**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to China:**

**Main issues raised by TBs:**

* Need for consultation with diversified range of DPOs
* Lack of effective legal remedies for disability based discrimination and barriers to access justice by bringing complaints
* Infanticide and abandonment of newborns with disabilities
* Need for shift of focus from special to inclusive education
* Data collection across all sectors disaggregated by disability
* Discrimination and lack of choice for vocational training and employment of persons with disabilities
* Alternatives to institutionalised mental health care must be established within the community and be based on free and informed consent

**CRPD Committee, CRPD/C/CHN/CO/1, 2012**

1. The Committee considered the initial report of China (CRPD/C/CHN/1), including Hong Kong, China (CRPD/C/CHN-HKG/1), and Macao, China (CRPD/C/CHN-MAC/1), at its 77th and 78th meetings, held on 18 and 19 September 2012, and adopted the following concluding observations at its 91st meeting, held on 27 September 2012.
2. The Committee welcomes the initial report of China, including Hong Kong, China, and Macao, China, which was prepared in accordance with the Committee’s reporting guidelines (CRPD/C/2/3). It also appreciates the written replies to the list of issues raised by the Committee (CRPD/C/CHN/Q/1/Add.1).
3. The Committee expresses its appreciation for the constructive dialogue held between the State party’s delegation and the members of the Committee. The Committee commends the State party for its high-ranking delegation, among which were members of Government ministries and experts with disabilities.
4. The Committee regrets the State party’s failure to ratify the Optional Protocol to the Convention and invites the State party to reconsider its decision to abstain from signing the Optional Protocol.

 II. Positive aspects

1. The Committee congratulates the State party on its achievements in terms of accessibility, such as the accessibility stipulations in the Law on the Protection of Persons with Disabilities, the Implementation Plan for Barrier-Free Construction in the Eleventh Five-Year Plan (2006-2010) or the standards facilitating the use of public facilities for persons with disabilities.
2. The Committee supports the legal protection of workers with disabilities from exploitation, violence and abuse, such as the relevant regulations in the Law on the Protection of Persons with Disabilities, the Law on Public Security Administration Punishments and the Law on Employment Contracts.
3. The Committee welcomes the efforts made by the State party to implement the rights enshrined in the Convention for children with disabilities by upholding the principle of “children first” through the Programme for the Development of Chinese Children (2001–2010) and the prohibition of discrimination against children with disabilities in the Law on the Protection of Minors.
4. The Committee commends the poverty reduction efforts undertaken by the State party, especially regarding the poverty reduction of persons with disabilities.

 III. Principle areas of concern and recommendations

 A. General principles and obligations (arts. 1–4)

1. The Committee takes note of the prevalence of the medical model of disability in both the definition of disability and the enduring terminology and language of the discourse on the status of persons with disabilities. Therefore, the Committee is concerned about the lack of a coherent and comprehensive disability strategy to implement the human rights model of disability that the Convention establishes to achieve the de facto equality of persons with disabilities and implement the rights enshrined in the Convention at all levels. The Committee is concerned that organizations of persons with disabilities outside of the China Disabled Persons’ Federation are not included in the implementation of the Convention.
2. **The Committee urges the introduction of a comprehensive and inclusive national plan of action, which includes full participation of all representatives of persons with disabilities in China, to introduce the human rights model of disability into Chinese disability policy.**

 B. Specific rights (arts. 5–30)

 Equality and non-discrimination (art. 5)

1. While commending the legal prohibition of disability-based discrimination in the State party, the Committee is concerned about the lack of a comprehensive definition of discrimination against persons with disabilities. The Committee also worries about the contradictions between many local law regulations and the national law with regard to the prohibition of discrimination. The Committee is concerned that the State party does not consistently apply the concept of reasonable accommodation in relation to the principle of non-discrimination.
2. **The Committee expressly encourages the State party to provide a legal definition of discrimination against persons with disabilities and include in such a definition the prohibition of indirect discrimination. The Committee suggests including a definition of reasonable accommodation in Chinese law which reflects the Convention definition covering necessary and appropriate modification and adjustment applicable in a particular case beyond general accessibility. Furthermore, the State party should ensure that the law explicitly recognizes the refusal of reasonable accommodation constitutes disability-based discrimination.**

 Children with disabilities (art. 7)

1. The Committee fears that children with disabilities in the State party are at a high risk of abandonment by their parents and are often placed in isolated institutions. For those children with disabilities living at home in rural areas, the Committee is concerned at the lack of community-based services and assistance.
2. **The Committee urges the State party to take measures to fight the widespread stigma in relation to boys and girls with disabilities and revise their strict family planning policy, so as to combat the root causes for the abandonment of boys and girls with disabilities. It asks the State party to provide sufficient community-based services and assistance also in rural areas.**

 Awareness-raising (art. 8)

1. The Committee is concerned that the medical model of disability prevails in the awareness-raising attempts of the State party, which is not in accordance with the spirit of the Convention. It is especially concerned with awareness-raising events such as the “All-China Occupational Skills Contest for Persons with Disabilities” and the “Million Young Volunteers to Help Persons with Disabilities” programme that depict persons with disabilities as helpless and dependent human beings segregated from the rest of society.
2. **The Committee wishes to again remind the State party of the Convention’s human rights model of disability and asks the State party to promote this concept of persons with disabilities as independent and autonomous rights holders in its awareness-raising programmes. It urges the State party to inform all persons with disabilities, especially those living in rural areas, of their rights, specifically the right to receive minimum welfare subsidies and the right to attend school. The Committee recommends the State party introduce an awareness-raising programme that shows the society positive perceptions of persons with disabilities.**

 Accessibility (art. 9)

1. While appreciating the State party’s advancements concerning accessibility in urban areas, the Committee takes note of the lack of information concerning both the accessibility in rural areas and the effects of non-compliance with accessibility measures and monitoring and evaluating accessibility
2. **The Committee asks the State party to provide such information in its next report. Considering the large proportion of persons with disabilities who live in rural areas (75 per cent), it specifically urges the State party to ensure that accessibility is guaranteed not only in urban, but also in rural areas. It also asks the State party not to restrict the barrier-free infrastructure to environments often frequented by persons with disabilities.**

 Right to life (art. 10)

1. The Committee expresses its utmost concern about the abduction of persons with intellectual disabilities, most of them children, and the staging of “mining accidents” in Hebei, Fujian, Liaoning and Sichuan, resulting in the victim’s death in order to claim compensation from the mine owners.
2. **The Committee strongly urges the State party to continue investigating these incidents and prosecute all those responsible, and impose appropriate sanctions. It also asks the State party to implement comprehensive measures to prevent further abductions of boys with intellectual disabilities and provide remedies to the victims.**

 Equal recognition before the law (art. 12)

1. The Committee is concerned about the system for establishing legal guardianship, which is not in compliance with article 12 of the Convention. It takes note of the complete absence of a system of supported decision-making measures which recognize the rights of persons with disabilities to make their own decisions and to have their autonomy, will and preferences respected.
2. **The Committee urges the State party to adopt measures to repeal the laws, policies and practices which permit guardianship and trusteeship for adults and take legislative action to replace regimes of substituted decision-making by supported decision making, which respects the person’s autonomy, will and preferences, in the exercise of one’s legal capacity in accordance with article 12 of the Convention. In addition, the Committee recommends that the State party, in consultation with organizations of persons with disabilities, prepare, legislate and implement a blueprint for a system of supported decision-making, which includes:**
3. **Recognition of all persons’ legal capacity and right to exercise it;**
4. **Accommodations and access to support where necessary to exercise legal capacity;**
5. **Regulations to ensure that support respects the person’s autonomy, will and preferences and establishment of feedback mechanisms to ensure that support is meeting the person’s needs;**
6. **Arrangements for the promotion and establishment of supported decision-making.**

 Access to justice (art. 13)

1. While appreciating the establishment of legal aid service centres for persons with disabilities, the Committee notes that these service centres often lack the necessary resources and do not operate on an independent basis. The Committee is concerned that neither the criminal nor the civil procedure laws in China are accessible for the use of persons with disabilities on an equal basis with others and, instead, patronizing measures are put into place, such as the designation of public defenders that treat the person concerned as if they lacked legal capacity.
2. **The Committee suggests that the State party allocate the necessary human and financial resources to the legal aid service centres. It asks the State party to ensure that these centres safeguard the access to justice of persons with disabilities independently and in practice, including below the county level. The Committee suggests that the State party reviews its procedural civil and criminal laws in order to make mandatory the necessity to establish procedural accommodation for those persons with disabilities who intervene in the judicial system can do it as subject of rights and not as objects of protection.**

 Liberty and security of the person (art. 14)

1. The Committee is concerned that the deprivation of liberty on the grounds of disability is allowed in the State party, and that involuntary civil commitment is perceived as a tool to maintain the public order. In this context, the Committee finds it disturbing that many persons with actual or perceived impairments are involuntarily committed to psychiatric institutions for various reasons, such as being petitioners. In addition, the Committee is concerned that many persons who indeed live with intellectual and psychosocial impairments and require a high level of support lack the adequate resources for their medical and social care and are thus permanently confined at home.
2. **The Committee recommends the abolishment of the practice of involuntary civil commitment based on actual or perceived impairment. In addition, the Committee asks the State party to allocate more financial resources to persons with intellectual and psychosocial disabilities who require a high level of support, in order to ensure social support and medical treatment outside their own home when necessary.**

 Freedom from torture (art. 15)

1. For those involuntarily committed persons with actual or perceived intellectual and psychosocial impairments, the Committee is concerned that the “correctional therapy” offered at psychiatric institutions represents inhuman and degrading treatment. Further, the Committee is concerned that not all medical experimentation without free and informed consent is prohibited by Chinese law.
2. **The Committee urges the State party to cease its policy of subjecting persons with actual or perceived impairments to such therapies and abstain from involuntarily committing them to institutions. Further it urges the State party to abolish laws which allow for medical experimentation on persons with disabilities without their free and informed consent.**

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

1. The Committee is deeply troubled by the reported incidents of abduction and forced labour of thousands of persons with intellectual disabilities, especially children, such as the occurrence of slave labour in Shanxi and Henan.
2. **The Committee strongly urges the State party to continue investigating these incidents and prosecute the perpetrators. The Committee asks the State party to implement comprehensive measures to prevent further abductions of persons with intellectual disabilities and provide remedies to the victims, by including data collection on the prevalence of exploitation, abuse and violence against persons with disabilities.**

 Right to live independently and live in the community (art. 19)

1. The Committee is concerned about the high number of persons with disabilities living in institutions and about the fact that China maintains institutions with up to 2,000 residents. Such institutions are not in compliance with article 19 of the Convention. The Committee is further concerned about the existence of lepers colonies, where people with leprosy live in isolation
2. **The Committee recommends taking immediate steps to phase out and eliminate institutional-based care for people with disabilities. Further, the Committee recommends that State party consult with organizations of persons with disabilities on developing support services for persons with disabilities to live independently in accordance with their own choice. Support services should also be provided to persons with a high level of support needs. In addition, the Committee suggests that the State party undertake all necessary measures to grant people with leprosy the medical treatment needed and to reintegrate them into the community, thereby eliminating the existence of such lepers’ colonies.**

 Respect for home and the family (art. 23)

1. The Committee is deeply concerned that both the State party’s laws and its society accept the practice of forced sterilization and forced abortion on women with disabilities without free and informed consent
2. **The Committee calls upon the State party to revise its laws and policies in order to prohibit compulsory sterilization and forced abortion on women with disabilities.**

 Education (art. 24)

1. The Committee is concerned about the high number of special schools and the State party’s policy of actively developing these schools. The Committee is especially worried that in practice only students with certain kinds of impairments (physical disabilities or mild visual disabilities) are able to attend mainstream education, while all other children with disabilities are forced to either enrol in a special school or drop out altogether.
2. **The Committee wishes to remind the State party that the concept of inclusion is one of the key notions of the Convention and should be especially adhered to in the field of education. In this regard, the Committee recommends that the State party reallocate resources from the special education system to promote the inclusive education in mainstream schools, so as to ensure that more children with disabilities can attend mainstream education.**

Right to health (art. 25)

1. The Committee is concerned about the current involuntary commitment system in the State party. It takes note of the Draft Mental Health Act and the ordinances of six major cities in the State party on mental health which do not respect the individual will of persons with disabilities.
2. **The Committee advises the State party to adopt measures to ensure that all health care and services provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the individual concerned, and that laws permitting involuntary treatment and confinement, including upon the authorization of third party decision-makers such as family members or guardians, are repealed. It recommends that the State party develop a wide range of community-based services and supports that respond to needs expressed by persons with disabilities, and respect the person’s autonomy, choices, dignity and privacy, including peer support and other alternatives to the medical model of mental health**

**Rehabilitation and habilitation (art. 26)**

1. The Committee is concerned with the imposition of rehabilitation and habilitation measures on persons with disabilities, especially persons with psychosocial or intellectual disabilities, without their informed consent.
2. **The Committee recommends that rights based approach to rehabilitation and habilitation be put in place and ensure that such programmes promote the informed consent of individuals with disabilities and respects their autonomy, integrity, will and preference.**

 Work and employment (art. 27)

1. While observing the existence of a quota system, the Committee worries that this system does not effectively address the chronic problem of unemployment among persons with disabilities or the deep-rooted causes of discrimination in employment. Specifically, the Committee is concerned that often the employment offered is only of symbolic value or that companies and Government bodies frequently opt to pay the employment levy rather than employing persons with disabilities. The Committee is also concerned about the practice of reserved employment (such as the field of “blind massage”), which discriminates against persons with disabilities in their vocational and career choices.
2. **The Committee recommends that the State party undertake all necessary measures to ensure the persons with disabilities freedom of choice to pursue vocations according to their preferences. It suggests that the State party create more working opportunities and enact legislature, so that companies and State organs employ more persons with disabilities.**

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

1. While appreciating the existence of a policy of poverty reduction and providing benefits and subsidies, the Committee is concerned about the gap in receiving such benefits between the persons with disabilities living in rural and urban areas.
2. **The Committee recommends that the State party increase measures to remedy the gap for the awarding of benefits between rural and urban areas and take steps to ensure that persons with disabilities – regardless of how they acquire their disability – have immediate access to certification and benefits. It asks the State party to specifically inform persons with disabilities in rural areas of their right to benefits and develop a system to prevent the corruption in the context of allocation and distribution of welfare benefits by local officials.**

 Participation in political and public life (art. 29)

1. The Committee is concerned with article 26 of the Election Law, which excludes citizens with intellectual and psychosocial impairments from the voting process.
2. **The Committee recommends that the State party revise article 26 of the Election Law to ensure that all persons with disabilities have the right to vote on an equal basis with others.**

 C. Specific obligations (arts. 31–33)

 Statistics and data (art. 31)

1. The Committee takes note that disaggregated appropriate information, including statistical and research data which enables the State party to formulate and implement policies to give effect to the Convention, is often not available due to laws and regulations on guarding State’s secrets as revised in 2010.
2. **The Committee recommends reviewing the secrecy laws and appropriately revising them so that information on issues and problems regarding the implementation of the Convention – e.g. the number of sterilized women with disabilities or the number of involuntary commitments to institutions – can be publicly discussed. The Committee reminds the State party that this information should be accessible to persons with disabilities.**

 National implementation and monitoring (art. 33)

1. The Committee is concerned at the overall absence of independent bodies and organizations of persons with disabilities systematically involved in the process of implementing the Convention. Considering that the China Disabled Persons’ Federation remains the sole official representative of persons with disabilities in the State party, the Committee is concerned about the participation of civil society. In addition, the Committee wonders which body or organization in China is designated the independent national monitoring mechanism as required by article 33, paragraph 2, of the Convention.
2. **The Committee strongly recommends that the State party revise article 8 of the Law on the Protection of Disabled Persons, thus allowing non-governmental organizations other than the China Disabled Persons’ Federation to represent the interests of disabled people in the State party and be involved in the monitoring process. It further recommends the establishment of an independent national monitoring mechanism in line with article 33, paragraph 2, of the Convention and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).**

 IV. Hong Kong, China

 A. Positive aspects

1. The Committee appreciates the introduction of affirmative measures of action for persons with disabilities in Hong Kong, China, such as the Disability Allowance.
2. The Committee welcomes the awarding of Learning Support Grants, under which schools receive a certain sum for each student with “special educational needs”.

 B. Principle areas of concern and recommendations

 1. General principles and obligations (arts. 1–4)

1. The Committee regrets the outdated eligibility standard in the Disability Allowance Scheme and lack of unity in the various definitions of disability that have been adopted in different pieces of legislation and by Government bureaux and departments.
2. **The Committee encourages Hong Kong, China, to revise the inappropriate eligibility standard and to adopt definition of persons with disabilities that adequately reflects article 1 and the human rights model of the Convention.**

 2. Specific rights (arts. 5–30)

 Equality and non-discrimination (art. 5)

1. The Committee is concerned about the rather passive role adopted by the Equal Opportunities Commission, which is responsible for monitoring and executing the Disability Discrimination Ordinance.
2. **The Committee recommends that the Equal Opportunities Commission review its role and assume a more proactive part, especially when handling complaint cases.**

 Women with disabilities (art. 6)

1. The Committee is concerned about the discrimination faced by women and girls with disabilities and the lack of action of the government of Hong Kong, China, to reduce the occurrence of discrimination, such as neglecting article 6 in the promotion of the Convention. The Committee is also troubled by the repeated occurrence of domestic violence against women and girls with disabilities.
2. **The Committee recommends that the Women’s Commission of Hong Kong, China, should integrate the amelioration of the living situation of women and girls with disabilities into their mandate and include a representative of women with disabilities in its Commission. It also asks Hong Kong, China, to raise awareness on article 6 of the Convention, so as to ensure that women with disabilities enjoy their rights on an equal basis with men. In addition, the Committee calls upon Hong Kong, China, to prevent domestic violence against women with disabilities and to prosecute and punish the perpetrators and all those responsible.**

 Children with disabilities (art. 7)

1. While commending the assessment and early education service offered by the government of Hong Kong, China, the Committee is concerned that the services provided are not sufficient to match the overwhelming demand.
2. **The Committee recommends that Hong Kong, China, allocate more resources to the services provided for children with disabilities in order to ensure that they are able to develop to their full potential.**

 Accessibility (art. 9)

1. While noting that Hong Kong, China, has improved the barrier-free access of government buildings, leisure and cultural facilities and public housings in recent years, the Committee is concerned that persons with disabilities still face difficulties in terms of accessibility. The Committee especially regrets that the building standards set out in the “Design Manual – Barrier-Free Access” do not apply retroactively and that they are not applicable to premises under the management of the government or the housing authority. The Committee is concerned that the monitoring mechanism to evaluate the accessibility of buildings is insufficient, thus restricting the ability of persons with disabilities to live independently in the community.
2. **The Committee encourages Hong Kong, China, to continue reviewing the “Design Manual – Barrier-Free Access” and apply these standards retroactively to premises under the management of the government or the housing authority as well. It recommends that Hong Kong, China, strengthen the monitoring process of accessibility.**

 Right to life (art. 10)

1. The Committee is concerned about the heightened suicide risk among persons with intellectual or psychosocial disabilities (35 per cent of the overall suicide rate in Hong Kong, China).
2. **The Committee calls upon Hong Kong, China, to provide the necessary psychological treatment based on free and informed consent of the person and counselling to these persons. The Committee recommends a regular assessment of their suicide risk.**

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

1. The Committee is concerned about the incidents of women and girls with intellectual disabilities being subjected to sexual violence.
2. **The Committee suggests that Hong Kong, China, continue investigating these incidents and prosecute the perpetrators and all those responsible. It also recommends that sex education be taught to children and adolescents with intellectual disabilities and that the law enforcement personnel be trained on handling violence against women and girls with disabilities.**
3. In addition, while the Committee does not consider shelter workshops as a good way to implement the Convention, it also finds the daily allowance for persons with disabilities in shelter workshops to be too low and bordering exploitation.
4. **The Committee recommends that Hong Kong, China, enact legislation to raise the daily allowance for persons with disabilities in shelter workshops, so as to prevent their exploitation.**

 Right to live independently and live in the community (art. 19)

1. The Committee is concerned about the shortage on sublet residential homes. It is also worried about the lack of premises for District Support Centres, whose aim is to strengthen the ability of persons with disabilities to live at home in their own community and be integrated into society.
2. **The Committee suggests that Hong Kong, China, allocate more resources to setting up more subvent mainstream residential homes and strengthening policies promoting establishment of accessible living facilities to secure the de facto possibility of free choice of accommodation. It calls upon Hong Kong, China, to ensure that the District Support Centres receive the necessary funds and premises in order to enable persons with disabilities to live in the community.**

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

1. The Committee takes note of the difficult situation of persons with hearing impairments in accessing information due to lack of official recognition of the significance of sign language by Hong Kong, China. The Committee is concerned about the lack of training for and services provided by sign-language interpreters.
2. **The Committee recommends that Hong Kong, China, increase training for and the services provided by sign-language interpreters. It should also recognize the public examination and assessment of such interpreters.**

 Education (art. 24)

1. While commending the Integrated Education Plan to help students with disabilities study in mainstream schools, the Committee is concerned about its implementation. The Committee worries that the teacher-student ratio is too high and that the training for teachers in special education needs is inadequate. In addition, the Committee is troubled by the low number of students with disability in tertiary education, due to lack of a coherent education policy.
2. **The Committee recommends a review of the effectiveness of the Integrated Educated Plan and the improvement of the teacher-student ratio, as well as the training of teachers in special education needs and reasonable accommodation. The Committee urges Hong Kong, China, to provide sufficient resources to ensure the accessibility in tertiary education.**

 Right to health (art. 25)

1. The Committee is troubled by the fact that the demand for public medical services is higher than the supply. The Committee is also concerned about the fact that many insurance companies reject the applications of persons with disabilities, thus leaving them unable to pay the medical fees.
2. **The Committee suggests that Hong Kong, China, allocate more human and financial resources to the public medical services and arrange the cooperation of the insurance companies.**

 Work and employment (art. 27)

1. The Committee is concerned about the high unemployment rate of persons with disabilities in Hong Kong, China, and that their average salary ranks well below that of persons without disabilities. The Committee is also troubled by the low number of civil servants with disabilities.
2. **The Committee recommends that Hong Kong, China, introduce affirmative actions to promote the employment of persons with disabilities, inter alia, to prioritize the employment of persons with disabilities as civil servants.**

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

1. The Committee is concerned about the family-based assessment for application and eligibility to receive the Comprehensive Social Security Assistance. In addition, the Committee is worried about the different standards employed by doctors in approving the disability allowance.
2. **The Committee suggests that Hong Kong, China, replace the family-based assessment with an individual-based one in order to determine the eligibility to receive the Comprehensive Social Security Assistance. The Committee also recommends that Hong Kong, China, introduce uniform standards for approving the disability allowance.**

 Participation in political and public life (art. 29)

1. The Committee is concerned about the low number of persons with disabilities holding public offices and the inaccessibility of some polling stations for voters with disabilities.
2. **The Committee urges Hong Kong, China, to enhance the active participation of persons with disabilities in politics through affirmative action and ensure the accessibility of all voting stations.**

 3. Specific obligations (arts. 31–33)

 National implementation and monitoring (art. 33)

1. The Committee is worried by the low rank of the focal point, the Commissioner for Rehabilitation and the lack of an independent monitoring mechanism according to article 33, paragraph 2.
2. **The Committee recommends that Hong Kong, China, strengthen the authority of the Commissioner for Rehabilitation and set up an independent monitoring mechanism that involves the active participation of persons with disabilities and their representative organizations.**

 V. Macao, China

 A. Positive aspects

1. The Committee welcomes the establishment of the Commission against Corruption, which has Ombudsman functions for the rights of persons with disabilities.
2. The Committee appreciates that persons with disabilities in Macao, China, are able to receive several subsidies as social protection.
3. The Committee commends article 5 (f) of Decree-Law 33/99/M, which stipulates the mandatory information of persons with disabilities of their rights and the existing structures assigned to provide them assistance.

 B. Principle areas of concern and recommendations

 1. Specific rights (arts. 5–30)

 Equality and non-discrimination (art. 5)

1. The Committee is concerned about the existence of de facto inequality in Macao, China.
2. **The Committee recommends that Macao, China, continue its efforts to ensure equality for persons with disabilities, so as to ensure the implementation of the spirit of the Convention.**

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

1. The Committee is concerned about the heightened risk of violence against women and girls with disabilities becoming victims of domestic violence and abuse.
2. **The Committee recommends that services and information are made accessible to these victims. It specifically encourages Macao, China, to set up a complaint mechanism and conduct mandatory training for the police force on this issue.**

 Right to live independently and live in the community (art. 19)

1. The Committee is concerned that the right to live independently and in the community has not yet been fully achieved in Macao, China.
2. **The Committee urges Macao, China, to prioritize the implementation of this right and shift from institutionalization to in-home or residential living, as well as provide other community support services.**

 Education (art. 24)

1. The Committee is concerned that the number of students with special educational needs in a non-inclusive environment is higher than that in an inclusive one. The Committee is also troubled by the low number of students with disabilities attending tertiary education.
2. **The Committee wishes to remind Macao, China, that the concept of inclusive education is essential to the implementation of article 24 and should be the rule rather than an exception. The Committee calls upon Macao, China, to continue making tertiary education more accessible to students with disabilities.**

 Work and employment (art. 27)

1. The Committee is concerned that employees with disabilities only account for 0.3 per cent of the total employed population.
2. **The Committee recommends Macao, China, to introduce more affirmative action to enable persons with disabilities to find employment.**

 VI. Follow-up and dissemination

1. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. The Committee recommends that the State party transmit them for consideration and action to members of the Government and the National People’s Congress, officials in the relevant ministries, members of relevant professional groups, such as education, medical and legal professionals, as well as local authorities and the media, using modern accessible social communication strategies.
2. The Committee strongly encourages the State party to involve civil society organizations, in particular disabled persons’ organizations, in the preparation of its second periodic report.
3. The Committee requests the State party to disseminate these concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in accessible formats.
4. The Committee requests that the State party to submit within 12 months information, in writing, on the measures adopted in order to meet the recommendations set out in paragraphs 20 and 50.

**CRC Committee,** [**CRC/C/CHN/CO/3-4**](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_CHN_CO_3-4.doc)**, 2013**

Allocation of resources

(b) Crucial areas, such as compulsory education, maternal and child health care, health infrastructure and quality assurance of services, as well as plans for expansion of welfare and other services to children living in poverty and disadvantaged families, including services for **children with disabilities**, continue to be underfunded;

(c) In Hong Kong, China, resource allocations to education and social welfare remain inadequate and do not effectively target the most vulnerable groups, particularly children of ethnic or linguistic minorities, asylum-seeking children, children living in poverty and **children with disabilities.**

14. In light of its day of general discussion in 2007 on “Resources for the Rights of the Child – Responsibility of States” and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that:

(c) Strategic budgetary lines be defined in mainland China, Hong Kong, China and Macao, China for children in disadvantaged or vulnerable situations that may require affirmative social measures, for example children of ethnic minorities, **children with disabilities** and migrant children, and that those budgetary lines be ensured protection even in situations of economic crisis, natural disasters or other emergencies.

Data collection

16. The Committee recommends that the State party review the secrecy laws and regulations in mainland China in order to ensure that information concerning children, particularly regarding violence against children, infanticide, child labour, juvenile justice, **children with disabilities** and children affected by migration, is systematically collected, made publicly available and discussed and used for the development of policies and plans on children’s rights. In this regard, the Committee further recommends that the State party establish in mainland China an independent review mechanism for the classification of State secrets.

18. The Committee strongly recommends that centralized data collection systems be established in Macao, China and Hong Kong, China to collect independently verifiable data on children, and to analyse the data collected as a basis for assessing progress achieved in the realization of child rights and for designing policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity and socioeconomic background to facilitate analysis of the situation of all children, with particular attention to children of ethnic minorities, documented or undocumented migrant children, refugee and asylum-seeking children and **children with disabilities.**

Non-discrimination

25. The Committee is deeply concerned at the continuous violations of the rights of and discrimination against Tibetan and Uighur children and children of Falun Gong practitioners in mainland China, including their right to freedom of religion, language and culture. The Committee is further concerned about the persistence of discrimination against **children with disabilities**, children of migrant workers, refugee and asylum-seeking children, and children infected with or affected by HIV/AIDS, particularly in relation to education, housing, health care and other social services.

26. In light of article 2 of the Convention, the Committee urges the State party to take immediate action in mainland China to eliminate policies, practices and security measures that disproportionately affect or discriminate against Tibetan and Uighur children and children of Falun Gong practitioners. It further recommends that the State party identify and eliminate all forms of discrimination, including in education, and health and social services, against children with disabilities, children of migrant workers, refugee and asylum-seeking children and children infected with or affected by HIV/AIDS.

29. The Committee reiterates its concern about the persistence of discrimination against **children with disabilities**, refugee and asylum-seeking children and undocumented children of migrant workers in Hong Kong, China. It is concerned about the justification provided by Macao, China in response to the Committee’s request to provide information on the practical implementation of article 2, namely, that no complaints related to discrimination have been recorded in its jurisdiction.

30. The Committee recommends that Hong Kong, China intensify measures, including awareness-raising, identification of discriminatory policies and timely implementation of relevant programmes, to combat discrimination **against children with disabilities**, undocumented children of migrant workers, and refugee and asylum-seeking children, and to ensure that these children have equal access to basic services, including health, education and other social services. The Committee reminds Macao, China that the absence of formal complaints does not imply that children are not discriminated against in its jurisdiction and recommends that it actively seek information on discrimination, especially with respect to children who are vulnerable to discrimination, and pursue all legislative and policy measures to eliminate all forms of discrimination against children.

Right to life, survival and development

Infanticide

33. The Committee notes as positive the “Care for Girls” campaign to change traditional preferences for boys and promote greater recognition of the value of girls in mainland China. However, it is seriously concerned that despite such programmes, infanticide, particularly of girls and **children with disabilities**, remains pervasive, a problem which is exacerbated by the one-child policy in mainland China.

34. In light of article 6 of the Convention, the Committee urges the State party to consider revising its stringent family planning policy in an effort to combat infanticide, in particular of girls and **children with disabilities** and to ensure that every child’s inalienable rights to life and survival are protected. It specifically recommends that the State party:

(a) Adopt comprehensive legal and policy measures to address the underlying factors for infanticide, including the one-child policy;

(b) Ensure more effective and consistent application and enforcement of laws against infanticide in all provinces and prefectures;

(c) Improve ways to count, verify and register every birth.

Children deprived of a family environment

52. The Committee is seriously concerned about the widespread abandonment of children in mainland China, particularly **children with disabilities** and girls, mainly due to the State party’s family planning policy and discrimination and stigma attached to **children with disabilities** and girls. Furthermore, while it notes that the NPCD calls for an increase in qualified child welfare professionals by 2020, the Committee is concerned that the NPCD and other new policies advocate for the establishment of children’s homes and offer greater funding for such institutions than for kinship and community-based care, which could unintentionally create incentives for government agencies to institutionalize children rather than seek community-based alternative care options.

53. The Committee is concerned about the absence of procedures for regular review of the placement of children in care in Hong Kong, China and the lack of legislation on the termination of parental rights when necessary. It is also concerned about the insufficient professional support and care provided to families and children in Hong Kong, China and that the best interests of the child and the right of the child to be heard are not sufficiently considered in family crisis situations. The Committee is concerned that in Hong Kong, China and Macao, China, children deprived of family care are placed in residential institutions rather than in family-based care.

54. The Committee urges the State party to take immediate steps in mainland China to eliminate the widespread stigma in relation to girls and **children with disabilities** and reform its family planning policy, in an effort to address the root causes of the abandonment of girls and **children with disabilities**. It further recommends that, in all areas under the State party’s jurisdiction, the best interests of the child be prioritized in all decisions about alternative care for children and that community-based, family-type care be preferred over institutionalization. The Committee further recommends that the State party continue to increase the number of professionals working with children and provide training to all professionals, including through allocation of additional government resources.

55. The Committee recommends that Hong Kong, China implement the Law Reform Commission’s recommendations concerning law and procedural reforms in this area and that Macao, China and Hong Kong, China increase resources and services, including family and psychosocial counselling and parent education, and train all professionals working with children. It further recommends that the rights of the child to have his or her best interests taken as a primary consideration and to be heard are fully taken into account in all decisions regarding custody, residence, contact or other issues which have an important impact on the life and development of the child.

**Children with disabilities**

**58. With respect to mainland China, the Committee notes as positive the adoption of various policies that promote the rights of children with disabilities. However, it notes with concern that the State party continues to adopt a medical approach to disability and that the services for children with disabilities are centred mostly on institutions for physical “rehabilitation”. It is specifically concerned about:**

**(a) The continued exception made to the one-child policy whereby families with a child with disabilities are allowed to have a second child, a policy which promotes stigmatization of children with disabilities;**

**(b) The widespread stigma attached to children with disabilities and the multiple forms of discrimination they experience, including limited access to education, health care and social services;**

**(c) The severe urban-rural disparity in the number of children with disabilities, and the high number of children with disabilities living in institutions, particularly in rural areas;**

**(d) The State party’s policy of actively developing segregated special schools while devoting few resources to the education of children with disabilities in mainstream schools. The Committee is further concerned about reports that children with disabilities are denied admission by mainstream schools, pressured to leave the schools, or sometimes expelled due to their disabilities.**

**59. The Committee is concerned about the lack of screening programmes for early detection of disabilities in all areas of the State party.**

**60. With regard to Macao, China, the Committee is concerned that children with disabilities experience de facto discrimination and have limited access to inclusive education and well-trained, motivated teachers. It is further concerned about the lack of disaggregated data on children with disabilities in Hong Kong, China, and that reports indicate that they are commonly excluded and discriminated against, including by teachers, and bullied by their peers.**

**61. Recalling its general comment No. 9 (2006), the Committee urges the State party to adopt a human rights-based approach to disability, and specifically recommends that it:**

**(a) Repeal all provisions which result in de facto discrimination against children with disabilities and include a specific prohibition of discrimination on the ground of disability in all relevant legislation and policies, including the proposed Regulations on the Education of People with Disabilities; and ensure that children with disabilities in mainland China are involved in the formulation and implementation of the policies and plans affecting them at all levels;**

**(b) Independently monitor all cases of disability-based discrimination in mainland China and in Hong Kong, China and Macao, China and provide effective remedies in cases of violations of the rights of children with disabilities;**

**(c) Prevent and eliminate institutional-based care for children with disabilities in mainland China, take immediate steps for deinstitutionalization within a reasonable time frame and develop family and community-based care and services as alternatives to institutional care;**

**(d) Further develop screening services for prevention and early detection of disabilities in mainland China, Hong Kong, China and Macao, China, and provide proper follow-up and early development programmes;**

**(e) Promptly identify and remove all barriers, including physical, that prevent students with disabilities from entering and staying in the mainstream system in all areas of the State party and reallocate resources from the special education system to promote inclusive education in mainstream schools;**

**(f) Intensify its efforts to tackle bullying of children with disabilities in schools in Hong Kong, China, including by teaching human rights, peace and tolerance, providing vocational education for teachers and employing special assistance for children in the classes. Furthermore, Hong Kong, China should systematically collect disaggregated data on children with disabilities and use the collected data in the formulation of policies and programmes for children with disabilities;**

**(g) Conduct awareness-raising and educational campaigns targeting children with disabilities, the public at large and specific groups of professionals, with a view to preventing and eliminating de facto discrimination against children with disabilities in all areas of the State party.**

Health

64. The Committee is deeply concerned about the unsafe vaccinations and blood transfusions that have affected thousands of children across mainland China, causing HIV infection, serious illness or disability and deaths. It is further concerned that many of the families of children who died or were seriously affected have not received any redress, that there is an increase in mother-to-child transmission of HIV/AIDS and that children infected with or affected by HIV/AIDS lack free treatment and health care. It also notes with concern the lack of official statistics on the number of children affected in these incidents or on their current situation in mainland China.

65. The Committee is further concerned about the decrease in exclusive breastfeeding and the incidents of contaminated infant formula in mainland China.

66. The Committee strongly recommends that the State party:

(a) Intensify its efforts to reform laws and strengthen implementation of regulations on food and health safety standards, including for the business sector, and ensure that any officials or companies violating international and national environment and health standards are appropriately sanctioned and remedies provided when violations occur;

(b) Collect systematic data on children affected and take all measures to ensure that all children and their families have access to effective redress, including free medical treatment and adequate compensation;

(c) Effectively implement the central Government’s policy of providing HIV-infected children and orphans with free anti-HIV drugs, free schooling and a minimum monthly subsidy of 600 yuan (US$ 95), as reported in its replies to the Committee;

Standard of living

73. While welcoming the plan of Hong Kong, China to increase its supply of public housing, the Committee is concerned about the housing conditions in certain poor areas. Furthermore, the Committee is concerned about the increasing child poverty in mainland China and Hong Kong, China and that children of migrants, children of ethnic minorities and asylum-seeking children are disproportionately represented among the poor and live below the poverty line.

74. The Committee urges Hong Kong, China to expedite the implementation of its public housing programme. It further recommends that mainland China and Hong Kong, China adopt a multidimensional set of criteria for assessing and addressing child poverty and take all necessary measures to eliminate regional, ethnic and urban-rural disparities in children’s standard of living through, inter alia, social protection and targeted programmes for children and families who are particularly vulnerable to poverty, such as migrant children, children of ethnic minorities and asylum-seeking children.

CEDAW Committee, CHINA [CEDAW/C/CHN/CO/7-8](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MAC/CEDAW_C_CHN_CO_7-8_18833_E.docx), 2014

Temporary special measures

22. The Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 23) and regrets the insufficient use of temporary special measures, in accordance with article 4, paragraph 1 of the Convention and the Committee’s General Recommendation No. 25 (2004) on temporary special measures, in order to accelerate the achievement of substantive equality for women in all areas of the Convention.

23. The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 24) and calls upon the State party to consider using temporary special measures, in accordance with article 4 (1) of the Convention and the Committee’s General Recommendation No. 25 on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men, in particular to enhance the rights of ethnic and religious minority women, and **women with** **disabilities**, in all areas of the Convention.

Education

34. The Committee welcomes the progress made by the State party in improving the enrolment of girls in education reducing the illiteracy rate among adult women, the formulation of the “Proposals on Promoting the Development of Women Talents in Science and Technology” in 2011 and the clear goals set out in the Program of the Development of Chinese Women (2011-2020). However, the Committee is concerned at the sex-segregation of majors at university programmes and lower minimum entrance-exam score required in certain subjects specifically for boys at some colleges in the State party. The Committee is also concerned at the limited access to education of **women and girls with intellectual disabilities** and ethnic and religious minority women and girls such as Tibetan and Uighur women and girls. The Committee is further concerned at the limited access to education by girls and their drop-out rate from school when their parents migrate to urban areas (the so-called “ left behind” children).

35. The Committee recommends that the State party:

(a) Provide education to women and girls on an equal basis with men and boys, including by ensuring that entrance-exam scores do not disadvantage women and girls in the State party;

(b) Ensure access to education by ethnic and religious minority women and girls, with increase of financial and other resources, in particular Tibetan, Uighur, and the so called “left-behind” girls, by increasing the provision of necessary services including mother-tongue education targeting non-Chinese speaking students; and

(c) Remove all obstacles on access to education for **women and girls with disabilities, particularly those with intellectual disabilities**.

Health

38. The Committee welcomes the remarkable improvement of maternal mortality in the State party and the efforts by the State party to curb the problem of non-medical foetal sex identification and sex-selective abortion, as well as forced abortions and sterilisations resulting in the unbalanced sex-ratio between girls and boys. However, the Committee remains concerned that these illegal practices persist in the State party and that infanticide of girl child, particularly **girls with** **disabilities**, have not been completely eradicated. The Committee is also concerned that notwithstanding the recent relaxation of the State party’s one child policy, women who violate this policy are subjected to fines and deprived of paid maternity leave and continue to experience some difficulties in registering their children. The Committee is further concerned that free family planning measures are only available for married women, and effective age-appropriate education on sexual and reproductive health does not take place at school.

39. The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 32) and urges the State party to:

(a) Intensify efforts, including in law enforcement, and improve awareness-raising with a view to eliminating persistent the tradition of son-preference which often results in non-medical foetal sex identification, sex-selective abortion, forced abortion and sterilisation and infanticide of the girl child;

(b) Consider removing sanctions on women who violate the one-child policy and eliminate all barriers for the registration of their children;

(c) Thoroughly investigate incidents of infanticide and punish perpetrators adequately; and

(d) Provide free family planning measures to all women regardless of their marital status and conduct age-appropriate education on sexual and reproductive health in schools.

Multiple forms of discrimination

46. The Committee is concerned at reports that ethnic and religious minority women, such as Tibetan and Uighur women and **women with disabilities**  continue to experience multiple and intersecting forms of discrimination. The Committee is particularly concerned that ethnic and religious minority women continue to have limited access to health, education and employment.

47. The Committee calls upon the State party to vigorously pursue efforts aimed at eliminating multiple and intersecting forms of discrimination experienced by ethnic and religious minority women and **women with** **disabilities**, which affect their access to health, education, employment and participation in public life as well as the enjoyment of their cultural identity and practices.

CHINA – HONG KONG

Violence against women

54. The Committee notes that the Law Reform Commission in the Hong Kong SAR has made proposals for the reform of legislation that governs sexual offences including the definition of rape which is currently restricted to penile penetration. The Committee is, however, concerned that the Hong Kong SAR has not yet produced any proposals concerning sexual offences against children and **persons with intellectual disabilities**  to adopt the reform proposals made by the Law Reform Commission.

55. The Committee urges the State party to expedite the consideration of the reform proposals made by the Law Reform Commission and to adopt a clear and specific timeframe within which to revise legislation on sexual offences, including against **children and persons with intellectual disabilities**, as well as the definition of rape so that it is in line with international standards include penile penetration. In this context, the Hong Kong SAR should allocate adequate resources to ensure the effective combat of all forms of violence against women, including domestic violence by, inter alia, providing adequate shelters and enforcing protection orders.

Education

60. The Committee is concerned at reports that **women and girls with disabilities**, **particularly those with intellectual** **disabilities**, have limited access to education.

61. The Committee urges Hong Kong SAR to remove all obstacles on access to education for wo**men and girls with disabilities, particularly those with intellectual disabilities**, and to ensure the effective **participation of women and girls with disabilities**  in education.

CESCR Committee, [E/C.12/CHN/CO/2](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCHN%2fCO%2f2&Lang=en), 13 June 2014

Persons with disabilities

18. The Committee is concerned that, despite the measures undertaken by the State party to promote access to employment and improve the working conditions **of persons with disabilities,** including through the establishment of the 1.5 per cent employment quota, the high rate of unemployment among **persons with disabilities** persists and that the existing disparities in relation to wages have not been effectively addressed (arts. 6 and 7).

The Committee urges the State party to enhance its efforts to promote effectively the integration of **persons with disabilities**, especially into the labour market, including by strengthening the effectiveness of the system of job quotas and establishing an efficient enforcement procedure and remedies. The Committee also recommends that the State party take effective measures to improve the working conditions of persons with disabilities, including through establishing an obligation to provide reasonable accommodation in the workplace and introducing the principle of equal pay for work of equal value. The Committee requests that the State party provide disaggregated statistical data on the employment rate of **persons with disabilities**.

 Comprehensive Social Security Assistance Scheme

46. The Committee is concerned that the Comprehensive Social Security Assistance Scheme may not provide adequate protection to low-income families and **persons with disabilities** (art. 9).

In line with its previous recommendation (E/C.12/1/Add.107, para. 96), the Committee recommends that Hong Kong, China, take immediate steps to review the eligibility criteria for the Comprehensive Social Security Assistance Scheme and to ensure that all persons in need are entitled to the benefits thereof.

 Non-discrimination

54. The Committee notes with concern that Macao, China has not yet adopted comprehensive anti-discrimination legislation and that widespread discrimination against migrants, as well as lesbian, gay, bisexual and transgender persons, persists in Macao, China, particularly in employment, health care, education and housing. The Committee also notes with concern that de facto discrimination against **persons with disabilities** persists, particularly in the field of employment (art. 2, para. 2).

The Committee urges Macao, China to consider the adoption of comprehensive anti-discrimination legislation, in compliance with article 2, paragraph 2, of the Covenant and taking into account the Committee’s general comment No 20 (2009) on non-discrimination in economic, social and cultural rights. The Committee recommends that Macao, China, take all appropriate measures, including awareness-raising campaigns, to address the de facto discrimination against **persons with disabilities**.

Access to education

60. The Committee is concerned that free primary education is not provided to children of migrants in Macao, China. The Committee is also concerned that **children with disabilities** experience de facto discrimination and have limited access to inclusive education and to teachers trained specially to educate **children with disabilities** (art. 13 and 14).

In line with its previous recommendation (E/C.12/1/Add.107, para. 126), the Committee urges Macao, China, to adopt all necessary measures to ensure access to free compulsory education to all children in the State party, including children of migrants. The Committee also recommends that the State party take appropriate measures to guarantee an inclusive education for **children with disabilities** and to ensure that teachers are trained to educate them within regular schools.

CAT Committee, CAT/C/CHN/CO/5, 2015

Alleged secret detention

42. Notwithstanding the State party’s denial of the existence of unofficial places of detention, the Committee remains seriously concerned at consistent reports from various sources about a continuing practice of illegal detention in unrecognized and unofficial detention places — the so - called “black jails”. It is further concerned by the fact that, despite the Committee’s questions, the State p arty has not furnished any information on the number of investigations for illegally operating secret detention facilities or on the investigations into the alleged rape of Li Ruirui and the reported deaths of Wang Delan and Li Shulian in black jails. It remains equally concerned at the extended use of other forms of administrative detention, such as “legal education centres”, “measures for the custody and education” of persons suspected of prostitution, measures of “compulsory isolation in drug treatment centres” and compulsory psychiatric institutionalization, which have been allegedly used to detain suspects without accountability. The Committee notes with concern reports indicating that the local police impose such measures without any judicial process ( art s . 2, 11 and 16).

43. The State party should: (c) **Prioritize the use of community** - **based or alternative social - care services for persons with psychosocial disabilities** or drug addiction

Solitary confinement and use of restraints

26. The Committee is concerned that the State party considers solitary confinement as a “management method” in detention centres, which is applied to all “class 1 - major safety risk” detainees, including detainees at risk of self - harm, suspected of having mental illnesses and those who “pick quarrels and provoke troubles”. Solitary confinement can also be imposed in compulsory isolation drug treatment centres when persons undergoing drug treatment are not “reformed through education” or do not obey discipline, among many other grounds. The Committee regrets the lack of relevant statistical data on the use of solitary confinement in both instances, as well as information on its maximum du ration. It also regrets the lack of information with regard to the regulation and due process rights concerning the use of restraints. In this regard, the Committee expresses concern at the State party’s explanation that the use of the so - called “interrogation chair” is justified “as a protective measure to prevent suspects from escaping, committing self - injury or attacking personnel”, which is highly improbable during an interrogation (art. 16).

27. The State party should:

(b) Prohibit the use of solitary confinement for an indefinite period on **persons with intellectual or psychosocial disabilities**, juveniles, pregnant women, women with infants and breastfeeding mothers in prison;