

CHINA LBT RIGHTS INITIATIVE

Shadow Report: Implementation of the *Convention to Eliminate All Forms of Discrimination against Women* in the PRC

Submitted to

The 59th Session of the

Committee on the Elimination of Discrimination against Women

SEPTEMBER 2014

TABLE OF CONTENTS

| | |
|---|----|
| Executive Summary..... | 1 |
| Background Information..... | 2 |
| Methodology..... | 3 |
| Discrimination against Women in Sexual and Gender Minorities..... | 3 |
| 1. Definitions of Discrimination and Related Laws and Policies..... | 4 |
| 2. Stereotyping of Sex and Gender Roles..... | 4 |
| 3. Healthcare..... | 6 |
| 4. Violence against Women in Sexual and Gender Minorities..... | 7 |
| Policy Recommendations..... | 8 |
| References..... | 10 |

EXECUTIVE SUMMARY

Despite positive action on the part of the government in recent years, discrimination against women and girls on the basis of sexual orientation, gender identity, and gender expression pervades mainland Chinese society.¹ In the following pages, this report will seek to describe the challenges faced by women in sexual and gender minorities² and provide recommendations for addressing these issues. This report will consider four main areas directly impacting the lives of LBT women in China: Laws and policies, including official definitions of discrimination; social conventions and stereotypes; healthcare; and violence against women based on sexual orientation and gender roles. It is the authors' express hope that in their consideration of this report, the Committee will urge the Chinese government to take the following measures:

1. Pass national laws and policies that clearly define sex- and gender-based discrimination and contain specific provisions prohibiting discrimination on the grounds of sexual orientation, gender identity, and gender expression (**Arts. 2, 15, and 16**). This includes taking the following measures:
 - Develop comprehensive anti-discrimination mechanisms and state agencies that promote equality; improve.
 - Strengthen collection of sex/gender disaggregated statistics and data, and be made easily available to citizens and members of civil society.
 - Support the role of NGOs in representing stakeholder groups in public policy dialogue and decision-making.
2. Eliminate sex- and gender-based stereotyping in educational institutions, places of employment, and the media (**Arts. 5, 10, and 11**), and strengthening mechanisms to hold state agencies and enterprises accountable for infringement. This includes the following measures:
 - Ensure universal access to comprehensive sexuality education that promotes values of respect for human rights, tolerance, gender equality and non-violence for all, in and out of schools.
 - Remove references to gender on educational certificates
 - Revise and amend any medical, psychological, or other professional educational content that does not conform to principles of gender equality or pathologizes homosexuality.
3. Acknowledge and respond to the healthcare needs of women in sexual and gender minorities (**Art 12**). This includes the following measures:
 - Fully depathologize homosexuality.
 - Bring an end to coercing women in sexual or gender minorities to undergo psychiatric treatment,

¹ In this report the term “China” shall refer to the mainland territories of the People’s Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau.

² In this report the term “women in sexual and gender minorities” shall include lesbian, bisexual, and transgender women; the term “LBT women” will also be used.

- including “conversion therapy.”
 - Ensure women are not denied or given different treatment on the basis of their marital status or sexual orientation.
 - Remove the systematic obstacles preventing transwomen from receiving medical attention.
 - Make psychiatric treatment publicly available to women in sexual or gender minorities.
4. Create coordinated multi-stakeholder mechanisms to bring an end to violence against women in sexual or gender minorities perpetrated within the family, in schools, places of employment, public areas, and state agencies. This includes the following measures:
- Include all women, and specifically LBT women, in legislative processes to pass anti-domestic violence laws, and incorporate broad definitions of “family” into such laws to ensure protection for women in non-traditional relationships, e.g. homosexual partnerships.
 - Build mechanisms within the education system and workplaces to prevent sexual harassment and bullying.
 - Improve the abilities of state agency employees and service providers to appropriately respond to cases involving violence on the basis of sexual orientation or gender identity, including instruction in how to avoid intentional or unintentional secondary victimization.
 - Abolish the “Custody and Education” system which is against the Constitution and punishes transgender women sex workers overwhelmingly.

This report will focus on identifying and analyzing policy recommendations to address discrimination against women on the basis of sexual orientation, gender identity, and gender expression. This report is prepared by China LBT Rights Initiative, a coalition of Chinese LBT Women NGOs. The contents are based on the research and documentation of these community-based groups, in consultation with other activists and experts. The report is the first of its kind to be submitted to the CEDAW Committee on behalf of Chinese LBT NGOs.

BACKGROUND INFORMATION

The CEDAW Committee has previously recognized varying forms of sex- and gender-based discrimination in its General Recommendations No. 27, 28, and 29³ Specifically, these Recommendations have identified discrimination on the basis of sexual orientation, gender identity, gender expression, non-traditional family forms, to be present throughout China. Following this, the Chinese government submitted its Combined 7th and 8th Periodic Report in 2012. Since 2010, the Chinese Women’s Research Society has worked with over ten women’s rights NGOs to submit shadow reports on CEDAW implementation in China. However, the Periodic Report and concomitant shadow reports have failed to mention issues faced by women in sexual and gender minorities.

At the same time, some progress has been made in recent years to reduce discrimination against LBT women. First, certain discriminatory policies have been repealed and new, rights-protective policies have passed. For example, in 2011, policies on blood donation were revised to remove the prohibition against donations from LBT women. Other policies issued by the Public Security Ministry now permit transgender individuals to change the gender assignments on their identity documents following sexual reassignment surgery, including their national identification cards. Second, non-stereotyped images of women in sexual and gender minorities have begun to emerge in some media platforms and educational materials. Some educational institutions and civil society organizations have provided comprehensive sexual education to youth that includes information on sexual and gender diversity and equality. Third, increased attention has been paid to healthcare issues relating to women in

³ General Recommendation 27 (13): “Discrimination experienced by older women is often multidimensional, with the age factor compounding other forms of discrimination based on gender...sexual orientation and gender identity...” G28 (18): “The discrimination of women based on sex and gender is inextricably linked with other factors that affect women such as race...sexual orientation and gender identity.”

sexual and gender minorities. In 2010 and 2013, the Centers for Disease Control and Prevention cooperated with the Beijing-based lesbian rights organizations to provide gynecological examinations to several hundred lesbians to improve medical services available to this community. Fourth, meaningful progress in terms of combating domestic violence was made by local legislators in Zhejiang Province and Changchun city by expanding the scope of family members to include “other members of the family.” In some areas, police respond to requests for help from LBT women suffering from domestic violence.

At the level of international engagement, Chinese government representatives began to more proactively solicit the calling for equality for sexual and gender minorities. For example, in the 2013 Universal Periodic Review, China accepted recommendations from the Irish and Dutch delegations⁴ on comprehensive rights-protective legislation to combat discrimination against minority groups in the Hong Kong Special Administrative Region (SAR) and the Macau SAR. At the 2013 Asia and Pacific Population Conference, the Chinese delegation voted to oppose violence on the basis of sexual orientation and identity.⁵ Finally, in 2014, during review of the implementation of the “International Covenant on Economic, Social and Cultural Rights” (CESCR), Chinese government representatives received information on the challenges faced by sexual and gender minorities within the Hong Kong and Macau SARs, as well as policy recommendations.⁶

However, in spite of the aforementioned progress, the authors of this report remain deeply troubled by pervasive discrimination on the basis of sexual orientation, gender identity, and gender expression that continues to adversely impact the lives of LBT women in China. It is the authors’ position that there is urgent need for strong measures to be taken to address these myriad issues.

METHODOLOGY

The observations and recommendations in the sections to follow are based on extensive primary and secondary research initiatives conducted by China LBT Rights Initiative and other collaborators. In particular, this report is based on the findings of the following sources:

- Publications and reports by groups working in the area of Chinese sexual and gender minority rights from 2005 to 2014, including the UNDP report, *Being LGBT in Asia: China Country Report* (2014). For other source materials, please see the “References” section of this report.
- Documentations of the discrimination affecting LBT women in China published by groups working in the area of Chinese LBT rights from 2012 to 2013.
- Media reports written on the issues of LBT women in China from 2011 to 2013.

This report now turns its attention to the identification and analysis of the challenges facing Chinese LBT women in four major areas, along with recommended legislative and policy responses to these issues. In the interest of improving the implementation of CEDAW in China, the authors hope the Committee will use its discretion to take the results of this report into account in future Concluding Observations and General Recommendations.

DISCRIMINATION AGAINST WOMEN IN SEXUAL AND GENDER MINORITIES

⁴ See United Nations Office of the High Commissioner for Human Rights Universal Periodic Review (Second Cycle) for China, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CNSession17.aspx>.

⁵ ESCAP: Report of the Sixth Asian and Pacific Population Conference, Bangkok, Feb. 2014, p5,71 and 84: http://www.unescap.org/sites/default/files/SDD_PUB_APPC6-Report-20140403.pdf.

⁶ See the United Nations Office of the High Commissioner for Human Rights: *International Covenant on Economic, Social, Cultural Rights* Resources and Documents: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=820&Lang=zh.

1. Definitions of Discrimination and Related Laws and Policies (Arts. 2, 15, and 16)

To date, Chinese laws and policies lack a clear definition of discrimination against women. Provisions that do make reference to discrimination are often scattered across different laws, and lack specificity in both substance and proposed mechanisms for implementation. These laws also reflect the sexist and heteronormative attitudes prevalent in Chinese society. As a result of vague definitions of discrimination and poorly enforced laws and policies, the rights and interests of women in sexual and gender minorities are all too often neglected or abused, preventing these individuals from fully engaging in the spheres of politics, economics, culture, and family and private life. Further, when inevitably confronted with discrimination, the lack of legal remedies makes it nearly impossible to effectively advocate for their rights or escape repeated victimization.

Discrimination against LBT women in committed unions. LBT women in committed partnerships lack recourse to enjoy significant civil and human rights, including rights to property, inheritance, child custody, and hospital visitation. In China, this particular issue becomes even more damaging as rights that are associated with the household registration (*huzi*) system are also denied to LBT women in committed partnerships. In rural areas, women in non-traditional partnerships are prevented from exercising landholding rights or have new land allocated to them with the growth of their households. In urban areas, non-local parties in LBT relationships are prevented from applying for residence status on the basis of their partner's status or jointly held assets, making it impossible for them to purchase property or even a car.⁷ LBT women who have married abroad are similarly unable to have the validity of their unions recognized, resulting in difficulties such as being unable to apply for a spousal visa for the non-Chinese spouse.

Discrimination against exercising reproductive rights. Women in sexual and gender minorities also face severe challenges in realizing their reproductive rights. The Family Planning or “one-child” policy and related regulations on childbearing and adoption in China effectively prevent unmarried women or women in non-traditional households from registering or adopting their children in the vast majority of cases.⁸ Subsequently, women's reproductive rights significantly restricted or eliminated.

Discrimination against LBT-area NGOs. NGOs seeking to represent women in sexual and gender minorities are currently unable to officially register as nonprofit organizations. This directly impacts the ability of these groups to act as effective advocates of the LBT community, as they are barred from engaging in international or national debate and dialogue on public policy and social affairs; advocating for policies that promote gender equality; and organizing public education campaigns. The lack of proper legal status also restricts the operational capacity of these groups to raise funds, attract human resources, and provide critical legal, psychological, and other services to the LBT community. These groups are frequently forced by the government to shut down, relocate, or otherwise interrupt the provision of services, adversely impacting the relationship of these groups with the communities they seek to serve.

2. Stereotyping of Sex and Gender Roles (Arts. 5, 10, and 11)

Film, television, and other media featuring non-traditional sexual and gender norms continue to face severe

⁷ For example, see Shanghai's housing purchase restrictions as provided in Art 7 of the *Opinions on Shanghai's Implementation of the State Department Office Notice on Issues Concerning Further Improvements on Real Estate Market Regulations* relating to household restrictions, available at:

<http://www.shanghai.gov.cn/shanghai/node2314/node2319/node12344/u26ai24580.html>.

⁸ For example, Guangrao County, Shandong Province's provisions relating to household registrations for newborn infants provide that parents or guardians need to provide at least four of the documents mentioned below and the approval of the household registration administration department of the County public security bureau: residence household booklet; birth certificate; *Shandong Planned Reproduction Services Manual* or reproduction certificate; marriage license of parents, parents' and children's passports or travel permit (for children who were born overseas and hope to return to China and register household status); adoption certificate or adoption notarial certificate (for adopted orphans and abandoned infants).

ensorship in China.⁹ Media portrayals of gender roles and sexual relations, including in classrooms and the workplace, remains essentially sexist and homogeneous. The diversity of human sexuality and lifestyle choices is ignored in favor of a heteronormative perspective, especially with regards to marriage. This leads to infringement of the rights of women in the public space, as sexist and heteronormative attitudes are cultivated in their fellow citizens in all spheres of life. Their rights to inclusive education and employment opportunities, as well as enjoyment of common resources, are therefore infringed.

According to a survey performed by Common Language in eight difference communities in selected cities in China, women in sexual and gender minorities have been adversely impacted by the following forms of discrimination on the basis of the stereotyping of gender sex and gender roles:

- Women and girls who behave or dress in a gender-neutral or masculine manner frequently reported being ridiculed, insulted, bullied, or forced to change their appearance, and are thereby faced expropriation of their personal autonomy and rights to self-expression. Recorded examples include:
 - Instructors in schools punished female students who violated normative gender expression by taking away awards or scholarships; lowering their scores or grades; forcing them to orally conduct self-criticisms in public on the topic of “Why I should not be a homosexual”; or compelling them.
 - Employers refused to hire females who violated normative gender expression, or dismissed them from positions after they had been hired. In particular, employers from government agencies, state-owned enterprises, and schools discriminate against candidates or employees on the basis of sex and gender stereotypes.

Staff at public restrooms and other facilities denied access to females who violated norms of gender expression, often reprimanding them on the basis of their “unconventional” appearances. School officials, employers, and authorities in public spaces often exhibited signs of prejudice or engaged in discrimination against women and girls suspected of being homosexual or otherwise violating norms of gender expression. Occasionally, officials would act on these prejudicial attitudes and infringe upon the rights, interests, and/or physical health of these women and girls.

- Women in sexual and gender minorities were frequently forced to enter heterosexual marriages or to be shunned by their families and communities. This is a direct result of the ongoing influence of Chinese traditional patriarchal norms that are perpetuated in contemporary social conventions, laws and policies, and media platforms. Specifically, these norms harm LBT women by dictating near-universal marriage of women; recognizing only heterosexual unions, and dominance of the model of the nuclear family unit. Recorded examples of these phenomena include:
 - Women who married late, or never married, faced social pressure and censure that far exceeded that faced by male counterparts. This manifested itself most commonly in the well-known, severely judgmental attitudes of the media and social mainstream towards “leftover women,” a prejudicial discourse that is legitimized by state media sources in the guise of attempting to “look after” women who avoid marriage or marry late.
 - The ongoing influence of the traditional, Confucian concept of “carrying on the family line” has pressured countless numbers of male homosexuals to enter into heterosexual unions – often with women who are unaware of the reality of their legal husband’s sexual orientation or status, or women who are themselves members of sexual or gender minorities. Scholars estimate there are

⁹ For relevant state regulations and policies, see Art 15 of the *Notice of the Implementation Plan for Strengthening Radio, Film and Television Broadcast and Improving the Ideological and Moral Construction of Minors* published by the State Administration of Press, Publication, Radio, Film and Television of the People’s Republic of China, available at: <http://www.sarft.gov.cn/articles/2007/02/27/20070914165147430512.html>, and Art 5 of the *Notice on the Provisional Regulations Concerning Appraising Obscene and Sexual Voicemails* published by the General Administration of Press and Publications, available at: <http://chinacopyrightandmedia.wordpress.com/2005/01/31/provisional-regulations-concerning-appraising-obscene-and-sexual-voicemails/>.

millions of such “gay wives”¹⁰ in contemporary China, and that the women in these marriages face considerable risks to their rights and interests in the fields of economics, health, and sexuality. It is also often difficult, if not impossible, for these women to protect their lawful rights and interests to joint property, inheritance, and child custody in instances where the marriage ends or their spouse dies.

3. Healthcare (Art. 12)

While important steps have been taken to depathologize homosexuality in China, there is still much that needs to be done. For example, the latest edition of the *Chinese Classification of Mental Disorders* published in 2000 still contains some provisions on homosexuality and bisexuality in the chapter on “Ego-dystonic Sexual Orientation.” Some mental health workers, policymakers, and educators continue to view homosexuality as a type of mental disorder,¹¹ and some medical textbooks and other instructional materials – including content on the qualifying exams to receive a license to practice medicine – persist in categorizing homosexuality as a disorder or “sexual perversion.”¹² In addition, some psychologists and psychiatrists continue to claim that homosexuality may be “cured,” and will often attempt to conduct “sexual orientation conversion therapy” on LBT women, who are often committed to psychiatric institutions advertising such services after being coerced by their families.

Mental health risks. Homophobia and homophobic attitudes pose serious threats to the mental health of women and girls in sexual and gender minorities. According to an online survey of 421 middle and college students conducted in 2012 by Aibai with UNESCO support on school bullying related to student sexual orientation or gender identity, 57% of the female students reported they had been victims of verbal abuse at school. This exceeded the reported percentage of male victims of verbal abuse by 27 percentage points. Among the students reporting being the victims of verbal abuse, 16.5% of females and 11.5% of males respectively reported that the bullying led them to abuse alcohol; 11.5% of females and 7% of males reported that the abuse had led them to engage in acts of self-harm. 35% of female victims of verbal abuse at school reported experiencing feelings of depression. In the November 2005 health survey of lesbians in Beijing conducted by Common Language, 46.6% of the 176 survey respondents reported they had previously had suicidal thoughts, with 16.5% going on to actually attempt suicide. In spite of these chilling statistics, however, there has yet to be any official recognition of the mental health needs of LBT women in China, much less any commitment of public resources to provide badly needed mental health services.

Reproductive health services. Access to reproductive health services is differentiated and excluded on the basis of marital status and sexual orientation. Women in sexual and gender minorities are often denied to receive the health services such as some gynecological examinations which suppose exclusively offer to “married women”. If unmarried women chose to have children, they may be unable to access healthcare resources. Further, due to erroneous beliefs that LBT women are not at risk for transmission of HIV/AIDS, these women are often denied

¹⁰ This estimation was provided by renowned Chinese scholars Zhang Beicun and Liu Dalin, et al. For information relating to issues relating to LBT women in legal heterosexual unions, see “What are ‘Gay wives?’”, available at: <http://www.china-gad.org/Infor/ShowArticle.asp?ArticleID=11021>, and other articles addressing this issue on the same Gender and Development in China website, available at: <http://www.china-gad.org/Index.html>.

¹¹ Beijing Aizhixing Institute of Health Education, “Depathologization of Homosexuality: Related Documents” (Beijing, 2006): p. 17.

¹² Sexual minority groups have discovered at least 13 homophobic publications. These include: *Life Lessons*, published by People’s Education Press; *Mental Health Education for University Students*, published by Guangdong Higher Education Press; *Readings on Reproductive and Health Education for University Students* published by Nanjing Linye University Press; *Psychological Counselling (Basic)* published by Ethnic Publishing House; et al. For more information, see: United Nations Development Programme and the U.S. Agency for International Development, *Being LGBT in Asia: China Country Report* (Bangkok, 2014): p. 36, “Survey on Errors and Stigmas on Homosexuality in Chinese Higher Education Textbooks.” For relevant media reports, see “40 Percent of China’s Textbooks View Homosexuality as a Sickness: A Long Road to Equal Rights,” available at: <http://blog.ifeng.com/article/33929001.html>.

necessary educational information.

Health services for transwomen. Transwomen face considerable barriers to receiving proper healthcare. In most cases, it is extremely difficult for transgender individuals to receive or afford hormone replacement therapy and sex reassignment surgery. Extremely high standards were set for patients requesting surgery, as laid out in the draft version of the *Regulations on Sex Reassignment Surgery Technical Management* (2009) produced by the Ministry of Health. In contradiction of international standards, according to these regulations, patients have to demonstrate that they have been clinically diagnosed with gender identity disorder; have attempted therapy or counseling for a minimum of five years; and all patients must to solicit permission from family members before the procedure can be approved – even patients who have reached adulthood. Following sex reassignment surgery, obstacles remain that prevent transwomen from living mentally and physically healthy lifestyles. For example, post-operation transwomen cannot have the gender information on their educational documents altered, which intensifies the pressures they feel as part of the process of full gender transition – in addition to having very limited access to mental health services and counseling. Further, because transwomen suffer so severely from workplace discrimination, many lack employment alternatives and enter the sex trade. Persistent social discrimination, transphobia, and internalized feelings of helplessness and victimization subsequently impair or prevent these women from seeking medical assistance to prevent or treat sexually transmitted infections, including HIV/AIDS.¹³

4. Violence against Women in Sexual and Gender Minorities

Violence against women in sexual and gender minorities is omnipresent, occurring within the family, educational institutions, places of employment, public spaces, and state agencies alike. However, to date, China lacks systematic, comprehensive sex-disaggregated data on violence, let alone violence on the basis of sexual orientation and gender identity.

Domestic violence. In 2009, Common Language leveraged support from the Anti-domestic Violence Network (an NGO) to conduct a survey in eight cities across China seeking to assess trends in domestic violence perpetrated against lesbians. 69% of survey respondents reported that they had experienced some form and degree of violence from family members as a result of their sexual orientation. Nearly half of respondents reported being physically assaulted by their parents. Other reported forms of domestic abuse included: threats from parents to disown the respondent or commit suicide or self-harm; stalking and otherwise restricting personal freedom; threatening or using violence to force respondents to undergo conversion therapy; beating respondents; restricting financial resources; forcing respondents to end their LBT relationship(s); forcing respondents to enter a heterosexual marriage; and forcing respondents to engage in heterosexual intercourse (“corrective rape”). In the context of heterosexual marriage, women in gender and sexual minorities frequently reported instances of marital rape; being blackmailed by their current or former spouses to relinquish control of joint property, finances, or custody of children; in divorce proceedings, being forced to accept severe restrictions on their ability to have custody or visitation rights to their child; and on occasion, being threatened with or enduring physical violence from an ex-husband.

State actor violence. A considerable number of transwomen become sex workers as a result of a lack of viable employment opportunities or other livelihood. Facing the double stigma of being both a transgender woman as well as a sex worker, these individuals are particularly vulnerable and susceptible to suffering from discrimination and violence at the hands of their clients, often resulting in transmission of HIV/AIDS and other sexually transmitted infections. This vulnerability extends to improper treatment at the hands of police, who disproportionately fine or punish transwomen under charges of prostitution. Beyond formal detention and arrest,

¹³ According to statistics provided on the Transgender Awareness in China website, more than 20,000 transgender individuals currently engage in sex work in China. For more information, a Tengxun Independent Documentary regarding transwomen engaging in sex work can be found on the same website: <http://www.tsinchina.com/a/201308/29123.shtml>.

transwomen sex workers are also at high risk of being transferred into the “custody and education” system, which is rife with rights abuses. Calls to abolish the custody and education system (follow the example of abolishing the reeducation through labor system) have been growing in volume and intensity in recent years.¹⁴ The “custody and Education system gives the police sole authority to commit the accused to 6 months to 2 years imprisonment, with no oversight from the prosecutors or courts. Further, within the system, sex workers far outnumber clients, making the “Custody and Education “system one that discriminates against and impacts women¹⁵.

Secondary victimization. “Secondary victimization” refers to the intentional or unintentional harm committed against a victim of a prior crime by state actors or service providers providing assistance in the wake of the original offense. Secondary victimization occurs when state actors or service providers actively discriminate against a victim’s sexual orientation or gender expression, or when the services or assistance they offer instead aggravates or fails to stop the original criminal behavior.. A well-publicized recent example of secondary victimization occurred when an adult lesbian in Changchun city, Jilin province was physically forced by police to return to her parents’ custody, even after she had reported her parents to local authorities for physically abusing her and her girlfriend. This case has attracted attention from a number of women’s rights organizations, including LBT organizations. Since being returned to her parents’ custody, no further contact has been made with the victim. It is feared she is being held under house arrest against her will.¹⁶

POLICY RECOMMENDATIONS

To improve the implementation of the CEDAW, promote gender equality, and fight discrimination, the authors urge the Chinese government to adopt the following measures:

1. Pass laws and policies that clearly define sex- and gender-based discrimination and prohibit discrimination on the basis of sexual orientation and gender identity. Specific measures may include:
 - i. Establish a comprehensive anti-discrimination law.
 - ii. Amend existing laws to improve measures for relief and redress to strengthen and supplement the anti-discrimination provisions in existing regulations to specifically include sexual orientation and gender identity discrimination.
 - iii. Establish state mechanisms to promote equality, and have an equal opportunity Committee or similar institution supervise law enforcement as it handles complaints in cases of discrimination.
 - iv. Further collect sex/gender-disaggregated statistics and data, and make these data available to citizens and civil society organizations;
 - v. Abolish discrimination against LBT women in *de facto* marriages, including extending recognition of marriages between LBT women performed in other countries. In accordance with the recommendations of the CEDAW Committee, if LBT women are not already in a legal marriage with another individual, the government should consider recognizing partnerships between LBT women, and extend protections to any children already born or adopted into these unions.
 - vi. Provide legal recognition to and support NGOs supporting women in sexual and gender minorities. Allow these organizations to participate in public debate and policymaking processes, provide social services, and implement anti-discrimination public education initiatives.
2. Eliminate stereotyping on the basis of sexual orientation and gender identity. Establish clear mechanisms

¹⁴ *Caixin* Magazine, “108 academics and lawyers sign joint declaration to end the system of custody and education,” 5 May 2014, http://china.caixin.com/2014-05-05/100673246_all.html

¹⁵ Asia Catalyst: “Custody and Education: Arbitrary Detention for Female Sex Workers in China”, Dec. 2013, http://asiacatalyst.org/blog/AsiaCatalyst_CustodyEducation2013-12-EN.pdf

¹⁶ See, *inter alia*, *Caixin* magazine, “An example of a ‘mentally ill’ young lesbian,” 19 October 2012, http://china.caixin.com/2012-10-19/100449815_all.html

to hold educational institutions, media outlets, and employers accountable and legally responsible for infringement. Specific measures may include:

- i. Increase sensitivity and responsiveness towards discrimination on the basis of sexual orientation and gender identity among educators, employers, and media representatives at all levels. This includes changing heteronormative stereotyping of marriage.
 - ii. Encourage educational institutions, enterprises, and NGOs to draw up and commit to agreements to eliminate discrimination on the basis of sexual orientation, gender identity, and gender expression. In particular, strengthen laws and policies that hold state agencies and enterprises accountable for enforcing gender equality and opposing discrimination.
 - iii. Pass a new law to ensure universal access to education that promotes gender equality. Before passing new legislation, it may be necessary to amend the 2008 regulation, “Guidance on the Essential Points of Health Education in Middle and Elementary Schools,” to ensure students have universal access to comprehensive sexuality education that promotes values of respect for human rights, tolerance, gender equality and non-violence for all, in and out of schools.
 - iv. Provide training to instructors and other employees in educational institutions to eliminate discrimination against students in sexual and gender minorities by increasing recognition of and sensitivity to gender equality, sexual orientation, and gender identity issues.
 - v. Repeal policies and practices by educational institutions that may cause discrimination, especially the policy of preventing changes to the gender assignments on diplomas and certificates to reduce barriers faced by transgender individuals who have undergone sexual reassignment surgery in seeking or continuing employment using their educational credentials.
 - vi. Revise and edit medical and psychological educational materials that do not conform with the principles of gender equality or fail to recognize the depathologization of homosexuality.
3. Expand access to health services by women in sexual and gender minorities, and continue the process of ensuring homosexuality is no longer pathologized. Specific measures may include:
- i. Revise the *Chinese Classification of Mental Disorders* to ensure it conforms with international standards regarding sexual orientation and gender identity.
 - ii. Edit provisions in the *Mental Health Law of the People’s Republic of China* (2013) and the revised draft of the *Regulations on Sex Reassignment Surgery Technical Management* (2009) and adjust implementation practices to ensure women in sexual and gender minorities in China are no longer coerced into conversion therapy or other harmful medical practices based on patients’ sexual orientation or gender identity.
 - iii. Identify and respond to the healthcare needs of women in sexual and gender minorities. Ensure that LBT women are not denied care on the basis of their marital status, sexual orientation, or gender identity. Support public mental health service provision to women in sexual and gender minorities.
4. Take comprehensive steps to eliminate all forms of violence against women in sexual and gender minorities. Enact initiatives to promote the coordinated response of various institutions to eliminate violence within family units, schools, places of employment, public spaces, and state agencies. Specific measures may include:
- i. Pass national legislation on domestic violence, and take a broad definition of “family members” to ensure legal protections extend to homosexual partnerships and other non-traditional domestic units. Ensure adequate channels for women, including women in gender and sexual minorities, to participate in the drafting process.
 - ii. Establish mechanisms to prevent and combat bullying on the basis of sexual orientation, gender identity, and gender expression in schools and places of employment.
 - iii. Set up guidelines and train state actors to improve their skills in handling cases of violence involving domestic and other forms of violence perpetrated against women in sexual and gender minorities. In particular, judges, prosecutors, police, educators, and service providers should ensure their capacity to process and adjudicate these cases and avoid secondary victimization.
 - iv. Eliminate the “Custody and Education” system of punishment, which is against the Constitution

and punishes transgender women sex workers overwhelmingly. .

REFERENCES (IN ALPHABETICAL ORDER)

1. Aibai Culture and Education Center, “Online Survey Report on School Bullying of Students on the Basis of Sexual Orientation and Gender Identity” (2012).
2. Beijing Aizhixing Institute of Health Education, “Depathologization of Homosexuality: Related Documents” (2006).
3. Beijing LGBT Center, “Beijing LGBT Center Psychological Counseling Services Case Records” (Beijing, 2011-2012).
4. Common Language, “Survey Report on the Status of Lesbian and Bisexual Women Victims of Domestic Violence in China” (2009, 2014 rev.).
5. Common Language, “Survey Report on the Health of Lesbian and Bisexual Women in Beijing ” (2005).
6. les+ and the Beijing Gender Health Education Institute, “China Rainbow Media Awards: LGBT Media Monitor Report” (2011-2013).
7. Pink Space Sexuality Research Center, “Survey Report on the Status of Lesbian and Bisexual Women (draft version)” (2008).
8. Shanghai Nvni Lesbian Group, “Online Survey Report on the Work Environment for China’s LGBT Community” (2013).
9. Wang Weiyuan, “Report on the Impact of Content Related to Homosexuality in Mental Health Course Content in Beijing colleges,” *The Chinese Journal of Human Sexuality*, Vol. 8, pp. 86-91 (2013).
10. United Nations Development Programme and the U.S. Agency for International Development, “Being LGBT in Asia: China Country Report” (Beijing: 2014).