



# 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 China\*\*, \*\*\*

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

1. Please inform the Committee about:

(a) The measures taken to harmonize the concept of disability in all legislation, policy and guidelines, including the Law on the Protection of Persons with Disabilities, with the human rights model of disability enshrined in the Convention and elaborated on in the Committee's general comment No. 6 (2018) on equality and non-discrimination;

(b) The legal framework concerning advocacy and work that organizations of persons with disabilities can undertake in relation to the Convention, the number of registered organizations of persons with disabilities, and measures to facilitate the establishment of organizations of persons with disabilities, in particular organizations of women and children with disabilities;

(c) The 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/2-3), in the development of legislation and policies to implement the Convention, and in other decision-making processes that affect persons with disabilities;

(d) The measures taken to prevent intimidation or harassment against organizations of persons with disabilities, in accordance with the Committee's general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention;

(e) The measures taken to ratify the Optional Protocol to the Convention, and the time frame for such ratification.

#### B. Specific rights (arts. 5–30)

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

2. Please provide information on:

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\* Reissued for technical reasons on 8 July 2020.

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

\*\*\* The lists of issues in relation to reports of Hong Kong, China (CRPD/C/CHN-HKG/Q/2-3), and of Macao, China (CRPD/C/CHN-MAC/Q/2-3), form part of the present list of issues.



(a) The results of the legislative study mentioned in the State party's report (CRPD/C/CHN/2-3, para. 16), and how they have supported the implementation of the Committee's previous concluding observations (CRPD/C/CHN/CO/1 and Corr.1, paras. 11–12) particularly the prohibition of discrimination on the basis of disability;

(b) The measures taken to adopt discrimination law that adheres to the Convention, taking account of the Committee's general comment No. 6, to provide equal and effective legal protection against all forms of discrimination on all grounds for persons with disabilities, including multiple and intersectional discrimination and the denial of reasonable accommodation in the public or the private spheres;

(c) The measures taken to accelerate de facto equality and inclusion in society of persons with disabilities living in rural areas, including measures to address situations of poverty and extreme poverty, and barriers to access to community services resulting from the household registration system (*hukou*);

(d) The measures taken to prevent and eliminate multiple and intersectional discrimination on the grounds of disability, particularly that affecting persons with disabilities belonging to ethnic and linguistic minorities and women and children with disabilities.

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

3. Please provide information on:

(a) The measures taken to ensure the promotion and protection of the rights of women and girls with disabilities in gender equality legislation, policies and programmes, and to ensure that a gender perspective is included in disability policies and programmes;

(b) The measures taken in rural and urban areas to promote the development, advancement and empowerment of women and girls with disabilities, including specific budget allocations to give effect to their rights, particularly those who live below poverty line;

(c) The measures taken to facilitate research studies to assess and collect information about the situation and barriers faced by women and girls with disabilities in the exercise of their rights under the Convention.

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

4. Please provide information on the measures taken:

(a) To ensure the inclusion of children with disabilities in all areas of life, including family and community life and community-based programmes and services for children with disabilities, particularly in rural areas;

(b) To prevent stigma in relation to children with disabilities;

(c) To prevent children with disabilities belonging to ethnic minorities from being placed in child welfare institutions or boarding schools if their parents are detained;

(d) To ensure the full and effective participation of the children with disabilities in policymaking processes on issues that affect them and in monitoring and evaluation;

(e) To promote the Convention among children with disabilities, and their rights under the Convention.

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

5. Please provide information on the measures taken to:

(a) To promote in awareness-raising programmes the recognition of persons with disabilities as independent and autonomous rights holders, replacing concepts based on the medical model of disability such as "helping the disabled";

(b) To raise awareness among all persons with disabilities, especially in rural areas, about their rights under the Convention and to provide them with information about measures taken to protect their rights;

(c) To combat stigma, stereotypes, prejudices, harmful practices, deep-rooted cultural beliefs, negative attitudes, bullying, hate crimes and discriminatory language against persons with disabilities, including those based on gender and age, in all areas of life;

(d) To raise awareness among parents and families of children with disabilities, and any relevant stakeholders, to foster respect for the rights and dignity of persons with disabilities, including children with disabilities.

#### **Accessibility (art. 9)**

6. Please provide further information about:

(a) The current status of the standards for creating accessible cities, counties, villages and towns, referred to the State party's report (para. 30), and how organizations of persons with disabilities have been involved in developing those standards;

(b) The measures taken to ensure the accessibility to persons with disabilities of the natural environment, including green spaces open to the public, in rural and urban areas, and to consult with organizations of persons with disabilities on accessibility measures, in accordance with the Committee's general comment No. 7;

(c) The legislative and other measures taken, including through public procurement, to make information and communications technology fully accessible to persons with disabilities;

(d) The measures taken to ensure the accessibility of open space for public use in the built-up area of cities, and of new and existing housing, and to monitor compliance and impose sanctions for failure to comply with accessibility requirements in the construction of buildings;

(e) The measures taken to promote the use of alternative and augmentative technologies and the learning, teaching and use of sign languages, Braille and Easy Read.

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

7. Please provide information on the measures taken to combat and eradicate neglect, abandonment and starvation threatening the life of persons with disabilities, particularly children with disabilities, and the termination or withdrawal of medical treatment without the consent of the person concerned.

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

8. Please provide information on 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.

9. Please describe the measures taken to set up accessible warning systems and to provide official information about emergency services in accessible formats.

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

10. Please provide information on 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 those deemed as having "mental impairments" or "mental disorders";

(b) To abolish substituted decision-making regimes, including "voluntary guardianship" or "adult guardianship", and replace them with supported decision-making measures. Please provide further information on 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 inform reform measures.

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

11. Please provide information on:

(a) The current human, technical and financial resources available in the legal aid centres, and the numbers of rural and urban people with disability who have received legal aid;

(b) The measures taken to provide persons with disabilities with procedural and age-appropriate accommodation, particularly persons with intellectual or psychosocial disabilities;

(c) The measures taken to make information about remedies and judicial procedures in all areas of law available in accessible formats;

(d) The measures taken to provide appropriate training on the rights enshrined in the Convention for the personnel and officials working in the judicial system and law enforcement agencies.

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

12. Please provide information on the measures taken:

(a) To abolish the practice of involuntary civil commitment or institutionalization, based on actual or perceived impairment, and to discharge involuntarily committed persons with disabilities from mental health institutions;

(b) To establish a mechanism to review the detention of persons with disabilities in social care institutions and psychiatric facilities;

(c) To ensure that any medical treatment is based on the free and informed consent of the persons with disabilities concerned, particularly psychiatric treatment;

(d) To repeal legislation that allows for the deprivation of liberty of persons with disabilities in the absence of criminal proceedings and the guarantees of due process of law.

13. Please provide information on the numbers of ethnic Uighurs and other Turkic Muslims in vocational education and training centres, and the support provided to ensure their safety and to meet all their disability-related needs.

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

14. Please provide information on:

(a) The measures taken to implement the provisions protecting the rights of persons with disabilities in the Measures for the Ethical Review of Biomedical Research Involving Human Beings (2016);

(b) The number of reported cases of torture or cruel, inhuman or degrading treatment or punishment, including corporal punishment, of children and adults with disabilities, particularly those with intellectual or psychosocial disabilities;

(c) The measures taken to ensure that persons with disabilities are protected from torture and cruel, inhuman or degrading treatment, including electroconvulsive therapy, involuntary or excessive drug treatment, solitary confinement and any resulting injuries, in all settings, particularly in psychiatric institutions and in prisons;

(d) The judicial or supervisory government body that is responsible for the prevention of torture and cruel, inhuman or degrading treatment or punishment against persons with disabilities, including compulsory treatment.

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

15. Please provide information on the measures taken:

(a) To provide persons with disabilities with access to effective remedies, including non-pecuniary remedies, and to effectively protect persons with disabilities from abduction, in particular persons with intellectual disabilities, or abuse, such as in the cases of the deaths of persons with intellectual disabilities in staged “mining accidents” (CRPD/C/CHN/CO/1 and Corr.1, para. 19);

(b) To raise awareness among professionals, particularly law enforcement personnel, about persons with disabilities, particularly persons with intellectual or psychosocial disabilities, and about how to detect situations of abuse and where to seek assistance, to create a safe environment for the reporting, investigation and prosecution of those cases;

(c) To develop a comprehensive legal framework to protect women and children with disabilities, particularly those with intellectual or psychosocial disabilities, against all forms of exploitation, violence, abuse, abduction and trafficking;

(d) To systematically monitor and collect disaggregated data on the locations and prevalence of exploitation, violence and abuse against persons with disabilities. Please provide data on criminal investigations of cases involving exploitation, abuse and violence against persons with disabilities, disaggregated by type of criminal offence, age and sex, in rural and urban areas, in the past five years;

(e) To ensure that article 10 of the Law on the Protection of Minors explicitly prohibits all forms of corporal punishment on children with disabilities;

(f) To provide support services to persons with disabilities who have been subjected to violence, including accessible shelters, gender- and age-sensitive physical, cognitive and psychological recovery support, and rehabilitation.

**Protecting the integrity of the person (art. 17)**

16. Please provide information on the measures taken to revise laws and policies in order to prohibit forced sterilization, abortion, castration and contraception, particularly with respect to persons with intellectual or psychosocial disabilities.

**Liberty of movement and nationality (art. 18)**

17. Please provide information on:

(a) The current coverage of the household registration in urban and rural areas, and the measures taken to increase household registration of children with disabilities, particularly in rural areas, and to ensure equal access to social services by rural and urban residents who are yet to be included in the household registry;

(b) The measures taken to ensure registration immediately after birth, in particular children born in excess of the official quota under the family planning laws or outside marriage; and the road map in place to realize the full registration of persons with disabilities;

(c) The measures taken to ensure the right of persons affected by leprosy to liberty of movement.

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

18. Please provide information on:

(a) The measures taken to recognize the right of persons with disabilities to live independently in the community, and to ensure the right of persons with disabilities to choose where and with whom they live;

(b) The measures taken to end the institutionalization of persons with disabilities, and to deinstitutionalize persons with disabilities from all types of institutions across the country, including from leprosy colonies or villages;

(c) The participation of organizations of persons with disabilities in any such deinstitutionalization process, and the resources allocated to facilitating the transition to living independently and in the community;

(d) The measures taken to develop community support services for persons with disabilities, including personal assistance, and the human, technical and financial resources allocated to persons with disabilities who require high levels of support;

(e) The strategies adopted to improve the accessibility of mainstream community services and facilities to persons with disabilities, including housing, health care and other services, and the measures in place to monitor accessibility at the municipal level, including in rural areas;

(f) The measures taken to ensure that persons affected by leprosy have access to health-care services and facilities and are included in the community.

19. Further to the information provided in the State party's report (para. 65), please explain the concepts of "qualified communities", "independent-living centres", and "people with disabilities at the grass-roots level" in the Thirteenth Five-Year Plan (2016–2020). Please indicate whether rural villages are included in this Plan, and specify what percentage of and which rural villages have begun pilot projects related to independent-living centres.

#### **Personal mobility (art. 20)**

20. Please provide:

(a) Data and statistics on the provision of assistive devices to persons with disabilities, as referred to in paragraph 69 of the State party's report, including persons affected by leprosy, disaggregated by age, sex and place of residence, in urban and rural areas;

(b) Information on the measures taken to ensure that the allocation of devices and services for personal mobility matches the requirements of children and adults with disabilities, particularly in rural areas, through, for example, local places for fitting, setting and repairing the equipment.

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

21. Please provide information on the measures taken:

(a) To provide information in accessible formats and technologies for all persons with disabilities, in a timely manner and without additional cost;

(b) To ensure that private entities that provide services to the general public, including on the Internet, make information and services available in accessible and usable formats for persons with disabilities, including a revision of public procurement criteria in the State party;

(c) To facilitate access to information for persons with disabilities, including material related to the Convention, and relevant human rights issues, such as the content of the website of the Office of the United Nations High Commissioner for Human Rights;

(d) To recognize Chinese sign language as an official language and increase the number of qualified sign language interpreters working in the public and private sectors.

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

22. Please provide information on:

(a) The measures taken to protect persons with disabilities from arbitrary or unlawful interference with their privacy, family, home or correspondence or other types of communication and from unlawful attacks on their honour and reputation;

(b) The measures taken to protect the privacy of personal data and records of persons with disabilities from arbitrary or unlawful interference, including in the registration system of persons with "mental disorders" by the mental health authorities;

(c) The measures taken to ensure the appropriate use of the data collected from persons with disabilities, including as part of genetic information collection programmes, and the number of persons with disabilities from whom genetic information has been collected since 2012;

(d) The available remedies, including *habeas data*, in case of violation of the right to privacy.

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

23. Please provide information on the measures taken:

(a) To prevent the separation of children from their parents on the basis of the disability of the child, of one or both of the parents, or of any member of the child's family;

(b) To provide appropriate and sufficient support to parents with disabilities and to parents of children with disabilities in exercising their parental responsibilities;

(c) To prevent the abandonment of children with disabilities and combat its root causes. Please also indicate the number of cases involving abandonment or failure to register the birth of a child with disabilities that have been prosecuted since 2012 and how many of these cases resulted in criminal convictions.

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

24. Further to the information provided in the State party's report that the Regulations on the Education of Persons with Disabilities were amended in 2017 to explicitly indicate that "inclusive education shall be actively promoted" (para. 84), please provide specific information on:

(a) The resources reallocated from the special education system to make the transition to inclusive education in mainstream schools, and the proportion of resources invested in rural areas, in the past five years;

(b) The measures taken to ensure that all persons with disabilities have access to accessible inclusive education material, adaptive learning environments and reasonable accommodation in mainstream schools at all levels, including lifelong learning;

(c) The number of teachers with disabilities who have been employed in the past five years in public mainstream schools, and the measures taken to ensure that the teaching qualification certificate is accessible to persons with disabilities and that reasonable accommodation is provided throughout teaching qualification examinations;

(d) The measures taken to provide teachers with resources, teaching methodologies and support for students with disabilities in inclusive education in public schools, particularly in townships below the county level and in rural villages;

(e) The measures taken to ensure the admission of pupils with disabilities to school and to eliminate attitudinal barriers that hinder their full inclusion in the education system, including measures to enforce the legal prohibition of refusal to admit children with disabilities;

(f) The children and adolescents with disabilities receiving compulsory education at regular public schools, at special (public) schools and through homeschooling from 2013 to 2017, with disaggregated data, on an annual basis.

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

25. Further to the information provided in paragraphs 92 and 97 of the State party's report, please indicate:

(a) The scope of the 14 types of basic public health services that are provided free of charge to all citizens, and the specific criteria for persons with disabilities, including persons affected by leprosy, who require basic health care;

(b) The measures taken to implement the Committee's previous concluding observations and recommendations (CRPD/C/CHN/CO/1 and Corr.1, para. 38), in particular to ensure that individuals' autonomy, choices, dignity and privacy are respected;

(c) The measures taken to provide training to medical staff on the rights of persons with disabilities, and to sanction discriminatory action against persons with disabilities.

26. Please advise on the measures taken to ensure access to sexual and reproductive health and rights for women and girls with disabilities, and how information about available services is disseminated among them, including in accessible formats.

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

27. Please provide information on the measures taken to promote comprehensive and community-based rehabilitation programmes for persons with disabilities, in particular for children and older persons with disabilities, and indicate how organizations of persons with disabilities participate in these programmes.

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

28. Please provide information on the measures taken:

(a) To ensure that persons with disabilities have the right to pursue vocations according to their preferences, on an equal basis with others;

(b) To prohibit discrimination against persons with disabilities in work and employment, including the denial of reasonable accommodation;

(c) To combat disability stigma in the workplace and to prevent dismissal on the basis of impairment;

(d) To promote the employment of persons with disabilities in the open labour market through appropriate policies, including affirmative action programmes for persons with disabilities. Please also provide information on the empirical data used in the evaluation of these policies;

(e) To implement the system of supported employment, referred to in paragraph 103 of the State party's report.

29. Please provide disaggregated information on:

(a) The number of investigations that have been opened during the period from 2013 to 2017 into violations of the quota system;

(b) The employers that have been fined as a result of the violations and the amount of fine levied.

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

30. Please provide information on:

(a) Social protection measures, public housing programmes and budget allocation with respect to persons with disabilities, in particular those belonging to ethnic minorities and those living in rural areas;

(b) The measures taken to develop a system to prevent corruption at all levels of government in the context of the allocation and distribution of social protection allowances for persons with disabilities;

(c) The measures taken to ensure effective monitoring and evaluation of the social protection policy, such as disaggregation of data on access to public housing programmes or any other social protection for persons with disabilities living in both rural and urban areas;

(d) The number and percentage of persons with disabilities living below the official poverty line in the State party, with data disaggregated by age, sex, ethnicity and place of residence, in both rural and urban areas;

(e) The measures taken to ensure budget allocation for social protection measures with respect to persons with disabilities, in particular those belonging to ethnic minorities, and living in rural areas;

(f) Pensions and allowances available for persons with disabilities who acquired an injury at work, and the percentage of persons with disabilities who are beneficiaries.

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

31. Please provide information on the measures taken:

(a) To ensure access to voting and electoral participation, with fully accessible voting procedures by secret ballot in elections and public referendums without intimidation, for persons with disabilities on an equal basis with others;

(b) To ensure that organizations of persons with disabilities operating independently of the China Disabled Persons' Federation can have access to funds, provide services, consult on relevant laws and policies and contribute to the work of the United Nations human rights mechanisms, including but not limited to the Committee.

32. Please advise on:

(a) The impact of the Foreign Non-Governmental Organizations Law and the Charity Law on the registration of organizations of persons with disabilities and on the activities of non-governmental organizations working to support persons with disabilities, in particular in ethnic minority areas;

(b) The measures taken to prevent election committees across the country from refusing to include persons with intellectual or psychosocial disabilities on the electoral roll.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

33. Please describe the measures taken to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

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

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

34. Please inform the Committee about:

(a) The data, statistics, indicators and benchmarks regarding persons with disabilities, including the Washington Group short set of questions on disability, used to measure the impact of public policies designed to implement the Convention;

(b) The detailed information collected about persons with disabilities, disaggregated by province or region and ethnicity, to better understand variations in access to social services and public goods in ethnic Yi, Tibetan and Uighur communities;

(c) The measures taken to collect disaggregated data in order to evaluate public policies and their impact on persons with disabilities, in particular on persons with disabilities belonging to ethnic minorities and persons with intellectual or psychosocial disabilities, and to identify barriers to the inclusion of persons with disabilities.

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

35. Please provide information on:

(a) The extent to which organizations of persons with disabilities operating independently of the China Disabled Persons' Federation and its branches are fully and meaningfully involved in the process of implementing and monitoring the Convention;

(b) The mechanisms in place to ensure coordination among all sectors and levels of government in the implementation of the Convention, and the indicators used to measure disability mainstreaming into public policies and programmes at the municipal level;

(c) The extent to which the draft national action plan on human rights for the period beginning 2021 covers the establishment of an independent mechanism for monitoring human rights in compliance with the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles), with an associated time frame and including a specific mechanism for monitoring the rights of persons with disabilities, in accordance with article 33 (2) and (3) of the Convention;

(d) The measures taken to involve persons with disabilities and their representative organizations in the process of monitoring the implementation of the Convention, including specific measures to reach out to persons with disabilities living in rural areas and their representative organizations.

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