

# **'It's difficult to survive': China's LGBTQ+ advocates face jail and forced confession**

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## **Trans and queer people and their supporters suffer 'systemic persecution' as country pushes increasingly conservative values**

At the end of last summer, Mei\* received a message from her friend telling her she was running away from home.

It was the first time that Mei, 29, a transgender woman living in a southern Chinese city, had heard from her friend Ying\* in nine months.

Ying's family - who are not supportive of her trans identity - had been keeping Ying, an adult over 18, under house arrest and cut off from the outside world. In August, they finally allowed her to leave to pursue her studies. She was now at school, but wanted to run away to be with her girlfriend in another city.

Together, they hatched a plan. Mei would take Ying's phone to prevent her family from tracking her location and try to persuade them not to call the police. But after a month of failed mediation, the family notified the authorities, who traced the phone to Mei's apartment. The police came and arrested her for kidnapping.

"It was my first time being arrested. They took me to the station and questioned me for 10 hours. They tried to make me confess, but I refused to say anything," Mei tells the Guardian over an encrypted app. "Eventually, they let me go because there was no evidence."

In the end, the police found Ying and took her back to her family. The failed rescue attempt is one of more than 10 similar cases Mei knows of where advocates have been arrested and questioned by police since she joined an informal network providing support to the LGBTQ+ community some years ago.

Such examples are an indication of the state's systemic failure to protect gender minorities, particularly trans and queer people, say advocates. They say they also highlight the challenges of being LGBTQ+ in a country where the ruling party is increasingly pushing for conformity and traditional values.

In recent years, China's LGBTQ+ community has been swept up in the Chinese Communist party's broader crackdown on civil society and freedom of expression. In May 2023, a well known LGBTQ+ advocacy group in Beijing announced it was [closing due to "unavoidable" circumstances](#). Last February, two university students [filed a lawsuit](#) against the education ministry after they were punished for distributing rainbow flags on campus.

In 2021, the founder of another group, LGBT Rights Advocacy China, was [detained and released](#) on condition that he close the organisation, which shuttered shortly after. That year, dozens of social

media accounts associated with university [campus LGBTQ+ movements were also shut](#) without warning. [Shanghai Pride, the country's longest-running](#) celebration for sexual minorities, ended in 2020.

The system is designed in a way that it's not possible to escape or for others to help you

*Fangqing, gender-fluid advocate*

In China, there are [no laws explicitly providing protections](#) against discrimination based on gender identity or sexual orientation. While [homosexuality was decriminalised in 1997](#) and [removed from the list of psychiatric disorders](#) in 2001, same-sex couples cannot marry or adopt children. Many are still forced into [conversion practices](#) and there have been reports of cases of young trans people [being sent to boot-camps](#) for "re-education".

Within the LGBTQ+ community, trans and non-conforming people are the most vulnerable. China sets [stringent criteria](#) for accessing gender affirming surgery (you must be aged 18 or over, unmarried, have parental consent and a clean criminal record), which is required to legally change your gender.

"In [China](#), there is systematic persecution," says Fangqing\*, 23, a gender-fluid advocate who, before going into exile overseas, was pressed by police to admit to selling harmful drugs after attempting to help a victim of domestic violence. They had legally bought and given the person hormone replacement therapy (HRT) medication – not easily accessible in China.

"It's difficult in the beginning to identify as queer, then to survive as queer. Even when you're an adult, the system is designed in a way that it's not possible for you to escape or for others to help you."

While China has a law against domestic violence, it fails to adequately protect victims, especially LGBTQ+ people, say advocates, with crimes often dismissed as family affairs. In a survey of 1,640 trans and gender non-conforming people by the Beijing LGBT Center in 2017, [all but six](#) said they had experienced domestic violence.

Those who help victims escape violence can be arrested and made to confess to charges such as illegally selling drugs, kidnapping or even "group licentiousness", says Fangqing. This last crime is defined as sex involving three or more participants over the age of 16 and carries a prison sentence of up to five years.

In June 2023, a trans woman who provided shelter to a trans youth fleeing domestic violence was sentenced to two-and-a-half years for group licentiousness, which she denies, advocates say. According to reports, the judgment was based in part on a confession, which she claims she made under duress while being unlawfully detained for 29 days.

Wang\*, a gay advocate who worked as an LGBTQ+ legal rights campaigner in China for nearly a decade before moving abroad, says such cases are "not unheard of", and that being accused of kidnapping has been a longstanding issue for those who have helped gay and lesbian people escape domestic violence.

"Police may not know how to deal with some domestic violence cases, and only listen to the parents. Especially if the (victim) is not an adult, it's very difficult to step in," Wang says. "In small towns, families may also have influence over the police."

Wang says there have been examples of advocates successfully seeking help from authorities. In 2017, [a man won a lawsuit against a psychiatric hospital](#) after being forcibly admitted for conversion “therapy” by his wife and relatives.

Despite the challenges, many advocates are quietly continuing. In December, Mei helped a trans woman who had transitioned just a few months before access gender affirming surgery. It’s the third time Mei has taken on this role.

“She is resting. It’ll be maybe another two weeks until we can go home,” Mei says in a video call from the hospital waiting room. “I’ll be here until then.”

*\* All names have been changed*

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## **Jessie Lau**

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