“You Are on Our List”:

Urgent Support Needed for Chinese LGBTQ Activists at Risk

September 2024

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, governments, humanitarian and development institutions, 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: A gay student stands before rainbow blinds in Beijing ahead of IDAHOBIT, May 17, 2019. Since then, censorship and restrictions have made it difficult for students in China to openly celebrate, leading to muted or private observances. (PAK YIU/AFP via Getty Images)

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Glossary

Bisexual: The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex and people of a different sex.

Conversion Practices: Practices intended to suppress or change a person's sexual orientation, gender identity, or gender expression based on cisgender, heteronormative indoctrination and/or the incorrect assumption that such persons' orientation, identity, or expression is not normal. Conversion practices have more often been referred to as "conversion therapy," a term that incorrectly suggests that treatment is needed for a disorder and that people can be converted to cisgender heterosexuality through such "treatment."

Gender: The social and cultural codes (linked to but not congruent with ideas about biological sex) used to distinguish between society's conceptions of "femininity" and "masculinity."

Gender Expression: Gender expression is how we express our gender through actions and appearance, including attire, speech, and movement. Gender expression is on a spectrum. It can align with social constructs of what it means to be feminine, masculine, androgynous, or any combination thereof. It can also be fluid. For a lot of people, their gender expression aligns with characteristics that our societies deem to be appropriate for their gender or their sex assigned at birth. For other people, it does not. A person's gender expression is not always linked to the person's biological sex, gender identity or sexual orientation.

Gender Identity: A person's internal, deeply felt sense of being a woman or girl, man or boy, a combination of these, neither, or something else.

LGBTIQ: an inclusive term for groups and identities sometimes also grouped as "sexual and gender minorities." We also use LGBTQ (lesbian, gay, bisexual, queer, and transgender), and LGBT (lesbian, gay, bisexual,and transgender) as needed when referring to laws or developments that do not appear to impact intersex people. In this report, we primarily refer to LGBTQ people.

Nonbinary: The gender identity for people who do not identify exclusively as female or male, or as women or men. This term is sometimes used interchangeably with the term "genderqueer."

NGO: Non-governmental organization.

Queer: An inclusive umbrella term covering multiple identities, sometimes used interchangeably with "LGBTIQ" or "LGBTQ." It is also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories.

Sexual Orientation: An individual's sexual orientation is indicated by one or more of the following: how a person identifies their sexual orientation, a person's capacity for experiencing sexual and/or affectional attraction to people of the same and/or different gender, and/or a person's sexual behavior with people of the same and/or different gender.

Transgender: A term to describe people whose sex assigned at birth does not conform to their gender identity. A transgender person usually adopts, or would prefer to adopt, a gender expression in accordance with their gender identity but may or may not desire to alter their physical characteristics to conform to their gender identity.

Introduction

Over the past three decades, human rights activism focused on the rights of lesbian, gay, bisexual, transgender, and queer (LGBTQ) people in China has undergone significant evolution, marked by substantial growth and notable achievements. A pivotal moment in this journey was the Fourth World Conference on Women, convened by the United Nations on Beijing in 1995, which laid the early groundwork for the formation of numerous LGBTQ organizations across the nation. These groups have been instrumental in advocating for the rights and fair treatment of LGBTQ individuals, contributing to the gradual shaping of a more inclusive society. Despite the absence of formal recognition by the government, activists found ways to forge communities and engage in social movements, navigating the complexities of the sociopolitical landscape with a degree of freedom.

Despite the mixed landscape of LGBTQ activism in China, marked by both advances and setbacks, the change in China's leadership in 2012 has presented profound obstacles for the movement. This shift is evident in the introduction of stringent legislation targeting civil society organizations, alongside intensified surveillance and censorship by state security agencies. The outbreak of COVID-19 and the accompanying arbitrary control measures, some of which have been used as a pretext to harass LGBTQ activists, further exacerbated these conditions. This has led to the dissolution of major LGBTQ organizations and forced many activists to seek safety in exile.

This report explores the complex and diverse nature of the LGBTQ movement in China, offering a detailed exploration of the current adversities it faces. Additionally, it highlights how LGBTQ organizations and activists continue their work within the tenuous political environment in China. The report aims to help international stakeholders understand China's political and cultural nuances, with a particular focus on the challenges faced by the LGBTQ movement and its resistance and resilience. It further advocates for more robust support mechanisms for those navigating this increasingly repressive environment, so that they may continue to safely work toward equality and inclusion.

Methodology

This report is based on in-depth semi-structured interviews with 16 Chinese LGBTQ activists who have been actively involved in Chinese LGBTQ movements during the past five years. The report's authors conducted the interviews between July 2023 and March 2024 through secure online platforms and in-person meetings.

Considering the sensitivity of the topic, the study adopted a snowball sampling approach to select participants, focusing on those who have held substantive positions within LGBTQ organizations in China, including as directors and managers, and those who have experienced harassment and repression from the government. At the time of being interviewed, half of the participants were residing in China and half overseas. The majority of participants identified as female or nonbinary, while others identified as male. Several participants were transgender.

Outright International strives, in our work, to engage with and address the human rights of intersex people. We typically use the acronym "LGBTIQ" (inclusive of lesbian, gay, bisexual, transgender, intersex, and queer people), seek out intersex interviewees in our research, analyze how laws, policies, and practices impact intersex people, and amplify intersex advocacy priorities. However, in this research, we did not engage with intersex activists due to certain limitations. Our sampling approach for this study did not capture any intersex activists or organizations. Additionally, intersex issues in China remain highly marginalized and invisible, with very few organized intersex groups operating in the country.

In addition to relying on interviews, the report uses secondary sources to provide the historical background of the development of the LGBTQ movement in China.

I. Being LGBTQ and Situating LGBTQ People's Rights in China

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Based on global estimates that at least 5% of the population is LGBTQ, the total number of LGBTQ people in China amounts to a staggering 70 million or more individuals.[1] The vastness of China's LGBTQ population highlights the critical importance of addressing LGBTQ people's rights as a societal issue.

Historically, LGBTQ people in China have experienced eras of both acceptance and intolerance. Records show that two millennia ago, during the Han dynasty, male same-sex relationships were "accepted by the royal courts and…widespread among the nobility."[2] In contrast, in the late 19th and early 20th centuries, amid internal conflict and Western imperialist pressures, Chinese modernizers were heavily influenced by Western sexology, which pathologized homosexuality.[3] This shift led to increased public debate about the nature of homosexuality, with some intellectuals viewing it as a cultural weakness impeding China's modernization and democratization.[4] The establishment of the People's Republic of China (PRC) in 1949 not only reinforced this perception but also criminalized homosexual and non-heterosexual expressions.

This nuanced trajectory of how LGBTQ people have been perceived by the government and public lays the groundwork for the present, where the landscape for LGBTQ rights is marked by a juxtaposition of advancements and hurdles. In contemporary China, LGBTQ individuals

[1] Marie-Anne Valfort, "LGBTI in OECD Countries: A Review," OECD Social, Employment and Migration Working Papers, No. 198 (OECD, 20 June 2017), https://www.oecd-ilibrary.org/docserver/d5d49711-en.pdf?expires=1725461909&id=id&accname=guest&checksum=6BD9D6F213454389D2ABEBE63D41E0E8, pp. 25-35.

[2] Catherine Halley, "In Han Dynasty China, Bisexuality Was the Norm," *JSTOR Daily*, 10 June 2020, https://daily.jstor.org/in-han-dynasty-china-bisexuality-was-the-norm/ .

[3] Travis S.K. Kong, "The Sexual in Chinese Sociology: Homosexuality Studies in Contemporary China," *The Sociological Review* 64, no. 3 (August 2016): 495–514, https://doi.org/10.1111/1467-954X.12372.

[4] Howard Chiang, "Epistemic Modernity and the Emergence of Homosexuality in China," *Gender & History* 22, no. 3 (November 2010): 629–57, https://doi.org/10.1111/j.1468-0424.2010.01612.x.

must navigate a society that, on the one hand, has made notable achievements toward understanding and inclusion, and on the other, continues to grapple with persistent prejudices and systemic barriers.[5]

DECRIMINALIZATION AND DEPATHOLOGIZATION

The decriminalization and depathologization of homosexuality were two key milestones in the history of protecting LGBTQ people's rights in China. In 1997, the government abolished the crime of "hooliganism," which had often been used as part of catch-all laws to prosecute same-sex relations and non-normative gender expression.[6] Its abolition signaled the government's initial steps away from punitive measures against sexual and gender minorities.[7] In a landmark move in 2001, the Chinese Society of Psychiatry revised the official Chinese Classification of Mental Disorders in its Version 3 (CCMD-3) to remove homosexuality from its list of mental disorders.[8] However, the CCMD-3 retained a reference to "sexual orientation disorder," described as a "psychological disorder" that may be experienced "if an individual does not wish to be that way or is unsure and, on account of this, may experience anxiety, depression, and mental anguish; some may experiment with treatment to try to change" their homosexual or bisexual orientation."[9] Like with the analogous change in the United States by the American Psychiatric Association in 1973, the CCMD-3's retention of these so-called disorders left the door open to the practice of sexual orientation change efforts. Additionally, the CCMD-3 continues to classify transgender individuals as having a mental illness.[10]

LEGAL PROTECTIONS AND LIMITATIONS

Even after the decriminalization and partial depathologization of homosexuality in China, and contrary to commitments China has made at the United Nations, China still has no laws and policies that explicitly protect the rights of LGBTQ people. The absence of formal legal safeguards leaves LGBTQ individuals vulnerable to discrimination in various spheres of life, including employment, education, healthcare, and access to justice.[11]

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[5] Elaine Jeffreys, *Sex in China* (Polity Press, 2015); Bibek Bhandari, "Conversion Therapy Still Promoted in China, Investigation Finds," Sixth Tone, 19 April 2019, https://www.sixthtone.com/news/1003870.

[6] Heather Worth et al., "'There Was No Mercy at All': Hooliganism, Homosexuality and the Opening-up of China," *International Sociology* 34, no. 1 (January 2019): 38–57, https://doi.org/10.1177/0268580918812265.

[7] United Nations Development Programme (UNDP), "Being LGBT in Asia: China Country Report," 13 August 2014, 23, https://www.undp.org/china/publications/being-lgbt-asia-china-country-report.

[8] Human Rights Watch, "Have You Considered Your Parents' Happiness?": Conversion Therapy Against LGBT People in China, November 2017, https://www.hrw.org/report/2017/11/15/have-you-considered-your-parents-happiness/conversion-therapy-against-lgbt-people-china, pp. 9-10.

[9] John Balzano, "Toward a Gay-Friendly China? Legal Implications of Transition for Gays and Lesbians," *Law and Sexuality*, Vol. 16, 2007, https://journals.tulane.edu/tjls/article/view/2802/2623. The CCMD-3 in Mandarin is available here: http://jhak.com/uploads/soft/201410/2_05151719.pdf. See also United Nations Development Programme, "Being LGBTI in China – A National Survey on Social Attitudes towards Sexual Orientation, Gender Identity and Gender Expression." 2016, 37-38, https://www.undp.org/china/publications/being-lgbti-china.

[10] United Nations Development Programme (UNDP) and China Women's University, "Legal Gender Recognition in China: A Legal and Policy Review," 2018 , 26-27, https://www.undp.org/china/publications/legal-gender-recognition-china-legal-and-policy-review.

[11] Outright International, "Precarious Progress: Advocacy for the Human Rights of LGBT People in China," December 2020, https://outrightinternational.org/sites/default/files/2023-08/Precarious_Progress_China.pdf; China Rainbow Observation, LGBTQ+CN, and Human Rights in China, "The People's Republic of China: Civil Society Submission to the United Nations Committee for the Elimination of All Forms of Discrimination against Women (CEDAW)," 85 Session (08 May 2023 – 26 May 2023), May 2023, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=af6fIM/DbBqPE2/waqXlpChIF8vL6ap912pGKQxDYSsXTGim5awtWZZf4k/fhxXUVuOyRA/sAGbm1GVQwrdGXg==, 2-9; Ahana Roy, "LGBTQ+ Inclusivity in the Chinese Workplace," Organization for Research on China and Asia, 21 December 2023, https://orcasia.org/article/532/lgbtq-inclusivity-in-the-chinese-workplace.

For example, according to the 2022 updated Gender-affirming Surgery Guidelines, transgender people seeking to change their legal gender must first undergo genital removal and gonad surgery. To get access to surgery, they must present proof of immediate family notification (which, in practice, has been tantamount to acquiring permission from family members regardless of the applicant's age) and receive a psychiatric evaluation of having gender identity disorder.[12] All of these intrusive and burdensome measures violate trans people's right to privacy and bodily integrity and contravene international standards.[13]

The absence of legal protections is further compounded by the Chinese government's reluctance or inability to confront and address the human rights issues facing LGBTQ people. Some activists and scholars have described the government's stance as a nationwide "do not ask, do not tell" policy.[14] This approach restricts public discourse on the rights of LGBTQ people and limits the ability of activists to advocate for change within the existing legal and political framework.[15]

SOCIETAL ATTITUDES AND MEDIA REPRESENTATION

In China, societal attitudes toward LGBTQ people exhibit a blend of progress and resistance. On the one hand, acceptance and understanding have grown among younger generations, fueled by increased exposure to global perspectives and advocacy for LGBTQ people's rights.[16] On the other hand, the state has actively promoted traditional notions of gender and sexuality under the banner of family values and nationalism, which has perpetuated stigma and discrimination against LGBTQ individuals.[17]

Media representation plays a determinative role in shaping public perceptions of LGBTQ people in China. However, strict censorship rules substantially limit the visibility of LGBTQ-related content, often portraying LGBTQ people in a stereotypical or negative light.[18] This lack of positive representation in mainstream media hinders the normalization and acceptance of LGBTQ identities. According to the China Rainbow Media Awards' annual media monitoring reports, the Chinese media reported on LGBTQ issues 854 times in 2015. That number dropped to 609 in 2019 and then to 348 in 2020.[19] In 2023, Chinese media only reported on LGBTQ issues 240 times.

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[12] "National Clinical Application Management Regulations for Restricted Technologies (2022)" ("国家限制类技术临床应用管理规范 (2022版)"), National Health Commission, 30 March 2022, http://www.nhc.gov.cn/yzygj/s7657/202204/2efe9f8ca13f499c8e1f70844fe96144.shtml, 68.

[13] Outright International, "Celebrating Legal Gender Recognition," 2023, https://outrightinternational.org/legal-gender-recognition.

[14] 郭晓飞, "说不出名字的歧视——论性倾向歧视和性别歧视的关系("The Unnamed Discrimination: On the Relationship Between Sexual Orientation Discrimination and Gender Discrimination"), *Law and Social Development* 17, no. 3 (May 2011), https://cnlgbtdata.com/doc/222/.

[15] Elaine Jeffreys and Pan Wang, "Pathways to Legalizing Same-Sex Marriage in China and Taiwan: Globalization and 'Chinese Values,'" in *Global Perspectives on Same-Sex Marriage: A Neo-Institutional Approach*, ed. Bronwyn Winter et al. (Palgrave Macmillan, 2018), 197–219, https://doi.org/10.1007/978-3-319-62764-9_10.

[16] Eddy Chang, "Taipei Watcher: China's Censorship on Homosexuality Disappoints," *Taipei Times*, 27 March 2016, https://www.taipeitimes.com/News/feat/archives/2016/03/27/2003642524.

[17] Jie Han, "性别歧视让柜子越来越深——中国性少数群体生存状况调查" ("Gender Discrimination Deepens the Closet: Survey on the Living Conditions of Sexual Minority Groups in China"), Radio Free Asia, 19 June 2019, https://www.rfa.org/mandarin/yataibaodao/renquanfazhi/hj1-06192019165254.html.

[18] Aiming Wang, "《非诚勿扰2》再涉同性恋 关怀还是噱头？" ("'Fei Cheng Wu Rao 2' Again Involves Homosexuality: Genuine Care or Gimmick?"), Chinese Business View, 17 November 2010, https://ent.sina.com.cn/m/c/2010-11-17/03573148504.shtml.

[19] China Rainbow Media Awards et al., "The 2018-2019 Media Monitoring Report" (China Rainbow Media Awards, June 2019), https://cnlgbtdata.com/files/uploads/2019/08/2018%E5%B9%B4%E5%BD%A9%E8%99%B9%E5%AA%92%E4%BD%93%E7%9B%91%E6%B5%8B%E6%8A%A5%E5%91%8A.pdf .

II. History of LGBTQ Movements in China

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China's unique social, cultural, and political background has shaped the landscape of LGBTQ activism. Despite the restrictive environment, China's LGBTQ communities have proven adaptable and resilient. Activists have leveraged litigation and public campaigning, including through social media, to raise awareness and advocate for the rights and social acceptance of LGBTQ individuals. These efforts have ranged from challenging discriminatory practices in court to organizing Pride events and public discussions, aiming to shift public opinion and policy. This section provides a historical account of LGBTQ activism in China.

WHERE ACTIVISM BEGAN: FROM REFORM AND OPENING TO THE HIV CRISIS

During the Mao era from 1949 to 1976 sexual and gender minorities faced notable discrimination and persecution, particularly during the Cultural Revolution period, Mao's last decade in power (from 1966 to 1976). The Communist Party labeled people who engaged in same-sex sex as "feudal remnants" and "bourgeois reactionary criminals" and subjected them to severe public humiliation and torment.[20] The 1990s marked a notable shift. Although homosexuality remained criminalized and classified as a mental disorder for an extended period in mainland China, this era saw increased visibility and discussion of LGBTQ content, laying the groundwork for the early development of LGBTQ communities and activism in China.[21]

China's LGBTQ movement experienced a historic turning point with the convening of the Fourth World Conference on Women in Beijing in 1995. Despite the state's considerable reservations about the influence of the gender and sexuality movements, this conference was a watershed moment for feminism and the LGBTQ movements in China. It not only facilitated the growth of non-governmental organizations (NGOs) addressing the rights of women and sexual and gender minorities, but also served as a platform for introducing international ideas, frameworks, and funding related to these rights into mainland China.[22]

Following the conference, numerous LGBTQ community groups started sprouting up nationwide, committed to advancing LGBTQ people's rights in China. Then, in the early 2000s,

[20] "A Brief History of Queer China," myGwork, 27 February 2024, http://www.mygwork.com/en/my-g-news/a-brief-history-of-queer-china.

[21] Travis S.K. Kong et al., "LGBT Movements in Taiwan, Hong Kong, and China," in *Oxford Research Encyclopedia of Politics*, 2021.

[22] Stephanie Yingyi Wang, "Unfinished Revolution: An Overview of Three Decades of LGBT Activism in China," *Made in China Journal* 6, no. 1 (January–April 2021): 90–95, https://madeinchinajournal.com/2021/07/15/unfinished-revolution-an-overview-of-three-decades-of-lgbt-activism-in-china/.

the HIV outbreak opened political and economic avenues for LGBTQ groups. The government allocated an increasing amount of international funding to gay men's groups and permitted and supported their efforts to curb the spread of HIV/AIDS. These groups used a public health frame rather than a rights frame in their work. In comparison, lesbian organizations rarely had access to international or domestic funding. Lesbian groups organized their communities and supported each other using frameworks inspired by feminism. This discrepancy not only led to varying sizes of LGBTQ organizations but also led to a variety of approaches taken by different activists within China's LGBTQ communities. Lesbian activists were generally more oriented toward human rights and social change than public health, and they sometimes critiqued gay men's organizations for being less political, perpetuating patriarchy, and being coopted by the government.[23] Meanwhile, some transgender activists also took action to provide medical and legal services to community members in an environment lacking institutional support.[24]

A PERIOD OF HOPE: INSTITUTIONALIZATION AND THRIVING COMMUNITIES

The year 2008 marked another turning point: it has been described as the beginning of China's civil society, where nonprofit organizations and international assistance became a notable force in relief after the devastation of the Sichuan earthquake. Grassroots organizations had already started emerging during the previous decade all over China, but they became widely visible when they mobilized masses of volunteers to join the post-earthquake efforts.[25] This remarkable transformation also ushered in a new era for LGBTQ organizations.[26]

During this period, LGBTQ groups in China underwent a significant metamorphosis, characterized by professionalization and institutionalization. This evolution led to improved organizational structures and clearer focus areas among various groups. While organizations centered on HIV/AIDS prevention continued their important work, a new wave of LGBTQ organizations emerged, prioritizing community-building and rights advocacy. Beijing exemplified this trend with the establishment of several prominent LGBTQ organizations. The Beijing LGBT Center, Common Language, and Aibai Culture & Education Center, among others, marked a shift toward rights-based activism focusing on legal rights and inclusion.[27] This movement was not limited to the capital; similar organizations sprouted in Chengdu, Shanghai, Guangzhou, and many other Chinese cities. Concurrently, national LGBTQ networks began to form. A notable example is the emergence of support groups for parents of LGBTQ children, which developed into nationwide peer education and support networks.[28] More LGBTQ student groups also emerged in universities. These groups not only worked to create queer-friendly campuses but also influenced society more broadly. For example, on 19 May 2013, the Sun Yat-sen University Rainbow Group organized a "rainbow concert" with over a hundred

[23] Ibid.

[24] Yifu Liu and Joyee Shairee Chatterjee, "The Role of Activists' Sexual Orientation and Gender Identity in Their Participation in LGBT Movements: A Case Study from Yunnan, China," *Culture, Health & Sexuality*, 2024, 1–14, https://doi.org/10.1080/13691058.2024.2364768.

[25] Kang Yi, "Sichuan, Year Zero?," *Made in China Journal*, 2018, 196–99, https://madeinchinajournal.com/2018/05/17/sichuan-year-zero/.

[26] Wang, "Unfinished Revolution."

[27] Consult information about LGBTQ organizations in Beijing at: https://www.chinalgbt.org/beijing, accessed 6 September 2024.

[28] Consult information about Trueself (also known as PFLAG China) at: https://www.chuse8.com/home/en/index.html, accessed 6 September 2024.

attendees in a public square in Guangzhou.[29] These LGBTQ organizations and groups often engaged with the media to raise public awareness, furthering the visibility of LGBTQ issues.

This diversification of LGBTQ activism across China created a more comprehensive support system, and marked a major step forward in the development of a more interconnected and robust LGBTQ rights movement in the country.

At the same time, the rapid proliferation of digital media facilitated the formation of online LGBTQ communities and activism. The visibility of LGBTQ individuals and discussions about LGBTQ people's rights accelerated due to the widespread use of social media platforms such as Douban, Sina Weibo, Zhihu, and WeChat. Furthermore, dedicated LGBTQ social networking platforms like Blued and Rela emerged and quickly became crucial spaces for LGBTQ individuals to connect. Against this backdrop, online activism flourished. For instance, in 2010, an activist named Hou Haiyang launched an online campaign, Smile4Gay, that called on netizens to post photos supportive of LGBTQ people on social media. In 40 days, the campaign received more than 4,000 photos of smiling people accompanied by warm, wise, and witty messages.[30]

Starting in 2013, due to the years of accumulated momentum from Chinese LGBTQ organizations' efforts, along with progress on LGBTQ people's rights in many other countries, LGBTQ people started spearheading legal advocacy campaigns, strategically using a mix of litigation and public communication to advance LGBTQ people's rights. For example, with the help of an LGBTQ organization focused on legal advocacy, a gay man won a lawsuit in a Beijing court against a psychiatric clinic that subjected him to so-called conversion therapy using electric shocks.[31] These legal advocacy campaigns brought attention to pressing issues such as media censorship, employment discrimination, the lack of legal protections against conversion practices, and the absence of legal recognition for same-sex marriage.

In 2019, as China introduced its first Civil Code, this advocacy reached a pivotal moment. By joining a campaign organized by local LGBTQ NGOs, over 180,000 Chinese citizens submitted comments to the Legislative Affairs Commission of the National People's Congress, urging it to legalize same-sex marriage in the Civil Code. Typically, other draft laws had received only a few hundred to a few thousand comments when soliciting public feedback. This noteworthy response demonstrated the increasing momentum behind the campaign for LGBTQ people's equal rights in China.[32] Despite the persistence of restrictions and constant state censorship, this period represents a crucial phase in the evolution of LGBTQ advocacy in China, characterized by increased organization, broader reach, and a more diverse array of focus areas, both online and in physical spaces.

[29] Momo, "NGOCN | 让彩虹旗在校园飘扬：一个高校同志小组十二年纪实" ("Let the Rainbow Flag Fly on Campus: A College LGBTQ Group's 12-Year Experience"), *China Digital Time*, 17 May 2018, https://chinadigitaltimes.net/chinese/603556.html.

[30] Sun Peng, "Smile 4 Gay," China Daily, 31 August 2010, https://www.chinadaily.com.cn/video/2010-08/31/content_11231836.htm.

[31] "China Orders Payout in 'Gay Shock Therapy' Case," *BBC News*, 19 December 2014, https://www.bbc.com/news/world-asia-china-30552144.

[32] "中国官方罕见公开提同性婚姻合法化引发讨论与猜测" ("The Rare Public Discussion and Speculation Sparked by Chinese Officials Openly Mentioning the Legalization of Same-Sex Marriage"), *BBC News* 中文, 23 December 2019, https://www.bbc.com/zhongwen/simp/chinese-news-50888826.

ESCALATING STRUGGLES: A TURN TOWARD SEVERE REPRESSION

The last few years have proved to be increasingly arduous for LGBTQ activism in China. While online campaigns and LGBTQ events still occasionally emerge, the late 2010s have seen greater state intervention, particularly due to increasingly stringent legislation against China's civil society movement. The state has imposed stricter regulations and censorship measures that have curtailed the visibility of LGBTQ media content and the possibility of open discussions and activities related to LGBTQ issues.

The enactment of new laws and regulations, such as the Charity Law and the Overseas NGO Management Law, has challenged the legal status and fundraising capabilities of unauthorized organizations. The Charity Law, enacted in 2016, serves multiple purposes, beginning with defining the concepts of charity and public welfare in China. It regulates the establishment and management of charitable organizations and trusts, including their assets and activities. Furthermore, this law governs the permissibility and management of charitable fundraising and donations. Lastly, it imposes requirements for information disclosure by charitable organizations to promote greater transparency in the sector.[33]

Complementing this, the Overseas NGO Management Law, enacted in 2017, targets foreign organizations operating in China. It stipulates that any overseas NGO collaborating, funding, or carrying out activities in China with a Chinese institutional partner or individual must establish a representative office in China, obtain the formal approval of government agency willing to serve as its "professional supervisory unit," and submit activity plans, annual work reports, and audited financial reports to the supervising agency.[34]

While on the surface these laws appear to regulate and support the development of nonprofit organizations in China, their practical application often diverges from this apparent intent. In reality, these legal frameworks are frequently used as tools to restrict, prevent, or even criminalize the activities of organizations and groups that the government perceives as challenging its authority.[35]

These tightened restrictions on civil society have had a profoundly negative effect on China's LGBTQ movements. Unprecedented scrutiny, censorship, and pressure have forced their rights advocacy efforts into the shadows, greatly weakened their voices in society, and limited their ability to secure rights and fair treatment.

In 2015, several major Chinese video platforms removed "Mama Rainbow," a documentary by filmmaker Fan Popo that portrays mothers coming to accept and support their LGBTQ children. Since its release on various online platforms in 2012, the documentary had garnered over 100,000 views. In response to its removal, Fan Popo sought an explanation by filing a request for information disclosure with the National Radio and Television Administration (NRTA), citing the Open Government Information Regulations. Although several video websites claimed that the NRTA had ordered the removal of *Mama Rainbow*, the NRTA denied issuing any such order in its official response to Fan. Disputing this response, Fan filed a lawsuit in the Beijing No. 1 Intermediate People's Court. On 22 December 2015, the court ruled that while the NRTA's

[33] International Center for Not-For-Profit Law (ICNL), "FAQ: China's 2016 Charity Law," 7 March 2018, https://www.icnl.org/post/tools/faq-chinas-2016-charity-law.

[34] ICNL, "FAQ: China's Overseas NGO Law," 7 March 2018, https://www.icnl.org/post/tools/faq-chinas-overseas-ngo-law.

[35] Anthony J. Spires, "Regulation as Political Control: China's First Charity Law and Its Implications for Civil Society," *Nonprofit and Voluntary Sector Quarterly* 49, no. 3 (June 2020): 571–88, https://doi.org/10.1177/0899764019883939.

response was procedurally flawed, there was no evidence to suggest that the NRTA had issued an order to remove the documentary. The court ordered the NRTA to compensate Fan 50 RMB (approximately US$8) to cover the case filing fee.[36] Fan became the first person, regardless of gender and sexuality, to sue and win against the NRTA.[37]

In 2017, activists in China filed a lawsuit challenging an NRTA internet guideline that classified "homosexual" content as "abnormal." Since China lacks a legal mechanism for contesting discriminatory regulations, activists submitted Open Government Information requests to the NRTA to inquire about the creation of this discriminatory guideline. After the NRTA failed to respond substantively, an activist sued to compel a proper response. However, the court ruled in favor of the NRTA, significantly undermining activists' efforts to dispute the censorship of LGBTQ content.[38]

In April 2018, the social media platform Sina Weibo initiated a content "clean-up" campaign targeting homosexuality, pornography, and violence.[39] This led The Voice of Tongzhi, a renowned LGBTQ NGO with 230,000 followers on this platform, to pause updates, citing "event of force majeure."[40] The crackdown catalyzed a massive backlash, in which countless users on Sina Weibo showed support for and shared stories from China's LGBTQ communities. The wave of posts used hashtags like "#IamGay," which itself quickly amassed over 500 million views, according to the Voice of Tongzhi, before Sina Weibo deleted all posts containing the hashtag.[41] The scale of the public backlash led Sina Weibo to reverse the ban after only three days.[42] However, despite this temporary victory, Sina Weibo shifted its focus to the lesbian community in 2019, deleting massive posts and comments with the hashtag "#les."[43] Once again, the platform reversed the ban several days later due to public outcry. [44]

The onset of the COVID-19 pandemic and the intensified government intervention it spurred dealt a devastating blow to LGBTQ organizations in China. As COVID-19 spread, the government ramped up controls and forbade physical gatherings, which forced LGBTQ

[36] Ben Child, "Film-Maker Sues Chinese Censors over 'Ban' on Gay-Themed Movie," *Guardian*, 24 September 2015, https://www.theguardian.com/film/2015/sep/24/mama-rainbow-film-maker-sues-chinese-censors-over-ban-on-gay-themed-movie; Emily Rauhala, "This Gay Rights Activist Is Suing the Chinese Censors Who Banned His Film," *Washington Post*, 16 September 2015, https://www.washingtonpost.com/news/worldviews/wp/2015/09/16/this-gay-rights-activist-is-suing-the-chinese-censors-who-banned-his-film/.

[37] "专访：告赢广电总局的第一人" ("Exclusive Interview: The First Person to Win a Lawsuit Against the National Radio and Television Administration"), Deutsche Welle, 15 February 2017, https://www.dw.com/zh/专访告赢广电总局的第一人/a-37559481.

[38] 同志平等权益促进会, "'驳回上诉'，这是'《通则》案'的终审判决 ("'The Appeal Was Rejected,' This Is the Final Judgment in the 'Regulations' Case"), 微信公众平台, 15 April 2019, https://web.archive.org/web/20210521165347/https://mp.weixin.qq.com/s/_X5IDvww_XNsyCe4PUgyyg.

[39] Christian Shepherd, "China's Sina Weibo Reverses Gay Content Clean-up after Outcry," *Reuters*, 16 April 2018, https://www.reuters.com/article/technology/chinas-sina-weibo-reverses-gay-content-clean-up-after-outcry-idUSKBN1HN0KH/.

[40] Steven Jiang, "Rare Win for China's LGBT Community after Censorship U-Turn," *CNN*, 16 April 2018, https://www.cnn.com/2018/04/16/asia/china-sina-weibo-lgbt-censorship-intl/index.html.

[41] "China's Sina Weibo Cancels 'Anti-Gay' Campaign After Viral Protest," *Radio Free Asia*, 16 April 2018, https://www.rfa.org/english/news/china/campaign-04162018122857.html; Bang Xiao and Vicky Xiuzhong Xu, "China's Sina Weibo reverses ban on LGBT content after outcry," 16 April 2018, https://www.abc.net.au/news/2018-04-17/chinas-sina-weibo-bans-lgbt-content-reverses-after-outcry/9665004

[42] Patrick Brzeski, "China's Weibo Reverses Gay Content Ban in Surprise Win for LGBT Community," 16 April 2018, https://www.hollywoodreporter.com/news/general-news/chinas-weibo-reverses-gay-content-ban-surprise-win-lgbt-community-1102931/.

[43] Jenny Feng, "Weibo Is Taking down Posts Hashtagged #les, Short for Lesbian," The China Project, 15 April 2019, https://thechinaproject.com/2019/04/15/weibo-is-taking-down-posts-hashtagged-les-short-for-lesbian/.

[44] Xinmei Shen, "Weibo reverses brief ban on a lesbian page after outcry," SCMP Abacus, 15 April 2019, https://www.scmp.com/abacus/culture/article/3029285/weibo-reverses-brief-ban-lesbian-page-after-outcry.

activism and community support to shift to online platforms.[45] In August 2020, Shanghai Pride, China's longest-running annual celebration of LGBTQ communities, announced its shutdown, stating that it was "canceling all upcoming activities and taking a break from scheduling any future events."[46] Although Shanghai Pride did not publicly provide a specific reason for its decision, the timing coincided with heightened government scrutiny and restrictions related to the pandemic, suggesting these factors contributed to its choice.

In 2021, a prominent group known as LGBT Rights Advocacy China, which played a pivotal role in filing strategic litigation for advancing rights and changing policy, disbanded. It was reported that the organization's founder was detained and that his release was contingent on the organization's dissolution.[47] The crackdown on civic space continued even after China relaxed its COVID-19 restrictions in 2022, and in 2023 one of the largest and historically significant LGBTQ organizations, the Beijing LGBT Center, announced its closure.[48]

At the same time, online censorship harshened. In July 2021, WeChat banned at least 14 public accounts belonging to university LGBTQ student groups for allegedly violating unspecified platform regulations.[49]

The escalating repression of LGBTQ organizations in the late 2010s and after COVID-19 has crushed the hopes of many activists and practically criminalized their activism. Navigating this repression has become a major concern for Chinese LGBTQ activists.

[45] Ausma Bernot and Sara E. Davies, "The 'Fish Tank': Social Sorting of LGBTQ+ Activists in China," *International Feminist Journal of Politics* 26, no. 2 (2023): 1–24, https://doi.org/10.1080/14616742.2023.2261948.

[46] Steven Jiang, "Shanghai Pride Shuts down in Blow to China's LGBTQ Community," *CNN*, 14 August 2020, https://www.cnn.com/2020/08/14/asia/shanghai-pride-shutdown-intl-hnk/index.html.

[47] Ibid.

[48] Huizhong Wu, "Beijing LGBT Center Shuttered as Crackdown Grows in China," *AP News*, 16 May 2023, https://apnews.com/article/china-beijing-lgbt-center-shutdown-a5643c680e1faf5c8a7a7d9bdd627d6f.

[49] Vincent Ni and Helen Davidson, "Outrage Over Shutdown of LGBTQ WeChat Accounts in China," *Guardian*, 8 July 2021, https://www.theguardian.com/world/2021/jul/08/outrage-over-crackdown-on-lgbtq-wechat-accounts-in-china.

III. LGBTQ Activism in the Face of Adversity

III. LGBTQ Activism in the Face of Adversity

China's unique social and political landscape presents distinct challenges for LGBTQ activism. While the previous discussion provides an overview of LGBTQ activism in China, this section delves deeper into the individual accounts of activists to explore the specific pressures they face in their work. The personal narratives of these activists offer insights into the day-to-day realities of advocating for LGBTQ rights within China's complex sociopolitical context.

LEGAL AMBIGUITY AS A WEAPON

Even though the Chinese government no longer criminalizes homosexuality and consistently denies allegations of persecuting LGBTQ people, it has strategically used both legal and extralegal means to suppress LGBTQ rights advocacy in China.[50]

A common strategy is to deny the legal status of LGBTQ organizations by registering them as nonprofit entities, which severely restricts their ability to operate. One activist said:

> *To register an NGO in China, you need to apply for a government department to supervise your organization, much like how you need an advisor when you submit a thesis in university. However, no one wants to be the supervising department for LGBTQ organizations. Environmental, rural development, and educational organizations can at least find relevant government departments, but in China, there isn't any department [willing to take responsibility] for LGBTQ issues.*[51]

The implementation of the Charity Law and the Overseas NGO Management Law has further hindered NGOs' activism. Before, even without registration, LGBTQ organizations would still find ways to work in a legal gray area. However, since the Charity Law and Overseas

[50] Nathan Wei, "China's UN Statements about LGBTQ Issues Don't Match the Government's Policies at Home," The China Project, 1 March 2023, https://thechinaproject.com/2023/03/01/chinas-un-statements-about-lgbtq-issues-dont-match-the-governments-policies-at-home/.

[51] Outright interview with participant 202307NL12. In China, gender-related nonprofit organizations, such as anti-domestic violence groups for women, may register with the Civil Affairs Bureau with support from the Women's Federation (a governmental organization). However, these organizations often lack independence and some exist merely as government-organized non-governmental organizations . For LGBTQ organizations, government departments are rarely willing to support their legal registration.

NGO Management Law came into effect and the government increasingly views LGBTQ organizations as illegitimate, the operating environment for LGBTQ organizations in China has become much tougher.[52] A common theme highlighted by Chinese activists and organizations interviewed by Outright was the government's use of the lack of registration as an excuse for suppression. For instance, a lesbian activist shared that the police threatened to block her organization's legal registration if she continued organizing public events related to issues concerning LGBTQ people. The authorities can always make their oppression appear justified under administrative pretexts, such as claiming that the organization's activities do not align with its registered purpose, rather than explicitly targeting LGBTQ people or activism.

Increasing pressure from authorities not only impacts the legal legitimacy of LGBTQ organizations but also their cooperation with international stakeholders. The Chinese government has increasingly restricted international involvement on human rights issues, including LGBTQ issues. Recent regulations such as, for example, the Overseas NGO Management Law of 2017, do not allow international involvement with any non-governmental organizations without specific government authorization. Under the 2014 Counter-Espionage Law (revised in 2024), cooperation with international stakeholders without the authorities' approval can be categorized as activities that "endanger national security" and "incite subversion of state power."[53] Although there are still some ways for funding from international stakeholders to reach these organizations through indirect channels, this involves taking risks, as activists have been subjected to police harassment under laws related to regulating nonprofit organizations or protecting national security.[54] As one of the interviewees pointed out, under China's vague laws and arbitrary enforcement system,

> *In China, you are guilty until proven innocent. Even if you are innocent, they can still label you a criminal if they want to.*[55]

The effects of legislation aimed at preventing collective action and collaboration with international stakeholders are compounded by the state's arbitrary and authoritarian application of laws. On multiple occasions, activists have been summoned to face police questioning on charges such as "gathering a crowd to disrupt public order" or "illegal assembly." Some are told to repeatedly report to the police for "investigations" without even being certain what they are being accused of:

> *Most of the time, they don't even tell any law nor policy, only telling you that your behaviors are illegal.*[56]

An activist explained that there is no room for explanation.[57]

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[52] "Charity Law of the People's Republic of China," 2016, https://www.gov.cn/zhengce/2016-03/19/content_5055467.htm; "The Law of the People's Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China," 2016, https://gaj.beijing.gov.cn/zhuanti/ngo/bszn/202003/t20200320_1722573.html.

[53] "China: Counterespionage Law Revised," Library of Congress, 21 September 2023, https://www.loc.gov/item/global-legal-monitor/2023-09-21/china-counterespionage-law-revised/.

[54] "Charity Law of the People's Republic of China;" "The Law of the People's Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China."

[55] Outright interview with participant 202307NL07.

[56] Outright interview with participant 202307NL06.

[57] Outright interview with participant 202307NL02.

While Outright is not aware of any cases in which LGBTQ activists have been prosecuted and convicted in court for their activism, activists told Outright they fear that the courts, which lack independence, might automatically rule against activists who are charged. The Chinese government uses this lack of judicial independence and the constant threat of arbitrary arrest to suppress LGBTQ organizations and activists who have international connections and receive support to advance LGBTQ rights in China.

Consequently, LGBTQ organizations and activists in China are now facing escalating risks of government repression through a process that the state claims to be sanctioned by law.[58] The laws do not directly target LGBTQ individuals, but their ambiguity allows the state to apply them to restrict LGBTQ movements. An increasing number of these laws are aimed at limiting the development of civil society movements, making "rule by law" a growing trend.[59] Given the increased surveillance by state authorities and the frequent harassment and interrogation of LGBTQ activists, multiple interviewees expressed concerns such as "I don't think things will get better in the coming years," and "The environment will only get worse."[60]

SURVEILLANCE AND INTIMIDATION

The Chinese government views social justice activists, including LGBTQ activists, as security threats because their efforts to promote rights and freedoms challenge the state's control and stability. In collaboration with technology companies, the Chinese government has established the world's most extensive surveillance network to track, monitor, analyze, and predict citizens' movements. This comprehensive surveillance system, which includes both internet and camera surveillance, has significantly impacted activists' communication and engagement strategies.

In our interviews, participants disclosed that they are or have been subjected to government surveillance of their social media, community online discussions, private online conversations, and physical location. Within this Pervasive monitoring infrastructure, every action and movement of LGBTQ activists in China undergoes meticulous scrutiny. In many cases, this surveillance has led the authorities to abruptly shut down planned LGBTQ activities before launch. An activist interviewed by Outright said:

> *Despite our careful efforts to avoid using WeChat for team communication, somehow our information was still leaked, as police [checked] about the details the next day. And now we are even more scared to discuss our work through chatting apps in China.*[61]

One activist shared a vivid example: after she applied for a travel permit to Hong Kong and Macau at the local Immigration Administration, anticipating that the crackdown might worsen and she would need to leave, local police quickly contacted her. The activist told Outright that police threatened her, saying "Don't think we don't know everything you've been doing.

[58] Amnesty International, "Human Rights in China," 2023, https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/china/report-china/.

[59] "Rule by law" means the government uses laws selectively to control society and maintain power, rather than to ensure justice or protect citizens' rights. Laws are applied in a way that benefits the ruling authority, not under the principle of fairness.
See also Spires, "Regulation as Political Control."

[60] Outright interview with participant 202307NL03; Outright interview with participant 202307NL10.

[61] Outright interview with participant 202307NL13.

You are on our list."[62] This threat was not specifically about her travel plans but served as a stark reminder of the pervasive surveillance and constant monitoring she was under, making her acutely aware that the authorities were always watching her every move.

Her experience was not unique. Rather, all 16 LGBTQ activists interviewed for this report had similar experiences. The depth and extent of monitoring has only increased since the COVID-19 pandemic, when the government started collecting an even larger amount of citizens' data under the pretext of protecting public health.[63] The interviewee who applied for a travel permit and was threatened by police said that on another occasion, after she underwent a COVID-19 test at a state-owned health center for another travel plan during the quarantine period, the police contacted her immediately and questioned her about any plan to flee. At that time, Chinese policy required people to have COVID-19 test certificates to travel between cities, so the police quickly inferred that she was planning to travel.

In addition to surveilling and monitoring, the security apparatus—from local police stations to national security agencies—works in coordination to coerce and intimidate activists.[64] This intimidation manifests in various forms, including physical and verbal abuse, detention, interrogations, and summonses to meetings with the authorities.

Despite sharing the overarching goal of suppressing LGBTQ activism, these state entities take different approaches. Interviewees shared that local police generally exhibit hostile attitudes and employ aggressive measures such as direct threats and detention. In contrast, national security agencies often request or compel activists to attend regular meetings to report their ongoing plans, and they tend to communicate more politely. This does not necessarily imply that national security agencies have greater sympathy for LGBTQ activists. Instead, it clouds activists' ability to assess their risks and need for assistance. One interviewee discussed this dynamic:

> *The local police would always question me with a degrading tone, making me feel like I was already a prisoner. They were very direct and sometimes quite violent, forcing me to surrender my phone and laptop. However, higher security agencies were very polite. They would always address me with formal title, and they tended to approach me in a friendly or elder-brotherly manner, saying things like 'I understand your struggles, and I wish we could have given you more space, but can we cancel this event this time?' Despite being forced to have regular meetings with them, I felt more at ease in their presence. However, their superficial kindness blinded me a little bit, as I underestimated the danger I was experiencing.*[65]

In another example, different law enforcement departments tried to play different roles. In this "good cop, bad cop" routine, the ones pretending to be supportive used the aggressive actions of others as leverage to pressure activists into cooperating with them. One interviewee described how this strategy works:

[62] Outright interview with participant 202307NL02.

[63] Bernot and Davies, "The 'Fish Tank.'"

[64] Laurie Chen et al., "China's Security Drive Hits Embassy Activities, LGBT Events, Some Diplomats Say," *Reuters*, 13 July 2023, https://www.reuters.com/world/asia-pacific/chinas-security-drive-hits-embassy-activities-lgbt-events-some-diplomats-say-2023-07-13/.

[65] Outright interview with participant 202307NL08.

> *They [the national security staff] are always really polite to me, calling me "sir" every time. Sometimes when the police harass us at our office, I call them. They acted very understandingly and even joined me in complaining about the police. But they also asked me to cooperate better with them, otherwise, they couldn't protect us from police harassment.*[66]

This multifaceted approach to surveillance and intimidation extended beyond individual activists. It impacted their social networks, including family, friends, and colleagues.[67] The Chinese government weaponizes activists' social networks to discourage and immobilize activists. A common strategy is to out activists or defame them. For example, authorities have informed activists' parents about their sexual orientation even though they have not come out to them. Likewise, they may tell an activist's family members and friends that the activist is conducting activities that could potentially endanger national security. This is to discourage activists by creating conflicts in their personal lives. One activist said:

> *The security department has been relentlessly contacting my parents, informing them of the problematic and dangerous nature of the activities I have been involved in. They acted sincerely, as if they wanted to save me from deviation.*[68]

The misuse of surveillance has cast a shadow over the personal and professional lives of LGBTQ activists in China, contributing to an environment of fear and uncertainty. Another method the authorities have used is to threaten punishments for people in activists' networks. For example, many volunteers in LGBTQ organizations are college students, and authorities told organizations that if they do not cease their activities, the authorities would suspend the volunteers from school.

The extent of surveillance means that constructing support network within LGBTQ communities has become very hard. Activists fear seeking assistance from others due to the risk of exposing fellow activists to danger. Moreover, authorities' infiltration of activist circles and varying levels of risk awareness make it difficult for activists to fully trust their peers, leading them to refrain from disclosing information for the sake of self-protection and the protection of others. This caution and concern further complicate the already fragile relationships among LGBTQ activists in China. They also inhibit collaboration between organizations, making larger-scale cooperative efforts more arduous and tense.

DEVELOPMENT AND SUSTAINABILITY

The tenuous legal status of LGBTQ organizations in China and the government's growing crackdown on organizations working to advance LGBTQ people's rights has impeded fundraising. Some organizations, such as those addressing HIV/AIDS, can legally register and receive government funding. However, they often align themselves with government interests, opting for moderate approaches to steer clear of political topics. For instance, the Chinese Center for Disease Control funds some gay organizations for public health purposes, leading other more human rights-oriented LGBTQ organizations to criticize these groups for aligning with the authoritarian state and compromising on advocacy for LGBTQ people's rights.

[66] Outright interview with participant 202307NL13.

[67] Safeguard Defenders, "New Report: China Is Ramping up Collective Punishment of Families of Rights Defenders," 10 December 2023, https://safeguarddefenders.com/en/blog/new-report-china-ramping-collective-punishment-families-rights-defenders.

[68] Outright interview with participant 202307NL03.

Several LGBTQ organizations attempted to work with domestic foundations in China to conduct fundraising during the past few years, as these foundations are the only legal entities that can fundraise from the public. However, the authorities soon after warned the foundations not to work with LGBTQ groups, bringing this fledgling cooperation to a halt and leaving no way for these groups to receive public donations from within China. In stark contrast with organizations that align themselves with the authorities, organizations that take a political stand for social justice remain underfunded.

Consequently, international support has become vital for these groups to sustain their activities in such a tough environment. But even when cooperation with international stakeholders was more feasible, many LGBTQ organizations were unable to access support. First, international stakeholders tended to concentrate on relatively well-developed coastal cities like Beijing, Shanghai, and Guangzhou, where LGBTQ organizations first matured. In underdeveloped inland regions, particularly in the areas where the development of LGBTQ organizations has been highly suppressed, those organizations have had great difficulty accessing aid. During one interview, an activist from a less developed area shared that their activism in a socioeconomically deprived environment has been overlooked both domestically and internationally. This regional discrepancy underlines the need for a more inclusive and equitable distribution of resources to ensure that LGBTQ organizations across the spectrum and in various geographic areas can thrive.

Second, international assistance, such as funding, visiting scholarships, and embassy programs, is frequently limited to LGBTQ organizations or activists with stronger social capital. Those who can secure funding often have existing access to international stakeholders and effective communication channels. Conversely, LGBTQ activists from less privileged backgrounds may struggle to access these opportunities. For many activists, language is the primary barrier for them to connect with international stakeholders, as one grassroots activist shared:

> *Our generation, especially those of us growing up in underdeveloped areas, didn't have the chance to learn English systematically. Our LGBTQ activism is deeply intertwined with community members facing challenges at the bottom of society. I hope our struggles can be seen and heard, but the lack of English proficiency has become a major hurdle for us to be amplified. I am learning English, but I also wish there could be more people to bridge us with the international stakeholders.*[69]

Another concern is international partners' insufficient understanding of political and cultural nuances. Interviewees recurrently highlighted that the process of securing international funding, from project design to application and assessment, may not align well with activists' needs in China. An activist lawyer mentioned that she felt excluded from the conventional understanding of a "human rights lawyer":

> *Despite my primary occupation not being a human rights lawyer, I've been using my profession to support feminist and LGBTQ activists. However, I feel disqualified when applying for international programs related to human rights law. In China, survival often means camouflaging under a different identity. And I wish these international programs could consider cultural and political differences.*[70]

[69] Outright interview with participant 202307NL05.

[70] Outright interview with participant 202307NL16.

Another activist expressed similar concerns:

> *I've seen many relocation programs, all aimed at human rights defenders. But I don't quite see myself as a human rights defender, especially compared to human rights lawyers. You know, those who get arrested every day. I'm not certain if I meet the criteria listed on some websites, as the repression I experience is through seemingly legal procedures, which tend to be less obvious and direct.*[71]

Another interviewee said:

> *I attempted to apply for several international funding opportunities to bolster my activism. However, the feedback I received from these committees was often negative. They believed that the repression we faced was not 'urgent' enough, or that I did not sufficiently demonstrate my 'vulnerability' to prove that I was worthy of their funding… Sometimes they would tactfully ask if I had a minority ethnic background or any religious beliefs, but unfortunately, I don't. I grew up in a Han-majority area and was raised in a normal urban family and don't have those kinds of 'intersections.'*[72]

Chinese LGBTQ activists interviewed for this report also raised concerns about international partners' lack of awareness regarding China's advanced surveillance measures. Despite the security imperative to safeguard communication between Chinese LGBTQ activists and international stakeholders, tension exists between the need for information security and international partners' desire for greater transparency and public disclosure. This can have severe consequences for activists in China, a paradox exemplified in the experience of an interviewee who applied for funding from a Canadian organization. The public announcement of Chinese organizations receiving funding from this entity triggered a government investigation into these organizations' actions, ultimately leading the activist to forgo the opportunity. Another interviewee shared that their organization stopped collaborating with the US Embassy for safety reasons:

> *We used to receive support from some overseas foundations, including embassy support. But now, basically, we won't apply for any projects from institutions like the US Embassy, and we also dare not participate in any of their activities.*[73]

Seemingly, if activists contact any foreign embassy staff, or even receive an event invitation email from an embassy, the police are likely to find out and give them a warning.

WHAT CAN CHINESE LGBTQ ACTIVISTS DO NOW?

Despite ongoing challenges, some limited space remains for LGBTQ activists to engage in advocacy work. However, there has been a notable shift in the landscape.

Collaborating with professionals to provide community-based services, which has long been a central approach for Chinese LGBTQ activists, has become increasingly prominent in their strategies. As censorship of direct LGBTQ rights advocacy has intensified, offering professional services has become a safer approach. This might include collaborating with registered social

[71] Outright interview with participant 202307NL10.

[72] Outright interview with participant 202307NL02.

[73] Outright interview with participant 202307NL07.

work organizations to provide support for LGBTQ individuals under projects related to youth education, community development, mental health, or sexual health. Working with psychological counselors to support LGBTQ people is another approach community organizations use to continue their work in the shrinking space available.

Many LGBTQ activists consciously downplay the political connotations of their organizations to ensure operational stability and avoid censorship. Some choose to register their organizations as media or commercial entities. Others align activities with "mainstream" values to evade censorship. For example, in 2021, a well-established organization that focused on advocating for the inclusion of LGBTQ individuals within their families shifted its narrative to promoting families as a fundamental foundation for social harmony. Another organization, since 2020, framed its work as supporting vulnerable youth. As one interviewee put it:

> *Yes, unfortunately, directly practicing LGBTQ activism has become practically impossible now. It's become a sensitive issue.*[74]

The escalating repression has led Chinese LGBTQ activists to rethink how they communicate and build new partnerships. Unlike the more transparent communication and collaboration seen before, activists now prioritize encrypted communication and selectively collaborate with partners who understand their situation. This shift reflects the need for greater subtlety and caution in their advocacy efforts to navigate the increasingly hostile environment:

> *We are seeking partners who can understand our situation and are willing to support us. Meanwhile, we are constantly adjusting our strategies to adapt to the increasingly strict censorship environment. More importantly, we have enhanced our focus on communication security to ensure that our exchanges minimize risks as much as possible.*[75]

Activists have shifted some attention to collaboration with multinational companies interested in promoting diversity, equity, and inclusion (DEI) in the workplace, which allows them to advance their activism while sidestepping censorship issues. DEI initiatives within multinational companies in Beijing and Shanghai, which organize internal company activities and introduce equality policies that benefit their employees in China, continue to thrive. In recent years, companies have been inviting LGBTQ leaders to share their stories with employees, supporting Pride employee resource groups, and implementing equality policies to protect employees and their family members.[76] IBM, for instance, highlighted its inclusive policies and benefits for LGBTQ people on its official WeChat accounts. Likewise, in 2021, 30 companies in mainland China, the majority of which were multinationals, participated in the Diversity & Inclusion Consulting (DNIC) LGBT Job Fair and Workplace Conference to showcase their commitment to inclusion of LGBTQ people.[77] Notably, these efforts have not faced backlash from authorities. Instead, they have provided opportunities for activists to collaborate with companies in enhancing equality for LGBTQ people in China. Supporting companies' everyday actions in pursuit of equality can ultimately lead to social change.

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[74] Outright interview with participant 202307NL04.

[75] Outright interview with participant 202307NL13.

[76] See, for example, PricewaterhouseCoopers, "Diversity and Inclusion-LGBT+," accessed 25 August 2024, https://www.pwccn.com/en/about-us/diversity-and-inclusion/lgbtq.html.

[77] "Why Workplaces in China Should Be Proactive in the Fight for LGBT Equality," *Bath Business and Society*, 17 June 2022, https://blogs.bath.ac.uk/business-and-society/2022/06/17/why-workplaces-in-china-should-be-proactive-in-the-fight-for-lgbt-equality/.

IV. Transnational Advocacy in Difficult Times

IV. Transnational Advocacy in Difficult Times

The increasing political restrictions on LGBTQ activism within China have prompted many activists to seek opportunities in other countries. In recent years, new Chinese LGBTQ organizations, established by activists who fled China and by Chinese students studying abroad, have emerged all over the world. With fewer limitations, these organizations can actively engage in rights advocacy within and beyond China. Moreover, they can serve as safe havens for LGBTQ activists forced to leave China due to political pressure, providing support and integration opportunities. One activist living outside China said:

> *I believe that being abroad, I can actually do more, such as communicating with diplomats from different governments, urging them to include LGBTQ issues in their human rights dialogues with China. The international community needs to keep its focus on the LGBTQ movements in China. If nobody knows what our movement is doing or experiencing, there would be no one to support us if we were all erased by the government.*[78]

Queer China UK is a notable example of the emergence of Chinese activism abroad. Established by diasporic activists amidst the pandemic, Queer China UK aims to facilitate connections among Chinese diaspora LGBTIQ individuals and empower Chinese-speaking LGBTQ and feminist communities.[79] However, as this section details, these new LGBTQ organizations and exiled activists are not immune to China's transnational repression nor the immigration policies of their host countries.

NAVIGATING TRANSITIONAL REPRESSION

Even after relocating to other countries, Chinese LGBTQ activists still navigate repression in transnational spaces.

China, by leveraging advanced information communication technologies and diasporic informants, has built one of the biggest transnational repression systems in the world, extending across various continents and nations, particularly in Europe. According to a report by Safeguard Defenders, the Fuzhou Public Security Bureau in China has established

[78] Outright interview with participant 202307NL12.

[79] Queer China UK, "About Us," accessed 25 August 2024, https://queerchinauk.com/about-us/.

38 stations across five continents.[80] These discreet policing activities are associated with diasporic civil society organizations and are supported by China's United Front Work Department to monitor and intimidate exiled activists.[81]

Despite the flourishing transnational LGBTQ advocacy efforts, China's omnipresent repression can discourage exiled Chinese LGBTQ activists and obstruct their advocacy work. It instills a pervasive atmosphere of fear, hindering exiled activists from engaging in public activism and establishing connections with partners, even beyond China's borders. As a Chinese activist based in Europe said:

> *During our activities in Europe, we must be cautious all the time. For example, many of my colleagues who have helped organize activities for Chinese LGBTQ individuals prefer to stay anonymous and act as ordinary audience members. Additionally, we must remain low-key in our connections with other international human rights organizations to avoid being targeted, even here.*[82]

Transnational surveillance also hinders trust between activists. Given the substantial threats to personal safety, activists mitigate risk by concealing their affiliations with international organizations. Regrettably, this precautionary approach limits the dissemination of crucial information, leaving activists who lack international networks and adequate resources at a disadvantage. An activist based in China said:

> *I recently talked to [a Chinese LGBTQ activist] and asked where they are living overseas, and whether they were part of some visiting program. I'm really interested because I'm struggling to breathe in China. But they said they are just taking a holiday by themself and will be back soon. I know they are in a relocation program; I just wanted them to introduce me, but maybe it's inconvenient for them to say. I understand everyone's difficulties, but it's still saddening.*[83]

Transnational repression practices do not only target exiled activists but also extend to all citizens, former citizens, and their family members, who are considered potential threats regardless of their location. For example, a considerable number of interviewees continue to maintain connections with colleagues because these colleagues provide direct access to support and help further their efforts for LGBTQ rights in China. These transnational connections and efforts to advocate for LGBTQ rights in China are not easily replaced or altered in the short term. As a result, however, exiled activists' connections with colleagues and families within China becomes the target of state intervention. As one interviewee shared:

> *Before COVID-19, the national security agency primarily targeted me. To safeguard my co-workers, I refrained from sharing much information about the assistance we received from international stakeholders. Unfortunately, the security agency expanded their harassment to my other co-workers, some of whom have full-time jobs in other professions, while others are students. This trend has only intensified since my departure [from China].*

[80] Safeguard Defenders, "110 Overseas: Chinese Transnational Policing Gone Wild," 2022, https://safeguarddefenders.com/en/110-overseas, p. 10.

[81] Ibid; The United Front Work Department (UFWD) is a government agency responsible for collecting intelligence on, managing relationships with, and seeking to influence elite individuals and organizations both within mainland China and abroad.

[82] Outright interview with participant 202307NL01.

[83] Outright interview with participant 202307NL16.

> *They now face more frequent harassment and are compelled to meet with the security agency, as I still maintain a connection with them to support them to initiate small events like seminars and queer film screenings. This situation serves as a warning for me as well when the authorities aim to trace me in Europe. If I stay active and continue my activism abroad, my co-workers in China would be in deep trouble.*[84]

BEING AN ACTIVIST AND AN IMMIGRANT

For Chinese LGBTQ activists, being in exile involves more than just contending with transnational repression. They must also face the hurdles of cultural adjustment, navigating the complexities of adapting to a new society. They often find themselves grappling with unfamiliar social norms, diverse attitudes towards LGBTQ people, and varied ways of expressing identity.

Language barriers further intensify the difficulties faced by exiled activists, especially those who were forced to flee China, have no previous language training, and lack proficiency in English or the official language of the foreign country where they have sought to reside. Proficiency in the local language is essential for effective advocacy, which involves navigating nuanced discussions. The mastery of language is crucial not only for advancing the cause of Chinese LGBTQ people but also for integrating into activist groups in the country of residence. As one activist mentioned:

> *Language means more than efficient communication; it also conveys an understanding of cultural nuances. Despite our best efforts to learn the language of the country we live in, mastering it within a short time remains challenging. This difficulty has disconnected us from local LGBTQ groups, hindering the formation of stronger solidarity and our contribution to international LGBTQ rights.*[85]

In addition to cultural and linguistic barriers, exiled activists sometimes confront a profound disinterest in foreign LGBTQ movements, alongside racial hierarchies within the LGBTQ communities in many host countries. Establishing connections, building alliances, and gaining support from the LGBTQ communities and broader activist networks outside China are vital for their advocacy work. However, exiled Chinese LGBTQ activists are often excluded from the LGBTQ communities in their new countries of residence, being perceived as the sexual and ethnic "other." According to one interviewee:

> *I find everyone to be incredibly friendly, including my host and the people I've met from other NGOs. They have taken great care of me in terms of daily life. However, it seems that no one here really cares about the LGBTQ movements in China or my work. They just see me as a poor human rights defender from a developing country in exile.*[86]

As the above interview demonstrates, activists who initially saw leaving China as an opportunity to advocate for the rights of LGBTQ people on the international stage may find their aspirations thwarted when they encounter a lack of interest and support.

[84] Outright interview with participant 202307NL01.

[85] Outright interview with participant 202307NL06.

[86] Outright interview with participant 202307NL11.

V. Conclusion

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This report has delved into the dynamic and complex terrain of activism for the rights of LGBTQ people in China, tracing a journey from milestones like depathologization and decriminalization through to the present-day hurdles along the path toward societal inclusion and equal rights.

Although Chinese society has made notable progress in its acceptance and support for LGBTQ people, entrenched cultural norms and generational biases still hamper the full social integration of LGBTQ individuals. Insufficient legal protection exacerbates LGBTQ people's vulnerability to discrimination across various spheres of life. Furthermore, the government's nebulous and often repressive approach to LGBTQ activism, combined with media censorship, intensifies adversity.

Recent years have seen an intensification of repression, such as increased surveillance, harassment, and laws and policies aimed at weakening LGBTQ organizations, demonstrating the government's dedication to curtailing the movement. Nonetheless, the steadfast commitment of activists, who have skillfully modified their tactics to circumnavigate these repressive conditions, embodies the relentless pursuit of equality and rights. Through adopting innovative forms of activism and, in some cases, going overseas, Chinese LGBTQ activists persist in championing their cause amidst the threats of transnational repression and the intricate process of reconciling their identities in foreign environments.

This report shows the urgent need for increasing support for and recognition of Chinese LGBTQ activists, both domestically and internationally. It calls upon the global community to reinforce its backing through legal, financial, and moral support, recognizing the critical role of transnational advocacy in keeping the Chinese LGBTQ movements alive. The report also stresses the need to bridge the divide between China's LGBTQ activists and their worldwide allies and cultivate a more inclusive and effective dialogue on the rights of LGBTQ people on a global scale.

VI. Recommendations

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1. ENHANCE SUPPORT FOR CHINESE LGBTQ PEOPLE AND CIVIL SOCIETY ORGANIZATIONS IN CHINA

Despite myriad pressures, numerous international organizations have successfully supported Chinese LGBTQ activists, demonstrating the feasibility of such efforts.

The global community's focus should pivot from deliberating "whether to support" toward "how to support strategically."

It is imperative to enhance legal, financial, and security support for Chinese LGBTQ activists and civil society organizations that face risks. These entities require augmented capabilities and strategies for risk management, including necessary legal aid in instances of detention. International stakeholders should provide opportunities and resources to activists within China and fund grassroots organizations' sustainable development. Academic institutions can contribute to improving the situation on the ground for LGBTQ people in China by engaging in collaborative research and implementing human rights defender visiting programs to boost skills and networks and provide respite for exhausted activists. Businesses can contribute to LGBTQ inclusion by implementing DEI policies in China.

2. STRENGTHEN ADVOCACY FOR THE IMPROVEMENT OF CONDITIONS FOR CHINESE LGBTQ HUMAN RIGHTS DEFENDERS

International human rights organizations, global LGBTQ communities, and the Chinese diaspora should seize international advocacy opportunities to highlight the challenges faced by Chinese LGBTQ human rights defenders and movements, including by supporting Chinese LGBTQ human rights defenders to speak out on international platforms.

Bilateral diplomacy, UN agencies, and UN mechanisms should spotlight the situation of Chinese LGBTQ people. Engaging in dialogue with the Chinese government on this issue has the potential to contribute to improved rights protections for activists and the broader LGBTQ community.

For example, China accepted several anti-discrimination recommendations during the Universal Periodic Review (UPR), Commission on the Elimination of All Forms of Discrimination Against Women (CEDAW), and Committee on Economic, Social, and Cultural Rights (CESCR) sessions at the UN Human Rights Council. Collaborating with Chinese organizations to leverage these platforms can help communicate the specific challenges faced by LGBTQ individuals and activists in China to the relevant Chinese authorities.

3. ENHANCED RESOURCE SUPPORT FOR EXILED ACTIVISTS

Relocation programs within international institutions should be accessible to Chinese LGBTQ activists. Program organizers should make information about these programs readily available and not assume that Chinese LGBTQ activists cannot successfully participate.

In recent years, the application of the "do no harm" principle by some international organizations has inadvertently led to the withdrawal of essential support for Chinese activists. International human rights organizations should invest more resources in programs tailored to exiled Chinese LGBTQ activists,

considering language barriers and lack of international exposure. Relocation programs offering safe transition and mental health support must be managed by organizers experienced with China to align with the activists' ongoing work. Donors should carefully evaluate risks but also trust activists' own assessments to provide necessary support while ensuring safety.

4. STRENGTHEN SUPPORT FOR OVERSEAS CHINESE LGBTQ ADVOCACY

As more Chinese organizers and activists establish their presence in cities across Europe, North America, Australia, and beyond, organizations catering to local diasporic Chinese LGBTQ communities have developed in major urban centers.

These activists are not only forming connections among themselves but are also engaging in advocacy work that, despite being conducted from abroad, has a substantial and direct impact on the situation and discourse within China.

This transnational advocacy underscores the need for enhanced resource support for these nascent activist communities. Stakeholders should provide comprehensive support for overseas Chinese LGBTQ organizations by offering financial assistance to sustain and expand their advocacy work. Support should also include training programs to equip activists with essential skills such as digital security, media relations, and strategic campaigning. Stakeholders can also facilitate networking opportunities to connect Chinese LGBTQ activists with international human rights organizations, amplifying their efforts and fostering collaborative initiatives.

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