



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### List of issues in relation to the combined second and third periodic reports of Macao, China\*, \*\*

##### A. Purpose and general obligations (arts. 1–4)

1. Please inform the Committee about the measures taken:

(a) To bring the concept of disability across legislation into line with the Convention, in particular to recognize the interaction between impairment and attitudinal and environment barriers, in accordance with article 1 of the Convention, and to repeal derogatory terminology against persons with disabilities in legislation and policies;

(b) To ensure that the disability assessments established under Administrative Regulation No. 3/2011 on the Assessment System of the Type and Degree of Disability, Registration and Issuance of the Disability Card (CRPD/C/CHN-MAC/2-3, paras. 8 and 11) adhere to the Convention and the human rights model of disability as outlined in the Committee's general comment No. 6 (2018) on equality and non-discrimination;

(c) To ensure that the action plans of the Ten-Year Rehabilitation Programme Plan 2016–2025 (*ibid.*, paras. 16–21) recognize and address barriers hindering the exercise of the rights of persons with disabilities, and foster recognition of persons with disabilities as rights holders rather than as service and rehabilitation recipients.

2. Please provide further information about measures taken to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of the combined second and third periodic reports (CRPD/C/CHN-MAC/2-3). Please also describe the resources allocated and methodologies used, including accessibility of information and facilities during consultations with organizations of persons with disabilities concerning the measures taken to implement the Convention, and the challenges and opportunities identified by the government of Macao Special Administrative Region throughout these consultations.

##### B. Specific rights (arts. 5–30)

###### Equality and non-discrimination (art. 5)

3. Please provide information about:

(a) The measures taken to ensure equality and non-discrimination for persons with disabilities without any conditions or exceptions, particularly under article 5 of Decree-law 33/99/M, even in the case of “incapacity” (*ibid.*, para. 26);

\* Adopted by the pre-sessional working group at its thirteenth session (30 March–3 April 2020).

\*\* The present document forms part of the list of issues in relation to the State party report of China (CRPD/C/CHN/Q/2-3), which also includes the list of issues in relation to the report of Hong Kong, China (CRPD/C/CHN-HKG/Q/2-3).



(b) The types of remedies and redress available in cases of discrimination against persons with disabilities, particularly under the competence of the Legislative Assembly, the Commission against Corruption, the administrative authorities and the courts (*ibid.*, para. 6);

(c) The strategies adopted to address the multiple and intersectional forms discrimination faced by persons with disabilities, including older persons with disabilities.

**Women with disabilities (art. 6)**

4. Please indicate the specific programmes of and the human, technical and financial resources allocated to the Commission for Women and Children Affairs for advancing gender equality and the rights of women with disabilities, and provide information about the main outcomes of these programmes in the past five years (*ibid.*, para. 32).

5. Please inform the Committee about:

(a) The involvement of organizations of women with disabilities in the work of the Commission for Women and Children Affairs;

(b) The measures adopted to ensure that gender and disability perspectives are included in legislation and policies, in all areas of life and in all spheres covered by the Convention, and that they effectively address specific risk and marginalization factors;

(c) The measures taken to collect reliable and comparable disability data on women with disabilities in order to evaluate the effectiveness of disability-related policies and programmes.

**Children with disabilities (art. 7)**

6. Please provide information about:

(a) The legislative and public policy measures taken and the human, technical and financial resources allocated, not only in relation to rehabilitation and early intervention programmes, to ensure the inclusion of children with disabilities in all areas of life, including family and community life;

(b) The measures taken to promote the accessibility of mainstream community services to children with disabilities.

7. Please indicate the measures taken to facilitate the participation of children with disabilities so that they may express their views and opinions on matters affecting them. Please indicate any existing information and tools concerning children's rights under the Convention that are available in accessible and child-friendly formats.

**Awareness-raising (art. 8)**

8. Please inform the Committee about the measures taken to raise awareness of the rights of persons with disabilities at all levels of the education system, and the extent to which organizations of persons with disabilities are involved in the design, implementation, monitoring and evaluation of awareness-raising strategies.

**Accessibility (art. 9)**

9. Please inform the Committee about:

(a) The extent to which private facilities open to the public are required to comply with the accessibility standards of the Barrier-free Universal Design Building Guidelines of the Macao Special Administrative Region, and the measures taken to monitor progress in accessibility compliance;

(b) The measures taken to provide accessible housing and make the provision of accessible housing mandatory in new and existing construction, and to provide persons with disabilities, in urban and rural areas, with grants for accessibility adaptation in housing units;

(c) The measures taken to promote accessibility through public procurement processes;

(d) Incentives for organizations and enterprises in the design, development and production of accessible information and communications technology, in formats such as Easy Read, and for them to ensure that the cost of accessible technologies is kept to a minimum.

#### **Right to life (art. 10)**

10. Please provide information about the measures taken to prevent the abandonment of persons with disabilities, including children with disabilities and persons with disabilities in institutions, and to foster respect about the value of the life of persons with disabilities (*ibid.*, para. 54). Please also indicate the number of prosecutions and sentences imposed on perpetrators with regard to the crime of abandonment.

#### **Situations of risk and humanitarian emergencies (art. 11)**

11. Please provide information about the measures taken to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic. In particular, please inform the Committee about the measures taken to provide persons with disabilities with accessible information concerning the virus's scope and prevention of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times.

#### **Equal recognition before the law (art. 12)**

12. Please provide information about the measures taken:

(a) To enable the exercise of legal capacity by persons with disabilities on an equal basis with others, including by those who require high levels of support, and to abolish substitute decision-making and replace it with supported decision-making models;

(b) To develop mechanisms of supported decision-making in all areas of life, and to make information available in accessible formats about supported decision-making mechanisms.

13. Please provide further information about the number of persons that remain under full or partial guardianship and those whose legal capacity has been fully reinstated, and explain how such information is used to improve public policies.

#### **Access to justice (art. 13)**

14. Please indicate:

(a) The existing procedural accommodation and information available in accessible formats, including Easy Read, about legal proceedings, the right of persons with disabilities to access to justice, legal assistance, remedies, redress in the judicial system, alternative dispute resolution and restorative justice;

(b) The measures taken to ensure access to justice for women with disabilities, including measures taken to address gender- and disability-based stereotypes;

(c) How the Convention and the Committee's general comments and recommendations are included in capacity-building programmes for the judiciary, at all levels, and in programmes to facilitate the participation of persons with disabilities as judges.

#### **Liberty and security of the person (art. 14)**

15. Please provide information about:

(a) The steps taken to review the legal framework in order to abolish the compulsory hospitalization of persons "with severe mental illnesses" (*ibid.*, paras. 80–82), including in community rehabilitation institutions;

(b) The measures taken to prevent the forced institutionalization and forced treatment of persons with disabilities on the basis of actual or perceived impairment or actual or perceived mental capacity;

(c) The right of persons with disabilities in psychiatric institutions to request assessment of the legality of their deprivation of liberty, and the number of persons with disabilities who have regained their liberty in the past five years.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

16. Please indicate:

(a) Whether the normative framework prevents and prohibits the use of seclusion, physical, chemical or mechanical restraints, involuntary or forced treatment, forced corporal punishment, electroconvulsive therapy and involuntary or excessive drug treatment;

(b) The protocols adopted to ensure the use of supported decision-making and the free and informed consent of persons with disabilities regarding medical research, experimentation or treatment.

**Freedom from exploitation, violence and abuse (art. 16)**

17. Please provide information about:

(a) The strategies adopted to prevent all forms of violence, including gender-based violence against women and girls with disabilities and violence against children with disabilities, and to raise awareness among persons with disabilities about their right to be free from exploitation, violence and abuse, including through partnerships with organizations of persons with disabilities;

(b) The measures taken to ensure that safety plans and protective measures for persons with disabilities facing different forms of violence (*ibid.*, para. 75) are accessible and age-, gender- and disability-sensitive;

(c) The complaint mechanisms and remedies that are accessible to persons with disabilities in cases of violence, and the type of redress provided to victims;

(d) Mandatory training for the police force concerning the investigation of complaints and instances of violence against persons with disabilities, in particular in cases of gender-based violence against women and girls with disabilities.

**Living independently and being included in the community (art. 19)**

18. Please provide information about the measures taken:

(a) To shift from institutionalization policies to support for living independently and in the community;

(b) To deinstitutionalize persons with disabilities currently in rehabilitation institutions or small-scale family-style housing (*ibid.*, paras. 85 and 89) or in any other type of institution, and how such measures include children, women and older persons with disabilities, persons with intellectual or psychosocial disabilities and persons with disabilities requiring high levels of support;

(c) To provide support to persons with disabilities for independent living in the community, including personal assistance and increased resource allocation;

(d) To ensure that mainstream community-based services and facilities provided to the general population, including housing, are accessible, affordable and available to persons with disabilities, take account of their personal requirements and are gender- and age-sensitive.

**Freedom of expression and opinion, and access to information (art. 21)**

19. Please provide information about:

(a) The percentage of public websites that are compliant with the latest Web Content Accessibility Guidelines. Please also update the Committee about the current status of the guidelines for government departments and private organizations, under the leadership of the Social Welfare Bureau (*ibid.*, para. 93);

(b) Policies, programmes and budget allocations to facilitate the use of sign languages and other appropriate means, modes and formats of communication, such as Braille, audio or tactile information, augmentative and alternative communication, Easy Read and pictograms, in formal and informal interactions;

(c) The steps taken to increase the number of qualified sign language interpreters in the public and private sectors.

#### **Respect for privacy (art. 22)**

20. Please provide information about accessible complaint mechanisms and procedures, including recourse to *habeas data*, in case of arbitrary or unlawful interference with the privacy of persons with disabilities.

#### **Respect for home and the family (art. 23)**

21. Please provide information about:

(a) Sexual and reproductive health services provided to persons with disabilities in an accessible manner, and measures taken to facilitate access by persons with disabilities to family planning, assistive reproduction, adoption and fostering programmes;

(b) The measures taken to ensure that no children are separated from their parents on the basis of the disability of the child or of one or both of the parents.

#### **Education (art. 24)**

22. Please provide information about the measures taken:

(a) To allocate human, financial and technical resources for inclusive education and facilitate enrolment in mainstream schools for all children with disabilities, regardless of age or type of impairment;

(b) To increase enrolment rates of children with disabilities in inclusive education schools and classes, provide them with individualized support, accessible curricula, physical access and accessible means and modes of communication;

(c) To make tertiary education more accessible to students with disabilities.

#### **Health (art. 25)**

23. Please provide information about:

(a) The availability and affordability of sexual and reproductive health-care services, and measures taken to ensure that hospital and health units and equipment are accessible to persons with disabilities and available in locations close to their place of residence;

(b) The way in which the training curricula of all medical and health professionals, including community health workers, mainstream the human rights model of disability.

#### **Habilitation and rehabilitation (art. 26)**

24. Please provide information about the measures taken to promote comprehensive and community-based rehabilitation programmes for persons with disabilities.

#### **Work and employment (art. 27)**

25. Please provide additional information about:

(a) The proportion of women with disabilities benefiting from the measures taken to facilitate access for persons with disabilities to employment, including the technical training and assistance in employment provided by the Social Welfare Bureau and

the services provided by the Task Force for Capacity Development of the Labour Affairs Bureau (*ibid.*, para. 120);

(b) The measures taken to phase out sheltered employment and promote access by persons with disabilities to jobs in the open labour market;

(c) The measures taken to ensure that individualized support is available for persons with disabilities in public and private sector employment;

(d) The strategies adopted to incentivize and support entrepreneurship and self-employment by persons with disabilities, with adequate protection of labour rights.

#### **Adequate standard of living and social protection (art. 28)**

26. Please provide information about:

(a) The programmes implemented to ensure access by persons with disabilities to clean water;

(b) The measures taken to ensure that the general and special disability allowances and other entitlements for persons with disabilities are paid directly to them;

(c) The current status of the recognition of temporary disability pensions (*ibid.*, para. 135).

#### **Participation in political and public life (art. 29)**

27. Please clarify whether persons with intellectual or psychosocial disabilities have the right to vote and the right to form associations and organizations of persons with disabilities. Please also inform the Committee about the measures taken to promote and protect the right of persons with disabilities to stand for and hold public office on an equal basis with others, in accordance with article 29 (a) (ii) of the Convention.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

28. Please inform the Committee about:

(a) The implementation of data-collection systems with due regard to the human rights model of disability, including use of the Washington Group short set of questions on disability and taking account of social barriers;

(b) The methods used for data collection and dissemination to ensure that disaggregated data and statistics inform public policy and programmes.

#### **National implementation and monitoring (art. 33)**

29. Please provide information about:

(a) The existing focal points across all sectors and levels of government on implementation of the Convention, and any coordination mechanisms;

(b) The steps taken to establish a framework of independent mechanisms to monitor the implementation of the Convention;

(c) The measures taken to facilitate the involvement of persons with disabilities and organizations of persons with disabilities in the independent monitoring of the Convention.

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