

**Human Rights Council – 25<sup>th</sup> session – March 2014**

**Item 6: Consideration of China’s UPR Outcome - Statement by Action Canada for Population and Development**

**针对联合国对中国普遍定期审议的口头陈述**

2014年3月19日

尊敬的主席先生：

The Sexual Rights Initiative (SRI) welcomes the positive actions that the Chinese government has taken to recognize the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in China. In its report to the Working Group on the Universal Periodic Review, released in October 2013, China openly shared that Hong Kong will continue making efforts to strengthen the protection of the rights of people based on different sexual orientations.

In addition, in its response to recommendations from the governments of the Netherlands and Ireland on establishing anti-discrimination laws or instruments in schools and in the workplace to protect the human rights of LGBTI people, or people with a different sexual orientation or gender identity from any form of discrimination, the Chinese government recognized through its response to recommendation 186.89 and 186.90 that LGBTI people are equal before the law, and should be protected under existing laws, such as China’s Law on Regional National Autonomy, the Law on the Protection of Rights and Interests of Women, the Law on the Protection of Rights and Interests of the Elderly, the Law on the Protection of Minors, the Law on the Protection of Rights and Interests of Disabled Persons, and the Law on the Promotion of Employment.

However, the Sexual Rights Initiative wants to encourage the Chinese government to take further positive actions to fulfill its responsibility to protect LGBTI people in China. The current laws that forbid discrimination are only based on the grounds of ethnicity, religion, gender, age, disability and “other aspects”. Yet without legal interpretation of the term “other aspects” LGBTI individuals are prevented from seeking court redress to protect their rights when they encounter discrimination in schools, at the workplace or in other circumstances.

Therefore, we recommend that the Chinese government either clarifies the term “other aspects” or specifically includes reference to sexual orientation and gender identity in the above mentioned laws, so as to ensure that all people including all women, the elderly, children, people with a disability and workers can enjoy equal rights without discrimination, regardless of their sexual orientation or gender identity.

Thank you!