



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Implementation of the Convention on the Rights of Persons with Disabilities

Initial reports submitted by States Parties under article 35 of the Convention

China*

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Preface

The People's Republic of China signed the Convention on the Rights of Persons with Disabilities (hereafter "the Convention") on 30 March 2007. On 26 June 2008, the Standing Committee of the National People's Congress of the People's Republic of China ratified the Convention, and on 31 August of that year, the Convention formally came into effect in China. In accordance with article 35 of the Convention, on 31 August 2010 China shall submit to the Committee on the Rights of Persons with Disabilities, through the Secretary General of the United Nations, a report explaining the measures taken and the progress made in implementing the Convention.

In writing this report, the Chinese Government has followed the guidelines of the United Nations on the writing of reports by States Parties implementing human rights treaties (HRI/GEN/2/Rev.5) and the guidelines of the Committee on the Rights of Persons with Disabilities regarding reports on implementation of the Convention (CRPD/C/2/3). The report provides an introduction to the overall situation regarding China's implementation of the Convention, focusing in particular on the relevant laws and policies in China and how they have been implemented. It is divided into three parts: part 1 deals with implementation of the Convention in China, and was compiled by the Chinese Government; part 2 deals with implementation in the Hong Kong Special Administrative Region (SAR), and was compiled by the Government of the Hong Kong SAR; part 3 deals with implementation in the Macao SAR and was compiled by the Government of the Macao SAR.

To facilitate the task of compiling the report, an inter-departmental working party was set up in February 2010 under the auspices of China's Ministry of Foreign Affairs. The working party was comprised of members from 22 different legislative, judicial and administrative departments. In the course of compiling the report, the working party solicited the views of a range of NGOs and academic institutions, as well as the general public.

Articles 1-4**Purpose, definition, general principles and general obligations****Article 1****Purpose**

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2**Definition**

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

“Language” includes spoken and signed languages and other forms of non-spoken languages.

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3**General principles**

The principles of the present Convention shall be:

(a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;

- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

(1) States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- (d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- (f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
- (i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

(2) With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

(3) In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

(4) Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

(5) The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

1. The Law of the People's Republic of China on the Protection of Persons with Disabilities provides that: "A person with disabilities refers to one who has abnormalities or loss of a certain organ or function, psychologically, physiologically, or in anatomical structure, and has lost wholly or in part the ability to perform an activity in the way considered normal. The term 'person with disabilities' refers to someone with visual, hearing, speech or physical disabilities, intellectual disability, psychiatric disability, multiple disability and/or other disabilities."

2. Hearing disability denotes an inability to hear, or to hear clearly, sounds and speech in the surrounding environment, owing to permanent hearing impairments of differing degrees that have occurred for various reasons, such that daily life and participation in society are affected. Speech disability denotes differing degrees of speech impairment that have occurred for various reasons, and which have not been cured after more than one year of treatment or which have continued in excess of two years, such that a person is unable to, or finds difficulty in, carrying out normal activities involving interaction through speech, thus affecting daily life and participation in society (this classification does not apply to those under age 3). Psychiatric disability denotes a range of psychiatric disorders that have continued for more than one year without being cured, and where there exists a cognitive, affective or behavioural disorder, such that daily life and participation in society is affected. Visual disability denotes low visual acuity which cannot be corrected, or where the field of vision is reduced, which has occurred for various reasons and which affects daily life and participation in society. Physical disability denotes a situation in which structural or functional damage to the body's system has resulted in loss of limbs or paralysis (palsy), deformity, etc., of the limbs or torso, such that their functions are lost and their movement is restricted to varying extents. Intellectual disability denotes a situation in which a person's intelligence is clearly lower than the normal level, and where it brings an accompanying behavioural impairment. Multiple disability denotes a situation where two or more types of disability—visual, hearing, speech, physical, intellectual or psychiatric—are present at the same time.

3. China's National Sample Survey of 2006 showed that as of 00:00 hrs on 1 January 2006, the total number of persons with disabilities on the Chinese mainland was 80.296 million, constituting 6.34 per cent of the total population. Of these, persons with visual

disability amounted to 10.233 million, accounting for 14.86 per cent of the total number of persons with disabilities; those with hearing disability amounted to 20.04 million, accounting for 24.16 per cent; those with speech disability amounted to 1.27 million, accounting for 1.53 per cent; those with physical disability amounted to 24.12 million, or 29.07 per cent; those with intellectual disability amounted to 5.54 million, or 6.68 per cent; those with psychiatric disability amounted to 6.14 million, or 7.40 per cent; and those with multiple disability amounted to 13.52 million, or 16.30 per cent.

4. The basic principles laid down in articles 1 to 4 of the Convention regarding protection of the rights of persons with disabilities are reflected in China's laws, administrative regulations, policy documents and national development plans.

5. Firstly, laws. Laws including the Constitution of the People's Republic of China, the General Principles of the Civil Law, the Tort Liability Law, the Civil Procedure Law and the Compulsory Education Law make provisions on protecting the rights and interests of persons with disabilities. In April 2008, China amended the Law on the Protection of Persons with Disabilities, introducing for the first time content regarding the "prohibition of discrimination on the grounds of disability", and giving prominence to the concept of "safeguarding the legitimate rights and interests of persons with disabilities".

6. Secondly, administrative regulations. China has issued administrative regulations including the Regulations on the Education of Persons with Disabilities, and Regulations on the Employment of Persons with Disabilities, and will soon promulgate the Regulations on the Prevention of Disability and Rehabilitation of Persons with Disabilities, as well as the Regulations on Barrier-Free Construction. In addition, in line with international standards, the Government has formulated and implemented several hundred sets of national standards relating to such aspects as barrier-free construction and assistive devices for persons with disabilities.

7. Thirdly, general policy documents. In March 2008, the State Council of the People's Republic of China issued its Opinions on Promoting the Cause of Persons with Disabilities, which puts forward the general philosophy, guiding principles, target tasks and major measures of the Chinese Government for promoting and safeguarding the rights and interests of persons with disabilities. This was a programmatic document for China's work in regard to persons with disabilities. The State Council issued the National Human Rights Action Plan (2009-2010), which proposed staged targets for safeguarding the rights and interests of persons with disabilities. In March 2010, the State Council issued the Guiding Opinions on Accelerating the Promotion of the Social Security System and Services System for Persons with Disabilities, which required that the basic framework of the "two systems" of social security and services be put in place by 2015, with full completion by 2020, thus ensuring that persons with disabilities could enjoy a guaranteed basic living, guaranteed basic medical care, and rehabilitation services.

8. Fourthly, development plans for persons with disabilities. Since 1988, the Chinese Government has implemented five "National Five-Year Plans on Disability". The Outline of the Work for Persons with Disabilities during the Eleventh Five-Year Plan (2006-2010), integrating the principles of the Convention, stipulated concrete targets for such aspects as the rehabilitation of persons with disabilities, education, employment, social security and barrier-free construction. It formulated 18 coordinated implementation plans. At present, these implementation plans have been progressing smoothly, and the stipulated targets will be met or exceeded. Work on the Outline for the period of the twelfth five-year plan has already begun.

9. The Chinese Government believes that persons with disabilities are central to furthering their own cause, and that persons with disabilities themselves have the most right to speak on their own difficulties, characteristics, needs and the safeguarding of their rights

and interests. In amending the Law on the Protection of Persons with Disabilities the legislative bodies invited representatives of persons with disabilities and disability-related organizations to take part in the process, for example in the form of seminars, so that the opinions of persons with disabilities could be heard directly. As the representative body for persons with disabilities, the China Disabled Persons' Federation participated throughout the process of amending the Law, as well as in investigations, inspections and research visits by members of the National People's Congress and the National People's Political Consultative Committee to monitor the enforcement of the law.

10. In regard to basic income and expenditure, for the year 2009, the per capita disposable income of urban families of persons with disabilities was RMB 8,578.1, RMB 1,221.5 higher than that of 2007, an increase of 16.6 per cent. The per capita disposable income of rural families of persons with disabilities was RMB 4,066.1, RMB 965.1 higher than 2007, an increase of 31.1 per cent. The Engel's Coefficient for urban families of persons with disabilities was 44.7 per cent, whilst for rural families it was 47.1 per cent, a drop of 3 and 4.5 percentage points respectively when compared with 2008.

11. In regard to social security, by December 2009, 2.386 million urban persons with disabilities were receiving minimum subsistence allowance, an increase of 307,000 on the figure for the end of 2007; categorized targeting of such allowances has been widely introduced, with special attention being paid to targets of subsistence allowance with special difficulties, such as persons with disabilities, in respect of the criteria for subsidies and the approval procedures. There are 6.15 million persons with disabilities receiving rural minimum subsistence allowances, an increase of 1.87 million on the figure for the end of 2007; 4.106 million persons with disabilities have received temporary relief and regular subsidies, an increase of 410,000 on the figure for the end of 2007.

12. In regard to social insurance, in 2009, the proportion of urban persons with disabilities participating in at least one type of social insurance reached 64.3 per cent, an increase of 22 per cent on 2007. Among these, persons participating in basic medical insurance reached 62.1 per cent, whilst those participating in urban employees' or residents' basic pension insurance reached 42.1 per cent. The proportion of rural persons with disabilities participating in the new rural cooperative medical care system reached 94.4 per cent, a rise of 10 per cent on 2007. In 2009, 87.6 per cent of rural persons with disabilities participating in the new rural cooperative medical care system had seen a doctor within one year, and of those who had done so, 41.7 per cent had made claims through the new rural cooperative medical care system.

13. In regard to public services, in 2009, 6.2 million persons with disabilities received varying degrees of rehabilitation services, an increase of 841,000 on 2007. Nationwide, 1,578 rehabilitation institutions for deaf children had been set up, as well as almost 5,000 rehabilitation and training institutions for persons with physical disabilities, and more than 2,000 institutions providing assistive device services. In 1,727 municipalities and counties, prevention, cure and rehabilitation work in regard to psychiatric disorders was started, whilst in 807 areas and districts under municipal jurisdiction and 1,569 counties (cities), work on community rehabilitation was begun.

14. In regard to education, by the end of 2009, the number of special education schools established nationwide for children and young people with disabilities had reached 1,672, whilst 2,801 special education classes had been established at ordinary schools providing compulsory education. The number of blind, deaf and intellectually disabled students was around 428,000. Vocational education and training institutions for persons with disabilities reached 1,852, whilst there were 2,132 institutions that accepted persons with disabilities for vocational training. In a single year, 785,000 persons with disabilities were able to receive vocational education and training.

15. In regard to employment and foster care, by the end of 2009, the number of institutions offering various employment services to persons with disabilities in cities and towns had reached 3,043, whilst there were 1,897 service cooperatives for persons with disabilities in rural areas. In 2009, cities and towns made new employment arrangements for 350,000 persons with disabilities, whilst 1.085 million persons with disabilities living in poverty in rural areas were helped out of poverty. There were 3,474 institutions offering fostering services for persons with disabilities, an increase of 2,418 on 2007, providing foster services to 110,000 persons with intellectual and psychiatric disabilities, as well other persons with severe disabilities, an increase of 82,000 on 2007.

16. China is a developing country with a huge population, and its regional development is unbalanced. The number of persons with disabilities is enormous. As a special disadvantaged group, persons with disabilities still face difficulties and obstacles in regard to the realization of basic rights. The Chinese Government has continually expanded its input of resources and has strengthened support measures, creating the conditions for persons with disabilities to enjoy various rights equally.

17. The Chinese Government acknowledges and is earnestly implementing the principle of “reasonable accommodation” laid down in article 2 of the Convention, and the relevant laws, legal regulations, policies and measures all concretely embody the provision of reasonable accommodation for persons with disabilities.

18. Article 4 of the Law on the Protection of Persons with Disabilities provides that: “The State shall provide persons with disabilities with special assistance by adopting supplementary methods and supportive measures with a view to alleviating or eliminating the impact of their disabilities and external barriers and ensuring the realization of their rights.” Article 46 provides that: “The State shall protect the right of persons with disabilities to various social security means. The Government and society shall take measures to improve the social security network for persons with disabilities, secure and improve the life of persons with disabilities.” In the Opinions on Promoting the Cause of Persons with Disabilities, the State Council clearly noted: “Perfecting the Service System for Persons with Disabilities. We must perfect the system of services for persons with disabilities. To address the special, diverse and classified needs of persons with disabilities, we must establish and perfect a service system for persons with disabilities that principally includes life care, medical treatment and hygiene, rehabilitation, social security, education, employment, culture and sport, and rights-protection. Public service bodies must provide preferential and priority services for persons with disabilities.”

19. In accordance with the above-mentioned legal and policy provisions, the Chinese Government has formulated a series of special supportive policies, creating the conditions for persons with disabilities to enjoy and exercise all human rights and basic freedoms on an equal basis with others. For example, the State has implemented a proportional employment allocation system for persons with disabilities, as well as a preferential taxation policy for businesses which employ a concentration of persons with disabilities, and it has provided policy support and tax breaks for persons with disabilities who set up their own businesses; it has adopted a system of preferential and priority service for persons with disabilities who use public service facilities; free city-wide public transport for the blind; and Government subsidies to enable persons with disabilities who live in severe poverty to participate in various social insurance schemes.

20. In order to facilitate the participation of persons with disabilities in the life of society, the Chinese Government has introduced mandatory standards for the construction of barrier-free facilities and the conversion of existing facilities to barrier-free. It has carried out such construction and conversion work on a large scale in urban areas, and has introduced individualized barrier-free conversion of the homes of persons with disabilities.

21. Supporting the weak and aiding those in difficulty, supporting and helping those with disabilities —these are traditional Chinese virtues. The Chinese Government has widely encouraged a humanitarian ethos in society, and has made strenuous efforts to promote a view of persons with disabilities that is compatible with a modern, civilized society. It has actively built an environment in which persons with disabilities can participate equally in the life of society, and has widely initiated a whole variety of different activities to aid those with disabilities. Understanding, respecting, feeling concern for and helping persons with disabilities have gradually become part of people's mindset, and are actions which they would take on their own initiative.

22. The series of preferential policies and support measures pushed forward by the Chinese Government with the aim of providing "reasonable accommodation" to persons with disabilities has been universally accepted by society, and is consistent with the common rights and interests of society as a whole.

Article 5

Equality and non-discrimination

(1) States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

(2) States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

(3) In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

(4) Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

23. China's Constitution provides that "all citizens of the People's Republic of China are equal before the law". The Law on the Protection of Persons with Disabilities provides that "persons with disabilities shall enjoy equal rights with other citizens in political, economic, cultural and social respects and in family life as well"; that "the rights and dignity of persons with disabilities as citizens shall be protected by law"; and that "insult of and disservice to persons with disabilities shall be prohibited". In 2008, when the Law on the Protection of Persons with Disabilities was amended, the following provisions were added: "Discrimination on the basis of disability shall be prohibited"; and "disparagement of and infringement upon the dignity of persons with disabilities by means of mass media or any other means shall be prohibited."

24. Many other laws also stipulate the prohibition of discrimination against persons with disabilities. For example, the General Principles of the Civil Law provides that the legitimate rights and interests of persons with disabilities are protected by law; the Higher Education Law of the People's Republic of China provides that "institutions of higher learning must admit students with disabilities who meet the admission standards set by the State and must not refuse to admit them for their disabilities"; the Law of the People's Republic of China on Promotion of Employment provides that: "The State guarantees the right to work of persons with disabilities. ... When an employing unit recruits persons, it shall not discriminate against persons with disabilities"; the Law on the Protection of Minors provides that minors with disabilities shall not be discriminated against. The Law

on the Protection of the Rights and Interests of Women provides that the abuse or abandonment of sick or disabled women is prohibited.

25. Many other laws require that reasonable accommodation be provided to persons with disabilities. For example, the Criminal Procedure Law stipulates: “During the interrogation of a criminal suspect who is deaf or mute, an officer who has a good command of sign language shall participate, and such circumstances shall be noted in the record”; “if the defendant is blind, deaf or mute, or if he is a minor, and thus has not entrusted anyone to be his defender, the People’s Court shall designate a lawyer that is obligated to provide legal aid to serve as a defender.” The Law on Public Security Administration Punishments provides that when interrogating deaf or mute persons who have violated public security administration, victims or other witnesses, an officer who has a good command of sign language shall provide assistance, and such circumstances shall be noted in the record. The Education Law provides that “the State, society, schools and other educational institutions shall organize education in consideration of the physical and mental characteristics and requirements of people with disabilities and offer them assistance and convenience”. The Compulsory Education Law provides that children with disabilities who are of the appropriate age have the right to compulsory education; special education and learning in regular classes shall be provided in accordance with the particular nature of the child’s disability. The Law on Promotion of Employment provides that “People’s Governments at all levels shall make overall plans for the employment of persons with disabilities and create conditions for their employment”. Such laws as the Labour Law, Law on Maternal and Infant Health Care, Law on Protection of the Rights and Interests of the Elderly, and Civil Servant Law likewise have corresponding provisions.

26. In order to bring about real equality for persons with disabilities, the State Council issued the Opinions on Promoting the Cause of Persons with Disabilities, promulgated and implemented the Regulations on the Education of Persons with Disabilities and the Regulations on the Employment of Persons with Disabilities, and will soon promulgate the Regulations on the Prevention of Disability and the Rehabilitation of Persons with Disabilities, and the Regulations on Barrier-Free Construction. It has laid down guiding policies for the protection of the rights and interests of persons with disabilities in a variety of areas, including provision of reasonable accommodation and taking into account the diversity of persons with disabilities.

Article 6

Women with disabilities

(1) States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

(2) States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

27. Equality of men and women is a fundamental national policy of the Chinese Government. China’s Constitution provides that “women in the People’s Republic of China enjoy equal rights with men in all spheres of life, including political, economic, cultural and social, and family life”. The Marriage Law is guided throughout by the legislative spirit of gender equality, and makes detailed provision for protection of the rights and interests of women in marital and family relationships. The Law on Land Contract in Rural Areas makes provisions regarding the question of rural women’s right to contractual land

management. The Law on the Protection of the Rights and Interests of Women makes provision to ensure that girls with disabilities receive compulsory education, and prohibits abuse or abandonment of sick or disabled women. The Law on Population and Family Planning, Trade Union Law, and Law on Employment Contracts all proceed from the principle of equality between men and women, and have strengthened the protection of women's rights in such areas as health care, reproductive health and employment. The Criminal Law, Criminal Procedure Law, and Civil Procedure Law all manifest the principle of equality between men and women. As a signatory to the Convention on the Elimination of All Forms of Discrimination against Women, China has always faithfully carried out its related obligations.

28. The Programme for the Development of Chinese Women (2001-2010) affirms six priority areas for the realization of equality between men and women, and demands the particular safeguarding of the right to education of girls with disabilities, in order to reduce the gap between boys and girls receiving education. In the area of women's participation in the economy, it has promoted the provision of employment services and vocational and technical training for women with disabilities, and has raised the proportion of women with disabilities who are in employment. In the area of women and education, it has promoted the provision of opportunities for women with disabilities to receive education, and has raised the level of education they receive, so enhancing their capabilities in regard to livelihood and development.

29. The Programme for the Development of Chinese Children (2001-2010) proposed the incorporation of gender equality thinking into the state education curriculum, and laid down strategic measures for the protection of girls' right to education and elimination of barriers that prevent girls from attending school. Government departments and governments of provinces, autonomous regions and municipalities directly under the Central Government nationwide have continued to formulate local implementation plans and development initiatives in accordance with the Programme.

30. As a fundamental national policy of China, equality between men and women has been thoroughly implemented, and the concept of gender equality has become ever more a part of people's mindset; girls with disabilities are basically able to enjoy the right to education, whilst the employment situation of women with disabilities has shown sustained improvement, and their right to participation in governmental affairs has been demonstrated still further.

31. At present, China still faces certain problems in regard to gender equality. There still exist in society unequal concepts and practices, and the phenomenon of women and girls with disabilities suffering prejudice also still exists. The Chinese Government has already begun to formulate its Programme for the Development of Chinese Women (2011-2020) and Programme for the Development of Chinese Children (2011-2020), to further safeguard women's rights and interests.

Article 7

Children with disabilities

(1) States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

(2) In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

(3) States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

32. The Chinese Government fully protects the various rights of children with disabilities.

33. With regard to the right to education of children with disabilities, the Law on the Protection of Persons with Disabilities provides that “the Government, society, and schools shall take effective measures to address difficulties faced by children and juveniles with disabilities in schooling, and help them complete compulsory education”; “ordinary primary schools and junior high schools must accept children or juveniles with disabilities who are able to adapt themselves to life and study there”; “ordinary institutions of preschool education shall admit children with disabilities who are able to adapt themselves to the life there.” The Compulsory Education Law provides that “the local People’s Governments at the county level or above shall, where necessary, set up schools (classes) of special education so as to provide compulsory education to school-age children and adolescents who have eyesight, hearing and intellectual impairments”. The Regulations on the Education of Persons with Disabilities, the Programme for the Development of Chinese Children (2001-2010), the State Council’s Opinions on Promoting the Cause of Persons with Disabilities, and the Outline of the Work for Persons with Disabilities during the Eleventh Five-Year Plan (2006-2010), have likewise made corresponding provisions. The Chinese Government has established a centralized special subsidy scheme for special education, a substantial part of which has been used for the compulsory education of children with disabilities. In 2008, China started a “Central and Western Regions Special Education Schools Construction Project”, which aimed at constructing 1,160 special schools for children with disabilities. By the end of 2009, the number of students with hearing, visual and intellectual disabilities accommodated in regular primary and secondary classes was 269,000, amounting to 62.87 per cent of the total number of students with these disabilities attending school. The school entry rate for children with disabilities of school age was nearly 80 per cent, whilst children with physical disabilities were universally placed in the compulsory education system.

34. With regard to rehabilitation and social security for children with disabilities, the Programme for the Development of Chinese Children (2001-2010) proposed the goal of “raising the rehabilitation rate of children with disabilities”, and proposed exploring modes of support conducive to the physical and mental development of orphaned children with disabilities, enhancing the construction of formal rehabilitation institutions, and giving training and guidance to the parents of children with disabilities. The State Council’s Opinions on Promoting the Cause of Persons with Disabilities stipulates that priority must be given to developing salvage therapy and rehabilitation for children with disabilities, providing subsidies for the rehabilitation of poor children with disabilities, and establishing a rehabilitation assistance system for children with disabilities. In recent years, the Chinese Government has invested RMB 711 million to implement its “Salvage Therapy and Rehabilitation Project for Poor Children with Disabilities”, bringing relief to 58,800 children with disabilities. The Chinese Government has also invested RMB 474 million to implement its “Tomorrow Plan: Operations and Rehabilitation for Orphans with Disabilities”, carrying out 47,000 rehabilitative surgical operations. Together with the Li Ka-shing Foundation, the Government has launched “Project New Life: A Nationwide Cleft Lip and Palate Programme”, which offers operations to children in poor families, and the “Paediatric Hernia Rehabilitation Programme” for children of poor families in the western region; to date, RMB 88.7 million have been invested, providing rehabilitative operations for 165,000 children with disabilities from poor families. The Chinese Government and UNICEF have jointly implemented the Publicity and Initiative Plan for the

Creation of a Barrier-free, Discrimination-free Environment for Children with Disabilities (2006-2010).

35. With regard to the right to participation of children with disabilities, the Law on the Protection of Minors provides that when making decisions regarding the rights and interests of minors, parents or other guardians shall inform the minors in question, taking into account their age and level of intellectual development, and listen to their opinions. The Law makes specific provision that minors with disabilities shall not be discriminated against.

36. The Chinese Government upholds the principle of “children first”, and has put into practice priority development strategies for children, giving full protection to the various rights of children, including children with disabilities. Article 3 of the Law on the Protection of Minors provides that: “Minors enjoy such rights as the right to existence, the right to development, the right to protection, and the right to participation; the State provides special and priority protection of the physical and mental development of minors, and ensures that the legitimate rights and interests of minors are not violated.” The Programme for the Development of Chinese Children (2001-2010) has the overall goals of upholding the principle of “children first”, protecting children’s right to existence, development, protection and participation, raising the overall quality of children, and promoting children’s physical and mental health and development; it also requires that the principle of “children first” be embodied in the formulation and implementation of related laws, regulations and policies.

37. Children with disabilities not only equally enjoy the same rights as other children, but also various special safeguards in accordance with the provisions of the relevant laws and policies.

Article 8

Awareness-raising

(1) States Parties undertake to adopt immediate, effective and appropriate measures:

(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

(2) Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

38. Raising awareness of persons with disabilities in society and among the general public is a long-term process. The Law on the Protection of Persons with Disabilities provides that the Government shall publicize and report on the life and working conditions, etc., of persons with disabilities in a timely fashion and through such channels as radio, film, television, the press, books and the internet. Policy documents such as the State Council's Guiding Opinions on Accelerating the Promotion of the Social Security System and Services System for Persons with Disabilities require the mobilization of various resources for publicizing issues relating to persons with disabilities, and for fostering good social practices. In recent years, Chinese national leaders have on many occasions written articles explaining the view that a modern civilized society should hold towards persons with disabilities. The website of China's Central Government, www.gov.cn, has introduced various different columns that provide information and services to persons with disabilities. Each year, the Chinese Government launches public awareness drives linked to activities such as the International Day of Persons with Disabilities, the National Help-Day for Persons with Disabilities, the International Day of the Blind and the International Day of the Deaf, and has proactively planned and held events including the Shanghai 2007 World Special Olympics, the Beijing 2008 Paralympics, and the All-China Occupational Skills Contest for Persons with Disabilities. Every five years, the Government gives a national-level commendation to one outstanding representative of persons with disabilities and one person who has demonstrated excellence in helping the cause of persons with disabilities, and organizes a "Team of Speakers on Meritorious Action in Self-Strengthening and Helping the Cause of Persons with Disabilities" to go on lecture tours. The China Disabled People's Performing Art Troupe, with the support of the Government, has performed on tour nationwide and in more than 60 countries abroad.

39. The State Council's Opinions on Promoting the Cause of Persons with Disabilities requires that education departments launch education for helping persons with disabilities as part of moral education classes in primary and secondary schools. In recent years, universities, secondary schools and primary schools in China have respectively launched activities including "Million Young Volunteers to Help Persons with Disabilities", "Humanitarian Education in the Classroom", and "Young Pioneers Hand in Hand to Help Persons with Disabilities", thus enhancing students' awareness of the need to respect persons with disabilities. The Law on the Protection of Persons with Disabilities provides that teachers involved in the education of persons with disabilities shall be fully committed to the cause of such education and that they shall show care for their students with disabilities. Educational administrative departments give awards to those schools and individuals who make outstanding contributions to the education of persons with disabilities.

40. China has widely publicized the Convention on the Rights of Persons with Disabilities. The Convention has been formally published in a separate edition, whilst the *People's Daily*, the most influential newspaper in China, published articles on the Convention in its December 2006, April 2007 and June 2008 monthly editions. China Central Television (CCTV) has on two occasions reported on the Convention in its official news programme, *Xinwen Lianbo*. When China ratified the Convention, *Human Rights* magazine published a related article. During the time that the 2008 Paralympics were being held in Beijing, the Chinese Government erected a "Convention on the Rights of Persons with Disabilities Memorial Wall", for disabled athletes of all countries to sign as a memorial. The China Disabled Persons' Federation held an international symposium on the

Convention on the Rights of Persons with Disabilities, and holds frequent discussions on issues relating to the Convention with groups representing persons with disabilities.

Article 9

Accessibility

(1) To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, *inter alia*:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

(2) States Parties shall also take appropriate measures to:

(a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) Provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

41. The Chinese Government has made strenuous efforts to construct a system of laws and policies for promoting accessibility. The Law on the Protection of Persons with Disabilities provides that a barrier-free environment involves a variety of aspects including barrier-free buildings, roads, transportation, and information and communications. Local governments have promulgated related local laws: for example, in 2004, the Beijing municipal government promulgated the Regulations on the Construction and Management of Barrier-Free Facilities in Beijing Municipality. The State Council's Opinions on Promoting the Cause of Persons with Disabilities demands the acceleration of construction

of and conversion to barrier-free facilities, and the rigorous implementation of laws and legal regulations, design standards and industry criteria on barrier-free construction. In accordance with the requirements of the Outline of the Work for Persons with Disabilities during the Eleventh Five-Year Plan (2006-2010), 13 ministries and committees including the Ministry of Construction jointly formulated the Implementation Plan for Barrier-Free Construction during the Eleventh Five-Year Plan (2006-2010), which proposed the launching of work to construct barrier-free cities in 100 cities nationwide, and promoted the basic framework for the formation of a barrier-free urban environment.

42. In 1989, China implemented its first set of barrier-free design technology standards. Since then, departments of construction, railways and civil aviation have formulated some 30 or more sets of standards and technical requirements, including the Design Codes for Accessibility of Urban Roads and Buildings, Design Codes for Construction of Railway Stations for Passengers, Standards for Barrier-Free Facilities and Equipment in Civil Airport Passenger Terminal Areas, Standards for General Service Facilities for Persons with Disabilities, Barrier-Free Design of Buildings: An Illustrated Manual of National Building Design Standards, and the Guide to Barrier-Free Construction. The General Principles for Civil Building Design, Design Codes for Sports Buildings, Design Codes for Shop Buildings, Design Codes for Subway Systems, Design Codes for Long-Distance Bus Terminal Buildings, Quality Requirements for Water Transport Passenger Services, Measures for Airplane Transportation of Persons with Disabilities (Trial Implementation), and Design Criteria for Urban Public Toilets all contain requirements regarding barrier-free access. In addition, the Chinese Government requires that all equipment and product design shall give consideration to the concept of accessibility, and has formulated a Guide to Consideration of the Needs of the Elderly and Persons with Disabilities in the Formulation of Standards, as well as stipulating that publicly purchased products and equipment must comply with accessibility criteria.

43. China has taken measures to correct and punish construction activities that do not meet barrier-free accessibility standards. For instance, the Law on the Protection of Persons with Disabilities provides that those not complying with the national construction standards for barrier-free facilities, or those who have not carried out timely repair and protection of barrier-free facilities such that it leads to undesirable consequences, shall be dealt with by the relevant departments in accordance with the law.

44. Overall situation of the formation of barrier-free cities in China. Cities rigorously enforce the mandatory standards for barrier-free construction; the applicable scope of these standards extends from the main roads and major buildings of city centres to administrative areas including districts under municipal control, counties, townships, towns and streets. Among these cities, Shanghai specially organized experts and representatives of beneficiary groups to take part in the planning and construction of the venues, accommodation facilities and community areas of the Special Olympics and World Expo, and reached the standards for barrier-free cities a year in advance. Beijing has, since 2001, initiated 14,000 barrier-free conversion projects, with the overall construction of barrier-free facilities being equal to the total for the previous 20 years. All special schools, welfare enterprises, rehabilitation centres, general service facilities and elderly care institutions in China catering to the needs of persons with disabilities have carried out barrier-free construction or barrier-free conversion of existing facilities. Civil airport passenger terminal areas nationwide have basically completed the construction of or conversion to barrier-free facilities, and airline companies and airports have deployed almost 3,000 wheelchairs and electric scooters of various types. Newly constructed urban subway and light rail stations are all equipped with facilities such as lifts and barrier-free entrances. In many cities, fire stations, bus terminals and ferry terminals have carried out barrier-free construction or conversion work. Some public transport lines in cities including Beijing, Shanghai, Nanjing and Hangzhou have been equipped with barrier-free low-floor vehicles. Research and

development of electronic bus stop displays with audio announcement systems has already been completed. Central, provincial and some municipal TV stations provide subtitles for their programmes, and have started introducing sign-language news bulletins. Banks, post offices, telecommunications, medical and other public-service-oriented businesses in a number of cities have introduced electronic display boards, audio services and sign-language services. Some cities have opened up barrier-free exchange platforms for persons with disabilities, providing blind and deaf people with audio text-messaging and mobile telecommunications services, and libraries provide audio reading materials for blind readers. Most service institutions for persons with disabilities have introduced networked software that allows conversion between visible text and Braille.

45. In order to enhance barrier-free construction and raise the standard of construction, management and services in urban and rural areas, thus ensuring that persons with disabilities and the elderly may enjoy equal and full participation in the life of society, as well as giving greater convenience to members of society as a whole, the Chinese Government is in the process of formulating the Regulations on Barrier-Free Construction and the Plan for Barrier-Free Construction Work (2011-2015), in accordance with the Law of the People's Republic of China on the Protection of Persons with Disabilities.

Article 10

Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

46. China's Constitution clearly states that "the State respects and protects human rights". The Chinese Government affirms that the right to life is a fundamental human right. China's Criminal Law stipulates relatively severe punishments in regard to crimes of murder and causing bodily harm that endanger or harm the lives, health and security of citizens. The General Principles of the Civil Law provide that "citizens shall enjoy the rights of life and health", and that "the legitimate rights and interests of persons with disabilities shall be protected". The Tort Liability Law provides that "those who infringe upon civil rights and interests shall be subject to the tort liability according to this Law"; the first of the civil rights and interests referred to in this law is the right to life. The Law on the Protection of Persons with Disabilities provides that "insult of and disservice to persons with disabilities shall be prohibited", and that "maltreatment and abandoning of persons with disabilities shall be prohibited".

47. To protect the right to life of children and infants, the Marriage Law provides that parents have a duty to bring up and educate their children, and that if parents fail to perform their duty, children who are minors or who are incapable of living on their own have the right to demand the cost of upbringing from their parents. It also prohibits infant drowning and infanticide, deserting and any other acts causing serious harm to infants. The Law on the Protection of Minors provides that domestic violence against minors shall be prohibited and that parents shall not maltreat or forsake a minor. It also prohibits infant drowning and infanticide, deserting and any other acts causing serious harm to infants, and provides that parents shall not discriminate against female minors or minors with disabilities. According to the above laws, parents' duty to bring up their children starts from the time the child is born, and whether or not the child has a disability, the parents have a duty to bring it up.

48. Persons with disabilities enjoy equal and non-discriminative judicial protection and legal assistance with other citizens. To ensure that the life of every citizen, including persons with disabilities, is not arbitrarily deprived, China's judicial bodies, in accordance

with the law, punish actions that violate the right to life of others. Criminal acts that illegally deprive others of life, including deliberate acts of homicide, causing of death by error, and accidents that involve major liability such as explosions, are severely punished.

Article 11

Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

49. After the 2008 Wenchuan earthquake in Sichuan Province, the Chinese Government gave special support to persons with disabilities in the areas affected by the disaster, provided timely medical care and rehabilitation services to those who had been made disabled by the disaster, and provided priority resettlement to persons with disabilities affected by the disaster, ensuring that their basic life needs were protected. The State Council promulgated the Regulations on Post-Wenchuan-Earthquake Restoration and Reconstruction, which put forward concrete requirements for the priority resettlement of persons with disabilities. From November 2009 to March 2010, Sichuan Province gave living subsidies of RMB 450 per household per month to families in the disaster area which were in particular difficulty and which contained people who had been disabled, and provided free reproductive advice and technical services for the reeducation of families whose children had been disabled by or had died in the earthquake. National rehabilitative care teams used state-of-the-art rehabilitation technology and methods to provide early rehabilitative care and intervention for those disabled in the quake, and provided services such as guidance on rehabilitative training and the deployment of assistive devices. The State invested RMB 300 million in setting up the Sichuan Provincial 8-1 Rehabilitation Centre. Medical departments provided 9,000 assistive devices including prosthetic limbs, orthotic devices and wheelchairs, whilst assistive device service centres for persons with disabilities were set up in the five cities and prefectures of Chengdu, Guangyuan, Mianzhu, Ya'an and Aba. In communities where persons with disabilities were relatively concentrated, 100 rehabilitation points were established, and 200 medical and community workers were trained up. The State used such measures as targeting donations, use of specific funds for specific needs, and respecting the wishes of donors, to ensure that materials and funds such as specialized aid and equipment could freely reach persons with disabilities in the disaster area. After the Yushu earthquake in Qinghai Province, the Chinese Government placed strong emphasis on early rehabilitation of those hurt, starting up early rehabilitation on the fifth day after the quake, and dispatched teams of experts to hold consultations with those with severe symptoms and complicated conditions, so as to formulate individualized rehabilitation therapy programmes.

Article 12

Equal recognition before the law

(1) States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

(2) States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

(3) States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

(4) States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

(5) Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

50. China's Constitution recognizes that Chinese citizens are all equal before the law. The Law on the Protection of Persons with Disabilities provides that "persons with disabilities shall enjoy equal rights with other citizens in political, economic, cultural and social respects and in family life as well", and that "the rights and dignity of persons with disabilities as citizens shall be protected by law". None of China's various laws exclude the capacity of such persons as subjects of the law.

51. The General Principles of the Civil Law provides that "a citizen shall have the capacity for civil rights from birth to death and shall enjoy civil rights and assume civil obligations in accordance with the law", and that "all citizens are equal as regards their capacity for civil rights". In consideration of the actual obstacles faced by persons with disabilities, China gives special treatment to persons with disabilities, within an appropriate scope. The Criminal Law provides that if a mental patient causes harmful consequences at a time when he is unable to recognize or control his own conduct, upon verification and confirmation through legal procedure, he shall not bear criminal responsibility. If a mental patient who has not completely lost the ability of recognizing or controlling his own conduct commits a crime, he may be given a lighter or mitigated punishment. Any deaf-mute or blind person who commits a crime may be given a lighter or mitigated punishment or be exempted from punishment. The Law on Public Security Administration Punishments provides that if a mental patient violates public security administration at a time when he is unable to recognize or control his own conduct, he shall not be punished. Any deaf-mute or blind person who violated public security administration may be given a lighter or mitigated punishment, or may not be punished. The Law on the Protection of Persons with Disabilities provides that persons with disabilities may enjoy preferential treatment in such areas as taxation and administrative fees. The special preferential provisions made for persons with disabilities may not be regarded as discrimination against others.

52. In actual civil activities, persons with disabilities who require aid may engage in civil legal actions through a proxy. For example, in accordance with the relevant provisions of the Civil Procedure Law, a person with disabilities may appoint a proxy to represent him in civil litigation. The General Principles of the Civil Law provides that mental patients with no or limited capacity to undertake civil actions may appoint as a guardian their spouse, parents, adult children or other close relatives, as well as other relatives and friends who have close connections with the patient and who have been approved by a residents' or villagers' committee. As their legally appointed proxy, the guardian protects their person, property and other legitimate rights and interests. To prevent misuse of such modes of aid, the General Principles of the Civil Law provides that when a guardian fails to carry out his

responsibilities as a guardian or when he harms the legitimate rights and interests of the person for whom he is acting, he shall bear liability; where he causes damage to the person's property, he shall make compensation for the damage. The People's Court may annul his eligibility to be a guardian. Where a proxy fails to carry out his responsibilities and brings harm to the person he represents, he shall bear civil liability.

53. Persons with disabilities have equal access to bank loans, mortgages and other forms of financial credit. Chinese law does not contain any discriminatory provisions in this regard against persons with disabilities. Persons with disabilities enjoy equal status to others in regard to possession and inheritance of property. The Law of Succession provides that at the time of distributing the estate, due consideration shall be given to successors who are unable to work and have special difficulties. This is in fact a beneficial arrangement aimed at persons with disabilities.

Article 13

Access to justice

(1) States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

(2) In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

54. China guarantees that persons with disabilities have protection at all stages of legal procedure. The Criminal Procedure Law provides that when interrogating a criminal suspect who is deaf or mute, an officer who has a good command of sign language shall participate, and such circumstances shall be noted in the record. In March 2008, the Supreme People's Court and the Supreme People's Procuratorate jointly issued a circular requiring that procuratorates at all levels shall give priority to reports of misconduct and litigation by persons with disabilities in their accepting, reviewing and completion of cases. Courts at all levels shall accept and review without delay litigation cases lodged by persons with disabilities. The cases should be heard and settled at the first instance, so as to reduce the burden and cost of litigation for persons with disabilities. Verdicts in Braille or large print should be made available to persons with disabilities with such needs. The circular also required that all levels of procuratorates enhance their supervision of prisons, detention centres and reeducation-through-labour institutions, and that the legitimate rights and interests of persons with disabilities who are criminals, detainees or undergoing reeducation-through-labour, be safeguarded.

55. China has set up a legal aid and rescue-and-assistance system. The Criminal Procedural Law provides that when the defendant is a blind, deaf or dumb person or a minor, who has not appointed a lawyer, the People's Courts must designate legal aid lawyers to serve as their defense lawyers. The Law on the Protection of Persons with Disabilities stipulates that for persons with disabilities who need legal aid or judicial assistance because of financial difficulties or other reasons, the local legal aid institutions or People's Courts must give help and provide legal aid or judicial assistance to such persons in accordance with the law. Organizations of persons with disabilities should give support to persons with disabilities when they seek to safeguard their legitimate rights and interests through litigation. The Regulations on Legal Aid and Regulations of the Supreme People's Court on Judicial Assistance to Persons with Disabilities in Litigations with Financial

Difficulties lay down the details of the ways to provide legal aid and judicial assistance to persons with disabilities. Relevant authorities of the Chinese Government, in conjunction with the Supreme People's Court and the Supreme People's Procuratorate issued the Legal Aid Implementation Plan of the Eleventh Five-Year Plan for Persons with Disabilities, the Implementation Details of the Legal Aid Implementation Plan of the Eleventh Five-Year Plan for Persons with Disabilities and the Opinions on Enhancing Legal Aid to Persons with Disabilities. These documents demand that research be carried out on policies and plans on legal aid for persons with disabilities, and that the legal aid system for persons with disabilities be improved, so that they may enjoy wider and more comprehensive legal services. To date, 56 legal aid work stations for persons with disabilities have been set up nationwide.

56. According to the statistics for the end of 2009, China established 2,870 legal aid (service) centres for persons with disabilities, of which 27 were provincial level centres, 313 were municipal (prefectural) level centres, and 2,530 were county level centres. In 2009, the number of cases in which persons with disabilities received legal aid was 46,435. The number of cases in which legal aid was provided for persons with disabilities accounted for 7.2 per cent of the overall national figure for legal aid cases.

57. China places emphasis on raising awareness among those in the judicial system of the need to respect persons with disabilities. In 2009, the Ministry of Justice issued the Circular on Earnestly Carrying out Responsibilities and Advancing the Work on Publicizing the Legal System, Legal Services and Legal Aid for Persons with Disabilities. This required organs of judicial administration at all levels and the prisons system to earnestly study the relevant contents of the Convention of the Rights of Persons with Disabilities and the Law on the Protection of Persons with Disabilities, to enhance legal awareness of the protection of persons with disabilities.

Article 14

Liberty and security of person

(1) States Parties shall ensure that persons with disabilities, on an equal basis with others:

- (a) Enjoy the right to liberty and security of person;
- (b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

(2) States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

58. China's Constitution provides that citizens' liberty of person shall not be violated. No citizen shall be arrested without the approval or decision of the People's Procuratorate, or decision of the People's Court, and enforcement by a public security body. Illegal detention and illegal deprivation or restriction of a citizen's liberty of person by other means are prohibited, as is the illegal searching of a citizen's person. The Law on the Protection of Persons with Disabilities provides that no unit or individual may use violence, threats or methods involving the restriction of personal liberty to coerce a person with disabilities to do labour. The Law on Public Security Administration Punishments provides that in the following cases, the person who commits the offence shall be subject to

administrative punishments of detention and fine: (1) organizing, coercing or inveigling any minor who has not attained the age of 16 or a person with disabilities to engage in terrifying or cruel performances; (2) beating and harming a person with disabilities; (3) engaging in indecent behaviour towards persons with intellectual disabilities or mental patients; (4) coercing, inveigling or making use of others (including persons with disabilities) to go begging. The Criminal Law provides that the use of violence and intimidation to organize persons with disabilities to go begging shall be punishable by fixed-term imprisonment of not more than three years or criminal detention, and by the imposition of a fine; if the circumstances are especially serious, it shall be punishable by fixed-term imprisonment of not less than three years and not more than seven years, and by the imposition of a fine. The Basic Standards for Social Welfare Institutions for Persons with Disabilities, issued by the Ministry of Civil Affairs, requires that in the case of female persons with intellectual disabilities and mental patients, the rights and interests of the person be especially protected against violation. The Prison Law provides that “the human dignity of a prisoner shall not be humiliated, and his personal safety, lawful properties, and rights to defence, petition, complaint and accusation as well as other rights which have not been deprived or restricted according to law shall not be violated”.

59. The liberty and security of person of citizens, including persons with disabilities, are equally protected under Chinese law; under no circumstances may liberty of person be deprived on the grounds of disability. Amendment VI to the Criminal Law, passed by China in 2006, adds the crime of organizing persons with disabilities and children to go begging. This is the first stipulation in Chinese law of the crime of violating the rights and interests of persons with disabilities, by which persons who use violence or intimidation to organize persons with disabilities or minors under the age of 14 shall be subject to criminal punishment. In 2009, China’s court concluded four criminal cases of organizing persons with disabilities or children to go begging, so combating criminal actions in violation of the liberty of the person of persons with disabilities, by exploiting the weak position of persons with disabilities.

60. China’s prisons give full consideration to the physiological and psychological characteristics and physical strength of persons with disabilities, providing corresponding care in such aspects as management, reformation, life and work. Firstly, they provide basic medical care services to prisoners with disabilities, giving them regular body checks, providing treatment to prisoners with disabilities who have become ill, and safeguarding the right of such prisoners to medical and health care. Secondly, they have launched psychological correction and cure programmes and psychological guidance, for the purpose of correcting and curing prisoners with disabilities who show bad psychological tendencies. Thirdly, they provide medical treatment on bail, subject to the approval of the relevant bodies, to those prisoners with disabilities who have serious illnesses and who meet the conditions. Fourthly, they give appropriate care and help to prisoners with disabilities who face problems relating to their disability during the period of their sentence.

61. The Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security and Ministry of Justice have formulated the Provisions on the Legal Aid in Criminal Action, which chiefly states that: “The organ of public security or the People’s Procuratorate shall, after holding the first interrogation of a criminal suspect or as of the day when mandatory measures are taken according to law, inform the criminal suspect of the right to employ a lawyer for the relevant legal consulting, representative action, accusation or bail pending trial with restricted liberty of movement. At the same time, the said organ shall inform the criminal suspect that he may, in the case of any economic difficulties, apply to a legal aid institution for legal aid. As to a case involving any state secret, it shall be notified that any application of a criminal suspect for legal aid shall be subject to the approval of the investigative organ. The People’s Procuratorate shall, within three days of receiving the case materials as transferred for examination and making

decision on prosecution, inform the relevant criminal suspect of the right to entrust an advocate as well as that he may, in the case of any economic difficulties, apply to a legal aid institution for legal aid. It shall inform the relevant victim or his legal representative or near relative of the right to entrust an agent *ad litem* as well as that he may, in the case of any economic difficulties, apply to a legal aid institution for legal aid. The People's Court shall, within three days of concluding the examination of a case of public prosecution, inform the defendant that he has the right to entrust an advocate as well as that he may, in the case of any economic difficulties, apply to a legal aid institution for legal aid. The People's Court shall, within three days of accepting a private prosecution, inform the private prosecutor and his legal representative of the right to entrust an agent *ad litem* as well as that he may, in the case of any economic difficulties, apply to a legal aid institution for legal aid." When a party has gained approval for judicial relief having first applied to the People's Court for the same in accordance with the relevant provisions of the Provisions on Judicial Relief, the People's Court may inform him that he may apply to a legal aid body for legal aid in accordance with the provisions of the Regulations on Legal Aid. The Supreme People's Court and Ministry of Justice have formulated the Provisions on the Work for Legal Aid in Civil Actions, providing persons with disabilities and others with procedural accommodations, chiefly including the following: persons with disabilities requesting provision of social insurance and minimum subsistence allowance who are given a disability pension, relief funds and a regular payment of dependent support funds. When owing to economic difficulties they have not entrusted an agent, they may apply to a legal aid body for legal aid; persons with disabilities who do not have any fixed source of livelihood and social public welfare bodies including social welfare institutions, mental hospitals, social aid centres and special education institutions, where they have economic difficulties, may apply to the People's Court for mitigation or reduction of, or exemption from, litigation costs.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

(1) No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

(2) States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

62. China is a signatory party to the Convention against Torture, and rigorously carries out the obligations of the Convention in regard to the prohibition of torture. China regards the standardization of judicial actions as the focus for prohibition of torture and cruel, inhuman or degrading treatment or punishment. Article 247 of the Criminal Law provides that: "Any judicial officer who extorts confession from a criminal suspect or defendant by torture or extorts testimony from a witness by violence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. If he causes injury, disability or death to the victim, he shall be convicted and given a heavier punishment in accordance with the provisions of article 234 or 232 of this Law". Article 234 here refers to deliberate harm, whilst article 232 refers to deliberate murder. On 28 August 2005, China promulgated the Law on Public Security Administration Punishments, which provides that obtaining forced confessions by torture and collecting evidence through illegal means such as coercion, inveigling or cheating are strictly prohibited, and that evidence obtained through such illegal methods shall not form a basis for punishment. Article 113 provides

that the beating, maltreatment and insult of persons who have violated public security administration are prohibited. The Prison Law provides that prison officers shall not obtain forced confessions through torture nor use corporal punishment or maltreat a criminal; they shall not degrade the person of a criminal, nor shall they beat or allow others to beat a criminal. China's procuratorial bodies have agencies stationed at prisons to directly receive and handle complaints and reports of misconduct and grievances from inmates, including persons with disabilities, and to investigate cases where staff have used corporal punishment or beaten inmates under their supervision.

63. China's voluntary temporary relief aid system for groups with no assured living source in cities covers relevant persons with disabilities. The Measures for the Administration of Relief for Vagrants and Beggars without Assured Living Sources in Cities, implemented from 1 August 2003, provides that staff at relief centres shall not detain or covertly detain a person receiving relief aid; they shall not beat, use corporal punishment against, or maltreat a person receiving relief, nor shall they instigate others to do the same; they shall not withhold the documents, litigation materials, etc., of such a person. Where these provisions are violated such that the violation constitutes a crime, criminal liability shall be ascertained in accordance with the law; where such actions are insufficient to constitute a crime, disciplinary action shall be taken in accordance with the law.

64. With regard to the question of human medical experiments, in January 2007, the Ministry of Health issued the Measures for Ethical Investigation in Biological and Medical Research Involving Human Subjects (Trial Implementation), which stipulates that the Ministry of Health and provincial-level health administration departments must all establish guidance and advice mechanisms for investigations involving medical ethics: "The right of the human subject to give or withhold his self-determined consent must be respected and protected. The procedure of informed consent must be rigorously carried out, and improper methods such as cheating, luring by promise of gain, and coercion must not be employed to get to the subject to agree to participate in an experiment; the subject must be allowed to withdraw from the experiment at any time." The Measures also stipulate that special protection shall be afforded to subjects who have lost or are lacking in the capacity to safeguard their own rights and interests, including subjects with low intellectual capacity and mental patients. The Mental Health Law, which is currently being formulated, will prohibit the trial on patients suffering from mental conditions of new medicines and treatment methods that have no relation to the treatment of their condition.

Article 16

Freedom from exploitation, violence and abuse

(1) States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

(2) States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, *inter alia*, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

(3) In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

(4) States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

(5) States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

65. Chinese law makes provision to protect persons with disabilities from violence and abuse within the home. The Law on the Protection of Persons with Disabilities provides that the use of domestic violence against persons with disabilities shall be prohibited. The Marriage Law provides that domestic violence shall be prohibited, and that in cases where domestic violence is occurring, the victim has the right to raise a request; public security organs shall take measures to curb such violence. The Law on the Protection of Minors provides that the use of domestic violence against minors shall be prohibited; maltreatment and abandonment of minors shall be prohibited; discrimination against minors with disabilities shall not be permitted; inflicting sexual damage on a minor shall be prohibited.

66. In 2008, the relevant Government departments jointly issued Some Opinions on the Prevention and Curbing of Domestic Violence. Accordingly, public security organs have included domestic violence calls to the police within the scope of “110” callouts, and have established complaint points for such cases; procuratorial bodies shall handle investigations, arrests and transfer for prosecution in domestic violence cases in a timely fashion; judicial administration bodies shall proactively provide the necessary legal aid; health departments shall provide treatment and preserve evidence in a timely fashion, and shall aid the investigations of the public security organs; civil affairs departments shall offer relief and other temporary shelter; women’s federations shall further enhance their anti-violence hotline services, provide necessary legal help, and carry out activities to prevent and curb domestic violence. Over 30 provinces and cities nationwide have formulated localized regulations to counter domestic violence. In Shaanxi Province, for example, related training classes have been held for police, judges and judicial staff. Beijing has established the first forensic outpatient clinic specializing in domestic violence cases. The city of Qingdao has established a “Domestic Violence Harm Evaluation Centre”. Shenyang city has set up a “110 Domestic Violence Report Centre”. Judicial departments have established legal aid branch institutions in disabled and women’s federations in various places, to provide such services as shelter and medical care for women and children with disabilities destroyed by domestic violence. Women’s federations are providing help to women with disabilities through their own enquiry centres and through legal services centres.

67. China protects workers with disabilities from exploitation, violence and abuse. The Law on the Protection of Persons with Disabilities provides that no unit or individual may use violence, threats or methods involving the restriction of personal liberty to coerce a person with disabilities to do labour. The Law on Public Security Administration Punishments makes provision for the punishment of acts such as organizing, coercing or inveigling persons with disabilities to engage in terrifying or cruel performances, as well as beating and harming persons with disabilities. The Law on Employment Contracts, implemented since January 2008, stipulates that employers shall be held legally liable in the following circumstances: (1) using violence, threats or illegal methods involving the

restriction of personal liberty to coerce people into labour; (2) instructing or peremptorily ordering an employee, in violation of rules and regulations, to carry out dangerous operations that threaten his personal safety; and (3) insulting, using corporal punishment, beating, and illegal searching or detention of a worker.

68. Chinese law stipulates relief measures to aid persons with disabilities who have been subjected to exploitation, violence and abuse. The Law on the Protection of Persons with Disabilities provides that a person with disabilities who has been subjected to harm through violence may, in accordance with article 59 of the said law, file a complaint with an organization representing persons with disabilities. The said organization shall protect the legitimate rights and interests of the persons with disabilities, and has the right to request the relevant department or unit to investigate and deal with the matter; the said department or unit shall do so in accordance with the law, and shall give its response. The victim of the violence may also, in accordance with the Criminal Procedure Law and the Law on Public Security Administration Punishments, etc., report the case and lodge a formal accusation with the public security organs, procuratorates or courts.

Article 17

Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

69. The Chinese Government respects the physical and mental integrity of persons with disabilities. The Law on the Protection of Persons with Disabilities provides that the state encourages persons with disabilities to have self-respect and self-belief, to strive to enhance themselves and to be self-supporting. Guardians of persons with disabilities shall respect the wishes of those for whom they are acting as guardians. The State Council's Opinions on Promoting the Cause of Persons with Disabilities requires that the right to be informed of the person with disabilities be respected.

70. In regard to medical care, China's Law on Medical Practitioners provides that medical practitioners shall introduce the situation of the patient's condition to the patient or their family strictly in accordance with the facts, but shall take care to avoid giving rise to undesirable consequences in the patient. The medical practitioner, when carrying out experimental clinical treatment, shall do so only having gained the approval of the hospital and the consent of the patient themselves, or of their family. Article 55 of the Tort Liability Law provides that: "During diagnosis and treatment, the medical staff shall explain the illness and relevant medical measures to their patients. If any operation, special examination or special treatment is needed, the medical staff shall explain the medical risks, alternate medical treatment plans and other information to the patient in a timely manner, and obtain the written consent of the patient; or, when it is not proper to explain the information to the patient, explain the information to the close relative of the patient, and obtain the written consent of the close relative. Where any medical staff member fails to fulfill the duties in the preceding paragraph and causes any harm to a patient, the medical institution shall assume the compensatory liability." The Regulations for the Administration of Medical Institutions stipulate that when medical institutions are performing operations, special investigations or special treatment, they must gain the consent of the patient, and must further gain the consent and signature of a family member of the patient concerned. The Regulations on Handling Medical Accidents stipulate that medical institutions and their medical staff shall tell the patient about their condition, the treatment measures, the risks involved in the treatment and so forth, strictly in accordance with the facts.

71. China protects the right to autonomy of persons with disabilities in respect of reproduction. The Law on the Protection of the Rights and Interests of Women provides that women have the right to give birth in accordance with the stipulations of the State, and that they also have the freedom not to give birth. The Chinese Government prohibits forced abortions, and requires that artificial abortion must respect the principles of personal choice and legality; it is not permitted to use abortion as a method of family planning. The Regulations on Administration of Technical Services for Family Planning stipulate that citizens enjoy the right to informed choice of methods of contraception.

72. Medical administration and management institutions are responsible for the supervision and control of medical institutions and their professional staff. The Association of Medical Professionals has a specialized Ethics Committee, which is responsible for ethics development and operational management. Where persons with disabilities have been forced into medical treatment, they may file a complaint with a disability rights organization or with a competent medical administrative authority, or they may file a lawsuit in court, in accordance with the law.

Article 18

Liberty of movement and nationality

(1) States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

(c) Are free to leave any country, including their own;

(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

(2) Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

73. China's Nationality Law provides that "any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality", and that "any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality"; moreover, "any person born in China whose parents are stateless or of uncertain nationality and have settled in China shall have Chinese nationality". Under the Nationality Law, persons with disabilities enjoy equal rights with others in regard to obtaining Chinese nationality, and no discrimination whatsoever exists. All laws, legal regulations and policies make no restriction or discrimination in regard to persons with disabilities freely entering or leaving China. In China, there has never been any case of nationality being deprived on grounds of disability, nor of movement in and out of the country being restricted on such grounds.

74. The obtaining of a birth registration is a fundamental right. China's public security organs, in accordance with the relevant legal provisions on the management of the household register, carry out permanent household registration of newborn infants. In certain areas, particularly rural areas, where management of the household register may be weak, the phenomenon of children, particularly children with disabilities, being born without any application being made for a household registration, is relatively pronounced. Where such a situation exists, public security organs should take the following measures: they should perfect the rural household registration management system, draw up a permanent population registration form for every citizen, and issue household residence booklets to each family; they should work closely with the national population census to concentrate on solving the problem of registering persons who have no household registration. Door-to-door visits by community police for the purpose of conducting interview surveys will enhance publicity and education and increase citizens' awareness of the need for birth registration. In recent years, the registration of rural children has basically achieved full coverage. In China, there has never been any case in which someone was refused a household registration on the grounds of disability.

Article 19

Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- (a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- (b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- (c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

75. The Law on the Protection of Persons with Disabilities provides that persons with disabilities enjoy equal rights to other citizens in respect of home life. Relatives and guardians of persons with disabilities shall encourage such persons to strengthen their capacity for living independently. The State Council's Opinions on Promoting the Cause of Persons with Disabilities and Guiding Opinions on Accelerating the Promotion of the Social Security System and Services System for Persons with Disabilities require the following: the development of community services for persons with disabilities, and of home help services; where conditions are right, the establishment of a home help services subsidy system, and reliance on the community to provide life care, rehabilitation and follow-up care, technical training, culture and leisure, sports and fitness, and other such services for the public good; the development of daycare and other services by community service facilities and welfare organizations; promotion of the construction of and conversion to barrier-free facilities in communities, on roads, in public buildings and in residential buildings.

76. Since 2009, the Chinese Government has implemented the "Sunshine Home Project", which aims at providing services such as life care, occupational rehabilitation, technical training, culture and sport, and psychological counselling to persons with

disabilities in the community, so giving them better chances to live independently and to integrate into the community. At present, 3,210 “sunshine homes” have been set up, providing services to 95,000 persons with disabilities. The Chinese Government actively promotes the barrier-free conversion of the community and the homes of persons with disabilities. According to the data from the National Bureau of Statistics of China, for 2009, the satisfaction rating of persons with disabilities in cities and towns with regard to barrier-free facilities was 66.8 per cent. In recent years, there has been a relatively rapid development of community organizations for persons with disabilities in China. By the end of 2009, a total of 568,000 associations for persons with disabilities had been established nationwide in communities and villages, selecting and employing 456,000 dedicated representatives who are persons with disabilities. These associations and representatives are responsible for helping persons with disabilities to participate in community activities. Many places have organized persons with disabilities to launch cultural, leisure, and sports and fitness-related activities in the community, thus expanding the social participation of persons with disabilities.

Article 20

Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- (a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- (b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- (c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- (d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

77. China places emphasis on raising the independence and freedom of mobility of persons with disabilities. The Law on the Protection of Persons with Disabilities provides that the relevant Government departments shall organize and support the research and development, production, supply, and repair services of rehabilitative apparatuses and assistive devices for persons with disabilities.

78. The Central Treasury provides subsidies to cover the costs of assistive devices included within the Government’s supply programme. From 2003 to 2005, nearly RMB 60 million in special project funds were input from the China Welfare Lottery, providing persons with disabilities with around 340,000 free wheelchairs, prosthetic limbs and rehabilitative training apparatuses. During the Eleventh Five-year Plan (2006-2010), the Central Treasury invested nearly RMB 100 million on the fitting of prosthetic limbs and functional orthotic devices, and the free issuing of assistive devices for persons with disabilities living in poverty; furthermore, it provided subsidies for general-type prosthetic limb fitting stations nationwide. Local governments also gave subsidies for assistive devices. The Chinese Government made public its Interim Measures for Exemption from Import Duties on Special-Purpose Articles for Persons with Disabilities, which stipulates that special products for persons with disabilities such as prosthetic limbs and orthotic devices shall be exempted from import value added taxes and consumer taxes. The State Administration of Taxation issued its Measures for the Administration of Tax Deduction or

Exemption (Trial Implementation), which gives income tax breaks for enterprises that produce and fit special articles for the wounded and disabled.

79. The Chinese Government has implemented the “Yangtze General-Type Prosthetic Limb Fitting Programme”, which aims to complete 170,000 cases of lower prosthetic limb fitting by 2012. A “Lottery Welfare Fund Programme” has been implemented to provide free wheelchairs and other assistive devices to persons with disabilities living in poverty. China has included assistive devices and other rehabilitation items for persons with disabilities in the financial assistance provided for industrial injury insurance, the new type of rural cooperative medical care system and the basic healthcare insurance for urban residents. China is developing a nationwide prosthetic limb service network, which includes 600 prosthetic limb fitting institutions, providing samples of assistive devices to 2,200 counties and 1,600 community centres. From 2007 to 2009, more than 75,000 cases of general-type prosthetic limb fitting were completed either free of charge or at a concessional rate. In addition, 3.3166 million wheelchairs, hand-propelled wheelchairs and other assistive devices were provided and 36,000 orthotic devices were also fitted. In 2009, the Government organized a mobile service coach project for fitting prosthetic limbs and assistive devices, and 90 assistive device service centres have been equipped with such a coach. The Chinese Government funded the compilation of popular reading material on rehabilitation and assistive devices, such as Guided Walking Training for Blind People, Life Skills for Persons with Disabilities, and Handbook on Assistive Device Services. In 2001, the Chinese Government started to include rehabilitation treatment in its plan for full-time tertiary education.

80. By the end of 2009, the China State Administration on Standardization had approved 107 quality standards on assistive devices for persons with disabilities. The Ministry of Civil Affairs organized the formulation of standards on goods and tools for use by persons with disabilities and stepped up inputs in the development of the national laboratory on assistive devices. The State General Administration of Quality Control has included quality control of disability assistive devices in the national sample inspection plan. In order to further enhance the mobility of persons with disabilities, Regulations on Accessibility Development and Regulations on Disability Prevention and Rehabilitation are being formulated to lay down detailed rules on assistive technical services, accessibility in public transport and guide dogs in public places.

Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign languages.

81. The Chinese Government supports and helps persons with disabilities in using sign language, Braille and all other methods of accessible communication to obtain information. The Law on the Protection of Persons with Disabilities provides that the Government and relevant departments shall take measures to facilitate access to public information for persons with disabilities; they shall organize and support the research and application of Braille and sign language; they shall organize and support the compilation and publication of Braille books, audio books and other reading materials for the visually impaired and other persons with disabilities, in accordance with their actual needs; they shall establish a special section of Braille books and audio books for visually impaired persons in public libraries; they shall offer TV programmes in sign language, set up radio programs specially designed for persons with disabilities and add subtitles or narrations to more TV programmes and movies. The State shall encourage and assist telecommunication, radio and TV service providers in the provision of preferential treatment for persons with visual, hearing, or speech disabilities. Postage of reading materials for the visually impaired shall be free of charge. The Decree on Government Information Openness implemented from 1 May 2008 provides that where citizens have reading difficulties or visual and hearing impairments, administrative bodies shall provide them with the necessary help. The Outline of the Work for Persons with Disabilities during the Eleventh Five-year Plan: Information Infrastructure Implementation Plan requires the creation of a harmonious environment for the participation of persons with disabilities in the life of the information society.

82. The Chinese Government has published *Chinese Sign Language*, so as to unify and standardize the use of sign language. China Central Television and the majority of provincial TV stations, as well as some municipal TV stations, have begun introducing sign language news programmes. The majority of hospitals, banks, bus stations, malls, cultural and sports buildings, tourist sites, parks, squares and public transport providers have enhanced their information access services for persons with disabilities, whilst some businesses have set up electronic information board systems. The Chinese Government has included the “China Technical Knowhow Support System for Information Accessibility for Persons with Disabilities and its Demonstration and Application” in the science and technology enabling plan of the Eleventh Five-year Plan as a key project at the national level. At present, the comprehensive service platform for persons with disabilities which is under development includes a core accessibility support platform framework and interface, a platform of identities and search, a platform of recruitment and employment, a charity information service platform, and a socializing and entertainment platform. In terms of information accessibility for the blind, there are many successes including the development of screen-reading software for the blind, a high-speed Braille printer, a digital Braille monitor, a digital assistant for the blind, a Bluetooth wireless screen reading device, and an internet sound-activated search function. In terms of tackling impediments for the deaf, successful projects include the hearing augmentation assistive system and the televised digital sign language system. Some of these technologies have been demonstrated and put into use. The Chinese Government supported the establishment of the China Information Accessibility Alliance, which organized many “brainstorming workshops of China Information Accessibility Alliance member institutions” and “symposia on China information accessibility standards”, at which experts and scholars were consulted. The journal *Internet World* has launched a special column on “information accessibility”, which introduces the progress of information accessibility both at home and abroad as well as case studies of technology, products and their standards.

83. The Chinese Government has promoted the construction of accessible information on important portal sites both of the Government and society. On the eve of the Beijing 2008 Olympics, the Government launched the Beijing 2008 Olympic and Paralympic Games United Action for Accessible Websites. In May 2009, the Chinese Government website formally launched a column on “services for persons with disabilities”; the column was designed in compliance with the WCAG2.0 standard on accessibility, and provides an audio version of the website and an assistive device for web browsing. The China Disabled Persons Federation Net has put into practice an accessible website design that meets the international standard, becoming China’s first model of multi-technology enabled website with information accessibility. Cities such as Shanghai and Guangzhou have also rolled out their website accessibility policies. Influential Chinese websites such as Xinhua.net, CCTV International and Sina.net are all actively revamping their websites to achieve information accessibility.

84. The Chinese Government actively promotes information accessibility. In March 2008, two technical documents were drafted: Information Accessibility – Communities with Physical Functional Differences – Technical Requirements for the Design of Accessible Websites, and TD/T 1822-2008, i.e. Information Accessibility – Communities with Physical Functional Differences – Testing Standards for the Design of Accessible Websites. On the basis of information accessibility standards and taking into consideration the situation of the information and communications industry, relevant authorities have focused on the research and formulation of four information accessibility technical standards, including Information Accessibility Service Technical Standards of Call Centres, Voice Internet Access Technical Standards, Technical Standards on Assistive Systems for Communities with Hearing Impairments at Public Places, and Sign Language and Lip Reading Real Time Dialogue Application Configuration Using Low Bite Visual Communications. These standards will provide the technical basis for the development of the accessible call centre service platform, web-based voice information service, information accessibility assistive service system for the deaf in public places and the development, production, application and testing and verification of the person-to-person visual communications system. Consultations are being held now on the Basic Principles on Information Accessibility Website Grading and the Implementation Guidelines on Information Accessibility Website Grading, for their early promulgation. The standards and methods for the testing and assessment of accessible websites are under formulation and improvement.

Article 22

Respect for privacy

(1) No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

(2) States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

85. China’s Constitution provides that the citizen’s freedom and confidentiality of correspondence are protected by law. No individual or organization shall for any reason violate a citizen’s freedom and confidentiality of correspondence. Chinese law stresses that personal privacy is protected during litigations. The Civil Procedure Law provides that evidence which involves personal privacy shall be confidential and that should it need to be produced in court, it shall not be produced in open session. The Criminal Procedure Law

provides that cases relating to personal privacy shall not be heard in open session. Chinese law provides that violations of personal privacy shall be punished. The Supreme People's Court, in its judicial interpretations made for the enforcement of the General Principles of the Civil Law, has stipulated that where the right to privacy has been violated, a lawsuit may be brought for defamation. The Tort Liability Law provides that the civil rights and interests referred to in that law include such civil rights and interests as the right of privacy. The Criminal Law provides that concealing, destroying or illegally opening the mail of others is a violation of a citizen's right to freedom of communication, and that where the case is serious, the violator shall be given a fixed-term prison sentence not exceeding one year or detention. Where postal workers, without authorization, open, conceal or destroy mail or telegrams, they shall be given a fixed-term sentence not exceeding two years or detention.

86. Chinese law protects the privacy of the health and rehabilitation records of persons with disabilities. The Tort Liability Law provides that medical institutions and their medical staff shall uphold confidentiality in regard to the privacy of the patient. Where a person divulges private details of the patient, or where such materials are made public without the consent of the patient, such that harm is caused to the patient, then that person shall bear the liability for tort. Article 22 of the Law on Medical Practitioners provides that in their professional activities, medical practitioners shall carry out their obligations to protect the privacy of the patient. Article 37 provides that whosoever divulges the patient's personal information such that there are serious consequences, shall, in serious cases, have their license to practice revoked; where such actions constitute a crime, criminal liability shall be ascertained in accordance with the law. The Measures for the Standardization and Implementation of Medical Ethics for Medical Staff provides that medical staff shall ensure medical confidentiality for the patient, and shall not divulge the patient's private information.

87. In judicial practice, where a citizen's right of privacy has been violated, he may seek to establish the civil liability of the violator on the grounds of violation of the right of reputation, and may also take the action that violated the right of privacy directly to the court to request compensation for psychiatric harm incurred.

Article 23

Respect for home and the family

(1) States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

(a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

(b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

(2) States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best

interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

(3) States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

(4) States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

(5) States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

88. Chinese law protects the right of all marriageable persons with disabilities to start a family. The Marriage Law provides that China applies a marriage system based on the free choice of partners, on monogamy and on equality between men and woman. Marriage upon arbitrary decision by any third party, mercenary marriage and any other acts of interference in the freedom of marriage shall be prohibited. In order to ensure that both parties are engaging in marriage entirely of their own volition and with their full consent, the said Law requires that both parties must carry out marriage registration in person at a marriage registry office. The 2006 sample survey of persons with disabilities shows that China had a total of 70.5 million family households with persons with disabilities, accounting for 17.80 per cent of the overall total of family households. Of these households, those that had two or more persons with disabilities totalled 8.76 million, a total of 12.43 per cent of the total number of families having persons with disabilities. The size of family households having persons with disabilities was 3.51 persons.

89. Chinese law provides that citizens have an obligation to practice family planning. The Law on Population and Family Planning provides that the State creates conditions to ensure that individual citizens knowingly choose safe, effective, and appropriate contraceptive methods. The Chinese Government earnestly carries out the broad dissemination of reproductive health knowledge to persons with disabilities of reproductive age, and proactively dispatches to the homes of persons with disabilities information on reproductive health, contraceptive medicines and devices, and healthcare services during the pregnancy and perinatal periods. In accordance with the Law on the Protection of the Rights and Interests of Women, the Chinese Government has promoted a reproduction insurance system and other reproduction guarantee systems. In 2005, China's Ministry of Construction and National Development and Reform Commission issued the Basic Design and Construction Standards for Rural Family Planning Service Bodies, which required that county and township family planning service stations have the necessary barrier-free facilities, that they provide advice services and follow-up services, that they provide free to persons of reproductive age the necessary contraceptive medicines, devices and technical services, and that they raise the standard of services provided to persons with disabilities by family planning personnel through regular training.

90. Parents with disabilities, provided that they have not lost the capacity for guardianship as stipulated by the law, may, without discrimination, act as foster parents and guardians. The Law on the Protection of the Rights and Interests of Women provides that both parents enjoy equal guardianship rights in respect of their children who are minors. The Marriage Law provides that parents have rights and obligations to protect and educate

children who are still minors. Only when the parents of persons with disabilities have lost the legally stipulated capacity to act as guardian will the grandparent, elder brother, or elder sister of a person with disabilities take on the responsibility of fostering that person. In order to help persons with disabilities carry out their responsibilities in respect of raising their children, the Government has provided basic subsistence, medical, education and housing aid. For example, it guarantees that impoverished families of persons with disabilities enjoy urban and rural residents' minimum subsistence allowance and other relevant living assistance; it has implemented a scheme for the overhaul of dangerous housing for rural impoverished families of persons with disabilities; the urban low-rent housing policy and rural dangerous housing overhaul scheme give priority care to impoverished families with disabilities; and financial assistance is provided for minors in families of persons with disabilities to receive compulsory education.

91. China emphasizes protection of the equal rights of disabled children in the family. The Law on the Protection of Minors provides that minors enjoy equal rights in accordance with the law, irrespective of aspects such as gender, ethnicity, race, family wealth, and religious belief. In accordance with the Law on the Protection of Persons with Disabilities, those bringing up children with disabilities must carry out their obligations to do so. Guardians of children with disabilities must carry out their responsibilities as guardians, respecting the wishes of the person for whom they are acting as guardian and safeguarding the legitimate rights and interests of the said person. The Marriage Law provides that when parents do not carry out their obligations in respect of bringing up children, those children who are minors or who cannot live independently have the right to request the parents to pay child support payments. In order to prevent the concealment, abandonment, neglect or segregation of children with disabilities, the Chinese Government provides support and assistance to the parents and relatives of children with disabilities, and in accordance with the Law on the Protection of Minors, requires the establishment of relief centres, providing relief for minors with disabilities who have no assured source of living, such as vagrant beggars, and informing their guardians in a timely fashion to come and collect them. The Measures for the Administration of Relief for Vagrants and Beggars without Assured Living Sources in Cities provides that relief stations shall provide care for those receiving assistance. The Government shall educate those close family relatives or other guardians who have abandoned persons with disabilities to carry out their duty to bring them up.

92. In regard to those persons with disabilities who are classified as "three withouts" (namely, without a source of livelihood, without the capacity for work, and without any legally recognized provider), the Chinese Government provides, through the community, life care, rehabilitation and follow-up care, technical training, culture and leisure, sports and fitness, and other such services for the public good; it trains up social organizations specially aimed at providing services for persons with disabilities, and through such means as public aid run by local people, Government subsidies, and Government procurement of services, it encourages differing organizations, businesses and individuals to establish service facilities for persons with disabilities.

Article 24

Education

(1) States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

(c) Enabling persons with disabilities to participate effectively in a free society.

(2) In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

(3) States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

(4) In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

(5) States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

93. The Second China National Sample Survey on Disability, carried out in April 2006, shows that in China there were a total of 920,000 children with disabilities between the ages of 3 and 5. Of these, there were approximately 569,000 boys with disabilities and 347,000 girls.

94. The Law on the Protection of Persons with Disabilities provides that regular primary schools and junior high schools must enroll children and young people with disabilities who are able to adapt to the study life in such schools; regular senior high schools, vocational high schools and higher education institutions must enroll students with disabilities who meet the enrollment requirements stipulated by the State, and shall not refuse to enroll them because of their disabilities. Currently, there are 269,000 blind, deaf or intellectually challenged students studying in regular classes in regular high schools and primary schools, representing 62.87 per cent of the total of these three types of students attending school. The Government gives priority exemption of tuition and sundry study costs for students with disabilities during the compulsory education stage, as well as giving priority subsidies to help cover the living costs of students with disabilities who are boarders. Some higher education institutions have initiated special majors that target students with disabilities, and carry out independent enrollment and training. In 2009, there were as many as 22,241 university and graduate students with disabilities studying in regular higher education institutions. Students with disabilities can also choose to receive adult higher education through modes such as distance learning.

95. China has actively developed special education schools. The Compulsory Education Law provides that the Government shall, as necessary, set up special education schools (classes), with the aim of implementing compulsory education for children and young people of school age with visual disabilities, hearing and speech disabilities, and intellectual disabilities. The Regulations on the Education of Persons with Disabilities provide that special education work shall adhere to the principle of combining cultural and labour skills education with due attention to meeting their physical and mental needs; “classification teaching” and individual education shall be offered to meet the individual needs of students with diverse disabilities; curriculum design, teaching plans and teaching materials shall be appropriate to the particular characteristics of children with disabilities. In May 2009, the General Office of the State Council issued the Opinions on Further Accelerating the Development of Special Education, which laid out requirements such as perfecting the education system for persons with disabilities and the special education cost guarantee mechanism, and strengthening the building of a body of special education teachers. The Opinions also proposed accelerating the development of primarily vocationally-oriented higher and secondary stage education for persons with disabilities, to create the conditions for their subsequent employment or further study.

96. In 2008, China launched its “Central and Western Regions Special Education Schools Construction Project”, which planned to build or revamp and expand 1,160 special education schools, with the Central Treasury planning to input an amount that would reach RMB 5.45 billion. Since 1987, the Government has consecutively formulated curriculum programmes for special schools for those with intellectual disabilities, deaf schools and blind schools, and in 2007, formulated an implementation plan for the introduction of special school compulsory education, that led to the addition of courses in rehabilitation, social communication, information technology and foreign languages. By the end of 2009, the State had established 1,672 special education schools, of which 35 were blind schools, 541 were deaf schools, and 401 were schools for those with intellectual disabilities, whilst 695 were general special education schools. The total number of students in special education schools was 159,000, of which 9,000 students were studying at the senior high school level, an increase of 10 per cent on the previous year. The school entry rate for school-aged children with different disabilities was 80 per cent. In accordance with the physical and mental needs of students with disabilities, special education institutions place emphasis on raising their capacities in such aspects as life skills, communication, and social integration, and on creating a good environment conducive to the development of the physical and mental health of students with disabilities. For the last 10 years, the China Disabled Persons’ Federation has put in a total of almost RMB 200 million, giving financial

support to 200,000 students with disabilities, and has also set up 1,578 pre-school rehabilitation institutions for deaf children, with a yearly intake of nearly 20,000 deaf children. In implementing compulsory education for persons with disabilities, China respects the policy of equality between men and women.

97. The Chinese Government has developed vocational education and occupational training for persons with disabilities. In 2008, of the students attending vocational high schools, 15,460 were students with disabilities, an increase of 52 per cent on 2004. By 2009, there were 174 secondary-level vocational education institutions for persons with disabilities; there were 3,984 different occupational training institutions for persons with disabilities, training up 785,000 persons with different disabilities from different age-groups.

98. The State encourages teacher training colleges to increase the number of students accepted for majors in special education and encourages high quality teachers to take up teaching positions in special education. By 2009, the number of teaching staff dedicated to special education in special schools had reached 35,000, and the number of special education teachers employed in regular schools had increased year by year. The State launched training programmes for headmasters of special education schools, and established national bases for teacher training in vocational education for persons with disabilities. Teachers pursuing a career in special education enjoy special job-related subsidies, whilst teachers and management personnel of educational institutions who have a command of sign language or Braille enjoy subsidies.

99. The Chinese Government encourages the development of such alternative modes of communication as Braille and sign language, so as to facilitate persons with disabilities to learn skills and participate in the life of society. As special languages and scripts, sign language and Braille are included by the State within the national work plan for languages and scripts. The Government is setting up national-level sign language and Braille research institutions, compiling specialized sign language for particular fields including computing, sports and natural sciences, and setting up a national professional qualifications system for sign language interpreters. The State has implemented a policy of subsidizing Braille publications, providing free Braille and large-print teaching materials, as well as teaching materials for persons with intellectual disabilities, and establishing standards for sign language education of the deaf. China's educational institutions for the blind all use Braille education, supplemented with information-accessible teaching methods such as audio reading materials. Educational institutions for the deaf use oral teaching methods supplemented with sign language and written language.

Article 25

Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- (a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- (b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate,

and services designed to minimize and prevent further disabilities, including among children and older persons;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, *inter alia*, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;

(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

100. The Law on the Protection of Persons with Disabilities requires that governments at all levels give assistance for the basic medical care of poor persons with disabilities. The Chinese Government aims at establishing by 2020 a basic healthcare system covering urban and rural residents, and a relatively complete system of public health services and healthcare, in order to achieve equality in basic health services. The State Council, in its Opinions on Promoting the Cause of Persons with Disabilities, requires that persons with disabilities be ensured access to basic health services, and that the basic health service system covering urban and rural residents should provide safe, effective, convenient and inexpensive serviced for people with disabilities.

101. China gives priority to the development of community health service for the special needs of persons with disabilities. The State Council, in its Opinions on Promoting the Cause of Persons with Disabilities, further requires the establishment of a community-based service system, with is led by specialized institutions and supported by families and neighbourhoods. The State Council stipulates, in its Guiding Opinions on the Development of Urban Community Health Service, that such community-based healthcare institutions are non-profit in nature and should focus their services on persons with disabilities. Their service should be proactive in their outreach and should include health education, prevention, rehabilitation and the treatment of common and frequently-occurring diseases. China has already set up its community healthcare system, comprising 27,000 service centres (stations) by the end of 2009.

102. The Law on the Protection of Persons with Disabilities provides that the State engages in systematic disability prevention by establishing a mechanism for the prevention and early treatment of birth defects. The State Council, in its Opinions on Promoting the Cause of Persons with Disabilities, requests community-based and three-tiered prevention efforts with a focus on first-tier prevention, in order to control the occurrence and development of disabilities. According to the China Action Plan on Improving Population Quality and Reducing Defects and Disabilities at Birth (2002-2010), free marital and reproductive education and free pre-nuptial health check-ups will be rolled out, and guidance will be given for the use of such nutrient additives as folic acid. A nationwide pre-natal diagnosis network will be established to improve detection of defects during pregnancy. The Chinese Government promulgated the Administrative Measures for the Screening of Diseases of New-born Babies, to normalize the screening and treatment of diseases of new-born babies. China is implementing the Hearing Impairment Prevention and Rehabilitation Plan (2007-2015), and it is the first country in the world to have such a plan. As a result of two decades of efforts, overall occurrences of disabilities have been brought down by 1.5 million people. The ratio of persons with intellectual disabilities

resulting from genetic diseases, developmental abnormalities and malnutrition has gone down from 2.6 per mille in 1987 to 1.3 per mille in the 2006 survey, reducing the number of persons with such disabilities by about 1.1 million.

103. For more than 20 years, the Government has sent many teams of medical professionals to the rural and remote areas to provide healthcare and rehabilitation services, and run many training workshops for medical workers. Well-known medical experts in China have founded the China Disability Rehabilitation Association, and rehabilitation centres at the provincial level have promoted knowledge on the protection of the rights of persons with disabilities among medical workers by running workshops, compiling training material and organizing lecturer teams. Chinese law prohibits forced medical treatment and care of any person, including persons with disabilities, without prior-informed consent given out of the free will of the persons concerned.

104. China strives to perfect its health insurance and assistance systems. The State Council, in its Opinions on Further Reforming the Healthcare System, requests the establishment of a basic health insurance system that covers both urban and rural residents. This system should include basic health insurance for urban employees and for urban residents, a new model of rural cooperative medical care system and urban-rural healthcare assistance. The Chinese Government implements a series of policies aimed at encouraging participation of persons with disabilities in the systems of basic pension, healthcare and reproduction insurance. In 2009, 94.4 per cent of persons with disabilities in the rural areas joined the new model of rural cooperative medical care, and 61.4 per cent of urban residents with disabilities and 89.4 per cent of urban employees with disabilities joined basic healthcare insurance. The Chinese Government established in 2003 and 2005 respectively the rural and urban healthcare assistance systems, with a focus on providing medical assistance to low income groups, persons with disabilities and patients with grave illnesses. Funding for such assistance has been growing in recent years. By 2009, nationwide urban healthcare assistance spending reached RMB 3.47 billion, benefiting 9.46 million person-times; that for rural areas totalled RMB 5.69 billion, giving medical assistance to 65.59 million person-times.

105. The Chinese Government gives high priority to the prevention and treatment of HIV/AIDS. Public awareness and knowledge of the prevention and treatment of infectious diseases have been enhanced by means of both general promotion activities and special campaigns such as Infectious Disease Day. Education and publicity campaigns have also been launched in the news media.

106. The Chinese Government attaches importance to the protection of the reproductive rights of persons with disabilities and gives special reproductive care to them. Family planning institutions have actively engaged with persons with disabilities of reproductive age in reproductive education. Efforts have also been stepped up to provide pre-natal services in order to prevent and reduce involuntary pregnancies.

Article 26

Habilitation and rehabilitation

(1) States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

(a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

(2) States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

(3) States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

107. The Chinese Government is actively engaged in the habilitation and rehabilitation of persons with disabilities. Between 2006 and 2010, the Central Government earmarked a total budget of RMB 1.58 billion for the purpose. By the end of 2009, 18 billion persons with disabilities had enjoyed habilitation and rehabilitation services to varying extents.

108. The Chinese Government is developing a community rehabilitation service network, which comprises community health service centres, township hospitals and village clinics and provides rehabilitation care, education and tools and equipment to persons with disabilities. Community rehabilitation service emphasizes the proactive participation of persons with disabilities and their families, who are encouraged to take ownership of their rehabilitation. The Government has already developed 349 community rehabilitation model counties (including cities and prefectures). By 2009, 807 city districts and 1,569 county-level cities had rolled out community-based rehabilitation services, accounting for 90.4 per cent and 68.9 per cent of the national total respectively, benefiting 9.844 million persons with disabilities.

109. From 2007 to 2009, 2.731 million cataract patients underwent surgical operations to rehabilitate their eye sight; 107,000 people with low vision were fitted with vision assistive devices, and 79,719 children with intellectual disabilities and 7,525 children suffering from autism were given rehabilitation training. The Government's "society-based, comprehensive and open" mental illness prevention, treatment and rehabilitation model contributed to the rehabilitation of 4.903 million patients with mental illnesses.

110. China is keen to develop its human resources in the rehabilitation profession. The State Council, in its Opinions on the Further Enhancement of Rehabilitation Work for Persons with Disabilities, requests the inclusion of rehabilitative medicine in the training of general practitioners and the introduction of rehabilitative medicine courses in medical schools and universities. The Government formulated the Plan on the Training of Rehabilitation Professionals (2005-2015) and implemented in 2009-2011 the "100/1,000/10,000 Rehabilitation Professionals Project", i.e. training over a hundred experts and managers in disability rehabilitation, retraining several thousand existing rehabilitation professionals and management staff, and training several hundred thousand community rehabilitation facilitators. At the national level, a disability rehabilitation technical guidance taskforce was put in place to formulate technical standards, and compile training syllabuses and training material.

111. The Law on the Protection of Persons with Disabilities stipulates that government departments should organize and support the research and development, production, supply, and maintenance and repairs of rehabilitation equipment and assistive devices. China has formulated the National Standards on the Categories and Terminology of Disability Assistive Devices. Specialized institutions were commissioned by the Government to run regular training courses on rehabilitation equipment and assistive devices. Local governments also gave budgetary support to the provision of rehabilitation training

equipment at the grassroots level and in rural areas. For three consecutive years from 2007, China hosted the Care and Rehabilitation Expo, where all types of rehabilitation equipment and assistive devices were on display for the public and persons with disabilities in particular, and where Chinese and overseas manufactures, service providers and research institutions engaged in and expanded their exchanges and cooperation. The Chinese Government has also given assistance to some developing countries in Asia and Africa in rehabilitation equipment and assistive devices.

Article 27

Work and employment

(1) States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, *inter alia*:

(a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

(g) Employ persons with disabilities in the public sector;

(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

(i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

(j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

(k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

(2) States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

112. The Law on the Protection of Persons with Disabilities stipulates the protection of the right to work of persons with disabilities. The Law on Promotion of Employment prohibits discrimination against persons with disabilities in the recruitment process by employers. The Regulations on Employment of Persons with Disabilities stipulate that employers should provide working conditions and workplace safety commensurate with the physical conditions of employees with disabilities. The Regulations further prohibit discrimination against employees with disabilities in terms of promotion, performance evaluation and granting of professional qualifications, remuneration, social security and welfare benefits. Both the Labour Law and the Law on Employment Contracts stipulate equal pay for equal work. By the end of 2009, there were 22 million persons with disabilities in employment, of whom 4.43 million worked in cities and towns and 17.57 million in the rural areas.

113. The Chinese Government took the following measures of assistance: (1) Employees with disabilities as a percentage of the total number of employees should not be lower than 1.5 per cent. Employers who fail to meet the quota must contribute to a fund for promoting employment of persons with disabilities by paying a disability employment fee. Entities earmarked for employing persons with disabilities must have 25 per cent of their full time positions held by persons with disabilities. When such a target is met, the employers can enjoy tax breaks. (2) Persons with disabilities are encouraged to start their own businesses, which enjoy micro-financing support and are exempted from administrative levies. Local governments, such as the Beijing municipal government, give a one-off financial or in-kind support to persons with disabilities who start their own businesses as well as financial support for the renting of premises. (3) The Government identifies products and businesses which are more suitable for persons with disabilities, and gives priority to welfare employers of persons with disabilities in the production and management of such products and businesses. Priority is given to such welfare employers, *caeteris paribus*, in the Government procurement process. (4) The Government provides earmarked funding for vocational training of persons with disabilities, and commissions public employment service agencies to provide free employment training for them, which includes vocational training, employment counselling, employment adaptability assessment and rehabilitation training, in order to enhance their competitiveness in the job market. There are now 3,984 training institutions for persons with disabilities in China and 785,000 persons with disabilities have been trained in 2009.

114. To find a solution to employment and reemployment of persons with disabilities, the State Council distributed to various levels of the Government a Circular on Ensuring Basic Needs and Reemployment of Laid-off workers of State-owned Enterprises, in which it urged efforts to avoid laying off workers with disabilities. The China Disabled Persons' Federation and the former Ministry of Labour and Social Security promulgated the Circular on Ensuring Basic Needs and Reemployment of Laid-off workers with Disabilities, requesting that all efforts be made to avoid dismissing workers with disabilities due to financial difficulties of the employers. The same effort should also be made when enterprises go through restructuring and reorganization. Employers must ensure that all laid-off workers with disabilities are trained in reemployment training centres, which should give such workers vocation and job transfer training and placement services. The Chinese Government issued "Reemployment Priority Cards" to laid-off workers from state-owned enterprises, including those with disabilities. Enterprises that employ holders of such cards with disabilities are eligible to tax concessions. Persons with disabilities who start their own businesses enjoy a wide range of tax concessions.

115. In order to promote employment of persons with disabilities, all levels of Government-run public employment service agencies are fully open to persons with disabilities and provide free employment services to them, including policy and job information, vocational guidance and placement service. The Chinese Government has established an employment aid system. Persons with disabilities that encounter difficulty in finding jobs are helped by the system, which provides positions in neighbourhood and welfare businesses for them. The Ministry of Human Resources and Social Security initiated an annual National Employment Aid Month campaign. During the campaign and in collaboration with the China Disabled Persons' Federation, the Ministry provides special services based on home visits, organizes special recruitment activities, and offers welfare jobs and self-employment opportunities, in order to give focus to the employment of persons with disabilities.

116. China gives equal protection to men and women with disabilities. The Government will continue to enhance vocational training of women with disabilities and develop more and appropriate jobs for them, in order to narrow the gender gap in employment. The Government also requests that employers take measures to prevent any form of harassment at the workplace of employees with disabilities.

117. The Trade Union Law provides that "all labourers doing physical or mental work in enterprises, public institutions and government organs within the Chinese territory who earn their living primarily from wages shall have the right to participate in and form trade union organizations pursuant to the law" and that "no organization or individual may hinder them from doing so or restrict them". The right of persons with disabilities to join trade unions is protected by law.

118. The Labour Law and the Law on Employment Contracts stipulate that the employer cannot terminate an employment contract if the employee contracts an occupational disease or workplace injury during employment and is confirmed to have lost partially or completely his ability to work. The 2007 Ministry of Human Resources and Social Security's Guiding Opinions on Enhancing Piloting of Workplace Injury Rehabilitation proposed the establishment of "a workplace injury rehabilitation system framework with Chinese characteristics, which focuses on vocational rehabilitation and aims to promote the reintegration and reemployment of workers". It also stipulated the principle of "rehabilitation before disability confirmation, rehabilitation before compensation". These guidelines contributed to the regularization and improvement of workplace injury rehabilitation.

119. China prohibits forced labour. The Criminal Law provides that "where an employer, in violation of the laws and regulations on labour administration, compels its employees to work by restricting their personal freedom, if the circumstances are serious, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined". The Law on Employment Contracts prohibits anyone to "use violence, threats or unlawful restriction of personal freedom to compel an employee to work". All levels of labour security supervising bodies strictly enforce relevant laws and regulations and adopt a comprehensive approach that includes routine surveillance, reporting and investigation of misconduct, reviews of written reports and special check-ups. More than 1 million employers are inspected every year.

120. In the context of the global financial crisis, the Chinese Government distributed the Circular on Further Enhancing Employment of University Graduates with Disabilities, in order to ensure equal access to the job market for students with disabilities. The Circular provides that from 2009 to 2010, one graduate with disabilities employed is counted as two in the employment quota for persons with disabilities. At the grassroots level and in public service institutions, persons with disabilities are given positions responsible for disabilities

affairs. More guidance is given to university graduates with disabilities, who also enjoy priority in internships and subsidies for seeking jobs.

Article 28

Adequate standard of living and social protection

(1) States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

(2) States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(d) To ensure access by persons with disabilities to public housing programmes;

(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

121. The Law on the Protection of Persons with Disabilities provides that the Government and the society as a whole shall take measures to perfect social security and ensure and improve the livelihood of persons with disabilities. All levels of governments give relief and assistance in terms of basic needs, housing and others to persons with disabilities proven to have difficulties in their lives. Local governments give nursing care subsidies to persons with disabilities who cannot take care of themselves. The Chinese Government ensures that persons with disabilities are in general covered by the state public aid systems, including those for minimum subsistence allowance, medical assistance and ad hoc assistance. Special assistance is also given to persons with disabilities by priority coverage, total coverage and categorized coverage.

122. The Law on the Protection of Persons with Disabilities provides that persons with disabilities and their employers shall participate in social security schemes in accordance with the relevant regulations. Persons with disabilities who have financial difficulties, are subsidized for their social security in accordance with the relevant regulations. In 2009, the State Council promulgated the Guiding Opinions on the Piloting of a New Model of Rural Social Security, which proposed that the local government pays a part or the total of pension insurance premiums for the lowest level of policy for rural groups with serious disabilities who cannot afford the policy.

123. China formulated and implemented the Development-oriented Poverty Reduction Programme for Rural China, by which poor rural persons with disabilities were covered by the reform of household-based credit financing at discounted interest rates and the plan on

the training and transfer of the rural labour force. The Government also formulated and implemented the Development-oriented Poverty Reduction Plan for Rural Persons with Disabilities. The Chinese Government is committed to development-oriented poverty reduction and strives to improve the self-generated development capacities of poor persons with disabilities. The State Council, in its Opinions on Promoting the Work for Persons with Disabilities, requests that efforts be made to ensure that policies on development-oriented poverty reduction and policies on supporting and benefiting the rural areas can reach poor families having persons with disabilities, and that poverty reduction policies tailored to the needs of persons with disabilities be formulated and improved.

124. There was general implementation in the whole country of the new type of rural cooperative medical care, minimum subsistence allowance in rural areas and pension insurance and social relief and assistance for rural residents, with special care and support for the needs of rural poor persons with disabilities. The Government also initiated poverty reduction plans and programmes targeting women, taking into consideration the special needs of women and girls with disabilities.

125. Since 2007, 5.516 million poor persons with disabilities in the rural areas benefited from poverty reduction efforts and 3.721 million of them have been lifted out of poverty. Governments at all levels raised RMB 113 million for the purpose of supporting poor persons with disabilities. Nationwide allocations for the special poverty reduction training fund reached RMB 560 million, providing 2.48 million person-times of technical training to rural poor persons with disabilities. The Central Government budgeted RMB 86.654 million for concessional credit and loans that benefited 141,000 poor families of persons with disabilities. A total of 1,897 rural service cooperatives for persons with disabilities are established and 13,943 such cooperatives in towns established to form the grassroots poverty reduction infrastructure for persons with disabilities.

126. When implementing social housing projects, the Government stipulates that poor persons with disabilities are given priority in the provision of low rent housing, overhaul of shanty towns and the revamping of old residential areas in the cities. In the rural areas, housing overhaul projects are carried out for poor persons with disabilities. The State Council, in its Opinions on Promoting the Cause of Persons with Disabilities, requests the acceleration of such projects. In 2007, nine ministries and commissions jointly formulated Measures to Ensure Low Rent Housing, providing that families of persons with disabilities in very serious financial difficulties should be given priority in the allocation of low rent housing. In 2009, the Ministry of Housing and Urban-rural Development, together with other departments, distributed the Guiding Opinions on the Expansion of Pilot Projects for the Overhaul of Dangerous Housing in Rural Areas 2009 and the Guiding Opinions on Promoting the Revamping of Shanty Towns in Urban and State-owned Factory and Mining Areas. Both documents required barrier-free access in disability housing and the improvement of measures to overhaul dangerous houses of rural families of persons with disabilities. From 2008 to 2009, a total of RMB 1.855 billion was pooled together from central and local government budgetary resources and donations from the public, to finance the overhaul of dangerous houses of 200,391 poor families of persons with disabilities, benefiting 279,868 poor persons with disabilities.

127. By various social security and social insurance policies and measures to assist and support poor persons with disabilities, their basic needs including clean drinking water, and sufficient food and clothing have been met. However, persons with disabilities still account for one third of China's 36 million people living in poverty. The Chinese Government will continue to give priority and special attention and assistance to persons with disabilities in plans to help the intransigent cases of poverty.

Article 29

Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

(a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, *inter alia*, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

128. The Law on the Protection of Persons with Disabilities stipulates that persons with disabilities shall enjoy equal rights with other citizens in political, economic, cultural and social respects. The State should take measures to ensure the participation of persons with disabilities in state, economic, cultural and social affairs through various channels and forms.

129. China's Constitution affirms that citizens who have reached the age of 18, except those deprived of political rights according to law, have the right to vote and stand for election. The Law on the Protection of Persons with Disabilities stipulates that departments in charge of elections should provide convenience for persons with disabilities to participate in elections, and where possible, make voting ballots in Braille available to blind people. The Election Law of the National People's Congress and Local People's Congress stipulates that voters who are not able to fill in the ballot because of their disabilities can authorize others to do so on their behalf. According to incomplete statistics, in the incumbent National People's Congress, there are 12 members who are persons with disabilities or related to persons with disabilities, or who have job responsibilities for persons with disabilities, one of whom with job responsibilities for persons with disabilities is a member of the Standing Committee. In the National People's Political Consultative Committee, there are 19 members who are persons with disabilities or related to persons with disabilities, or who have job responsibilities for persons with disabilities, one of whom serves as the Vice Chairperson of the NPPCC and another one of whom is a member of the Standing Committee. In the People's Congresses and People's Political Consultative Committees at the provincial, municipal and county levels, there are more than 4,100

members who are persons with disabilities or related to persons with disabilities, or who have job responsibilities for persons with disabilities.

130. China attaches importance to the role of organizations of persons with disabilities. At present, there are federations of persons with disabilities at the national, provincial, municipal, county and town/neighbourhood levels, with a staff of 94,595 people. At the provincial and autonomous region levels, there are 5 types of special associations for persons with disabilities (including ones for visual, hearing, physical, intellectual and psychiatric disabilities). Between the provincial and county levels, there are 15,363 associations of persons with disabilities. Ninety-five per cent of municipalities and their districts, and 88.9 per cent of all counties and cities at the county level have established special associations for persons with disabilities

131. The Law on the Protection of Persons with Disabilities provides that when laws, regulations, rules and public policies are formulated, persons with disabilities and their organizations shall be consulted on issues relating to their rights and interests and to the general efforts on disabilities. Persons with disabilities and their organizations have the right to give comments and suggestions to relevant government departments at all levels on issues relating to their rights and interests and to the general efforts on disabilities. The Law also stipulates that the China Disabled Persons' Federation and its local organizations represent the common interests of persons with disabilities and defend their legal rights and interests. The China Disabled Persons' Federation and its local organizations work for the interests of persons with disabilities by mobilizing the society in general to promote the work for persons with disabilities. They function within the limits of laws, regulations and rules, and may also function as authorized by the Government.

132. The State Council, in its Opinion on Promoting the Cause of Persons with Disabilities, stipulates that organizations and representatives of persons with disabilities should play their due role in the democratic participation, governance and supervision of the country's political, economic, cultural and social life. They should be given broader access to democratic participation. The Government should give policy support to non-profit and special services operated by the federations of persons with disabilities. Such federations at all levels must carry out their responsibilities in representing and safeguarding the common and legitimate rights and interests of persons with disabilities.

Article 30

Participation in cultural life, recreation, leisure and sport

(1) States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

- (a) Enjoy access to cultural materials in accessible formats;
- (b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
- (c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

(2) States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

(3) States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

(4) Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

(5) With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

(b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

(c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

(d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

133. China's Constitution stipulates that citizens have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The Law on the Protection of Persons with Disabilities stipulates that the State ensures that persons with disabilities enjoy equal rights to participation in cultural life. All levels of governments and relevant departments encourage and support persons with disabilities in their participation in cultural, sports and recreational activities, and actively facilitate the enrichment of their cultural and spiritual wellbeing. The cultural, sports and recreational activities for persons with disabilities should target the grassroots level and be integrated with the cultural life of the general public. They should be adapted to the special needs of persons with disabilities to enable their wide participation.

134. The State Council, in its Opinions on Promoting the Cause of Persons with Disabilities, proposes the promotion of such non-profit businesses as Braille book publishing and the production of cultural and art works by persons with disabilities. Special art forms by persons with disabilities should be developed and the artistic talents in persons with disabilities should be nurtured. Mass physical exercise should be organized for persons with disabilities. Public cultural and sports facilities are open to persons with disabilities under concessional conditions. Persons with disabilities are engaged in training for the Paralympics, the special Olympics and the Deaf Olympics, and participate in important domestic and overseas sport events and competitions.

135. Every four years, China holds a national performing arts festival for persons with disabilities and a gala show by students of special education schools. From time to time, there are also national competitions and exhibitions of works of calligraphy, paintings and photography by persons with disabilities. Every year there are more than a thousand cultural and art competitions and exhibits for persons with disabilities at the provincial and municipal levels. There are already 195 performing art troupes of persons with disabilities,

who are supported by government departments in their cultural visits and exchanges in many countries. Some artists with disabilities have become household names in China.

136. The National Development and Reform Commission promulgated the Circular on the Regulation on Entry Tickets at Tourist Sites, which provides that tourist sites regulated by Government fixed or indicative ticket prices shall be open to persons with disabilities free of charge. Museums, art galleries, cultural centres, parks and other public cultural facilities shall be open to persons with disabilities at a concessional rate and shall provide barrier-free access. According to the National Assessment System of Museums and the Provisional Standards for Museum Assessment, a museum is assessed in terms of providing guided tours for visitors with special needs. The State Administration of Cultural Heritage formulated the Rules of Service of Museums, which requires museums to proactively provide special services for the elderly, children, persons with illnesses and disabilities, and pregnant women, including sign language guides for people with hearing impairment and free wheelchairs. The Ministry of Culture, in its Construction Standards for Public Libraries, Construction Standards for Cultural Centres and Construction standards for Comprehensive Cultural Stations in Towns, provides that public libraries shall be equipped with reading aids for people with visual impairment, and that reading rooms for blind people must be located on the ground floor, easily accessible and be connected to the Braille library. Desks for blind readers should enable easy use of audio devices. Special parking space should be reserved for persons with disabilities at libraries and cultural centres. These regulations and standards have facilitated the use of public cultural facilities by persons with disabilities.

137. China actively promotes “information accessibility”. Television channels and radio stations started sign language broadcasting and special programmes for persons with disabilities. Films and TV series are screened with subtitles whenever possible. From 2006-2010, the Central Government budgeted RMB 10 million and installed “bookshelves for persons with disabilities” at 1,000 urban community centres all over the country. The Government also incorporated books for persons with disabilities in the procurement plan in the “Rural Bookroom” project. In order to ensure that persons with disabilities’ access to reading material is not hampered by intellectual property, the Copyright Law exempts the translation of published works into Braille from authorization by the author and royalty obligations. There is a growing number of Braille publications and audio books every year and encouraging progress has been made in the development of computer software for the blind. There are already more than 300 public libraries at the provincial and municipal levels that feature Braille reading rooms. In 2008 the China Digital Braille Library started operating.

138. Schools for deaf students all over the country have included various art courses in their curricula and dances for the deaf have become especially popular among the general public. Deaf dancers have participated in national dance shows many times, winning the appraisal and respect of the society at large.

139. The Sports Law provides that the whole society shall care for and support the participation of persons with disabilities in sports. People’s Governments at all levels shall facilitate such participation. Schools shall organize sports activities for students with disabilities wherever possible, and public sports facilities shall be open to persons with disabilities under concessional conditions. In 2003 the State Council promulgated the Regulations on Public Cultural and Sports Facilities, which categorically required that public sports facilities be open to persons with disabilities free of charge or under concessional conditions. On 1 October 2009, the State Council approved the Regulations for Physical Fitness of the Whole Population, which affirmed the right of citizens to participate in physical fitness activities, and required that full attention be given to the special needs of persons with disabilities. In practice, sports administration at all levels strictly adhered to the national accessibility standards in constructing and renovating public

sports facilities. While school gyms are opening to the public in general, those that are also open to persons with disabilities and provide them with special services are given special support. Sports events also accommodated the needs of persons with disabilities. Both the central and various lower levels of governments have an annual budget earmarked for domestic sporting events for persons with disabilities and for their participation in international competitions.

140. To date, China has hosted seven national para-games, and four national special Olympic games. There are also national events for single sports. China began to participate in the Paralympics, special Olympics, deaf Olympics and single sport events in 1984 and achieved outstanding results. In 2007 Shanghai successfully hosted the Twelfth Summer Paralympics and in 2008 Beijing successfully hosted the Thirteenth Paralympics, in which the Chinese delegation of athletes kept their leading positions in the number of both gold and silver medals.

141. There has been marked progress in mass sports activities for persons with disabilities. Persons with disabilities have been widely mobilized to participate in mass sports activities adapted to their conditions. Efforts have been made to develop and popularize sports activities for both fitness and rehabilitation. Sports activities with wide participation of persons with disabilities are organized on the occasions of national sport events, games, and on “National Disability Support Day” and “National Fitness Day”. All levels of governments and organizations stepped up inputs in the construction of facilities for daily exercise purposes for persons with disabilities. There are now 26 national-grade sports training facilities for persons with disabilities.

142. In order to enrich the life of children with disabilities, some public art centres and cultural centres have selected and dispatched experienced professionals to teach calligraphy, singing, dancing, fine art, handcraft and other art courses at special schools for deaf children, schools for blind children, and special education institutions.

Article 31

Statistics and data collection

(1) States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

(2) The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

(3) States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

143. The Law on the Protection of Persons with Disabilities stipulates that the State shall establish and perfect a statistical survey system of persons with disabilities, for the purpose of statistical survey and analysis of the population with disabilities. The Statistics Law and its Detailed Rules for Implementation provide that statistics institutions and their staff shall

enhance confidentiality management of statistical data and shall not leak any personal information or data of the target groups of statistical surveys, including persons with disabilities. Non-confidential information shall be made public in a timely fashion and accessible to the public.

144. The Chinese Government has conducted two national sample surveys of persons with disabilities. It also carries out annual monitoring of the situation of persons with disabilities, in order to take stock of the population, geographical distribution of persons with disabilities, causes of disabilities, and the medical treatment, rehabilitation, education, employment, family situation and participation in society relating to persons with disabilities. All these provide evidence to serve as a basis for the formulation of policies and plans for the implementation of this Convention. In 2008, the Chinese Government initiated the development of a basic population database of persons with disabilities. By July 2010, the National basic population database of persons with disabilities has been expanded to cover more than 2,800 counties, recording basic information of 15.7 million persons with disabilities.

145. Key data of surveys and monitoring of the population with disabilities are publicized in the form of bulletins, and statistics on the progress of efforts to improve the conditions for persons with disabilities are published on official websites for consultation by the public. Statistics on rehabilitation, education, employment, social security, poverty alleviation, culture and sports and the safeguarding of rights relating to persons with disabilities are published in the China Statistics Yearbook, the China Social Statistics Yearbook, the China Social Development Blue Book and the Almanac of the Work for Chinese with Disabilities.

146. The China Disabled Persons' Federation serves as the unified organizational representative of persons with disabilities in China. It is commissioned by the Government to directly participate and conduct data collection and analysis of the basic conditions of persons with disabilities. It also monitors relevant government departments in regard to the authenticity and reliability of disability statistics and in regard to the said departments' respect and safeguards for the privacy of persons with disabilities. The China Disabled Persons' Federation has the right to submit policy recommendations and comments to the Government based on their analysis of statistical and monitoring data.

Article 32

International cooperation

(1) States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, *inter alia*:

- (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- (c) Facilitating cooperation in research and access to scientific and technical knowledge;
- (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

(2) The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

147. The State Council, in its Opinions on Promoting the Cause of Persons with Disabilities, calls for the promotion of international cooperation on disability affairs. The State Council's Committee on the Work for Person with Disabilities has set up a special office in charge of international cooperation in projects relating to persons with disabilities. China participated in all the meetings of the Special Committee and the Conference of Parties of the Convention on the Rights of Persons with Disabilities. From the 1990s, China started to make annual voluntary contributions to the United Nations Voluntary Fund and the United Nations Economic and Social Commission for Asia and the Pacific, in support of the work of the United Nations Special Rapporteur on Disability and the implementation of two "Asia and Pacific Decades for Disabled Persons". From 2003, China, for five consecutive years, hosted regional workshops on disabilities issues of the UN Economic and Social Commission for Asia and the Pacific. In 2005 China and Germany signed an intergovernmental cooperation agreement, with cooperation in the disability field as an important part of it. In 2008, China and the Government of the Netherlands signed an agreement of cooperation, covering many issues relating to persons with disabilities, such as rehabilitation, culture, sports and barrier-free access. The Ministry of Culture signed cultural cooperation agreements with dozens of countries, the implementation plans of which all cover cooperation and exchanges in the field of disability. During the 2007 Special Olympics World Summer Games in Shanghai, a global policy summit on disability was held concurrently. China, in cooperation the United Nations Children's Fund, conducted a sample survey on women in 2008, completed screening of children with disabilities between the ages of 0-6 years, and carried out annual monitoring exercise on children with disabilities between the ages of 0-7 years. During the Beijing Paralympics, China, in cooperation with the British Embassy in China, invited 100 young people with disabilities from all over the world and 100 Chinese young people with disabilities to Beijing to view the games. In other international cooperation projects related to women and children, priority is given to vocational training of women with disabilities and the rehabilitation of disabled children. The Chinese Government and people welcome and support the Tenth Asian Paralympics to be held in Guangzhou in December 2010.

148. In 2006 the Ministry of Commerce revised the Rules on Regulating Foreign Government and International Organization Grants and Assistance to China, laying out strict regulations on the approval, implementation, management and supervision of foreign-aided projects. The China Disabled Persons' Federation conducted discussions, questionnaire surveys and communications by post with persons with disabilities and their organization to guide the design and formulation of plans and projects. The project details and their implementation are publicized. The projects are assessed by, among others, the feedback and evaluation of the intended beneficiary disabled groups of the projects.

149. Beginning in 2004 and under the leadership of the former Ministry of Information Industry and the former Ministry of Industry and Informatization, the China Internet Association, in collaboration with the China Disabled Persons' Federation, held the Sixth Forum on Information Accessibility. Starting from 2007, the annual International Wellness Exposition held in Beijing has become an authoritative platform for technical and information exchanges in disability affairs. By working together with the United Nations and various countries, China has improved its human resources and service quality in relevant disability fields. China has also trained disability-related personnel for developing countries such as Vietnam and the Democratic People's Republic of Korea.

Article 33

National implementation and monitoring

(1) States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

(2) States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

(3) Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

150. The State Council's Committee on the Work for Person with Disabilities is composed of 38 ministries, commissions and organizations and serves as the government body responsible for coordinating, formulating, guiding and supervising policies, plans and their implementation in the disability area. It also foresees issues related to the Convention, including coordinating actions of relevant departments and local governments. Member departments of the Committee have the shared task of safeguarding the rights and interests of persons with disabilities and they carry out the task within their respective areas of authority and competence.

151. The Chinese Government has designated the State Council's Committee on the Work for Person with Disabilities, the Director of the Labour and Welfare Bureau of the Hong Kong Special Administrative Region and the Social Welfare Bureau of the Macao Special Administrative Region to be the three coordination centres for the drafting of compliance reports on the Convention on the Rights of Persons with Disabilities.

152. The Standing Committee of the National People's Congress carries out regular checks on the implementation and compliance of the Law on the Protection of Persons of Disabilities. The National People's Political Consultative Committee conducts reviews and investigative studies on the safeguards of rights and interests of persons with disabilities, and proposes recommendations and comments on the enforcement of the Law and the formulation of policies. Local people's congresses and political consultative committees conduct similar supervision and check-ups at the local levels.

153. Persons with disabilities and their organizations are invited to participate in and monitor the measures for safeguarding their rights and interests, as well as the whole Convention implementation process. The complaint lodging channels, rights hotlines and Government information openness system have further enhanced the supervision of Government work in this field by the disabled community, including the whole process of the drafting of this compliance report.

Appendix 1

Member bodies of the State Council Working Committee on Disability

Head:

Vice-Premier of the State Council

Member bodies:

Ministry of Education

Ministry of Civil Affairs

Ministry of Human Resources and Social Security

Ministry of Public Health

Publicity Department of the CCCPC

Ministry of Foreign Affairs

National Development and Reform Commission

Ministry of Science and Technology

Ministry of Industry and Information Technology

State Ethnic Affairs Commission

Ministry of Public Security

Ministry of Justice

Ministry of Finance

Ministry of Housing and Urban-Rural Development

Ministry of Transport

Ministry of Railways

Ministry of Culture

National Population and Family Planning Commission

People's Bank of China

General Administration of Customs

State Taxation Administration

State Administration for Industry and Commerce

General Administration of Quality Supervision, Inspection and Quarantine

State Administration of Radio, Film and Television

General Administration of Press and Publications

General Administration of Sport

National Bureau of Statistics

Legislative Affairs Office

Information Office

Agricultural Bank of China

State Council Office of Poverty Alleviation and Development

General Department of Political and Organizational Affairs of the People's
Liberation Army

All-China Federation of Trade Unions

Central Committee of the Communist Youth League of China

All-China Women's Federation

China Disabled Persons' Federation

Appendix 2

Statistical data on the development of the cause of persons with disabilities

Table 1

Numbers of persons with disabilities nationwide: breakdown by type of disability

(Unit: million)

	<i>Total</i>	<i>Visual disability</i>	<i>Hearing disability</i>	<i>Speech disability</i>	<i>Physical disability</i>	<i>Intellectual disability</i>	<i>Psychiatric disability</i>	<i>Multiple disability</i>
Total	82.96	12.33	20.04	1.27	24.12	5.54	6.14	13.52
Beijing	0.999	0.067	0.227	0.006	0.355	0.050	0.071	0.223
Tianjin	0.570	0.065	0.120	0.008	0.219	0.044	0.036	0.078
Hebei	4.959	0.519	1.203	0.074	1.599	0.386	0.338	0.840
Shanxi	2.029	0.209	0.429	0.038	0.769	0.114	0.117	0.353
Nei Menggu (Inner Mongolia)	1.525	0.212	0.267	0.030	0.590	0.118	0.136	0.172
Liaoning	2.242	0.313	0.386	0.037	0.834	0.148	0.207	0.317
Jilin	1.909	0.272	0.428	0.029	0.648	0.121	0.134	0.277
Heilongjiang	2.189	0.287	0.358	0.030	0.917	0.160	0.137	0.300
Shanghai	0.942	0.158	0.259	0.011	0.272	0.065	0.076	0.101
Jiangsu	4.794	0.710	1.441	0.047	1.148	0.371	0.382	0.695
Zhejiang	3.118	0.423	1.059	0.033	0.706	0.199	0.262	0.436
Anhui	3.586	0.707	0.820	0.052	0.941	0.274	0.290	0.502
Fujian	2.211	0.356	0.613	0.027	0.499	0.191	0.163	0.362
Jiangxi	2.761	0.455	0.622	0.047	0.0831	0.244	0.191	0.371
Shandong	5.695	0.673	1.498	0.066	1.894	0.305	0.364	0.895
Henan	6.763	0.991	1.535	0.103	2.046	0.405	0.465	1.218
Hubei	3.794	0.642	0.829	0.060	1.057	0.344	0.304	0.558
Hunan	4.080	0.651	0.953	0.054	1.283	0.284	0.270	0.585
Guangdong	5.399	0.753	1.361	0.115	1.216	0.272	0.525	1.157
Guangxi	3.375	0.527	0.848	0.039	0.824	0.187	0.176	0.774
Hainan	0.494	0.068	0.103	0.007	0.142	0.035	0.029	0.110
Chongqing	1.694	0.292	0.308	0.033	0.576	0.136	0.164	0.185
Sichuan	6.223	1.214	1.476	0.082	1.538	0.407	0.514	0.992
Guizhou	2.392	0.324	0.694	0.047	0.667	0.134	0.154	0.372
Yunnan	2.883	0.547	0.635	0.058	0.726	0.110	0.213	0.594
Xizang (Tibet)	0.194	0.040	0.046	0.005	0.056	0.004	0.007	0.036
Shaanxi	2.490	0.294	0.798	0.031	0.598	0.167	0.172	0.430
Gansu	1.871	0.314	0.368	0.057	0.584	0.152	0.125	0.271
Qinghai	0.300	0.049	0.080	0.005	0.083	0.016	0.013	0.054
Ningxia	0.408	0.067	0.080	0.008	0.134	0.033	0.024	0.062
Xinjiang	1.069	0.135	0.194	0.026	0.365	0.069	0.079	0.201

Source of data: Estimated calculation on the basis of the Second China National Sample Survey on Disability 2006.

Figure 1

Percentages of persons with disabilities nationwide: breakdown by type of disability

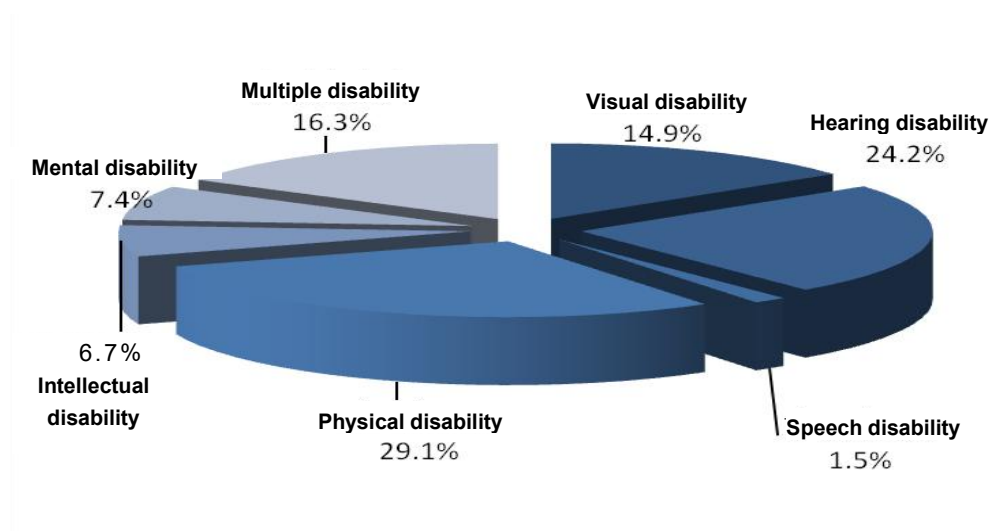


Table 2

Persons with disabilities: breakdown by type of disability and age

(Unit: millions)

Years of age	0-14	15-59	≥60
Total	3.87	34.93	44.16
Visual disability	0.181	3.511	8.636
Hearing disability	0.141	4.376	15.524
Speech disability	0.321	0.686	0.261
Physical disability	0.587	12.789	10.742
Intellectual disability	1.411	3.57	0.564
Psychiatric disability	0.083	4.839	1.215
Multiple disability	1.144	5.157	7.221

Source of data: Estimated calculation on the basis of the Second China National Sample Survey on Disability 2006.

Figure 2

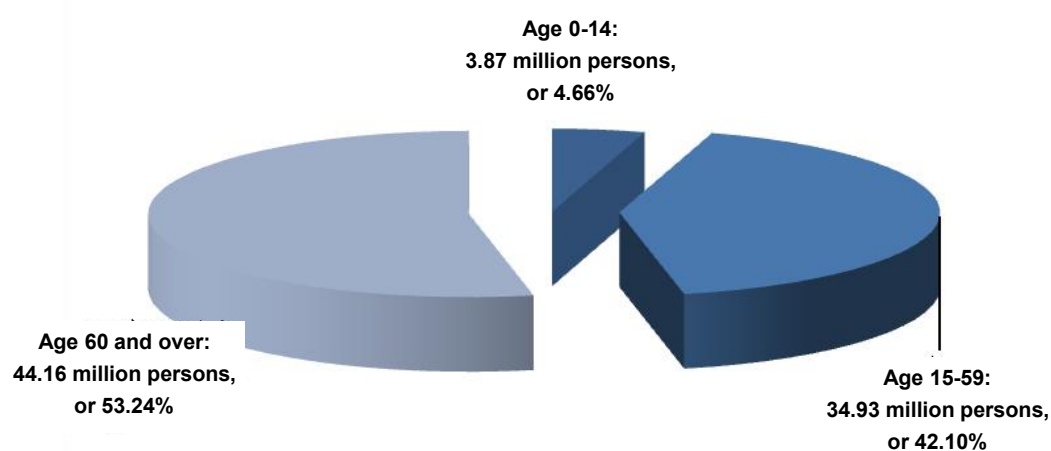
Persons with disabilities nationwide: breakdown by age

Table 3

Urban-rural distribution of persons with disabilities nationwide

(Unit: millions)

	<i>Total</i>	<i>Rural</i>	<i>Urban</i>
Total	82.96	62.25	20.71
Visual disability	12.332	9.558	2.774
Hearing disability	20.04	14.669	5.371
Speech disability	12.68	1.004	0.263
Physical disability	24.118	17.603	6.515
Intellectual disability	5.545	4.531	1.014
Psychiatric disability	6.136	4.544	1.593
Multiple disability	13.522	10.348	3.174

Source of data: Estimated calculation on the basis of the Second China National Sample Survey on Disability 2006.

Figure 3
Urban-rural distribution of persons with disabilities nationwide

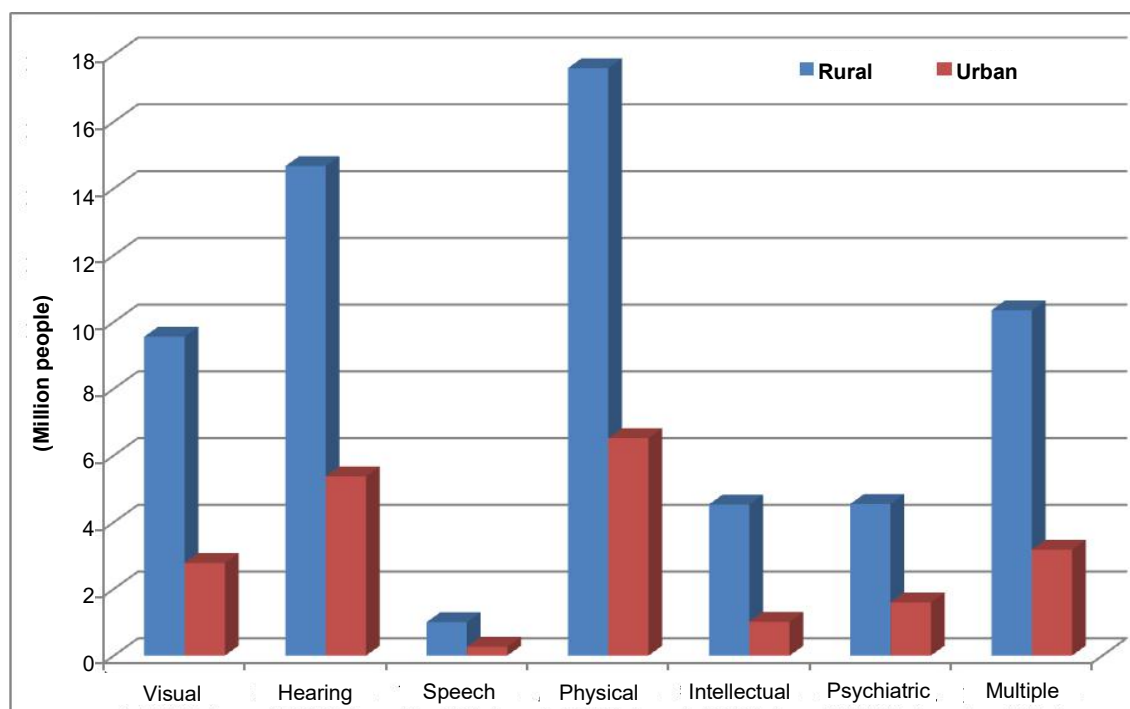


Table 4
Persons with disabilities: breakdown by gender
(Unit: millions)

	<i>Total</i>	<i>Male</i>	<i>Female</i>
Total	82.96	42.77	40.19
Visual disability	12.332	4.953	7.379
Hearing disability	20.039	11.028	9.011
Speech disability	1.267	0.801	0.466
Physical disability	24.118	13.483	10.635
Intellectual disability	5.545	3.069	2.476
Psychiatric disability	6.137	2.806	3.331
Multiple disability	13.523	6.628	6.895

Source of data: Estimated calculation on the basis of the Second China National Sample Survey on Disability 2006.

Figure 4

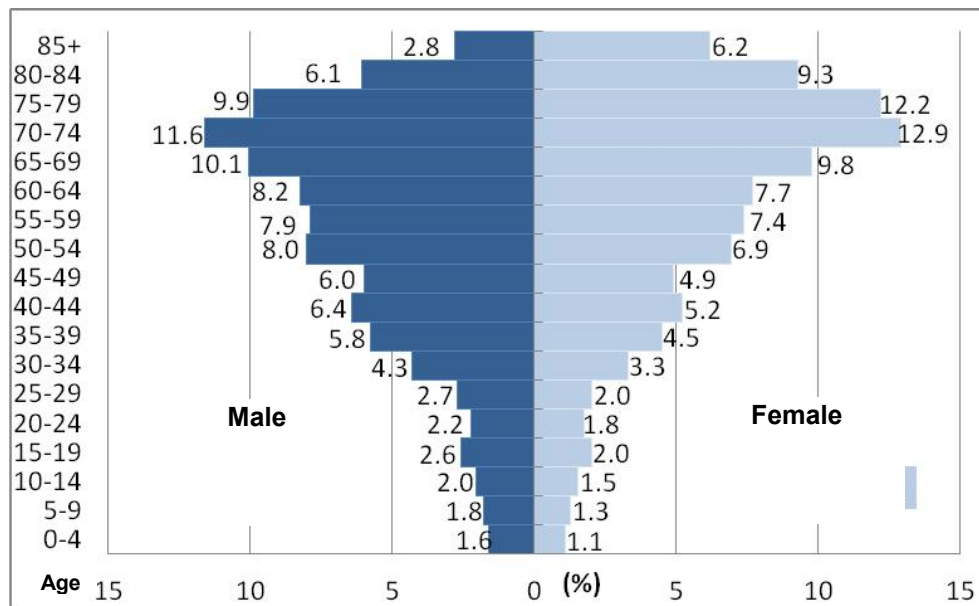
Persons with disabilities: breakdown by age and gender

Figure 5

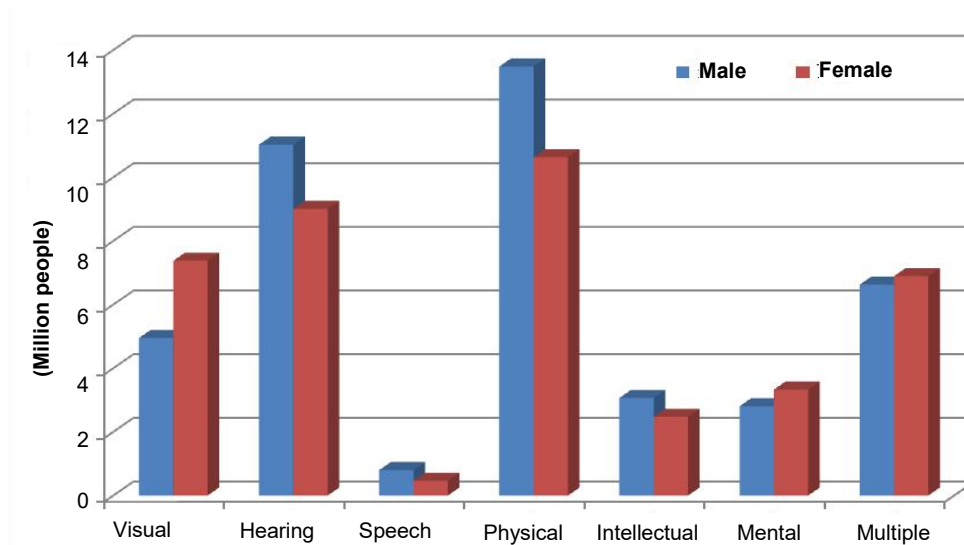
Persons with disabilities: breakdown by gender and type of disability

Table 5
Marital Status of persons of disabilities of eligible age
 (Unit: %)

	2007	2008	2009
Unmarried	11.9	12.5	11.4
First marriage with spouse	59.3	58.9	60
Remarriage with spouse	3.3	3.2	3.0
Divorced	2.1	2.1	2.2
Spouse deceased	23.4	23.2	23.3

Source of data: Monitoring Report on the Status and Progress towards a Comfortable Life of Persons with Disabilities 2009.

Table 6
Per capita income of households of persons with disabilities in cities

Items	2007		2008		2009	
	Households of PWDs	All urban households	Households of PWDs	All urban households	Households of PWDs	All urban households
Total income (Yuan)	7 859.5	14 908.6	8 970.5	17 067.8	9 178.1	–
Disposable income (Yuan)	7 356.6	13 786	8 487.2	15 781	8 578.1	17 175
Disposable income as percentage of total income (%)	93.6	92.5	94.6	92.5	93.5	–

Source of data: China Statistics Year Book 2008 and 2009, National Economic and Social Development Statistics Bulletin of the People's Republic of China 2009, Monitoring Report on the Status and Progress towards a Comfortable Life for Persons with Disabilities 2009.

Table 7
Per capita income of rural households with persons with disabilities

Items	2007		2008		2009	
	Households of PWDs	All rural households	Households of PWDs	All rural households	Households of PWDs	All rural households
Total income (Yuan)	3 969.3	5 791.1	4 836.7	6 700.7	5 323.8	–
Disposable income (Yuan)*	3 101.0	4 140	3 803.6	4 761	4 066.1	5 153
Disposable income as percentage of total income (%)	78.1	71.5	78.6	71.1	76.4	–

Source of data: China Statistics Year Book 2008 and 2009, National Economic and Social Development Statistics Bulletin of the People's Republic of China 2009, Monitoring Report on the Status and Progress towards a Comfortable Life for Persons with Disabilities 2009.

* This item refers to the net income of all rural households.

Table 8
Per capita expenditure by consumption category of urban households with persons with disabilities

(Unit: Yuan)

<i>Annual expenditure</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Total	6 191	7 056.6	7 007.1
Food	2 400.8	2 954.6	2 774.4
Clothing	257.4	293.1	292.4
Equipment and appliances	122.7	113.6	119.8
Healthcare	1 127.2	1 150.0	1 241.3
Transport and communications	327	346.3	359.9
Education and culture	390	374.1	352.3
Miscellaneous	112.4	142.8	133.3
Social security	198.5	237.2	229.2
Debt repayment	109.4	92.3	110.3
Housing	746.8	882.7	932.8
Income tax	59.4	33.3	31.5
Transferred	339.5	436.6	429.8

Source of data: Monitoring Report on the Status and Progress towards a Comfortable Life for Persons with Disabilities 2009.

Table 9
Per capita expenditure by consumption category of rural households with persons with disabilities

(Unit: Yuan)

<i>Annual expenditure</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Total	3 537.1	4 154.0	4 649.6
Food	1 332.4	1 660.2	1 686.4
Clothing	141.8	154.9	171.4
Equipment and appliances	40.4	47.5	54.7
Healthcare	465.1	449.1	551.1
Transport and communications	177.2	198.3	221.8
Education and culture	176.0	158.8	182.7
Miscellaneous	56.6	64.6	70.7
Social security	20.1	34.9	40.5
Debt repayment	116.2	136.7	136.5
Housing	402.2	492.0	645.6
Operating cost	355.1	476.4	564.0
Depreciation of production fixed assets	17.4	13.5	18.6
Financial	31.7	27.9	29.3
Transferred	188.6	224.5	254.4
Taxes and fees	16.6	14.7	20.9

Source of data: Monitoring Report on the Status and Progress towards a Comfortable Life for Persons with Disabilities 2009.

Table 10
Education of persons with disabilities of 18 years of age or above
 (Unit: %)

	2007	2008	2009
No schooling	42.4	42.1	41.8
Primary school	35.1	35.0	34.8
Junior middle school	15.8	15.9	16.5
Senior middle school	3.9	4.0	4.1
Vocational college	1.5	1.5	1.5
Two-year university	0.8	1.0	0.9
BA and above	0.5	0.5	0.5

Source of data: Monitoring Report on the Status and Progress towards a Comfortable Life for Persons with Disabilities 2009.

Table 11
Sources of income of persons with disabilities of 18 years of age or above
 (Unit: %)

	Urban			Rural		
	2007	2008	2009	2007	2008	2009
Pension	21.5	23.7	17.4	0.7	0.9	0.3
Subsistence allowance	36.2	31	31.4	9.3	11.1	10.1
Support from family members	35.3	39.6	40.5	76.3	73.9	76.9
Income from assets	0.6	0.8	1.6	3.2	2.0	1.1
Income from insurance	0.3	0.0	0.2	0.0	0.1	0.0
Others	6.1	4.9	8.9	10.5	11.9	11.5

Source of data: Monitoring Report on the Status and Progress Towards a Comfortable Life for Persons with Disabilities 2009.

Table 12
Social security coverage of persons with disabilities of 16 years of age or above
 (Unit: %)

Covered by	2007			2008			2009		
	Urban	Rural	Urban Total	Urban employees	Urban residents	Urban Total	Urban employees	Urban residents	Self-employed
At least one type of social security	42.1	10.8	62.6	70.9	46.4	64.3	92.6	63.7	3
Basic pension insurance	33.3	2.3	41.6	64.9	12.4	42.1	83.8	13.3	1.5
Basic health insurance	36.0	9.5	58.6	70.6	43.6	62.1	89.6	61.4	2.5
Supplementary health insurance	-	-	-	-	-	0	-	-	0.1
Unemployment insurance	3.3	0.1	4.4	7.9	-	3.9	8.9	-	-
Industrial injury insurance	1.6	0.3	2.2	3.9	-	2.7	6.1	-	-
Reproduction insurance	0.7	0.1	1.6	2.9	-	1.6	3.5	-	-

Source of data: Monitoring Report on the Status and Progress towards a Comfortable Life for Persons with Disabilities 2009.

Table 13

Percentage of persons with disabilities benefiting from minimum subsistence allowance and relief aid

(Unit: %)

		2007	2008	2009
Minimum subsistence allowance	Urban	19.7	21.3	22.6
	Rural	12.5	19.6	23.6
Relief aid	Urban	22.2	26.7	26.6
	Rural	26.6	28.8	27.2

Source of data: Monitoring Report on the Status and Progress towards a Comfortable Life for Persons with Disabilities 2009.

Table 14

Percentage of persons with disabilities benefiting from rehabilitation services

(Unit: %)

	2007		2008		2009	
	Urban	Rural	Urban	Rural	Urban	Rural
Treatment and rehabilitation training	13.8	8.4	15.5	9.0	13.0	9.5
Assistive devices	7.6	3.0	9.1	4.4	8.4	3.9
Counselling	6.1	3.6	10.0	4.6	6.4	4.5
Rehabilitation education	10.5	3.6	14.8	4.9	11.9	4.7
Daytime care and nursing care	6.2	4.6	9.5	4.8	7.8	6.1
Training of parents of children with disabilities	10.5	8.3	9.5	7.1	12.3	6.0

Source of data: Monitoring Report on the Status and Progress towards a Comfortable Life for Persons with Disabilities 2009.

Table 15

2007-2009 Community rehabilitation efforts for persons of disabilities

Number of units with community rehabilitation services			
	City districts	Counties (cities)	Communities with rehabilitation stations
2007	750	1 298	22 730
2008	780	1 411	16 598
2009	807	1 569	32 678

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

Table 16

2007-2009 Rehabilitation efforts for persons with visual disabilities

	Rehabilitation of low vision			
	Vision restoration by cataract operation	Of which: free cataract operation for poor patients	No. of people Fitted with Visual aid	No. of blind people trained in guided walking
2007	8 000	2 300	31 607	12 866
2008	8 880	2 510	34 803	11 292
2009	10 430	3 730	40 501	15 264

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

Figure 6
2007-2009 Restoration of vision by cataract operations

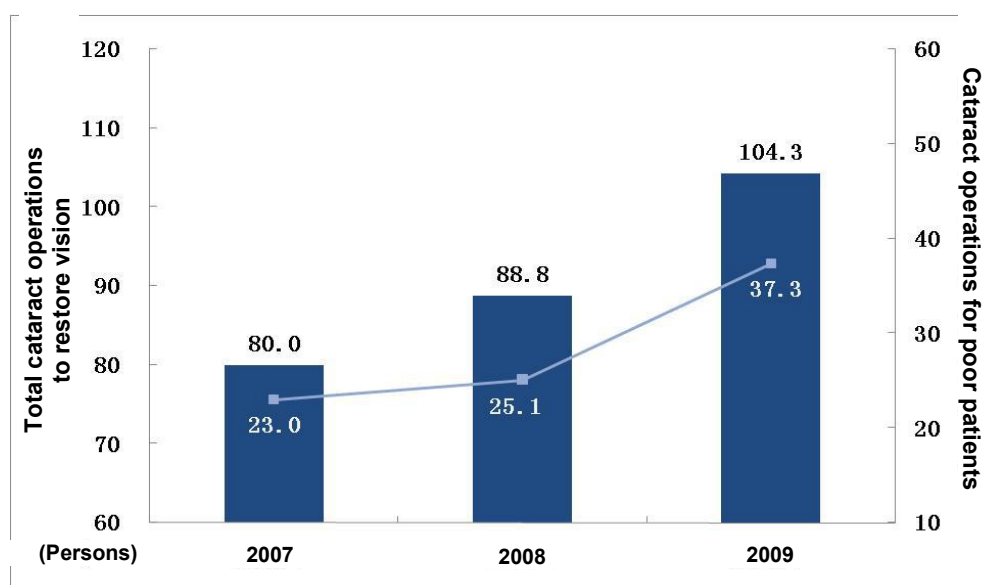


Table 17
2007-2009 Rehabilitation efforts for children with hearing and language disabilities

(Unit: person)

	Rehabilitation of deaf children	Institutional training	Family training	Training of parents of deaf children	Training of professionals
2007	19 869	14 721	5 148	26 737	5 568
2008	20 122	15 236	4 886	24 314	5 417
2009	19 830	14 931	4 899	25 654	4 582

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

Table 18
2007-2009 Prevention and treatment of mental illnesses and rehabilitation training of autistic children

	Prevention and treatment of mental illnesses			Rehabilitation training of autistic children*	
	No. of counties (cities, districts) engaged	No. of patients cared for	Poor autistic children treated	No. of rehabilitation institutions for autistic children	Children receiving rehabilitation training in institutions
2007	1 555	36 340	3 370	27	1 056
2008	1 644	38 380	3 060	29	1 027
2009	1 727	41 280	3 600	245	5 290

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

* The 2007/2008 data for autistic children receiving rehabilitation training institutions only include those trained in pilot institutions at the provincial level in the "Eleventh Five-year Plan". Data beginning in 2009 include institutions at levels lower than provinces and prefectures.

Table 19
2007-2009 Rehabilitation training for persons with physical disabilities

	<i>No. of people trained</i>	<i>No. of children trained in institutions</i>	<i>No. of people trained in communities and at home</i>	<i>No. of corrective operations for poor children with physical disability</i>	<i>No. of corrective operations for leprosy deformities</i>
2007	88 186	12 239	75 947	2 654	3 964
2008	96 158	15 690	80 468	3 014	1 034
2009	105 646	15 058	90 588	2 817	1 166

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

Table 20
2007-2009 Rehabilitation training for poor children with intellectual disability

(Unit: person)

	<i>No. of poor children with intellectual disability trained</i>	<i>Trained in institutions</i>	<i>Trained in communities and at home</i>	<i>Parents trained</i>
2007	26 084	13 437	12 647	17 263
2008	26 887	15 287	11 600	20 385
2009	26 748	15 095	11 653	19 950

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

Table 21
2007-2009 Supply of assistive devices for persons with disabilities

	<i>No. of devices supplied</i>	<i>Of which: freely distributed to poor PWDs</i>	<i>Cases of general type prosthetic limb fitting</i>	<i>Cass of corrective devices fitting</i>
2007	9 500	3 790	23 339	12 689
2008	10 950	5 290	26 438	11 950
2009	11 220	5 980	25 029	11 425

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

Table 22
2007-2009 Enrollment of persons with disabilities in universities and colleges

(Unit: person)

<i>General universities and colleges</i>			
	<i>Reaching the enrollment grades</i>	<i>Enrollment in special education colleges</i>	
2007	5 620	5 234	1 086
2008	6 680	6 273	1 032
2009	7 544	6 586	1 196

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

Table 23

2007-2009 New employment of persons with disabilities in urban areas

(Unit: 1,000 people)

	<i>New employment of PWDs by year</i>			
	<i>Total</i>	<i>Concentrated employment</i>	<i>Employment by quota</i>	<i>Self-employment</i>
2007	394	115	120	159
2008	368	113	99	156
2009	350	105	89	156

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

Table 24

2007-2009 Overhaul of dangerous housing for rural poor persons with disabilities

	<i>Overhaul of dangerous housing (households)</i>			<i>PWDs benefited (persons)</i>		
	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Total	121 766	98 432	101 959	167 404	139 770	140 098
Beijing	405	572	2 281	507	774	2 416
Tianjin	407	414	459	569	481	536
Hebei	4 514	3 521	3 123	5 859	5 045	4 557
Shanxi	4 818	2 436	2 529	7 322	3 313	2 908
Nei Menggu (Inner Mongolia)	2 596	2 763	2 350	3 368	2 882	3 897
Liaoning	5 299	2 678	3 109	6 507	4 915	6 222
Jilin	4 111	2 500	2 400	6 506	3 804	3 151
Heilongjiang	4 208	2 701	3 603	5 717	3 290	5 143
Shanghai	220	274	251	220	323	205
Jiangsu	1 422	455	300	2 706	647	725
Zhejiang	4 869	2 695	2 406	6 298	5 855	3 422
Anhui	5 189	2 490	2 589	5 795	2 834	2 739
Fujian	2 339	2 084	1 831	2 550	2 768	2 374
Jiangxi	4 500	2 869	2 617	6 240	3 586	3 363
Shandong	5 928	7 780	7 785	6 753	10 811	9 066
Henan	5 625	3 000	4 876	6 461	3 385	7 197
Hubei	4 650	4 000	4 780	7 440	4 852	10 127
Hunan	5 675	3 255	3 187	9 629	4 226	4 988
Guangdong	5 204	3 551	3 713	7 299	4 453	4 901
Guangxi	7 214	7 392	8 474	9 573	9 875	10 713
Hainan	2 920	1 500	1 267	2 961	1 640	1 326
Chongqing	3 079	2 323	2 759	3 564	3 384	4 353
Sichuan	6 547	8 295	7 203	8 171	20 383	9 477
Guizhou	1 661	2 561	1 801	2 263	2 948	2 553

	<i>Overhaul of dangerous housing (households)</i>			<i>PWDs benefited (persons)</i>		
	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Yunnan	7 813	5 995	5 350	8 223	9 062	7 684
Xizang (Tibet)	232	490	100	334	494	116
Shaanxi	2 250	2 616	3 118	4 316	3 175	4 299
Gansu	6 000	4 030	4 897	14 009	5 096	6 563
Qinghai	2 000	2 082	2 930	3 450	3 431	3 200
Ningxia	2 690	2 648	2 200	3 010	2 890	2 554
Xinjiang	5 398	4 206	4 019	5 880	4 741	5 668
Paramilitary regiments Xinjiang	1 056	1 250	2 152	1 113	1 313	2 199
Agricultural farms Heilongjiang	927	3 006	1 500	2 791	3 094	1 456

Source of data: China Statistical Yearbook on the Work for Persons with Disabilities 2007, 2008, 2009.

Appendix 3

Disability criteria of the Second China National Sample Survey on Disability

Criteria of visual disability

1. Definition of visual disability

Visual disability refers to low vision that is not correctible, or reduction of the field of vision, caused by various reasons, such that daily life and social participation are affected.

Visual disability includes blindness and low vision.

2. Grades of visual disability

<i>Type</i>	<i>Grade</i>	<i>Best corrected vision</i>
Blindness	I	No optical sensation~<0.02; or visual radius<5 degrees
	II	0.02~<0.05; or visual radius < 10 degrees
Low vision	III	0.05~<0.1
	IV	0.1~<0.3

Notes:

1. Blindness and low vision in all cases refer to both eyes; if the eyes have differences in vision, then the eye with the better vision is taken as the standard. If only one eye is blind or has low vision, whilst vision in the other eye reaches or is better than 0.3, then this does not fall within the scope of visual disability.
2. Optimal corrected vision indicates the best vision that can be obtained by correction with an appropriate lens, or needle-hole power of vision.
3. If the visual radius is less than 10 degrees from the visual focal point, it will be determined as blindness despite the power of vision.

Criteria of hearing disability

1. Definition of hearing disability

Hearing disability denotes an inability to hear, or to hear clearly, sounds and speech in the surrounding environment, owing to permanent hearing impairments of differing degrees that have occurred for various reasons, such that daily life and participation in society are affected.

2. Grades of hearing disability

Grade 1 hearing disability

Extreme damage in regard to the structure and function of the aural system, average loss of hearing for the relatively good ear greater than or equal to 91 dB HL; unable to rely

on aural perception in spoken exchanges without the aid of hearing-assistive devices; extremely restricted in understanding and communicative activities; extremely serious difficulties in participating in the life of society.

Grade 2 hearing disability

Serious damage to the structure and function of the aural system, average loss of hearing for the relatively good ear between 81 and 90 dB HL; seriously restricted in understanding and communicative activities, without the aid of hearing-assistive devices; serious difficulties in participating in the life of society.

Grade 3 hearing disability

Medium to serious damage to the structure and function of the aural system, average loss of hearing for the relatively good ear between 61 and 80 dB HL; moderately restricted in understanding and communicative activities, without the aid of hearing-assistive devices; moderate difficulties in participating in the life of society.

Grade 4 hearing disability

Medium damage to the structure and function of the aural system, average loss of hearing for the relatively good ear between 41 and 60dB HL; slightly restricted understanding and communicative activities, without the aid of hearing-assistive devices; slight difficulties in participating in the life of society.

Criteria of speech disability

1. Definition of speech disability

Speech disability denotes differing degrees of speech impairment that have occurred for various reasons, and that have not been cured after more than one year of treatment or that have continued in excess of two years, such that the person affected is unable to, or finds difficulty in, carrying out normal activities involving interaction through speech communication, thus affecting daily life and participation in society (this classification does not apply to those under age 3).

Speech disability includes:

1. Speech loss: indicates acquired speech function loss or damage resulting from damage to the speech area of the brain and other related parts.
2. Motor-related articulatory defects: indicates motor defects of the articulatory organs, caused by disease-related changes in the muscles and nerves; chiefly manifested as an inability to speak, difficulty in speaking, unclear sound production or pronunciation, etc.
3. Articulatory defects resulting from abnormal organ structure: indicates articulatory defects resulting from abnormal form and structure of the articulatory organs. Typical examples include cleft palate and post-operative articulatory defects in the tongue, jaw, etc.; chiefly manifested as an inability to speak, excessive nasality, unclear pronunciation, etc.
4. Sound production defects (voice defects): indicates loss of voice, difficulties in sound production, breathy or husky voice quality, etc.
5. Retarded child speech development: indicates that in the process of growing and developing, a child's speech development falls behind what is normal for

his or her actual age; chiefly manifested as an inability to speak, delayed speech, unclear pronunciation, etc.

6. Language defects arising from hearing impediments: indicates speech defects arising from aural impediments; chiefly manifested in an inability to speak or in unclear pronunciation.
7. Stammering: indicates defects in the flow of speech; usually manifested in such characteristics as the prolongation of sounds, repetition, and obstruction of language in the speech process, accompanied by changes in facial and other behaviour.

2. Grades of speech disability

Grade 1 speech disability

Has no speech function whatsoever, or clarity of articulation less than or equal to 10 per cent; fails to pass Level 1 speech aptitude test; unable to engage in any speech communications.

Grade 2 speech disability

Has some voicing and language abilities. Clarity of articulation between 11 per cent and 25 per cent; fails to pass Level 2 speech aptitude test.

Grade 3 speech disability

Capable of patchy speech communications. Clarity of articulation between 26 per cent and 45 per cent; fails to pass Level 3 speech aptitude test.

Grade 4 speech disability

Capable of simple dialogue, but has difficulty of expression using relatively long sentences or long passages. Clarity of articulation between 46 per cent and 65 per cent; fails to pass Level 3 speech aptitude test.

Criteria of physical disability

1. Definition of physical disability

Physical disability denotes a situation in which structural or functional damage to the body's motor system has resulted in loss of limbs or paralysis (palsy), deformity, etc., of the limbs or torso, such that their functions are lost and their movement or participation is restricted to varying extents.

Physical disability includes the following

1. Loss, deformity or obstructed functioning of the upper or lower limbs as a result of harm, illness or abnormal development;
2. Loss, deformity or obstructed functioning of the spine as a result of harm, illness or abnormal development;
3. Obstructed functioning of the trunk or limbs as a result of harm to the central nervous system.

2. Grades of physical disability

Grade 1 physical disability: unable to carry out activities of daily life independently

1. Four-limb paralysis: serious loss of motor function in all four limbs;
2. Lower-body paralysis: complete loss of motor function in both lower limbs;
3. One-sided paralysis: complete loss of motor function in the limbs on one side;
4. Complete loss of single upper limb and loss of both lower legs;
5. Complete loss of single lower limb and loss of both forearms;
6. Loss of both upper arms and a single upper leg (or lower leg);
7. Complete loss of both upper limbs or both lower limbs;
8. Loss of all four limbs at different points;
9. Extreme deficiency in the function of both upper limbs, or serious deficiency in the functions of three limbs.

Grade 2 physical disability: basically unable to carry out activities of daily life independently

1. One-sided paralysis or lower-body paralysis, with disabled limbs capable of a little function (not capable of walking independently);
2. Loss of both upper arms or both forearms;
3. Loss of both upper legs;
4. Complete loss of a single upper limb and a single upper leg;
5. Complete loss of a single lower limb and a single upper arm;
6. Loss of three limbs at different points (excepting circumstances covered under Grade 1);
7. Serious defects in the function of two limbs or moderate defects in the function of three limbs.

Grade 3 physical disability: able to carry out some activities of daily life independently

1. Loss of both lower legs;
2. Loss of a single forearm or above;
3. Loss of single upper leg and above;
4. Loss of thumbs of both hands, or loss of all fingers of both hands except for the thumbs;
5. Loss of two limbs at different points (except for cases referred to under Grade 2);
6. Serious impairment of the functioning of one limb, or medium-level impairment of the functioning of two limbs.

Grade 4 physical disability: basically able to carry out activities of daily life independently

1. Loss of single lower leg;
2. Unequal length of lower limbs, with the difference equal to or larger than 5 cm;

3. Stiffening of spine;
4. Deformed spine, with the hunch of the back greater than 70 degrees or the profile hump larger than 45 degrees;
5. Complete loss of four fingers on a single hand, except for the thumb;
6. Complete loss of single thumb;
7. Loss of all parts above the tarsometatarsal joint on a single foot;
8. Complete loss of toes or the function of toes on both feet;
9. Dwarf syndrome (adult height not exceeding than 130 cm);
10. Medium-level impairment of the functioning of one limb, or minor impairment of the functioning of two limbs;
11. Other physical functional impairments similar to the above items.

Criteria of intellectual disability

1. Definition of intellectual disability

Intellectual disability denotes a situation in which a person's intelligence is clearly lower than the normal level, and where it brings an accompanying behavioural impairment. This type of disability stems from defects in the structure and functions of the nervous system that restrict the individual's capacity for activity and participation, and requires an environment in which comprehensive, universal, limited and intermittent support is provided.

Intellectual disability includes the following: incomplete psychiatric development or intellectual retardation resulting from various harmful factors during the process of intellectual development (before 18 years of age); or, intellectual impairment or obvious intellectual regression resulting from a variety of factors, after reaching intellectual maturity.

2. Grades of intellectual disability

Grade	Grade criteria			
	<i>DQ</i> 0-6 yrs	<i>IQ</i> 7 yrs and above	<i>AB</i>	<i>WHO-DAS II Values for</i> <i>18yrs and above (points)</i>
1	≤25	<20	Extremely serious	≥116
2	26~39	20~34	Serious	106~115
3	40~54	35~49	Medium-level	96~105
4	55~75	50~69	Minor	52~95

Criteria of psychiatric disability

1. Definition of psychiatric disability

Psychiatric disability denotes a range of psychiatric disorders that have continued for more than one year without being cured, and where there exists a cognitive, affective or behavioural disorder, such that daily life and participation in society are affected.

2. Grades of psychiatric disability

Psychiatric disabilities are divided into 4 grades, with mentally impaired persons of 18 years of age or above being determined according to WHO-DAS II, and those under 18 being determined by the following symptoms.

Grade 1 psychiatric disability

WHO-DAS II value greater than or equal to 116; very serious impairment of behaviour adaptability; complete inability for self-care, and negligence of one's own basic physiological and psychological needs. No interaction with other people; no capacity to work or learn. In need of comprehensive and long term support, and complete and long-term care and supervision by others.

Grade 2 psychiatric disability

WHO-DAS II value between 106 and 115; serious impairment of behavior adaptability; almost no ability for self-care. Almost no interaction with other people; only engages in simple exchanges with carer and can understand simple instructions of carer. Some capacity to learn and can engage in simple work under supervision. Occasional passive participation in socializing. In need of extensive support, and care by others for most of life's needs.

Grade 3 psychiatric disability

WHO-DAS II value between 96 and 105; medium-level impairment of behaviour adaptability; incapable of completely independent self-care. Capable of simple exchanges with other people and expression of emotions; can engage in simple work independently. Capable of learning, but with obviously weaker abilities than ordinary people. Occasional passive participation in socializing. In need of frequent and short-term support, and care by others for some of life's needs.

Grade 4 psychiatric disability

WHO-DAS II value between 52 and 95; minor impairment of behaviour adaptability. Can basically take care of life, but less capable than ordinary people in self-care and occasionally neglects personal hygiene. Can exchange with others and express emotions, but less capable of empathy. Can take up work of a general nature, but ability to learn weaker than ordinary people. Has occasional need for support but generally no need for care by others.

Multiple disability

Multiple disability refers to the existence of two or more disabilities at once. For multiple disability, the categories of disabilities involved should be stated. The grade of multiple disability is determined in accordance with the grade criteria for whichever category of disability is the most severe.
