



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities Eighth session

#### Summary record of the 78th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 19 September 2012, at 10 a.m.

*Chairperson:* Mr. McCallum

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(*continued*)

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 35 of the Convention** *(continued)*

*Initial report of China (continued) (CRPD/C/CHN/1; CRPD/C/CHN-HKG/1; CRPD/C/CHN-MAC/1; CRPD/C/CHN/Q/1 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of China took places at the Committee table.*

*Articles 6–19*

2. **Mr. Huang Wei** (China), replying to questions posed at the previous meeting, said that his Government attached great importance to education for persons with disabilities and followed a multidimensional approach with a focus on the inclusion of persons with disabilities in the mainstream education system. No child with a disability was denied an education. Those who were able to attend regular classes were accepted by all schools throughout the country, while severely impaired children were taught in special schools or by teachers sent to the child's home. Education guidance centres had been set up for persons with disabilities in Beijing.

3. **Mr. Qian Bo** (China) said, regarding access to information, that, in 2010, his Government had amended the regulations on State secrets. Consequently, the range of information that qualified as a State secret had been significantly reduced and now included only data on issues affecting national security or State interests. In cases where it was unclear whether a certain piece of information qualified as a State secret, a determination was made by a national administrative body that was completely independent of the Ministry of Justice. Official Government statistics were available on most issues of concern, and, given the recent economic and social development and capacity-building in the country, the quality of official information and statistics would only improve.

4. **Ms. Lin Wenhua** (China) said that information concerning the National Population and Family Planning Commission was available on that body's website in both Chinese and English. In 2008, the State Council had issued regulations on the disclosure of information held by Government bodies. Under those regulations, such information could either be disclosed voluntarily by the body concerned or on application from a citizen if it related directly to the interests of the applicant or was of concern to the general public. Government bodies had been established specifically to handle such applications. Her Government did not have control over information gathered by grass-roots organizations. Conditions sometimes made it impossible to collect certain information. Her Government was working to improve its data-collection methods and its population statistics. Legal remedies were available to citizens who believed that they had been wrongly denied access to information. Her Government would seriously consider the Committee's view that it should improve the disclosure of public information.

5. **Mr. You Liang** (China) said that, over the past two decades, large-scale poverty alleviation programmes had been implemented with positive results. Those programmes focused on building capacity and generating income, including by providing loans at discounted rates of interest. Poor people received technical training in skills such as farming and animal breeding. In addition, agricultural cooperatives had been established to provide technical guidance and other services. Some poor people also received help in setting up their own businesses, and livelihood allowances ensured a minimum standard of living.

6. Agencies had been set up at the community level to provide services for persons with disabilities, with the aim of helping them to lead an independent life. Small-scale homes for persons with disabilities had been established in Beijing and Shanghai with great success. Resource centres at community level informed persons with disabilities about education and employment opportunities. More than 20,000 professionals had been trained to provide various kinds of services to community residents with disabilities.

7. **Ms. Guo** Chunning (China) said that her Government attached importance to the establishment of organizations for persons with disabilities and facilitated their participation in decision-making. When drafting the latest five-year development plan, it had consulted persons with disabilities and had considered their views on issues such as the construction of accessible facilities. Disabled persons' organizations received Government support and enjoyed increasing visibility. Persons with disabilities and their families also participated in monitoring the implementation of the Convention.

8. The State Council Working Committee on Disability included three members with disabilities. Local people's congresses also included many persons with disabilities and family members of persons with disabilities.

9. **Ms. Zhao** Hongju (China) said that her Government was adamantly opposed to violence against women and children. Details about Government action in that regard could be found in the reports of China to the Committee on the Elimination of Discrimination against Women. Teachers were forbidden by law from using cruel treatment against children. Local regulations on domestic violence had been enacted in 28 provinces and autonomous regions. In 2012, the National People's Congress had included in its agenda discussion of a law on domestic violence.

10. In 2008, her Government had issued the Opinions on Preventing and Deterring Domestic Violence. The public security forces had established a hotline for reporting cases of domestic violence. In order to accommodate persons with hearing or speech impairments, they also accepted reports by text message. NGOs provided legal assistance to victims of domestic violence. Her Government was cooperating with the United Nations Children's Fund (UNICEF) to increase awareness of and prevent violence against children. It opposed the forced sterilization of women with disabilities, and all cases were severely punished when detected.

11. **Ms. Duan** Xiaolei (China) said that emergency prevention efforts were undertaken in schools and residential areas, including awareness-raising and emergency response training, and that contingency plans were in place to deal with emergencies when they did occur. During emergencies, persons with disabilities were given priority with regard to evacuation and rescue, the provision of daily necessities and medical equipment, and rehabilitation services.

12. **Mr. Ni** Yang (China) said that regulations on accessibility had been adopted in August 2012, setting technical standards in respect of building construction, an area in which great progress had been made in recent years, website design, and civil aviation and transport. The regulations incorporated the principles of universal design and reasonable accommodation. During the drafting process, NGOs and civil society had been consulted, including through seminars and via the Internet. The regulations also provided for subsidies to be paid to families of persons with disabilities to facilitate access to social services and covered other relevant issues such as penalties for using disabled parking spaces without a permit. Local governments were currently formulating measures to implement the regulations.

13. Many measures had already been taken to improve accessibility, such as making adjustments to the websites of major Government institutions and installing special seats in railway stations. Many barrier-free facilities had been built for the Beijing Olympic Games.

His Government had a responsibility to maintain those facilities. It was concerned, however, that a few of them had fallen out of use owing to poor maintenance and would make better efforts in that regard in future.

14. **Mr. Long** Xuequn (China) said that, under the law on civil procedure, all citizens enjoyed equal rights to bring civil actions. The law on criminal procedure stipulated that plaintiffs or defendants with disabilities were entitled to legal assistance. Measures had been outlined in the Eleventh Five-Year Plan (2006–2010) to guarantee equal access to justice through the provision of services such as sign language interpretation, the reduction of court fees and the operation of more than 50 legal assistance centres across the country. It was customary to name a legal agent to represent individuals who were incapable of giving their consent.

15. **Ms. Wu** Leifen (China) said, regarding awareness-raising, that her Government strove to include persons with disabilities in social events, cultural activities and festivals in order to showcase their talents, raise their self-esteem, increase their independence and promote better understanding of their rights. Lectures on the Convention were given every two years.

16. **Ms. Cheung** Mei Chu Doris (Hong Kong, China) said that the Women's Commission had been set up to advise the Hong Kong Government on advancing women's interests and well-being. In 2012, it had regularized a funding scheme for women's development, through which grants were provided to women's groups and NGOs for programmes to promote the physical well-being of women, including women with disabilities. The Commission members met regularly with women's groups to exchange views, and, in 2010, they had attended the Second Regional Conference on Women with Disabilities. The Government had also established the Rehabilitation Advisory Committee, which included persons with different disabilities and parents of persons with disabilities. The appointment of a woman with a disability to the Women's Commission was being considered.

17. **Ms. Leung** Man Shan Neve (Hong Kong, China) said that both the professional code of conduct drawn up by the Medical Council of Hong Kong and the guidelines issued by the Hospital Authority on life-sustaining treatment for terminally-ill patients stated that, when death was imminent, it was the doctor's responsibility to ensure that the patient died with dignity and with as little suffering as possible. The decision to withhold or withdraw life-sustaining treatment for a patient who was mentally incapacitated and incapable of giving consent should be guided by the best interests of the patient. The patient should participate in the decision if possible, and the immediate family should be fully informed about the circumstances and the doctor's recommendation. The doctor should work towards a consensus with the family as far as possible, unless the family's views were clearly contrary to the patient's best interests.

18. The Hong Kong Government would consider any amendments that were necessary to the Mental Health Ordinance in order to adequately address the needs of persons with psychosocial disabilities, taking into account local circumstances. In line with the international trend to focus on community and ambulatory services, the Government was considering introducing community treatment orders in Hong Kong. A study of the issue was under way, and, if such orders were found suitable, the Government would propose appropriate amendments to the Ordinance and solicit the views of all stakeholders.

19. **Mr. Lo** Seng Chi (Macao, China) said that, despite limitations due to the city's small size, the Macao Government had been expanding infrastructure, such as roads and public transport, taking into consideration the needs and safety of persons with disabilities. Recent improvements included accessible street crossings, markings on pavements and roads, safety fences, elevators up to footbridges and audio signals. Accessibility was

becoming the new norm, and efforts were being made to retrofit public spaces such as the police station, parking lots, public restrooms and tourist attractions.

20. The criminal law provided for prison terms for ill-treatment of persons with disabilities. Furthermore, the fact that the perpetrator of a crime had a disability could be an extenuating circumstance; depending on the severity of the crime, a perpetrator with a psychosocial impairment could be detained in a hospital. A bill on the prevention of domestic violence had been drafted and would offer more comprehensive protection for women and children with disabilities. Discipline in public schools was subject to regulation and all corporal punishment was prohibited, while the Government issued guidelines to private schools on avoiding inhuman or cruel treatment.

21. Thanks to increased funding, the Social Welfare Bureau was cooperating with NGOs to provide 24-hour sign language interpretation services. NGOs also offered training in specialized areas, such as legal terminology, to sign language interpreters.

22. **Mr. Kan Ka Fai** Godfrey (Hong Kong, China) said that, pursuant to the Mental Health Ordinance, the Guardianship Board had the authority to appoint guardians for persons who were mentally incapable of making their own decisions. It was composed of three members: a lawyer, a psychiatrist and a caregiver. Prospective guardians were vetted and had to meet certain requirements. The Board met with every potential ward in person and took into account their views, needs and wishes. If no suitable guardian was found, the Board named the Director of Social Welfare as public guardian.

#### *Articles 20–33*

23. **The Chairperson**, speaking in his personal capacity, enquired about the status of the investigation into the case of Chen Guangcheng, the blind activist who had escaped from house arrest in Beijing and sought diplomatic protection at the embassy of the United States.

24. **Ms. Quan-Chang** asked to what extent groups representing persons with disabilities were involved in monitoring the implementation of the Convention.

25. **Ms. Degener** said that, according to the replies to the list of issues (CRPD/C/CHN/Q/1/Add.1), a number of persons with intellectual and mental health disabilities had been rescued from forced labour. The State party should provide further details in that regard. The high employment rate among workers with disabilities on the mainland was difficult to reconcile with other indicators such as literacy and school enrolment rates among persons with disabilities; she would appreciate the State party's comments on the apparent contradiction.

26. **Mr. Gombos**, expressing concern about the screening techniques used as part of the Government's efforts to promote mental health, asked if a review of those techniques was being considered, especially in the light of the right to privacy. He enquired what health-care coverage was granted to victims of workplace injuries who did not qualify as disabled. Lastly, he asked how the State party intended to follow up on previous recommendations to lift restrictions on the right to vote of individuals who were legally incapacitated.

27. **Ms. Maina** asked whether the State party was considering steps to move from a medical approach to a rights-based one in the provision of programmes for persons with disabilities.

28. **Mr. Kim Hyung Shik** expressed concern that the legal provisions in Hong Kong concerning the notion of "unjustifiable hardship" and the productivity assessments conducted pursuant thereto might allow employers to discriminate against workers with disabilities. He asked to what extent NGOs enjoyed freedom of expression in the State party.

29. **Mr. Ríos Espinosa** asked how the concept of “unjustifiable hardship”, as applied in the area of education in Hong Kong, was measured qualitatively and what steps the Chinese Government had taken to realize the right to information and the right to health of persons living with HIV/AIDS.

30. **Mr. Langvad** asked what the size of the largest social welfare institutions for persons with disabilities was and what types of disability the residents had. Noting the high number of special schools and classes for children with disabilities, which ran counter to the current global trend towards inclusive education, he enquired what qualifications teachers needed in order to work with pupils with disabilities in mainstream schools. He noted that the monitoring mechanism established under article 33 of the Convention did not meet the requirements of the Paris Principles, notably concerning independence. Lastly, he asked how the State party justified the introduction of monitoring of persons with psychosocial disabilities, and whether workplace health and safety regulations covered all workers, irrespective of their place of employment.

31. **Ms. Cisternas Reyes** said that she would welcome additional information on the number of children with disabilities who were enrolled in special versus mainstream schools and how the quality of education was evaluated. She also wished to know how the State party intended to eliminate discrimination and marginalization in the workplace stemming from unfair productivity criteria, and what legal action could be taken against employers who failed to accommodate workers with disabilities. Noting reports that medical appointments tended to be short and the medication prescribed outdated, she asked what measures were being taken to improve free health care for persons with disabilities. She requested information on the Sunshine Home Project for persons with leprosy, particularly in respect of the health care provided and the employment opportunities available. Lastly, she asked whether an independent body reviewed decisions taken on behalf of persons with psychosocial impairments whose consent could not be obtained.

32. **Ms. Peláez Narváez** asked what efforts were being made to provide institutionalized children with the opportunity to live in their communities or with families in the vicinity and what education and other services they received in the institutions. She noted with regret that international adoption of children with disabilities appeared to be discouraged. She enquired how the Government viewed the sexual and reproductive health rights of women with disabilities.

33. **Mr. Torres Correa** asked whether there was a Chinese sign language and whether it was legally or constitutionally recognized.

34. **Mr. Ben Lallahom** asked to what extent the China Disabled Persons’ Federation managed to provide information to persons with disabilities and their parents regarding their fundamental rights and the provisions of the Convention.

35. **Mr. Zhang Xiaofeng** (China) said that there were more than 40,000 social welfare institutions caring for nearly 4 million people, including children, older persons and demobilized soldiers. There were several care solutions for children with disabilities: institutional care, home care, children’s villages run by International SOS and adoption. There were many factors to consider when approving adoptions. Special legal provisions had been established regarding the adoption of children with disabilities, 10,000 of whom had been adopted by foreign families.

36. **Mr. Liu Haitao** (China) said that his Government was tackling illegal employment by introducing tougher legislation and monitoring the implementation of labour law more closely. It was now a punishable offence to refuse to pay a worker, and places of work, including mines, were being inspected more frequently. Complaints were investigated and employers who broke the law were prosecuted. Cases of persons with disabilities being forced to work did exist in China, but they were dealt with seriously and prosecuted

effectively: in one instance, an employer had been fined and sentenced to over 4 years' imprisonment and five public officials had been dismissed from their posts. His Government was similarly resolute in prosecuting cases in which persons with disabilities were killed in staged accidents as part of insurance scams. Statistics on such incidents would be provided to the Committee after the meeting.

37. **Ms. Na Xin** (China) said that, since the 1990s, China had switched from a medical approach to the treatment of persons with psychosocial disabilities, which had involved their isolation in hospitals, to an open approach that promoted their social and vocational rehabilitation in the community. Insurance for serious diseases now covered 90 per cent of the hospitalization and treatment costs associated with psychosocial illnesses, and further assistance was available for covering the remaining 10 per cent, if required.

38. **Mr. Iong Kong Io** (Macao, China) said that new guidelines had been issued to improve the system for treating psychosocial disabilities, and the Ministry of Health was inviting comments on its 2012–2015 plan on the matter. Almost 90 per cent of health facilities had specialized services for psychosocial disabilities. Hospitalization was on a voluntary basis unless the person concerned had harmed himself or herself, or others, and was in danger of doing so again, and clear procedures had been established for the treatment of persons with psychosocial disabilities in hospital.

39. **Ms. Cheung Mei Chu Doris** (Hong Kong, China) said that Hong Kong was committed to establishing a barrier-free society and ensuring that transport services were available for all. Visual or audio stop announcement systems would be installed on all public vehicles by the end of 2012, and lifts would be available at all underground and train stations by 2015. An extensive point-to-point bus service for wheelchair users was already in use.

40. The Hong Kong Government was promoting the development of information and communication technology tools and applications as a means of improving the quality of life of persons with disabilities and facilitating their integration in mainstream society. It had also launched a web accessibility campaign and all Government websites would have an AA accessibility rating by 2013.

41. **Mr. Sui Wai Keung Stephen** (Hong Kong, China) said that employees with disabilities had the same rights as other workers. According to the Minimum Wage Ordinance, they could ask to have their wages set under a productivity assessment scheme that had been established after consultations with stakeholders. The aim of the scheme was to protect the wages and the employment opportunities of persons with disabilities. The decision to be assessed under the scheme was entirely up to persons with disabilities, not employers.

42. **Mr. Kan Ka Fai Godfrey** (Hong Kong, China) said that individuals could only be disqualified from voting if a court ruled, on the basis of two medical certificates and any other information it requested, that they were incapable of managing their affairs. The regulations on the matter were quite strict: the persons had to be incapable of managing their affairs not just find it mentally challenging to do so.

43. **Ms. Chow Pui Leng** (Macao, China) said that permanent residents over the age of 18 in Macao could only be excluded from voting and standing for election if they were declared legally incompetent by the courts to manage their affairs on account of psychosocial or other disabilities or if they had committed crimes against State security. If necessary, persons with disabilities could be accompanied during voting.

44. **Mr. Qian Bo** (China), referring to the case of Chen Guangcheng, said that the matter had been handled in full accordance with the law. Chen Guangcheng had been duly sentenced and subsequently released. He had not been the victim of discrimination on

account of his disability. The accusations he had made against local officials claiming that they had violated his rights would, however, be investigated.

45. **Mr. Chen Yaan** (China) said, with regard to monitoring, that associations of deaf persons and of persons with other disabilities met annually to assess the situation concerning human rights and disability in China and to suggest ways to better implement the Convention.

46. **Mr. Huang Wei** (China) said that the real unemployment rate among persons with disabilities was higher than the 8.6 per cent reported by the employment agencies because many persons with disabilities did not register with those agencies. The employment rate was thought to be around 50 per cent overall and 60 per cent in rural areas.

47. **Mr. Long Xuequn** (China), supplementing the previous information provided on forced labour, said that, under amendments to the criminal law, forcing individuals to work was punishable by fines and up to 3 years' imprisonment.

48. **Mr. Gong Xiangguang** (China) said that in 2010, around 71.4 per cent of children with disabilities had been enrolled in special education, 66.9 per cent in inclusive schools. A study had found that severe disabilities and financial difficulties accounted for the 28.6 per cent of children with disabilities not enrolled in special education. That situation was being addressed. All workers enjoyed health-care coverage, including those who suffered workplace injuries. Disabilities were not viewed in China as a health issue, but as a rights issue, and China had adopted over 70 national laws and several hundred local laws to protect the rights of persons with disabilities and ensure their social inclusion.

49. **Mr. Zhang Xinlong** (China) said that the law prohibited discrimination against persons living with HIV/AIDS and their relatives. They could not be refused medical treatment or denied education or the right to marry, inherit or participate in elections. HIV/AIDS screening and counselling were provided free of charge, and HIV/AIDS orphans were exempted from paying school fees. More information could be provided after the meeting.

50. **Mr. Bo Shaoye** (China) said that the institutions for persons with disabilities cared for persons who either did not have family support or whose disabilities were such that they could not be cared for at home. The institutions varied considerably in size. The largest housed as many as 2,000 persons.

51. **Mr. Huang Wei** (China) said that the issue of sign language affected more than 20 million people in China. His Government was supporting the use and development of sign language. Research was being done into standardizing sign language and progress was being made in expanding its use. Television stations had to broadcast at least one news programme a week in sign language. Two full diploma courses in sign language were now available at university level, and sign language interpreters had been trained to provide support to social and medical services and the police.

52. Special education was adapted to the individual needs of persons with disabilities and could take the form of education in inclusive schools, education at home or education in the community. Around 60 per cent of children with disabilities had benefited from the special education programme, which included vocational, cultural and sports courses, as well as rehabilitation classes. Training was provided to teachers working in inclusive schools.

53. **Mr. You Liang** (China) said that persons with disabilities had the same rights as other workers. Employers could not discriminate against them on any grounds. They were entitled to targeted assistance and training, as well as to rehabilitation and job placement services. The Sunshine Home Project provided residential care for persons with intellectual



impairments or severe disabilities. The central Government allocated 250 million yuan each year to rehabilitation services.

54. **Ms. Wang Naikun** (China) said it was clear that her Government had made huge efforts to achieve progress for persons with disabilities. The enlightening insights on the articles of the Convention provided by the Committee during the course of the dialogue were highly appreciated and the recommendations that would further enhance the protection of persons with disabilities would be followed up. Pragmatic cooperation with the Committee was established policy, and the Committee was cordially invited to visit China. Her Government was also grateful to the NGOs for their input and looked forward to continuing and strengthening its dialogue with them as well. The levels of development attained by the Macao and Hong Kong Special Administrative Regions were very different, but implementing the Convention and protecting the rights of persons with disabilities were common goals, and she was confident that there would be more progress to report in four years' time.

55. **The Chairperson**, thanking the delegation of China for its participation, said that he looked forward to the next periodic report of China in 2016.

*The meeting rose at 1.05 p.m.*