



Convention on the Rights of Persons with Disabilities

Distr.: General
10 October 2022

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of China*

I. Introduction

1. The Committee considered the combined second and third periodic reports of China, including Hong Kong, China, and Macao, China,¹ at its 587th, 589th and 591st meetings,² held on 17, 18 and 19 August 2022. It adopted the following concluding observations at its 610th meeting, held on 1 September 2022.
2. The Committee welcomes the combined second and third periodic reports of China, including Hong Kong, China, and Macao, China, which were prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies³ to the list of issues prepared by the Committee.⁴
3. The Committee appreciates the constructive dialogue held with the State party's delegation. The Committee commends the State party for its high-level delegation, among which were members of government ministries and experts with disabilities. It also acknowledges the additional written information provided to the Committee.

II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since its previous concluding observations in 2012 and welcomes in particular the following measures taken to promote the rights of persons with disabilities:
 - (a) The adoption of the three-year action plan on promoting the employment of persons with disabilities (2022–2024);
 - (b) The ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, on 5 February 2022;
 - (c) The adoption of the second national sign language and Braille standardization action plan (2021–2025);
 - (d) The adoption of three national five-year plans for the protection and development of persons with disabilities, namely: the outline for the development of persons with disabilities in China under the twelfth Five-Year Plan (2011–2015); a guidance

* Adopted by the Committee at its twenty-seventh session (15 August–9 September 2022).

¹ [CRPD/C/CHN/2-3](#), [CRPD/C/CHN-HKG/2-3](#) and [CRPD/C/CHN-HKG/2-3/Corr.1](#), and [CRPD/C/CHN-MAC/2-3](#).

² See [CRPD/C/SR.587](#), [CRPD/C/SR.589](#) and [CRPD/C/SR.591](#).

³ [CRPD/C/CHN/RQ/2-3](#), [CRPD/C/CHN-HKG/RQ/2-3](#) and [CRPD/C/CHN-MAC/RQ/2-3](#).

⁴ [CRPD/C/CHN/Q/2-3](#), [CRPD/C/CHN-HKG/Q/2-3](#) and [CRPD/C/CHN-MAC/Q/2-3](#).



document on accelerating the process of bringing moderate prosperity to persons with disabilities during the thirteenth Five-Year Plan (2016–2020); and provisions for the effective involvement of persons with disabilities through their representative organizations in public decision-making and monitoring processes during the fourteenth Five-Year Plan (2021–2025);

(e) The adoption of a guidance document issued by the State Council in 2017, on promoting equalization of basic public services during the thirteenth Five-Year Plan (2016–2020), emphasizing basic public services for persons with disabilities in a special chapter and putting forward key tasks to be carried out, and safeguards to be implemented, regarding basic public services for persons with disabilities during the period of the plan.

III. Principal areas of concern and recommendations

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

5. **The Committee encourages the State party to ratify the Optional Protocol to the Convention without delay.**

6. The Committee notes with concern that the disability-related legislation and policies have not yet been fully brought into line with the Convention and that the human rights model of disability has not been consistently harmonized across all policy and legislation.

7. **Recalling its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, the Committee recommends that the State party adopt a unified concept of disability in all professional and legal areas that is aligned with the purpose and principles of the Convention and covers all persons with disabilities, including women and children with disabilities;**

8. The Committee is concerned about:

(a) The absence of a legal framework concerning the advocacy and work that persons with disabilities, through their representative organizations, can undertake in relation to the development of legislation and policies to implement the Convention, and in other decision-making processes that affect persons with disabilities;

(b) The reports of reprisals against and continuing pressure on civil society organizations for their advocacy work on the rights of persons with disabilities.

9. **The Committee recalls its general comment No. 7 (2018), and urges the State party to:**

(a) **Strengthen mechanisms for the effective involvement of persons with disabilities through their representative organizations in public decision-making processes by establishing clear procedures for consultations at all levels of authority and decision-making and with the participation of the full range of organizations of persons with disabilities, including women and children with disabilities, and adopting measures to safeguard their independence from public authorities and their participation in the design, reporting and monitoring of legislation and policies aimed at implementing the Convention and the Sustainable Development Goals;**

(b) **Recognize the role of civil society organizations as human rights defenders, prohibit any reprisals against individuals and organizations promoting the rights of persons with disabilities and take measures to protect the civic space.**

10. The Committee is concerned about the lack of independent assessments of the human rights situation of persons with disabilities in China, especially in the Xinjiang Uighur Autonomous Region and the Tibet Autonomous Region.

11. **The Committee recommends that the State party commit to an independent assessment of the human rights situation of persons with disabilities in China, especially in the Xinjiang Uighur Autonomous Region and the Tibet Autonomous Region,**

including by issuing invitations to special procedures of the Human Rights Council and engaging with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

12. The Committee observes with concern that:

(a) The State party has not yet taken measures to enact specific and comprehensive anti-discrimination legislation and to mainstream into policy and legislation a legal definition of discrimination against persons with disabilities that would allow for the provision of appropriate and effective legal remedies and sanctions in civil, administrative and criminal proceedings;

(b) There is a lack of recognition of multiple and intersectional forms of discrimination against persons with disabilities in law and policy, particularly on gender-based discrimination against women with disabilities;

(c) The denial of reasonable accommodation as a form of discrimination against persons with disabilities is restricted to laws and regulations in sectors such as education, employment and transportation, and is not accompanied by guidance on implementation and effective legal remedies.

13. **The Committee, in line with its general comment No. 6 (2018) on equality and non-discrimination, and targets 10.2 and 10.3 of the Sustainable Development Goals, recommends that the State party:**

(a) **Adopt a comprehensive anti-discrimination law, to ensure equal and effective legal protection against all discrimination on the basis of disability, including indirect discrimination, harassment, denial of reasonable accommodation, and multiple and intersectional discrimination;**

(b) **Include the provision of reasonable accommodation in all relevant laws and policies and adopt procedures and standards on implementation, including the duty to negotiate accommodations with applicant(s) requesting such accommodation, and access to action and remedy.**

Women with disabilities (art. 6)

14. The Committee notes with concern the insufficient participation of women with disabilities and their representative organizations in decision-making processes in public and political life, including beyond disability-specific consultative bodies and mechanisms.

15. **The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Engage with organizations of women and girls with disabilities and secure their direct participation in all processes of public decision-making in a safe environment, particularly relating to the development of policies regarding gender equality and gender-based violence against women and girls, including domestic violence, forced marriage and trafficking;**

(b) **Allocate specific funds for organizations of women with disabilities to enable their full and effective participation in the process of drafting, developing and implementing laws and policies and in the monitoring framework, including in monitoring and reporting on efforts to meet the Sustainable Development Goals.**

16. The Committee notes with concern that the State party has not integrated gender sensitivity in data collection and analysis processes, resulting in the absence of disaggregated recent data, particularly regarding gender-based violence against women and girls with disabilities; access by women and girls with disabilities to reproductive health care; women

and girls with disabilities living in rural areas; and women and girls with disabilities belonging to ethnic minorities.

17. The Committee recommends that the State party combat multiple and intersectional discrimination by systematically collecting and analysing data on the situation of women with disabilities in all areas relevant to them, and in consultation with organizations of women with disabilities, with a view to guiding policy planning for the implementation of article 6 and the 2030 Agenda for Sustainable Development and other international frameworks.

Children with disabilities (art. 7)

18. The Committee is concerned about the lack of strategies in place to ensure the inclusion of children with disabilities, particularly those in rural areas and from ethnic minorities, in all matters affecting their lives.

19. With reference to its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities (2022), the Committee recommends that the State party develop strategies to ensure the participation of children with disabilities in consultation processes for the implementation of the Convention that are inclusive, child-friendly, transparent and respectful of their rights to freedom of expression and thought.

Awareness-raising (art. 8)

20. The Committee is concerned about the persistence of the medical model of disability and insufficient awareness-raising measures to promote the recognition of persons with disabilities as independent and autonomous rights holders, leading to harmful attitudes and behaviours, including stigmatization, discriminatory language and domestic violence against persons with disabilities.

21. The Committee recommends that the State party, in close consultation with, and with the active involvement of, persons with disabilities:

(a) **Adopt a national strategy in order to raise awareness among all persons with disabilities, including in rural areas, about their rights under the Convention and to provide them with information about measures taken to protect their rights;**

(b) **Implement comprehensive awareness-raising programmes, including training, on the rights of persons with disabilities and the human rights model of disability for policymakers, the judiciary, law enforcement officers, the media, educators, professionals working with and for persons with disabilities, the general public and families of children with disabilities.**

Accessibility (art. 9)

22. The Committee notes that the State is preparing the adoption of a law on the construction of barrier-free environments. It is concerned that organizations of persons with disabilities have not been sufficiently involved in developing a comprehensive accessibility strategy to embed universal design standards across all domains, including public transport, buildings and facilities, new and existing housing, public spaces, services, construction, information, communication and digital access, and the natural environment, including green spaces open to the public, in all rural and urban areas.

23. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party:

(a) **Seek to consult persons with various impairments and their representative organizations before adopting the law on the construction of barrier-free environments, with a view to establishing inclusive legally binding accessibility standards;**

(b) **Ensure that the law on the construction of barrier-free environments incorporates and is based on the principle of universal design, as required by the Convention (art. 4 (1) (f));**

(c) **Seek to involve organizations of persons with disabilities in the evaluation of the accessibility of roads, public buildings, public transport facilities, residential buildings and residential areas throughout the country, in accordance with the regulations on the construction of barrier-free environments (2012).**

Right to life (art. 10)

24. The Committee is concerned about the lack of action taken to prevent the neglect, abandonment and starvation threatening the lives of persons with disabilities, particularly children with disabilities, and reported cases of the termination or withdrawal of medical treatment without the consent of the person concerned.

25. **The Committee recommends that the State party expeditiously assess and provide remedies for persons with disabilities whose right to life is threatened. It also recommends the training of health-care professionals on procedures to ensure that the consent of persons is sought as a requirement to terminate or withdraw medical treatment.**

Situations of risk and humanitarian emergencies (art. 11)

26. The Committee notes with concern the lack of inclusion of the specific needs of persons with disabilities within disaster risk reduction plans and strategies to protect persons with disabilities in situations of risk and humanitarian emergencies, as well as insufficient measures to involve persons with disabilities in the formulation of such plans and strategies, including in decision-making processes to address the coronavirus disease (COVID-19) pandemic and its consequences and during the recovery period.

27. **The Committee recommends that the State party, being guided by the guidance on COVID-19 and the rights of persons with disabilities issued by OHCHR and the United Nations policy brief on a disability-inclusive response to COVID-19, and in line with the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Paris Agreement, and with the active participation of representative organizations of persons with disabilities:**

(a) **Prioritize the provision of emergency assistance to persons with disabilities and strengthen efforts to address the requirements of all persons with disabilities in situations of risk and humanitarian emergencies, including access to emergency information and alarm signals through alternative modes of communication and information;**

(b) **Mainstream disability in COVID-19 response and recovery plans, with a specific emphasis on ensuring equal access to mainstream health-care systems for persons with disabilities, whether they are still in institutions or living independently, and protecting persons with disabilities from the effects of the pandemic, including the increased social isolation;**

(c) **Ensure the equal participation of persons with disabilities in all measures affecting them, including the measures to address the COVID-19 pandemic and its consequences, and measures taken during the recovery period.**

Equal recognition before the law (art. 12)

28. The Committee is concerned about the persistence of the substitute decision-making regime, enabled by the absence of measures to abolish the discriminatory provisions of the Civil Code (2017) (arts. 21–24 and 28–31) allowing adults to be denied or restricted in their legal capacity to act based on the “incapability of discerning his or her conduct”.

29. **The Committee recommends that the State party, in line with article 12 of the Convention and the Committee’s general comment No. 1 (2014) on equal recognition before the law:**

(a) **Recognize the discriminatory nature of the substitute decision-making regime and abolish all provisions allowing restrictions of the legal capacity of persons with disabilities on the basis of impairment;**

(b) **Adopt a mechanism to restore the full legal capacity of all persons with disabilities, regardless of their impairment;**

(c) **Develop and implement, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, a nationally consistent supported decision-making framework that respects the will, preference and individual choices of persons with disabilities.**

Access to justice (art. 13)

30. The Committee notes with concern barriers that persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities and persons with hearing impairments, face in the justice system due to the lack of procedural accommodation, the lack of accessible information and communication in the context of legal procedures, and the inaccessibility of buildings.

31. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, issued in 2020, and target 16.3 of the Sustainable Development Goals, and recommends that the State party:**

(a) **Implement the guiding opinions of the Supreme People’s Court on comprehensively promoting the construction of litigation service centres in the people’s courts, issued in 2014, to ensure access to justice for persons with disabilities, including by providing reasonable accommodation for illiterate persons with hearing impairments and negotiating accommodations with applicants, such as providing documents in Braille and Easy Read, audio and video transcription and interpreters of natural sign language in courts;**

(b) **Strengthen professional development programmes for judges, other judicial officials, administrative professionals and other relevant government officials on the provisions of the Convention and the human rights model of disability and their implementation in domestic law.**

Liberty and security of person (art. 14)

32. The Committee notes with concern the discriminatory provisions of the Mental Health Law of 2012, which allow for the arbitrary deprivation of liberty of persons with psychosocial disabilities, forced institutionalization and non-consensual psychiatric treatment, on the grounds of family responsibility and on the grounds of medical assessments and diagnoses such as “severe mental disorder”. The Committee is further concerned about reports of Uighur and other Muslim minority persons with disabilities who are detained in vocational education and training centres without support to ensure their safety and to meet all their disability-related needs.

33. **The Committee recommends that the State party:**

(a) **Take note of the Committee’s guidelines on the right to liberty and security of persons with disabilities, adopted in 2015,⁵ and repeal provisions and practices that allow for the deprivation of liberty of adults and children with disabilities on the basis of actual or perceived impairment;**

(b) **Revise and repeal all discriminatory legal provisions legitimizing the involuntary treatment and deprivation of liberty of persons on the grounds of their psychosocial disability and perceived dangerousness, and ensure that any treatment is always based on the free and informed consent of the person concerned;**

(c) **Take prompt action to release Uighur and other Muslim minority persons with disabilities deprived of their liberty in vocational education and training centres, and immediately ensure that all disability-related needs of persons with disabilities still in detention are met.**

⁵ [A/72/55](#), annex.

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

34. The Committee notes with concern the use of forced medical procedures and treatment, chemical, physical and mechanical restraints, and isolation and seclusion in prisons, residential care facilities and psychiatric institutions. It is further concerned about various reports alleging the use of coercive measures on persons with disabilities in institutions, in particular the shackling of persons with intellectual and/or psychosocial disabilities.

35. **The Committee recommends that the State party:**

(a) **Implement the provisions of the Mental Health Law of 2012 prohibiting medical experiments from being conducted without the informed consent of persons with disabilities, further prevent any form of torture or cruel, inhuman or degrading treatment or punishment of persons with disabilities in residential and psychiatric institutions and ensure access to justice and reparations for victims, including through the establishment of an accessible complaints procedure;**

(b) **Explicitly prohibit in law and in practice the use of corporal punishment in all circumstances.**

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

36. The Committee is concerned about:

(a) Reports of violence against and abuse of persons with disabilities, particularly women and girls with disabilities who are victims of domestic violence, trafficking and forced marriage;

(b) The lack of a rigorous evidence base and comprehensive data on the prevalence of exploitation of, violence against and abuse of all persons with disabilities, in particular women and girls with disabilities who are victims of domestic violence, trafficking and forced marriage;

(c) The absence of effective measures for remedies such as compensation, rehabilitation and social reintegration of victims of violence, particularly women and girls with disabilities.

37. **The Committee recommends that the State party take all steps necessary to prevent the exploitation of, violence against and abuse of persons with disabilities, including:**

(a) **In keeping with the recommendation made by the Committee on the Elimination of Discrimination against Women,⁶ following its consideration of the combined seventh and eighth periodic reports of China, systematically monitor and collect disaggregated data on the locations and prevalence of exploitation of, violence against and abuse of persons with disabilities, including women and girls with disabilities who are victims of domestic violence, trafficking and forced marriage;**

(b) **Strengthen measures to prevent and combat all forms of violence against persons with disabilities;**

(c) **Ensure that all persons with disabilities have access to confidential mechanisms for reporting violence; that reports of exploitation, violence and abuse are promptly investigated; that perpetrators are prosecuted and punished; and that victims of abuse are provided with appropriate remedies, such as redress and adequate compensation, including accessible shelters, gender- and age-sensitive physical and psychological recovery support, and rehabilitation;**

(d) **Revise the law on the protection of the rights and interests of women, with a view to including a disability perspective and addressing the specific risks of gender-based violence and the barriers to protection faced by women and girls with disabilities.**

⁶ See CEDAW/C/CHN/CO/7-8.

Protecting the integrity of the person (art. 17)

38. The Committee is concerned about the legal exceptions to free and informed consent to compulsory hospitalization and medical interventions.

39. **The Committee recommends that the State party remove the legal exceptions to the requirement of free and informed consent of all persons with disabilities to medical interventions, including hospitalization, and ensure adherence to the requirement of free and informed consent with regard to all persons with disabilities.**

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

40. The Committee is concerned about:

(a) The institutionalization of adults and children with disabilities, including persons with intellectual and/or psychosocial disabilities and autistic persons;

(b) The absence of a strategy to recognize the right of persons with disabilities to live independently in the community, including the development of community support services for persons with disabilities, and the allocation of technical and financial resources to persons with disabilities who require high levels of support.

41. **Recalling its general comment No. 5 (2017) on living independently and being included in the community and its guidelines on deinstitutionalization, including in emergencies, adopted in 2022, the Committee recommends that the State party, in close consultation with organizations of persons with disabilities, including women with disabilities, develop an action plan to end, as a matter of priority, the institutionalization of all persons with disabilities, including in leprosy colonies or villages, with measures to prevent transinstitutionalization, with specific time frames, human, technical and financial resources, and clear responsibilities for implementation and independent monitoring.**

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

42. The Committee observes with concern the lack of access to media and to information and communications technology services for persons with disabilities, in particular for persons with visual impairments.

43. **The Committee recommends that the State party be guided by the Web Content Accessibility Guidelines 2.1 and take appropriate measures to:**

(a) **Recognize Chinese Sign Language at the constitutional level, promote access to and the use of sign languages (Chinese Sign Language and natural sign language) in all areas of life; ensure the availability of qualified sign language interpreters; and ensure close consultation and engagement with the deaf community, especially in schools and universities;**

(b) **Allocate sufficient funding for the development, promotion and use of accessible communication formats, such as Braille, interpretation for the deafblind, sign language, Easy Read, plain language, audio description, video transcription, captioning, and tactile, augmentative and alternative modes of communication.**

44. The Committee is deeply concerned about the reports of continuing pressure on, and censorship of, human rights defenders and civil society organizations for their advocacy work on disability rights; and of reprisals against them, in particular for their cooperation with the United Nations.

45. **The Committee urges the State party to take all measures necessary to ensure that persons with disabilities are able to enjoy the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas, including in their cooperation with the United Nations.**

Respect for privacy (art. 22)

46. The Committee is concerned about the insufficiency of the information provided on measures taken to protect persons with disabilities from arbitrary or unlawful interference

with their privacy and to protect the privacy of personal data and records of persons with disabilities from arbitrary or unlawful interference, including in the system of registration of persons with “mental disorders”, and on the remedies available in the event of violations of the right to privacy.

47. **The Committee recommends that the State party ensure that the privacy of the personal data of persons with disabilities is comprehensively protected by data protection laws across the State party, including through right of action and access to a remedy.**

Respect for home and the family (art. 23)

48. The Committee is concerned about:

(a) The lack of measures to support parents with disabilities to carry out parental responsibilities, to prevent the separation of children from their parents on the basis of the disability of the parents or the child, and to ensure that alternative care is provided by the wider family or an alternative family instead of through placement in institutions;

(b) The lack of in-home and community-based services for families with a member with disability, particularly those with autistic children and children requiring higher levels of support, especially in rural areas.

49. **The Committee recalls its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, and recommends that the State party:**

(a) **Implement the provisions of the national population development plan (2016–2030), prioritizing increased support for families of persons with disabilities in order to strengthen home education support services for children with learning disabilities, provide regularized and professionalized family support and the referral services needed for children with disabilities, and reinforce the responsibilities of parents as the primary guardians of children;**

(b) **Ensure the accessibility and availability of in-home and community-based services for families with a member with disability across the territory of the State party;**

(c) **Provide specific support services to parents with disabilities, prohibit the separation of children from their parents on the basis of the disability of either the child or one or both of the parents, and ensure that alternative care is provided only within the extended family or an alternative family instead of placement in institutions.**

Education (art. 24)

50. The Committee notes with concern that:

(a) The number of children in segregated educational settings remains high and that there is a lack of resources in mainstream schools to support inclusive education, including lack of sign language interpretation, reasonable accommodation and teachers with specialist qualifications in inclusive education in mainstream schools, in particular in rural areas;

(b) That the updated Regulations on the Education of Persons with Disabilities of 2017 require that children with disabilities be evaluated by the quasi-governmental expert committee on the education of persons with disabilities, which places children in schools according to their physical condition and “ability” to be educated and adapt to mainstream schools.

51. **Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Introduce legislation containing an enforceable right to inclusive education and develop a comprehensive action plan for implementing high-quality inclusive education for all children with disabilities, including those with intellectual**

and/or psychosocial disabilities, with specific targets, time frames and budgets, the transfer of resources from special schools, and inclusive education curricula;

(b) **Revise its Regulations on the Education of Persons with Disabilities with the aim of eliminating all discriminatory provisions regarding the education of children with disabilities, and explicitly provide for quality inclusive education to ensure that no child with disabilities is excluded from the general education system on the basis of impairment.**

Health (art. 25)

52. The Committee regrets the lack of information provided on the measures taken to implement the Committee's previous concluding observations and recommendations,⁷ in particular to ensure that individuals' autonomy, choices, dignity and privacy are respected. It is further concerned about the restrictions for persons with disabilities in access to health care, including sexual and reproductive health services; and about reports of health professionals' non-adherence to the requirement of free and informed consent with regard to persons with disabilities.

53. **Taking into account the linkages between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure the accessibility and availability of health-care facilities, services and equipment for persons with disabilities across the State party, with specific emphasis on the sexual and reproductive health of women and girls with disabilities; and ensure accessible information and communication is accessible for all persons with disabilities in general treatment in the health-care system;**

(b) **Integrate a human rights-based approach to disability into the training curriculum of all health professionals.**

Work and employment (art. 27)

54. The Committee notes with concern the practice of recruiting and employing small persons for the amusement park "Kingdom of the Little People", under unhealthy working conditions that promote harmful stereotypes and are conducive to ridicule, and offer lower pay for work of equal value. Upon receiving reports of small persons lacking effective access to general technical and vocational guidance programmes, placement services and ongoing training, the Committee is further concerned that, although it constitutes a segregated working environment, the "Kingdom of the Little People" has become, de facto, the only real work opportunity open to small persons. This constitutes a violation of their right to freely choose their field of work and the right to just and favourable conditions of work.

55. **Recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, the Committee recommends that the State party take measures to move away from segregated working environments and facilitate small persons' greater access to new career opportunities, by:**

(a) **Promoting inclusive education, and access to technical and vocational guidance programmes, ongoing training, and placement services for small persons;**

(b) **Offering small persons employment opportunities in the public sector;**

(c) **Allocating resources to broad and targeted awareness-raising campaigns to promote the dignity, capabilities and contributions of small persons in the area of work.**

Participation in political and public life (art. 29)

56. The Committee notes with concern the lack of information provided on:

⁷ CRPD/C/CHN/CO/1 and CRPD/C/CHN/CO/1/Corr.1, para. 38.

(a) The participation of persons with disabilities, including women with disabilities and persons with psychosocial and/or intellectual disabilities, on an equal basis with others, in voting and electoral processes, including through guarantees of fully accessible voting procedures by secret ballot in elections and public referendums without intimidation;

(b) The ability of organizations of persons with disabilities operating independently of the China Disabled Persons' Federation to access funds, provide services, consult on relevant laws and policies and contribute to the work of international human rights mechanisms.

57. **The Committee recommends that the State party:**

(a) **Amend legal or policy provisions restricting the rights of all persons with disabilities to vote and to stand in elections and hold public office, and promote the participation of persons with disabilities in political life and in public decision-making processes at all levels, including through affirmative action measures;**

(b) **In line with the opinion on the reform of the social organization management system and promotion of the healthy and well-ordered development of social organizations, issued in 2016, provide support for organizations of persons with disabilities to operate independently of the China Disabled Persons' Federation, encouraging their participation in all decision-making processes that affect persons with disabilities.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

58. The Committee notes with concern the lack of statistical data provided on persons with disabilities, including on their living conditions and assistance and services received in the State party, disaggregated by province or region and ethnicity, and that such data and statistics are not used for the development and implementation of policies designed to comply with the Convention.

59. **The Committee recalls the Washington Group short set of questions on functioning and recommends that the State party develop systems to collect data on the situation of persons with disabilities, ensuring that the data is disaggregated by a range of factors, such as age, sex, sexual orientation and gender identity, place of residence, socioeconomic status and ethnicity. These systems should cover all areas of life and should include information on violence against persons with disabilities. The Committee also recommends that the State party promote participatory research projects in cooperation with persons with disabilities on matters concerning them.**

National implementation and monitoring (art. 33)

60. The Committee notes with concern:

(a) The lack of information provided on the effectiveness of the State Council Working Committee on Disability in mainstreaming the Convention across all sectors and levels of government;

(b) The absence of an independent mechanism appointed to monitor the implementation of the Convention;

(c) The absence of effective involvement of persons with disabilities and their organizations in monitoring the implementation of the Convention.

61. **The Committee recommends that the State party take into account the guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities⁸ and:**

⁸ CRPD/C/1/Rev.1, annex.

(a) **In line with the commitment made in 2018 in the context of the universal periodic review, establish an independent mechanism for monitoring human rights in compliance with the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles), with an associated time frame and including a specific mechanism for monitoring the rights of persons with disabilities;**

(b) **Strengthen the State Council Working Committee on Disability, responsible for coordinating the implementation of the Convention; build the capacity of focal points to mainstream the rights of persons with disabilities across all sectors and levels of government; and strengthen their mandates with respect to implementing the Convention;**

(c) **Ensure that persons with disabilities and the whole range of their representative organizations, including those operating independently of the China Disabled Persons' Federation, are effectively involved in monitoring the implementation of the Convention, including during the COVID-19 pandemic.**

IV. Hong Kong, China

A. Positive aspects

62. The Committee notes with appreciation the adoption of legislation and public policies in Hong Kong, China and of protocols and guidelines for the purpose of promoting and protecting the rights of persons with disabilities enshrined in the Convention. In particular, it takes note of the following:

(a) The amendment of the design manual on barrier-free access (2021 edition) to include, among other provisions, automatic entrance doors for buildings commonly used by the public; emergency-related visual communication systems in lift cars; visual and audible signals in accessible toilets; and the installation of tactile guide paths in buildings commonly used by the public, from the main entrance to the elevator area, the staircase area, the nearest accessible toilet, the public information or service desk, and the Braille and tactile floor plan;

(b) The establishment, in March 2020, of the voluntary scheme of installing a free-of-charge visual fire alarm system inside public rental housing apartments in which persons with hearing impairments reside;

(c) The issuance of the Practical Guideline on Barrier-free Banking Services, in March 2018; the Guideline on Banking Services for Persons with Intellectual Disabilities, in December 2020; and the Guideline on Banking Services for Persons with Dementia, in December 2021;

(d) The launch of the low-floor wheelchair-accessible public light-bus trial scheme, in January 2018;

(e) The allocation of HK\$ 5.75 billion to the Universal Accessibility Programme, in 2012.

B. Principal areas of concern and recommendations

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

63. Recalling its previous concluding observations,⁹ the Committee is concerned about the lack of a harmonized concept of disability in law and policy, and notes with concern that the eligibility standards in the Disability Allowance Scheme continue to rely solely on the medical model, despite revisions being brought to the relevant policy paper in 2019. Furthermore, the Committee regrets the use by Hong Kong, China of language that devalues

⁹ CRPD/C/CHN/CO/1 and CRPD/C/CHN/CO/1.Corr.1

persons with disabilities, such as “mentally handicapped”, “mentally disordered” and “mentally incapacitated”, in various laws and policies.

64. The Committee reiterates its recommendations to Hong Kong, China to align the eligibility standards in the Disability Allowance Scheme with the human rights model, and to adopt a unified concept of disability in all professional and legal areas that is aligned with the purpose and principles of the Convention and covers all persons with disabilities. The Committee further recommends that Hong Kong, China ensure that the use of all derogatory language in reference to persons with disabilities is eliminated from all legislation, public documents and public discourse.

2. Specific rights (arts. 5–30)

Situations of risk and humanitarian emergencies (art. 11)

65. The Committee notes with concern the lack of inclusion of the specific needs of persons with disabilities within disaster risk reduction plans and strategies to protect persons with disabilities in situations of risk and humanitarian emergencies, as well as insufficient measures to involve persons with disabilities in the formulation of such plans and strategies, including in decision-making processes to address the COVID-19 pandemic and its consequences and during the recovery period.

66. The Committee recommends that Hong Kong, China, being guided by the guidance on COVID-19 and the rights of persons with disabilities issued by OHCHR and the United Nations policy brief on a disability-inclusive response to COVID-19, and in line with the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Paris Agreement on climate change, and with the active participation of representative organizations of persons with disabilities:

(a) Prioritize the provision of emergency assistance to persons with disabilities, and strengthen efforts to address the requirements of all persons with disabilities in situations of risk and humanitarian emergencies, including access to emergency information and alarm signals through alternative modes of communication and information;

(b) Mainstream disability in COVID-19 response and recovery plans, with a specific emphasis on ensuring equal access to mainstream health-care systems for persons with disabilities, whether they are still in institutions or living independently, and protecting persons with disabilities from the effects of the pandemic, including the increased social isolation;

(c) Ensure equal participation of persons with disabilities in all measures affecting them, including the measures to address the COVID-19 pandemic and its consequences, and measures taken during the recovery period.

Equal recognition before the law (art. 12)

67. The Committee is concerned about regulations in connection with the Mental Health Ordinance and regarding guardianship orders that can lead to a determination of legal incapacity and assignment of guardianship for adults with disabilities, stripping them of the right to exercise their legal capacity, including the right to social participation, and the right to enter into marriage and form a family. The Committee is particularly concerned at reports of women with disabilities and persons with intellectual disabilities and/or psychosocial disabilities being disproportionately affected by substitute decision-making regimes.

68. The Committee recommends that Hong Kong, China, in accordance with the Committee’s general comment No. 1 (2014):

(a) Adopt laws and policies that replace the substitute decision-making system with supported decision-making mechanisms that respect the autonomy, will and preference of persons with disabilities, and ensure the effective participation of women with disabilities to inform the drafting of laws and policies;

(b) **Review all legislation with a view to eliminating all restrictions of rights as a result of a declaration of legal incapacity or on the grounds of a person's disability;**

(c) **Provide the authorities, including law enforcement agencies and courts, with training on the requirements of the right to legal capacity of persons with disabilities.**

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

69. The Committee is concerned about the reports of persons with disabilities being subjected to police brutality during public demonstrations, arbitrary arrest and detention following public demonstrations, and ill-treatment in detention, including denial of urgent medical treatment. The Committee is concerned about the lack of information on procedures in place for conducting independent investigations of violations of the rights of persons with disabilities in relation to their participation in public demonstrations, and about the lack of effective safeguards and sanctions.

70. **The Committee recommends that Hong Kong, China establish an independent commission of inquiry to investigate allegations of police brutality against persons with disabilities who participated in public demonstrations, and ensure that persons with disabilities whose rights were violated following their participation in public demonstrations receive adequate support and compensation, including rehabilitation.**

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

71. The Committee is concerned about the insufficiency of community support services for persons with disabilities, including personal assistance, and of the human, technical and financial resources allocated to persons with disabilities who require high levels of support.

72. **Recalling its general comment No. 5 (2017) and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that Hong Kong, China, in close consultation with organizations of persons with disabilities, including women with disabilities, develop an action plan to end, as a matter of priority, the institutionalization of all persons with disabilities and to support the transition from institutions to life in the community, with specific time frames, human, technical and financial resources, and clear responsibilities for implementation and independent monitoring.**

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

73. The Committee is deeply concerned about the reports of reprisals against and continuing pressure on human rights defenders and civil society organizations for their advocacy work, including on the rights of persons with disabilities. The Committee further notes with concern the use of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region to brand human rights defenders as "foreign agents" and to bring charges of terrorism and sedition against them, to restrict human rights organizations' access to foreign funding and to restrict and repress the legitimate activities of human rights organizations, including organizations of women with disabilities.

74. **The Committee urges Hong Kong, China to:**

(a) **Urgently repeal and independently review the Law of the People's Republic of China on Safeguarding National Security Law in the Hong Kong Special Administrative Region to ensure that it is compliant with human rights and international law;**

(b) **Take prompt action to release human rights defenders with disabilities who were arbitrarily deprived of their liberty under charges of terrorism and subversion of national security;**

(c) **Adopt measures to ensure that human rights organizations, including organizations of persons with disabilities, operate in safe environments and can seek,**

receive and use funding from foreign or international sources, without undue impediments.

Health (art. 25)

75. The Committee is concerned about the reported increase in the number of persons with disabilities experiencing post-traumatic stress disorder, anxiety and depression, and the rising rate of suicide in persons with disabilities. The Committee further notes with concern the lack of a comprehensive, long-term mental health strategy to address this context.

76. The Committee recommends that Hong Kong, China allocate sufficient funds to developing a multi-year mental health-care plan that includes the establishment of community and human rights-based mental health services and support across Hong Kong, China.

3. Specific obligations (arts. 31–33)

National implementation and monitoring (art. 33)

77. The Committee notes with concern:

(a) The absence of an independent mechanism designated to monitor the implementation of the Convention;

(b) The absence of effective involvement of persons with disabilities and their organizations in monitoring the implementation of the Convention.

78. The Committee recommends that Hong Kong, China take into account the guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities and:

(a) **Establish an independent mechanism for monitoring human rights with a broad mandate in full compliance with the Paris Principles;**

(b) **Ensure that persons with disabilities and the whole range of their representative organizations are effectively involved in monitoring the implementation of the Convention, including during the COVID-19 pandemic.**

V. Macao, China

A. Positive aspects

79. The Committee commends Macao, China for the adoption of the following:

(a) The 10-year plan for the rehabilitation programme (2016–2025);

(b) Law No. 8/2018, on fiscal benefits for hiring persons with disabilities;

(c) Law No. 9/2011 on the regime of the disability subsidy and free health-care services;

(d) The pilot scheme for aiding persons with disabilities in the purchase of assistive devices, launched in 2018, and the pilot scheme for the purchase of assistive devices and special household equipment for persons with disabilities, launched in 2021.

B. Principal areas of concern and recommendations

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

80. The Committee notes with concern that the medical model of disability is still prevalent in Macao, China, including within its disability assessment system and in relation to the eligibility criteria for accessing necessary services and support measures, operating on the assessment of the capacity of a person to live independently and “assume his or her obligations”.

81. **The Committee urges Macao, China to reorient its disability assessment systems by replacing elements of the medical model of disability with principles of the human rights model of disability and by establishing systems aimed at the assessment of legal and environmental barriers to persons with disabilities and the provision of the necessary support and assistance to promote the independent living of persons with disabilities and their full social inclusion.**

2. Specific rights (arts. 5–30)

Equal recognition before the law (art. 12)

82. The Committee is concerned about the regimes of “interdiction” and “inhabilitation”¹⁰ and the appointing of guardianship for those declared “interdicted” or “inhabilitated”, stripping them of the right to exercise their legal capacity, including the right to social participation, and the right to enter into marriage and form a family.

83. **The Committee urges Macao, China to, in accordance with the Committee’s general comment No. 1 (2014):**

(a) **Adopt laws and policies that replace the substitute decision-making system with supported decision-making mechanisms that respect the autonomy, will and preference of persons with disabilities;**

(b) **Review all legislation, with a view to eliminating all restrictions of rights as a result of a declaration of legal incapacity or on the grounds of a person’s disability;**

(c) **Provide the authorities, including law enforcement agencies and courts, with training on the requirements of the right to legal capacity of persons with disabilities.**

Protecting the integrity of the person (art. 17)

84. The Committee is concerned about the legal exceptions to free and informed consent to compulsory hospitalization and medical interventions.

85. **The Committee recommends that Macao, China remove the legal exceptions to the requirement of free and informed consent of all persons with disabilities to medical interventions, including hospitalization, and ensure adherence to the requirement of free and informed consent with regard to all persons with disabilities.**

Respect for home and the family (art. 23)

86. The Committee is concerned about the legal restrictions in the Civil Code depriving persons with disabilities who have been placed under substitute decision-making of their rights to marriage and family life.

87. **The Committee recommends that Macao, China repeal all legal restrictions on marriage and family life for persons with disabilities on the grounds of their impairment and ensure their rights in relation to marriage, family and parenthood on an equal basis with others.**

3. Specific obligations (arts. 31–33)

National implementation and monitoring (art. 33)

88. The Committee notes with concern:

(a) The absence of an independent mechanism designated to monitor the implementation of the Convention;

(b) The absence of effective involvement of persons with disabilities and their organizations in monitoring the implementation of the Convention.

¹⁰ See [CRPD/C/CHN-MAC/RQ/2-3](#).

89. The Committee recommends that Macao, China take into account the guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities and:

(a) Establish an independent mechanism for monitoring human rights with a broad mandate in full compliance with the Paris Principles;

(b) Ensure that persons with disabilities and the whole range of their representative organizations are effectively involved in monitoring the implementation of the Convention, including during the COVID-19 pandemic.

VI. Follow-up

Dissemination of information

90. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraph 20, on the shift from the medical model to the human rights model of disability; in paragraph 31, on access to justice; and in paragraph 41, on living independently and being included in the community.

91. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical, judiciary and legal professionals, as well as to the media, using modern social communication strategies.

92. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

93. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

94. The Committee requests the State party to submit its combined fourth and fifth periodic reports by 7 September 2026 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.