

International Disability Alliance (IDA)

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International,
International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

IDA proposals for the list of issues on China CRC Committee, Pre-Sessional Working Group (63rd-64th session)

Introduction

This submission seeks to provide supplementary information to the Committee on implementation of the CRC in mainland China for the purposes of compiling the list of issues. The submission provides information on the situation of children with disabilities and is based on consultations with mainland China organisations of persons with disabilities and NGOs, and research carried out by independent experts, who wish to keep their identities anonymous.

Transversal issues

Despite China's ratification of the CRPD and increased rights rhetoric in new and reformed pieces of legislation, the approach to disability rights remains entrenched in the medical model as seen in the definition of persons with disabilities¹ and enduring terminology and language of disability rights discourse. The dominating medical model view of persons with disabilities, reflected in the population survey, is what leads to the very small official figure of 6.34% of the population being recognised as persons with disabilities, which contrasts starkly with the latest figure advanced by the World Health Organization of 15%.²

Laws and policies on disability rights are in place, and on paper appear to provide protection against discrimination, and the promotion of the broad enjoyment and exercise of civil, political, social, economic and cultural rights of persons with disabilities. However, laws and policies are often formulated as sets of principles which do not provide clear guidance on essential elements of implementation such as through definitions or indicating criteria to clarify the concrete meaning of provisions, sanctions to be imposed for infringements of laws, remedies available for victims, in secondary and operational legislation and policy instruments. The first article of the Law on the Protection of Disabled Persons LPDP states "This Law is formulated in accordance with the Constitution for the purposes of protecting the lawful rights and interests of, and developing undertakings for disabled persons, and

¹ The basic definition of disability, first stated in China's Law on the Protection of Disabled Persons in 1990, is retained in current legislation, regardless of incompatibility with the CRPD, after its revision in 2008: A person with disabilities refers to one who has 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. The term "a person with disabilities" refers to one with visual, or hearing, or speech, or physical, or intellectual, or psychiatric disability, multiple disability and/or other disabilities (Article 2, Law on the Protection of Disabled Persons- LPDP)

² World Report on Disability, 2011, World Bank & World Health Organisation

ensuring their equal and full participation in social life and their share in the material and cultural wealth of the society.” This provision stresses “lawful rights and interests” refer to rights and interests that are defined by Chinese government legislation, such as social welfare and policies that benefit disabled people which essentially differs from the full scope of basic human rights. In general, the emphasis is on rights being granted or safeguarded by the State, rather than asserting the principle of inalienable rights guaranteed by the law, and hence laws lack enforceability. As a consequence, individuals including children are rarely able to invoke their rights before the authorities or before courts, and the granting of rights is heavily reliant on the positive measures taken by the State through disability specific provisions such as employment quotas, welfare factories and special education institutions, which themselves restrict the range of educational and vocational choices open to children and adults with disabilities, infringing their equal opportunities, self determination and autonomy.

Initiatives targeting persons with disabilities are concentrated in the urban centres much to the detriment of the larger proportion of persons with disabilities who live in rural areas (80% of children with disabilities, see state report, para 136). Furthermore, while laws and policies are set at the national level, resources for public social services do not come entirely from the central government and there is a heavy responsibility and burden on the local authorities at and above county level to raise local revenue in order to implement these policies on the ground, leading to significant regional discrepancy of provision of services and enjoyment and exercise of rights. Particularly, poorer rural regions cannot fill resource gaps resulting in the absence or lower provision of services and assistance available to persons with disabilities in those regions. Implementation on the ground is also exacerbated by corruption at the local level where local officials exercise wide discretion in managing goods and services directed at children with disabilities.

There is a stark lack of diversified consultation by the government with organisations of persons with disabilities: the sole official representative of disabled people in China remains the China Disabled Person’s Federation (CDPF) which in practice has been co-opted by the Government and dominates the disability rights agenda. The CDPF’s status as the representative body of persons with disabilities is affirmed by law.³ There is no independent body to monitor cases of disability-based discrimination, and DPOs face enormous risks and challenges in raising disability-based discrimination and rights violations.

1. How does the Government account for the significant divergence from WHO statistics that estimate 15% of persons are persons with disabilities, whereas in China the figure is estimated at 6.34% (para 3 of State report)?
2. What steps are being taken to amend the definition of persons with disabilities in the Law on the Protection of Disabled Persons (LPDP) (paras 1-2) to eliminate a medical model approach to disability and promote a social and human rights approach in compliance with Article 1 of the CRPD?
3. Please indicate how the State Party consults and engages directly with a diversified range of persons with disabilities and their representative organisations, beyond the

³ The China Disabled Persons' Federation (CDPF) is mandated under the auspices of Article 8 of the Law of the People's Republic of China on the Protection of Disabled Persons (1990). Article 8 states that: «China Disabled Persons' Federation (CDPF) and its local branches shall represent the common interests of disabled persons, protect their lawful rights and interests, unite, educate disabled persons, and provide service for disabled persons. »

CDPF, in the development and implementation of legislation and policies and in other decision-making processes concerning them, including persons with psychosocial disabilities, persons with intellectual disabilities and children and adolescents with disabilities.

Equality and non discrimination

While the prohibition of disability-based discrimination is embedded into laws (LPDP, education law), the law is unclear as to what constitutes a discriminatory act, what legal recourse is available to victims of discrimination, or what penalties can be imposed when such act is proven. In general, there is no definition in the law or guidance provided by policy of what would constitute unlawful discrimination. As such, persons with disabilities cannot use the LPDP to protect their rights nor to challenge discrimination before the courts. For example, under a non-discrimination article, the regulation on the implementation of LPDP in the Beijing area states: “insulting, abusing, abandoning or hurting disabled people are strictly forbidden.” These actions, as well as actions aimed to support disabled people do not equate with the concept of discrimination. Mentioning these concepts simultaneously, as if they are in the same category, can lead to misunderstandings as to what discrimination actually means.

There is no indication that the protection against disability based discrimination also extends to situations of indirect discrimination, to persons associated with persons with disabilities, persons who are perceived as having a disability, or who had a disability in the past.

Furthermore, many local laws and regulations are at odds with national law; where national law may prohibit disability-based discrimination, local legislation and regulations have not been harmonised with national law.

Specific law and regulations on education make no reference to the provision of reasonable accommodation, which results in a lack of protection from disability-based discrimination when reasonable accommodation is denied in education, including higher education. Article 60 of the LPDP states, “Where any of the lawful rights and interests of a disabled person is infringed upon, the disabled person shall have the right to require the relevant department to deal with it, or apply to the appropriate institution for arbitration, or bring a lawsuit in the people’s court according to law.” Again, the law does not indicate details such as basic standards for the court to follow in making its judgments, or supervision of whether employers have made adjustments according to the court’s ruling.

4. What steps are being taken to clarify the law on prohibition of disability-based discrimination in order to ensure that it can be practically invoked by victims of discrimination before the authorities and the courts, and that offending parties are duly sanctioned? Please provide data on the number of cases involving children and disability based discrimination and their conclusions (concerning education, social protection, violence, health and rehabilitation etc; findings of discrimination, penalties imposed, remedies provided to victims) in the past four years.
5. What steps have been taken to harmonise local legislation and regulations with national laws and the provisions of the CRC?

6. Does law prohibiting discrimination on the basis of disability explicitly recognise that the denial of reasonable accommodation constitutes discrimination?

Respect of the views of the child (Article 12)

7. Related to paras 53 to 62 of the State report and the stated efforts taken to seek the views of children, to what extent do those initiatives seek the views of children with disabilities? With respect to decisions concerning the child him/herself, how does the Government ensure that children with disabilities have the opportunity to express their views and for their views to be given due weight in accordance with the child's age and maturity, on an equal basis with other children, and are provided with age- and disability-appropriate support to exercise these rights? Including with respect to matters of medical and mental health treatment, services and support?
8. What steps have been taken to ensure effective implementation of Article 12 of the Convention, in various administrative decisions, including with respect to children with disabilities in institutions?

Right to life, protection from violence, exploitation, abuse and torture and cruel, inhuman and degrading treatment or punishment (Articles 6, 8, 9, 19, 34, 37)

The widespread stigma attached to persons with disabilities, combined with the strict family planning policy in China renders children with disabilities at a high risk of being abandoned by parents and placed into institutions where they are segregated from society and rendered more vulnerable by neglect, violence and abuse.

For families which take care of children with disabilities in the home, there are very few community based services and assistance available, particularly in rural communities in which the most part of children with disabilities live. Heavily reliant on the local governments and their resources to access social services and benefits, children with disabilities and their families living in the poorer rural regions are denied assistance and support from the State much to the detriment of the child's healthy development.

According to the law, acts of violence are not automatically characterised as crimes and only "if it constitutes a crime, (the person who committed it) shall be investigated for criminal responsibility in accordance with law" (Article 45, Marriage Law). Furthermore, measures of protection for victims of violence may only come into effect upon a request from the victim to the neighbourhood or villager's Committee or to the public security organ and that this can lead to mediation or the imposition of an administrative penalty.⁴ These provisions do not ensure the protection of children and adults with disabilities from violence, nor is such violence necessarily recognised as a crime. Moreover, there is no guarantee of redress, in particular due to the burden which rests upon victims, in particular child victims, to advance a request against the perpetrator, often meaning overcoming physical, psychological and communication barriers, which may or may not lead to criminal sanction.

⁴ "Where a person is committing family violence, the victim shall have the right to advance a request; the neighborhood committee or the villagers committee shall persuade the person to stop doing it; the public security organ shall stop such violence", and that "Where the victim advances a request, the public security organ shall, in accordance with the legal provisions on administrative penalties for public security, impose an administrative penalty on the person who commits family violence or maltreatment of a family member" (Article 43, Marriage Law)

One of the most alarming human rights abuses to reach public attention in China in recent years has been the abduction and forced labour of thousands of people with intellectual disabilities. Since 2007, when a major case of slave labour in the brick kilns of Shanxi and Henan came to light, involving over 450 children and youths, a series of similar cases have been reported, many involving people with intellectual disabilities. In December 2009, Chinese police arrested nine people suspected of trafficking intellectually disabled people from Leibo County in southwest China's Sichuan Province. After being taken to work in mines in other areas, victims were then murdered in staged "mining accidents" in order to claim compensation from mine owners. This case involved areas as far apart as Hebei, Fujian, Liaoning and Sichuan.⁵

9. What steps are being taken to strengthen awareness raising, assistance and support to families in order to ensure that children are raised within family environments and to ensure their full and effective participation of a child within the life of the family and community? Please provide information on how resources are allocated to rural regions in order to ensure that children with disabilities and their families can access social services and benefits which are essential to their healthy development and participation in society.
10. What steps are being taken to reform the law to ensure the prohibition and prevention of infanticide, violence, exploitation, abuse and other serious harmful acts against all children, including children with disabilities and in particular girls with disabilities, by combating impunity of perpetrators through amending the law to ensure that these acts are qualified as crimes with the requisite criminal sanctions and by displacing the burden on victims. What measures are being implemented to ensure that the new anti-domestic violence legislation adhere to these standards and is developed in consultation with a diversified range of representative organisations of children and adults with disabilities?
11. How is information about seeking help and making complaints against perpetrators made available to children with disabilities regarding violence, exploitation, or harmful practices? What urgent measures are being adopted to ensure that both services and information for victims are made accessible to children with disabilities, including setting up complaints mechanisms such as hotlines accessible to deaf children, conducting training for all police, setting up specialised police units and victim support services sensitive to gender and disability?
12. Please provide detailed information on what steps have been taken to investigate the deaths of children with intellectual disabilities in "mining accidents", and whether any of these cases have led to prosecution and conviction of perpetrators. Furthermore, what steps are taken to identify other such incidents and prevent future ones?

⁵ See, among others, Xinhua report of 30/12/2009: http://news.xinhuanet.com/english/2009-12/30/content_12729720.htm

Education (Articles 28, 29)

Official statistics on the education of children with disabilities are mutually contradictory, hard to verify and often at odds with anecdotal sources.⁶ Figures quoted in the State report indicate that the total number of disabled children between the ages of 6 – 14 years is 2.46 million of whom 63.19% receive schooling in mainstream or special schools. Whereas, the State report to the CRPD Committee which was examined this year (September 2012) advances that, “The school attendance rate for children with disabilities of all different ages is nearly 80%” (CRPD/C/CHN/1, para 96).

These figures remain non-credible. It is difficult to conceive that 60% to 80% of children with disabilities are mainstreamed in regular education settings, especially considering that the government, by its own account, has not shifted the weight from special education to inclusive education.

With over 80% of disabled children living in rural districts (see State report, para 136) it is hard to believe the government’s claims that “nearly 80%” of disabled children are currently attending school.

Also, the statistics count children in special classes affiliated to a mainstream school as inclusive education. No breakdown is given by type of disability – a type of disaggregated data that it is essential to capture – whilst for some disabilities the rate of inclusion is much lower. As provided in civil society’s previous report, the rate of inclusion for children with intellectual or substantial sensory disabilities is much lower; most attend special segregated schools or do not attend school at all. Finally, no indicators are given for determining what is inclusive education or what type of support is provided to students. It may very well mean (as is the case currently in many other countries) placing a student in a regular classroom without adequate support or without any support.

While the law supports a mixed system of education for children with special needs, combining inclusive education (i.e. integration by disabled children in mainstream classrooms or the provision of ‘special education classes’ in mainstream schools) with the maintenance and promotion of ‘special education schools’, mainly for children with visual, hearing, intellectual or multiple disabilities, in practice the vast majority of disabled students enrolled in mainstream schools or colleges are those with physical disabilities and mild visual disabilities (i.e. people usually categorized as “third grade disabled”). Most children with more severe sensory or intellectual disabilities either enter one of the country’s 1,672 ‘special schools’ (which include 35 schools for the blind, 541 schools for the deaf, 401 schools for intellectually disabled children and 695 combined disability schools), or remain excluded from school altogether.

Special needs provision in mainstream schools is far from adequate; some primary schools admit disabled children without ensuring an inclusive environment. All responsibility is placed on teachers who are not trained in special needs education and cannot provide individualised attention to students when classes consist of 70-100 children. The attendance of pupils with disabilities in these primary schools is far from an inclusive model of education and DPOs have observed that often children with disabilities bide their time in these classes or drop out altogether.

⁶ For example, there seem to be confusing inconsistencies between figures published on the CDPF’s own website, reflecting the number of special schools, special classes and disabled students enrolled, and those stated in the State report.

According to national policy, the government is continuing to implement a comprehensive policy of special education for all disabled children. At least from the aspect of buildings and hardware, the improvements are clear to be seen. This is most noticeable in more economically developed regions where there has been a rapid building program of special schools.

Regardless of education standards, the closed institutional model of special schools renders disabled children even more isolated and excluded from their communities. It also creates a level of dependency and over-protection, which makes it very hard for them to adapt to independent lives in future. The draft of the proposed Regulations on Special Education (to be introduced in 2013), as well as the huge investment in special schools during the current five-year plan, make it clear that the government is giving little support to inclusive education and doing very little to support inclusive structures. Indeed, the government itself admitted this in their official response to the list of issues of the CRPD Committee, referring to special education as the “backbone” of schooling for children with disabilities, while mainstream and integrated education are mere supplements.⁷

Furthermore, due to objective factors, most mainstream schools are unable to provide reasonable accommodation to meet to the needs of disabled students. This is less a matter of funding and more a result of the rigid education system, where exam results and student performance relate directly to teachers’ promotion and salaries. Schools are also reluctant to take responsibility for the safety of disabled students.

A large amount of money continues to be allocated to prestige special schools in big cities, such as schools for the blind in Beijing, Shanghai, Guangzhou and Qingdao. These schools absorb large amounts of the special education budget and easily attract charitable funding from overseas Chinese donors and other sources. They draw attention away from the massive, largely hidden problems of inadequate access to education for most disabled people, particularly those living in rural areas.

13. Please provide additional data on the number and ratio of inclusive schools and disabled students attending them as compared to disabled learners attending special schools.
14. Please provide China’s educational rationale for actively developing special education schools, rather than allocating resources into inclusive education.
15. What steps are being taken to reallocate resources from the special education system to inclusive education in mainstream schools, including to reinforce inclusive schooling opportunities in rural areas? Please indicate how policies, planning and budget is being engaged to ensure compulsory training on inclusive education for all teachers (beyond special education teachers), the development of individual education plans for all students (both with or without disabilities); the availability of technical equipment, accessories and aids within schools; accessibility both in terms of the physical environment and with respect to the curricula and pedagogical materials; inclusion of hard of hearing and deaf children by having sign language interpreters placed into schools; teaching of sign languages and disability rights awareness in schools, across all regions, in particular rural regions?

⁷ Response by the Government of the People’s Republic of China to the List of Issues (No.1 to No.30) by the Committee on the Rights of Persons with Disabilities, [CRPD/C/CHN/Q/1/Add.1](#), 2012, p 26.

Annex : Concluding Observations of the CRPD Committee related to children with disabilities, [CRPD/C/CHN/CO/1](#), September 2012

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 as well as 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 CRPD establishes to achieve the de facto equality of persons with disabilities and implement the rights enshrined in the CRPD at all levels. The committee is concerned that DPOs outside of the China Disabled Persons' Federation are not included in the implementation of this CRPD.

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.

Equality and non-discrimination (art. 5)

3. 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

4. The Committee explicitly encourages the state party to provide a legal definition of discrimination against persons with disabilities and include in such a definition also the prohibition of indirect discrimination. The Committee suggests to include a definition of reasonable accommodation in Chinese law which reflects the CRPD 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 recognises the refusal of reasonable accommodation constitutes disability based discrimination.

Children with disabilities (art. 7)

5. 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.

6. 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)

7. The Committee is concerned that in the awareness-raising attempts of the state party, the medical model of disability prevails, which is not in accordance with the spirit of the CRPD. It is especially concerned with awareness-raising events such as the "All-China Occupational Skills Contest for Persons with Disabilities" and "Million Young Volunteers to

Help Persons with Disabilities” program that depict persons with disabilities as helpless and dependent human beings segregated from the rest of society.

8. 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 programs. 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 to introduce awareness raising programme that shows the society positive perceptions of persons with disabilities.

Accessibility (art. 9)

9. 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 as well as the effects of non-compliance with accessibility measures and monitoring and evaluating accessibility

10. 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 %), 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)

11. 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.

12. 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.

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

31. 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 2000 residents. Such institutions are not in compliance with art. 19 CRPD. The Committee is further concerned about the existence of lepers colonies, where people with leprosy live in isolation

32. The Committee recommends to take immediate steps to phase out and eliminate institutional-based care for people with disabilities. Further, the Committee recommends to State party to consult with organisations 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)

33. The Committee is deeply concerned that both the state party's laws as well as its society accept the practice of forced sterilization and forced abortion on women with disabilities without free and informed consent

34. 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)

35. 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 enter a special school or drop out altogether.

36. The Committee wishes to remind the state party that the concept of inclusion is one of the key notions of the CRPD 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)

37. 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.

38. 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 authorisation of third party decision-makers such as family members or guardians, are repealed. It recommends the state party to 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)

39. 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.

40. 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.

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

43. While appreciating the existence of a policy of poverty reduction and providing benefits and subsidies, the Committee is concerned about the gap to receive such benefits between the persons with disabilities living in rural and urban areas.

44. The Committee recommends that the state party increases 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 benefit and develop a system to prevent the corruption in the context of allocation and distribution of welfare benefits by local officials.

Statistics and Data (art.31)

47. 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 CRPD is often not available due to laws and regulations on guarding state's secrets as revised in 2010.

48. The Committee recommends to review the secrecy laws and appropriately revise them so that information on issues and problems regarding the implementation of the CRPD – 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)

49. The Committee is concerned at the overall absence of independent bodies and DPOs systematically involved in the implementation process of the CRP. 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 art. 33 (2) CRPD.

50. 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 Art 33 (2) CRPD and in accordance with the Paris Principles.