

*Civil Society Report Submitted to  
The Committee on the Rights of Persons with Disabilities*

*for its Review at the 27<sup>th</sup> Session of the combined second and third periodic report of the  
People's Republic of China (CRPD/C/CHN2-3)  
on its Implementation of the*

*Convention on the Rights of Persons with Disabilities*

**Submitter:**

**Network of Chinese Human Rights Defenders (CHRD)** is a coalition of Chinese and international human rights non-governmental organizations. The network is dedicated to the promotion of human rights through peaceful efforts to push for democratic and rule of law reforms and to strengthen grassroots activism in China.

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## I. Executive Summary

1. The Chinese government's state report depicts a situation in which, buttressed by many laws, regulations, and policies, the "living conditions of persons with disabilities have improved significantly."<sup>1</sup> While certainly some improvements have been made, the crucial input of persons with disabilities in contributing to positive change has been sorely lacking. This submission analyzes the precarious position of human rights defenders who are concerned with disability rights and the situation of human rights defenders who happen to be persons with disabilities. Contrary to the rosy picture portrayed on paper, interviews conducted by CHRD and research accumulated through contacts on the ground points to many problems. First, over the ten years since the last review of China by the Committee, the government has tightened the space for civil society by restricting the rights to freedom of association and freedom of expression. It has dramatically curtailed the space for participation in political and public life, while increasing the Chinese Communist Party's control and "guidance" over civil society. While this is a general trend affecting many sectors, the disability rights sector has been impacted: two organizations that had worked on advocacy for persons with disabilities were shut down and other writers and citizen journalists who focused on disability rights were detained.

Second, interviewees told CHRD that many facilities run by the judiciary and public security officials were not accessible, including a lack of ramps for wheelchairs, elevators, and accessible toilets. Third, many interviewees felt that trainings provided to staff in the justice sector were inadequate, or at times even counterproductive. Fourth, for those who had been taken away by police, detained, or who had been to prison, many persons with disabilities had experienced discrimination, violence, and particular punishments that capitalized on their status as persons with disabilities, such as taking away wheelchairs as a source of punishment. Worse, some people experienced torture and other ill-treatment, including beatings and the denial of medical care.

2. The barriers to public participation and the difficult situation for human rights defenders with disabilities means that while the Chinese government may have enacted many laws and policies to benefit persons with disabilities, many of these laws and policies may have significant problems with design, and implementation issues remain.
3. We ask the Committee to recommend the Chinese government to fully comply with the International Convention on the Rights of Persons with Disabilities respecting the right of freedom of association, and revise laws that place onerous and unnecessary restrictions on civil society organizations; respecting the rights to freedom of expression and press, end censorship, and dismantle the digital surveillance police state, including the Great Firewall; ensuring that all facilities within the justice system are barrier free and have suitable accommodations for persons with disabilities, that all government office and judicial facilities and public services buildings have toilets that are accessible, and that all government personnel involved in providing government services have undergone

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<sup>1</sup> Combined second and third periodic reports submitted by China under article 35 of the Convention, due in 2018, submitted 31 August 2018, CRPD/C/CHN/2-3, para 5. (Hereafter referred to as "State Report").

trainings that are compliant with the Convention; ensuring that no person, including persons with disabilities, is subjected to torture, cruel, inhuman, or degrading treatment or punishment.

## II. Thematic Issues and Findings

### A. Barriers to participation in public affairs (Articles 4(3), 29(b)(ii); LOI par. 31(b), 32(a))

4. In its State Report, the Chinese government claims that “China ensures the equal participation of persons with disabilities in political and public life.”<sup>2</sup> The State Report also highlights its emphasis regarding reasonable accommodation “...in drafting and revising laws and regulations relating to persons with disabilities in... social participation.”<sup>3</sup>
5. However, this assertion about the ability of people with disabilities to participate in social and public life is problematic for two reasons. First, since the last CRPD review, the Chinese government has enacted many laws, regulations, and policies that restrict the ability of its citizens and civil society organizations to function outside of government control and/or to engage in advocacy aimed at government reforms. This has made it hard, if not impossible, for disabilities rights organizations to represent persons with disabilities and for persons with disabilities to participate in public affairs (Article 29, b (ii)). While some people in the media and civil society [claim](#) there is still space for those working on disability issues, particularly those that are service-oriented, most experts recognize the government’s clampdown on civil society and advocacy has made it [harder](#) for rights-based civil society organizations to operate and engage in public life. Second, and in lieu of civil society organizations advocating for rights of persons with disabilities, individuals advocating for disabilities rights have taken on an important role. However, in interviews with disabilities rights defenders, CHRD found that while rights advocacy has been important in bringing about tangible improvements in accommodations, the government frequently punishes disabilities rights defenders, undermining the ability of persons with disabilities to fully participate in public affairs (Article 29 b).

#### *Inability for Independent Civil Society to Operate*

6. In both higher- and lower-tier cities across China, and across different legal institutions, disabilities rights defenders told CHRD in interviews conducted for the purpose of this report, that rights advocacy has been essential to the adoption of meager but meaningful accommodations within judicial and law enforcement facilities.
7. However, the Chinese government has tightened the legal framework regulating civil society, further restricting civil society groups, sometimes in the name of encouraging “healthy development” of “social organizations,” other times in the name of “national security,” which has contributed to the closing of the space for independent

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<sup>2</sup> State Report para.115

<sup>3</sup> State Report para.13

organizations, especially those engaged in advocacy and promotion of human rights, including disability rights. These structural changes have led to more draconian state control over civil society activities and have stunted public participation in governance.

8. Since 2012, the government has issued new or revised laws, regulations, and policies to tighten controls on independent organizations. And the government also issued a series of sweeping and vaguely worded national security laws that have had a detrimental impact on the space for civil society organizations. Previously, civil society groups could register and gain permission to operate as “social organizations” or for-profit businesses that provide services or engage in charity work. The changes to the legal framework since 2012 made it more difficult and even criminal for small independent civil society groups to operate. A government campaign launched in 2018 targeting the activities of “illegal” or un-registered social organizations or organizations that undertook activities outside their scope have all but eliminated the “grey area” in which many foreign and domestic rights-based NGOs had operated in China.
9. Government policies and laws with a significant, negative impact on civil society groups include:
  - In 2016, the Ministry of Civil Affairs established [a new office](#), the Civil Society Law Enforcement and Supervision Administration, and authorized it to enforce relevant laws, handle reports of “illegal” groups, and monitor and prosecute groups undertaking activities not registered with, or without the approval of, the Ministry.
  - China’s new [National Security Law](#), which came into effect in 2015, included under the rubric of “national security” such broad realms as cyberspace, culture, ideology, economics and finance, the environment, food, and religion among others. This expansion of the scope of what could be considered a national security issue put the activities of civil society groups under additional scrutiny. Article 15 notably laid out the main role of the Chinese Communist Party (CCP) and implicitly characterized any challenges to its rule as a punishable offense.
  - The **Overseas NGOs’ Domestic Activities Management Law of the PRC** ([Foreign NGO Law](#)) was promulgated by the National People’s Congress Standing Committee in January 2017. The law is ostensibly aimed at governing the work of international NGOs (INGOs), but also has severely [constricted funding](#) for local independent Chinese groups. [The law bans](#) Chinese NGOs from receiving any funding from, or conducting “activities” with, INGOs that have not registered with, or received a temporary activity permit from, the Ministry of Public Security. Some foreign foundations that have not registered in China are now hesitant to fund local Chinese civil society projects because of the law. This law was apparently [designed](#) at the highest levels to protect the Communist Party from what it views as “foreign infiltration” and to prevent an NGO-inspired “Color Revolution.” The law also bans civil society organizations from harming “national security,” while giving no clear definition of what activities constitute “endangering national security” and thus granted police broad leeway to impede and intimidate civil society groups.

- [The Charity Law](#), issued in September 2016, [restricts](#) all online fundraising activities to government-registered charities while levying heavy fines on non-registered and/or non-profit groups that seek donations online. The law could be used to criminalize the operations or fundraising by independent groups based on vague and unsubstantiated accusations of “endangering national security.” Charities that have not housed CCP units or do not have “good credit” can be punished by being placed on MOCA’s [“suspect list.”](#)
  - In 2021, the government took additional steps to tighten CCP supervision over NGOs and their work. MOCA issued an ordinance [“14<sup>th</sup> Five-Year Plan on the Development of Social Organizations,”](#) which emphasized CCP control over civic groups and their development. While social organizations have been required to establish CCP branches since at least 2015 to ensure the “healthy development” of the sector, the new ordinance stressed the CCP’s “total” leadership.
10. In contrast, the government may contend that it is strengthening the role of civil society. Indeed, in its section on Article 29, the State Report states that “China supports the development of social organizations assisting persons with disabilities.”<sup>4</sup> To support this assertion, the State Report claims that the “The Opinion on the Reform of the Social Organization Management System and Promotion of the Healthy and Well-Ordered Development of Social Organizations (2016) lowered the access threshold for social organizations, supported community social organizations in undertaking public services and functions entrusted to them by governments at the grass-roots level in their communities, and upgraded the state’s preferential tax policies for social organizations assisting persons with disabilities.”
  11. However, what the government report neglected to mention is that this same Opinion also sought to further control civil society, increase the CCP’s control in and over organizations, and “guide” their political views, thus limiting their public participation in terms of any advocacy or activities that the government perceives as adversarial. Indeed, the preamble of this Opinion [says](#):
  12. “In accordance with the functional positioning of Party organizations within social organizations, which has been made clear by the central Party, we should give expression to the core political role of party organizations to strengthen social organizations’ Party building, place particular importance on strengthening political guidance for social organizations and role models to lead them, support people’s organizations, and play a full role in strengthening the coordination forces working together to keep in touch with the people and ensure social organizations develop in the right political direction.”
  13. The tightening political control and increased legal restrictions enabled the government to shut down organizations that had worked on disability rights and sought to engage in advocacy to address legal or social problems facing persons with disabilities:

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<sup>4</sup> State Report para.118

- **Yirenping (shut down in 2015).** In April 2015, a Chinese government spokesperson said that because Yirenping, an anti-discrimination advocacy organization that maintained multiple centers throughout China, was “[suspected of violating the law](#), it will face punishment.” Many former employees and volunteers of Yirenping were detained, harassed or intimidated. Two former employees – Guo Bin and Yang Zhanqing – were [detained](#) on June 12, 2015 on suspicion of “illegal business activity,” but they were released on bail about a month later. Yirenping undertook [advocacy campaigns](#) and project initiatives to assist people who suffered from discrimination in work places, schools, and hospitals for being infected with Hepatitis B and HIV/AIDS, as well as discrimination against migrant laborers, women, and LGBTIQ persons with disabilities. For example, the organization carried out nationwide advocacy campaigns to ensure that TV news programs had subtitles for the hearing impaired and [launched campaigns](#) to ensure that blind people could take the national college entrance examination.
- **Changsha Funeng (shut down in 2019).** In July of 2019, Hunan provincial police [criminally detained](#) three staff members of an anti-discrimination NGO in Changsha—Cheng Yuan, Liu Dazhi and Wu Gejianxiong—on suspicion of “subversion of state authority.” Their organization primarily focused on anti-discrimination efforts based on health status (such as discrimination and discriminatory policies affecting those with HIV/AIDS or Hepatitis B). The organization [filed lawsuits](#) on behalf of persons with disabilities who had been prevented from claiming their employment rights. The group also filed a lawsuit on behalf of a visually impaired person who had not been able to participate in a standardized test due to lack of access to the facility. In August 2021, the international community learned that the three NGO staffers had been tried secretly by the Changsha Intermediate People’s Court on the charge of “subversion,” and the court sentenced Cheng Yuan to five years, Wu Gejianxiong to three years, and Liu Dazhi to two years in prison.

**B. Repression of individual rights advocates and citizen journalists [Article 14, 21; LOI par. 31, 32]**

14. Human rights defenders who have worked as citizen journalists documenting rights violations of persons with disabilities have also been forced into silence by the state. For example, [Mr. Zhou Weilin](#), a citizen journalist who regularly reported on labor issues and worked to protect disability rights, was sentenced to three and a half years on the charge of “picking quarrels and provoking trouble” on July 29, 2021. Zhou was sentenced for his reporting and comments on Twitter. He was a victim of an occupational accident that led to the loss of one of his hands.
15. Previously, the Chinese government also stopped Zhou from learning more about and using UN mechanisms for his advocacy. One week before [Ms. Cao Shunli](#), who eventually died in state custody, was stopped at the Beijing Capital International Airport in September 2013, Zhou was detained as he was preparing to travel to Geneva to take

part in the same activities as Cao. (A third rights defender invited to Geneva, **Chen Jianfang (陈建芳)**, was intercepted at the Guangzhou Baiyun International Airport on the same day that Cao Shunli was stopped in Beijing, but released later.) All three had previously participated in a UN human rights mechanisms' training together and also worked together in China. They are among dozens of human rights defenders who have been blocked and punished in various ways by the Chinese government for attending trainings on the UN human rights mechanisms over the past decade. Several such individuals are in criminal detention or in prison today.

16. In another instance, writer, activist, and documentary filmmaker **Ms. Kou Yanding** was detained for 128 days after she went to Hong Kong and was [released](#) on February 14, 2015. Kou was very active in [using media](#) and art to decrease discrimination against person with disabilities.
17. A disability rights advocate [Ms. Ni Yulan](#), who is active on social media on many human rights issues including disability rights, and whose case is mentioned further below, has faced continuous harassment from the authorities for more than a decade.

### **C. Accessibility and Accommodations by Judiciary and Law Enforcement [Articles 1, 3(f), 5(3), 9, 12(3), 13(1), 14(2); LOI par. 1(b), 6(a), 11(b)]**

18. In its State Report, the government highlights the state guarantee of “the protection of persons with disabilities at each stage of the legal process.”<sup>5</sup> However, interviews conducted by CHRD with persons with disabilities and disability rights defenders suggest that many judicial and detention facilities are not barrier-free and persons with disabilities are deprived of reasonable accommodations while engaged in legal procedures and when they are in custody. These interviews also suggest that the government is not fulfilling its obligation to provide “reasonable accommodation” to those deprived of their liberty (Article 14) and that police and prison staff are not demonstrating a respect for the “inherent dignity” (Article 1) of the detained, indicating that awareness and training of public officials with regard to disability rights is inadequate.

#### *Barrier-Free Facilities and Physical Accommodations*

19. The government cites *The Regulations on the Construction of Barrier-free Environments* as setting standards for building accessibility since they were issued in 2012,<sup>6</sup> but according to disability rights advocates these standards have not been implemented at government judiciary offices and detention facilities.
20. According to a veteran disability rights advocate, there are “essentially no” police stations and detention centers equipped with completely barrier-free facilities. Due to the

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<sup>5</sup> State Report para. 44

<sup>6</sup> State Report para. 2



lack of accessible facilities, one rights advocate using a wheelchair described having to be carried over stairs to enter a police station or being forced to crawl up the steps at police stations. The same advocate also said that this situation occurred in detention centers and in prisons. Another advocate said that authorities failed to provide any accommodations for detainees that need assistance with mobility, and in some facilities the authorities further impede the mobility of people with disabilities by confiscating crutches or wheelchairs so that those with disabilities are forced to crawl on their hands for most of their time in custody. A petitioner who uses crutches had them confiscated by detention center authorities for most of his four-week detention in Beijing in 2014. His crutches were again confiscated upon being transferred to a county-level detention center in his hometown. In some instances, authorities appear to deny reasonable accommodations as a means of punishing those in custody with disabilities. (See section on Discrimination and Mistreatment.)

Several human rights defenders (HRDs) with disabilities who had been subjected to detention centers and prisons emphasized to CHRD that they had experienced and witnessed a lack of accessible toilet facilities. An activist seeking redress for a grievance who spoke with CHRD mentioned that there was no accessible toilet in the Beijing detention center where he was detained during 2014, and authorities assigned two inmates to assist him in using the toilet.

21. One advocate with disabilities who had been released from detention reported that detention officials would use her difficulties with using inaccessible toilet facilities to humiliate and mistreat her. (See section on Discrimination and Mistreatment.)
22. As described above, one form of accommodation that detention center and prison authorities have on occasion provided for those in custody with disabilities is to assign one or two of their fellow inmates to assist with essential tasks such as using the toilet, being carried over stairs, eating, and drinking. Prominent rights lawyer Ms. Ni Yulan reports that while she was denied use of her wheelchair or crutches and forced to crawl on the floors throughout her first two detentions, she was allowed to use her wheelchair and people were assigned to assist her during her third detention in 2011 at the Xicheng Detention Center of Haidian District in Beijing.
23. It is rare for detention facilities to have elevators, although Ms. Ni reports that she was also able to use an elevator during her most recent detention. That detention center's barrier-free construction was not adequate, however, and Ms. Ni had to be carried over stairs in the building's basement because of lack of wheelchair access.
24. Disability rights advocates report that newer government facilities and those in China's first-tier cities, which tend to have bigger government budgets, may have relatively more accommodations than lower-tier city buildings (which have fewer resources) or older buildings.
25. However, even when accommodations exist—mostly ramps and elevators—they may nonetheless be inadequate or ineffective. A lawyer and disability rights advocate in a



major first-tier city in southern China surveyed access at government buildings and found that the vast majority lacked accommodations for wheelchairs. While some had ramps for wheelchairs, some were too steeply graded to meet accessibility standards. Other ramps faced obstructions in entranceways that left too narrow of a space for a wheelchair to pass through. The same advocate did not come across a single barrier-free restroom in a government building during his survey, finding instead restroom facilities labeled as wheelchair accessible that were in fact locked, turned into storage closets, or otherwise clearly inaccessible. After filing more than 30 requests for government information disclosure regarding accessibility issues, he was referred to the China Disabled Person's Federation, which informed him that the inaccessibility issues he raised were not the responsibility of the government because the facilities in question were leased.

26. Similarly, another disability rights advocate based in a first-tier city told CHRD that the entrances to some detention centers at provincial and municipal levels did have ramp access, but inside the buildings there were no accessible toilet facilities.
27. For another disability rights advocate, the various government institutions she needed to access in order to engage in legal and regulatory procedures were not physically accessible to her: in her experience, most court buildings could only be accessed via stairs. She reported needing to be carried over the stairs to enter the local police station, and that there was no ramp entrance at the local Letters and Petitions Office—an official entity for filing complaints and requests with the government. When she tried to speak with local transportation authorities about accessibility issues, officials sought to prevent her from entering their offices by refusing to lift her chair over the stairs to the entrance; and she was forced to leave her wheelchair and drag it behind her as she crawled up the stairs to the offices. She told CHRD that other people with disabilities also faced the same treatment.
28. In both higher- and lower-tier locales and across different legal institutions, HRDs report that rights advocacy has been essential to the adoption of meager but meaningful accommodations within judicial and law enforcement facilities. A disability rights advocate notes that a ramp was installed at the entrance to the local Letters and Petitions Office after many years of grassroots engagement with the local government. As mentioned above, Ms. Ni Yulan was denied access to her wheelchair and forced to crawl during her time in custody, including over the openings of squatting toilets to use the restroom. After grassroots advocacy to demand authorities to improve her conditions in custody, officials made some changes in response, and when she was detained a third time in 2011 at the Xicheng Detention Center in Beijing, officials permitted her to use her wheelchair, assigned two other inmates to assist her, and provided her with a portable toilet seat that was also made available to another inmate with a disability. Such advocacy has declined in recent years as authorities have escalated threats and harassment against rights defenders. (See section on Human Rights Defenders with Disabilities.)

**D. Discriminatory Treatment in Judicial and Law Enforcement Settings [Articles 3(b), 5, 9(2)(c), 13, 14; LOI par. 1(b), 11(d)]**

29. The Chinese government maintains that personnel working within the justice system are sensitive to issues pertaining to disability, and the government's State Report touts the disability rights training of judges, lawyers, and law enforcement, including prison police, claiming that "The Ministry of Public Security requires personnel of public security organs to study... the Law on the Protection of Disabled Persons."<sup>7</sup>
30. However, human rights advocates that CHRD interviewed expressed skepticism that such trainings existed. To the extent that some sort of training has taken place, it very likely consists of studying CCP doctrines and General Secretary Xi Jinping's "thoughts." In any case, in practice, such training has done little to improve any protection of the rights of persons with disabilities, or to prevent a wide range of discriminatory and abusive treatment of persons with disabilities while in legal custody or otherwise engaging with judicial and law enforcement authorities. Some interviewers even suggested that government trainings could be counterproductive.

#### *Disability Rights Trainings of Government Personnel*

31. One rights lawyer told CHRD that he knew of trainings for residential Neighborhood Committee officials and staff, one of the lowest units of government administration and often the first point of government contact for persons with disabilities. This lawyer described trainings held by the local Civil Affairs Bureau that did not teach the officials and staff how to protect disability rights, but rather focused on how to reduce the financial and administrative burden of providing benefits to persons with disabilities. For example, the lawyer said, the trainings imparted advice on how to explain to applicants with disabilities why they did not qualify for certain benefits. He found the priorities emphasized in these trainings were often reflected in his interactions with residential-level officials when he assisted clients with disabilities with accessing available public benefits. "When it comes to the government's regulations, they have a very clear understanding of which persons with disabilities qualify for what kind of assistance. They are professionals. It's just that they are not willing to let these persons with disabilities access the benefits they are entitled to."

#### *Attitudinal Accessibility of Government Personnel and Discriminatory Language*

32. Some rights advocates with disabilities report that they are regularly ignored, condescended to, or insulted with specific reference to their disabilities by government personnel. One detained activist recalls the police officer handling his case telling him: "How isn't killing a cripple just like killing an ant?"
33. One human rights lawyer reported that local officials are solicitous of his clients – persons with disabilities, but ultimately in service of reducing the clients' access to resources, to which they are entitled. In his experience assisting clients to obtain disability benefits that were denied or withheld by authorities, the relevant local officials would emphasize the burden that people with disabilities impose on the government,

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<sup>7</sup> State Report, para. 46

putting them in a “moral bind” to discourage them from gaining access to the benefits. In doing so, the lawyer said, the officials would often refer to the economic independence of “model persons with disabilities” publicized by the government as ideals for others to emulate.

34. These negative attitudes that government officials displayed, as shown in these situations described above and in other parts of this report, reflect the reality of inadequate or nonexistent trainings to government personnel working in the administration of public services to provide effective access to disability benefits and social assistance.

#### *Discriminatory Treatment of Persons with Disabilities in Detention Centers and Prisons*

35. Rights advocates with experiences in detention centers and prisons have reported that people with disabilities experience mistreatment arising from discriminatory perceptions from both authorities and other detainees. One activist detained in a county-level detention center in 2014 told CHRD in an interview that after the detention center staff confiscated his crutches, they required him to stay on the floor of the holding cell beside a waste bucket that served as the cell’s toilet for his nearly 3-month long detention. Rights lawyer Ms. Ni Yulan told CHRD that when she was held at the Beijing Women’s Prison in 2008, prisoners favored by the guards were allowed to sleep on beds while prisoners targeted by the guards for harsh punishment would always be forced to sleep on the floor. “They wouldn’t let a person with disabilities like me sleep on a bed,” she recalls.
36. Discrimination and even violence against persons with disabilities in detention centers and prisons was sometimes perpetrated by other inmates, while the guards and other staff did not intervene or looked the other way. According to one rights lawyer, several persons with disabilities who had served sentences shared with him that, in their experience, the most severe discriminatory treatment came from other inmates, who would force them to perform menial tasks or physically abuse them to establish their dominance within the prison. For example, the disabled prisoners would be forced to wash clothes of others and do much of the cleaning. In China, detention centers and prisons and other extralegal detention facilities often [employ a system](#) in which fellow detainees or prisoners are responsible for carrying out prison discipline or meting out punishments.
37. Those in custody with disabilities also experience discriminatory treatment due to lack of reasonable accommodation. A rights defender with disabilities, **Mr. Lei Zonglin**, was not allowed to be [transferred to a prison](#) from a detention center, as the prison refused to accept him because he would have been unable to work due to his disabilities. (In China, conditions in detention centers are typically worse than in prisons, tending to be more overcrowded and restrictive of personal freedoms, while providing lower quality food). Mr. Lei was convicted of “picking quarrels and provoking trouble” and sentenced to 46

months in prison on November 26, 2018 by a Fuzhou court and he subsequently had to serve the sentence at the Fuzhou No. 1 Detention Center.<sup>8</sup>

38. Persons with disabilities also experience discriminatory mistreatment in custody when authorities subject them to adverse conditions. Prison and detention center officials are known to confiscate wheelchairs and crutches (as described above), forcing the detainees who rely on these accommodations to crawl or even lie on the ground for most of their time in custody. This treatment amounts to discrimination and abuse of persons with disabilities, whether or not the authorities intend for such treatment to serve as a form of punishment.

#### **E. Torture and Exploitation of Persons with Disabilities while in Custody [Articles 10, 15, 16; LOI par. 7, 15]**

39. The government in its State Report declares that “China protects persons with disabilities from abuse,” citing a PRC Criminal Law provision that makes those who are responsible for the care of persons with disabilities criminally liable for “aggravated maltreatment.” However, there are well-documented cases of public security and prison officials subjecting people with disabilities in their custody to physical and psychological abuse, fatal medical neglect, and sexual violence, for example. Chinese authorities have not only failed to investigate any of the accused officials, but they have also sought to silence those who tried to hold the perpetrators responsible.
40. HRDs with disabilities are particularly vulnerable to torture and other forms of ill-treatment while in custody. Some have reported being subjected to physical abuse in retaliation for their rights advocacy. For example, **Ms. Ni Yulan** became disabled after being severely beaten by police in 2002 in retaliation for documenting the forced demolition of homes in Beijing. She described to CHRD that police officers took her to a police station, tied up her arms and legs, and put a rope around her neck that they would yank repeatedly. Police also propped up her legs over two chairs and repeatedly applied their full weight until her bones shattered. And they jumped on her feet until the bones were broken as well. In addition, they stabbed her body with broken glass, including around her groin area. She says this torture lasted for more than 50 hours and when she was taken to the detention center afterward, she was denied any form of medical treatment despite fragments of bone visibly protruding from her legs and deep cuts from the glass. “It was so painful I thought that dying would be better than staying alive.” In 2010, CHRD [submitted a communiqué](#) alleging torture, arbitrary detention to several Special Procedures on behalf of Ni Yulan. The Chinese government [responded](#) to the Special Procedures’ allegation letter, denying any abuses and claiming that Ms. Ni violently attacked the police.

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<sup>8</sup> Lei was also denied his right to family visitation while still being held at Fuzhou No. 1 Detention Center. Lei was initially detained in early 2017 while petitioning in Beijing and brought back to Fuzhou and criminally detained. On November 22, 2017, Fuzhou court put Lei on trial without his lawyer, and the court verdict was not delivered to his family until November 2018. Lei began to petition after his home was demolished in 1995.

41. Rights defenders with disabilities have also been mistreated and tortured for refusing to admit guilt to unwarranted criminal charges. In many cases that CHRD [has documented](#), it is commonplace for police at detention centers to mistreat those who maintain their innocence as a way of adding pressure to force them to confess, as the criminal justice system still [heavily relies](#) on confessions. In this context, depriving a person with disabilities of practical necessities that they need to facilitate equal access, such as a wheelchair or crutches, are points of leverage for detention center officials intent on punishing or humiliating detainees with disabilities.
42. For example, **Ms. Ni Yulan** says that when she was serving her second sentence at the Beijing Women's Prison starting in 2009, prison guards told her that they would subject her to punishments because she would not admit guilt during her trial. The punishments included withholding of accommodations such as a wheelchair or crutches so that she was forced to crawl on the floor; forcing her off the toilet once they saw that she had pulled down her pants; dragging her so forcefully that on one occasion she chipped her tooth; and forcing her to crouch on all fours in a public area every morning in view of other prisoners as they filed into their gathering place.
43. Another rights defender with disabilities, **Ms. Ge Zhihui**, was reportedly subjected to [repeated interrogations](#) while sleep-deprived and subjected to beatings for refusing to admit guilt while being held in custody at the Fengtai District Detention Center in Beijing from July 2019 to September 2021.
44. Another HRD with disabilities, **Mr. Guo Hongwei**, was subjected to mistreatment by authorities throughout his detention, according to his family. Authorities held him in a small, unlit room of two square meters and [condoned his mistreatment](#) by other prisoners. Mr. Guo, who had been [in a coma](#) for over two months, died in custody on April 9, 2021. His family hired a lawyer to conduct an investigation into his death, but they were unable to obtain surveillance footage of the last three months of his detention (to assess whether he had been subjected to torture or ill-treatment), authorities withheld medical files, and would not conduct an autopsy. Local officials eventually forced the lawyer hired by the family who was conducting an independent investigation to [leave the city](#).
45. In none of the above cases have any authorities been investigated or held accountable for mistreating these rights defenders with disabilities, despite accusations made by their family members, lawyers, and human rights groups.
46. There are also reports of prisoners being subjected to forced labor in prison, including imprisoned rights defenders with disabilities. Under ILO Convention 29, such prison labor should be carried out under the "supervision and control of a public authority." However, rather than supervising labor to ensure it is compatible with dignified work in the spirit of the ILO Declaration and Constitution, prison authorities have subjected disabled persons to labor that is discriminatorily onerous.

### *Denial of Medical Treatment*

47. Other forms of abuse include the denial of medical treatment. As mentioned above, Ms. Ni Yulan was denied medical treatment for serious injuries inflicted by police who subjected her to torture. She also reports that officials lacked respect for people with disabilities in ways that affected their health—during her 2008 detention at the Xicheng Detention Center, she witnessed officials delay a deaf inmate’s access to a medical examination for an infected skin growth, which later was diagnosed to be skin cancer.
48. In some cases, medical neglect has been fatal to rights defenders in custody with disabilities. **Mr. Guo Hongwei**, mentioned above, was denied treatment for serious medical issues, including high blood pressure, and he died on April 9, 2021, as the result of a cerebral hemorrhage while in custody at Gongzhuling Prison in Jilin province. Since his death, authorities have [refused](#) to provide medical records or to respond to family inquiries about the cause of death.
49. Another instance of authorities refusing to provide medical treatment for a rights defender with disabilities who suffers from a serious health condition, is that of **Mr. Jiang Zhilin**, currently serving an eight-year sentence at the Xinyuan County Halabu Prison in Yili, Xinjiang. Mr. Jiang, who eventually became unable to speak after suffering a [cerebral infarction](#) that went untreated while in prison, has become severely underweight while serving his sentence—he was reported to have [weighed](#) around 30 kilograms in April 2021, and authorities have refused to respond to family member inquiries regarding his condition.
50. In another case, an activist with a disability, **Mr. Wang Kouma**, while serving a two-and-a-half-year sentence on the charge of “creating a disturbance,” had been denied medical care by authorities despite his family filing multiple requests. Wang Kouma served his sentence at a prison hospital due to critical health conditions, but his family feared his life was in danger and that he was not receiving adequate treatment. Wang’s daughter submitted an application for medical parole on December 9, 2013, but local authorities did not respond to the request. Wang suffered from hypertension and had a stroke caused by an obstruction of blood to his brainstem. Wang became disabled as a result of the stroke. His health situation was so serious that he needed to be hooked up to an oxygen tank in order to appear in court in September 2013. One of his lawyers reported after a visit in December 2013 that Wang was bedridden and on an intravenous drip, and his overall health condition was dire at the time, and yet authorities refused to grant medical parole. On March 24, 2015, authorities released Wang at the end of his sentence. He continued [petitioning](#) after his release.

#### iv. Recommendations

51. The Chinese government must fully comply with the International Convention on the Rights of Persons with Disabilities by taking the following steps:

*Participation in Political and Public Life (Article 29)*

- Respect the right of freedom of association, and revise laws that place onerous and unnecessary restrictions on civil society organizations, thereby allowing for greater public participation of persons with disabilities.

*Freedom of Expression (Article 21)*

- Respect the rights to freedom of expression and press, end censorship, and dismantle the digital surveillance police state, including the Great Firewall, thereby allowing for the exercise of freedom of expression by persons with disabilities and defenders of disabilities rights.

*Reasonable Accommodation and Accessibility (Articles 5 and 14)*

- Ensure that all facilities within the justice system are barrier free and have suitable accommodations for persons with disabilities. Ensure that all government office and judicial facilities and public services buildings have toilets that are accessible.
- Ensure that all government personnel involved in providing government services, including at the lowest levels of government, which is often the first point of contact for Chinese citizens, have undergone trainings that are compliant with the Convention.

*Discrimination, Exploitation, and Abuse (Article 15)*

- Ensure that no person, including persons with disabilities, is subjected to torture, cruel, inhuman, or degrading treatment or punishment.
- In accordance with obligations under this Convention and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, conduct a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed, including against persons with disabilities; stop reprisals against those seeking to stop torture and abolish impunity for perpetrators of torture.