

INCLUSION OF PERSONS WITH DISABILITIES IN CHINA

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China, as the largest developing country in the world, has 60 million persons with disabilities, an estimated number on the basis of result of 1987 First National Sampling Survey on Disability. According to United Nations, during the past two decades or so, concurrent with the rapid economic growth and social development, China's Human Development Index (HDI) was 0.522 in 1975 and the figure rose up to 0.74 in 2002. In terms of world ranking, China's HDI ranking was 111th (among 174 countries) in 1992 and it rose to 94 (of 177 countries) in 2002 (UNDP website at: <http://hdr.undp.org/reports>). As result of a series of positive legislative and administrative actions and the work of disability organisations, the general living conditions and overall social status of people with disabilities in the country, has improved remarkably. Yet, people with disabilities remain a vulnerable group and many still encounter specific difficulties in a society whose economy is experiencing a tremendous market-oriented transition. Much remains to be done in order to ensure the full realisation of "Equality, Participation and Sharing" for people with disabilities.

INTRODUCTION

Most laws and policies use the definition of disability in the Law on the Protection of Disabled Persons (promulgated in 1990). According to the Law, a disabled person refers to one who suffers from abnormalities of loss of a certain organ or function, psychologically or physiologically, or in anatomical structure and has lost wholly or in part the ability to perform an activity in the way considered normal. And "the term disabled persons refers to those with visual, hearing, speech or physical disabilities, intellectual disabilities, psychiatric disabilities, multiple disabilities and/or other disabilities" and "the criteria for classification of disabilities shall be established by the State Council", the cabinet of China's central government. This definition

and related policies and standards, were deeply influenced by the medical-social models popular in the 1980s, in particular, the WHO's International Classification of Impairment, Disability and Handicap (IC-IDH). The definition is now under review.

LEGISLATIVE FRAMEWORK

China's Constitution provides a general principle on protection of people with disabilities. Article 45 establishes that "all citizens ... have the right to material assistance from the state and society when they are old, ill or disabled. The state develops the social insurance, social relief and medical and health services that are required to enable citizens to enjoy this right..." and "the state and society help make arrangements for the work, livelihood and education of the blind, deaf-mute and other handicapped citizens. In addition, more than thirty national laws contain specific provisions concerning people with disabilities and the protection of their rights, including the Civil Law, the Criminal Law, the Law of Education, the Law on Higher Education, the Labour Law and so on.

The Law on the Protection of Disabled Persons (enacted in 1991) is of significant importance to the protection of the rights of people with disabilities. It contains fifty four articles and nine chapters that address rehabilitation, education, employment, cultural life, welfare, access, legal liability, etc.

Article 3 of the Law sets a principle of anti-discrimination that stipulates:

"disabled persons are entitled to enjoyment of equal rights as other citizens in political, economic, cultural and social fields, in family life and other aspects. The rights of disabled persons as citizens and their personal dignity are protected by law. Discrimination against, insult of and infringement upon disabled persons is prohibited."

The Law in its Article 49 through 52, also establishes general provisions for enforcement and list some types of rights violations and their repercussions, and make reference to applicable civil or criminal laws and administrative procedures.

By 2003, all thirty provincial congresses issued local disability regulations. Local authorities now take more initiatives in producing supplementary policies.

INCLUSION AND PARTICIPATION OF PEOPLE WITH DISABILITIES IN SOCIETY

Education

By the law on Protection of Disabled Persons, the State “guarantees the right to education for disabled persons... and provide[s] compulsory education for children and youth with disabilities... and the State charges no tuition for those disabled students receiving compulsory education.”

Other laws, such as the Law of Education, the Law of Vocational Education, and the Law of Higher Education, contain special provisions for people with disabilities. For example, the Law of Education stipulates that “the State supports and develops the undertaking of education for persons with disabilities, “ and that “the State, society, schools and other educational institutes shall provide education to persons with disabilities according to their physical and psychological characters and needs and give them assistance and convenience.” Para.3, Article 10 and Article 38, Law of People’s Republic of China on Education [(enacted in 1995)].

In practice, a mixed system of integrated education and special education has increased the educational opportunities of people with disabilities. The China Disabled Persons’ Federation reported that in 2000, the overall enrollment rate of school-aged students who were deaf, blind, or intellectually impaired was about 77% (1), which was lower than the national enrollment average of school-aged children without disabilities (2). In 2003, there were about 323,000 school-aged children with disabilities that did not have any access to education, due to such factors such as families’ poverty (3). Through initiatives such as “Project Hope” and “Spring Drizzle,” efforts are made to help those who have dropped out, including boys and girls with disabilities, to return schooling (4).

Mainstream institutions accept people with disabilities, whilst special education is also available. However, primarily for some learners who are blind, deaf or have severe intellectual disabilities, although some such students may choose to study in a mainstream or special surrounding. A large number of physically disabled and some intellectually disabled students may have not been counted by the authorities as disabled students, as they normally study in mainstream schools.

According to the Ministry of Education, in 2003, there were 1,551 registered special schools that enrolled 365,000 students with disabilities (5). Overall, 66.23% of students with special learning needs were studying in mainstream schools or/and classes affiliated with mainstream schools (6).

According to the Law on Higher Education, no institution shall reject any student on the basis of his or her disability. Yet, some students with disabilities still face barriers such as the physical examination requirements of some universities. Such requirements were recently lifted by the Ministry of Education in order to give effect to equal educational opportunities for students with special needs. In 2003, 3,072 disabled students enrolled in universities and 827 others, in special higher institutions (7). According to another report, 93.93% of eligible disabled students were accepted by and enrolled in universities in the previous years from 1996 to 2000. The lack of accessible conditions and reasonable accommodations on campuses occasionally remains barriers for people with disabilities.

Rehabilitation

China's health care system is currently undergoing critical transition, as the previous system of "medical care at public expense" is being gradually replaced by a fairly market-oriented "social basic medical insurance" system, based on financial responsibility that is shared jointly by individuals, their employers, and the State. With this background, people with disabilities access health services on an equal basis with others, though appropriate services, especially rehabilitation services, might not be available at all for a large number of persons. There are no statistic data on how many disabled persons enjoying health and medical care. Although employed people used to and may still enjoy medical care at public expenses, more tend to buy basic medical insurance nowadays. In 1994, only 374,600 employed workers and 25,700 retirees were covered by basic medical insurance, while in 2002 and 2003, the amounts rocketed up to 94,000,000 and 109,020,000. This is also the case for disabled persons (9, 10).

The Law, however, does attach great importance to rehabilitation, and the Government has included rehabilitation in national economic and social development programmes. The Government has developed and supported urgently needed rehabilitation programmes that aim to mainstream and facilitate the participation of people with disabilities, in society. These

programmes include sight-restoring cataract surgery, low-vision training, speech training for hearing-impaired children, corrective surgery for people with physical disabilities, and provision of assistive devices. From 1996 to 2000, about 4.33 million people with disabilities received rehabilitation services. Services were delivered through key rehabilitation centers as well as Community Based Rehabilitation (CBR) initiatives. CBR aims to improve the physical functioning and independent living skills of people with disabilities, in order to facilitate their participation in social life and their communities, and is an important part of rehabilitation efforts in China. According to the “National Programme on Disability in Tenth Five-Year Plan Period,” some 5.1 million people with disabilities will receive rehabilitation services delivered through the joint efforts of governments and communities from 2001 to 2005 (11).

In response to the needs of many people with disabilities, especially those in poverty-stricken rural regions, who could not afford rehabilitation services, the Government and NGOs collaborated on some programs such as “Rehabilitation for All among Leprosy-disabled Persons” and “Helping the Hearing-Impaired by Donating Hearing-Aids,” which have helped over one million people. With support from commercial banks, the Government also established a project called “Rehabilitation for Poverty Reduction among Persons with Disabilities.” In the 5-year period from 1996 to 2000, the project received 2,210,148,000 RMB yuan of earmarked funds, to help people with disabilities in poverty. For 2003, some 650 million RMB were earmarked for the project.

Employment

Approximately 83.9 % of people with disabilities were reported to have employment in 2003 (12, 13), though it is likely lower than the rate of other groups of population, compared to the figures in year 1987, when only 50.19% of people with disabilities in urban areas and 60.55% in rural areas were employed, the recent situation of disabled persons has improved greatly (14).

In China, the right to work is guaranteed by the Law, which states that, “no discrimination shall be practised against disabled persons in employment, engagement, status regularisation, promotion, determining technical or professional titles, payroll for labour, welfare, labour insurance or in other aspects.” Correspondingly, employers like state-run welfare enterprises should not deny people with disabilities employment.

The Government has established a quota system. By 2003, the quota scheme policy was practised by 1,519 counties and 640 cities of all 31 provinces (See <http://www.cdprf.org.cn/shiye/sj-03.htm>), that requires all public and private employers to reserve no less than 1.5% of job opportunities for persons with disabilities, in accordance with specific regulations established by local provincial governments. Law on the Protection of Disabled Persons establishes that specific quota or ratio may be determined by local provincial governments yet in practice the quota is no less than 1.5%. Those who fail to meet the required quota, must pay a fee to the Disabled Persons' Employment Security Fund, which in turn, supports vocational training and job-placement services for people with disabilities. The taxation authorities and disabled peoples' organisations are involved in the process of monitoring.

Through initiatives such as tax incentives and financial, technical and other resource assistance, the Government supports welfare enterprises that recruit employees with disabilities and encourages people with disabilities to engage in self-employment.

In addition, to enhance the employment prospects and opportunities of people with disabilities, more than 3,000 employment service centers are now in operation (3). These centers were established with financial support from the Government and local communities, and provide services ranging from practical job-oriented vocational training (including IT, sewing, and domestic animal raising skills), to employment matching and consultation for people with disabilities seeking jobs.

Communication

Articles 37, 38 and 45 of the Law on the Protection of Disabled Persons, guarantee access to information and communication for people with disabilities. In accordance with the Law, the Government has included goals for accessible information and communication in the latest national development programme. Progress has been uneven. The situation in coastal regions and major cities is encouraging. For example, in Shanghai, most local TV programmes are broadcast in alternative formats, i.e., with subtitles or in sign language. In contrast, in many other parts of the country, accessible communication is still a new and underdeveloped concept and should be promoted further.

A standardised national sign language has been developed. The China Braille Publishing House and other publishers produce Braille and audio reading materials, including Braille

versions of China's constitution and other major laws. However, due to limited resources, there is still a large gap between supply and demand. Braille and talking materials are often available only in libraries and activity centres in major cities and towns.

In economically developed regions, there are a number of newspapers that are popular and are run by and for people with disabilities, such as the Chinese Times in Beijing. There are also some disability-specific journals and newsletters that enjoy local and national audiences, such as "China Disability", a monthly magazine. Blind People in China, another monthly magazine, is printed in Braille, for persons with visual impairment, and circulated nationwide. By law, reading materials for persons with visual impairment may be shipped free of charge through the public mail system.

The Criminal Procedure Law requires that personal and/or legal assistance, including sign language services, be provided to people with disabilities in cases of emergency, and in legal circumstances, such as court or public hearings. These services are available, but sometimes are not sufficient to meet the demand.

Due to the advocacy and promotional activities of disabled peoples' organisations, efforts have been made, in recent years, to develop high-tech devices that accommodate the needs of people with disabilities. User-friendly pagers, mobiles phones and internet-based communication technologies and services have been developed for people with visual or hearing impairments. There are also websites such as "Deaf Online" that have become popular among hearing impaired youth. However, these new services are rather expensive and have so far benefited only small groups of young people with disabilities, living in cities. Many people with sensory difficulties still face communication barriers.

Accessibility

Both the Government and organisations of people with disabilities recognise the importance of accessibility to the full inclusion and participation of people with disabilities. As required by the Law on Protection of Disabled Persons and other policies, the State and society should take positive actions to promote and build accessible physical, information and communication environments.

Codes for Design on Accessibility of Urban Roads and Buildings (JGJ 50-2001) is the most influential national accessibility policy (15). The Codes were issued by the Ministry of

Construction in June 2001 and were formulated based on a document issued in 1988. The Codes apply to all urban roads, built environments, and relevant facilities for public usage, residence, office space, business, services, cultural activities, education, sports activities and workplaces, both newly built and renovated. Most of the codes are now compulsory.

The Codes are supported by the Law on the Protection of Disabled Persons, which requires that the Government gradually take barrier-free measures to realise the Codes.

There has been progress in improving accessibility, though implementation has not been satisfactory in all regions. Problems include limited awareness of accessibility needs, shortage of technical and financial resources, and the relative lack of local economic and social development in many regions. Although large cities such as Beijing, Shanghai, Tianjin, Guangzhou, Shenzhen, Shenyang, and Qingdao have made the most progress, 133 other cities and provinces have established government task forces to promote accessible construction and 147 cities have adopted local implementation regulations (“Statistic Report of the Development of the Undertakings for Disabled Persons in China in 2003” (canliangfa (2004)10. See <http://www.cdprf.org.cn/shiye/sj-03.htm>). Some regions, including Beijing, have even promulgated local by-laws on accessibility. However, accessible environments and facilities remain unavailable in many localities, prompting the Government to call for more action in small towns and rural areas, to progressively improve accessibility.

The accessibility of inner-city transportation has improved rather quickly in big cities. For example, accessible bus lines began operation in Beijing in November 2004 and city authorities promised more accessible bus and subway lines in coming years. Likewise, in southern China’s Shenzhen city, the newly constructed subway system that began operation in the end of 2004 is completely accessible. Most major airports are now accessible, and the Ministry of Railways is developing new by-laws on accessibility for railway areas.

Access to information and communication for persons with disabilities is guaranteed by law. In 2004 and 2005, the Governmental ministries, civil society, and disabled peoples’ organisations co-sponsored two Information Accessibility Seminars attended by delegates and experts from the Ministry of Information Industry, the Ministry of Sciences and Technology, the China Disabled Persons’ Federation, the China Blind Association, and more than 30 media and about 20 locally and internationally renowned corporations, such as Microsoft, IBM, Nokia, Motorola and Siemens. Participants discussed how to create an accessible information

environment for people with sensory disabilities through legislation and the use of accessible technologies such as programming, web design, and communication format adaptation.

Housing

Although the Constitution establishes that “all citizens ... have the right to material assistance from the state and society when they are old, ill or disabled,” no separate legal instrument specifically addresses the issue of housing for people with disabilities.

In general, people with disabilities have the right to housing on an equal basis with others. Although some own their own homes and some are entitled to equal access to public housing programmes, such as the Affordable Housing Programme and the Comfort Housing Programme, most people with disabilities are believed to live with their families and caregivers, as families usually play an important role in caring for and supporting members with disabilities.

About 10 million, or approximately 17% of people with disabilities remain living in poverty (16), mostly in remote rural areas. Approximately, 140,000 families with members having a disability do not have suitable housing, and another 60,000 families live in housing with poor-conditions that urgently need renovation. In response to this situation, the Government is currently working with local partners on a programme called “Helping Poor Disabled Persons in Renovating Housing.” The project receives funds from the Central Government, local governments, and other sources, while disabled peoples’ organisations and local communities contribute technical assistance and manpower to disabled peoples’ households in need. The programme began in 2003 and has benefited many people with disabilities (16).

Culture, Sports and Recreation

According to the Law on Protection of Disabled Persons, the needs of people with disabilities should be integrated in the mainstream cultural arena, to promote their full participation in society.

Public cultural facilities, such as libraries, museums, art galleries, public parks, and sports venues are open to and expected to make reasonable accommodations for people with disabilities (8). Depending on the policies of local authorities, admittance to such activities

may be available free of charge. In some cities, there are community-based cultural and recreation facilities, although some may be used infrequently by people with disabilities, due to a lack of accessible local transportation.

The China Disabled People's Performing Arts Troupe is one of 131 arts troupes of people with disabilities in the country. In recent years, it has toured through dozens of cities in China and throughout the world, positively portraying and demonstrating the special arts talents of people with disabilities.

Every four years, there is a national sports competition for people with disabilities, which attracts thousands of athletes from every part of the country. In recent years, Chinese athletes with disabilities have also been active in the international arena, particularly in world championships such as the Paralympic Games and other international and regional sports tournaments. China also will host the upcoming 2008 Paralympic Games in Beijing, and the 2007 Special Olympic World Games in Shanghai.

Civic and Political Participation

People with disabilities as a group, are exhibiting increased political awareness and participation. In 2003, more than 3,200 persons with various types of disabilities and their relatives were elected as deputies of the National People's Congress and local people's congresses and as members of the National People's Political Consultative Conference and its local bodies above county levels, hence increasing the voice and influence of people with disabilities in legislative and policy-making processes.

Disability Awareness and Actions

The State Council Coordination Committee on Disability (SCCCD) is the national coordinating body for disability policy within the Government. It was initially set up in the 1980s, as the China Coordination Committee for Celebrating UN Decade of Disabled Persons. The Coordination Committee is currently chaired by a Vice Premier, and has members from 36 governmental departments and ministries in the fields of health, civil affairs, education, labour, and social security, as well as a national organisation of people with disabilities. The main responsibilities of the SCCC are to formulate and monitor the implementation of key disability policies, strategies and programmes; resolve major issues concerning disability; and coordinate

the actions of different governmental departments. The SCCCD has played a significant role in drafting disability-specific laws and policies, and in particular, the Law on the Protection of Disabled Persons and four consecutive national development programmes on disability. Every five years since the 1980s, these national programmes have set goals and medium-range objectives for the disability-related activities of various governmental departments and local authorities, obliging them to take positive measures and actions, such as providing rehabilitation and education services, promoting accessible conditions, and supporting access to sports, culture and artistic activities for people with disabilities. Each year, the SCCCD and its local bodies in provincial, city and county level governments throughout the country coordinate major events, such as the observance of the National Day of Assisting Disabled Persons, on the third Sunday of May. There are similar coordination mechanisms at provincial, city and county/district level governments as well.

China Disabled Persons' Federation (CDPF) is a national umbrella organisation of, and for people with various types of disabilities. CDPF and its associated local federations are playing an important and unprecedented role in advocating and protecting the rights of people with disabilities, and participating in the policy-making process that affects or concerns people with disabilities. In close collaboration with other departments and civic organisations, the CDPF also provides assistive devices and rehabilitation, education, and employment services to people with disabilities. The CDPF receives resources support from the Government, charitable donations, and fund-raising activities.

With support of the CDPF, there are some 38,000 grassroots associations of people with disabilities, that are active throughout the country, at the community and village levels, and provide various types of practical assistance and services for citizens with disabilities in their communities.

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