance with the law when a domestic violence case involves gender-diverse individuals, and include violence against gender-diverse people into the tracking system of domestic violence cases.
- The People's Congress at national, provincial, and municipal levels are recommended to optimize anti-domestic violence legislation and local regulations, explicitly including gender-diverse cohabiting partners into the protection scope of the Anti-domestic Violence Law.
- Public Security Bureaus, People's Procuratorates and People's Courts at different levels are recommended to diligently implement provisions of the Anti-domestic Violence Law, and handle domestic violence cases involving gender-diverse people in accordance with the law.
- Women's Federations at different levels are recommended to implement women's rights-related laws and regulations enacted by the State and by higher authorities, formulate and execute subdistrict work plans, actively mediate family disputes, and protect the rights of gender-diverse people victimized by domestic violence.
- The Ministry of Public Security is recommended to enact internal guidelines to the Family Education Promotion Law, expand the definition of "gender" to "sexual orientation, gender identity and gender expression" in Article 23 "Parents or other guardians of minors shall not discriminate against minors based on gender, physical condition, intelligence, etc.", improve family acceptance toward their children's "coming out", and eliminate the probability of forced conversion therapy imposed on minors.

2.Sensitize government departments and violence intervention service organizations about gender diversity in domestic violence cases

- Judicial and public security departments at different levels are recommended to intervene in domestic violence cases involving gender-diverse people in accordance with the law, and shall not discriminate against gender-diverse people or inflict further harm.
- Judicial departments at different levels are recommended to organize trainings on gender diversity aimed at sensitizing staff, enabling them to take gender-diverse identities into consideration in the process of fact determination and legal characterization of cases when it is appropriate.
- Departments of government above the county level, departments of public security, judiciary, and education, as well as Women’s Federations, Disabled Persons’ Federations, Residents’ Committees, Villagers’ Committees, and all departments working on anti-domestic violence are recommended to closely engage with social organizations, experts, and scholars with expertise in this field; raise staff awareness of gender diversity and gender equality; organize trainings on response to domestic, school and public sphere violence against gender-diverse people; and enhance staff capacity of dealing with violence involving gender-diverse people.

3.Ensure equal rights to reproduction, adoption, and child-rearing for gender-diverse people

- The National People’s Congress is recommended to formulate specialized laws on artificially assisted reproductive technology; the National Health Commission is recommended to formulate or revise corresponding regulations and policy documents. Marital status ought not to be the precondition for accessing artificially assisted reproductive technology (including the access to sperm banks and relevant reproductive medical services). Childbirth out of wedlock ought not to be discriminated against or be excluded from reproductive medical services including artificially assisted reproductive technology.
- The National People’s Congress is recommended to revise the Civil Code or enact judicial interpretation, specifying that legal recognition of parent-child relationship ought to be based on the best interest of the child, along with the volition of both parents.
- The Ministry of Civil Affairs is recommended to enact policy documents that optimize the existing adoption regulations and ensure equal rights to adoption for gender-diverse people.

4.Improve legislative and judicial protection of same-sex partnership

- Legislative organs in China are recommended to set legalization of same-sex marriage as a long-term goal, and legal recognition of same-sex civil unions as a short-term goal. Based on enduring willingness to live together and actual proof of cohabitation, same-sex couples ought to be granted rights protection that is equal to heterosexual partnerships.
- The Supreme People’s Court and High People’s Courts at provincial and municipal levels are recommended to undertake research as soon as possible on personal and property disputes between same-sex partners, enact internal ruling standards of personal and property disputes between same-sex partners, ensure fair protection to both sides of litigation, and uphold social justice.

Part Four: Employment and Workplace

1.Strengthen legislative and judicial protection of equal right to employment for gender-diverse people

- The National People’s Congress is recommended to formulate or revise laws, including formulate a specialized Anti-employment Discrimination Law, and revise the Labor Law and the Employment Promotion Law. To prevent and eliminate employment discrimination against gender-diverse people, sexual orientation, gender identity and gender expression ought to be explicitly listed as prohibited grounds of discrimination, employment discrimination along with its constitutive requirements ought to be clearly defined, and shared burden of proof and response system ought to be set up. The People’s Congress at provincial and municipal levels are recommended to optimize relevant regulations of the above-mentioned laws.
- The Supreme People’s Court is recommended to enact internal guidelines, stipulating that People’s Courts at lower levels ought to intake and hear in accordance with the law cases of employment discrimination on basis of sexual orientation, gender identity and gender expression.
- The Supreme People’s Court is recommended to enact internal guidelines, clarifying that Disputes over Equal Employment Rights as a cause of action is applicable for the entire process of recruitment: onboarding, incumbency and resignation.
- The Supreme People’s Court is recommended to enact judicial interpretation and guiding cases; People’s Courts at provincial and municipal levels are recommended to issue local judicial documents and typical cases. They shall clarify allocation of burden of proof in Disputes over Equal Employment Rights, mitigate the burden of proof on employees, and request employers to prove the legitimacy of their differential treatment.

- Departments of human resources and social security at different levels are recommended to issue departmental regulations and policy documents, further clarifying the definition of “discrimination”, and expand the definition of “gender” to include “sexual orientation, gender identity and gender expression”.

2.Popularize inclusive corporate regulations and work environments that embrace gender diversity

- Departments of human resources and social security at different levels and All-China Federation of Trade Unions are recommended to advocate for corporate regulations and work environments that embrace gender diversity, formulate specialized guidelines, encourage companies to integrate anti-discrimination provisions into their code of conducts, and protect gender-diverse employees from differential treatment in the processes of recruitment, evaluation and promotion, salary, dismissal, and access to feasible mechanisms of dispute resolution. They are also recommended to offer tax cuts to companies which have taken the above-mentioned best practices.
- Departments of human resources and social security and departments of commerce administration at different levels are recommended to encourage enterprises to value Environmental, Social and Governance (ESG) assessments, and integrate ESG assessments into their supervision of enterprises. They are also recommended to encourage enterprises to offer fringe benefits that are friendly to gender-diverse staff, including equal benefits to staff’s same-sex partners, provide necessary healthcare benefits for transgender staff, designate gender-neutral toilets, and handle sexual harassment among all staff fairly.
- The Ministry of Housing and Urban Rural Development is recommended to construct infrastructures that are friendly to gender diversity, including but not limited to building gender-neutral toilets in the workplace, and ensure the actual accessibility and availability of these facilities.

Part Five: Media Expression

1.Permitt media reporting on gender diversity, advocate for equality and anti-violence

- Departments of press and publication and departments of broadcasting, film and television are recommended to acknowledge the existence of gender-diverse communities, permit media (including social media) coverage of gender-diverse issues, and celebrate truthful artistic representation of these communities.
- Departments of press and publication and departments of broadcasting, film and television are recommended to actively harness media’s role in guiding public opinion, eliminate misunderstanding and prejudice of the public towards gender-diverse

communities, advocate for values of anti-discrimination and anti-violence, and call for equal protection of gender-diverse people.

2. Permit media expression of gender diversity in accordance with the law, facilitate the development of peripheral industries

- Departments of press and publication, broadcasting and television, and film and culture are recommended to remove limitations of gender-diverse issues in the areas of publication, film and television, and video games; stop arbitrarily categorizing homosexuality as pornography; and permit media expression and artistic representation of gender diversity on the condition that they comply with general laws and regulations.
- Departments of press and publication, broadcasting and television, film and culture, commerce administration, and market supervision are recommended to appreciate the great inspiration that gender-diverse issues have brought to artistic creation, acknowledge the value of emergent cultural industries, facilitate opportunities for cultural works of this kind to be disseminated overseas, and uplift the influence of Chinese culture globally.

Part Six: Community Development

1. Support the development of gender-diverse community organizations, improve communication and coordination mechanisms

- Departments of civil affairs and social organization administration are recommended to remove restrictions on gender-diverse community organizations, grant these organizations equal opportunities to register as a social organization, legalize private fundraising activities, and support the work and development of these organizations.
- Departments of healthcare and health commissions at different levels are recommended to establish regular communication mechanisms with community organizations working in the same field, provide operational funding for these organizations through governmental purchase of social services, and facilitate the development of these organizations in the framework of existing policies and regulations in order to ease social conflicts.

2. Encourage civic participation in gender-diverse volunteer services

- Departments of social organization administration are recommended to encourage civic participation from all walks of life in volunteer work serving gender-diverse communities, create wider and stronger supportive social networks, actively relieve living difficulties for gender-diverse people, and boost social harmony and stability.

Part Seven: Global Trends and International Engagement

1. Actively display best practices of gender-diverse rights through UN mechanisms

- The Chinese government is recommended to leverage UN review mechanisms, actively display China's best practices in protecting gender-diverse rights.
- The Chinese government is recommended to include information of affirmative measures that China has already taken into their preparation for UN review sessions and reporting. For example, integrate China's best practices into China's national reports of international conventions, invite Independent Experts and Special Rapporteurs of Special Procedures to visit China, and submit mid-term reports timely.

2. Encourage domestic gender-diverse NGOs to participate in UN mechanisms, facilitate international exchange of these NGOs

- The Chinese government is recommended to establish better mechanisms of communication with civil organizations, amplify the scope of consultation, allocate adequate time for consultation, maximize the outcomes of consultation, and invite community organizations, volunteer groups, social entities and university scholars to engage in effective dialogue with the government.
- The Chinese government is recommended to attentively consider constructive suggestions which are made by domestic NGOs and are based on China's characteristic situations and communities' undeniable predicaments, encourage domestic NGOs to directly submit shadow reports to the UN, and facilitate these NGOs to participate in international exchange, including with UN mechanisms.

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- 1.Gender-diverse communities face tremendous challenges
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Development and Progress

- 1.Conversion therapy ruled unlawful; progress towards full depathologization
- 2.Gender reassignment regulations gradually optimized; medical needs of transgender people partially met
- 3.HIV prevention and anti-discrimination mutually reinforce ; peer education proved to be highly effective

Needs and Challenges

1. Gender-diverse individuals generally have higher risks of mental health crisis
2. Unfriendly medical services and harmful conversion therapy
3. Transgender individuals face multiple healthcare dilemmas; medical needs remain their top priority
4. HIV stigma impairs HIV prevention; lack of systematic support endangers infected persons

Policy Recommendations

1. Ensure thorough depathologization of gender-diversity in the field of psychiatry
2. Promote awareness of gender diversity among healthcare professionals
3. Fulfill needs of gender-affirming medical care for transgender people
4. Enhance HIV-related anti-discrimination advocacy and rights protection for people living with HIV

Part Two: Education and School Environment

Development and Progress

1. Combine laws with policies to combat school bullying
2. Gender equality education gains public attention; gender-diverse courses introduced into university curriculum
3. Peer support networks flourish; mental health levels of gender-diverse students improved

Needs and Challenges

1. Gender-diverse students frequently victimized by school bullying and violence; legal redress unavailable

2. Gender-diverse students marginalized by education systems; equal right to education violated
3. Education policies and course contents stigmatize and exclude gender-diverse individuals
4. School facilities fail to meet the basic needs of gender-diverse students
5. Gender marker change on educational certificates remains an intractable task for transgender students

Policy Recommendations

1. Foster school environments that embrace gender diversity
2. Protect gender-diverse students from school bullying and violence
3. Popularize school public facilities that are gender-friendly
4. Facilitate gender marker change on educational certificates

Part Three: Partnership and Family Relations

Development and Progress

1. The Anti-domestic Violence Law provides legal framework for tackling domestic violence involving gender-diverse individuals
2. Appointed guardianship system offers a new option to protect same-sex partnership

Needs and Challenges

1. Violence from natal family presents a prominent threat while support and aid are insufficient for gender-diverse individuals
2. Intimate partner violence of same-sex couples not under jurisdiction

3. Same-sex partnership is not recognized by the law; rights of shared property unprotected
4. Regulations of artificially assisted reproductive technology and reproductive policies are discriminatory against gender-diverse communities
5. Rights to adoption and child-rearing are unfairly restrictive for gender-diverse individuals

Policy Recommendations

1. Protect gender-diverse people from family and intimate partner violence
2. Sensitize government departments and violence intervention organizations about gender diversity in cases of domestic violence
3. Ensure equal rights to reproduction, adoption and child-rearing for gender-diverse individuals
4. Improve legislative and judicial protection of same-sex partnerships

Part Four: Employment and Workplace

Development and Progress

1. Employment-related legislation constantly improving; labor rights of gender-diverse individuals granted legal redress
2. Emerging awareness of gender diversity in business communities contributes to corporate growth

Needs and Challenges

1. Employment discrimination remains severe and jeopardizes professional development

- of gender-diverse individuals
2. Unfriendly work environments reduce productivity and escalates operating costs of companies
3. Absence of a specialized Anti-employment Discrimination Law results in difficulty of judicial intervention

Policy Recommendations

1. Strengthen legislative and judicial protection of equal employment rights for gender-diverse individuals
2. Popularize corporate regulations and working environment that embrace gender diversity

Part Five: Media Expression

Development and Progress

1. Affirmative media coverage increases visibility of gender-diverse issues and encourages equal rights protection
2. Gender-diverse issues inspire artistic creation as well as propel industrial development and overseas dissemination of Chinese culture

Needs and Challenges

1. Gender-diverse communities frequently stigmatized by media reports; perpetuate public stereotypes
2. Gender diversity arbitrarily tied up with pornography and health-related stigma; visibility of gender-diverse issues diminished
3. Censorship undermines prosperity of cultural industries, induces gender-based violence, and arouses disapproval among the public

Policy Recommendations

1. Permit media reporting on gender diversity, advocate for equality and anti-violence
2. Permit media expression of gender diversity in accordance with the law, facilitate the development of peripheral industries

Part Six: Community Development

Development and Progress

1. Community-based organizations provide a wide range of professional services as well as boost social harmony and stability
2. The rise of “pink economy” and the expansion of community enterprises contribute to economic growth

Needs and Challenges

1. Community organizations restrained from civil registration; their capacity of fundraising suppressed
2. Plenty of community organizations forced to halt or cease their operations; living conditions of gender-diverse individuals further deteriorate

Policy Recommendations

1. Support development of gender-diverse community organizations, improve communication and coordination mechanisms
2. Encourage civil participation in gender-diverse volunteer service

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2. Stances and statements of Chinese government at UN mechanisms’ review sessions

Policy Recommendations

1. Actively display best practices of gender-diverse rights through UN mechanisms
2. Encourage domestic gender-diverse NGOs to participate in UN mechanisms, facilitate international exchange of these NGOs

Annex: Terminology

