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The Rise of Disability Rights Advocacy in China: Now is the Time for More International Support

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Significance

There are at least 85 million disabled people in China, with most living below the poverty line. While the Chinese Government has expressed a strong will to address their problems by ratifying in 2008 the UN Convention on the Rights of Persons with Disabilities, it has a patchy record in protecting the rights of disabled people. In contrast, even though they are poorly funded, Civil Society Organizations (CSOs) run by disabled people have been dramatically more effective but need more support to scale up their achievements.

What we need to know

The Chinese authorities now take the problems faced by disabled people seriously enough to have passed new laws and policies to address them. However, officials in charge often fail to implement them because of a failure to communicate and engage with disabled people. As a result, they devise misguided policies and go against the UN Convention by building more special education schools, which are costly and merely segregate disabled people from mainstream society. A better alternative would be to follow the UN Convention; invest in inclusive education and enact a law against discrimination and mandate reasonable accommodation to be provided so that the disabled can integrate into mainstream society.

The most effective way to make sure such a law will be implemented is to engage with emerging CSOs run by and for disabled people, which have proved far more effective than government agencies in advancing the rights of disabled people. For the past twenty years most international funding has been channeled through government agencies and focused on funding hardware solutions. The time has come for a new approach; by channeling international funding into supporting CSOs, which focus on disability rights, public awareness will be raised. Raising public awareness through advocacy has been proved to enhance the effectiveness of services provision.

As disabled people come together to defend their rights to education and employment, European policy makers and funders should seize this opportunity to make a difference. They can do so by providing disability rights CSOs funding for capacity-building programs, study tours and exchange programs to learn more about the best practices in policy advocacy and in organizing awareness-raising activities.

Detailed analysis

Chinese persons with disabilities represent an important and multi-faceted segment of

Chinese society. According to the most recent survey, conducted in 2006, out of 85 million disabled people, 75% live in rural areas, almost half are illiterate and more than half are over sixty. Women with disabilities usually suffer more discrimination than men and 28 percent of children with disabilities cannot access basic education. Compared with richer coastal provinces, there is a slightly higher disability rate in the poorer inland provinces. The latter has a less developed infrastructure, a greater threat of natural disasters, and many high-risk industries, such as mining, with poor standards of occupational health and safety.

While 25% of disabled people live in urban areas, where more funding and support are available than in rural areas, most disabled people in cities remain virtually invisible. Various barriers limit their mobility and access to public services, education and work.

By law, responsibilities for disabled people fall under the China Disabled People's Federation (hereafter CDPF) whose mandate is to represent and supervise disabled people. However, it has come under heavy criticism from disabled people for not acting efficiently on their behalf. Independent research confirms that only a limited number of disabled people can rely on CDPF to get their basic needs fulfilled and rights defended.

China's Disability Law and the UN Convention

In order to defend their rights, Chinese people with disabilities rely on the Law on Protection of Disabled People (hereafter Protection Law). First enacted in 1991 and revised in 2008, this law imposes a legal obligation on local governments to adhere to various policies and regulations.

But the Protection Law itself is defective. It does not meet the UN Convention's definition of discrimination and does not include, for example, a "denial of reasonable accommodation" clause, which has enabled disabled people in many countries to improve their access to education and work. The Chinese government's refusal to include it in the Protection Law deprives disabled people of a chance to challenge such discrimination in court.

Seeking Equal Access to Employment

Although the Chinese government made a commitment to create better working conditions for disabled people by ratifying the International Labor Organization's Convention on Vocational Rehabilitation and Employment of Disabled Persons as far back as 1988, unemployment rate of disabled people remains a chronic problem. While some measures were taken for blind people - who represent 16% of Chinese disabled people - by making massage and music training more accessible, most employers discriminate disabled people. Legislation alone regrettably cannot change this reality.

A concrete measure to tackle this problem was the introduction of a quota for employers in the 1990s. This regulation requires employers who fail to meet the quota to pay a significant fine to the CDPF's Employment Welfare Fund. However, most employers prefer to pay the fines and the penalties are often poorly implemented due to corruption. As for employers who hire disabled people, they employ them only long enough to pass state inspection after which the employees are dismissed.

Frustrated, many disabled people turn to litigation to defend their rights through legal aid, which the CDPF provides only if they certify them as disabled. However, because the CDPF's certification excludes millions of people with disabilities including autism and multiple disabilities, the only recourse is to rely on CSOs to hold the CDPF and employers more accountable and build better services.

Some CSOs play crucial roles in campaigning to change the law and regulations that hinder disabled people's access to basic services and in particular their access to work and education. The more notable ones include Yirenping Center and Justice for All as well as Equity and Justice Initiative. They actively promote equal rights for disabled people through litigation. They also function as an alternative source of legal aid to the CDPF. Since the CDPF is responsible for implementing government plans, it cannot and will not provide legal aid to individuals who challenge such plans.

A more basic contribution CSOs have made is to challenge the discrimination of disabled people by organizing bottom-up campaigns and educational activities in public places and on social media. What they seek to do is to change public perception of disabled people from "objects of charity" to "subjects with rights". This is indeed essential for placing the issue of equal access to education and work on the policy agenda.

Access to Education: Untapped Talent

About one third of disabled children do not have access to basic education. While the Convention aims to include disabled children into mainstream schools, Chinese authorities invest resources into building special education schools that are often too remote or too expensive for parents of disabled children living in rural areas. Instead of funding new schools, China needs to invest in specially trained teachers and therapists for children with special needs.

As a result of this inadequate policy, many disabled children remain invisible to the general public. Attitudes among parents also vary. Some lack access to relevant information and are afraid to burden schools. Others negotiate with school authorities to defend their children's rights by organizing bottom-up campaigns with CSOs to change public attitudes and pressure the authorities. For example, CSOs like Huiling in Guangzhou, Golden Key in Inner Mongolia and Hong Dan Dan in Beijing are key players to achieve a more inclusive education for children and adults with intellectual disabilities. Likewise, Rights into Action in Anhui or Stars and Rain in Beijing teach children with autism who are excluded from both mainstream and special schools. In other provinces, parents form self-help groups and open their own schools such as the Fangzhou Institute for Autism in Shanxi.

How CSOs are making a difference

A good example of a high-profile CSO run by and for disabled people is the Beijing-based One Plus One (hereafter OPO). Established in 2006, it has earned a reputation as a model for policy advocacy. In recent years, it took several noteworthy initiatives to defend the rights and image of disabled people both internationally and domestically.

In 2012, since the Convention requires civil society to monitor its implementation, OPO became the first mainland CSO run by Chinese disabled people to submit a shadow report to the UN Convention Committee. Before the examination of the Chinese government's report, OPO provided its own report about the Convention's implementation. After cross-checking each report, the human rights experts of the Committee listed issues against the Convention and asked explanations of the Chinese government. Taking into consideration the difficulties encountered by Chinese CSOs in solving problems through dialogue with China's relevant agencies, this was progress.

In June 2013, when Pizza Hut placed an online advertisement mocking blind people, OPO launched a campaign accusing the company of discrimination against blind and disabled people. As photos of protests in front of Pizza Hut restaurants went viral, public support of netizens forced the company to withdraw its advertisement and publicly apologize. In a preventive effort, OPO went on to draft ethical guidelines for the media to make more efforts in challenging public prejudices towards disabled people.

Another good example is Huiling's Emmaus Bakery in Guangzhou, a social enterprise employing seven people with developmental disabilities. By showing their ability to learn and manage a successful commercial operation, two vocational schools in Guangzhou started to offer baking courses for students with special needs.

In contrast to awareness-raising campaigns organized by the government and the CDPF, which depict disabled people as passive recipients of charity who depend on the goodwill of non-disabled people, these CSOs have shown more effective ways to defend the rights of the UN Convention and improve the quality of service provision.

Other noteworthy CSOs advocating for the rights of disabled people are China Vision and the Enable Disability Studies Institute. In partnership with international NGOs such as Save the Children and Handicap International, these CSOs can also form strategic alliances through externally-funded cooperation projects supporting the greater inclusion of disabled people into mainstream society. With more support from European policy-makers and funders, these Chinese CSOs could expand their exchanges with European CSOs to develop capacity-building programs focusing on improving access to education, employment and key information. To make sure the voices of Chinese people with disabilities get heard, now is the time to support the CSOs that can effectively promote the inclusion of people with disabilities in all spheres of Chinese society.

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