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**RE: CALL FOR INPUTS FOR THE REPORT OF THE UNITED NATIONS INDEPENDENT
EXPERT ON PROTECTION AGAINST VIOLENCE AND DISCRIMINATION BASED ON SEXUAL
ORIENTATION AND GENDER IDENTITY IN RELATION TO THE HUMAN RIGHTS TO
FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

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I. Introduction

Over the past several decades, visibility and public support for the LGBTQ community in China has grown substantially. This change resulted from an opening of space for discussions, expression, and advocacy on LGBTQ issues throughout society—from community organizations to the media, from online fora to courts. While visibility and support have increased, especially among younger generations, the state retains several rules and regulations that discriminate against “non-traditional” sexual orientations and gender identities and expressions (SOGIE). Troublingly, restrictions on LGBTQ advocacy and expression have increased in recent years, while a free hand has been given to influential voices who argue LGBTQ people undermine China’s traditional culture and social stability. These developments spread a misleading narrative that LGBTQ people are deviants and troublemakers, and threaten to erode public support built through past decades of advocacy and outreach. The result is a social environment where it is harder for LGBTQ people to find community, support, and information.

Before overviewing the state policies and practices that continue to discriminate based on SOGIE in Section III, the next section takes stock of how loosening strictures in the past created conditions for rapid positive changes in social attitudes toward LGBTQ people in China.

II. Historical Background

Although recent years have been marked by the closure of space for LGBTQ expression and advocacy, it is important to note just how quickly official and social attitudes toward LGBTQ people have improved in China. Not too long ago, attitudes were far more

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stigmatizing. For example, a 1984 Ministry of Health directive connected AIDS to “capitalist countries’ serious social problems,” including “homosexuality and intravenous drug use.”³ Consequently, the National AIDS Prevention Plan 1988–1991 stressed “severely prohibiting prostitution, homosexuality and drug use.”⁴ In 1993, the Ministry of Public Security ordered a crackdown on a gay men’s discussion group, explaining: “Homosexual activities distort human nature, violate social morality, corrupt social conduct, destroy family harmony, induce criminality, endanger public order, and are a key channel for the transmission of venereal diseases and AIDS.”⁵ In the 1980s and early 1990s, police often detained sexual minorities, and the Chinese Classification of Mental Disorders still categorized homosexuality as a “sexual perversion.”⁶

Broader liberalizations in the 1990s and early 2000s, accompanied by the explosion of the Internet, opened space for LGBTQ people and communities to thrive. China decriminalized and depathologized homosexuality in 1997 and 2001, respectively.⁷ In 1995, the United Nations Fourth World Conference on Women in Beijing gave queer women from around China and the world a chance to meet each other, and the burgeoning Internet connected LGBTQ people in greater numbers and across greater distances, helping to create larger communities.

Around the same time, Jin Xing became China’s first openly transgender celebrity, bringing visibility of transgender people to a new height. In 2002, the Ministry of Public Security provided guidance to local public security bureaus on how to change gender markers on national identification cards for citizens who had completed gender-affirming surgery.⁸ A year later, the Ministry of Civil Affairs, with the Supreme People’s Court and National People’s Congress, advised that citizens could marry in accordance with their new gender marker. Xinhua quoted a Ministry of Civil Affairs official who said that, in their right to marry, “transsexuals are the same as other citizens of our country.”⁹

The media, including state media, also started constructive discussions about the LGBTQ community. In 2005, China Central Television broadcast the first news programs on the

³ Julian Gewirtz, ‘Loving Capitalism Disease’: AIDS and Ideology in the People’s Republic of China, 1984–2000, PAST & PRESENT, Nov. 2020, at 251, 261.

⁴ *Id.* at 267.

⁵ 公安部 [Ministry of Public Security], 公安部关于取缔同性恋文化沙龙“男人的世界”的情况通报 [Report on the Banning of the ‘Men’s World’ Cultural Salon], 公通字〔1993〕62号 [Gong Tong Zi (1993) No. 62] (July 5, 1993) (repealed 2001).

⁶ CCMD–2–R 中国精神疾病分类方案与诊断标准 [CHINESE CLASSIFICATION OF MENTAL DISORDERS VERSION 2 – REVISED] (中华医学会精神科学会 [Psych. Ass’n of the Chinese Med. Ass’n] & 南京医科大学脑科医院 [Neurology Hosp. of Nanjing Med. Univ.] eds., 1995) 3.

⁷ However, the Chinese Classification of Mental Disorders Version 3 in 2001 retained ego-dystonic homosexuality as a mental disorder to allow individuals to seek treatments to change their sexual orientation. See CCMD-3 中国精神障碍分类与诊断标准 (第三版) [CHINESE CLASSIFICATION OF MENTAL DISORDERS VERSION 3] (中华医学会精神科学会 [Psych. Ass’n of the Chinese Med. Ass’n] ed., 2001) 139.

⁸ 公安部治安管理局 [Bureau of Public Order, Ministry of Public Security], 关于公民实施变性手术后变更户口登记性别项目有关问题的批复 [Reply to Questions Concerning the Alteration of Assigned Sex on Household Registration for Citizens Following Sex Change Surgery], 公治〔2002〕131号 (Gong Zhi (2002) No. 131) (Sept. 4, 2002).

⁹ 李薇薇 (Li Weiwei) & 翟伟 (Zhai Wei), 变性人, 夫妻关系咋处理: 民政部日前作出明确解答 [The Ministry of Civil Affairs Recently Clarified How to Handle Husband and Wife Relations Involving Transsexuals], 新华每日电讯 [XINHUA DAILY TEL.], Jan. 17, 2003, at 6.

lives of gay men in China.¹⁰ The previous year, in an article in *Legal Daily* (a publication under the management of the Party’s Central Commission for Political and Legal Affairs), the Party secretary of rural Hubei court argued that China’s Constitution required the legalization of same-sex marriage. Instead of depicting homosexuality as a form of moral degeneration or a foreign import, he asserted that gay people have “existed universally in human society—whether in the ancient past or today, in China or abroad, unceasingly.”¹¹ In 2009, a *China Daily* editorial encouraged a greater push toward equality, and observed that “there is much to be done by the government, the media and the general public to promote understanding, acceptance and respect of the rights of gays and lesbians.”¹²

The 2000s also saw a flourishing of civil society organizations who conducted a diverse range of activities. These included helping parents embrace their LGBTQ children, training teachers to better understand their LGBTQ students, training therapists to reject the harmful and fraudulent practice of so-called “gay conversion therapy,” promoting LGBTQ inclusion in the workplace, providing sanctuary to transgender people escaping unsafe living situations, providing legal services to LGBTQ people, and organizing innumerable cultural and social events—from film festivals to galas.

Some state actors also began to address LGBTQ rights in a positive way. In 2014, a Beijing court ruled that since homosexuality was not a mental illness, to promise a “cure” for it through conversion therapy was a form of consumer fraud.¹³ In 2018, an intermediate court in Guiyang heard an employment discrimination case brought by a transgender man, and held that, “Respect should be given to the gender identity and gender expression of others.... Laborers should not be treated differently in the course of employment because of their gender identity or expression.”¹⁴ In 2019, a spokesperson for the National People’s Congress acknowledged that many citizens called for legalizing same-sex marriage when lawmakers were drafting China’s first-ever Civil Code. A state-run newspaper created a social media hashtag about the spokesperson’s statement, and the hashtag quickly received over 800 million views.¹⁵ Last year, a Beijing intermediate court announced a list of model cases for implementing socialist core values. In one model case, a transgender woman who had been discriminated against by her employer

¹⁰ 男同性恋人群艾滋病情况调查 (*Survey on HIV/AIDS Among Gay Men*), 央视新闻会客厅 (CCTV NEWS ROOM), (Mar. 31, 2005), <https://news.sina.cn/sa/2005-03-29/detail-ikkntiam3092305.d.html>.

¹¹ 雷涌泉 [Lei Yongquan], 关注同性恋 [*Having Concern for Gays*], 法制日报 [LEGAL DAILY], Apr. 29, 2004.

¹² Editorial, *Pride of Tolerance*, CHINA DAILY (June 10, 2009), http://www.chinadaily.com.cn/cndy/2009-06/10/content_8266057.htm.

¹³ 彭某某诉重庆心语飘香心理咨询中心 [Peng v. Chongqing Xinyu Piaoxiang Psych. Counseling Ctr.], (2014) 海民初字第 16680 号 [(2014) Haidian Min Chu Zi No. 16680] (Beijing Haidian Dist. People’s Ct. [Dec. 19, 2014]).

¹⁴ 陆海娜 [Lu Haina], 从“刻板印象”到“关系型歧视”：美国性少数群体就业歧视诉讼的发展历程及启示 [*From “Stereotyping” to “Relationship-Based Discrimination”: History of and Inspiration from Employment Discrimination Lawsuits Against Sexual Minorities in the United States*], 31 中外法学 [PEKING UNIV. L.J.] 1600, 1662 (2019).

¹⁵ 新京报 [Beijing News], #有意见建议同性婚姻合法化写入民法典#

[#ProposalsforLegalizingSameSexMarriageintheCivilCode#], 新浪微博 [SINA WEIBO], <https://tinyurl.com/42uxrx72>.

won a lawsuit for illegal termination of contract.¹⁶ China Central Television broadcast a program about the case.¹⁷

This sustained increase in visibility, engagement, and advocacy created a sea change in social attitudes toward LGBTQ people. In 2016, Peking University, the United Nations Development Programme, and the Beijing LGBT Center conducted a survey with nearly 30,000 respondents, and concluded:

The survey paints a public opinion in transition, with a majority of positive, open-minded respondents (especially among the youth), together with a large portion of people who are still to make up their minds. They simply “do not know” where to stand. In many ways this represents an important opportunity for LGBTI people and depicts a society that could achieve rapid and profound change, especially if guided in the right direction by civil society, policymakers, academia, the media as well as sexual and gender minority people themselves.¹⁸

Further research has indicated that this trend has continued, especially among urban youth. A 2021 survey of three hundred college students in the coastal city of Wenzhou found that 53% of students supported the legalization of same-sex marriage, while 39% were neutral and only 8% were opposed.¹⁹

Unfortunately, just at the time when the government and other influential stakeholders could be solidifying a more affirming social environment for LGBTQ people, recent years have seen the forced closure of several LGBTQ organizations, greater censorship in media and academia, and the boosting of voices that echo earlier eras in their stigmatization of “non-traditional” SOGIE.²⁰

III. Overview of State Policies and Practices

The below provides a non-exhaustive overview of state policies and practices that restrict LGBTQ-related expression and advocacy. It includes several measures promulgated before 2013, because they are still in effect. The attached Appendix contains longer excerpts from the below rules and regulations, as well as from other similar measures.

¹⁶ 北京二中院 [Beijing Second Intermediate Court], 北京市第二中级人民法院新闻发布会 [Press Conference of the Beijing Second Intermediate Court], 新浪微博 [SINA WEIBO] (April 1, 2023), <https://weibo.com/l/wblive/p/show/1022:2321324884563905085657>.

¹⁷ 《现场》：跨性别者与当当网劳动争议案 [On the Scene: The Labor Dispute Between a Transgender Person and Dangdang Net], CCTV-12 (Sept. 19, 2020), <https://tv.cctv.com/2020/09/19/VIDE2u9kfi4471fxTMKVHXqq200919.shtml>.

¹⁸ UNITED NATIONS DEV. PROGRAMME, BEING LGBTI IN CHINA: A NATIONAL SURVEY ON SOCIAL ATTITUDES TOWARDS SEXUAL ORIENTATION, GENDER IDENTITY, AND GENDER EXPRESSION 9 (2016), https://www.undp.org/sites/g/files/zskgke326/files/migration/cn/UNDP-CH-PEG-Being-LGBT-in-China_EN.pdf.

¹⁹ 芦怡等 [Lu Yi et al.], 温州市高校大学生对 LGBT 的认知情况与接纳意愿度的调查研究 (Survey Research on the Level of Familiarity and Acceptance of LGBT Among Wenzhou University Students), 中国性科学 (CHINESE J. HUM. SEXUALITY), Sept. 2021, at 157, 158.

²⁰ See OUTRIGHT INT’L, FADING RAINBOW: A Q&A ON LGBTQ EQUALITY IN CHINA (2022), https://outrightinternational.org/sites/default/files/2023-03/QAndAChina2022_Revised_OutrightInternational_4.pdf.

a. Restrictions on Expression

Since at least the 1980s, several rules and regulations prohibit depictions of homosexuality, categorizing it as a kind of “sexual perversion.” For example, the 1988 *Interim Provisions on the Identification of Obscene and Pornographic Publications*, which are still in effect, prohibit, “Indecently and specifically depicting homosexual behaviors or other sexually deviant behaviors.”²¹ The 2015 *General Rules for Television Drama Content Production* prohibit, “Depicting obscenity, pornography, and vulgar low-grade tastes,” including “Portraying and displaying abnormal sexual relationships and behaviors, such as incest, homosexuality, sexual perversion, sexual assault, sexual abuse, and sexual violence, etc.”²² The *General Rules for Content Review of Online Audio-Visual Programs* followed in 2017 with a similar provision.²³

In 2018, Weibo announced a cleanup campaign targeting content related to pornography, violence, and “homosexuality,” which it soon abandoned due to immense backlash online.²⁴ The year after, a state-managed industry association promulgated the *Specific Rules for Reviewing Content of Online Short Videos*, which prohibited portrayal of “abnormal sexual relationships and behaviors” and “unhealthy, non-mainstream views and states of love and marriage,” though it did not specifically mention “homosexuality.”²⁵ Some have interpreted the lack of express reference to homosexuality in these provisions as a compromise, after the backlash against Weibo.

Other policies explicitly frame depiction of homosexuality as a threat to the healthy development of youth. The 2004 *Implementation Plan for Strengthening and Improving the Ideological and Moral Construction of Minors in Broadcasting and Television*, which is still in effect, states that “displays of unhealthy sexual content, such as advocating sexual freedom, casual sex, sexual enjoyment, and homosexuality in language, images, and plots, must be resolutely deleted.”²⁶ Similarly, national standards released in 2022, titled *Classification and Coding of Unhealthy Internet Content for Minors*, listed “Non-traditional Sexual Relations” as a kind of unhealthy content.²⁷ This category included, “Relations of a non-traditional type involving sexual orientations, gender identities,

²¹ 国家新闻出版署 [State Press and Publication Administration], 关于认定淫秽及色情出版物的暂行规定 (*Interim Provisions on the Identification of Obscene and Pornographic Publications*), (88) 新出办字第 1512 号 [(88) Xin Chu Ban Zi No. 1512] (Dec. 27, 1988).

²² 中国广播电视协会电视制片委员会 [CHINA RADIO, FILM & TELEVISION ASS’N], 电视剧内容制作通则 [GENERAL RULES FOR TELEVISION DRAMA CONTENT PRODUCTION] (2015).

²³ 中国网络视听节目服务协会 [CHINA NETCASTING SERVS. ASS’N], 网络短视频内容审核标准细则 [GENERAL RULES FOR CONTENT REVIEW OF ONLINE AUDIO-VISUAL PROGRAMS] (2017).

²⁴ 好奇心日报 [Curiosity Daily], 从微博宣布“清查”同性恋内容到撤回, 66.5 个小时内发生了什么? [*What Happened in 66.5 Hours from Weibo’s Announcement to “Clean Up” Homosexual Content to Its Retraction?*], 搜狐 [SOHU] (Apr. 16, 2018), https://www.sohu.com/a/228470736_139533.

²⁵ 中国网络视听节目服务协会 [CHINA NETCASTING SERVS. ASS’N], 网络短视频内容审核标准细则 [Detailed Rules for the Content Review of Online Short Videos] (2019; amended in 2021).

²⁶ 国家广播电影电视总局 [State Administration of Radio, Film, and Television], 广播影视加强和改进未成年人思想道德建设的实施方案 [Implementation Plan for Strengthening and Improving the Ideological and Moral Construction of Minors in Broadcasting and Television], 广发编字 (2004) 394 号 [Guang Fa Bian Zi (2004) No. 394] (Apr. 30, 2004).

²⁷ 未成年人互联网不健康内容分类与代码 [CLASSIFICATION & CODING OF UNHEALTHY INTERNET CONTENT FOR MINORS], GB/T 41575–2022, at 5 tbl.1 (国家市场监督管理总局 [STATE ADMIN. FOR MKT. REGUL.] & 国家标准化管理委员会 [PRC STANDARDIZATION ADMIN.] 2022).

sexual identities, or sexual behaviors that differ from the majority of society.” These were labeled as being “potentially harmful to the physical and mental health of minors” or requiring a content warning, age verification, or parental or teacher guidance.²⁸ This might be an improvement from other content rules and regulations, which outright prohibited depictions of homosexuality and deemed it a “sexual perversion.”

Still, these tweaks in rules and standards are outranked by recent higher-level policies. In 2021, the Office of the National Radio and Television Administration stated regulators should, “resolutely eliminate abnormal aesthetics such as ‘sissy men.’”²⁹ The state-run *Global Times* afterwards published a commentary by a scholar at a top government research institution, who sounded the alarm that, “Once ‘sissy men’ and ‘cross-dressers’ become the socially admired mainstream, it will swallow up the spirit of a nation, accelerate the change in population structure, and cast a shadow on the future of the country.”³⁰

Contemporaneously, the Publicity Department of the Chinese Communist Party issued the *Notice on Carrying Out Comprehensive Governance in the Field of Culture and Entertainment*, which listed adaptations of boys’ love dramas³¹ as a target problem. Shortly after, the leader of the Beijing Municipal Bureau of Radio and Television announced that the bureau would “comprehensively halt” the production of these dramas.³² State media warned that these shows were “affecting the sexual identity of youth,”³³ and were “doubtlessly creating confusion and the losing of one’s way for youth at a critical stage in the formation of their perspectives on life and values.”³⁴ It should be noted that even before the above policy announcements, several dramas featuring same-sex relationships disappeared or were dropped without explanation.³⁵

²⁸ *Id.*

²⁹ 国家广播电视总局办公厅 [General Office, National Radio and Television Administration], 国家广播电视总局办公厅关于进一步加强文艺节目及其人员管理的通知 [Notification from the Office of the National Radio and Television Administration on Further Strengthening the Management of Artistic Programs and Their Personnel], 广电办发(2021) 267号 [Guang Dian Ban Fa (2021) No. 267] (Sept. 2, 2021).

³⁰ 冯钺 [Feng Yue], 美媒炮轰“阳刚之气”, 勿扯他国 [U.S. Media Bombards “Masculine Energy,” Don’t Get Other Countries Involved], 环球时报 (GLOBAL TIMES) (Jan. 17, 2022), <https://opinion.huanqiu.com/article/46RgVbf7aLI>.

³¹ 中央宣传部印发通知, 部署文娱领域综合治理工作 [The Central Propaganda Department Issued a Notice to Deploy Comprehensive Management Work in the Cultural and Entertainment Fields], 新华网 [XINHUA] (Sept. 2, 2021), http://www.news.cn/2021-09/02/c_1127821939.htm.

³² 北京市广播电视局在2022年全国广播电视工作会议上交流发言 [Beijing Municipal Bureau of Radio and Television’s Exchange Speech at the 2022 National Radio and Television Work Conference], 北京市广播电视局 [BEIJING MUN. BUREAU OF RADIO & TEL.] (Jan. 7, 2022), https://gdj.beijing.gov.cn/hdjl/zxft/202201/t20220107_2584937.html.

³³ 国产电视剧掀起“耽改”热: “腐文化”出圈, 青少年入坑 [A Domestic TV Series Set Off the “Boy’s Love Drama Adaption” Craze: “Fu Culture” Has Broken Out of its Circle, and Teenagers are Trapped], “半月谈”微信公众号 [WECHAT: CHINA COMMENT], https://mp.weixin.qq.com/s/D-xTrik9_KS5sWn8w6qGYQ.

³⁴ 艺君 [Yi Jun], 警惕耽改剧把大众审美带入歧途 [Be Wary of Boy’s Love Drama Adaptations Leading Public Aesthetics Astray], 光明日报 [GUANGMING DAILY] (Aug. 26, 2021), https://epaper.gmw.cn/gmrb/html/2021-08/26/nw.D110000gmrB_20210826_4-02.htm.

³⁵ See 凌晨 [Ling Chen], 青春同性恋题材网剧《上瘾》全网下架 [The Online Drama About Young Gays “Addicted” Has Been Removed from All Online Stores], 新京报 [BEIJING NEWS] (Feb. 23, 2016), <http://www.bjnews.com.cn/ent/2016/02/23/394850.html>; 张赫 [Zhang He], 《镇魂》时隔3个月重新上架, 剧情有删减 [“Guardian” Is Back on the Shelves After 3 Months, the Plot Has Been Cut], 新京报 (BEIJING NEWS) (Nov. 11, 2018), <http://www.bjnews.com.cn/ent/2018/11/11/520288.html>.

b. Restrictions on Civil Society Organizations and Advocates

Except for some groups focused on HIV prevention, the government has denied LGBTQ organizations legal registration as non-profits. Usually, officials reject LGBTQ organizations through informal communications. However, in 2013, a gay rights advocate received a written decision from the Hunan Province Civil Affairs Department after lodging an administrative complaint against a municipal Civil Affairs Bureau which rejected his application.

The Hunan Province Civil Affairs Department affirmed the municipal bureau's decision, stating that, "Marriage must be between a man and a woman, and the Marriage Law does not recognize homosexual relations. Therefore, there is no legal basis for setting up a social organization for homosexuals."³⁶ The response continued, "Social organizations must respect the Constitution, the law, regulations, and policies, and may not violate social morals and customs, and homosexuality contradicts our country's traditional culture and spiritual civilization construction. Such an organization cannot be set up."³⁷ An editorial in *China Youth Daily*, a publication managed by the Communist Youth League, criticized the decision as "lacking persuasion" and admonished that "government departments should be setting an example for how to correctly comprehend, understand, and include this group."³⁸

Laws governing interactions with international NGOs and domestic charities have also effectively cut off LGBTQ organizations from working with these organizations. Although for a brief period before 2021, some domestic philanthropic foundations started formally cooperating with LGBTQ groups to provide them with fundraising channels, civil affairs and security authorities—without any legal basis—pressured the foundations to sever these relationships.³⁹

LGBTQ student groups have also experienced great difficulty in obtaining official status. The English-language edition of the *Global Times* reported that in 2006 Sun Yat-Sen University "approved the registration of the first LGBT students' union on the Chinese mainland. But the university revoked its status the following year."⁴⁰ While some campus groups managed to secure registration over the years, it has been getting much harder for LGBTQ student groups to survive. In Guangzhou, a student group was declared an illegal organization by the municipal Civil Affairs Bureau in 2018.⁴¹ In the summer of 2021,

³⁶ 湖南省民政厅 (Hunan Provincial Civil Affairs Department), 关于对向愈韩《长沙同志中心筹备委员会用于依照国家法律、法规申请民政注册》的回复 [Response Regarding the Application for Civil Affairs Registration by the Changsha Comrades Center Preparatory Committee in Accordance with National Laws and Regulations Submitted by Xiang Yuhan] (Nov. 26, 2013).

³⁷ *Id.*

³⁸ 杨涛 [Yang Tao], 从道德层面评价同性恋者不妥 [Morally Judging Homosexuality Is Inappropriate], 中国青年报 [CHINA YOUTH DAILY] (Feb. 21, 2014), http://zqb.cyol.com/html/2014-02/21/nw.D110000zqnb_20140221_6-02.htm.

³⁹ Zeyi Yang, *Tencent Dominates Digital Donations in China. That's the Problem.*, PROTOCOL (Sept. 15, 2021), <https://www.protocol.com/china/tencent-charity-platform>.

⁴⁰ Huang Jingjing, *Student LGBT Groups Struggle for Approval from China's University Authorities*, GLOBAL TIMES, (July 15, 2015), <https://www.globaltimes.cn/content/932247.shtml>.

⁴¹ 快看！广州市民政局公布第六批涉嫌非法社会组织名单 [Take a Quick Look! Guangzhou Bureau of Civil Affairs Publishes the Sixth Name List of Illegal Social Organizations], "广州民政"微信公众号 (WECHAT: GUANGZHOU CIV. AFFS.) (Jan. 8, 2019), <https://mp.weixin.qq.com/s/4Brk7d9b5Xd50VrK6NfGvQ>.

dozens of social media accounts run by LGBTQ student groups were shuttered simultaneously without explanation.⁴²

In 2022, Tsinghua University disciplined two students for commemorating IDAHOT by leaving small rainbow flags in a campus supermarket for others to take. When the students administratively challenged the disciplinary actions, Tsinghua argued that the flags “provoked public sentiment on campus, harming the daily management of campus order and created a harmful influence.”⁴³ Tsinghua defended its rule against distributing “promotional materials,” stating that “every person, in their heart, has values they wish to uphold” and that the university “fully respects and protects” those values. However, “this does not imply [that it is permissible to] wantonly promote and broadcast them in public.”⁴⁴

IV. Conclusion

In recent years, the view that “non-traditional” sexual orientations and gender identities and expressions can be socially engineered away through restrictions on information and association has intensified in state policy and practice. This approach’s faulty assumptions destine it to fail, even by its own terms. As the above 2004 *Legal Daily* commentary noted, LGBTQ people have always and will continue to exist in human society. Greater inclusion is the better choice, as China’s rapid and remarkable transformation in earlier decades testifies to, and for which it provides an inspiring example. Reopening space will allow crucial and constructive conversations to continue that promote mutual understanding, respect, and affirmation. This process will strengthen families and communities, and create an environment in which all people can realize their full potential.

⁴²下午察：集体“被消失”的背后 [*Afternoon Investigation: Behind the Collective “Disappearance”*], 联合早报 [LIANHE ZAobao] (July 8, 2021), <https://www.zaobao.com.sg/realtime/china/story20210708-1166546>.

⁴³ 北京市教育委员会 [Beijing Education Commission], 学生申诉答复意见书 [Student Complaint Reply Letter], 京教法申字 (2022) 15 号 [Jiao Fa Shen Zi (2022) No. 15], at 9 (Sept. 30, 2022).

⁴⁴ *Id.* at 7–8.

APPENDIX

This Appendix provides a non-exhaustive set of examples of state measures that aim to restrict depictions of “non-traditional” SOGIE in media. These measures include departmental rules, regulatory documents, normative documents, rules issued by state-managed industry associations, and pronouncements from official meetings. Each measure is followed by a note indicating its place within China’s legal hierarchy. For context, below is a simplified description of this hierarchy:¹

1. The Constitution: At the top of the hierarchy, the Constitution is the fundamental law of the land and has the highest legal authority.
2. Laws (Statutes): Enacted by the National People’s Congress and its Standing Committee, these laws are the next highest legal authority after the Constitution and must be in accordance with it.
3. Administrative Regulations: These are issued by the State Council and have a lower authority than national laws but are above other types of legislation and government documents. They implement the Constitution and statutes.
4. Local Regulations: These are enacted by local people’s congresses and their standing committees at the municipal or provincial level. They must not conflict with the Constitution, national laws, or administrative regulations.
5. Departmental Rules: Issued by top-level State Council agencies with regulatory authority, including all ministries, these nationally binding rules generally apply only to the specific governmental sphere or industry they regulate and rank below statutes and administrative regulations.
6. Local Government Rules: Issued by local governments at or above the municipal level, they regulate local matters within their administrative region and rank below statutes, administrative regulations, and relevant local regulations.
7. Regulatory Documents/Administrative Normative Documents: These are officially issued documents other than State Council regulations, decisions, orders, or departmental and local government rules. They are formulated by a government authority based on statutory powers and procedures and have general binding force and applicability within a certain period. These documents involve the rights and obligations of the public. Regulatory documents are categorized as non-legislative normative documents.²
8. Industry Regulations: Set by state-managed industry associations, industry regulations are a blend of government oversight and industry self-regulation. These regulations are designed to organize and guide the development and operations within specific sectors.
9. National Standards: The term “standards” as mentioned in this law refers to the technical requirements that need to be unified in the fields of agriculture, industry, services, and social affairs.³ National standards are governed by the Standardization Administration of China (SAC). They encompass Mandatory National Standards, which are legally binding, and Recommended National Standards, which guide industry practices.

¹ See Legislation Law of the People’s Republic of China, P.R.C. Laws [中华人民共和国立法法] (promulgated by the Standing Comm. Nat’l People’s Cong., Mar. 15, 2000, amended by the Standing Comm. Nat’l People’s Cong., Mar. 13, 2023), available at https://www.gov.cn/xinwen/2023-03/14/content_5746569.htm (last visited Jan. 30, 2024).

² Horsley, Jamie. *China’s Central Government Seeks to Rein in Regulatory Documents*. BROOKINGS, Jun. 28, 2019. <https://www.brookings.edu/articles/chinas-central-government-seeks-to-rein-in-regulatory-documents/> (last visited Feb. 12, 2024).

³ Standardization Law of the People’s Republic of China [中华人民共和国标准化法] (promulgated by the Standing Comm. Nat’l People’s Cong., Dec. 29, 1988, amended by the Standing Comm. Nat’l People’s Cong., Nov. 4, 2017), available at http://www.npc.gov.cn/zgrdw/npc/xinwen/2017-11/04/content_2031446.htm (last visited Feb. 12, 2024).

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<p>标题: 中华人民共和国国家标准 GB/T 41575 — 2022: 未成年人互联网不健康内容分类与代码 [现行有效]</p> <p>发布机关: 国家市场监督管理总局; 国家标准化管理委员会</p> <p>效力级别: 推荐性国家标准</p> <p>发布年份: 2022</p> <p>链接: https://openstd.samr.gov.cn/bzgk/gb/newGbInfo?hcno=000A00EC76BE7367E930C165B0451581</p> <p>摘录: 5 分类和代码表 未成年人互联网不健康内容分类和代码表见表 1。其中, 不健康类型定义如下。</p> <p>a) ***: 禁止。法律法规政策性文件不准许展示的内容。</p> <p>b)**: 有危害。法律法规政策性文件未禁止展示, 但可能危害未成年人身心健康的内容。</p> <p>c)*: 需提示。法律法规政策性文件未禁止展示, 为保护未成年人, 展示前需要提示的内容。提示后宜进行年龄检验, 或在有家长、老师引导、陪同或允许的情况下观看。</p>	<p>Title: National Standard of the People's Republic of China GB/T 41575-2022: Classification and Coding of Unhealthy Internet Content for Minors [In Effect]</p> <p>Issuing Organ(s): State Administration for Market Regulation; Standardization Administration of China</p> <p>Hierarchical Effect: Recommended National Standard</p> <p>Year Issued: 2022</p> <p>Link: https://openstd.samr.gov.cn/bzgk/gb/newGbInfo?hcno=000A00EC76BE7367E930C165B0451581</p> <p>Excerpt: 5 Classification and Code Table The classification and code table for unhealthy Internet content for minors is shown in Table 1. The definitions of unhealthy types are as follows.</p> <p>a) ***: Prohibited. Content that is not permitted to be displayed by laws, regulations, and policy documents.</p> <p>b) **: Harmful. Content that is not prohibited by laws, regulations, and policy documents, but may harm the physical and mental health of minors.</p> <p>c) *: Warning needed. Content that is not prohibited by laws, regulations, and policy documents, but requires a warning before display to protect minors. After the warning, age verification should be carried out, or viewing should be under the guidance,</p>
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<p>...</p> <p>类目名称：涉性文艺科教作品</p> <p>...</p> <p>非传统性关系</p> <p>说明：含有性倾向、性别认同、性身份或性行为等方面与社会上大多数人不同的非传统类型性关系 **/*</p>	<p>accompaniment, or permission of parents or teachers.</p> <p>...</p> <p>Category Name: Sexual-oriented Literature, Art, and Science Education Works</p> <p>...</p> <p>Non-traditional Sexual Relations</p> <p>Explanation: Relations of a non-traditional type involving sexual orientation, gender identity, sexual identity, or sexual behavior that differ from the majority of society **/*</p>
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<p>标题: 北京市广播电视局在 2022 年全国广播电视工作会议上交流发言</p> <p>发布机关: 首都广播电视</p> <p>效力级别: 部门领导讲座</p> <p>发布年份: 2022</p> <p>链接: https://gdj.beijing.gov.cn/hdjl/zxft1/202201/t20220107_2584937.html</p> <p>摘录:</p> <p>关于网络治理</p> <p>杨烁 [北京市广播电视局党组书记] 指出,北京局坚持管服并重,切实优化平台管理。… 三是打好文娱综合拳”。果断处置爱奇艺《青春有你 3》舆情事件,及时发布措施加强网络综艺节目管理。深入开展专项调研,全面叫停偶像养成类网综、“耽改”题材网络影视剧,认真开展网络影视剧、短视频、直播领域专项清查,着力营造清朗健康的首都网络文化空间。</p>	<p>Title: Speech of the Beijing Municipal Bureau of Radio and Television at the 2022 National Radio and Television Work Conference</p> <p>Issuing Organ(s): Capital Radio and Television</p> <p>Hierarchical Effect: Talk by Department Leader</p> <p>Year Issued: 2022</p> <p>Link: https://gdj.beijing.gov.cn/hdjl/zxft1/202201/t20220107_2584937.html</p> <p>Excerpt:</p> <p>On Network Governance</p> <p>Yang Shuo [Secretary of the Party Group of Beijing Municipal Bureau of Radio and Television] pointed out that the Beijing Bureau insists on emphasizing both management and service, effectively optimizing platform management.... Third, to take a comprehensive approach to managing entertainment and culture. Resolutely handle the public opinion incident of iQIYI's "Youth with You 3," and release measures to strengthen the management of online variety shows in a timely fashion. Conduct in-depth special research, comprehensively halt the production of idol development-type online variety shows and "Dan Mei" (Boys' Love) themed online dramas, seriously carry out special inspections in the fields of online dramas, short videos, and live broadcasts, focus on creating a clean and healthy cultural space on the Internet in the capital.</p>
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3 Specific Rules for Reviewing Content of Online Short Videos (2021)

<p>标题: 网络短视频内容审核标准细则 [现行有效]</p> <p>发布机关: 中国网络视听节目服务协会</p> <p>效力级别: 行业规定</p> <p>发布年份: 2021</p> <p>链接: http://politics.people.com.cn/n1/2021/1215/c1001-32309186.html</p> <p>摘录:</p> <p>二、网络短视频内容审核具体细则</p> <p>依据网络短视频内容审核基本标准, 短视频节目及其标题、名称、评论、弹幕、表情包等, 其语言、表演、字幕、画面、音乐、音效中不得出现以下具体内容:</p> <p>...</p> <p>(十六) 展示淫秽色情, 渲染庸俗低级趣味, 宣扬不健康和非主流的婚恋观的内容比如:</p> <p>64. 具体展示卖淫、嫖娼、淫乱、强奸等情节的, 直接展示性行为, 呻吟、叫床等声音、特效的;</p> <p>65. 视频中出现以淫秽色情信息为诱饵进行导流的;</p> <p>66. 以猎奇宣扬的方式对“红灯区”、有性交易内容的夜店、洗浴按摩场所进行拍摄和展现的;</p>	<p>Title: Specific Rules for Reviewing Content of Online Short Videos [In Effect]</p> <p>Issuing Organ(s): China Netcasting Services Association</p> <p>Hierarchical Effect: Industry Regulation</p> <p>Year Issued: 2021</p> <p>Link: http://politics.people.com.cn/n1/2021/1215/c1001-32309186.html</p> <p>Excerpt:</p> <p>II. Specific Rules for Reviewing Content of Online Short Videos</p> <p>Based on the basic standards for reviewing content of online short videos, the language, performance, subtitles, images, music, and sound effects in short video programs, including their titles, names, comments, bullet chats, and emoticons, must not contain the following specific content:</p> <p>...</p> <p>(16) Displaying obscene pornography, portraying vulgar and low-grade tastes, promoting unhealthy and non-mainstream views of love and marriage. For example:</p> <p>64. Specifically depicting prostitution, whoring, promiscuity, rape, directly displaying sexual acts, sounds or special effects of moaning, or bed moans;</p> <p>65. Videos that use obscene and pornographic information as bait for traffic redirection;</p> <p>66. Filming and displaying in a sensationalized and promotive manner “red-</p>
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<p>67. 表现和展示非正常的性关系、性行为的；</p> <p>68. 展示和宣扬不健康、非主流的婚恋观和婚恋状态的；</p>	<p>light districts,” nightclubs and bathhouses with sexual transaction content;</p> <p>67. Portraying and displaying abnormal sexual relationships and behaviors;</p> <p>68. Displaying and promoting unhealthy, non-mainstream views and states of love and marriage.</p>
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4 Notification from the Office of the National Radio and Television Administration on Further Strengthening the Management of Artistic Programs and Their Personnel (2021)

<p>标题: 国家广播电视总局办公厅关于进一步加强文艺节目及其人员管理的通知 [现行有效]</p> <p>发布机关: 国家广播电视总局办公厅</p> <p>效力级别: 部门规范性文件</p> <p>发布年份: 2021</p> <p>链接: https://www.gov.cn/zhengce/zhengceku/2021-09/02/content_5635019.htm</p> <p>摘录:</p> <p>三、坚决抵制泛娱乐化。坚定文化自信，大力弘扬中华优秀传统文化、革命文化、社会主义先进文化。树立节目正确审美导向，严格把握演员和嘉宾选用、表演风格、服饰妆容等，坚决杜绝“娘炮”等畸形审美。坚决抵制炒作炫富享乐、绯闻隐私、负面热点、低俗“网红”、无底线审丑等泛娱乐化倾向。</p>	<p>Title: Notification from the Office of the National Radio and Television Administration on Further Strengthening the Management of Artistic Programs and Their Personnel [In Effect]</p> <p>Issuing Organ(s): Office of the National Radio and Television Administration</p> <p>Hierarchical Effect: Departmental Normative Document</p> <p>Year Issued: 2021</p> <p>Link: https://www.gov.cn/zhengce/zhengceku/2021-09/02/content_5635019.htm</p> <p>Excerpt:</p> <p>III. Resolutely Resist Over-Entertainment. Firmly uphold cultural confidence, vigorously promote the excellent traditional Chinese culture, revolutionary culture, and advanced socialist culture. Establish the correct aesthetic direction for programs, strictly control the selection of actors and guests, performance styles, costumes and makeup, and resolutely eliminate abnormal aesthetics such as “sissy men.” Firmly resist the tendencies of over-entertainment that include hyping up ostentatious wealth, scandals and privacy issues, negative hot topics, vulgar “Internet celebrities,” and ugliness without a bottom line.</p>
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<p>标题: 中共中央宣传部印发《关于开展文娱领域综合治理工作的通知》</p> <p>发布机关: 中共中央宣传部</p> <p>效力级别: 部门规范性文件</p> <p>发布年份: 2021</p> <p>链接: http://politics.people.com.cn/n1/2021/0902/c1001-32215990.html</p> <p>摘录:</p> <p>《通知》指出,近年来,文娱行业在满足人民群众多样化文化需求、推动经济增长等方面发挥了积极作用。有关主管部门就深化影视业综合改革、促进影视业健康发展、强化网络内容监管等采取了一系列措施,对明星天价片酬、“阴阳合同”、偷逃税、低俗信息炒作和劣迹艺人管理等不断加大整治力度,取得一定成效。但是,随着文娱产业迅速发展,天价片酬、“阴阳合同”、偷逃税等问题有以新方式新手段死灰复燃迹象,流量至上、畸形审美、“饭圈”乱象、“耽改”之风等新情况新问题迭出,一些从业人员政治素养不高、法律意识淡薄、道德观念滑坡,违法失德言行时有发生,对社会特别是青少年产生不良影响,严重污染社会风气,人民群众反映强烈。为此,中央宣传部会同有关部门近期集中开展文娱领域综合治理工作。</p>	<p>Title: Publicity Department of the Chinese Communist Party Issued the “Notice on Carrying Out Comprehensive Governance in the Field of Culture and Entertainment”</p> <p>Issuing Organ(s): Publicity Department of the Chinese Communist Party</p> <p>Hierarchical Effect: Departmental Normative Document</p> <p>Year Issued: 2021</p> <p>Link: http://politics.people.com.cn/n1/2021/0902/c1001-32215990.html</p> <p>Excerpt:</p> <p>The “Notice” points out that, in recent years, the entertainment industry has played a positive role in meeting the diverse cultural needs of the people and promoting economic growth. Relevant competent departments have taken a series of measures to deepen the comprehensive reform of the film and television industry, promote the healthy development of the film and television industry, and strengthen the supervision of online content. Efforts have been intensified to rectify issues such as exorbitant star salaries, “yin-yang contracts” (dual contract systems), tax evasion, vulgar information hype, and management of celebrities with scandals, and they have achieved certain results. However, with the rapid development of the entertainment industry, problems such as sky-high remunerations, “yin-yang contracts,” and tax evasion are showing signs of resurgence in new forms and methods. Issues like the supremacy of traffic, distorted aesthetics, chaos in “fan circles,” and the trend of “Danmei (Boys’ Love) Adaptations”</p>
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are emerging one after another. Some practitioners have low political literacy, weak legal awareness, and sliding moral standards, with illegal and immoral behaviors occurring from time to time, negatively impacting society, especially young people. This seriously pollutes the social ethos, and the public has strongly reacted. To this end, the Publicity Department, in conjunction with relevant departments, has recently focused on comprehensive governance in the field of culture and entertainment.

<p>标题: 网络短视频内容审核标准细则 [已被修改 (2021 年)]</p> <p>发布机关: 中国网络视听节目服务协会</p> <p>效力级别: 行业规定</p> <p>发布年份: 2019</p> <p>链接: https://shorturl.at/uwyHS</p> <p>摘录: 依据网络短视频内容审核基本标准, 网络播放的短视频节目, 及其标题、名称、评论、弹幕、表情包等, 其语言、表演、字幕、背景中不得出现以下具体内容 (常见问题):</p> <p>...</p> <p>(十六) 展示淫秽色情, 渲染庸俗低级趣味, 宣扬不健康和非主流的婚恋观的内容 比如:</p> <p>62. 具体展示卖淫、嫖娼、淫乱、强奸等情节的;</p> <p>63. 直接展示性行为的, 如 (略);</p> <p>64. 视频中出现色情推广的, 如 (略);</p> <p>65. 展示呻吟、叫床等声音、特效的;</p> <p>66. 以猎奇宣扬的方式对境外“红灯区”进行拍摄的;</p>	<p>Title: Detailed Rules for the Content Review of Online Short Videos [Amended in 2021]</p> <p>Issuing Organ(s): China Netcasting Services Association</p> <p>Hierarchical Effect: Industry Regulation</p> <p>Year Issued: 2019</p> <p>Link: https://shorturl.at/uwyHS</p> <p>Excerpt: Based on the basic standards for the content review of online short videos, short video programs broadcasted online, along with their titles, names, comments, bullet comments, emoticons, etc., should not contain the following specific content (common issues) in their language, performance, subtitles, and background:</p> <p>...</p> <p>(16) Displaying obscene and pornographic content, portraying vulgar and low tastes, and promoting unhealthy and non-mainstream views on marriage and love. For example:</p> <p>62. Specifically depicting prostitution, solicitation, promiscuity, rape, etc.;</p> <p>63. Directly displaying sexual acts, such as (omitted);</p> <p>64. The appearance of pornographic promotion in videos, such as (omitted);</p> <p>65. Displaying moaning, bed sounds, and other audio/sound effects;</p> <p>66. Filming foreign “red-light districts” in a sensational and promotive way;</p>
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<p>67. 展现有性交易内容的夜店、洗浴按摩场所的；</p>	<p>67. Showing nightlife venues, bath and massage places that involve sexual transactions;</p>
<p>68. 表现和展示非正常的性关系、性行为的；</p>	<p>68. Portraying and displaying abnormal sexual relationships and behaviors;</p>
<p>69. 展示和宣扬不健康的婚恋观和婚恋状态的；</p>	<p>69. Displaying and promoting unhealthy views and statuses of marriage and love;</p>
<p>70. 宣扬和炒作非主流婚恋观的；</p>	<p>70. Advocating and hyping non-mainstream views on marriage and love.</p>

<p>标题: 电影剧本(梗概)备案、电影片管理规定(2017 修订) [现行有效]</p> <p>发布机关: 国家广播电影电视总局(已撤销)</p> <p>效力级别: 部门规章</p> <p>发布年份: 2017</p> <p>链接: https://www.gov.cn/zhengce/2017-12/11/content_5711916.htm</p> <p>摘录:</p> <p>第十三条 电影片禁止载有下列内容:</p> <p>(一) 违反宪法确定的基本原则的;</p> <p>(二) 危害国家统一、主权和领土完整的;</p> <p>(三) 泄露国家秘密, 危害国家安全, 损害国家荣誉和利益的;</p> <p>(四) 煽动民族仇恨、民族歧视, 破坏民族团结, 侵害民族风俗、习惯的;</p> <p>(五) 违背国家宗教政策, 宣扬邪教、迷信的;</p> <p>(六) 扰乱社会秩序, 破坏社会稳定的;</p> <p>(七) 宣扬淫秽、赌博、暴力、教唆犯罪的;</p>	<p>Title: Movie Script (Synopsis) Filing and Movie Management Regulations (2017 Revision) [In Effect]</p> <p>Issuing Organ(s): State Administration of Radio, Film, and Television (Dissolved)</p> <p>Hierarchical Effect: Departmental Regulation</p> <p>Year Issued: 2017</p> <p>Link: https://www.gov.cn/zhengce/2017-12/11/content_5711916.htm</p> <p>Excerpt:</p> <p>Article 13 Films shall not contain the following content:</p> <ol style="list-style-type: none">1. Content that violates the basic principles established by the Constitution;2. Content that endangers national unity, sovereignty, and territorial integrity;3. Content that leaks state secrets, endangers national security, or damages national honor and interests;4. Content that incites ethnic hatred or discrimination, undermines ethnic unity, or infringes upon ethnic customs and habits;5. Content that contradicts the state's religious policies, promotes cults or superstitions;6. Content that disrupts social order and undermines social stability;7. Content that promotes obscenity, gambling, violence, or incites crime;
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<p>(八) 侮辱或者诽谤他人，侵害他人合法权益的；</p> <p>(九) 危害社会公德，诋毁民族优秀文化的；</p> <p>(十) 有国家法律、法规禁止的其他内容的。</p> <p>第十四条 电影片有下列情形，应删剪修改：</p> <p>...</p> <p>(三) 夹杂淫秽色情和庸俗低级内容，展现淫乱、强奸、卖淫、嫖娼、性行为、性变态等情节及男女性器官等其他隐秘部位；夹杂肮脏低俗的台词、歌曲、背景音乐及声音效果等；</p>	<p>8. Content that insults or slanders others, infringing upon their legitimate rights and interests;</p> <p>9. Content that undermines public morals or denigrates excellent national culture;</p> <p>10. Other content prohibited by national laws and regulations.</p> <p>Article 14 Films should be edited or modified in the following circumstances:</p> <p>....</p> <p>3. Scenes containing obscenity, pornography, vulgar and low-grade content, depicting promiscuity, rape, prostitution, solicitation, sexual behavior, sexual perversion, and male or female genitalia or other private parts; scenes containing dirty and vulgar dialogues, songs, background music, and sound effects, etc.</p>
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<p>标题: 网络视听节目内容审核通则 [现行有效]</p> <p>发布机关: 中国网络视听节目服务协会</p> <p>效力级别: 行业规定</p> <p>发布年份: 2017</p> <p>链接: http://www.xinhuanet.com/zgjj/2017-07/01/c_136409024.htm</p> <p>摘录: 第八条 网络视听节目中含有下列内容或情节的, 应予以剪截、删除后播出; 问题严重的, 整个节目不得播出:</p> <p>...</p> <p>(六) 渲染淫秽色情和庸俗低级趣味:</p> <p>2. 表现和展示非正常的性关系、性行为, 如乱伦、同性恋、性变态、性侵犯、性虐待及性暴力等;</p>	<p>Title: General Rules for Content Review of Online Audio-Visual Programs [In Effect]</p> <p>Issuing Organ(s): China Netcasting Services Association</p> <p>Hierarchical Effect: Industry Regulation</p> <p>Year Issued: 2017</p> <p>Link: http://www.xinhuanet.com/zgjj/2017-07/01/c_136409024.htm</p> <p>Excerpt: Article 8 In cases where online audio-visual programs contain any of the following content or scenarios, they should be edited or deleted before broadcast; if the issue is serious, the entire program must not be broadcast:</p> <p>...</p> <p>(6) Depicting obscenity, pornography, and vulgar low-grade tastes:</p> <p>2. Portraying and displaying abnormal sexual relationships and behaviors, such as incest, homosexuality, sexual perversion, sexual assault, sexual abuse, and sexual violence, etc.</p>
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<p>标题: 电视剧内容制作通则 [现行有效]</p> <p>发布机关: 中国电视剧制作产业协会</p> <p>效力级别: 行业规定</p> <p>发布年份: 2015</p> <p>链接: https://www.ctpia.com.cn/index/sousuo/detail?id=178&isid=6&isflag=1</p> <p>摘录: (六) 渲染淫秽色情和庸俗低级趣味:</p> <ol style="list-style-type: none">1. 具体展现卖淫、嫖娼、淫乱、强奸等丑恶行为;2. 表现和展示非正常的性关系、性行为, 如乱伦、同性恋、性变态、性侵犯、性虐待及性暴力等;3. 展示和宣扬不健康的婚恋观和婚恋状态, 如婚外恋、一夜情、性自由等;4. 较多给人以感官刺激的镜头, 及类似的与性行为有关的间接表现或暗示;5. 有明显的性挑逗、性骚扰、性侮辱或类似效果的画面、台词、音乐及音效等;6. 展示男女性器官等隐秘部位, 及衣着过分暴露等;	<p>Title: General Rules for Television Drama Content Production [In Effect]</p> <p>Issuing Organ(s): China Television Drama Production Industry Association</p> <p>Hierarchical Effect: Industry Regulation</p> <p>Year Issued: 2015</p> <p>Link: https://www.ctpia.com.cn/index/sousuo/detail?id=178&isid=6&isflag=1</p> <p>Excerpt: (6) Depicting obscenity, pornography, and vulgar low-grade tastes:</p> <ol style="list-style-type: none">1. Specifically depicting acts of prostitution, solicitation, promiscuity, rape, and other reprehensible behaviors;2. Portraying and displaying abnormal sexual relationships and behaviors, such as incest, homosexuality, sexual perversion, sexual assault, sexual abuse, and sexual violence, etc.;3. Displaying and promoting unhealthy views and statuses of marriage and love, such as extramarital affairs, one-night stands, sexual freedom, etc.;4. Providing excessively stimulating scenes to the senses, and similar indirect representations or implications related to sexual behavior;5. Scenes, dialogues, music, and sound effects that clearly involve sexual provocation, sexual harassment, sexual insult, or similar effects;6. Displaying male and female genitalia or other private parts, and overly revealing clothing;
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<p>7. 使用粗俗的语言等；</p> <p>8. 未成年人不宜接受的涉性画面、台词、音乐、音效等。</p>	<p>7. Using coarse language, etc.;</p> <p>8. Sexual content, dialogues, music, and sound effects that are unsuitable for minors.</p>
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<p>标题: 安徽省广电局关于广播电视抵制低俗之风的有关规定 [现行有效]</p> <p>发布机关: 安徽省广播电影电视局</p> <p>效力级别: 地方规范性文件</p> <p>发布年份: 2011</p> <p>链接: https://shorturl.at/IGJO6</p> <p>摘录:</p> <p>第八条</p> <p>不得露骨地谈论性生活、性经验、性体会、性器官和吹嘘性药功能及猎奇畸形恋、变性人、性变态等不健康的性取向</p>	<p>Title: Anhui Provincial Bureau of Radio, Film, and Television on the Management Regulations to Resist Vulgarly in Broadcasting and Television [In Effect]</p> <p>Issuing Organ(s): Anhui Provincial Bureau of Radio, Film, and Television</p> <p>Hierarchical Effect: Local Normative Document</p> <p>Year Issued: 2011</p> <p>Link: https://shorturl.at/IGJO6</p> <p>Excerpt:</p> <p>Article 8</p> <p>It is prohibited to explicitly discuss sexual life, sexual experiences, sexual perceptions, sexual organs, or to boast about the functions of sexual drugs, as well as to promote unhealthy sexual orientations such as morbid and abnormal fetishes, transgender individuals, and sexual perversions.</p>
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<p>标题: 努力做好 2007 年抵制低俗之风的各项工作</p> <p>发布机关: 国家广电总局副局长 胡占凡</p> <p>效力级别: 部门领导讲话</p> <p>发布年份: 2010</p> <p>链接: https://cctvenchiridion.cctv.com/special/C20624/20100315/103290_4.shtml</p> <p>摘录:</p> <p>(5) 要坚决制止以淫秽、色情为“卖点”，宣扬扭曲的伦理道德和不健康的情感内容。坚决制止以谈性为乐、以谈性为荣，坚决制止热衷于性话题、性暗示、性挑逗以及打情骂俏等低俗内容。坚决制止宣扬性自由、性随意、婚外恋、一夜情、同性恋，以及涉及未成年人的早恋、性行为等的节目、语言、声音、画面和情节。</p>	<p>Title: Strive to Do a Good Job in Resisting Vulgarly in 2007</p> <p>Issuing Organ(s): Deputy Director of the State Administration of Radio, Film, and Television, Hu Zhanfan</p> <p>Hierarchical Effect: Talk by Department Leader</p> <p>Year Issued: 2010</p> <p>Link: https://cctvenchiridion.cctv.com/special/C20624/20100315/103290_4.shtml</p> <p>Excerpt:</p> <p>(5) It is necessary to resolutely stop using obscenity and pornography as “selling points” and promoting distorted ethics, morals, and unhealthy emotional content. We must firmly stop indulging in talking about sex for fun or pride, and resolutely stop focusing on sexual topics, sexual innuendos, sexual provocations, and vulgar content such as flirting and bickering. We must firmly stop advocating sexual freedom, casual sex, extramarital love, one-night stands, homosexuality, as well as programs, languages, sounds, images, and plots involving underage people in early romance and sexual behavior.</p>
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<p>标题: 广电总局关于重申电影审查标准的通知 [失效]</p> <p>发布机关: 国家广播电影电视总局 (已撤销)</p> <p>效力级别: 部门工作文件</p> <p>发布年份: 2008</p> <p>链接: https://shorturl.at/tLQV7</p> <p>摘录:</p> <p>三、电影片有下列情形, 应删剪修改:</p> <p>(三) 夹杂淫秽色情和庸俗低级内容, 展现淫乱、强奸、卖淫、嫖娼、性行为、性变态、同性恋、自慰等情节及男女性器官等其他隐秘部位; 夹杂肮脏低俗的台词、歌曲、背景音乐及声音效果等;</p>	<p>Title: Notice from the State Administration of Radio, Film, and Television on Reiterating Film Censorship Standards [Not in Effect]</p> <p>Issuing Organ(s): State Administration of Radio, Film, and Television (Dissolved)</p> <p>Hierarchical Effect: Departmental Working Document</p> <p>Year Issued: 2008</p> <p>Link: https://shorturl.at/tLQV7</p> <p>Excerpt:</p> <p>III. Films should be edited or modified in the following circumstances:</p> <p>(3) Scenes containing obscenity, pornography, and vulgar low-grade content, depicting promiscuity, rape, prostitution, solicitation, sexual behavior, sexual perversion, homosexuality, masturbation, and other private parts of males and females; scenes containing dirty and vulgar dialogues, songs, background music, and sound effects, etc.</p>
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<p>标题: 广电总局发通知禁止播出群众参与的整容变性节目</p> <p>发布机关: 国家广播电影电视总局 (已撤销)</p> <p>效力级别: 未知</p> <p>发布年份: 2007</p> <p>链接: https://www.gov.cn/zfjg/content_726068.htm</p> <p>摘录:</p> <p>为确保广播电视宣传导向正确、健康向上、切实抵制低俗, 进一步提高广播电视的影响力、感染力和公信力, 维护广播电视良好的社会形象和声誉, 广电总局要求:</p> <p>1、自《通知》发出之日起, 各级广播电视播出机构一律不得策划、制作和播出群众参与各类整容、变性节目(包括涉及变性的新闻、专题、访谈等各类节目), 正在制作、播出的必须立即停止。</p> <p>2、不得以任何理由和名目策划、制作和播出违背伦理道德、亵渎科学与文明、侵犯个人隐私的节目和活动, 违者追究广播电视行政部门和制作播出机构的责任。</p>	<p>Title: Notice from the State Administration of Radio, Film, and Television on Prohibiting the Broadcast of Public Participation in Cosmetic Surgery and Gender Reassignment Programs</p> <p>Issuing Organ(s): State Administration of Radio, Film, and Television (Dissolved)</p> <p>Hierarchical Effect: Unknown</p> <p>Year Issued: 2007</p> <p>Link: https://www.gov.cn/zfjg/content_726068.htm</p> <p>Excerpt:</p> <p>To ensure that the direction of broadcasting and television propaganda is correct, healthy, and upward, to effectively resist vulgarity, to further enhance the influence, appeal, and credibility of broadcasting and television, and to maintain the good social image and reputation of broadcasting and television, the State Administration of Radio, Film, and Television requires:</p> <p>1. From the date of issuance of this notice, all levels of broadcasting and television broadcasting institutions must not plan, produce, or broadcast any kind of public participation programs involving cosmetic surgery and gender reassignment (including news, special topics, interviews, and other types of programs related to gender reassignment). Those in production or being broadcast must be immediately stopped.</p> <p>2. Programs and activities that violate ethics and morals, profane science and civilization, or infringe on personal privacy must not be planned, produced, or broadcast under any reason or name. Violators will be held accountable by the broadcasting and television</p>
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	administrative departments and the production and broadcasting institutions.
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<p>标题: 新闻出版总署关于印发《关于认定淫秽与色情声讯的暂行规定》的通知 [现行有效]</p> <p>发布机关: 新闻出版总署</p> <p>效力级别: 部门规范性文件</p> <p>发布年份: 2005</p> <p>链接: https://shorturl.at/bmwC3</p> <p>摘录:</p> <p>第二条 淫秽声讯是指在总体上宣扬下列内容, 足以挑动、引诱普通人产生性欲的声音等信息:</p> <p>...</p> <p>(五) 淫褻性地具体描述同性恋的性行为或者其他性变态行为;</p>	<p>Title: Notice from the General Administration of Press and Publication on Issuing the “Interim Provisions on the Identification of Obscene and Pornographic Audio Information” [In Effect]</p> <p>Issuing Organ(s): General Administration of Press and Publication</p> <p>Hierarchical Effect: Departmental Normative Document</p> <p>Year Issued: 2005</p> <p>Link: https://shorturl.at/bmwC3</p> <p>Excerpt:</p> <p>Article 2 Obscene audio information refers to the overall promotion of the following content, sufficient to arouse or tempt the average person’s sexual desire through sound and other information:</p> <p>...</p> <p>(5) Indecently and specifically describing homosexual sexual behaviors or other sexually perverted behaviors.</p>
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<p>标题: 电影剧本(梗概)备案、电影片管理规定 [已被修改]</p> <p>发布机关: 国家广播电影电视总局(已撤销)</p> <p>效力级别: 部门规章</p> <p>发布年份: 2006</p> <p>链接: https://www.gov.cn/flfg/2006-06/06/content_301444.htm</p> <p>摘录: 第十三条</p> <p>电影片禁止载有下列内容:</p> <p>(一) 违反宪法确定的基本原则的;</p> <p>(二) 危害国家统一、主权和领土完整的;</p> <p>(三) 泄露国家秘密, 危害国家安全, 损害国家荣誉和利益的;</p> <p>(四) 煽动民族仇恨、民族歧视, 破坏民族团结, 侵害民族风俗、习惯的;</p> <p>(五) 违背国家宗教政策, 宣扬邪教、迷信的;</p> <p>(六) 扰乱社会秩序, 破坏社会稳定的;</p> <p>(七) 宣扬淫秽、赌博、暴力、教唆犯罪的;</p>	<p>Title: Movie Script (Synopsis) Filing and Movie Management Regulations [Amended in 2017]</p> <p>Issuing Organ(s): State Administration of Radio, Film, and Television (Dissolved)</p> <p>Hierarchical Effect: Departmental Regulation</p> <p>Year Issued: 2006</p> <p>Link: https://www.gov.cn/flfg/2006-06/06/content_301444.htm</p> <p>Excerpt: Article 13</p> <p>Movies are prohibited from containing the following content:</p> <ol style="list-style-type: none">1. Content that violates the basic principles established by the constitution;2. Content that endangers national unity, sovereignty, and territorial integrity;3. Content that leaks state secrets, endangers national security, or damages national honor and interests;4. Content that incites ethnic hatred or discrimination, undermines ethnic unity, or infringes upon ethnic customs and habits;5. Content that contradicts the state's religious policies, promotes cults or superstitions;6. Content that disrupts social order and undermines social stability;7. Content that promotes obscenity, gambling, violence, or incites crime;
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<p>(八) 侮辱或者诽谤他人，侵害他人合法权益的；</p> <p>(九) 危害社会公德，诋毁民族优秀文化的；</p> <p>(十) 有国家法律、法规禁止的其他内容的。</p> <p>第十四条</p> <p>电影有下列情形，应删剪修改：</p> <p>...</p> <p>(三) 夹杂淫秽色情和庸俗低级内容，展现淫乱、强奸、卖淫、嫖娼、性行为、性变态等情节及男女性器官等其他隐秘部位；夹杂肮脏低俗的台词、歌曲、背景音乐及声音效果等；</p>	<p>8. Content that insults or slanders others, infringing upon their legitimate rights and interests;</p> <p>9. Content that undermines public morals or denigrates excellent national culture;</p> <p>10. Other content prohibited by national laws and regulations.</p> <p>Article 14</p> <p>Movies should be edited or modified in the following circumstances:</p> <p>...</p> <p>3. Scenes containing obscenity, pornography, vulgar and low-grade content, depicting promiscuity, rape, prostitution, solicitation, sexual behavior, sexual perversion, and male or female genitalia or other private parts; scenes containing dirty and vulgar dialogues, songs, background music, and sound effects, etc.</p>
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<p>标题: 互联网站禁止传播淫秽、色情等不良信息自律规范 [现行有效]</p> <p>发布机关: 中国互联网协会</p> <p>效力级别: 行业规定</p> <p>发布年份: 2004</p> <p>链接: https://shorturl.at/krGV4</p> <p>摘录:</p> <p>第二条</p> <p>互联网站不得登载和传播淫秽、色情等中华人民共和国法律、法规禁止的不良信息内容。</p> <p>...</p> <p>第三条</p> <p>淫秽信息是指在整体上宣扬淫秽行为，具有下列内容之一，挑动人们性欲，导致普通人腐化、堕落，而又没有艺术或科学价值的文字、图片、音频、视频等信息内容，包括：</p> <p>...</p> <p>6、淫褻性地具体描写同性恋的性行为或者其他性变态行为，以及具体描写与性变态有关的暴力、虐待、侮辱行为；</p>	<p>Title: Internet Self-discipline Standards for Prohibiting the Spread of Obscene, Pornographic, and Other Harmful Information [In Effect]</p> <p>Issuing Organ(s): Internet Society of China</p> <p>Hierarchical Effect: Industry Regulation</p> <p>Year Issued: 2004</p> <p>Link: https://shorturl.at/krGV4</p> <p>Excerpt:</p> <p>Article 2</p> <p>Internet sites shall not publish or disseminate obscene, pornographic, or other harmful information content prohibited by the laws and regulations of the People’s Republic of China.</p> <p>...</p> <p>Article 3</p> <p>Obscene information refers to content that overall promotes obscene behavior and contains one of the following, arousing sexual desire, leading to the corruption and degeneration of the average person, and lacking artistic or scientific value. This includes texts, images, audio, video, and other information content, such as:</p> <p>...</p> <p>6. Indecently and specifically depicting homosexual sexual behaviors or other sexually perverted behaviors, as well as specifically depicting violence, abuse, and insulting behaviors related to sexual perversion.</p>
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<p>标题: 关于印发《广播影视加强和改进未成年人思想道德建设的实施方案》的通知 [现行有效]</p> <p>发布机关: 国家广电总局</p> <p>效力级别: 部门规定</p> <p>发布年份: 2004</p> <p>链接: https://shorturl.at/yzMZ8</p> <p>摘录:</p> <p>为深入贯彻落实党的十六大精神和中共中央、国务院《关于进一步加强和改进未成年人思想道德建设的若干意见》，结合广播影视工作实际，全面提高未成年人思想道德素质，国家广电总局研究制定了《广播影视加强和改进未成年人思想道德建设的实施方案》。</p> <p>...</p> <p>二、广泛开展广播影视“净化工程”</p> <p>...</p> <p>15、要杜绝色情描写、淫秽画面、下流语言。广播影视节目要充分考虑到未成年人的欣赏习惯、接受能力和成长走向，加强正</p>	<p>Title: Notice on Issuing the “Implementation Plan for Strengthening and Improving the Ideological and Moral Construction of Minors in Broadcasting and Television” [In Effect]</p> <p>Issuing Organ(s): State Administration of Radio, Film, and Television</p> <p>Hierarchical Effect: Departmental Regulation</p> <p>Year Issued: 2004</p> <p>Link: https://shorturl.at/yzMZ8</p> <p>Excerpt:</p> <p>To deeply implement the spirit of the 16th National Congress of the Communist Party of China and the “Several Opinions on Further Strengthening and Improving the Ideological and Moral Construction of Minors” by the Central Committee of the Communist Party of China and the State Council, in conjunction with the actual work of broadcasting and television, to comprehensively improve the ideological and moral quality of minors, the State Administration of Radio, Film, and Television has formulated the “Implementation Plan for Strengthening and Improving the Ideological and Moral Construction of Minors in Broadcasting and Television.”</p> <p>...</p> <p>II. Widely carry out the “Purification Project” in broadcasting and television</p> <p>...</p> <p>15. Eliminate pornographic descriptions, obscene images, and vulgar language. Broadcasting and television programs should fully consider the viewing habits, receptive</p>
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确思想和健康情感的宣传教育，坚决制止以色情和性为“噱头”、“卖点”等格调不高的广播影视节目，坚决制止宣扬与正常伦理道德相悖的不健康情感的内容。对于展示不健康的涉性内容，如宣扬性自由、性随意、性享受及同性恋的语言、画面和情节，要坚决删除。特别是要杜绝涉及未成年人的早恋、性行为等语言、画面和情节。

abilities, and developmental paths of minors, strengthen the propaganda and education of correct thoughts and healthy emotions, resolutely stop broadcasting and television programs with low taste using pornography and sex as “gimmicks” or “selling points,” and firmly stop promoting content with unhealthy emotions that contradict normal ethics and morals. **Displays of unhealthy sexual content, such as advocating sexual freedom, casual sex, sexual enjoyment, and homosexuality in language, images, and plots, must be resolutely deleted.** Especially, it is necessary to eliminate languages, images, and plots involving early romance and sexual behavior of minors.

<p>标题: 电影管理条例</p> <p>[现行有效]</p> <p>发布机关: 国务院</p> <p>效力级别: 行政法规</p> <p>发布年份: 2001</p> <p>链接: https://www.gov.cn/banshi/2005-08/21/content_25117.htm</p> <p>摘录:</p> <p>第二十五条 电影片禁止载有下列内容:</p> <p>(一) 反对宪法确定的基本原则的;</p> <p>(二) 危害国家统一、主权和领土完整的;</p> <p>(三) 泄露国家秘密、危害国家安全或者损害国家荣誉和利益的;</p> <p>(四) 煽动民族仇恨、民族歧视, 破坏民族团结, 或者侵害民族风俗、习惯的;</p> <p>(五) 宣扬邪教、迷信的;</p> <p>(六) 扰乱社会秩序, 破坏社会稳定的;</p> <p>(七) 宣扬淫秽、赌博、暴力或者教唆犯罪的;</p>	<p>Title: Film Management Regulations</p> <p>[In Effect]</p> <p>Issuing Organ(s): State Council</p> <p>Hierarchical Effect: Administrative Regulation</p> <p>Year Issued: 2001</p> <p>Link: https://www.gov.cn/banshi/2005-08/21/content_25117.htm</p> <p>Excerpt:</p> <p>Article 25 Films shall not contain the following contents:</p> <ol style="list-style-type: none">1. Content that violates the basic principles established by the Constitution;2. Content that endangers national unity, sovereignty, and territorial integrity;3. Content that leaks state secrets, endangers national security, or damages national honor and interests;4. Content that incites ethnic hatred or discrimination, undermines ethnic unity, or infringes upon ethnic customs and habits;5. Content that contradicts the state's religious policies, promotes cults or superstitions;6. Content that disrupts social order and undermines social stability;7. Content that promotes obscenity, gambling, violence, or incites crime;
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<p>(八) 侮辱或者诽谤他人，侵害他人合法权益的；</p> <p>(九) 危害社会公德或者民族优秀传统文化的；</p> <p>(十) 有法律、行政法规和国家规定禁止的其他内容的。</p>	<p>8. Content that insults or slanders others, infringing upon their legitimate rights and interests;</p> <p>9. Content that undermines public morals or denigrates excellent national culture;</p> <p>10. Other content prohibited by national laws and regulations.</p>
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<p>标题: 电影审查规定 [失效]</p> <p>发布机关: 广播电影电视部(已变更)</p> <p>效力级别: 部门规章</p> <p>发布年份: 1997</p> <p>链接: https://www.cctv.com/cctvsurvey/special/01/20100813/103081.shtml</p> <p>摘录:</p> <p>第十条 电影片中个别情节、语言或画面有下列内容的,应当删剪、修改:</p> <p>...</p> <p>5、具体描写淫乱、强奸、卖淫、嫖娼、同性恋等;</p>	<p>Title: Film Censorship Regulations [Not in Effect]</p> <p>Issuing Organ(s): Broadcasting, Film, and Television Department (Renamed)</p> <p>Hierarchical Effect: Departmental Regulation</p> <p>Year Issued: 1997</p> <p>Link: https://www.cctv.com/cctvsurvey/special/01/20100813/103081.shtml</p> <p>Excerpt:</p> <p>Article 10 In cases where individual scenes, dialogues, or images in a film contain the following content, they should be edited or modified:</p> <p>...</p> <p>5. Specifically depicting promiscuity, rape, prostitution, solicitation, homosexuality, etc.;</p>
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<p>标题: 新闻出版署发布《关于认定淫秽及色情出版物的暂行规定》的通知 [现行有效]</p> <p>发布机关: 新闻出版署</p> <p>效力级别: 部门规定</p> <p>发布年份: 1988</p> <p>链接: https://shorturl.at/chuyZ</p> <p>摘录:</p> <p>第二条</p> <p>淫秽出版物是指在整体上宣扬淫秽行为, 具有下列内容之一, 挑动人们的性欲, 足以导致普通人腐化堕落, 而又没有艺术价值或者科学价值的出版物:</p> <p>(一) 淫褻性地具体描写性行为、性交及其心理感受;</p> <p>(二) 公然宣扬色情淫荡形象;</p> <p>(三) 淫褻性地描述或者传授性技巧;</p> <p>(四) 具体描写乱伦、强奸或者其他性犯罪的手段、过程或者细节, 足以诱发犯罪的;</p> <p>(五) 具体描写少年儿童的性行为;</p>	<p>Title: Notice from the National Press and Publication Administration on the “Interim Provisions on the Identification of Obscene and Pornographic Publications” [In Effect]</p> <p>Issuing Organ(s): National Press and Publication Administration</p> <p>Hierarchical Effect: Departmental Regulation</p> <p>Year Issued: 1988</p> <p>Link: https://shorturl.at/chuyZ</p> <p>Excerpt:</p> <p>Article 2</p> <p>Obscene publications are defined as publications that overall promote obscene behavior and contain one of the following elements, arousing people's sexual desire, sufficient to lead the average person to corruption and degradation, and lacking artistic or scientific value:</p> <ol style="list-style-type: none">1. Indecently and specifically depicting sexual behavior, sexual intercourse, and their psychological experiences;2. Openly promoting a lascivious and lewd image;3. Indecently describing or teaching sexual techniques;4. Specifically depicting the means, processes, or details of incest, rape, or other sexual crimes, sufficient to induce criminal behavior;5. Specifically depicting the sexual behavior of minors;
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<p>(六) 淫褻性地具体描写同性恋的性行为或者其他性变态行为，或者具体描写与性变态有关的暴力、虐待、侮辱行为；</p> <p>(七) 其他令普通人不能容忍的对性行为的淫褻性描写。</p>	<p>6. Indecently and specifically depicting homosexual behaviors or other sexually deviant behaviors, or specifically depicting violence, abuse, and insulting behaviors related to sexual perversion;</p> <p>7. Other indecent depictions of sexual behavior that are intolerable to the average person.</p>
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