

Submission for Call For Input: 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

Situation on human rights to freedom of expression, association and assembly for LGBT individuals in China

China Transgender Survivor Network (CTSN)

Organization Overview

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The China Transgender Survivor Network (CTSN) is a non-governmental organization dedicated to defending the fundamental human rights of transgender individuals. Established in 2023, CTSN was formed in response to the Chinese government's widescale crackdown on domestic LGBT-related NGOs within the same year. CTSN operates semi-publicly across China and in different parts of the world to protect the basic human rights of transgender individuals of Chinese origin.

CTSN is responsible for operating MtF Party (<https://hub.mtf.party>), the largest Mastodon platform for transgender individuals in China. In 2023, CTSN organized over 700 post-suicide-attempt rescue operations within China and collected first-hand cases of life-threatening situations faced by transgender individuals in China. Founded on the principle of providing practical support, CTSN prioritizes direct on-site assistance and intervention to tackle the severe daily survival challenges faced by transgender individuals in China.

1. The China Transgender Survivor Network (CTSN) has been dedicated to taking action in response to emergencies faced by transgender individuals. In 2023, CTSN organized over 700 post-suicide-attempt rescue operations within China, compiling first-hand material from all those cases.

2. During these operations, and with the connection with all the victims and survivors, we have come to a profound understanding that the Chinese government's state institutions have systematically and organizationally limited the freedom of expression on sexual orientation and gender identity, and totally banned all association and assembly on sexual orientation and gender identity in China. China is not only enforcing laws that prohibit LGBT assemblies publicly but also has banned transgender individuals from meeting privately in private houses by law.

3. In recent years, the Chinese government has systematically restricted the freedom of expression of LGBT individuals, with this restriction extending across both online and offline spaces, including schools, entertainment venues, instant messaging applications, social media platforms, and social organizations. Concurrently, the Chinese government has stigmatized the LGBT community through a series of propaganda efforts, utilizing official government documents to call for societal discrimination against LGBT individuals.

4. CTSN discovered that in 2022, China initiated the "Purify the Internet 2022" campaign, a national-level propaganda effort¹, which set forth ten requirements. Among them, the fourth requirement called for the "Purify · 2022 Summer Campaign for the Online Environment of Minors," aimed at creating a healthy, safe, and clean online environment for minors. This initiative focused on the removal of harmful information that could affect the physical and mental health of young people or hinder their online learning, with a particular emphasis on rectifying "online chaos". Specific execution documents² highlighted the ban on sexually suggestive movements and the rectification of inducements for minors to engage in dangerous activities. Although the detailed documents were not made public, the openly stated requirements in actual implementations across various regions³ specified that the content involving Yaoniang (transgender women) and LGBT content must be rectified and removed from the internet, labeling them as harmful elements of online culture.

5. CTSN discovered that China has implemented concrete actions, not only by comprehensively shutting down major public accounts related to sexual minorities but also by

¹ <https://web.archive.org/web/20230605223241/https://www.shdf.gov.cn/shdf/contents/767/443665.html>

²

https://web.archive.org/web/20220730184849/https://www.gov.cn/xinwen/2022-07/19/content_5701635.htm

³

<https://web.archive.org/web/20230216110422/https%3A%2F%2Fwww.wangdu.gov.cn%2Fcol%2F1618902456638%2F2022%2F06%2F09%2F1654737864912.html>

executing these shutdowns on specific dates to maximize the censorship impact on speech. Since cultivating an audience for a public account takes time, imposing bans just before specific date can significantly increase the effect of suppression. An example is the simultaneous shutdown of six WeChat public accounts on August 22, 2023, traditionally celebrated as Chinese Valentine's Day. Among these were the Beijing Lesbian Salon (北京拉拉沙龙), Pea Green Art Group (豌豆黄艺术小组), and other accounts focusing on homosexual and asexual content⁴.

6. CTSN found that China openly bans the social media accounts of transgender activists for reasons categorized as "politically harmful information." A founding member of CTSN, the transgender woman Shan Chunqing's Weibo account "春江晴空," was officially banned by Weibo on May 17, 2023. The reason given was "negative information that breaches the bottom line of social morality and systems." On the same day, her accounts on WeChat, QQ, Alipay, and Taobao, encompassing both social and financial platforms, were also simultaneously banned. The original Weibo ban announcement can be seen in Appendix.

7. CTSN has found that China has implemented a comprehensive ban on mobile applications related to sexual minorities. For example, on January 31, 2022, the Chinese government removed the Grindr app from all domestic platforms.⁵

8. CTSN has discovered that China has specifically suppressed speech pertaining to sexual minorities in students. On July 6, 2021, China banned a batch of public accounts primarily aimed at students, including Tsinghua University's purple, Peking University's colorsworld, Renmin University of China's RUC Gender and Sexuality Study Club, Fudan University's Zhiheshe, Wuhan University's WHU Gender and Sexual Orientation Equality Research Society, East China Normal University's Yuanrenshe, Huazhong University of Science and Technology's HGP Group, Nanjing University's The Same Sky—Gender and Sexual Orientation Equality Association, Tianjin 19 Schools Rainbow Group "Jinzhihong", Southwestern University of Finance and Economics Gender and Sexual Orientation Group, Xi'an Academy of Fine Arts Olive Tree Public Welfare Group, Zhongnan University of Economics and Law Rainbow Group, the Inter-School LGBT Working Group for High School Students and Local Youth Resource Center⁶. Two months later, the Chinese government issued an order required all university party committees to conduct a survey of sexual minorities and "report upwards," demanding that each university's colleges compile statistics on sexual minority students within their institutions. They were also required to report individually on

⁴ <https://www.rfa.org/mandarin/yataibaodao/renquanfazhi/gt1-08232023025803.html>

⁵ <https://www.nytimes.com/2022/02/02/business/grindr-apple-app-store-china.html>

⁶ 清华大学 purple、北京大学 colorsworld、中国人民大学 RUC 性与性别研究社、复旦大学知和社、武汉大学 WHU 性别性向平等研究会、华东师范大学圆人舍、华中科技大学 HGP 小组、南京大学同一片天空——性别性向平等协会、天津 19 校彩虹小组“津之虹”、西南财经大学性别性向小组、西安美术学院橄榄树公益小组、中南财经政法大学彩虹小组、中学生校际联合工作组、同城青少年资源中心

the "ideological status" of each student involved, including their interpersonal relationships, political stance, and life planning, among other aspects. The original order's screenshot can be found in Appendix.

9. CTSN believes that such comprehensive actions, where the party committee controls information about all currently enrolled students' sexual orientations, are aimed at substantively oppressing sexual minorities. The university's party committee has the "veto power" over students' academic advancement. By collecting information about sexual minorities, it can prevent them from accessing higher education. At the same time, such actions also force sexual minorities to hide their identity in universities in order to obtain an education.

10. In addition to restricting the freedom of expression of transgender individuals, the Chinese government has further utilized official channels to carry out anti-transgender propaganda. On January 16, 2023, the Communist Youth League of China published a video on its official account, claiming that transgender and homosexual individuals are not truly transgender or homosexual but are instead people with mental illnesses that pose a danger to society. On December 2, 2022, the Central Propaganda Department of the Communist Party of China, through the Cixi Evening News, disseminated a report claiming that hormone treatments could ruin children. The propaganda agency then forcefully pushed this news on the Chinese social media platform Weibo, where the original article received 170 million views.

11. Article 7 of Chapter II of the "Law of the People's Republic of China on Assemblies, Processions, and Demonstrations," promulgated in 2009, stipulates that to hold an assembly, procession, or demonstration, one must apply to the competent authority in accordance with the provisions of this Law and obtain permission. CTSN can confirm that in the year 2023, the Chinese government has not approved a single assembly, procession, or demonstration with LGBT as the theme, effectively resulting in a complete prohibition by law of the rights of sexual minorities in China to assemble, march, and demonstrate.

12. Furthermore, the Chinese government has also banned the presence of sexual minority-related symbols at existing gatherings. In 2023, China enacted a policy prohibiting "rainbow" symbols at all public assembly locations. Following the implementation of this policy, Time noted that a Pop Concert in Beijing banned rainbow flags from being brought into the venue⁷. During the same period, security personal at concerts by popular singers 蔡依林 (Cai Yilin) and 张惠妹 (Zhang Huimei) in various locations across China prohibited audience members from carrying rainbow flags, or any other LGBT symbols, such as transgender flags. Additionally, the Chinese government has effectively banned the display of rainbow flags within university campuses. At Tsinghua University (China's top-ranked university and, comparatively, has most freedom on those issues), two students were severely warned (“严重警告处分”) as a disciplinary measure for showing a rainbow flag, a punishment that is a severe

⁷ <https://time.com/6302212/china-lgbtq-concert-rainbow-ban/>

administrative sanction and could prevent the punished students from graduating⁸.

13. CTSN has observed that China utilizes the "Criminal Law of the People's Republic of China"⁹ to arrest transgender individuals sharing accommodations. According to Article 301 of this law, those who gather for the purpose of engaging in licentious activities, with principal members or those who participate multiple times facing up to five years of fixed-term imprisonment or criminal detention¹⁰. Given that being transgender is already viewed by the government as licentious, and sharing a residence fits the definition of gathering, this law allows for the arbitrary detention of cohabitating transgender individuals. On November 6, 2022, Shanghai police legally arrested multiple transgender individuals in a shared residence in Shanghai using this article of the law and sentenced one of them, Liu Zhe, to 30 months of imprisonment under this law.¹¹ The Chinese government's application of this law not only prohibits transgender individuals from publicly marching but also forbids private meetings among transgender people. Although China has not broadly enforced this law, given that a significant number of transgender individuals, due to societal discrimination, are forced to co-rent housing with other transgender individuals, this law provides a legal pretext for sentencing a large number of transgender individuals to prison legally.

⁸ <https://www.rfa.org/english/news/china/lgbtq-03312023131243.html>

⁹ 《中华人民共和国刑法》

¹⁰ 第三百零一条聚众淫乱罪,聚众进行淫乱活动的,对首要分子或者多次参加的,处五年以下有期徒刑、拘役或者管制。引诱未成年人参加聚众淫乱活动的,依照前款的规定从重处罚

¹¹ <https://www.theguardian.com/global-development/2024/jan/15/its-difficult-to-survive-chinas-lgbtq-advocates-face-jail-and-forced-confession>

Appendix

- a. Screenshot for a file for asking the universities to survey and submit LGBT individual information

根据有关要求，现须对学校开展相关调研：

请学院反馈所掌握的 LGBT 学生信息。

彩虹族群（LGBT），是女同性恋者（Lesbians）、男同性恋者（Gays）、双性向者（Bisexuals）、跨性别者（Transgender）等性少数族群的合称。“LGBT”一词十分重视性倾向与性别认同文化多样性，除了狭义的指同性恋、双性向或跨性别族群，也可广泛代表所有非异性恋者。

1. 反馈方式：如有该类学生，请填写相关信息至附表

附表：

序号	性别	学历	思想状况	心理状况
例	男/女	本科/硕士/博士	从政治立场、日常生活、人际关系、人生规划等方面描述	健康状况/不良状态/心理障碍/心理疾病（请描述具体表现）

- b. Public ban decision by Weibo admin, which banned one of CTSN’s founding members, Shan Chunqing’s account, through the most official channel, publicly announcing the account was banned due to “harmful political affairs”, the announcement is still public, and is archived at <https://archive.is/KoqTQ>



微博管理员
新浪微博社区管理官方微博
关注 172 | 粉丝 1.35亿

2023/05/17 08:13

#微博社区公告#[关于时政有害信息的处理公告]

为落实企业主体责任，严格执行《微博社区公约》《微博投诉操作细则》等社区管理规则中关于时政有害信息的规定，对微博内存在的时政有害信息和账号进行清查处置。

近一月（2023年4月1日至2023年4月30日）

根据相关法律法规要求，站方对发布时政有害信息的一批账号采取了禁言、关闭账号等处置措施。其中包括：

@乔木DC（粉丝数：736095）
@罗霸道（粉丝数：227453）
@春江晴空（粉丝数：111669）等头部账号。

站方提示，用户发言和讨论应符合相关法律法规和社区规则的要求。包括自媒体账号在内的用户，应遵守《互联网信息服务管理规定》，不得制作、复制、发布、传播法律、行政法规禁止的信息内容。

附 时政有害信息的界定：

1. 反对宪法确定的基本原则；
2. 危害国家统一、主权和领土完整；
3. 泄露国家秘密、危害国家安全或者损害国家荣誉和利益；
4. 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；
5. 破坏国家宗教政策，宣扬邪教、迷信；
6. 散布谣言，扰乱社会秩序，破坏社会稳定；
7. 歪曲、丑化、亵渎、否定英雄烈士事迹和精神，侮辱、诽谤英雄烈士；
8. 宣扬赌博、暴力、凶杀、恐怖或者教唆犯罪；
9. 煽动非法集会、结社、游行、示威、聚众扰乱社会秩序；
10. 突破社会道德底线、制度底线的负面信息；
11. 含有法律、行政法规和国家规定禁止的其他内容。

具体请参考：
《微博社区公约》第二十四条至第三十条 [微博社区管理中心](#)
《微博投诉操作细则》第六条至第八条 [微博社区管理中心](#)