



# SHOW AND CASE: HOW BEIJING APPROACHES GENDER EQUALITY AND LGBT ISSUES ON THE WORLD STAGE

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## EXECUTIVE SUMMARY

For reasons both ideological and diplomatic, Beijing has long sought to showcase China's domestic achievements on gender equality and its support for women's rights globally. As the profile of LGBT issues has risen at the United Nations in recent years, Beijing has also expressed opposition to discrimination and violence based on sexual orientation and gender identity. However, Beijing has often not lived up to — or has actively undercut — these professed values by advancing a state-dominated and regime-serving model of human rights that aims to shield the Chinese Communist Party (CCP) from criticism and accountability. Despite its rhetoric, Beijing has worked at the U.N. to marginalize women's rights defenders — critical actors for promoting gender equality — and has consistently voted against measures to strengthen visibility and protection of LGBT people's human rights.

In its international investment and aid policies, Beijing's commitment to gender equality has been uneven. The China-led Asian Infrastructure Investment Bank has not sufficiently integrated a gender lens into procedures for project design and implementation, leading to negative impacts for women in local communities, and the Belt and Road Initiative lacks any framework that accounts for gender. However, Beijing's international aid exhibits a stronger focus on women, including programs that provide health services to women and children, financial support for young girls' education, and technical and leadership training for women — though these programs can take on a counterproductively political valence as well.

International organizations, U.N. member states, and civil society face a knotty situation in cooperating with Beijing on gender issues. While certain goals are shared and Beijing has significant material and technical resources to contribute, other core values — such as regime primacy and hostility toward autonomous civil society — work at cross purposes.

## INTRODUCTION

Prompted by pursuit of soft power and by the Chinese Communist Party's own ideological underpinnings, Beijing has long expressed support for women's rights in international fora and has sought to showcase China's progress on gender equality to the world. As LGBT issues have become more visible globally, China's U.N. delegates have also begun to make statements voicing opposition to discrimination based on sexual orientation and gender identity, reaffirming that China does not view homosexuality as a mental illness, and even claiming that the government supports LGBT organizations in their work.

However, while Beijing has held itself out as an advocate for equality and has backed it up to a degree with policy, it has often not walked the walk, or worse, has charged in the opposite direction. At home, authorities have censored, intimidated, and detained feminists<sup>1</sup> and LGBT advocates, and have regularly endorsed discriminatory policies and patriarchal norms. In its international engagements, Beijing has worked to delegitimize women's rights defenders and weaken human rights frameworks, and has voted against the U.N. taking a more active role on LGBT issues — all efforts to protect the CCP from criticism at the expense

of protecting equal rights. International organizations, U.N. member states, and civil society have a tough needle to thread in engaging Beijing on gender issues. While certain goals are shared — and engagement has sometimes spurred domestic reforms in China — other core values work at cross purposes to undercut cooperation and its ostensibly common purpose.

## 1995: WHEN BEIJING FIRST MET WOMEN’S RIGHTS NONGOVERNMENTAL ORGANIZATIONS

September marks the 25th anniversary of the United Nations Fourth World Conference on Women (FWCW) in Beijing, where tens of thousands of government delegates and women’s rights activists gathered to set forth the Beijing Declaration and Platform for Action, a historic document for achieving global gender equality. Many of the dynamics described above were present then as now. The Chinese government had eagerly pursued hosting the FWCW to help rehabilitate its international image after June 4th. According to historian Wang Zheng, the CCP, being of the mind that it had a strong record on women’s liberation, found the FWCW to be “an ideal showcase.”<sup>2</sup> To signify the importance of hosting the FWCW for China, General Secretary Jiang Zemin used the occasion to declare “equality between men and women” to be “basic state policy,”<sup>3</sup> further strengthening the CCP’s rhetorical commitment to women’s equality, articulated in the state constitution and Mao Zedong’s proclamation that “women hold up half the sky.” Leaving nothing to chance, authorities screened and trained all of China’s delegates at the conference to focus on China’s achievements.<sup>4</sup>

Diplomatically, the FWCW succeeded as a “welcome back” for Beijing. U.N. Secretary-General Boutros Boutros-Ghali hailed China’s hosting of the FWCW as “making clear its intention to play its full part in the international community across the entire range of its most important work,” and “as cementing a new era in the relationship between China and the United Nations.”<sup>5</sup>

Things did not go as smoothly for the civil society participants. When authorities became skittish about thousands of women’s rights activists amassing in the heart of the capital near the government meetings, they declared the original venue for the Nongovernmental Organizations Forum structurally unsound, and relocated it to Beijing’s far countryside. Activists noted the “deafening silence issued from the U.N. and government alike”<sup>6</sup> about the removal and the state surveillance and harassment that followed, but they still overcame these challenges to make their voices heard. The Beijing Declaration and Platform for Action emphasized the importance of feminist civil society organizations in promoting gender equality, and set ambitious goals. The FWCW also had a significant impact on China’s civil society. Years on, many Chinese rights advocates regard the FWCW — where they connected with each other and their peers from around the world — as the genesis of China’s nongovernmental organization sector and a formative moment for China’s feminist<sup>7</sup> and queer<sup>8</sup> movements.

## BEIJING 25+: THE CCP GETS THE SHOW, CIVIL SOCIETY GETS THE CASE

Fast-forward to today, as U.N. member states undergo the fifth five-year review of progress toward goals laid out in the Beijing Declaration and Platform for Action (“Beijing 25+”), the tension between China’s state-dominated model and approaches inclusive of civil society continues. While U.N. Women’s Beijing 25+ expert report stresses that “autonomous, intersectional and rights-based feminist organizations remain the most critical actors for advancing gender equality,”<sup>9</sup> China’s Beijing 25+ progress report is all about the party. The CCP is “the leader in promoting gender equality,” and China’s greatest achievement this review cycle is that the party “has strengthened its strong leadership in promoting gender equality.”<sup>10</sup> The U.N. asked member states to include civil society voices in creating their national reviews, but, instead of autonomous organizations, China’s report details the work of the All-China Women’s Federation, a party-controlled mass organization that “serves as the bridge and link between the party/government and women,”

and “unites and guides women to firmly follow the path of socialist women’s advancement with Chinese characteristics.”<sup>11</sup> Addressing domestic audiences, the government maintains that China’s progress on women’s issues demonstrates the special advantages of its party-led model.<sup>12</sup>

The government has delivered results across several gender equality metrics, which has made it more willing to open up on its record on this issue than other human rights areas — albeit, in a very selective and curated fashion. In June 2020, when nearly 50 U.N. independent experts published an open letter urgently calling for decisive measures to protect fundamental freedoms in China, the letter noted that of the only five expert visits permitted by the Chinese government in the last decade, one was focused on discrimination against women and girls.<sup>13</sup> However, China’s overall global gender equality rank has been sliding. In the “Global Gender Gap Report 2020,” China ranked 106th out of 153 countries, down from ranking 57th in 2008. The skewed sex ratio at birth, underrepresentation of women in leadership positions, and falling labor participation rate of women dragged its score.<sup>14</sup>

The suppression of autonomous voices diminishes self-reflection, allowing existing inequalities to ossify and bad practices to go unchecked. In the official narrative, blame for persisting inequality is put on the vestiges of traditional culture in society. Yet, the CCP’s own embrace of patriarchy, evident in its leadership composition, its pressuring of women to reassume traditional gender roles,<sup>15</sup> and the bureaucracy’s discriminatory hiring practices,<sup>16</sup> goes unexamined. The danger of the state as sole guarantor of women’s rights becomes more glaring when looking at state-sanctioned abuses, such as using forced sterilizations and abortions to suppress the Uyghur population<sup>17</sup> or reach birth quotas under the one-child policy.

An irony of China’s Beijing 25+ report is that the CCP takes credit for progress catalyzed by grassroots feminists, who not only go unmentioned but also faced state repression for their activism. The report highlights new policies on preventing and responding to sexual harassment in schools and workplaces without acknowledging the key role of China’s #MeToo movement — which has faced heavy censorship<sup>18</sup> — in pressuring the government to act. Other examples

include improving ratios between male and female restrooms (an issue ignited by Occupy Men’s Toilets<sup>19</sup>), and state media declaring its abandonment of pejorative terms, like “leftover women.”



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The marginalizing of civil society is not just a problem of not giving credit where credit is due. When the government adopts measures to promote gender equality, effective implementation requires bottom-up action. Top-down administrative enforcement alone, for lack of will or ability, has not been up to the task. Take attempts to grapple with the declining labor participation rate of women, which has been driven downward by employment discrimination and resurgent traditional expectations regarding women’s relationship to work and family. The government has issued policies making it easier to sue employers for sexual harassment and discrimination, including wrongful practices like requiring pregnancy tests as a condition of employment (since the arrival of the two-child policy, pregnancy discrimination has increased). However, whether litigation is brought, and whether it is effective in changing employer behavior, will depend on the public’s awareness of rights, the willingness of plaintiffs and lawyers to act, and the resources available to them. New policies will only work once women and civil society are broadly empowered to use them in challenging discrimination from the bottom-up — a move the government has been reluctant to make.

## WOMEN’S RIGHTS WITHOUT RIGHTS DEFENDERS

An illustrative example of how China shapes international norms to fit more comfortably with its domestic state-dominated model is its consistent efforts to delegitimize human rights defenders at the U.N., including in the context of women’s rights.<sup>20</sup> China has argued that the term “human rights defender” has no universally accepted definition, is

often abused, and that persons called rights defenders are actually persons engaging in violations of the law.<sup>21</sup> During a meeting of the Asia-Pacific Ministerial Conference leading up to Beijing 25+, China again objected to recognizing women rights defenders.<sup>22</sup> The conference's final declaration still acknowledged the major contributions of women rights defenders to women's empowerment,<sup>23</sup> but when the Commission on the Status of Women (the U.N. body dedicated to the empowerment of women) adopted its Political Declaration commemorating Beijing 25+, references to women human rights defenders were not included.<sup>24</sup> Disappointed by the declaration's shortcomings and the lack of opportunities for civil society voices to be heard (the commission's meetings were drastically truncated due to COVID-19), the Women's Rights Caucus, a global coalition of 200 feminist civil society groups, issued an alternative, the Feminist Declaration. It emphasized the crucial role of women human rights defenders in achieving gender equality.

Beijing has been able to marginalize civil society while leveraging its influence and the promise of its participation to shield itself from criticism. In the lead up to Beijing 20+, police detained five feminists because they were planning to hand out anti-sexual harassment pamphlets on International Women's Day. Authorities subjected them to harsh and repeated interrogations for over a month, and after their release continued to harass and intimidate them and other feminist advocates.<sup>25</sup> China still went on to cosponsor the Beijing 20+ commemoration at the U.N., and the U.N. rejected requests to hold parallel events to honor detained women rights defenders in China and around the world.<sup>26</sup> The executive director of U.N. Women told *The New York Times* that China's co-sponsorship was valuable because it helped persuade leaders of harder-to-reach countries to attend the Beijing 20+ events, where they could be lobbied to make commitments on women's rights issues.<sup>27</sup> In *Betraying Big Brother*, Leta Hong Fincher cites feminist activist Lü Pin's pithy summation of Beijing's approach to clamping down on feminist activism as "loose on the outside, tight on the inside." "Authorities want to give the world the impression that they are not too repressive," explains Hong Fincher, but their actual aim "is to wipe out the feminist movement entirely."<sup>28</sup>

## INVESTMENT AND AID: IS BEIJING'S MONEY WHERE ITS MOUTH IS?

China's policies and programs regarding overseas investment and foreign aid show varying levels of commitment to gender equality. At the higher end is the China-led Asian Infrastructure Investment Bank (AIIB), which has integrated women's empowerment into its institutional governance. The AIIB's Environmental and Social Framework (ESF) "encourages" projects to be designed "in an inclusive and gender-responsive manner to promote equality of opportunity and women's socioeconomic empowerment," and requires project implementers to take gender into account for project procedures including impact assessments and the redress of grievances.<sup>29</sup> However, observers note that the integration of these standards into the AIIB's governance occurred not by China's own initiative, but as a result of lobbying by European members, to which China acquiesced to enhance the bank's credibility.<sup>30</sup> Practically speaking, the ESF still needs to be strengthened to be effective. In one example, researchers found that an AIIB road project in India failed to take gender into account during several stages of project implementation, negatively affecting local women.<sup>31</sup> Nongovernmental organization watchdogs recommend that the AIIB strengthen its policies, including going beyond merely encouraging implementers to take gender into account, but requiring them to do so.<sup>32</sup>

The Belt and Road Initiative (BRI), unlike the AIIB, lacks overarching governance frameworks for investment projects.<sup>33</sup> The government has mandated that Chinese companies doing business abroad follow local laws and show social responsibility,<sup>34</sup> but there are no policies specific to gender. International organizations,<sup>35</sup> governments,<sup>36</sup> scholars,<sup>37</sup> and advocates<sup>38</sup> have floated proposals on how to integrate a gender perspective into BRI projects, but they have not gained much traction so far — perhaps an indication of Beijing's actual interest in adding a gender lens to its overseas investment. A rare counterexample is the 2018 "Guidelines on China's Sustainable Agricultural Overseas Investment," which stipulates that in



employment the enterprise shall not engage in or support any discrimination based on gender or sexual orientation.<sup>39</sup>

China's foreign aid programs have a stronger focus on promoting women's development. During Beijing 20+, Xi Jinping pledged at the U.N. that China would provide technical and material assistance to women in developing countries through providing health services to women and children, financial support for young girls' education, and technical and leadership training for 130,000 women.<sup>40</sup> In its Beijing 25+ report, China announced that it is well over half-way to meeting its targets, and has also provided small-scale material assistance, like sewing machines, computers, and maternal health packages.<sup>41</sup> International organizations and development professionals have also asked China to share technical expertise and best practices. The World Bank is supporting China's Centers for Disease Control to synthesize lessons on women's and children's health to be shared with BRI countries,<sup>42</sup> and others have called on China to advise other countries that improving gender equality is a necessary precondition for economic development.<sup>43</sup>

China's training and exchange programs also act as conduits for public diplomacy, which Xi has directed the All-China Women's Federation to develop further.<sup>44</sup> These initiatives include leadership trainings for women from developing countries, including women government officials, where participants learn about China's development model and policies regarding women's development. The political valence of these programs can become a bit heavy-handed. In one study tour, a women's rights advocate from Myanmar recounted a discussion about women trafficked from Myanmar to China to marry Chinese men. The advocate remembered the presenter dismissing the problem, saying: "Once they learn Chinese language and culture, their marriages are fine." The participant further recalled: "They said they have 11 border checkpoints where they have centers to teach about Chinese language and culture to become a good Chinese wife... They lobbied us, saying, 'Tell your government the Chinese government is doing very good things for Myanmar women.'"<sup>45</sup>

## MIXED MESSAGES: CHINA ON LGBT ISSUES AT THE U.N.

The Chinese government's signaling on LGBT issues at the U.N. — what it says, how it votes, and who it informs about the first two things — is a mixed picture. Delegates have made at least six statements expressing measured support for the LGBT community at the U.N., with the first statement at China's 2014 review under the Convention on the Elimination of All Forms of Discrimination against Women. A delegate responded to questions about the rights of lesbian, bisexual, and transgender women, saying: "In China, all persons receive protection of the law, regardless of sexual orientation." She went on to explain that China recognized gender transitions on official identity documents, and claimed (inaccurately) that the government is helping LGBT organizations obtain legal status.<sup>46</sup> In 2015, a delegate said: "LGBTI people face some real challenges in terms of social acceptance, employment, education, health, and family life. This is an issue that needs serious attention."<sup>47</sup> Most recently, in July 2020, a representative at the Human Rights Council stated: "China opposes all forms of discrimination and violence, including discrimination, violence, and intolerance based on sexual orientation and gender identity."<sup>48</sup>

State media does not disseminate these statements to domestic audiences, though LGBT advocates try their best to bring attention to them on social media to politically desensitize LGBT issues and show they have some degree of official support.<sup>49</sup> The situation is similar to how China's international-facing English-language state media often strike an LGBT-friendly tone, while domestic-facing state media usually stay mum on the topic.<sup>50</sup> The messaging may be for scoring soft power points internationally, but not to affect discourse in China, where LGBT-related content still often runs into censorship controls.

China's U.N. statements are usually caveated, with delegates saying the international community should give deference to each country's own circumstances, and "avoid imposing its own values on others."<sup>51</sup> It has not handled criticism well. Responding to the

independent expert on protection against violence and discrimination based on sexual orientation and gender identity (SOGI)'s report on conversion therapy practices around the world, including in China, China expressed “firm opposition” to the “unverified” information and “unwarranted charges” in the report.<sup>52</sup> However, much of the information on China in the report came from Chinese court documents where judges, much to their credit, held conversion therapists liable for consumer fraud and violating the Mental Health Law.

Resistance to scrutiny explains China's voting record of opposing U.N. action on LGBT issues. In 2016, China voted against creating the mandate of the aforementioned independent expert, whose mission would be to raise awareness and engage member states on improving human rights protections of LGBT people. The mandate was created by majority vote at the Human Rights Council, and when it was up for renewal in 2019, China voted no again.<sup>53</sup> China abstained from two resolutions in 2011 and 2014 requesting that the United Nations high commissioner for human rights do a global study documenting SOGI-based discrimination and violence, and best practices for stopping it.<sup>54</sup> China has voted for several resolutions, along with Russia, emphasizing traditional values and families, and voted down a resolution inclusive of diverse families.<sup>55</sup> Some LGBT advocates observe that

the government is trying to have it both ways — getting kudos for progressive-sounding statements, but voting against any increased scrutiny of its human rights record or those of its partners, like Russia.

## THREADING THE ENGAGEMENT NEEDLE

At the FWCW in 1995, the U.N. secretary-general expressed optimism about future cooperation between the U.N. and China, in which China could use its great capacity “to contribute significantly to global progress.”<sup>56</sup> Twenty-five years later, China's material wealth, technical expertise, and global stature have grown immensely. At times, Beijing has used its resources and position to promote women's equality — as it defines it. Beijing has also used its same power to undermine civil society and human rights defenders, critical actors for advancing gender equality, but whom it considers a threat. As the international community seeks common ground with Beijing on a range of gender equality issues from health to employment to political empowerment, it needs to recommit to protecting civil society and human rights from Beijing's ever-expanding efforts to protect the CCP.

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