

# Fading Rainbow

A Q&A on LGBTQ  
Equality in China



**OUTRIGHT**  
INTERNATIONAL



Outright International works together for better LGBTIQ lives.

Outright is dedicated to working with partners around the globe to strengthen the capacity of the LGBTIQ human rights movement, document and amplify human rights violations against LGBTIQ people, and advocate for inclusion and equality.

Founded in 1990, with staff in over a dozen countries, Outright works with the United Nations, regional human rights monitoring bodies and civil society partners. Outright holds consultative status at the United Nations where it serves as the secretariat of the UN LGBTI Core Group.

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Cover photo: Greg Baker/AFP via Getty Images. Taken May 10, 2019. A gay student posed with a rainbow flag in Beijing. China's LGBT community faces government repression: Censors shut down some of its social media forums, online news media curbed coverage of gay issues, and online shops removed sales of rainbow-themed products.

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# Background

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The 2022 Winter Olympic Games in Beijing have triggered discussion of a range of human rights concerns in China. Among them is the increasingly precarious situation for lesbian, gay, bisexual, transgender, and queer (LGBTQ) people and activism in support of their rights. Outright International prepared a brief Q&A to spotlight China's Party-state's efforts to obstruct LGBTQ equality and inclusion.



# Do LGBTQ people in China enjoy legal and social equality?

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Lesbian, gay, bisexual, transgender, and queer (LGBTQ) people in China are second-class citizens in the eyes of the law and lack critical protections of their rights.

China has no laws or regulations that explicitly protect against discrimination or other violations on the grounds of sexual orientation or gender identity. Several policies actively discriminate against LGBTQ people. These include censorship provisions that ban depictions of “homosexuality” as a kind of “abnormal relation,” exclusion from marriage or becoming an adoptive parent, and the inability of LGBTQ organizations to obtain registration. The Chinese Classification of Mental Disorders Version 3 retains “homosexuality” and “bisexuality” within “Sexual Orientation Disorders,”<sup>1</sup> and many mental health professionals still consider so-called “conversion therapy” to be effective. Transgender people who undergo gender-affirming surgeries can legally change the sex marker on their national identification cards. Still, strict requirements make these surgeries broadly inaccessible, and those who do not undergo surgery have no access to legal gender recognition. Recently, striving to advance LGBTQ equality has become even more difficult as the Party-state’s powerful censorship and security systems have ramped up repression of LGBT-related speech and advocacy.

Stigmatization of LGBTQ people remains commonplace throughout society—in families, schools, workplaces, and the Party-state. A 2016 UNDP report found that less than five percent of LGBTQ people in China are fully out at school, work, or in their religious community, while about fifteen percent are out to their families. Coming out—or being outed—comes with a significant risk of family rejection, domestic violence, coercion to undergo so-called “conversion therapy,” bullying, loss of a job, and other negative consequences.

Despite headwinds, many LGBTQ people in China have found ways to pursue lives of their own making—building communities, forming families, and engaging in self-expression. The past several decades have also seen an increase in visibility of and support for LGBTQ people in society generally, especially among younger generations. Unfortunately, increasing Party-state hostility toward LGBT-related advocacy, speech, and visibility threatens to roll back the progress that has been made.

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<sup>1</sup> In 2001, the Chinese Psychiatric Association only partially depathologized homosexuality and bisexuality in the Chinese Classification of Mental Disorders Version 3 (CCMD-3). The CCMD-3 maintains that homosexuality and bisexuality “are not necessarily abnormal,” but “can be accompanied by psychological disorders; for example, an individual who does not wish to be like this may be of two minds. Because of this, the individual feels anxious, depressed, and emotionally anguished . . . Some try to look for a cure and change. This is main the reason why the CCMD-3 includes homosexuality and bisexuality.”


# What is the state of LGBTQ organizing in China?

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LGBTQ organizing has made significant strides in the past two decades. Dozens of groups have emerged, large and small, across the country. Their work is diverse and includes: providing community spaces for LGBTQ people, creating peer education and support networks for the parents of LGBTQ people, conducting trainings for mental health professionals, educators, lawyers, and businesspeople, and even pursuing litigation in the courts and engaging lawmakers. Some of these efforts have gained considerable media attention.

The Party-state has always kept a watchful eye on LGBTQ advocates and has pressured them to constrain their work. The situation has worsened dramatically in the past couple of years, as it has for much of grassroots civil society. In an unprecedented development, national-level Party-state entities are engaged in a coordinated effort to investigate LGBTQ organizations and squeeze them down or completely out of existence. Civil Affairs Bureaus (local government organizations that regulate the non-profit sector) have told domestic charitable foundations not to cooperate with LGBTQ organizations. Internet giant Tencent stopped allowing LGBTQ organizations participate in its annual crowdfunding campaign. Social media platforms WeChat and Weibo have removed advocates' accounts and posts (whether due to direct instructions from authorities or self-censorship is unclear). Police have extensively interrogated advocates across different cities and regions and have told organizations to stop conducting their usual activities. University administrators have curtailed the activities of LGBTQ student groups. At least one university launched information collection efforts on LGBTQ students, including on their "ideological positions." Police have forbidden cooperation with international NGOs and multilateral organizations, like the United Nations. Bureaus of education and justice have warned educators and lawyers to stop working with LGBTQ organizations. Editors have increasingly rejected journalists' pitches to report on LGBTQ-related advocacy. Last year, the Cyberspace Administration of China issued new stringent restrictions disallowing "self-publishing" of news by journalists and bloggers.

Under these circumstances, many LGBTQ groups do not dare to speak out, especially about rights, and are only conducting low-profile activities to provide direct support for LGBTQ people. Advocates are under tremendous mental and material strain.



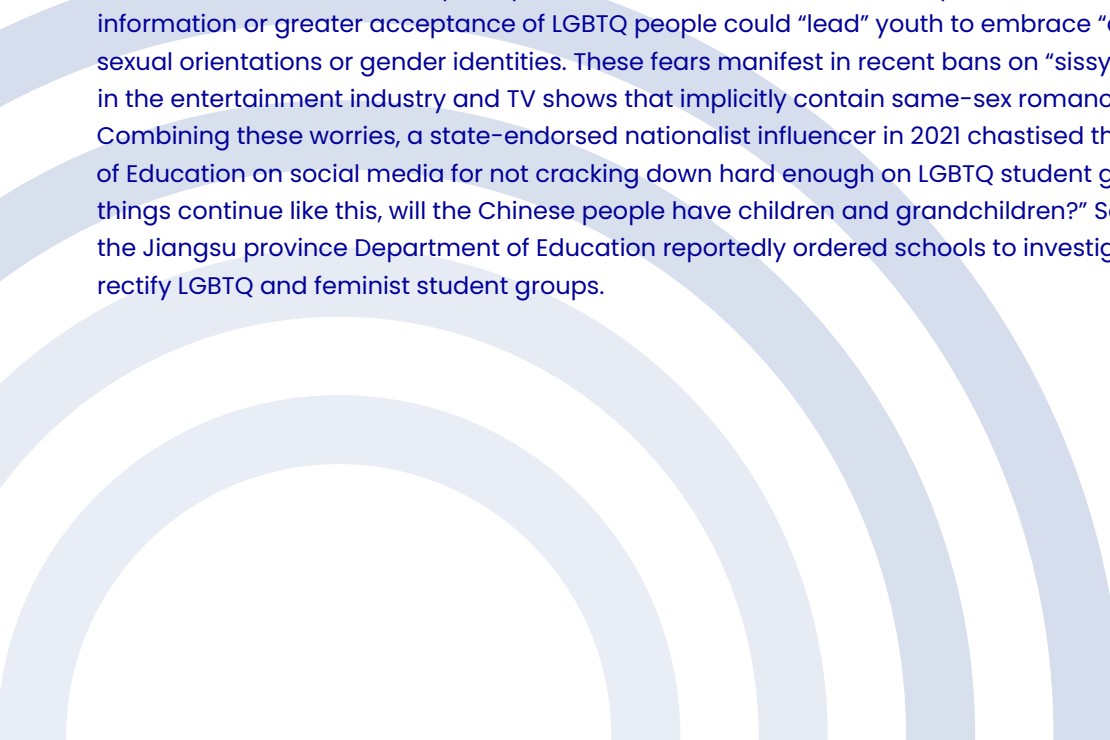
# What are the causes of the changed attitudes by the state and state apparatus?

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The Party is once again going through a period where it seeks to “lead all” and increasingly views everything outside its control as a security threat. Rising geopolitical tensions, especially with the United States, and the Party leadership’s perception that liberalization got out of hand in the 2000s has led to intensified political tightening. This sentiment can be felt throughout society.

The Party-state’s security apparatus sees any group advocating for rights as a potential source of instability. The LGBTQ movement’s growing visibility and impact have clearly put it on its radar. There is also an ideological dimension. Authorities – and the chauvinistic nationalist voices they cultivate – view the LGBTQ and feminist movements as connected to global cultural and political currents that are hostile to the Party and nation and the leadership’s renewed emphasis on “family values.” They are baselessly paranoid that LGBTQ people are natural allies of hostile foreign forces instead of viewing them as citizens who are reasonably trying to improve their lives through dialogue and advocacy. They see LGBTQ issues as a tool that foreign governments could use to harm the Chinese government’s global image, sow division in society, and/or “weaken” men, and thus, the nation.

Concerns about China’s aging and slow-growing population are also a significant source of anxiety for the leadership. These issues may be affecting the Party-state’s stance toward the LGBTQ community because authorities seemingly believe LGBTQ people cannot or should not birth and/or rear children. Popular pseudoscientific beliefs hold that exposure to LGBTQ-related information or greater acceptance of LGBTQ people could “lead” youth to embrace “abnormal” sexual orientations or gender identities. These fears manifest in recent bans on “sissy men” in the entertainment industry and TV shows that implicitly contain same-sex romance. Combining these worries, a state-endorsed nationalist influencer in 2021 chastised the Ministry of Education on social media for not cracking down hard enough on LGBTQ student groups, “If things continue like this, will the Chinese people have children and grandchildren?” Soon after, the Jiangsu province Department of Education reportedly ordered schools to investigate and rectify LGBTQ and feminist student groups.



# How do human rights violations against LGBTQ people in China compare to violations against other groups?

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The state human rights violations that LGBTQ people suffer are not as extensive as many other minorities. In recent decades, the Party-state has maintained a chilly but not bellicose attitude toward LGBTQ people, whom it has considered insufficiently important to warrant much attention. There have been some bright spots, such as quasi-supportive government statements at the United Nations, but these are exceptions that prove the rule. It is unclear what the results will be of the Party-state's new nationally coordinated effort to "get a handle" on LGBTQ organizing. Authorities may determine that more accommodation, repression, or a strategic mix of both is necessary. The fact that LGBTQ people are a large group ever-present throughout society enjoying increasing public acceptance may cut in favor of accommodation. But authorities may still conclude LGBTQ people—or at least their visible presence—can and should be socially engineered away. Support for LGBTQ people has grown but is not strong, and the leadership has the tools to ignore and/or erode such support.





# **Is it helpful for LGBTQ people in China if international diplomats and attendees of the Beijing Winter Games publicly protest or confront Party-state officials regarding the current situation that LGBTQ people face in China?**

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Under current circumstances, international diplomats or Winter Games attendees publicly the situation facing LGBTQ people in China run a significant risk of drawing security forces' attention onto LGBTQ activists and further convincing authorities that LGBTQ issues are a site of geopolitical struggle. International diplomats and attendees could consider using a softer approach to raise LGBTQ issues more broadly by sharing personal stories and highlighting out LGBTQ athletes. "Friendlier" discussions around LGBTQ people at the Olympics could raise the issue's profile in a way more helpful to China's LGBTQ community.

# What would be most helpful to support LGBTQ communities in China?

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Despite more significant tightening, China still has myriad global connections, whether through business, scholarship, culture, or sports. Companies, schools, non-governmental organizations, and other institutions should consider making LGBTQ inclusion a part of their ongoing cooperation with counterparts in China. Businesses could strengthen diversity and inclusion programs for their China operations. Universities could propose joint research on, for example, how to support LGBTQ youth. Global health associations could work with their Chinese counterparts to improve access to LGBTQ-affirming health services and counteract harmful practices such as so-called conversion therapy. These efforts could help “mainstream” LGBTQ issues within institutions in China and put them in a positive, forward-looking frame.





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