

# **Unheard Voices: Examining the Suicide Crisis and Legal Shortcomings in China's Transgender Community**

Submission to the call for input on the killing of LGBTIQ+ persons by  
the Special Rapporteur on extrajudicial, summary or arbitrary executions

Submitted by

## ***Chinese Trans Voices***

*Chinese Trans Voices is a group of Chinese trans activists in China and abroad. It aims to raise trans voices, advocate for trans equality, and promote trans rights for Chinese trans people in China and abroad.*

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## ***China Rainbow Observation***

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

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## ***International Service for Human Rights***

*The International Service for Human Rights (ISHR) is an international non-governmental organisation dedicated to promoting and protecting human rights. It achieves this by supporting human rights defenders, strengthening human rights systems, and leading and participating in coalitions for human rights change.*

## **I. Introduction**

1. In China, an estimated 4 million transgender people confront significant societal and legal hurdles that not only undermine their human rights but also endanger their lives. Due to the lack of recognition and protection at the legislative level in China, there are no laws or governing bodies providing support to them. Given this, the disenfranchised Chinese transgender community heavily relies on LGBTQ groups, Chinese Trans Voices and China Rainbow Observation to provide shelter services, collect evidence, launch litigation, and seek justice.

2. This report explores the severe crisis of suicide among the transgender community in China, highlighted by startling statistics indicating exceptionally high rates of suicidal ideation and attempts, far surpassing those in the broader Chinese population. Despite regulatory efforts such as the Anti-Domestic Violence Law<sup>1</sup> and the Law on the Protection of Minors<sup>2</sup>, these legal frameworks fall short of offering explicit protections for transgender individuals, who remain vulnerable to domestic violence, school bullying, and harmful practices like conversion therapy.

3. Through the analytical framework of Article 6 of the International Covenant on Civil and Political Rights (ICCPR), as detailed in General Comment No. 36, this analysis underscores the need for a broader interpretation of the right to life that encompasses the prevention of systemic discrimination and targeted violence against transgender individuals. By not addressing specific cases in the introduction, this report aims to focus on broader legislative reforms and social awareness to safeguard the rights and dignity of the transgender community in China, consistent with international human rights standards.

## **II. Transgender Vulnerability and Legal Gaps in China**

4. In China, transgender individuals face profound societal and legal challenges that significantly endanger their lives and overall well-being. Despite legal allowances for transgender individuals to change their gender and name on official documents post-gender reassignment surgery, the reality is marred by systemic barriers and substantial risks. The process for legally changing gender identity is cumbersome, often requiring transgender individuals to expose themselves to potential discrimination by needing approvals from the workplace or educational institution personnel departments.

5. Medical pathways for transitioning are similarly obstructed by stringent requirements. Transgender individuals seeking gender-affirming surgeries are categorized as "patients with gender identity disorders" and are subjected to invasive prerequisites, including mandatory

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<sup>1</sup> Anti-domestic Violence ACT (P.R.C). <http://en.pkulaw.cn/display.aspx?cgid=261780&lib=law>

<sup>2</sup> Minors Protection Act (P.R.C) [https://uk.practicallaw.thomsonreuters.com/w-029-6026?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/w-029-6026?transitionType=Default&contextData=(sc.Default)&firstPage=true)

familial notifications which can lead to distress and danger for those without supportive families. Additionally, the legal framework imposes a criminal record check, introducing discriminatory practices uniquely affecting transgender individuals.

## 6. Case Studies Highlighting Systemic Failures

- a) **Suicidal Crisis Among Transgender Populations:** A nationwide survey of 1,309 transgender people indicated a lifetime prevalence of suicidal ideation and suicide attempts at 56.4% and 16.1%, respectively—rates significantly higher than those in general Chinese community samples.<sup>3</sup> Documentation from "One Among Us" reveals that over 40 transgender individuals have died by suicide in recent years, typically after facing domestic violence, school bullying, or harmful conversion therapies.<sup>4</sup>
- b) **Institutionalized Discrimination and Violence:** The story of a high school transgender student who died on campus from prolonged bullying and domestic violence highlights the inadequacies in China's protective laws. Further studies, including a national survey of 385 transgender adolescents, showed that 92.8% experienced parental abuse or neglect and 76.6% suffered from abuse or bullying from peers and teachers, significantly correlating with increased risks of suicidal ideation.<sup>5</sup> These gaps demonstrate the ineffectiveness of the Anti-Domestic Violence Law of the P.R.C. and the Law of the P.R.C. on the Protection of Minors in protecting transgender youths.
- c) **Conversion Therapy and Lack of Legal Protection:** The absence of legislation against conversion therapy in China exposes transgender individuals to great risks. The cases of an 18-year-old trans woman, Kecheng, and a 17-year-old trans woman, Xiaodi, who were forced by their parents to undergo conversion therapy, illustrate the dire need for legal protection.<sup>6</sup> Despite efforts to escape and seek help, they remained trapped in these programs, underscoring the necessity for explicit legal bans on conversion therapy.
- d) **Employment Discrimination Highlighted by National Media:** A report by CCTV in

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<sup>3</sup> Chen, R., Zhu, X., Wright, L., Drescher, J., Gao, Y., Wu, L., Ying, X., Qi, J., Chen, C., Xi, Y., Ji, L., Zhao, H., Ou, J., & Broome, M. R. (2019). Suicidal ideation and attempted suicide amongst Chinese transgender persons: National population study. *Journal of Affective Disorders*, 245, 1126–1134.

<https://doi.org/10.1016/j.jad.2018.12.011>

<sup>4</sup> One Among Us. <https://one-among.us/>

<sup>5</sup> Peng, K., Zhu, X., Gillespie, A., Wang, Y., Gao, Y., Xin, Y., Qi, J., Ou, J., Zhong, S., Zhao, L., Liu, J., Wang, C., & Chen, R. (2019). Self-reported Rates of Abuse, Neglect, and Bullying Experienced by Transgender and Gender-Nonbinary Adolescents in China. *JAMA Network Open*, 2(9), e1911058.

<https://doi.org/10.1001/jamanetworkopen.2019.11058>

<sup>6</sup> Translation: Gay, transgender children still being sent to "conversion therapy." *China Digital Times*.

<https://chinadigitaltimes.net/2021/06/translation-gay-transgender-children-still-being-sent-to-conversion-therapy>

2020 brought to light the discrimination faced by transgender individuals in the workplace. It documented the case of a transgender woman in Beijing who was unfairly dismissed from her job after her employer found out about her transgender status through a mandatory health check.<sup>7</sup> This case not only reflects the direct impact of discriminatory practices on individual lives but also highlights the broader need for legislative reforms to protect employment rights for transgender people in China.

7. The current legal protections for transgender individuals in China are insufficient and contribute to their marginalization. This section advocates for urgent and comprehensive legal reforms to strengthen protections against discrimination, explicitly outlaw harmful practices like conversion therapy, and ensure public services are inclusive of transgender needs. By enhancing laws and aligning with international human rights standards, particularly those outlined under Article 6 of the ICCPR, China can better safeguard the dignity and rights of transgender individuals.

### **III. Conclusion**

8. The situation for transgender individuals in China is critical and demands immediate attention. Our examination has revealed profound legal and societal gaps that place the lives and well-being of transgender people at severe risk. From high rates of suicide and violence to discriminatory practices in legal, medical, and educational settings, the evidence is clear that current protections are insufficient and often non-existent.

9. In light of these findings, this report urgently calls for comprehensive legal reforms in China. There is a critical need to revise existing laws, especially the Minors Protection Act, and to include Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) as key elements in the Chinese anti-discrimination legal framework. This inclusion should explicitly protect transgender individuals to safeguard their rights effectively. Policies prohibiting conversion therapy and ensuring gender recognition without undue burdens must be implemented to align with the broader human rights commitments under the International Covenant on Civil and Political Rights, as elucidated in General Comment No. 36.

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<sup>7</sup> 跨性别人群生存困境调查：多数人有遭受校园暴力经历 (Translation: Survey on the survival difficulties of transgender people: most people have experienced school violence)  
<https://news.cctv.com/2020/02/22/ARTIJ5mYNQzX05v1IZiDuRoN200222.shtml>