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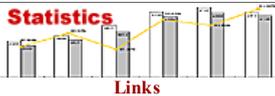
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**Law on the Protection of
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The Outline of the
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Law on the Protection of Persons with Disabilities

2008-04-10

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Courtesy Translation by China Disabled Persons' Federation
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DECREE BY THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF CHINA Decree No.3

I hereby promulgate the *Law of the People's Republic of China on the Protection of Persons with Disabilities* revised at the 2nd Meeting of the Standing Committee of the Eleventh National People's Congress of the People's Republic of China on April 24th, 2008. This Law shall enter into force as of July 1st, 2008.

Hu Jintao (Signed)
President
People's Republic of China
April 24th, 2008

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON THE PROTECTION OF PERSONS WITH DISABILITIES

(Adopted at the 17th Meeting of the Standing Committee of the Seventh National People's Congress on December 28th, 1990, and revised at the 2nd Meeting of the Standing Committee of the Eleventh National People's Congress on April 24th, 2008)

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Chapter 1 General Provisions

Article 1 This Law is formulated in accordance with the Constitution for the purposes of safeguarding the lawful rights and interests of persons with disabilities, promoting the work on disability, ensuring the equal and full participation of persons with disabilities in social life and their share of the material and cultural wealth of society.

Article 2 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 disabilities and/or other disabilities.

The criteria for classification of disabilities shall be established by the State Council.

Article 3 Persons with disabilities shall enjoy equal rights with other citizens in political, economic, cultural and social respects and in family life as well.

The rights and dignity of persons with disabilities as citizens shall be protected by law.

Discrimination on the basis of disability shall be prohibited. Insult of and disservice to persons with disabilities shall be prohibited. Disparagement of and infringement upon the dignity of persons with disabilities by means of mass media or any other means shall be prohibited.

Article 4 The State shall provide persons with disabilities with special assistance by adopting supplementary methods and supportive measures with a view to alleviating or eliminating the impact of their disabilities and external barriers and ensuring the realization of their rights.

Article 5 People's governments at and above the county level shall incorporate the work on disability into their economic and social development programs under strengthened leadership and with overall coordination, and shall include expenditure on disability programs in budget arrangements with a view to establishing mechanisms of guaranteed resources.

The State Council shall formulate the national program for the development of work on disability, and local governments at and above the county level shall adopt corresponding programs and annual plans for their respective administrative areas with a view to ensuring that the undertakings for persons with disabilities develop in coordination with economic and social progress.

Competent departments of people's governments at and above the county level shall be designated to mobilize, coordinate and provide guidance for and supervision over relevant institutions in their work concerning persons with disabilities.

People's governments at all levels and departments concerned shall keep in close contact with persons with disabilities, solicit their opinions and fulfill their responsibilities in the work on disability.

Article 6 The State shall adopt measures to ensure that persons with disabilities, in accordance with the law and in various ways and manners, participate in the management of state affairs, economic and cultural undertakings and social affairs.

Opinions of persons with disabilities and their organizations shall be solicited in the formulation of laws, rules, regulations and public policies involving major issues concerning their rights and interests and the work on disability.

Persons with disabilities and their organizations have the right to put forward opinions and suggestions to state organs at various levels on the protection of the rights and interests and the development of the work on disability.

Article 7 The whole society should display humanitarianism, understand, respect, care for and assist persons with disabilities and support the work on disability.

The State shall encourage social organizations and individuals to offer donation and service to persons with disabilities.

State organs, social groups, enterprises, institutions and self-management organizations in urban and rural communities should perform their respective functions on disability.

State functionaries and other personnel engaged in the work on disability should fulfill their duties in accordance with law and try their best to provide quality services.

Article 8 China Disabled Persons' Federation (CDPF) and its local organizations shall represent the common interests of persons with disabilities, protect their lawful rights and interests, unite persons with disabilities and enhance education among them and provide service for them.

The CDPF and its local organizations shall conduct work on disability and mobilize social forces in developing the undertakings for persons with disabilities in accordance with laws, regulations and its constitution or as commissioned by the government.

Article 9 Legal fosterers of persons with disabilities must fulfil their duties towards their charges.

Guardians of persons with disabilities must fulfil their duties of guardianship and respect the will and safeguard the lawful rights and interests of their charges.

Family members and guardians of persons with disabilities shall encourage and help persons with disabilities to enhance their capability of self-reliance.

Domestic violence against persons with disabilities shall be prohibited. Maltreatment and abandoning of

persons with disabilities shall be prohibited.

Article 10 The State encourages persons with disabilities to have a sense of self-respect, self-confidence, self-strength and self-reliance, and make contribution to socialist development.

Persons with disabilities should abide by laws and regulations, carry out their due obligations, observe public order and respect social ethics.

Article 11 The State shall undertake, in a planned way, disability prevention, strengthen leadership and publicity in this regard, popularise knowledge of maternal and infant health care as well as disability prevention, establish and improve mechanisms for the prevention, early detection and early treatment of birth defects, and mobilize social forces to take measures in dealing with disability-causing factors such as heredity, diseases, medication, accidents, calamity and environmental pollution, to prevent and alleviate disabilities.

The State shall establish a proper census system to conduct survey and analysis on the conditions of persons with disabilities.

Article 12 The State and society shall provide special protection, consolation and favourable treatment to servicemen and veterans with disabilities and persons disabled in the line of duty or in safeguarding the interests of the country and the people.

Article 13 People's governments at various levels and departments concerned shall commend and award persons with disabilities who have achieved notable accomplishments in socialist development and those organizations or individuals who have done remarkable deeds in safeguarding the lawful rights and interests of persons with disabilities, promoting the work on disability and providing service for them.

Article 14 The third Sunday of May every year shall be designated as the National Day for Supporting Persons with Disabilities.

Chapter 2 Rehabilitation

Article 15 The State shall ensure that persons with disabilities enjoy rights to rehabilitation services.

People's governments at all levels and departments concerned shall adopt measures to create conditions for rehabilitation of persons with disabilities, establish and improve the service systems and implement prioritised programs by stages to help persons with disabilities regain normal functions or compensate for lost functions, thus enhancing their ability to participate in social life.

Article 16 Realistic and practical rehabilitation programs shall be worked out to combine modern techniques with traditional Chinese techniques, and shall mostly be community-based with professional institutions playing the leading role and families of persons with disabilities as the basis. Emphasis shall be laid on projects which are practical, easily feasible and widely accessible, and high priority shall be given to salvage treatment and rehabilitation for children with disabilities. Science and technology for rehabilitation shall be developed, independent innovation shall be encouraged and efforts shall also be made in the research, exploration and application of new rehabilitation technologies so as to provide more effective service for persons with disabilities.

Article 17 People's governments at various levels shall encourage and support social forces in building rehabilitation institutions for persons with disabilities.

Local people's governments at various levels and departments concerned should organize and guide urban and rural community service networks, medical prevention and health care networks, organizations and families of persons with disabilities and other social forces in carrying out community-based rehabilitation programs.

Educational institutions, welfare agencies and other service organizations for persons with disabilities should create conditions for rehabilitation training activities.

Persons with disabilities under guidance from professionals and with help of relevant staff, volunteers and family members, should actively take part in training programs for functional recovery, and for acquiring self-care ability and work skills.

Article 18 Local People's governments at various levels and relevant departments shall, in accordance with practical need, establish in a planned way medical rehabilitation departments (sections) in hospitals, set up rehabilitation institutions for persons with disabilities, and provide medical rehabilitation services, offer personnel training and technical guidance, and carry out scientific research.

Article 19 Medical colleges and other relevant schools shall, in a planned way, set up relevant disciplines to offer rehabilitation courses so as to develop different types of rehabilitation specialists.

The government and the society shall provide various forms of technical training to rehabilitation workers; popularize knowledge on rehabilitation among persons with disabilities, their family members, relevant staff and volunteers engaged in this work, and teach them rehabilitation methods.

Article 20 Government departments concerned shall organize and support the research, production, supply and maintenance of rehabilitation equipments and supplementary appliances.

Chapter 3 Education

Article 21 The State shall guarantee the right of persons with disabilities to education.

People's governments at various levels shall take the education of persons with disabilities as a component of the state educational program, include it into their overall planning, and strengthen leadership and guidance, so as to create conditions for persons with disabilities to receive education.

The government, the society, and schools shall take effective measures to address difficulties faced by children and juveniles with disabilities in schooling, and help them complete compulsory education.

People's governments at various levels shall provide free textbooks to students with disabilities and those from poor families with disabled parents, and offer them boarding allowances and other aids when they are receiving compulsory education; and as regards these people who are receiving other forms of education, assistance shall be given according to relevant regulations of the State.

Article 22 Education for persons with disabilities shall be developed in terms of both the expansion of

access and upgrading of the levels, with more emphasis on the former. Priority shall be given to guaranteeing compulsory education and developing vocational and technical education while efforts shall be made to carry out preschool education and gradually develop education at and above the senior high school level.

Article 23 Education for persons with disabilities shall be based on their physical and psychological features and needs, which should be carried out according to the following principles:

- 1) Strengthening physical and psychological compensation and vocational and technical training in addition to moral and knowledge teaching;
- 2) Adopting ordinary or special educational methods according to different types of disabilities and the ability of learning;
- 3) Allowing appropriate flexibility in determining the curricula, teaching materials and methods and the age requirement for admission and graduation for special education.

Article 24 People's governments above county level should deploy educational institutions according to the number of persons with disabilities, their allocation, and the type of disabilities, and encourage private donation and participation in the running of schools.

Article 25 Ordinary educational institutions shall be open to students with disabilities who are able to receive ordinary education, and offer them facilitation and help.

Ordinary primary schools and junior high schools must accept children or juveniles with disabilities who are able to adapt themselves to life and study there; ordinary senior high schools, secondary polytechnic schools, and institutions of higher learning must accept students with disabilities who meet the state admission requirements and shall not deny their admission because of their disabilities; in case of such denial, the students concerned, his family members or guardians are entitled to appeal to relevant authorities, and the latter shall instruct the schools concerned to enroll the student.

Ordinary institutions of preschool education shall admit children with disabilities who are able to adapt themselves to the life there.

Article 26 Preschool educational institutions for children with disabilities, classes for children with disabilities attached to ordinary preschool educational institutions, preschool classes of special educational institutions, welfare institutions for children with disabilities and families of these children shall be responsible for preschool education of children with disabilities.

Special schools at or below junior high school level and special classes attached to ordinary schools shall be responsible for the implementation of compulsory education for children and juveniles with disabilities who are not able to respond to ordinary education.

Special schools and special classes attached to ordinary schools at or above senior high school level, as well as institutions of vocational and technical education for persons with disabilities, shall be responsible for providing general curriculum education at or above senior high school level and vocational and technical education for eligible persons with disabilities.

Institutions offering special education should have venues and facilities suitable for the study, rehabilitation and daily life of persons with disabilities.

Article 27 Government departments concerned, employers of persons with disabilities and relevant social organizations shall carry out anti-illiteracy education, vocational training, entrepreneurship training and other forms of adult education for persons with disabilities and encourage them to tap their potential through self-teaching.

Article 28 The State shall systematically set up various forms of normal colleges and disciplines for special education at various levels. Special education classes attached to ordinary normal schools should be established to train and develop teachers for special education. Ordinary normal schools shall offer curricula or lectures on special education so that teachers in ordinary education may have some necessary knowledge about special education.

Teachers of special education and sign language interpreters shall enjoy allowances for special education.

Article 29 Government departments concerned shall organize and support the research and application of Braille and sign language, the compilation and production of teaching materials on special education, and the research, production and supply of teaching apparatus and other auxiliary facilities for special education.

Chapter 4 Employment

Article 30 The State shall protect the right of persons with disabilities to work.

People's governments at various levels shall formulate overall plans on employment for persons with disabilities and create conditions for their employment.

Article 31 Both concentrated and scattered employment shall be provided to persons with disabilities. Preferential policies as well as protective and supporting measures shall be adopted to gradually create more stable and appropriate employment environment for persons with disabilities through multiple channels, at various levels and in a variety of forms.

Article 32 The governments and the society shall set up welfare enterprises for persons with disabilities, blind massage institutions, and other enterprises and institutions of welfare nature to offer concentrative job opportunities for persons with disabilities.

Article 33 The State shall introduce a quota scheme of employment to provide jobs for persons with disabilities.

Government agencies, social organizations, enterprises, public institutions, and private-run non-enterprise entities shall, in accordance with the quota stipulated in relevant regulations, arrange job opportunities for persons with disabilities, and offer them appropriate work and positions. Those who cannot reach the quota as prescribed in relevant regulations shall fulfill their obligation to guarantee job opportunities for persons with disabilities in accordance with relevant state regulations. The State encourages employers to over fulfill their obligation to employ more persons with disabilities.

The concrete measures on the employment of persons with disabilities shall be formulated by the State Council.

Article 34 The State encourages and supports the efforts of persons with disabilities to find their own jobs or set up their own businesses.

Article 35 Local people's governments at various levels and community organizations in rural areas shall organize and facilitate persons with disabilities in the rural area to engage in planting, husbandry, handicraft industry and other forms of production.

Article 36 The State shall implement preferential tax treatment, according to law, for enterprises and employers who have fulfilled or over fulfilled their quota obligations to employ workers with disabilities, welfare institutions that has a significant staff of persons with disabilities, and self-employed disabled workers, and shall provide them with assistance in production, management, technology, capital, materials and workplace, etc. The State shall exempt administrative fees for self-employed disabled workers.

Local people's governments and departments above county level shall identify certain products and businesses suitable for people with disabilities, give priority to welfare enterprises for persons with disabilities to work on such businesses and determine which products are to be produced exclusively by such enterprises on the basis of their special features.

The government in procurement shall give priority to products and services made by welfare enterprises for persons with disabilities, when other conditions are the same.

Local governments at all levels shall create public welfare jobs suitable for persons with disabilities.

Competent authorities shall, in verifying and issuing business licenses, give priority to persons with disabilities who apply for such licenses for self-employment.

Departments concerned shall provide assistance for persons with disabilities engaged in various kinds of labor in rural areas by ways of production services, technical guidance, supply of farm materials, purchasing and marketing of farm and sideline products and credit issuance.

Article 37 Public employment service institutions set up by relevant governmental departments shall provide free employment services to persons with disabilities.

Employment service institutions set up by disabled persons' federations shall organize free vocational guidance, introduction and training, so as to provide help to persons with disabilities and potential employers.

Article 38 The State shall protect the property ownership and the independent decision-making right of welfare enterprises and institutions for persons with disabilities, whose lawful rights and interests shall not be violated.

No discrimination shall be practiced against persons with disabilities in recruitment, employment, obtainment of permanent status, promotion, determining technical or professional titles, payment, welfare, holidays and vacations, social insurance or in other aspects.

Enterprises and institutions where persons with disabilities work shall provide appropriate working conditions and labor protection based on the characteristics of disabled workers, and shall make renovations where necessary on workplaces, work equipments and life facilities in light of their actual needs.

The State shall take measures to protect the lawful rights and interests of visually impaired persons working in therapeutical or health care massage businesses.

Article 39 Enterprises and institutions where persons with disabilities work shall provide in-service technical training for disabled employees with a view to upgrading their skills and expertise.

Article 40 No organization or individual shall force persons with disabilities to work through violence, threat or illegal restriction of personal freedom.

Chapter 5 Cultural Life

Article 41 The State shall protect the equal right of persons with disabilities to participate in cultural life.

People's governments at all levels and departments concerned shall encourage and assist persons with disabilities to participate in various forms of cultural, sports and recreational activities and shall create conditions to enrich the spiritual and cultural life of persons with disabilities.

Article 42 Cultural, sports and recreational activities for persons with disabilities should be based on communities, integrated into public cultural life and geared to the different characteristics and needs of different categories of persons with disabilities with a view to bringing about extensive participation.

Article 43 The government and society shall adopt the following measures to enrich the spiritual and cultural life of persons with disabilities:

- 1) Reflect the life of persons with disabilities through radio, film, television, press, books, the Internet and other media in the interests of persons with disabilities.
- 2) Organize and support the compilation, writing and publication of Braille books, audio books and other reading materials for the visually impaired and other persons with disabilities; establish special section of Braille books and audio books for visually impaired persons in public libraries.
- 3) Offer TV programs in sign language, set up radio programs specially designed for persons with disabilities and add subtitles or narrations to more TV programs and movies.
- 4) Organize and support persons with disabilities for mass cultural, sports and recreational activities, stage special art performances, hold sports games for persons with disabilities and participate in major international contests and interactions.
- 5) Provide facilities and accommodations for persons with disabilities at places of cultural, sports, recreational and other public activities and set up in a planned way activity centers for persons with disabilities.

Article 44 The government and society shall encourage and assist persons with disabilities to engage in literature, art, education, science, technology and other creative work beneficial to the people.

Article 45 The government and society shall promote mutual understanding and exchanges between

persons with disabilities and their fellow-citizens, publicize the work on disability and deeds of assisting persons with disabilities, advocate self-accomplishment among people with disabilities, and foster a social environment of unity, friendship and mutual help.

Chapter 6 Social Security

Article 46 The State shall protect the right of persons with disabilities to various social security means.

The government and society shall take measures to improve the social security network for persons with disabilities, secure and improve the life of persons with disabilities.

Article 47 Persons with disabilities and their employer units shall sign up for social insurance in accordance with relevant state regulations.

Mass self-governing bodies at the primary level both in urban and rural areas as well as families of persons with disabilities shall encourage and assist persons with disabilities to sign up for social insurance.

For those persons with disabilities with financial difficulties, social insurance subsidies shall be granted according to relevant state regulations.

Article 48 People's governments at various levels shall provide relief subsidies for basic-living such as education and housing through various channels for persons with disabilities with financial difficulties.

Local people's governments above county level shall take other measures to secure the life of families of persons with disabilities who still have great financial difficulties after being guaranteed minimum living allowances.

People's governments at various levels shall provide relief and subsidy according to regulations for the basic medical care, rehabilitation services and installment and replacement of necessary assistive devices.

Local governments at various levels shall provide nursing subsidies where appropriate for persons with disabilities who cannot take care of themselves in everyday life.

Article 49 Local people's government at various levels shall provide for, in accordance with relevant regulations, persons with disabilities who have no working capabilities, no legal fosterers or financial resources or whose fosters are incapable to provide for them.

The State shall encourage and facilitate non-governmental forces to establish welfare homes and fostering institutions for persons with disabilities.

Welfare homes and fostering institutions for persons with disabilities and their staff shall not insult, abuse or desert persons with disabilities.

Article 50 People's governments above county level shall provide convenience and preferential treatment for persons with disabilities where appropriate in taking public transport vehicles. Persons with disabilities shall be permitted to carry on board their indispensable equipment free of charge.

Blind persons shall be able to take public transport such as bus, tram, subway, ferry free of charge with valid certificate. Mailing and delivery of publications for blind persons shall be free of charge.

The State shall encourage and assist telecommunication, radio and TV service providers to provide preferential treatment for persons with visual, or hearing, or speech disabilities.

People's government at various levels shall gradually increase other types of care and support for persons with disabilities.

Article 51 Government departments concerned and organizations of persons with disabilities shall open and improve channels for citizens to provide donation and service for persons with disabilities, encourage and assist the development of philanthropic undertakings for persons with disabilities, as well as public welfare activities such as volunteer programs to help persons with disabilities.

Chapter 7 Accessible Environment

Article 52 The State and society shall take measures to make facilities more accessible and to eliminate barriers in information communications so as to provide an accessible environment for persons with disabilities to participate in social life on an equal basis with others.

People's governments at various levels shall conduct overall planning and coordination and strengthen supervision and management for the building of an accessible environment.

Article 53 Construction and renovation of accessible facilities shall cater for the real needs of persons with disabilities.

Newly-built, renovated or expanded buildings as well as roads and transport facilities shall meet the state engineering codes relating to accessible facilities.

In line with state regulations relating to accessible facilities, people's governments at various levels and competent authorities shall gradually renovate existent facilities, especially public service facilities closely related to the daily work and life of persons with disabilities.

Accessible facilities shall be kept maintained and protected.

Article 54 The State shall take measures to create conditions to eliminate barriers in information communications for persons with disabilities.

People's governments at various levels and competent authorities shall take measures to facilitate access to public information for persons with disabilities.

The State and society shall research and develop technologies and products of information communications for persons with disabilities.

For school entrance exams, career qualification exams and placement exams which persons with visual disabilities take part in, Braille or electronic exam paper or assistance from specialized staff shall be

available.

Article 55 In public service institutions and public places, information in voice notice, text signs, sign language, or Braille as well as prioritized service and auxiliary aid shall be made available to persons with disabilities.

Public transport facilities shall gradually meet accessibility requirements. Public parking lots shall devote certain parking space, wherever possible, for the use of persons with disabilities.

Article 56 Competent departments in charge of the organization of elections shall facilitate persons with disabilities to vote in elections. Braille ballots shall be available wherever possible.

Article 57 The State shall encourage and support the research and development of accessible auxiliary equipment and transport facilities.

Article 58 Persons with visual disabilities shall comply with relevant state regulations when entering public places with guide dogs.

Chapter 8 Legal Liabilities

Article 59 Where the lawful rights and interests of persons with disabilities are violated, the offended shall have the right to launch complaints to organizations of persons with disabilities. The organizations shall safeguard the lawful rights and interests of persons with disabilities and have the right to ask competent departments for investigation and action. The competent departments shall make such investigation and action and offer a reply.

Organizations of persons with disabilities shall provide support to persons with disabilities who need help in resorting to litigation for rights protection.

Where the interests of a certain group of persons with disabilities are violated, organizations of persons with disabilities shall have the right to ask competent departments to make investigations and hold the offenders accountable.

Article 60 Where the lawful rights and interests of persons with disabilities are violated, the offended shall have the right to ask competent departments to deal with the case in accordance with law, or submit application to arbitration institutions, or appeal to people's courts in conformity with law.

For persons with disabilities who need legal aid or judicial assistance due to financial difficulties or other reasons, local legal aid institutions or people's courts shall provide legal aid or judicial assistance in accordance with law.

Article 61 Whoever, in violation of this law, rejects, delays or holds back the complaint, appeal or report relating to the violation of the rights and interests of persons with disabilities, or retaliates against the one who launches the complaint, appeal or report, shall be ordered to rectify his wrong doing by the organization to which he belongs or higher level authorities. Disciplinary measures shall be taken against the people in charge and others directly responsible.

Where, not in compliance with his public duties, a civil servant fails to stop actions which violate the rights and interests of persons with disabilities or fail to offer necessary help to the harmed, which leads to

serious consequences, the organization to which he belongs to or higher level authorities shall take disciplinary measures against the people in charge or others directly responsible.

Article 62 Where, in violation of this law, the dignity of persons with disabilities is degraded or undermined through mass media or other means, competent authorities in charge of culture, radio, film, television, publication and the press or others shall have the matter redressed based on their respective mandate and give administrative penalties in accordance with law.

Article 63 Where, in violation of this law, educational institutions refuse to admit students with disabilities or use additional conditions not defined by the State to limit the entrance of students with disabilities, competent authorities shall have the matter redressed and take disciplinary measures against the people in charge or others directly responsible.

Article 64 Where, in violation of this law, discrimination against persons with disabilities occurs in recruitment for work, competent authorities shall have the matter redressed. Victim workers with disabilities shall have the right to appeal to peoples' court.

Article 65 Where, in violation of this law, staff in welfare or fostering institutions of persons with disabilities insult, maltreat, or abandon persons with disabilities, disciplinary measures shall be taken against people in charge or others directly responsible. Administrative penalties shall be given if the behavior runs counter to public security management.

Article 66 Where, in violation of this law, newly built, renovated or expanded buildings as well as roads and transport facilities fail to meet the state engineering standards relating to accessible facilities, or the accessible facilities are not timely maintained or protected, which leads to serious consequences, competent authorities shall deal with the case in accordance with law.

Article 67 Whoever, in violation of this law, violates the lawful rights and interests of persons with disabilities shall, if other laws or regulations exist, be given administrative penalties as defined in those other laws and regulations; or shoulder civil responsibilities if loss of property or other harms is incurred; or shoulder criminal responsibilities in accordance with law if a crime is committed.

Chapter 9 Supplementary Provision

Article 68 This law shall enter into force as of July 1st, 2008.

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