

Law of the PRC on the Protection of Disabled Persons

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of protecting the lawful rights and interests of disabled persons, developing undertakings for disabled persons, and ensuring

disabled persons' equal and full participation in social life and their share of the material and cultural achievements of society.

Article 2 — A "disabled person" means a person who suffers from abnormalities or 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. Disabled persons include those with visual, hearing, speech, or physical disabilities, intellectual disabilities, mental disabilities, multiple disabilities, and other disabilities. The State Council shall prescribe the standards for classification of disabilities.

Article 3 — Disabled persons shall enjoy equal rights with other citizens in political, economic, cultural, and social fields, in family life, and other aspects. The rights and personal dignity of disabled persons as citizens shall be protected by law. Discrimination on the basis of disability is prohibited. Insulting and infringing upon disabled persons is prohibited.

Article 4 — The State shall adopt auxiliary methods and supportive measures to grant special assistance to disabled persons, reducing or eliminating the impact of disabilities and external barriers, and ensuring the realization of disabled persons' rights.

Article 5 — People's governments at or above the county level shall incorporate the undertakings for disabled persons into their national economic and social development plans, strengthen leadership, and coordinate efforts in this regard. The State Council shall formulate an outline plan for the development of undertakings for disabled persons, and local people's governments at or above the county level shall formulate development plans and annual plans for undertakings for disabled persons within their respective administrative areas based on such outline plan.

Article 6 — The State shall take measures to ensure that disabled persons participate in the management of state affairs, economic and cultural undertakings, and social affairs in accordance with the law. When formulating laws, regulations, rules, and public policies, the opinions of disabled persons and their organizations shall be heard for matters relating to the major interests of disabled persons.

Article 7 — The whole society shall carry forward humanitarianism, understand, respect, care for, and help disabled persons, and support the undertakings for disabled persons. State organs, public organizations, enterprises, public institutions, and urban and rural grassroots self-governing organizations shall do a good job in the work related to disabled persons within their respective areas. The China Disabled Persons' Federation and its local organizations shall represent the common interests of disabled persons, protect their lawful rights and interests, unite and educate disabled persons, and serve disabled persons.

Chapter II — Rehabilitation

Article 8 — The State shall take measures to create conditions for the rehabilitation of disabled persons, establish and improve a rehabilitation service system for disabled persons, and implement key rehabilitation programs in phases to help disabled persons restore or compensate their functions and enhance their ability to participate in social life.

Article 9 — Rehabilitation work for disabled persons shall proceed from the actual situation, combine modern rehabilitation technology with traditional Chinese rehabilitation technology, be based on community rehabilitation, with rehabilitation institutions as the backbone and disabled persons' families as the support, and be oriented toward practicality, ease of implementation, and wide coverage to provide effective rehabilitation services to disabled persons.

Article 10 — The State and society shall establish various forms of rehabilitation service institutions for disabled persons such as technical guidance centers for rehabilitation, prosthetic and orthotic device fitting stations, and hearing and speech rehabilitation centers. People's governments at all levels and relevant departments shall organize and guide urban and rural community service networks, medical preventive

health care networks, disabled persons' organizations, and disabled persons' families and other social forces in carrying out community rehabilitation work for disabled persons.

Article 11 — Medical colleges and universities and other relevant institutions shall offer rehabilitation courses and set up rehabilitation specialties in a planned manner to train various types of rehabilitation professionals. The State and society shall provide various forms of technical training for personnel engaged in rehabilitation work, popularize knowledge of rehabilitation, and disseminate rehabilitation methods.

Chapter III — Education

Article 12 — The State shall guarantee the equal right of disabled persons to receive education. People's governments at all levels shall incorporate education for disabled persons into the national education system, make overall plans, and strengthen leadership to create conditions for disabled persons to receive education.

Article 13 — Education for disabled persons shall implement the State education policy, comprehensively improve the quality of disabled persons according to their physical and mental characteristics and needs, and lay a foundation for their equal participation in social life.

Article 14 — The education of disabled persons shall be carried out in the following forms, depending on the type of disability and the ability to receive education: (1) general education in ordinary educational institutions; (2) general education in special classes attached to ordinary educational institutions or in special education schools; and (3) special education in special education institutions. People's governments at all levels shall strengthen leadership and overall planning for education for disabled persons.

Article 15 — Ordinary primary schools and junior secondary schools shall accept disabled children or adolescents who are able to adapt to their study and life. Ordinary senior secondary schools, secondary vocational schools, and institutions of higher learning shall accept disabled students who meet the admission requirements set by the State, and shall not refuse their admission because of their disabilities.

Chapter IV — Employment

Article 16 — The State shall guarantee the right to work of disabled persons. People's governments at all levels shall make overall plans for the employment of disabled persons and create employment conditions for disabled persons.

Article 17 — Employment for disabled persons shall adopt a policy of combining collective employment with individual employment, adopting preferential policies and supportive and protective measures, and gradually making the employment of disabled persons universal, stable, and reasonable through multiple channels, at multiple levels, and in various forms.

Article 18 — The State and society shall establish welfare enterprises for disabled persons, work recuperation institutions, massage institutions, and other enterprises and undertakings, and arrange centralized employment for disabled persons. The State shall implement a system whereby employers shall employ disabled persons in a prescribed proportion. State organs, public organizations, enterprises, public institutions, and private non-enterprise units shall employ disabled persons in accordance with the proportion prescribed by the State and provide them with appropriate types of work and positions.

Article 19 — The State shall encourage disabled persons to seek employment on their own and to start their own businesses. Local people's governments at all levels and rural grassroots organizations shall organize and support disabled persons in rural areas to engage in planting, animal husbandry, handicrafts, and other forms of productive labor.

Article 20 — The State shall provide preferential tax treatment to welfare enterprises for disabled persons and self-employed disabled persons in accordance with the law, and shall provide support in terms of

production, operation, technology, capital, materials, and sites. Relevant departments of local people's governments shall determine types of products suitable for production by disabled persons, give priority to the production of such products by welfare enterprises for disabled persons, and gradually identify certain products for exclusive production by welfare enterprises for disabled persons.

Chapter V — Cultural Life

Article 21 — The State and society shall encourage and assist disabled persons to participate in various forms of cultural, sports, and recreational activities, and strive to meet the needs of disabled persons in their spiritual and cultural life.

Article 22 — Cultural, sports, and recreational activities for disabled persons shall be oriented toward society at large and integrated into the public cultural life of society, and shall also be adapted to the different characteristics and needs of various types of disabled persons so as to enable the extensive participation of disabled persons.

Article 23 — The State and society shall take the following measures to enrich the spiritual and cultural life of disabled persons: (1) reflecting the lives of disabled persons through various media such as radio, film, television, newspapers and periodicals, and books; (2) organizing and supporting disabled persons in cultural, sports, and recreational activities; (3) providing special cultural products and services; and (4) providing convenience and preferential treatment for disabled persons in public cultural and sports venues.

Chapter VI — Social Security

Article 24 — The State shall guarantee disabled persons' equal enjoyment of social insurance, social assistance, social welfare, and other social security rights. People's governments at all levels shall provide special social security assistance to disabled persons.

Article 25 — People's governments at all levels shall, in accordance with the provisions, provide living, medical, and other assistance to disabled persons who truly have difficulties in living. The State shall encourage and support social forces in establishing social welfare institutions and other service institutions for disabled persons.

Article 26 — People's governments at all levels shall, in accordance with the provisions, provide assistance to disabled persons who are poor to ensure their basic medical treatment, basic living needs, and rehabilitation services. For disabled persons without the ability to work, without supporters, or whose supporters are unable to provide support, local people's governments at all levels shall provide support in accordance with the provisions.

Article 27 — Public service agencies shall provide priority services and auxiliary services for disabled persons. When taking public transport, disabled persons shall be provided with convenience and preferential treatment. Blind persons may take city buses, trams, subways, and ferries free of charge. Disabled persons shall be given priority in ticket purchase for railway, highway, waterway, and air travel.

Chapter VII — Accessible Environment

Article 28 — The State and society shall gradually implement the design code for accessible facilities and adopt barrier-free measures to facilitate disabled persons' participation in social life. The construction, renovation, and expansion of public buildings, urban roads, and public facilities shall comply with the State's relevant provisions on accessible facilities.

Article 29 — Relevant departments of people's governments at all levels and relevant public service agencies shall formulate specific measures to gradually improve barrier-free services to provide convenience for disabled persons in accessing information, communication, and participating in social life. The State shall encourage and support the development and application of accessible technology and products.

Article 30 — People's governments at all levels shall gradually increase the construction and renovation of accessible facilities and strengthen the maintenance and management of accessible facilities.

Chapter VIII — Legal Liability

Article 31 — Where the lawful rights and interests of a disabled person are infringed upon, the disabled person or his or her agent shall have the right to apply for administrative disposition to the relevant department or bring a lawsuit in a people's court in accordance with the law. Where any organization or individual infringes upon the lawful rights and interests of a disabled person, it shall bear civil liability in accordance with the law.

Article 32 — Where any State functionary abuses his or her power, neglects his or her duties, or engages in malpractice for personal gain, harming the lawful rights and interests of disabled persons, the unit to which the functionary belongs or the competent authority at a higher level shall order it to make corrections and shall impose administrative sanctions on the persons directly in charge and other directly responsible persons in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 33 — Where any organization or individual, in violation of the provisions of this Law, infringes upon the lawful rights and interests of disabled persons by discriminating against, insulting, or harming disabled persons, the relevant competent department shall order it to make corrections and deal with the matter in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter IX — Supplementary Provisions

Article 34 — The State Council shall, in accordance with this Law, formulate regulations for its implementation. The standing committees of the people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government may, in accordance with this Law, formulate measures for implementation.

Article 35 — This Law shall come into force on July 1, 2008. The Law of the People's Republic of China on the Protection of Disabled Persons promulgated on December 28, 1990 shall be repealed simultaneously.

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