Foreword

As a global policy framework, "the Convention on the Rights of Persons with Disabilities" would help to improve equal right health of persons with disabilities, contribute to the development of the HIV prevention policy and the implementation of HIV prevention and treatment programs for persons with disabilities.

We note that in the groups which are vulnerable to the impact of AIDS, hemophiliacs are the largest at-risk mutilated group, at the same time, blood products are used in the long-term treatment of hemophilia; The drug addicts use drug mainly prone to commit suicide or self mutilation, and in the rehabilitation centers, drug addicts are easily cause physical disabilities because of high intensity labor or police torture; Give the first aid treatment to persons with disabilities who are disabled due to work-related accidents or car accidents, some people got HIV from infected blood supplies, then HIV/AIDS and physical disability will accompany in all their life; HIV will hack into central nervous system, brain, or other parts of the body, resulting in mental retardation, blindness, paralysis of limbs, become temporarily or permanently disabled.

We regret to see that China is overall lack of concern about the problem of AIDS prevention and treatment of people with disabilities. Persons with disabilities are facing a serious risk of HIV infection. The existing basic AIDS prevention, treatment,
care and support programs can not meet the specific needs of the persons with disabilities, and it does not consider their social needs and social assistance.

There is no specific project of persons with disabilities AIDS prevention in China health departments and civil society organizations. <China Disabled Persons "Twelfth Five-Year Plan" Development Compendium>\(^1\) and <China Containment and Control AIDS "Five-Year" Action Plan>\(^2\) never said a word about AIDS prevention plan of persons with disabilities, and it shows that persons with disabilities AIDS prevention has never got enough attention and concern in the national plan. People think that persons with disabilities don’t have active sexual behavior, intravenous drug use and other risk behaviors, so they are excluded from AIDS education, prevention and support services.

\section*{China AIDS Situation and the Impact of AIDS on the Persons with Disabilities}

According to the China Disabled Persons' Federation official data released on June 26, 2012, “the sixth national census of China's total population, and the second of the China Disabled Persons’ sample survey, in the end of 2011, the total number of persons with disabilities in China is 85.02 million.”\(^3\)

“AIDS in China: the Data and the Situation”\(^4\) was released earlier by UNAIDS shows that, at the end of 2011, an estimated total of HIV infected people in China is 780,000, and 63.9% infected through sexual transmission, including 46.5% of heterosexual transmission of and 17.4% of the homosexual transmitted; 28.4% infected through needle sharing; 6.6% infected through blood infection; 1.1% infection is mother-to-child transmission.

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\(^1\)<China Disabled Persons “Twelfth Five-Year Plan” Development Compendium>
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\(^2\)<China Containment and Control AIDS "Five-Year" Action Plan>
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\(^3\) China Disabled Persons' Federation official data
http://www.cdpf.org.cn/sytj/content/2012-06/26/content_30399867.htm
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\(^4\) UNAIDS “AIDS in China: the Data and the Situation”
http://www.unaids.org.cn/cn/index/page.asp?id=197&class=2&classname=China%E2%80%99s+Epidemic+%26+
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The official HIV infection data shows short of long-term consideration and concerns about persons with disabilities, and it is also difficult for non-governmental organizations and citizens groups to obtain persons with disabilities data of HIV carriers in China. China’s AIDS situation is not optimistic, and various social barriers put them at a disadvantage, people with disabilities can not fully and effectively participate in society, which directly cause them to be vulnerable group and easily affected HIV.

1. HIV prevention and sex education resources are unavailable for persons with disabilities. Like other groups, persons with disabilities need HIV prevention and sex education materials. China AIDS prevention work is mainly focused on the use of paper media and other written materials to provide public awareness, but AIDS prevention information in these written materials are difficult to accurately and effectively communicate to people with disabilities, especially deaf-mutes and the blind.

Meanwhile, children with disabilities deprived of education because of lack of special education schools, they can not get sexual health and HIV prevention knowledge in campus environment. And the special education school itself also is lack of sex education and HIV prevention education, in the courses of oral teaching, sign language teaching and braille teaching, they are lack of public health knowledge.

2. Persons with disabilities are vulnerable to sexual abuse and violence; they are often been in the risk for an STD or HIV.

Persons with disabilities are vulnerable to sexual abuse and violence, secret sexual relations and sexually abuse occur frequently in their home, boarding school and other asylum, especially female persons with disabilities.

According to Chinese media information\(^5\), in recent years, more and more empty-nest elders attempted rape in rural region, some persons with disabilities suffered sexual victimization.

3. We noticed that hemophilia need long-term use of blood products for treatment to avoid disability or death.

\(^5\) Related report: http://news.163.com/10/0722/07/6C6A3P5A00014AEE.html
To take hemophilia for an example, many patients long-term used blood coagulation factor VIII which was produced by Shanghai Biological Product Institute before 1995. In the year of 1995, Ministry of Health issued a document and forbade to produce and sale blood products without virus inactivation. In the same year, HIV/AIDS spread out in Henan province, and blood product pollution has been exposed, lots of hemophilia infected with the AIDS virus, hepatitis C virus.

4. Persons with disabilities are difficult to get HIV counseling and testing services.

For people with disabilities is not only the lack of channels to understand how to avoid HIV infection, but also more difficult to have unfettered access to HIV counseling and testing services. In addition, sexual health, reproductive health and other public health services staff may lack of expertise in disability, and some of them hold discriminatory attitudes to people with disabilities. And most of the health sector and medical units to provide HIV counseling and testing lack of barrier-free access, lack of sign language facilities, nor provide HIV counseling and testing information in braille, visual and easy to understand language, and persons with disabilities have no priority at all in the treatment when shortage of drugs. Chinese health departments and disease control departments have failed to provide barrier-free HIV counseling and testing services to people with disabilities, people with disabilities face the risk of HIV infection, they may not be able to be informed of the measures to prevent AIDS, they may not carry out HIV testing or AIDS consulting, or they may unknowingly HIV transmission to others.

☐ Hemophiliacs Disability and the Situation of Being Infected with HIV after Receiving Blood

According to material of the Chinese Ministry of Health, “Up to April 6, 2012, there are 10,164 cases of hemophiliacs’ information has registered in system, and it is about one-third of the nationwide total number of patients with severe hemophilia.”⁶ That would mean there are about 30,000 patients with severe hemophilia in mainland China. It is well known that after hemophiliacs add the right amount of clotting factor,

they would live and work as ordinary people. But shortage of drug results in non-standard or non-seasonable treatment of patients, and then resulting in disability. Meanwhile, hemophiliacs are facing trouble that they are infected HIV and hepatitis C because the use of substandard blood products. Before 1995, many of the patients have been infected with hepatitis C, some of them are infected HIV at the same time. Some patients with hepatitis C, they do not know they have been infected, by the time they knew, they already enter into the terminal stage of cirrhosis. Taking antiviral drugs, they have lost their ability to work, and they are basically in a state of unemployment.

When victims of substandard blood products seek to resolve compensation and medical problems through legal channels, the case has been undue delay, related departments deprived of their legal right to appeal, and even beaten them. In 2001, Shanghai municipal government has proposed a treatment program, and they given Shanghai hemophiliacs victims lump-sum compensation of 100,000 Yuan per person. After 2003, outside the pale of Shanghai, other hemophiliacs’ claim is lack of progress for many years. The Ministry of Health in 2006 put forward proposals on the solution of the problem, the basic idea is to give economic compensation (40,000 -100,000), the central government put out a series of policies, and the local government give money. Currently, all known infected people have received free treatment of anti-HIV drugs, and in addition living assistance are not implemented except of Shanghai, Suzhou and other places.

Hemophilia patients also face other problems, including employment discrimination and education discrimination. When they admitted to the university, they always be refused by college only because their health situation. One hemophilia patient in Zhejiang participate in college entrance examination in 2011, he was refused by two colleges, after family efforts, they finally find a college agree to receive him.

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9 http://news.sohu.com/20100128/n269874036.shtml
Most children with hemophilia can not go to school, after they grow up, it is more difficult for them to find a job. In 2004 and 2005, Guangxi Yulin Li looked for a job for two times, he has passed the interview, but he was eliminated in physical examination. The exam of national official also exist discrimination with hemophilia. "Civil service recruitment examination standards (Trial)" Article III: blood disease, failed. Most hemophiliacs hide the condition to their employers, and they worry about losing their jobs due to illness.

Disability hemophiliacs even encounter discrimination on their airplane trip, July 2012, the hemophiliac Ruan went to Xi’an for treatment, after the treatment, he held the ticket, the boarding pass and bent his steps homeward, but Shandong Airlines refused to take this passenger. They said the hemophiliac would be a threat to the safety of the entire aircraft.

Drug Addicts with Disabilities

In medicine, drug addicts are considered as mental illness, and it will be associated with the body's dysfunctional and pathological changes in disease characteristics. In June 2004, in Wuhan Public Security Bureau Rehabilitation Center, Chinese Premier Wen Jiabao said to drug addicts "You are victims and patients; you should get care, love and help". However, the drug addicts’ rights protection remains lots challenge.

According to the statistics of the Office of China National Narcotics Control Commission, there are about 1,890,000 drug addicts have registered in national system. The related departments are short of official data of the drug addicts with disabilities, and there is no thematic policy on the disability drug addiction rights protection.

In the rehabilitation centers, drug addicts are facing with the issues of life and treatment. According to Article 44 of Prohibition against Drugs Rule, in the

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11 [http://news.china.com.cn/rollnews/2012-04/22/content_13852983_2.htm](http://news.china.com.cn/rollnews/2012-04/22/content_13852983_2.htm)
12 [Civil service recruitment examination standards (Trial)](http://www.gov.cn/fwxx/gwz2008/content_784142.htm)
13 [http://www.cnxueyou.org/bencandy/9/36.htm](http://www.cnxueyou.org/bencandy/9/36.htm)
15 [http://www.bj.xinhuanet.com/jzzg/2012-08/24/c_112841289.htm](http://www.bj.xinhuanet.com/jzzg/2012-08/24/c_112841289.htm)
rehabilitation center, drug addicts with a serious disease or with disability”. But the rule is lack of definite implement measures, whether people with disabilities in the rehabilitation center can get effective care and treatment, it need observation and supervision from third-party mechanism. It is reported that doctors in rehabilitation center accept bribery and issue the identifying paper for medical parole of some drug addicts are not sick\(^\text{16}\), and under the same conditions, it is difficult to ensure that the real needs medical parole. Beijing Aizhixing Institute knew that, the rehabilitation center could not supply love care and medical treatment for persons with disabilities.

We note that in the Henan Province, Fujian Province, Guangdong Province, Hainan Province, Qinghai Province, Sichuan Province, Inner Mongolia Province, Ningxia Province, Gansu Province, Liaoning Province, Jilin Province, Heilongjiang Province, Hunan Province, Hubei Province, Jiangxi Province, Jiangsu Province and the Tibet Autonomous Region, Guizhou Province, the Civil Affairs Department (Bureau) file is expressly prohibited to supply living assistance or medical assistance for drug use, and it causes serious discrimination.

In addition to the above-mentioned social barriers, use drugs may cause drug addicts physical disability, they unable to work or they lose their ability to act. And rights and interests of drug users with disabilities are even more worrying, there is no medication relief for disability addicts in methadone maintenance therapy.

**IV The Situation of Disabled People Living with HIV/AIDS**

Currently, there is no official number focusing on the disabled people living with HIV/AIDS, and it’s very difficult for civil society organizations to get the number of disabled people living with HIV/AIDS. Some disabled people effected by HIV virus when they were transferring blood in the hospital, therefore both the disability and HIV/AIDS will be with them in their whole lives; HIV virus will affect central nervous system, brain or other parts of body, which will lead to mental retardation, blindness, paralysis of limbs which will cause the people living with HIV/DIDS to become temporary or permanent disabled persons.

\(^{16}\) [http://www.wzrb.com.cn/article197786show.html]
According to the introduction of Miss Liuximei, who is living with HIV/AIDS, take Henan ZHANTOU village as an example, in this village’s HIV/AIDS hospital there are total 95 people, all of whom are living with HIV/AIDS and AIDS patients, among them 6 people are disabled persons. They are as follow: Mr. Chen, Male, 56 years old, (passed away two years ago), HIV-infected persons, high fever caused him paralysis of limbs; Miss Li, female, 23 years old, (passed away in the end of August 2012), HIV-infected persons, high fever caused her mental disability and left half of her body couldn’t function well; Miss Liu, female, 30 years old, HIV–infected persons, high fever caused her right half of body couldn’t function well; Miss Kong, female, 43 years old, HIV-infected persons, due to low immunity system caused the virus invaded her eyes, which caused her blindness; Mr. Pan, 52 years old, HIV-infected persons, because the HIV virus invaded her eyes caused her loss one eye sight.

V Patients with Mental Disorders and Drug Addicts are under Dynamic Control

1. Dynamic control towards people with mental health In March 2010, Zhejiang Province lunched a regulation <Zhejiang Province Public Security Regulations on dynamically control important population>, this regulation was targeted 7 kinds of population, among which includes people with mental health, who might cause trouble. At the same month, public security and Public Health Ministry of Zhejiang Province lunched another regulation called <Zhejiang Province’s Implementation Suggestions on Preventing People with Mental Health to Cause Trouble>, which specifically ordering the local government agencies and cooperates to comprehensively control and manage the people with mental health as dangerous elements, this is towards the people who has had violent action and the ‘patients’ who don’t have any symptoms; obviously, the later will open a door to conduct human rights violations by abusing the mental health study.

Afterwards, many other provinces in China issued similar regulations to control the persons with mental health problems. Such as the one issued in September 2012 by Health Ministry of Shanghai, <Mental Health Prevention Service
Further more , they have used following standards conducted a survey among ordinary populations in the community , which include “ Too cold to people , speak very less , slow in action , people do nothing , or even those who stay at bed all days ; Not going to school , work , going out their homes with any reason , don’t communicate with any people .” Health Ministry of Shanghai ordered , once they have found any persons with above mentioned symptoms they should be reported to relevant mental health prevention centre , and they will further inform the “patient” or their relatives to take them to the special clinic for treatment , and will provide unemployed people mental health for free medicine .

Above mentioned measures taken by Ministry of Public Security and Health Ministry may cause serious consequences : 1, People who have had mental problems will no longer trust health agencies , out of fear that their personal information will be given to the public security , therefore they will not dare to seek for help ; 2, While the personal information of the people who are seeking help from health departments , might in fact put into the data base of security department , and they might be forcefully sent to mental health hospital , forced to use medicines ; 3, Lack of objective indicators of mental illness diagnosis , mainly in professional physicians or psychologists have excellent ability , but when the public security department to management mental illness in the name of politics , then persecution of persons with mental health issues , and the persecution of human rights activists in the name of mental health will become more serious.

In medical sciences , mental health is a very wide concept . According to a document issued by state council , currently there are around 16million people who have serious mental health problems in China . Is the number one disease in China , which possess 20% of all diseases . In addition to this , there are around 30million children under 17 year old having emotional problems , and the emotional issues faced by women , elder people and people who effected by disaster should not be

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The dynamic control and management system composed by Ministry of Public Security, ministry of Health along with local street management unites, which aimed for political stability, will violate civil rights of the huge number of persons’ with mental health issues in China .

2) Dynamic Control towards passed drug users

Similarly, in mainland China there are wide range of dynamic control towards drug users, this system was connected with all level public security inner system, receptions of all hotels, internet cafes, airports etc. So if the passed drug users data included in this system, whenever they show their identities in above mentioned public places, the system will automatically alarm, and report to nearby police station, then the police will come and take them for further urine test and other checks.

On 2nd of March 2010, Zhejiang Provincial Public Security Department published on its official website, the "Key personnel of the public security organs, Zhejiang dynamic control work norms (Trial)", to implement the requirements of the Ministry of Public Security. The dynamic control includes seven categories of people; among them are drug-related personnel. The drug-related personnel are those who have been in community drug treatment, community rehabilitation centers, the ones who used to be in dynamic control, the ones who has not been using drugs for three years.

According to the statistics of the Office of China’s National Narcotics Control Commission, there are around 1.89 million registered drug users. Although drug dynamic control mechanisms play a strong function on fighting against drug abuse, drug trafficking and other criminal activities related to drugs, there are serious human rights violations against drug users . Which can be seen in the following matters such as drug users’ families, employment, and participate in the activities on

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20http://www.bj.xinhuanet.com/jzzg/2012-08/24/c_112841289.htm
21https://docs.google.com/open?id=0B-WnyTEyRfrOSXV6Tm9fbnF6RDA
HIV/AIDS prevention and harm reduction. At the same time, dynamic control system will label certain people, which will always remind them of their painful past.

The discriminations that passed drug users faced are as follows: Unable to get health permission to open their own restaurant; there is extra requirements for them get drivers’ license; if they wanted to change their identity card to the second generation they have go through urine test; same as for getting social insurance; when they were employed, as they have to provide identity information, drug use history will enclosed and they often will lose their job; their lives might be ruined by a sudden urine check by the police.

VI Recommendations

Given the human rights violations the persons with disability faced in China, we have following recommendation to Chinese government:

1. The Ministry of Health, Ministry of Public Security and other central ministries and the CDPF should establish recurring coordination mechanism

In 1996, China's State Council established “State Council AIDS, STD coordination meeting system”, which was composed by 32 different departments and unites of the states. August 2000 "The National relevant ministry Bureaus duties on Preventing HIV/AIDS and STD >was issued by state council of China, which arranged the ADIS and STD prevention work of public security ministry and health ministry, but in this same document it didn’t mention the association between CDPF and HIV/AIDS organizations. Therefore, we recommended that the Ministry of Health, Ministry of Public Security and other departments should establish a joint conference system with the CDPF, AIDS prevention and control organizations, create a clear recurring collaborative mechanisms, which will deal with AIDS prevention and control work in the community of persons with disability.

2. Provide sufficient information about HIV/AIDS to the persons with Disabilities

The following two documents perceptively issued in 2010 and 2012 <The State Council on Further Prevention of HIV/AIDS Notice> and <China 12th Five years

http://gcontent.oeeee.com/chinaFortune/0/64/06409663226af2f3/Article.html
Action Plan on HIV/AIDS Prevention. However, both of the documents didn’t have any content on implementing HIV/AIDS care to the persons with disabilities. In fact, due to various barriers of persons with disability, in terms of accessing information about HIV/AIDS, behavior intervention, health care etc, they are facing more difficulties. Therefore, we recommend that it is necessary for Chinese government to lunch specific policy and laws to protect the rights of persons with disabilities to access HIV/AIDS related care and information.

3. Implement compensation and assistant work for the disabled persons infected by HIV and hepatitis

Given that there are a considerable number of hemophiliacs infected with the AIDS virus, hepatitis C virus and other diseases because of substandard blood products, but they have not yet got full compensation, and they were suppressed when they were trying to protect their rights. We recommend that the Ministry of Health of China, the Ministry of Civil Affairs start to give hemophiliacs free testing for HIV and hepatitis C virus, to protect right of the persons who infected HIV due to the use of substandard blood products, to urge the responsible units to conduct a comprehensive compensation and implementation of the national care and assistance for AIDS patients measures, and include hemophilia and hepatitis C in the range of catastrophic to health care assistance scope.

4. Protect the rights of Persons with disability in detention centre, abolish mandatory drug treatment policy.

According to <Chinese Government’s Answers to the United Nations’ Committee on the Rights of the Persons with Disabilities Review> question 13, there are 40154 disabled persons in the prison (not including the ones in detention centers). However, < China “12th Five Year” Development Plan on the Persons with Disability> doesn’t include any human rights protection regulations towards disabled persons in detention centers. Thus, we recommend that relative ministries in China should include regulations on protecting the rights of persons with disabilities in detention centers. Such as, provide access facility ad other facilities to help their daily lives in those detention centers.
In March 2012, the international organizations including ILO, UNHCHR, UNAIDS together called the states to close down their mandatory drug treatment and rehabilitation centers, calling them to implement voluntary and community based health and social care system. We also call for Chinese government to follow the best practice of international community, to close down those mandatory treatment centers. And provide the drug users with more humane based health care services.

5. Chinese eliminate dynamic control system, stop its human rights violations towards people with mental health, and passed drug users.

Above mentioned the dynamic control system, is deeply violating the civil rights of people with mental health and drug users, which will make them more stigmatized and discriminated by the public, through which will increase the social isolation towards them. In general, this policy was not based on protecting and respecting basic human rights of people with mental health and drug users, which in the end will not do any good the stability and harmony for the whole society. Therefore, we suggest that China should stop the practice of dynamic control system which aims for political stability. And recommend public Security and Health Ministries lunch regulations based on scientific evidence and respect of basic human dignity. By which will provide sufficient health care for the people with mental health, as well as for the people who used to be drug users.