

## CECC Annual Report 2021

### KEY FINDINGS

#### CIVIL SOCIETY

- The Chinese Communist Party and government became increasingly repressive during this reporting year, and thus the space for civil society, already tightly restricted, narrowed even further. The Party’s focus on total control over Chinese society intensified in light of the Party’s 100th anniversary, which was marked on July 1, 2021.
- The Ministry of Civil Affairs, together with 21 other Party and state ministries and departments, issued a new policy aimed at eliminating the tactics and remaining space that un-registered civil society organizations use to operate and survive. In conjunction with the March 2021 announcement of the policy in an order titled “Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations,” the government launched a related campaign, scheduled to conclude before the July 1 Party centenary, that targeted five types of “illegal social organizations.”
- Chinese civil society groups faced additional constraints from the government’s implementation of the PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China and the Hong Kong National Security Law, which threatened to obstruct the ability of Hong Kong-based international non-governmental organizations to support rights-related programs and advocacy in mainland China.
- The government and Party continued to arbitrarily detain Chinese citizens who engaged in the peaceful exercise of their rights pursuant to the Universal Declaration of Human Rights and other international human rights standards. The government and Party intimidated and harassed other civil society advocates, including the teen climate activist Ou Hongyi (also known as Howey Ou), who left China for Europe in January 2021.
- Chinese government and Communist Party officials closed organizations and halted activities they had previously tolerated, signaling a greater tightening of civic space. For example, in August 2020, pressure and intimidation from local authorities led to the closure of ShanghaiPRIDE, the longest running gay pride festival and event platform in China. Civic space also decreased as a result of the COVID-19 pandemic.
- Civic space for women’s rights advocacy further narrowed this year. In April 2021, a substantial number of feminist activists were effectively denied their main remaining platform in China when Weibo closed their accounts, likely with direct or tacit support from Chinese officials.
- The lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community in China continued to face many challenges—including persistent stigma, widespread discrimination, harassment, and inequities in property rights. Chinese government authorities increased restrictions on LGBTQ advo-

cacy and organizing, as they have done with other advocacy groups. Chinese law neither recognizes same-sex marriage nor otherwise protects same-sex relationships.

- Chinese law does not protect sexual and gender minorities, and a growing number of lawsuits brought by LGBTQ individuals claiming employment discrimination have been filed to raise public awareness and push for change. Despite the narrowing of civil society space in China generally, during this reporting year, LGBTQ legal advocacy organizations held trainings for lawyers, and a non-profit foundation was created to provide legal aid to LGBTQ individuals. In early 2021, LGBTQ advocates expressed concern that a new rule targeting “self-publishing” online could lead to self-censorship and impact the ability to organize online for LGBTQ rights.
- LGBTQ individuals continued to be subjected to “conversion therapy,” and other forced, involuntary or otherwise coercive or abusive treatments,” which the UN Committee against Torture recommended that China ban in a non-binding report.

## CIVIL SOCIETY

### *Findings*

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- The government and Party continued to arbitrarily detain Chinese citizens who engaged in the peaceful exercise of their rights pursuant to the Universal Declaration of Human Rights and other international human rights standards. The government and Party intimidated and harassed other civil society advocates, including the teen climate activist Ou Hongyi (also known as Howey Ou), who left China for Europe in January 2021.

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- Civic space for women’s rights advocacy further narrowed this year. In April 2021, a substantial number of feminist activists were effectively denied their main remaining platform in China when Weibo closed their accounts, likely with direct or tacit support from Chinese officials.
- The lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community in China continued to face many challenges—including persistent stigma, widespread discrimination, harassment, and inequities in property rights. Chinese government authorities increased restrictions on LGBTQ advocacy and organizing, as they have done with other advocacy groups. Chinese law neither recognizes same-sex marriage nor otherwise protects same-sex relationships.
- Chinese law does not protect sexual and gender minorities, and a growing number of lawsuits brought by LGBTQ individuals claiming employment discrimination have been filed to raise public awareness and push for change. Despite the narrowing of civil society space in China generally, during this reporting year, LGBTQ legal advocacy organizations held trainings for lawyers, and a non-profit foundation was created to provide legal aid to LGBTQ individuals. In early 2021, LGBTQ advocates expressed concern that a new rule targeting “self-publishing” online could lead to self-censorship and impact the ability to organize online for LGBTQ rights.
- LGBTQ individuals continued to be subjected to “‘conversion therapy,’ and other forced, involuntary or otherwise coercive or abusive treatments,” which the UN Committee against Torture recommended that China ban in a non-binding report.

### *Recommendations*

Members of the U.S. Congress and Administration officials are encouraged to:

- Call on the Chinese government to release civil society advocates and staffers, in particular **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong** of the public interest NGO Changsha Funeng, veteran human rights defenders **Xu Zhiyong, Ding Jiaxi,** and other civil society and rights advocates detained for peacefully exercising their human rights, especially their rights to freedom of expression, assembly, and association, guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
- Encourage the Chinese government to revise its regulatory framework for civil society organizations, including the PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China and the PRC Charity Law, to conform with international human rights standards re-

garding the rights of freedom of association, assembly, and expression.

- Urge the Chinese government to abide by its international legal obligations with respect to Chinese citizens' rights to freedoms of association, assembly, and expression and cease the unlawful harassment and arbitrary detention of civil society advocates and the closing of civil society organizations and online accounts of advocates.

- Continue to fund, monitor, and support programs globally that promote human rights, democracy, and the rule of law in mainland China and Hong Kong.

- Facilitate the participation of Chinese civil society advocates and human rights defenders in relevant international forums, such as opportunities for civil society engagement offered by the UN Human Rights Council, and support non-profit leadership and advocacy trainings for Chinese, Hong Kong, Tibetan, and Uyghur advocates who are now living outside of China. Convene a periodic summit of relevant stakeholders regarding the path forward for Chinese civil society, offline and online.

- Urge the Chinese government to comply with the recommendation made by the UN Committee against Torture and the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity to ban its practice of “‘conversion therapy,’ and other forced, involuntary or otherwise coercive or abusive treatments.”

- Urge the Chinese government to cooperate with the UN Committee on the Elimination of Discrimination against Women and the UN Committee on Economic, Social and Cultural Rights in connection with their upcoming reviews of China's compliance with the human rights treaties within their remit. Specifically, urge the Chinese government to provide the information the Committees have requested regarding measures taken to combat various forms of discrimination, and their effectiveness.

- Encourage the Chinese government to provide information about any concrete steps taken to adopt comprehensive anti-discrimination legislation that protects LGBTQ individuals, among other groups.

- Continue to fund, monitor, and evaluate foreign assistance programs in China that support human rights advocacy, including LGBTQ rights within the context of civil society programming. Consider increasing funding for programs outside of China that focus on rights advocacy, capacity building, and leadership training for Chinese lawyers and human rights advocates, including those who work with the LGBTQ community in China.

- Continue to organize side events on a range of human rights abuses, including abuses of LGBTQ rights, at the Human Rights Council in Geneva and at UN Headquarters in New York.

## CIVIL SOCIETY

### *Introduction*

As the Chinese Communist Party and government became increasingly repressive during this reporting year, the space for civil society, already tightly restricted, narrowed even further. The Party's control "over all aspects of Chinese society"<sup>1</sup> continued unabated, and in the year of the Communist Party's 100th anniversary, total control was paramount.<sup>2</sup> Accordingly, the government and Party further restricted civil society groups, human rights lawyers and defenders,<sup>3</sup> labor and women's rights advocates,<sup>4</sup> unofficial religious organizations,<sup>5</sup> and others attempting to advocate or gather outside Party and government control.<sup>6</sup> [For more information on the persecution of human rights lawyers, see Section II—Criminal Justice. For more information on the targeting of religious organizations in the 2021 campaign against illegal social organizations, see Section II—Freedom of Religion.]

While the regulatory framework for non-governmental organizations (NGOs) became more restrictive with the adoption of the PRC Charity Law<sup>7</sup> in 2016—particularly with respect to unregistered social organizations (*shehui zuzhi*) and non-profits registered as business entities—there still remained some space for NGOs to find workarounds to the stringent registration requirements.<sup>8</sup> A new government and Party policy threatened to close those remaining loopholes, however.<sup>9</sup>

### *Comprehensive Campaign to Crack Down on "Illegal Social Organizations" and Eliminate Their "Breeding Grounds"*

In March 2021, the Ministry of Civil Affairs (MCA), together with 21 other Party and state ministries and departments, issued a new policy aimed at eliminating the tactics and remaining space that unregistered civil society organizations use to operate, despite being considered "illegal social organizations."<sup>10</sup> According to one expert, the order, titled "Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations" (Circular), and a related campaign targeting five types of "illegal social organizations" for rectification, go further than previous crackdowns by targeting not only the organizations themselves, but also "the space and sustenance they need to survive."<sup>11</sup>

The campaign, which was timed to last 14 weeks (apparently so that it would conclude by July 1, the Party's 100th anniversary), and the new policy appeared to have as their short-term goal the maintenance of "social stability" in advance of the Party's centenary.<sup>12</sup> The Circular required all regions and government departments to "further increase their political stance" and contribute "to the creation of a peaceful environment for the 100th anniversary of the Communist Party of China."<sup>13</sup> The "illegal social organizations" the government targeted for rectification in the campaign included, for example, "illegal" groups using the Party's centenary to organize selection and award activities or that have names beginning with words such as "China," "Chinese," or "National";<sup>14</sup> organizations in the fields of economics, culture, and charity conducting

activities in the name of “national strategy”; and organizations engaging in sham activities relating to health, national studies, and mysticism, or which disguise themselves as religious organizations.<sup>15</sup>

The Circular also addresses the people, entities, and services that enable “illegal social organizations” to survive and operate.<sup>16</sup> For example, the Circular prohibits Party members and cadres from participating in the activities of illegal social organizations, and it bans news media from publicizing and reporting on their activities.<sup>17</sup> Public service facilities, transportation services, and venues are prohibited from facilitating the activities of “illegal social organizations,” and internet service providers and financial institutions are similarly prohibited from providing services or facilitating the activities of such organizations.<sup>18</sup> The MCA reported in May 2021 that leads relating to a total of 216 “illegal social organizations” had already been investigated and local civil affairs departments had banned a total of 160 such organizations.<sup>19</sup>

#### *Foreign NGO Activity in China*

According to the Asia Society’s China NGO Project, foreign NGO activity decreased in 2020, which is not surprising given the global COVID-19 pandemic and its disruptions to commerce, travel, work, and public health.<sup>20</sup> In addition to these factors, the Chinese government’s antagonistic political stance toward international NGOs (INGOs) working on civil and political human rights issues,<sup>21</sup> and its implementation of the PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China,<sup>22</sup> as well as the growing risks for INGOs and their personnel amid a souring international environment, likely contributed to a decrease in INGOs’ activities in China.<sup>23</sup>

During the COVID-19 pandemic, the Gates Foundation donated US\$5 million and provided technical support to assist China with its response and help control the outbreak.<sup>24</sup> The China NGO Project also noted that 25% of temporary activities filed by foreign NGOs in 2020 were health related, double the percentage in 2019.<sup>25</sup> Yet the government’s “sweeping crackdown” on civil society in China since 2013 has substantially weakened the ability of community networks and grassroots public health groups, including those that partnered with INGOs, to respond effectively to public health crises such as the COVID-19 pandemic.<sup>26</sup> As three long-time human rights advocates engaged in and supporting community-based public health advocacy in China argued in a November 2020 essay, “[b]y clamping down on civil society and community groups, the state has weakened public health and repeated the errors committed during the SARS and HIV epidemic[s]. In so doing, the state may have undermined its long-term ability to respond to future infectious disease outbreaks.”<sup>27</sup>

The adoption of the Hong Kong National Security Law (NSL)<sup>28</sup> by the National People’s Congress Standing Committee in July 2020 raised concerns that INGOs with offices in Hong Kong would no longer be able to safely conduct projects or advocacy related to human rights in mainland China.<sup>29</sup> Vague wording about the management of international NGOs in the legislation has created a chilling effect,<sup>30</sup> inhibiting INGOs from engaging in activities or

advocacy that the Chinese government and Communist Party authorities might deem to implicate national security.<sup>31</sup> In February 2021, Reuters reported that at least two INGOs had left Hong Kong and relocated to Taiwan, specifically citing risks to staff and access to bank accounts.<sup>32</sup> Moreover, sources informed Reuters that “[r]ights groups, including Amnesty International, have become more cautious about signing joint statements, vetting their words carefully to avoid risks . . .” due to the NSL.<sup>33</sup> [For more information about the Hong Kong National Security Law’s curtailment of freedoms in Hong Kong and beyond, see Section VI—Developments in Hong Kong and Macau.]

### *Government Suppression of Civil Society*

During the Commission’s 2021 reporting year, the Chinese government continued to suppress peaceful protests and civil society activity—through arbitrary detention and other means—violating international standards on freedom of speech, association, and assembly in the Universal Declaration of Human Rights (UDHR) (Articles 19 and 20) and the International Covenant on Civil and Political Rights (Articles 19, 21, and 22) and contravening China’s Constitution, which provides for freedom of speech, assembly, association, and demonstration (Article 35).<sup>34</sup> A representative list of detained advocates follows:

- In February 2021, police in Chaoyang district, Beijing municipality, detained **Chen Guojiang**, a delivery driver and labor advocate, on suspicion of “picking quarrels and provoking trouble” and arrested him soon thereafter on the same charge.<sup>35</sup> The authorities reportedly arrested Chen because of his advocacy for delivery driver work stoppages and for exposing drivers’ unfair working conditions on social media.<sup>36</sup> [For more information, see Section II—Worker Rights.]
- In September 2020, authorities in Shapotou district, Zhongwei municipality, Ningxia Hui Autonomous Region, detained **Li Genshan**, an environmental advocate and volunteer with the Zhongwei Mongolian Gazelle Patrol Team, and later arrested him on charges of “picking quarrels and provoking trouble,” “extortion,” and “illegally catching or killing precious wildlife.”<sup>37</sup>
- Authorities in Guangzhou municipality, Guangdong province, detained veteran Guangzhou-based democracy advocates **Fan Yiping, Fan Wencheng, Lai Jianjun, Hu Tianfeng,** and **Qiao Lianhong** on suspicion of “subversion of state power” in November 2020.<sup>38</sup> The five advocates were held in residential surveillance at a designated location (RSDL), a form of secret detention.<sup>39</sup> Guangzhou state security officers also separately detained Guangxi Zhuang Autonomous Region-based activist **Wei Yani** in November, who was in Yunnan province at the time, in connection with the crackdown on democracy advocates in Guangzhou.<sup>40</sup> Lai Jianjun was subsequently released from RSDL.<sup>41</sup> As of March 2021, authorities had criminally detained Fan Yiping and Hu Tianfeng for “subversion of state power” and were holding them at the Guangzhou State Security Bureau Detention Center.<sup>42</sup>

- After a private meeting of civil society activists and scholars in Xiamen municipality, Fujian province, in December 2019, authorities detained rights advocates **Xu Zhiyong, Ding Jiayi, Li Yingjun, Zhang Zhongshun, and Dai Zhenya**.<sup>43</sup> As of January 2021, Xu Zhiyong and Ding Jiayi both faced “subversion of state power” charges.<sup>44</sup> In February 2020, Xu’s girlfriend, **Li Qiaochu**, a feminist and labor rights advocate, was detained incommunicado and released on bail in June 2020,<sup>45</sup> at the same time as Dai, Zhang, and Li Yingjun.<sup>46</sup>
- **Cheng Yuan, Liu Dazhi, and Wu Gejianxiong**, co-founder and two staff members of the public interest NGO Changsha Funeng, a group focused primarily on disability rights, promoting the rights of individuals with hepatitis B and HIV/AIDs, as well as women’s rights.<sup>47</sup> They were held incommunicado for nearly a year and six months before being secretly tried for “subversion of state power” in a trial that authorities reportedly held in late August and early September 2020.<sup>48</sup> [For more information, see Section II—Public Health and Section II—Criminal Justice.]

### *Shrinking Civic Space*

In addition to government policies that have reduced the space for NGOs in China, the economic impact of the COVID-19 pandemic on NGOs has been severe. According to a March 2021 survey of 399 social organizations in China, 15 to 20 percent reported they were likely to shut down because of financial losses suffered because of the pandemic.<sup>49</sup> Nearly 50 percent of the respondents anticipated a “sharp decline” in revenue in 2021.<sup>50</sup>

Moreover, Chinese government and Communist Party officials closed organizations and halted activities they had previously tolerated, signaling a greater tightening of civic space. For example, in August 2020, pressure and intimidation from local authorities led to the closure of ShanghaiPRIDE, the longest running gay pride festival and event platform in China.<sup>51</sup> In the fall of 2020, according to an activist with Chengdu Rainbow, after police temporarily shuttered prominent gay bars in Chengdu municipality, Sichuan province, purportedly for public health reasons, officers suddenly investigated all of the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) organizations in the unofficially LGBTQ-friendly city.<sup>52</sup>

Chinese government officials even harassed and interrogated a lone teenager, China’s first climate striker, Ou Hongyi, also known as Howey Ou, who in May 2019 sought to draw attention to the climate crisis by staging a solo Fridays For Future-inspired school strike in her hometown of Guilin municipality, Guangxi Zhuang Autonomous Region.<sup>53</sup> She was subsequently expelled from school and told she could return only if she gave up her activism.<sup>54</sup> In September 2020, when Ou and three other climate protesters engaged in a “silent resistance” action in Shanghai municipality, local police detained and interrogated them for several hours.<sup>55</sup> Greta Thunberg, a famous climate activist and founder of the Fridays For Future movement, promptly expressed solidarity and support for the detained Chinese activists, tweeting “Activism is not a crime.”<sup>56</sup>



In December 2020, Ou told VICE in an interview that she believed she had been “alienated in the local environmentalism circles” and “excluded from events and conferences about climate change in China” because “[m]any NGOs in China are funded by the government,” and “tend to be more moderate and wouldn’t aggressively challenge the government.”<sup>57</sup> Ou left China for Berlin, Germany, in late January 2021.<sup>58</sup>

Civic space for women’s rights advocacy also narrowed during this reporting year. In April 2021, a substantial number of feminist activists were effectively denied their main remaining platform in China when Weibo closed their accounts, possibly with direct or tacit support from Chinese officials.<sup>59</sup> According to Lu Pin, a prominent Chinese feminist organizer based in New York, “[w]hile feminists won’t simply disappear following the latest crackdown, I believe the goal of this campaign is to make it harder for feminists to gather online.”<sup>60</sup> At least three of the feminists whose accounts were shut down have sued Weibo.<sup>61</sup>

#### **Status of LGBTQ Persons**

The Chinese government failed to protect and respect the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China, while also suppressing certain efforts by rights defenders and advocacy groups to promote and defend their rights.<sup>62</sup> Unofficial estimates of the number of people in China who identify as LGBTQ range from 60 million to more than 70 million individuals.<sup>63</sup> The LGBTQ community in China continued to face many challenges—including persistent stigma, employment discrimination, harassment, inequities in property rights, and non-recognition of same-sex familial status.<sup>64</sup> While Chinese law does not criminalize same-sex relationships among adults, it does not prohibit discrimination against LGBTQ individuals or grant legal protections to same-sex couples.<sup>65</sup> Rights advocates and lawyers continued to push for incremental improvements in rights protections for LGBTQ individuals and seek ways to advocate and raise awareness despite the shrinking space for in-person and online advocacy in general.<sup>66</sup>

#### **STIGMATIZATION AND GROWING SOCIAL ACCEPTANCE**

LGBTQ individuals continued to suffer widespread discrimination in families, schools, workplaces, health care facilities, and public spaces.<sup>67</sup> Although attitudes toward sexual and gender minorities are gradually changing, stigmatization and stereotyping are still prevalent.<sup>68</sup> LGBTQ advocates believe education and public outreach are central to reducing stigma,<sup>69</sup> but their efforts are often stymied by the persistence—and official promotion—of traditional gender roles and increasing restrictions on advocacy and organizing.<sup>70</sup>

In early 2021, LGBTQ rights advocates expressed concern that new rules targeting “self-publishing” online, which require an official license in order to publish content related to current affairs, could lead to self-censorship and impact the ability to organize for LGBTQ rights online.<sup>71</sup>

### **Status of LGBTQ Persons—Continued**

Bullying and harassment of LGBTQ youth in educational settings is widespread.<sup>72</sup> A Beijing Normal University professor expressed concern on Weibo that a new Ministry of Education plan focusing on physical education to bolster “masculinity” in schools “could lead to more bullying of students because of their gender expression, identity or sexual orientation.”<sup>73</sup>

#### **DISCRIMINATION, LACK OF LEGAL PROTECTION, RIGHTS ADVOCACY**

Chinese law does not provide protection from discrimination against sexual and gender minorities, and a growing number of lawsuits brought by LGBTQ individuals claiming employment discrimination have been filed to highlight the problem, raise public awareness, and push for change.<sup>74</sup> A labor dispute that received widespread attention this past year involved a transgender woman employee of the e-commerce platform Dangdang, who the court found had been illegally terminated.<sup>75</sup> Although the ruling was not based on the employee’s claim of discrimination, the judge rejected the employer’s basis for not renewing the employee’s contract, i.e., that the employee made co-workers uncomfortable, and said that colleagues should “accept her new sex.”<sup>76</sup> The wording of the court’s ruling was seen by observers as suggestive of acceptance of a broader concept of gender identity in the legal realm.<sup>77</sup>

Chinese law neither recognizes same-sex marriage nor otherwise protects same-sex relationships. The legal system cannot adequately resolve lawsuits involving issues such as property rights, inheritance, child custody, and surrogacy.<sup>78</sup> For example, in a case involving the property rights of a lesbian couple who lived together for more than 50 years, a court in Shenyang municipality, Liaoning province, ruled that their relationship was not legally binding and thus their property was not protected under the PRC Marriage Law.<sup>79</sup> A child custody case in Fujian province highlighted the challenges faced by LGBTQ families in seeking protection under laws that govern custody and surrogacy issues for heterosexual couples.<sup>80</sup>

Transgender individuals continued to be subjected to so-called conversion therapy,<sup>81</sup> and the Chinese government continued to ignore the UN Committee against Torture’s recommendation that China ban its practice of “‘conversion therapy,’ and other forced, involuntary or otherwise coercive or abusive treatments.”<sup>82</sup>

### Status of LGBTQ Persons—Continued

In advance of its upcoming review of China’s compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women,<sup>83</sup> the relevant UN treaty body committee asked the Chinese government to “provide information about the measures taken to combat discrimination against lesbian, bisexual, transsexual and transgender women in employment and education and in terms of access to health-care services.”<sup>84</sup> A separate UN committee that will soon review China’s compliance with the International Covenant on Economic, Social and Cultural Rights<sup>85</sup> has also asked the Chinese government to provide information about “any concrete steps taken to adopt comprehensive anti-discrimination legislation” and “measures taken, and their effectiveness, to combat the widespread social stigma and discrimination against disadvantaged and marginalized individuals and groups, including . . . lesbian, gay, bisexual, transgender and intersex persons.”<sup>86</sup>

#### FREEDOM OF ASSOCIATION AND ASSEMBLY

In August 2020, ShanghaiPRIDE, the “oldest and biggest Pride celebration” that attracted thousands of participants abruptly shut down.<sup>87</sup> No clear explanation for the shutdown was given, but mounting pressure and harassment by the local authorities of the team of volunteer organizers had reached the point that, according to a CNN report, “it was disrupting their day jobs and normal lives.”<sup>88</sup> The organizers vaguely referred to their decision as having been made in order to “protect the safety of all involved,”<sup>89</sup> and in an open letter posted on the organization’s website, titled “The End of the Rainbow,” announced that ShanghaiPRIDE—which holds events throughout the year—was “canceling all upcoming activities and taking a break from scheduling any future events.”<sup>90</sup> In the fall of 2020, an activist with the non-governmental organization Chengdu Rainbow reported that after temporarily shuttering prominent gay bars in Chengdu municipality, Sichuan province, purportedly for public health reasons, police suddenly investigated all of the LGBTQ organizations in the city.<sup>91</sup> The activist said that “[t]here is some tacit acceptance by the authorities, but it is very delicate.”<sup>92</sup>

Despite the narrowing of civil society space generally in China, some LGBTQ-related organizations, for example, those focusing on legal rights such as LGBT Rights Advocacy China, were able to continue their work and hold trainings for lawyers in Chengdu and elsewhere in China.<sup>93</sup> In March 2021, several lawyers and a law professor launched the DF Fund, the first non-profit foundation in China focusing on providing legal aid to LGBTQ individuals and training legal workers.<sup>94</sup>

### Notes to Section III—Civil Society

<sup>1</sup>CECC, *2019 Annual Report*, November 18, 2019, 13.

<sup>2</sup>Guo Rui, “China Gears Up for Party Celebrations with Crackdown on ‘Illegal’ NGOs,” *South China Morning Post*, March 23, 2021.

<sup>3</sup>See, e.g., Chinese Human Rights Defenders, “*Defending Human Rights in the Time of COVID-19: Annual Report on the Situation of Human Rights Defenders in China (2020)*,” March 29, 2021; Emily Chen, “Six Years after Crackdown, China’s Rights Lawyers ‘Struggling to Exist,’” *Radio Free Asia*, July 8, 2021; William Nee, “China’s 709 Crackdown Is Still Going On,” *The Diplomat*, July 9, 2021.

<sup>4</sup>See, e.g., China Labour Bulletin, “Food Delivery Worker Activist Accused of ‘Picking Quarrels,’” March 25, 2021; William Yang, “China Feminists Face Clampdown, Closure of Online Accounts,” *Deutsche Welle*, April 21, 2021.

<sup>5</sup>“Zhongguo daji feifa shehui zuzhi zhuanxiang xingdong manyan boji wu lei tuanti” [China’s special campaign targeting illegal social organizations extends to five types of groups], *Radio Free Asia*, March 26, 2021. For information about an earlier crackdown on unregistered Protestant churches, see CECC, *2019 Annual Report*, November 18, 2019, 107–9, 223.

<sup>6</sup>See, e.g., Steven Lee Myers, “Ignored and Ridiculed, She Wages a Lonesome Climate Crusade,” *New York Times*, December 4, 2020; Human Rights Watch, “China: Seekers of Covid-19 Redress Harassed: End Intimidation, Surveillance of Those Critical of Government’s Response,” January 6, 2021.

<sup>7</sup>*Zhonghua Renmin Gongheguo Cishan Fa* [PRC Charity Law], passed March 16, 2016, effective September 1, 2016.

<sup>8</sup>Holly Snape, “Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State Approved Social Organisations,” *Made in China Journal* 6, no. 1 (January–April 2021): 54–59. For more information on the regulatory framework for social organizations, see CECC, *2019 Annual Report*, November 18, 2019, 222, 226.

<sup>9</sup>Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021.

<sup>10</sup>Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021. See also the following unofficial translation: “Notice on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations,” translated in *China Law Translate* (blog), March 23, 2021; Holly Snape, “Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State Approved Social Organisations,” *Made in China Journal*, April 29, 2021.

<sup>11</sup>Holly Snape, “Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State Approved Social Organisations,” *Made in China Journal* 6, no. 1 (January–April 2021): 54–59. For information on other recent crackdowns on “illegal social organizations,” see, e.g., “China Shuts Down Illegal Social Organizations’ Websites,” *Xinhua*, May 7, 2019; “China Launches Crackdown on Illegal Cultural Organizations,” *Xinhua*, May 18, 2018; CECC, *2019 Annual Report*, November 18, 2019, 226. See also Sheena Chestnut Greitens, “The Saohei Campaign, Protection Umbrellas, and China’s Changing Political-Legal Apparatus,” *China Leadership Monitor* 65 (Fall 2020), September 1, 2020.

<sup>12</sup>Guo Rui, “China Gears Up for Party Celebrations with Crackdown on ‘Illegal’ NGOs,” *South China Morning Post*, March 23, 2021; Holly Snape, “Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State Approved Social Organisations,” *Made in China Journal* 6, no. 1 (January–April 2021): 54–59.

<sup>13</sup>“Notice on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations,” translated in *China Law Translate* (blog), March 23, 2021, para. 7; Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021.

<sup>14</sup>The MCA released a new list of eight suspected illegal social organizations on June 7, 2021, all but one of which started with a word denoting “China” (i.e., *Zhongguo*, *Zhonghua*). The MCA urged the public to be vigilant, and to report any leads they might have about the organizations and their personnel. Ministry of Civil Affairs, “Minzhengbu gongbu 2021 nian di wu pi shexian feifa shehui zuzhi mingdan” [MCA announces fifth batch of suspected illegal social organizations in 2021], June 7, 2021.

<sup>15</sup>Han Bingzhi, “Wu lei feifa shehui zuzhi jiang bei zhongdian zhengzhi” [Five types of illegal social organizations to be focus of rectification], *Zhongguo Jingji Wang* [China Economic Net], March 21, 2021.

<sup>16</sup>Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021, paras. 1–6.

<sup>17</sup>Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021, paras. 2–3.

<sup>18</sup>Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021, paras. 4–6.

<sup>19</sup>“Minzhengbu: yi paicha feifa shehui zuzhi xiansuo 35 pi 216 jia” [MCA: 35 batches of leads relating to 216 illegal social organizations have already been investigated], *China News*, May 8, 2021.

<sup>20</sup>“A Look Back at Foreign NGOs in China in 2020,” *China NGO Project, ChinaFile*, Asia Society, January 25, 2021.

<sup>21</sup>See, e.g., Lin Xiaoyi, “DPP Collusion with Hostile US ‘NGOs’ Open as Ever,” *Global Times*, November 9, 2020; “Splashing \$10m a Year to Split and Subvert China, US Govt-Backed Foundation Unabashedly Reveals Funding Scheme,” *Global Times*, March 9, 2021.

<sup>22</sup>*Zhonghua Renmin Gongheguo Jinguai Feizhengfu Zuzhi Jingnei Huodong Guanli Fa* [PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China], passed April 28, 2016, effective January 1, 2017.

<sup>23</sup>“A Look Back at Foreign NGOs in China in 2020,” *China NGO Project, ChinaFile*, Asia Society, January 25, 2021; Jessica Batke, “The New Normal’ for Foreign NGOs in 2020,” *China NGO Project, ChinaFile*, Asia Society, January 3, 2020; Lin Xiaoyi, “DPP Collusion with Hostile US ‘NGOs’ Open as Ever,” *Global Times*, November 9, 2020; “Splashing \$10m a Year to Split and Subvert China, US Govt-Backed Foundation Unabashedly Reveals Funding Scheme,” *Global Times*, March 9, 2021.

<sup>24</sup>Tracy Qu, “The Bill and Melinda Gates Foundation Is Spending Millions in China, a Fraction of Its Total Funding,” *South China Morning Post*, May 6, 2021.

<sup>25</sup>“A Look Back at Foreign NGOs in China in 2020,” *China NGO Project, ChinaFile*, Asia Society, January 25, 2021. See also Sara L.M. Davis, Shen Tingting, and Lu Jun, “To Fight the Next Pandemic, the World Needs Chinese Activists,” *The Diplomat*, November 13, 2020.

<sup>26</sup>Sara L.M. Davis, Shen Tingting, and Lu Jun, “To Fight the Next Pandemic, the World Needs Chinese Activists,” *The Diplomat*, November 13, 2020.

<sup>27</sup>Sara L.M. Davis, Shen Tingting, and Lu Jun, “To Fight the Next Pandemic, the World Needs Chinese Activists,” *The Diplomat*, November 13, 2020.

<sup>28</sup>*Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020.

<sup>29</sup>Laura Westbrook, “National Security Law: Human Rights NGOs Dreading Impact of Legislation in Hong Kong Slammed for Fearmongering,” *South China Morning Post*, June 21, 2020; Pak Yiu, “Exclusive: Two Rights Groups Quit Hong Kong as Security Law Sends Shudders through NGOs,” *Reuters*, February 26, 2021. See also Dinah Garner, AmCham Taiwan, “Taiwan Reaches Out to International Media and NGOs,” *Taiwan Business TOPICS*, February 17, 2021.

<sup>30</sup>Thomas Kellogg and Alison Sile Chen, “Is Hong Kong About to Get Its Own Foreign NGO Law in the Name of ‘National Security?’,” *China NGO Project, ChinaFile*, Asia Society, June 13, 2020.

<sup>31</sup>“Hong Kong Security Law Prompts International Organizations to Consider Relocating,” *Voice of America*, July 21, 2020.

<sup>32</sup>Pak Yiu, “Exclusive: Two Rights Groups Quit Hong Kong as Security Law Sends Shudders through NGOs,” *Reuters*, February 26, 2021.

<sup>33</sup>Pak Yiu, “Exclusive: Two Rights Groups Quit Hong Kong as Security Law Sends Shudders through NGOs,” *Reuters*, February 26, 2021.

<sup>34</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 19, 20; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21, 22. China has signed, and stated its intent to ratify the ICCPR. See also *PRC Constitution*, passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

<sup>35</sup>China Labour Bulletin, “Food Delivery Worker Activist Accused of ‘Picking Quarrels,’” March 25, 2021. For more information on Chen Guojiang, see the Commission’s Political Prisoner Database record 2021-00061.

<sup>36</sup>China Labour Bulletin, “Food Delivery Worker Activist Accused of ‘Picking Quarrels,’” March 25, 2021; Chinese Human Rights Defenders, “China: Immediately Release Frontline Delivery Worker Chen Guojiang,” March 18, 2021.

<sup>37</sup>“Guanyu gongkai zhengji Li Genshan, Zhang Baoqi, Niu Haibo, deng ren weifa fazui xiansuo de tonggao” [Announcement regarding the public solicitation of leads relating to the illegal crimes of Li Genshan, Zhang Baoqi, Niu Haibo et al.], *The Paper*, September 10, 2020; Li You, “Ningxia Conservationists Detained for ‘Picking Quarrels,’” *Sixth Tone*, September 10, 2020; “Ningxia Zhongwei shi Shapotou qu Renmin Jianchayuan dui Li Genshan deng 8 ming fazui xianyi ren pizhun daibu” [People’s Procuratorate of Shapotou District, Zhongwei municipality, Ningxia, approved the arrest of 8 suspects including Li Genshan], *Tencent News*, September 30, 2020. For more information on Li Genshan, see the Commission’s Political Prisoner Database record 2020-00248.

<sup>38</sup>“China Detains Five Prominent Democracy Activists in Guangzhou Crackdown,” *Radio Free Asia*, November 24, 2020. For more information, see the Commission’s Political Prisoner Database records 2004-04528 on Fan Yiping, 2021-00052 on Fan Wencheng, 2021-00053 on Lai Jianjun, 2021-00051 on Hu Tianfeng, and 2021-00054 on Qiao Lianhong.

<sup>39</sup>“Guangzhou ‘11.12 Da Zhuabu’ shijian: Fan Yiping lushi huijian quan bei boduo, Lai Jianjun jianshi juzhu manqi shifang” [Guangzhou ‘November 12 Big Seizure’ incident: Fan Yiping’s lawyer deprived of his right to meet his client, Lai Jianjun released from residential surveillance after his time period was finished], *Radio Free Asia*, March 17, 2021; “Police Detain Guangxi Activist in China’s Yunnan, near Myanmar Border,” *Radio Free Asia*, January 1, 2021.

<sup>40</sup>“Police Detain Guangxi Activist in China’s Yunnan, near Myanmar Border,” *Radio Free Asia*, January 1, 2021.

<sup>41</sup>“Guangzhou ‘11.12 Da Zhuabu’ shijian: Fan Yiping lushi huijian quan bei boduo, Lai Jianjun jianshi juzhu manqi shifang” [Guangzhou ‘November 12 Big Seizure’ incident: Fan Yiping’s lawyer deprived of his right to meet his client, Lai Jianjun released from residential surveillance after his time period was finished], *Radio Free Asia*, March 17, 2021.

<sup>42</sup>Rights Defense Network, “Guangzhou 11.12 Da Zhuabu qingkuang tongbao: Fan Yiping de daili lushi shenqing huijian zaoju, Lai Jianjun yu zhiding jianshi juzhu qiman hou yi shifang” [Briefing update on Guangzhou’s 11.12 Big Seizure: Fan Yiping’s lawyer’s application for an attorney-client meeting denied; Lai Jianjun released after completing residential surveillance at a designated location], March 16, 2021.

<sup>43</sup>Amnesty International, “China’s Detention of Activist Shows Unrelenting Assault on Freedom of Expression,” February 17, 2020; Mimi Lau, “Rights Activist Ding Jiayi Investigated for ‘Incitement of Subversion,’” *South China Morning Post*, February 17, 2020. For more information, see the Commission’s Political Prisoner Database records 2005-00199 on Xu Zhiyong, 2013-00307 on Ding Jiayi, 2020-00011 on Dai Zhenya, 2020-00012 on Zhang Zhongshun, and 2020-00013 on Li Yingjun.

<sup>44</sup>“Xiamen juhui an: Xu Zhiyong he Ding Jiayi zao shengji zhikong ‘dianfu’” [Xiamen gathering case: charges against Xu Zhiyong and Ding Jiayi elevated to ‘subversion’], *Radio Free Asia*, January 20, 2021.

<sup>45</sup>Javier C. Hernández, “China Detains Activist Who Accused Xi of Coronavirus Cover-Up,” *New York Times*, February 17, 2020; Li Qiaochu, “120 Days in Secret Detention,” translation in *China Change*, January 12, 2021. For more information on Li Qiaochu, see the Commission’s Political Prisoner Database record 2020-00129.

<sup>46</sup>Civil Rights & Livelihood Watch, “‘Xiamen juhui an’ Zhang Zhongshun deng si ren qubao” [In the ‘case of the Xiamen gathering,’ Zhang Zhongshun among four released on bail], June 20, 2020.

<sup>47</sup>Elaine Lu, “‘I Feel Like I Am Committing Crimes’: A Q&A with Legal Rights Advocate Yang Zhanqing,” *China NGO Project, ChinaFile*, Asia Society, March 23, 2020.

<sup>48</sup>“Wife, Daughter of Jailed Changsha Rights Activist Arrive in US,” *Radio Free Asia*, April 9, 2021; Chinese Human Rights Defenders, “[Briefing] NGO Staffers and Xi Jinping Critic Put on Trial While Publisher Detained,” September 14, 2020; “Changsha gongyi zuzhi 3 chengyuan dianfu zui bei pibu” [The arrest of three staff of a Changsha public interest organization for subversion has been approved], *Radio Free Asia*, August 27, 2019; Freedom House, “China: Government Should Release Disability Rights, Internet Activists,” July 28, 2019. For more information, see the Commission’s Political Prisoner Database records 2019-00300 on Cheng Yuan, 2019-00301 on Liu Dazhi, and 2019-00302 on Wu Gejianxiang.

<sup>49</sup>International Center for Not-For-Profit Law, “Civic Freedom Monitor—China,” updated April 24, 2021.

<sup>50</sup>International Center for Not-For-Profit Law, “Civic Freedom Monitor—China,” updated April 24, 2021.

<sup>51</sup>Mayura Jain, “ShanghaiPRIDE, Mainland China’s Biggest Pride Festival, Announces Indefinite Hiatus,” *Radii China*, August 13, 2020; Steven Jiang, “‘End of the Rainbow’: Shanghai Pride Shuts Down amid Shrinking Space for China’s LGBTQ Community,” *CNN*, August 16, 2020; Bruce Shen, “More Info on Shanghai PRIDE Shutdown: Team Members Asked to Have Tea,” *SupChina*, August 17, 2020; Helen Roxburgh, “Chengdu: China’s Permissive Gay Capital Refusing to Fold,” *Agence France-Presse*, reprinted in *International Business Times*, December 30, 2020.

<sup>52</sup>Helen Roxburgh, “Chengdu: China’s Permissive Gay Capital Refusing to Fold,” *Agence France-Presse*, reprinted in *International Business Times*, December 30, 2020.

<sup>53</sup>Michael Standaert, “China’s First Climate Striker Warned: Give It Up or You Can’t Go Back to School,” *Guardian*, July 20, 2020; Heather Chen, “Fighting Alone for Climate Action in China: Meet Teen Activist Howey Ou,” *VICE*, September 25, 2020; Steven Lee Myers, “Ignored and Ridiculed, She Wages a Lonesome Climate Crusade,” *New York Times*, December 4, 2020; Matthew Taylor et al., “The Young People Taking Their Countries to Court over Climate Inaction,” *Guardian*, May 12, 2021; “China’s Greta Thunberg Joins Berlin Protest” [Video file], *South China Morning Post*, February 5, 2021.

<sup>54</sup>Michael Standaert, “China’s First Climate Striker Warned: Give It Up or You Can’t Go Back to School,” *Guardian*, July 20, 2020.

<sup>55</sup>“China’s Greta Thunberg Joins Berlin Protest” [Video file], *South China Morning Post*, February 5, 2021; Steven Lee Myers, “Ignored and Ridiculed, She Wages a Lonesome Climate Crusade,” *New York Times*, December 4, 2020; Eduardo Baptista, “Greta Thunberg Criticises China after Climate Striker Ou Hongyi Held over Protest,” *South China Morning Post*, May 19, 2021.

<sup>56</sup>“China’s Greta Thunberg Joins Berlin Protest” [Video file], *South China Morning Post*, February 5, 2021; Steven Lee Myers, “Ignored and Ridiculed, She Wages a Lonesome Climate Crusade,” *New York Times*, December 4, 2020; Eduardo Baptista, “Greta Thunberg Criticises China after Climate Striker Ou Hongyi Held over Protest,” *South China Morning Post*, May 19, 2021.

<sup>57</sup>Heather Chen, “Fighting Alone for Climate Action in China: Meet Teen Activist Howey Ou,” *VICE*, September 25, 2020. See also Steven Lee Myers, “Ignored and Ridiculed, She Wages a Lonesome Climate Crusade,” *New York Times*, December 4, 2020.

<sup>58</sup>“China’s Greta Thunberg Joins Berlin Protest” [Video file], *South China Morning Post*, February 5, 2021.

<sup>59</sup>Shen Lu, “Weibo Is ‘Treating the Incels Like the Royal Family,’” *Protocol*, April 15, 2021; William Yang, “China Feminists Face Clampdown, Closure of Online Accounts,” *Deutsche Welle*, April 21, 2021.

<sup>60</sup>William Yang, “China Feminists Face Clampdown, Closure of Online Accounts,” *Deutsche Welle*, April 21, 2021; Lü Pin, “About—Lü Pin,” *Medium*, accessed June 16, 2021.

<sup>61</sup>Shen Lu, “Weibo Is ‘Treating the Incels Like the Royal Family,’” *Protocol*, April 15, 2021; Sui-Lee Wee, “Women Are Battling China’s Angry Trolls. The Trolls Are Winning,” *New York Times*, April 24, 2021; “Translation: ‘We’re Scared, We’re Brave, We’ll Keep On Trying’ by Zheng Churan,” *China Digital Times*, May 13, 2021.

<sup>62</sup>“China’s Gay Capital Chengdu Forced to Adapt as Government Shuts Down Venues and Probes NGOs,” *Agence France-Presse*, reprinted in *South China Morning Post*, January 2, 2021; Qin Chen, “China’s LGBT Communities Fear New Internet Rules Will Silence Voices,” *South China Morning Post*, February 6, 2021; Ji Yuqiao, “Legal Experts Launch China’s First Non-Profit Foundation Dedicated to Offering Legal Aid to LGBTQ Community,” *Global Times*, March 17, 2021.

<sup>63</sup>See, e.g., Yi-Ling Liu, “How a Dating App Helped a Generation of Chinese Come Out of the Closet,” *New York Times*, March 12, 2020; Daxue Consulting, “The LGBT Market in China: A Rising Pink Economy,” February 10, 2020; Ji Yuqiao, “Legal Experts Launch China’s First Non-Profit Foundation Dedicated to Offering Legal Aid to LGBTQ Community,” *Global Times*, March 17, 2021. See also Yuanyuan Wang, Zhishan Hu, Ke Peng et al., “Discrimination against LGBT Populations in China,” *Lancet Public Health* 4, no. 9 (September 2019): 440–41.

<sup>64</sup>Darius Longarino, “Could Same-Sex Marriage Advocacy in China Be Poised for a Breakthrough?,” *ChinaFile*, Asia Society, September 17, 2020; Amnesty International, “I Need My Parents’ Consent to Be Myself: Barriers to Gender-Affirming Treatments for Transgender People in China,” ASA 17/0269/2019, May 9, 2019, 1, 8, 29; Steven Jiang, “How a Kiss with a Pilot in an Elevator Changed This Man’s Life and Could Help Fight LGBTQ Discrimination in China,” *CNN*, March 26, 2021.

<sup>65</sup>Amnesty International, “I Need My Parents’ Consent to Be Myself: Barriers to Gender-Affirming Treatments for Transgender People in China,” ASA 17/0269/2019, May 9, 2019, 43.

<sup>66</sup>See, e.g., Helen Roxburgh, “Chengdu: China’s Permissive Gay Capital Refusing to Fold,” *Agence France-Presse*, reprinted in *International Business Times*, December 30, 2020; Darius Longarino, “Could Same-Sex Marriage Advocacy in China Be Poised for a Breakthrough?,” *ChinaFile*, Asia Society, September 17, 2020; “China’s LGBTQ+ Community Seize Census Chance to Stand Up and Be Counted,” *Guardian*, November 26, 2020; Qin Chen, “China’s LGBT Communities Fear New Internet Rules Will Silence Voices,” *South China Morning Post*, February 6, 2021.

<sup>67</sup>See, e.g., Helen Roxburgh, “Chengdu: China’s Permissive Gay Capital Refusing to Fold,” *Agence France-Presse*, reprinted in *International Business Times*, December 30, 2020; Darius Longarino, “Could Same-Sex Marriage Advocacy in China Be Poised for a Breakthrough?,” *ChinaFile*, Asia Society, September 17, 2020.

<sup>68</sup>See, e.g., Helen Roxburgh, “Chengdu: China’s Permissive Gay Capital Refusing to Fold,” *Agence France-Presse*, reprinted in *International Business Times*, December 30, 2020; Darius Longarino, “Could Same-Sex Marriage Advocacy in China Be Poised for a Breakthrough?,” *ChinaFile*, Asia Society, September 17, 2020; Justina Crabtree, “Pride Month 2020: LGBTQ Quietly Gains Acceptance in China’s Big Cities,” *CGTN*, June 11, 2020.

<sup>69</sup>Steven Jiang, “End of the Rainbow: Shanghai Pride shuts down amid shrinking space for China’s LGBTQ community,” *CNN*, August 16, 2020.

<sup>70</sup>Steven Jiang, “End of the Rainbow: Shanghai Pride shuts down amid shrinking space for China’s LGBTQ community,” *CNN*, August 16, 2020; Darius Longarino, “Could Same-Sex Marriage Advocacy in China Be Poised for a Breakthrough?,” *ChinaFile*, September 17, 2020; Amy Qin, “A Prosperous China Says ‘Men Preferred,’ and Women Lose,” *New York Times*, July 16, 2019.

<sup>71</sup>Qin Chen, “China’s LGBT Communities Fear New Internet Rules Will Silence Voices,” *South China Morning Post*, February 8, 2021; Angelina Li, “New Chinese Law Endangers LGBTQ+ Voices,” *Chinosity* (blog), April 27, 2021; Cyberspace Administration of China, *Hulian Wang Yonghu Gongzhong Zhanghao Xinxi Fuwu Guanli Guiding* [Provisions on the Administration of Online Internet User Information], issued January 22, 2021. See also the following unofficial translation: *Internet User Public Account Information Services Management Provisions*, translated in *China Law Translate* (blog), January 25, 2021.

<sup>72</sup>Beijing LGBT Center, “2017 Chinese Transgender Population General Survey Report,” *China Development Brief*, November 2017, Sections 5.2, 5.3; Zhang Wanqing, “Student Bullied for Being Gay Says School Suggested He Drop Out,” *Sixth Tone*, March 15, 2021; “Popular Young Chinese Internet Celebrity Announces She Is Transgender, Winning Netizens’ Support,” *Global Times*, March 29, 2021.

<sup>73</sup>Tiffany May, “A ‘Masculinity Crisis’: China Says the Boys are Not All Right,” *New York Times*, 5 February 2021; see also Sui-Lee Wee, “In China, a School Trains Boys to be ‘Real Men,’” *New York Times*, 23 November 2018.

<sup>74</sup>Timmy Shen, “China’s Transgender Community Welcomes Court Ruling on Employment Discrimination,” *Caixin*, July 6, 2020; Zong Zhang, “Yi Yang: Judicial Activist, Program Officer—LGBT Rights Advocacy, China,” *Alturi*, April 6, 2021; Steven Jiang, “How a Kiss with a Pilot in an Elevator Changed This Man’s Life and Could Help Fight LGBTQ Discrimination in China,” *CNN*, March 26, 2021; Ji Yuqiao, “Legal Experts Launch China’s First Non-Profit Foundation Dedicated to Offering Legal Aid to LGBTQ Community,” *Global Times*, March 17, 2021.

<sup>75</sup>Darius Longarino, “Was the Dang Dang Case a Successful Transgender Discrimination Lawsuit?,” *China Law Translate* (blog), September 15, 2020; Joey Knotts, “Beijing Courts Rule Against Dangdang in a Landmark Transgender Discrimination Case,” *Beijinger*, July 11, 2020.

<sup>76</sup>Darius Longarino, “Was the Dang Dang Case a Successful Transgender Discrimination Lawsuit?,” *China Law Translate* (blog), September 15, 2020; Joey Knotts, “Beijing Courts Rule Against Dangdang in a Landmark Transgender Discrimination Case,” *Beijinger*, July 11, 2020.

<sup>77</sup>Darius Longarino, “Was the Dang Dang Case a Successful Transgender Discrimination Lawsuit?,” *China Law Translate* (blog), September 15, 2020; Joey Knotts, “Beijing Courts Rule Against Dangdang in a Landmark Transgender Discrimination Case,” *Beijinger*, July 11, 2020.

<sup>78</sup>Wang Xuandi, “Court Rules on LGBT Couple’s Landmark Child Custody Case,” *Sixth Tone*, September 17, 2020; Darius Longarino, “Could Same-Sex Marriage Advocacy in China Be Poised for a Breakthrough?,” *ChinaFile*, Asia Society, September 17, 2020; Zai Zi, “How Legal Guardianship Made My Same-Sex Relationship ‘Official,’” *Sixth Tone*, August 13, 2019.

<sup>79</sup>Zhang Wanqing, “LGBT Couples Not Entitled to Full Property Rights, Court Rules,” *Sixth Tone*, April 21, 2021; Phoebe Zhang, “Together for 50 Years, a Lawsuit Reminds China That Love and Marriage Are Very Different Things,” *South China Morning Post*, April 22, 2021. The PRC Marriage Law was subsequently repealed when the PRC Civil Code took effect on January 1, 2021. Wei Changhao, “2020 NPC Session: A Guide to China’s Civil Code (Updated),” *NPC Observer* (blog), July 5, 2020.

<sup>80</sup>Wang Xuandi, “Court Rules on LGBT Couple’s Landmark Child Custody Case,” *Sixth Tone*, September 17, 2020.

<sup>81</sup>Jiayun Feng, “Transgender Teen Missing after Forceful Admission to Underground Psychiatric Clinic,” *SupChina*, December 18, 2020; Darius Longarino, “Precarious Progress: Advocating for LGBT Equality in China,” OutRight Action International, December 16, 2020, 17–20.

<sup>82</sup>UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 56(a); CECC, *2020 Annual Report*, December 2020, 261; CECC, *2019 Annual Report*, November 18, 2019, 228.

<sup>83</sup>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed June 21, 2021. China signed CEDAW on July 17, 1980, and ratified it on November 4, 1980.

<sup>84</sup>UN Committee on the Elimination of Discrimination against Women, “List of Issues and Questions in Relation to the Ninth Periodic Report of China,” CEDAW/C/CHN/Q/9, March 10, 2021, para. 20.

<sup>85</sup>International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed June 21, 2021. China signed the ICESCR on October 27, 1997, and ratified it on March 27, 2001.

<sup>86</sup>UN Committee on Economic, Social and Cultural Rights, “List of Issues in Relation to the Third Periodic Report of China,” E/C.12/CHN/Q/3, April 7, 2021, Non-discrimination (art. 2 (2)), para. 12.

<sup>87</sup>Rebecca Kanthor, “Abruptly Canceled, ShanghaiPRIDE Could be Harbinger for China’s Civil Society,” *Public Radio International*, August 27, 2020; Mayura Jain, “ShanghaiPRIDE, Mainland China’s Biggest Pride Festival, Announces Indefinite Hiatus,” *Radii China*, August 13, 2020; Steven Jiang, “‘End of the Rainbow’: Shanghai Pride Shuts Down amid Shrinking Space for China’s LGBTQ Community,” *CNN*, August 16, 2020; Bruce Shen, “More Info on Shanghai PRIDE Shutdown: Team Members Asked to Have Tea,” *SupChina*, August 17, 2020; Helen Roxburgh, “Chengdu: China’s Permissive Gay Capital Refusing to Fold,” *Agence France-Presse*, reprinted in *International Business Times*, December 30, 2020.

<sup>88</sup>Steven Jiang, “‘End of the Rainbow’: Shanghai Pride Shuts Down amid Shrinking Space for China’s LGBTQ Community,” *CNN*, August 16, 2020; Bruce Shen, “More Info on Shanghai PRIDE Shutdown: Team Members Asked to Have Tea,” *SupChina*, August 17, 2020.

<sup>89</sup>Bruce Shen, “More Info on Shanghai PRIDE Shutdown: Team Members Asked to Have Tea,” *SupChina*, August 17, 2020.

<sup>90</sup>ShanghaiPRIDE, “The End of the Rainbow,” August 13, 2020; Steven Jiang, “‘End of the Rainbow’: Shanghai Pride Shuts Down amid Shrinking Space for China’s LGBTQ Community,” *CNN*, August 16, 2020; Rebecca Kanthor, “Abruptly Canceled, ShanghaiPRIDE Could be Harbinger for China’s Civil Society,” *Public Radio International*, August 27, 2020.

<sup>91</sup>Helen Roxburgh, “Chengdu: China’s Permissive Gay Capital Refusing to Fold,” *Agence France-Presse*, reprinted in *International Business Times*, December 30, 2020.

<sup>92</sup>Helen Roxburgh, “Chengdu: China’s Permissive Gay Capital Refusing to Fold,” *Agence France-Presse*, reprinted in *International Business Times*, December 30, 2020.

<sup>93</sup>Darius Longarino, “Could Same-Sex Marriage Advocacy in China Be Poised for a Breakthrough?,” *ChinaFile*, Asia Society, September 17, 2020; Zong Zhang, “Yi Yang: Judicial Activist, Program Officer—LGBT Rights Advocacy, China,” *Alturi*, April 6, 2021; LGBT Rights Advocacy China-LGBT (Quancuhui), “Organising a New Training Workshop with 51 Lawyers on Discussing the LGBTQ+ Issue in Chengdu,” Facebook, April 9, 2021; Wang Xuandi, “Court Rules on LGBT Couple’s Landmark Child Custody Case,” *Sixth Tone*, September 17, 2020.

<sup>94</sup>Ji Yuqiao, “Legal Experts Launch China’s First Non-Profit Foundation Dedicated to Offering Legal Aid to LGBTQ Community,” *Global Times*, March 17, 2021.