

## **35th regular session of the Human Rights Council**

### **Item 3: Clustered interactive dialogue with the Special Rapporteur on Extreme Poverty and Human Rights' Report on China**

#### ***Statement delivered by the International Lesbian and Gay Association***

Mr. President,

This statement was prepared in consultation with Chinese LGBTI activists. We would like to thank the Special Rapporteur for the detailed report. While acknowledging the accomplishments of the Chinese government in eradicating poverty, we echo his concerns about a lack of reference to LGBTI persons in any official antipoverty policy.<sup>1</sup> In reality, LGBTI communities face significant barriers to full enjoyment of their rights, including in areas highlighted by the report, such as data collection, education, health, and employment.

To address the issue of invisibility of LGBTI persons in policymaking, we encourage the Chinese government to proactively propel fundamental research on the human development of LGBTI persons in China with the participation of government agencies such as the National Development and Reform Commission, the National Health and Family Planning Commission, the Ministry of Education, and the Ministry of Human Resources and Social Welfare; and to invite the participation and contributions of LGBTI communities in combating poverty when implementing the 13th Five-Year Plan for Economic and Social Development and the National Human Rights Action Plan (2016-2020). We also note Mr. Alston's emphasis on civil society participation as essential for effective implementation of policies, and encourage the Chinese government to welcome and facilitate LGBTI civil society groups to register as non-governmental organizations.

With regards to the right to health, the specific challenges faced by trans individuals, especially the lack of coverage for gender affirming care,<sup>2</sup> are key concerns. Furthermore, current regulation requires candidates to prove that their family members are informed in order to access gender affirming surgeries, hindering legal gender recognition and often resulting in domestic violence against trans persons.

While the report mentions the importance of the right to education in poverty alleviation, it does not examine the barriers faced by LGBTI children and youth. These include curricula that lack comprehensive gender and sexuality education, as well as harassment and violence, often enacted

---

<sup>1</sup> Report of the Special Rapporteur on extreme poverty and human rights on his mission to China. A/HRC/35/26/Add.2, para. 39.

<sup>2</sup> Ibid, para. 41.

through school bullying. Trans individuals cannot change the gender marker on their diplomas, which creates an additional barrier to employment.

The report notes that LGBTI individuals are more vulnerable to living in poverty due to discrimination in the workplace. Regarding prevention, the government should prioritize the adoption of a SOGIE-inclusive Anti-Discrimination in Employment Law, and should implement it to ensure equal treatment in the workplace. One step toward addressing barriers would be the addition of employment discrimination into the *Cause of Action of Civil Cases*.<sup>3</sup>

In summary, this report provides an opportunity for the Chinese government to consider LGBTI inclusion in poverty alleviation policies and the realization of Economic, Social, and Cultural rights. In the spirit of leaving no one behind, we encourage the Chinese government to integrate the LGBTI community into the implementation of its current and future anti-poverty agenda.

Thank you. 谢谢。

---

<sup>3</sup> Supreme People's Court, "Notice of the Supreme People's Court on Issuing the Decision on Amending the Provisions on the Cause of Action of Civil Cases", (No.41 [2011] of the Supreme People's Court), Date issued: 02-18-2011, Effective date: 04-01-2011.