

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)
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Submitted by
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China Rainbow Observation
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LGBTQ+CN is a rights-based advocacy group that consists of many experienced scholars and LGBTQ+ activists from China. It advocates for the equal enjoyment of human rights for all Chinese LGBTQ+ persons.

China Rainbow Observation is an action group focusing on LGBTQ media representation in China. It believes that giving the general public equal access to LGBTQ-related media content will help reduce social stigma and discrimination against LGBTQ people in China.

Human Rights in China (HRIC) is a Chinese non-governmental organization (NGO) founded in March 1989 by overseas Chinese students and scientists. HRIC actively engages in case and policy advocacy, media and press work, and capacity building. Through original publications and extensive translation work, HRIC provides bridges and uncensored platforms for diverse Chinese voices.

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I. Key Suggestions

1. We urge the CEDAW Committee to call upon the State Party to undertake the following recommendations to protect lesbian, bisexual women and transgender (LBT) persons' human rights in China.
2. Request that the State Party urge public institutions and public interest organisations to end all discrimination against LBT persons and ensure access to justice, shelters, education, employment, and healthcare, including sexual and reproductive health services, for women and girls from disadvantaged and marginalised groups.
3. Immediately cease censoring discussions about LBT issues in media, including social media.
4. Introduce laws that protect the equal marriage rights of same-sex couples and take all possible steps to eliminate stigma and discrimination against LBT individuals;
5. Take all necessary measures to remove barriers to adoption based on the LBT status of persons, including the authorisation of joint adoption by same-sex couples and the elimination of homosexuality as a disqualifying factor in adoption eligibility evaluations;
6. We urge the State Party to take all necessary steps, including amending the Civil Code, to protect the rights of LBT persons and their children born through assisted reproductive technology by clarifying legal guardianship.

II. Introduction

7. As the world's most populous country, China is estimated to have a sizable lesbian, gay, bisexual, transgender, and queer (LGBTQ) population of between 40 to 70 million.¹ However, due to a lack of national demographic data and the social stigma associated

¹ The number of Chinese who identify as LGBTQ remains unclear, and the existing statistics are already outdated. A range of official statistics, demographic/public health surveys and academic studies estimated the number of Chinese homosexuals at between 30 and 50 million in the 2000s. The figure stated here is cited from a recently published authoritative academic article. See Yuanyuan Wang et al., "Mapping out a Spectrum of the Chinese Public's Discrimination toward the LGBT Community: Results from a National Survey," *BMC Public Health* 20, no. 1 (December 2020): 669.

with sexual orientation, gender identity, and gender expression (SOGIE), the precise population size and living situation of LGBTQ people remain unknown in China. Notably, among the LGBTQ communities, LBT people and their human rights situation in China are frequently underrepresented and under-recognised.

8. Lesbian and bisexual women have a long but typically hidden history in China, returning to imperial times. Traditional literature and government documents rarely mentioned their sexual experiences and social challenges.² After the establishment of the People's Republic of China in 1949, the media coverage and social discussion continued to omit LBT persons in China, and transgender expression was occasionally portrayed as a disguising strategy of the anti-revolutionary.³ After several legal and healthcare system reforms in the early 2000s, homosexual behaviour was no longer criminalized, and homosexuality and bisexuality were no longer considered mental illnesses.
9. State Parties are required, as stated in the Convention, to ensure that men and women enjoy the same economic, social, cultural, civil, and political rights. They should also acknowledge women's significant contribution to the well-being of the family and the development of society. They are also required to eliminate all forms and manifestations of discrimination. In the *List of Issues and questions relating to China's Ninth Periodic Report*, the Committee drew particular attention to the rights of LBT persons in China and requested that the State Party provide information on the measures it has taken to combat discrimination against LBT women in employment, education, and access to health care.⁴
10. Even though the Chinese government has already signed and ratified the Convention, it has made no progress in protecting LBT people in China. No law nor policy currently protects LBT people, and being transgender is still considered a mental disorder. Heavy censorship has prevented the public from accessing information and media related to LBT content. The relationship between same-sex couples is not legally recognised, and their children are unprotected in China.

² Ruan, Fang Fu, and Vern L. Bullough. "Lesbianism in China." *Archives of Sexual Behavior* 21, no. 3 (June 1992): 217–26. <https://doi.org/10.1007/bf01542993>.

³ Zhang, Qing Fei. "Transgender Representation by the People's Daily since 1949." *Sexuality & Culture* 18, no. 1 (May 21, 2013): 180–95. <https://doi.org/10.1007/s12119-013-9184-3>.

⁴ CEDAW/C/CHN/Q/9

III. Article 2: Policy Measures

11. Article 2 requires the State Party to enact laws and regulations, implement policies, and alter practices in order to eliminate discrimination against women. In accordance with Article 2(d) of the Convention, no act nor practice of discrimination against women may be committed, and public authorities and institutions must ensure that their actions do not violate this obligation. In addition, in accordance with Article 2(f), the State Party must take all appropriate measures, including legislative action, to modify or eliminate existing laws, regulations, customs, and practices that constitute discrimination against women. However, the State Party has not taken sufficient measures to protect LBT individuals, and its administrative law enforcement agencies and public institutions do not provide sufficient support to LBT communities.

12. **Case study:** The All-China Women's Federation (ACWF), a national women's organisation tasked with representing and defending women's rights and promoting gender equality, has not organised any activities or conducted research on LBT issues and does not offer adequate support to LBT individuals. In 2016, after China enacted its first *Anti-Domestic Violence Act*, a lesbian woman in Shanghai reached out to the ACWF for assistance due to domestic abuse from her parents and relatives. However, ACWF staff responded that the law only applied to violence between legal spouses (male and female) and therefore did not apply to her situation. She also filed three reports with the local police station, but when officers visited her parents' home, they did not intervene.⁵

13. We therefore urge the Committee to request that the State Party make it clear to public institutions that they must end all discrimination against all LBT persons and ensure access to justice, shelter, education, employment, and healthcare, including sexual and reproductive health services, for women and girls from disadvantaged and marginalised groups.

⁵ Common Language, and Li Li. “《反家庭暴力法》一周年实施与法律评估：以彩虹暴力终结所干预性与性别少数人群家暴实践为例 (Implementation and Evaluation of the First Anniversary of the Anti-Domestic Violence Act: A Case Study of the Rainbow Violence End Project Involved in Domestic Violence Practices among Sexual Minorities).” Edited by Weiyi Rong. *Common Language*. Common Language, March 2017. <http://www.tongyulala.org/index.php?m=content&c=index&a=show&catid=23&id=104>.

IV. Article 12: Women and Health

14. In the *List of issues and questions in relation to the ninth periodic report of China*, the Committee asked, in particular, about the situation of the assessment of the healthcare services for LBT persons. The insufficient protection and recognition in China's health policies have prevented LBT communities from fully exercising their right to health. Reports from the United Nations Development Programme (UNDP) emphasize the unique challenges faced by transgender women regarding health rights,⁶ and we wish to highlight the infringement of health rights faced by the transgender community in China.

15. Despite the State Party's positive steps towards improving the health rights of transgender individuals, access to essential health services for them in China is still limited.⁷ Although the age limit for gender affirmation surgery has been lowered to 18 years-old, the State Party's lack of protection and promotion has made it difficult for transgender individuals to access gender-affirming care. Amnesty International's 2019 report found that "transgender people are still largely invisible in the healthcare system in China,"⁸ and the 2014 UNDP report revealed that many transgender individuals have to rely on the black market to purchase medications for hormone therapy since affirmative treatment is difficult to access through the medical system.⁹

16. In terms of mental health, 12.7% of transgender individuals in China have attempted suicide, according to data from the Beijing LGBT Center.¹⁰ The UNDP Trans Health Blueprint report also identified significant gaps in China's support for transgender mental health.¹¹

⁶ Divan, Vivek, Clifton Cortez, Marina Smelyanskaya, and JoAnne Keatley. "Transgender social inclusion and equality: a pivotal path to development." *Journal of the International AIDS Society* 19 (2016): 20803.

⁷ "Family Approval Still Biggest Hurdle for China's Trans Youths Seeking Surgery," *South China Morning Post*, June 24, 2022, <https://www.scmp.com/news/china/politics/article/3182853/china-relaxes-barriers-transgender-health-family-approval>.

⁸ "China: 'I need my parents' consent to be myself' - Barriers to gender-affirming treatments for transgender people in China," 2019, Policy File, Amnesty International.

⁹ *Being LGBT in Asia: China Country Report*. 2014. International Governmental and Non-Governmental Reports and Policy Studies Related to LGBTQ Issues, Activism and Health. P10,39 <https://www.undp.org/china/publications/being-lgbt-asia-china-country-report>

¹⁰ *Being LGBT in Asia: China Country Report*. 2014. International Governmental and Non-Governmental Reports and Policy Studies Related to LGBTQ Issues, Activism and Health. P10,39 <https://www.undp.org/china/publications/being-lgbt-asia-china-country-report>

¹¹ *Blueprint for the Provision of Comprehensive Care for Trans People and Trans Communities in Asia and the Pacific | United Nations Development Programme*. UNDP. <https://www.undp.org/asia-pacific/publications/blueprint-provision-comprehensive-care-trans-people-and-trans-communities-asia-and-pacific>

17. Studies by Liu and colleagues further demonstrate that medical resources available to the transgender community in China are very limited. For example, 71% of transgender individuals found it challenging to obtain hormones from a doctor, while 43% considered self-harm due to the lack of gender-affirming hormone therapy. Moreover, 67% of those using hormone therapy acquired their medication illegally, and 61% used their medication without regular professional monitoring. Similarly, 81% of transgender individuals seeking gender-affirming surgery considered surgical-related medical resources inadequate or very scarce.¹²
18. The State Party often cites cultural differences and social development levels as reasons for not promoting the rights of the LGBT community. However, according to a survey conducted by the UCLA Williams Institute, nearly three-fourths (73.7%) of Chinese people agreed, strongly or somewhat, that transgender people should be protected from discrimination, and 66% of Chinese people also agreed that transgender people should be allowed to have surgery so that their body matches their identity.¹³ Therefore, it is incumbent upon the Chinese government to further protect the health rights of transgender women through policy action. Given the significant gaps in several areas of health policy for the transgender community in China, we recommend that the Committee urge the State Party to provide gender-affirming treatments, including hormone treatment, surgery, psychological support, and other gender-affirming procedures, in the public health system. This will enable LBT women in China to fully exercise their health rights as recognised in Article 12 of the Convention.

V. Article 13: Economic and Social Benefits

Right to participate in cultural life

19. Under Article 13(C), the Convention protects the right to participate in leisure activities, sports, and all aspects of cultural life, and States Parties must take all steps necessary to end discrimination against women in other economic and social areas. Heavy censorship

¹² Liu, Ye, et al. "The desire and status of gender-affirming hormone therapy and surgery in transgender men and women in China: a national population study." *The Journal of Sexual Medicine* 17.11 (2020): 2291-2298.

¹³ Luhur, Winston, Taylor NT Brown, Mingke Liu, and Ari Shaw. "Public opinion of transgender rights in China." (2021).

in China restricts LBT persons from fully participating in social life and gaining access to media content that reflects their lived realities.

20. China has a strict system of censorship that applies to all forms of media, even social media. This has resulted in the close monitoring and deletion of any content promoting or discussing LBT issues on Chinese social media, which continues to perpetuate the stigma against LBT persons in Chinese society. The government's strict control and censorship over LBT-related discussions on social media and in cultural communication makes it challenging for LBT community members to express their opinions and share their experiences.
21. The Chinese government has a long history of restricting people's access to certain information in the media sphere. LBT individuals and LBT organisations are seriously and disproportionately affected. The UNDP stated in 2015 that there is a lack of clarity from the government about censorship of LGBT content, and crackdowns happen at unexpected times.¹⁴ China's media censorship regulations, the 2016 TV Content Production Rules and the 2017 Content Review Rules for Online Audiovisual Programmes, both explicitly prohibit "homosexuality."¹⁵ Therefore, LBT-related issues are often deleted from social media platforms online, and LBT content is often excluded from media coverage. For example, in 2014, a documentary about parents accepting to recognise their LGBT children was removed from multiple streaming websites simultaneously.¹⁶ In 2019, China's version of Twitter, Weibo, shut down all discussion channels for lesbian-related topics.¹⁷ This kind of censorship makes it harder for the public to learn about and understand LGBT issues, as well as for the LGBT community to communicate with each other.
22. In conclusion, we urge the Committee to seek assurances from the State Party that it will stop censoring discussions about LBT issues on social media and in all cultural communication.

¹⁴ Being LGBT in Asia: China Country Report. 2014. International Governmental and Non-Governmental Reports and Policy Studies Related to LGBTQ Issues, Activism and Health.

¹⁵ Lin, Xi. 2020. "The Engaged Spectator: Reading BL Novels in Contemporary China." *Fudan Journal of the Humanities and Social Sciences* 13 (2): 233–57. <https://doi.org/10.1007/s40647-019-00270-6>.

¹⁶ Shaw, Gareth, and Xiaoling Zhang. 2018. "Cyberspace and Gay Rights in a Digital China: Queer Documentary Filmmaking Under State Censorship." *China Information* 32 (2): 270–92. <https://doi.org/10.1177/0920203X17734134>.

¹⁷ Cui, Yichao, Naomi Yamashita, and Yi-Chieh Lee. 2022. "'We Gather Together We Collaborate Together': Exploring the Challenges and Strategies of Chinese Lesbian and Bisexual Women's Online Communities on Weibo." *Proceedings of the ACM on Human-Computer Interaction* 6 (CSCW2): 1–31. <https://doi.org/10.1145/3555148>.

VI. Article 16: Protection of the Family and Children

23. According to Article 16 of the Convention, State Parties are required to eradicate discrimination against women in all marriage and family matters. This includes granting women the same rights as men to enter marriage and equal rights and responsibilities to adopt children. Women should also have the same freedoms and responsibilities as men to decide on the number and timing of their children.
24. Despite the lack of legal protection for LBT persons, including the right to establish a family and equal opportunities to care for and educate dependent children stipulated in the Convention, LBT individuals in China have the desire to start families. Many have, in fact, already done so through heterosexual marriage, adoption, and surrogacy. According to Diversified Family, a non-profit organisation, out of 2,900 LBT females surveyed, 9.5% of the single respondents and 23.6% of the non-single respondents planned to have children or already had them. A significant portion of respondents intended not to have children precisely because of the lack of social and legal support.¹⁸

The right to marry

25. The Convention advocates for the protection of the right to marry for everyone, including LBT persons. However, Chinese law currently limits marriage to one man and one woman, excluding LBT persons and their same-sex partners.¹⁹ Due to the discriminatory definition of marriage, same-sex couples have no access to spousal privileges, including social security and workplace benefits. This also means that same-sex couples cannot enjoy the legal protection of non-discrimination in terms of joint property, medical treatment, and child-rearing. As mentioned, increasingly, LBT persons in China wish to form their own families. In 2009, a lesbian couple openly shot their wedding photographs on Qianmen Street in Beijing on Valentine's Day and stirred up many public discussions.²⁰ In 2015, after the US Supreme Court legalised same-sex marriage, a lesbian couple organised an open ceremony in China and asked the Chinese

¹⁸ "China's First Female Sexual Minority Research Study on Reproductive Rights (中国首个女性性少数生育权状况调查报告)," Advocates for Diverse Family Network, May 18, 2021, <https://freewechat.com/a/MjM5NTg5OTE0NA==/2653695634/1>.

¹⁹ Marriage Law of the PRC, art. 2.

²⁰ Branigan, Tania. "Beijing's 'Happy Couples' Launch Campaign for Same-Sex Marriages." *The Guardian*, February 25, 2009, sec. World news. <https://www.theguardian.com/world/2009/feb/25/gay-rights-china-beijing>.

government to legalise same-sex marriage. Yet, despite the strong demand for creating legal protections for same-sex couples, the judicial system in China still discriminates against same-sex partnerships.

26. **Case Study:** A significant case concerning the joint property protection of an elderly lesbian couple occurred in 2019 in China's northern Shenyang Province. A lesbian couple who had lived together for over 50 years found that when one of them became mentally disabled, her partner could not become her guardian and make medical decisions on her behalf. After being returned to their relatives' homes, their co-owned properties and bank accounts were not protected nor handled according to their mutually agreed-upon wishes. Later, both sets of the lesbian couple's relatives filed separate lawsuits, claiming that they were the exclusive heirs to the lesbian couple's joint estate. In the court's final verdict, the judge recognised their lifelong relationship status but stated that the Marriage Law did not protect their relationship under the current legal system. While they had been in love for 50 years, the law practically made them strangers.²¹
27. During China's CEDAW Review in 2014, the State Party stated that "regardless of their sexual orientation, the rights of Chinese citizens are protected by law. In China, attitudes towards homosexuality have become more progressive than in the past."²² But the State Party has not yet implemented any legislative measures to match its statement to the CEDAW Committee by including LBT persons in the marriage system.

Right to adoption

28. Under the marriage system restricted to one man and one woman, same-sex couples are prohibited by law from jointly adopting a child under the Civil Code.²³ Technically, one

²¹ Qian Han, "The Property Lawsuit between 80-Year-Old Lesbian Couple (八旬女同性恋人的财产官司)." *Www.infzm.com*, May 13, 2021, <https://www.google.com/url?q=https://www.infzm.com/contents/206235&sa=D&source=docs&ust=1673236901006827&usg=AOvVaw26v3jnUyPxWMyQdUFAB35I>.

²² UN News. 2018. "The UN Human Rights Council Has Followed the Universal Periodic Review Mechanism to Review China's Human Rights Situation (因循普遍定期审查机制 联合国人权理事会查看中国人权状况)." UN News. November 6, 2018. <https://news.un.org/zh/story/2018/11/1022202>.

²³ Civil Code of the PRC, art. 1098-1102.

party of a same-sex couple can adopt on their own, but the difficulty is disproportionately significant due to the administrative bodies' overt bias against LBT individuals.

29. The China Center for Children's Welfare and Adoption, an official entity under the Ministry of Civil Affairs, in an announcement in 2011, denied the right to adopt for LBT persons by citing the "social morality" requirement in the Adoption Law. It also stated that the Marriage Law does not recognise same-sex families, and the official CCMD-3 considers homosexuality to be a "psychosexual disorder."²⁴ While this announcement has been removed from its website, the Center's discriminative position likely remains. Effective in 2017, its inter-country adoption policy still requires a declaration of non-homosexuality from the foreign party (if allowed by their country).²⁵
30. In addition, certain provincial and municipal governments have enacted administrative measures that explicitly list homosexuality as a disqualifying factor for adoptive parents-to-be. Examples include the Changzhou city government (2014), the Nanjing city government (2019), and the Shaanxi provincial government (2018).²⁶ Despite the technical feasibility offered by the law, same-sex couples cannot adopt due to the administration's persistent bias against LGBT individuals. While the most recent "Adoption Evaluation Methodology (Pilot)" (2021) issued by the Civil Affairs Ministry does not list homosexuality as a factor of concern, the catch-all provision that excludes applicants with "other behaviour unconducive to the physical and mental wellbeing of minors" can be used to target LBT individuals.²⁷

²⁴ "Can Homosexuals Adopt Children in China? (同性恋者能否在中国收养子女?)," China Centre for Children's Welfare and Adoption, March 24, 2011, <https://baike.baidu.com/reference/60664395/cc51SMaJ1lbk6PhRE9CUNDxx7o8uiMYKaGO3IBeElal--PNV3vFvDkW1xId9FQZ6u4FZJ7N-azey-gYgku1X1WynFqgRxn9Ofg86UgCix7vOyye8X5c2pTMbHFWDpW>.

²⁵ Documentation Requirement For Inter-Country Adoption Application (外国收养申请文件要求)," China Centre for Children's Welfare and Adoption, July 10, 2017, <https://xxgk.mca.gov.cn:8444/cppweb/web/content.jsp?id=15497>.

²⁶ "Policy Explainer for Changzhou Pilot Implementing Regulations for Evaluating Families Adopting Children (《常州市收养子女家庭评估实施细则(试行)》政策解读)," Jiangsu Province People's Government, July 10, 2014, http://www.jiangsu.gov.cn/art/2014/7/10/art_32648_6133799.html; "Nanjing Implementing Regulations for Evaluating Families Adopting Children (南京市收养子女家庭评估实施细则)," Nanjing Civil Affairs Bureau, February 2, 2019, https://mzj.nanjing.gov.cn/njsmzj/njsmzj/202001/t20200119_1777424.html; and "Shaanxi Pilot Implementing Regulations for Evaluating Families Adopting Children (陕西省收养子女家庭评估实施细则(试行))," Shaanxi Provincial Civil Affairs Department, July 6, 2018, <http://mzj.weinan.gov.cn/upload/CMSwmmz/201901/20190108zoncwi1omi.doc>.

²⁷ "Notice of promulgation of 'Adoption Evaluation Methodology (Pilot)' by the Civil Affairs Ministry (民政部关于印发《收养评估办法(试行)》的通知)," Civil Affairs Ministry, December 30, 2020, http://www.gov.cn/zhengce/zhengceku/2021-01/01/content_5576084.htm.

Right to reproduction

31. The lack of recognition of same-sex marriage further bars same-sex couples from accessing assisted reproductive technologies, including surrogacy, IUI (intrauterine insemination), and IVF (in-vitro fertilisation). Stipulated in the Ministry of Health's 2001 Order No. 14, concerning the "Management Measures of Human Assisted Reproduction Technology," and No. 15, concerning the "Regulations for the Administration of Sperm Banks," assisted reproduction is accessible only to married infertile heterosexual couples, following the prevailing family planning policy.²⁸ In 2003, the Ministry of Health doubled down with a notice prohibiting medical personnel from providing assisted reproductive technologies to ineligible couples and unmarried women under the National Population and Family Planning Law.²⁹ Further, Article 1007 of the Civil Code outlaws purchasing or selling "human cells, " including gamete and zygotes.³⁰ In 2020, the National Health Commission replied to a legislative proposal submitted by a group of Chinese People's Political Consultative Conference (CPPCC) members, stating again that the IUI and IVF services are only available to married couples in China.³¹ As some Chinese experts have stated, China's current reproduction support is hostile to young women and LGBT people.³²
32. Some LBT persons have already used IUI or IVF services overseas and formed their families. However, without legal recognition of same-sex marriage, the parental rights of same-sex parents are at risk, undermining their ability to care for and educate their children. Typically, only one party of the same-sex couple can have legal custody of their child under the current law, which creates practical difficulties in caring for the child, such as making medical and legal decisions.

²⁸ Management Measures of Human Assisted Reproduction Technology (人类辅助生殖技术管理办法), Order No. 14 (2001), Ministry of Health of the PRC; Regulations for the Administration of Sperm Banks (人类精子库管理办法), Order No. 15 (2001), Ministry of Health of the PRC.

²⁹ Standards of Assisted Reproductive Technology (人类辅助生殖技术规范), Order No. 176 (2003), Ministry of Health of the PRC.

³⁰ Civil Code of the PRC, art. 1007.

³¹ National Health Commission of the People's Republic of China. "Letter on the Reply to the Proposal No. 2049 (Social Management No. 144) of the Third Meeting of the Thirteenth National Committee of the Chinese People's Political Consultative Conference (关于政协十三届全国委员会第三次会议第 2049 号 (社会管理类 144 号) 提案答复的函) ." www.nhc.gov.cn, July 23, 2020.

<http://www.nhc.gov.cn/wjw/tia/202101/b77b161058e44bad9f0c79c0541f4370.shtml>.

³² Hawkins, Amy. "Free College and IVF Help: China Hunts for Ways to Raise Its Birthrate." *The Guardian*, March 10, 2023, sec. World news. <https://www.theguardian.com/world/2023/mar/10/free-college-and-ivf-help-china-hunts-for-ways-to-raise-its-birthrate>.

33. Case study: Didi (alias) and her ex-partner were married in the United States in 2016 and underwent IVF. Two of her partner's eggs were fertilised during the procedure, and one embryo was implanted into each woman's uterus. Nine months later, Didi gave birth to a girl and her partner to a boy.³³ In November 2019, her ex-partner asked her to leave their Beijing flat, requesting that she leave their two two-year-old children behind. She then disregarded Didi's repeated requests to visit the children and ceased communication with her.³⁴ Didi filed a lawsuit in December 2019 in the eastern province of Zhejiang to fight for the custody of the child she gave birth to and visitation rights for the other child.³⁵ The case is still pending in court.

34. To ensure LBT persons in China can enjoy their rights recognised in Article 16 of the Covenant, we recommend the Committee to:

- urge the State Party to introduce laws protecting the equal marriage rights of same-sex couples and take all possible steps to eliminate stigma and discrimination against LBT individuals;
- urge the State Party to take all necessary measures to remove barriers to adoption based on the LBT status of persons, including the authorisation of joint adoption by same-sex couples and the elimination of homosexuality as a disqualifying factor in adoption eligibility evaluations; and
- urge the State Party to take all necessary steps, including amending the Civil Code, to protect the rights of LBT persons and their children born through assisted reproductive technology by clarifying legal guardianship.

³³ Zhang, Wanqing, and Yiying Fan. "The Child Custody Case Giving Hope to China's LGBT Parents." SixthTone, May 14, 2020. <https://www.sixthtone.com/news/1005640/the-child-custody-case-giving->

³⁴ Wu, Huizhong. "Lesbian Couple's Custody Case Takes China into Uncharted Legal Waters." *Reuters*, April 24, 2020, sec. World News. <https://www.reuters.com/article/uk-china-lgbt-custody-idUKKCN2260Z9>.

³⁵ Wakefield, Lily. "Lesbian Couple's Custody Battle Exposes Gaping Flaw in China's Inaction over Same-Sex Marriage." *PinkNews*, April 26, 2020. <https://www.thepinknews.com/2020/04/26/china-lesbian-couple-mothers-custody-battle-children-same-sex-marriage/>.

VII. Conclusion

35. While the State Party does not directly criminalise LBT persons on a legislative level, the historical legacy and the current legal system systematically ignore the rights and needs of LBT women in China, thereby undermining their access to the protection of the Convention. The State Party have clearly not provided adequate support to LBT persons to meet the obligations of the Convention. We therefore ask the Committee to accept our key suggestions summarised in paragraphs 1-6 and urge the State Party to meet their legal obligations vis-à-vis the protection of LBT persons.