

China Disabled Persons' Federation- UPR Review on Disability Rights- China- Feb.2009

Focal point for this Report

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About our Organization

Established in 1988, the China Disabled Persons' Federation (CDPF) is a unified organization of and for the 83 million persons with various categories of disabilities in China. Headquartered in Beijing, it has a nationwide umbrella network reaching every parts of China down to grassroots level. Committed itself to promote humanitarianism, human rights and the integration of people with disabilities in all aspects in society, CDPF performs three main functions, namely, representing the rights and interests of people with disabilities, providing a wide range of services to persons with disabilities and with mandated by the Chinese government, providing supervision of some affairs relating to people with disabilities in China. The National Assembly and elected Presidium is the top decision-making mechanism of CDPF. Mr. Deng Pufang is the current Chairman of the Presidium of CDPF.

Executive Summary

China has an estimated amount of 83 million persons with disabilities, according to an official data of the Second National Sampling Survey on Disability conducted in 2006. As result of a series of positive legislative and administrative policies and measures taken by the state, the general living conditions and overall social status of people with disabilities has witnessed a remarkable improvement in the previous years. Yet, people with disabilities remain a vulnerable group and still encounter specific difficulties. Nearly ten millions of them live under poverty. There is still a long way to go and much more need to be done in order to ensure the full enjoyment of the rights enshrined by the laws and promote the realization of the goal of " Equality,

Participation and Sharing” for all people with disabilities.

I. Legal and policy framework concerning the protection of rights of persons with disabilities

1. China's Constitution in its Article 45 provides that the State guarantees equal rights and protection for people with disabilities. The Law on the Protection of Disabled Persons (enacted in 1991 and amended in 2008), based on the principle of “equality, participation and sharing” further stipulates that persons with disabilities on the one hand enjoy equal rights as other citizens and equal protection by the law, on the other hand, the state and society are obliged to take supportive and supplementary measures to develop the cause for persons with disabilities and promote for the de fact equal participation by disabled persons in social life and their enjoyment of results brought by social and economic development. In addition, more than 70 national laws and decrees contain specific provisions concerning people with disabilities and their rights protection. All provincial congresses have issued local regulations on implementation of the Law on Protection of Disabled Persons and supplementary rules. Hence, a basic legal and policy framework to protect rights of disabled persons has been in place already.

2. Over the previous years, both Chinese Government and China Disabled Persons Federation were active in disability affairs in international arena, for example, the participation and contributions in the process of UN Convention on the Rights of Persons with Disabilities and advocacy and launching the Decade of Disabled Persons in Asian and the Pacific Region (2003-2012). On June 26th 2008, the Standing Committee of the National People's Congress ratified a bill for China's accession to the UN Convention. All these important initiatives and actions enable to improve further the legal system concerning the protection of rights of persons with disabilities in China.

3. Meanwhile, local congresses and political consultative conferences on a regular basis conduct inspections with a view of better the enforcement of the Law. These inspections collect information about progress, highlight any difficulties and problems encountered and put forward comments and suggestions on how to make improvements. For example in 2006, 1,301 and 1,192 times of inspection were conducted by such congresses and

conferences above the county level respectively. Through these inspections and reviews for implementation the laws, notable issues and conflicts concerning the development of the cause for disabled persons and their rights protection were properly resolved.

II. Protect political and civil rights of persons with disabilities

4. In recent years, the awareness and capability of disabled persons for their participation and consulting for political affairs is improving significantly. Statistic data show, in 2006, there were 1,078 disabled persons, their family members and worker for disabled persons were elected as deputies by the people's congresses above county levels. Another 2,169 were elected as members of the people's political consultative conferences above county levels. These deputies and members, representing 82.96 millions of disabled persons across China, are making an active and important roles in political life of the State.

5. The Chinese laws safeguard the right to property and other civil rights for persons with disabilities. The laws spell out provisions on prohibiting discrimination, insult and infringement of rights of persons with disabilities. Any crime taking advantage of the disability of any disabled persons, violating their personal security and rights and other legitimate interests shall be subject to punishment in line with the laws. On the other hand, for some individuals with a disability who commit a criminal act, he or she may enjoy exemption or reduction of responsibility for the acts because of their disability, depending on to what extent they shall be accountable for their acts intellectually, mentally and physically. The laws also provide some special protection and legal assistance needed for the protection of rights of disabled persons in a criminal, civil and litigation procedures.

6. The Government gives support to the development of disabled persons' organizations and the active roles of these organizations in advancing disability human rights and the cause for disabled persons. Currently, there is a nationwide network of about 3000 disabled persons' federations, from the central level down to provincial, city and county levels. Besides, there are also associates at grassroots level, in townships, communities, factories and villages where a big community of disabled persons live. These organizations

play very important roles in representing the common interest, safeguarding the legitimate rights of disabled persons and providing services for them.

III. Eradicate barriers , improve environment and create enabling conditions for equal participation of persons with disabilities.

7. The Chinese Government takes various means to eradicate discrimination and prejudice against disabled persons and promote a social environment of respecting and helping disabled persons. For example, May 19th each year is designated by the State as the National Day for Assisting Disabled Persons. Through a wide range of activities, such as the National Day for Assisting Disabled Persons, Youth Volunteers Assisting Persons with Disabilities, the general public received an intensive education on disability. The environment to develop the cause for persons with disabilities is consistently improving.

8. In order to remove all kinds of physical barriers for access and participation by disabled persons, a great number of accessible infrastructure and facilities were built up everywhere across the country. At present, in 100 big and middle sized cities such as Beijing, Shenzhen, Shanghai, Shenyang and Guangzhou, a program called Pilot Cities in Accessible Construction is being implemented. The work for accessibility is expected to advance in a rapid speed. In the past four years, conferences on accessible information and technology were held annually. In general, though the work for accessibility started relatively late, it witnessed a rather rapid progress in China. Yet, in many places both in rural and urban areas in the country, individuals with disabilities still encounter with many barriers and inconvenience in access such as get a transportation and access to information. The revised Law on the Protection of Disabled Persons (2008) contains a chapter concerning accessibility and enhances relevant provisions on accessible public environment and ICT accessibility and obliges different stakeholders with clearer legal responsibilities and duties in this regard. It is anticipated that in the coming years the situation of accessibility especially in big and middle sized cities in China will have a further upgrading along with increased awareness of the Government and civil society about accessibility and with more investment in accessibility construction.

IV. Successfully promote the access to services of rehabilitation, education, employment, cultural life and social security by persons with

disabilities and consistent improvement of disabled persons' living status. However, in many aspects, there is still a big gap between the level of public services and security provided and the actual demand by disabled persons for their participating in society and requirements needed for overall social development.

9. The State attaches an importance to the work of rehabilitation in order to promote the inclusion and full participation of disabled persons in to social life. In 2002, the Central Government issued a policy document called “ Guidelines on Further the Work on Rehabilitation for Persons with Disabilities” and put forward a goal of realizing “Rehabilitation Services for All Disabled Persons by 2015”. Governments at all levels, thereafter, took a various effective measures towards this goal and have made a substantial progress. Taking the past five years (2001- 2005) as example, some 2.72 cataract patients received surgeries, 154,000 persons with low-vision were provided with vision aids, 94,000 deaf children were trained with speech therapy, 5.176 million pieces of assistive devices were provided to individuals with disabilities in need. A nationwide mental health prevention and treatment net is serving a population of 450 millions, especially for 2.53 million patients with mental illness. However due to restrains of financial and technical resources and infrastructural capacity, the current rehabilitation service coverage and level is lagging behind the real needs. Many of those disabled persons live in poverty have no access to in-time and effective rehabilitation.

10. In terms of education, the State has established a disability education system, with integrated classes in mainstream schools as mainstay and special schools as backbone. Educational programmes for persons with disabilities were formulated and implemented in 27 provinces, autonomous regions and municipalities directly under the central government, as well as in some 70 prefectures and cities. The State also allocates special funds to supplement the development of special education and exempt tuitions and fees for the study of disabled children in compulsory education schooling. Besides there are some scholarship and other preferential and supportive policies in place to enable disabled children to enjoy equal access to education. Yet from another perspective, the educational level of persons with disabilities as a group is rather below that of non-disabled persons. For instance, in 2006, only 15.30% of disabled persons got a level of junior high education, compared

to the number for non-disabled of 36.29%, there was nearly 20% gap between the two groups.

11. In 2007, the State Council promulgated The Regulations Concerning Employment for Disabled Persons. In 2008, the National People's Congress amended the Law on Protection of Disabled Persons. These laws and decrees provide clearer and specific goals and policies directions on how to protect the rights to employment and employment promotion for disabled persons. The Government takes a number of key initiatives and actions, including adopting a quote scheme, requiring all employers to secure no less than 1.5% job opportunities for persons with disabilities; supporting the establishment of welfare enterprises to accept persons with disabilities through group placement, through arrangements such as management, technology, funds and taxation; and also encourages and supports self employment. Compared to 1980s, when the country just reformed and opened up to the world, the current situation of employment of disabled persons witnessed a remarkable improvement, with more than 21 million persons employed. However, the situation is by far satisfactory because the fact that surplus of supply against demand in labour market, the increasing serious competition among all jobseekers and existing incorrect perception about and discrimination about persons with disabilities by employers and general public. Experience reveals that substantial amount of disabled persons still face with a problem of unemployment or/and no sufficient-employment. How to help disabled persons to have and retain a job is still a sever challenge.

12. In cultural field, people with disabilities enjoy equal right to participate cultural life and have enjoyed increasing opportunities to take part in and organize all kinds of cultural, sport and recreation activities. For example, the China Disabled People's Performing Artist Troupe headquartered in Beijing was active in all parts of China and in some 40 foreign countries and became Peace Messenger of Arts recognized by UNESCO. China successfully hosted 2008 International Paralympic Games in Beijing and 2007 World Summer Games of Special Olympics in Shanghai, made contributions to the advancement of sports and wellbeing for persons with disabilities in the world, therefore received recognition of the international community. More and more persons with disabilities are now becoming active in cultural and sports activities in their community.

13. China has a rather big population base of disabled persons in poverty. Its economic and social development level varies significantly from region to region. Over the previous years, thanks to the joint effort of the Government and civil society, the poverty alleviation for disabled persons has been mainstreamed into the national economic and social development strategies. The amount of the disabled and poor population was decreased by more than 10 millions. Yet there are still about 10 million disabled persons live with poverty. How to focus and help them in alleviating poverty and resolving issues of development is a question that needs more attention to be given by the Government.