Law of the PRC on the Protection of Persons with Disabilities

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Adopted at the 17th Session of the Standing Committee of the 7th National People's Congress on December 28, 1990

Amended in accordance with the Decision on Amending the Law of the People's Republic of China on the Protection of Persons with Disabilities adopted at the 2nd Session of the Standing Committee of the 11th National People's Congress on April 24, 2008

Amended in accordance with the Decision on Amending the Law of the People's Republic of China on the Protection of Persons with Disabilities adopted at the 6th Session of the Standing Committee of the 13th National People's Congress on October 26, 2018

Effective: May 15, 1991 (as amended, effective October 26, 2018)

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of safeguarding the lawful rights and interests of persons with disabilities, developing undertakings for persons with disabilities, ensuring their equal and full participation in social life, and enabling them to share in the material and cultural achievements of society.

Article 2 — A person with disabilities refers to a person who has lost or has abnormalities in certain organs or functions, either psychologically, physiologically, or in bodily structure, and has wholly or partially lost the capacity to engage in certain activities in a manner considered normal. Persons with disabilities include those with visual, hearing, speech, or physical disabilities, intellectual disabilities, mental disorders, multiple disabilities, and other disabilities. The criteria for the 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, social, family, and other respects. The civic rights and personal dignity of persons with disabilities shall be protected by law. Discrimination on the basis of disability is prohibited. Insulting or causing harm to persons with disabilities is prohibited. Belittling or infringing upon the personal dignity of persons with disabilities through mass media or by other means is prohibited.

Article 4 — The State shall adopt auxiliary methods and supportive measures to provide special assistance to persons with disabilities, to alleviate or eliminate the impact of their disabilities and external barriers, and to ensure the realization of their rights.

Article 5 — People's governments at or above the county level shall incorporate the undertakings for persons with disabilities into national economic and social development plans, strengthen leadership, and coordinate all sectors to properly carry out the work concerning persons with disabilities. State organs, public organizations, enterprises, public institutions, and urban and rural grassroots autonomous organizations shall properly carry out the work concerning persons with disabilities within the scope of their respective responsibilities. The State shall take measures to provide social security for persons with disabilities, improve their well-being, and ensure the continual enhancement of their living standards.

Article 6 — The State shall take measures to ensure that persons with disabilities participate in the management of State affairs, economic and cultural undertakings, and social affairs in accordance with the law and through various channels and in various forms. When laws, regulations, rules, and public policies are formulated, the views of persons with disabilities and their organizations shall be heard.

Article 7 — The whole of society shall carry forward the humanitarian spirit, understand, respect, care for, and assist persons with disabilities, and support the undertakings for persons with disabilities. The State shall encourage social organizations and individuals to provide donations and services to persons with disabilities. State organs, public organizations, enterprises, public institutions, and urban and rural grassroots autonomous organizations shall do their work well concerning persons with disabilities within their respective units or areas. State functionaries and other personnel engaged in work relating to persons with disabilities shall fulfill their duties diligently and strive to serve persons with disabilities well.

Article 8 — The China Disabled Persons' Federation and its local organizations shall represent the common interests of persons with disabilities, safeguard their lawful rights and interests, unite and educate persons with disabilities, and provide services for them. The China Disabled Persons' Federation and its local

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organizations shall carry out their work in accordance with laws, regulations, and charters, and shall develop undertakings for persons with disabilities.

Article 9 — Persons with disabilities must abide by the law, fulfill their due obligations, observe public order, and respect social ethics. Persons with disabilities shall carry forward an optimistic and enterprising attitude and the spirit of self-respect, self-confidence, self-reliance, and self-improvement, and shall contribute to the socialist modernization drive.

Article 10 — The State shall commend and reward persons with disabilities who have made outstanding achievements in their self-improvement and in socialist construction, as well as entities and individuals that have made remarkable contributions to safeguarding the lawful rights and interests of persons with disabilities and to developing undertakings for persons with disabilities.

Article 11 — People's governments at all levels and relevant departments shall conduct thorough investigations and research on the situation of persons with disabilities, and shall analyze and publish data on persons with disabilities on a regular basis. The categories of disabilities and the data standards shall be prescribed by the State Council.

Chapter II — Rehabilitation

Article 12 — The State and society shall take measures to create conditions for the rehabilitation of persons with disabilities.

Article 13 — The State and society shall adopt rehabilitation measures to assist persons with disabilities in restoring or compensating their functions and enhancing their capacity to participate in social life.

Article 14 — Rehabilitation work shall, based on actual needs, proceed from reality and shall combine modern rehabilitation techniques with traditional Chinese rehabilitation techniques; it shall be community-based and rely on rehabilitation institutions, and it shall be based on the family of the person with disabilities. Priority shall be given to rescue treatment and rehabilitation of children with disabilities; the government shall subsidize the expenses for rescue treatment and rehabilitation of children with disabilities.

Article 15 — The State and society shall establish rehabilitation institutions for persons with disabilities and shall ensure the provision of rehabilitation facilities and equipment. Medical institutions providing rehabilitation services shall have rehabilitation departments or rooms. Medical colleges and other relevant institutions shall, in a planned manner, offer courses on rehabilitation and train personnel of various types for rehabilitation work. The government and relevant departments shall organize and guide urban and rural community service networks, medical preventive healthcare networks, organizations of persons with disabilities, families of persons with disabilities, and other social forces to carry out community-based rehabilitation work.

Article 16 — Where persons with disabilities suffer from disabilities caused by work-related injuries, traffic accidents, medical accidents, or war, the relevant departments shall provide rehabilitation in accordance with the relevant State provisions.

Article 17 — Organizations developing and producing rehabilitation equipment and appliances for persons with disabilities shall meet the relevant State standards and quality requirements. The science and technology departments shall actively organize research and development in the field of rehabilitation for persons with disabilities.

Chapter III — Education

Article 18 — The State shall guarantee the right of persons with disabilities to receive education. People's governments at all levels shall incorporate education for persons with disabilities into the national education system, make unified plans, and strengthen leadership to create conditions for persons with disabilities to

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receive education. The government, society, and schools shall take effective measures to resolve the practical difficulties faced by children and adolescents with disabilities in attending school, and shall assist them in completing compulsory education. When enrolling students, ordinary primary schools, junior secondary schools, and ordinary senior secondary schools must accept children and adolescents with disabilities who are capable of adapting to their study and life; ordinary kindergartens shall accept children with disabilities who are capable of adapting to their life.

Article 19 — Education for persons with disabilities shall, in accordance with the characteristics of their physical and mental conditions and needs, be carried out in accordance with the following principles: (1) strengthening physical and mental rehabilitation and improving physical and mental health while conducting ideological, cultural, and scientific education; (2) meeting the needs of the development of the productive forces, with equal emphasis on vocational and technical education and cultural education; and (3) providing education suited to the characteristics of persons with disabilities through classified teaching and individual guidance.

Article 20 — Special education institutions shall be established for persons with disabilities. The State shall encourage social forces to run schools and make donations for education for persons with disabilities.

Article 21 — Special education teachers shall enjoy special education allowances. Teachers providing special education and sign language interpreters and Braille transcribers shall enjoy allowances for special education posts.

Article 22 — The relevant government departments, the units where persons with disabilities work, and society shall conduct anti-illiteracy education, vocational training, and other adult education for persons with disabilities, and shall encourage them to pursue education on their own.

Chapter IV — Employment

Article 23 — The State shall guarantee the right to work of persons with disabilities. People's governments at all levels shall make overall plans for the employment of persons with disabilities and create employment conditions for them.

Article 24 — Employment of persons with disabilities shall be carried out through a combination of centralized and dispersed arrangements, with preferential policies and measures for protection and support. This will enable persons with disabilities to gradually gain access to employment in a wide range of fields and at stable levels and in reasonable structures.

Article 25 — The State and society shall establish welfare enterprises for persons with disabilities, work rehabilitation centers, massage treatment institutions by persons with visual disabilities, and other enterprises and public institutions for persons with disabilities to absorb persons with disabilities into employment in a centralized manner.

Article 26 — The State shall implement a proportional employment system for persons with disabilities. State organs, public organizations, enterprises, public institutions, and private non-enterprise entities shall arrange for persons with disabilities to be employed at a proportion of the total number of employees as prescribed by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. Where the prescribed proportion is not reached, funds for the employment of persons with disabilities shall be paid in accordance with the relevant State provisions. The State shall encourage employers to exceed the prescribed proportion in arranging employment for persons with disabilities.

Article 27 — The State shall encourage and support persons with disabilities in finding employment independently or starting their own businesses. Local people's governments at all levels and rural grassroots organizations shall organize and support persons with disabilities in rural areas to engage in crop cultivation, animal husbandry, aquaculture, handicrafts, and other forms of productive labor.

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Article 28 — The government departments concerned shall, in accordance with the relevant State provisions, determine the types of work and types of posts suitable for persons with disabilities, protect the employment rights of persons with disabilities, and provide vocational skills training for them.

Article 29 — In the recruitment, promotion, determination of technical titles, welfare, social insurance, and other aspects for employees with disabilities, discrimination on the basis of disability shall not be allowed. Persons with disabilities who are self-employed shall be exempted from administrative fees in accordance with the law. The State shall provide tax incentives for units that arrange employment for persons with disabilities at or above the prescribed proportion, or arrange centralized employment for persons with disabilities, as well as for persons with disabilities who are self-employed.

Chapter V — Cultural Life

Article 30 — The State and society shall take the following measures to enrich the spiritual and cultural life of persons with disabilities: (1) reflecting the lives of persons with disabilities through mass media such as radio, film, television, newspapers and periodicals, and the Internet; (2) organizing and supporting the compilation, writing, and publication of Braille books, audio books for persons with visual disabilities, and other reading materials for persons with other categories of disabilities; and (3) establishing activity venues for persons with disabilities in cultural, sports, and recreational venues and public activity venues.

Article 31 — The State and society shall encourage and assist persons with disabilities in participating in various forms of cultural, sports, and recreational activities, and shall strive to meet the needs of persons with disabilities for spiritual and cultural life.

Article 32 — The State and society shall take measures to develop cultural and sports undertakings for persons with disabilities.

Chapter VI — Social Security

Article 33 — The State shall guarantee the right of persons with disabilities to equally participate in social life and share in social material and cultural achievements. The State shall take auxiliary methods and supportive measures to provide social security for persons with disabilities.

Article 34 — Persons with disabilities and their work units shall participate in social insurance in accordance with the relevant State provisions. For persons with disabilities who have real difficulties in life, the people's governments at all levels shall provide assistance through a variety of channels. People's governments at or above the county level shall fully include persons with disabilities in social security coverage in accordance with the provisions. The State shall encourage social forces to make donations and provide services to persons with disabilities.

Article 35 — Local people's governments at all levels and social organizations shall provide assistance to persons with disabilities who have real difficulties through various channels. For persons with disabilities who have no source of income and no ability to work, and who have no statutory supporters or whose statutory supporters are unable to provide support, the State shall provide them with support in accordance with the provisions.

Article 36 — Local people's governments at all levels shall provide living, educational, housing, and other social assistance to families of persons with disabilities that really have difficulties in accordance with the provisions.

Article 37 — People's governments at or above the county level shall, in accordance with the provisions, provide subsidies for basic living expenses and nursing care for persons with disabilities who have real difficulties in life.

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Article 38 — When using public transport, persons with disabilities shall enjoy preferential treatment in accordance with the relevant State provisions.

Chapter VII — Barrier-Free Environment

Article 39 — The State and society shall gradually implement designs and retrofit that facilitate the participation of persons with disabilities in social activities, and shall adopt barrier-free measures to promote the creation of a barrier-free environment. People's governments at all levels and relevant departments shall, in accordance with relevant State provisions, accelerate the construction and retrofitting of barrier-free facilities and shall strengthen their maintenance and protection.

Article 40 — Newly built, renovated, and expanded buildings, roads, and transportation facilities shall conform to the relevant State standards for barrier-free facilities. Public transport shall gradually reach barrier-free facility requirements. Barrier-free facilities shall be properly maintained and protected, and shall not be damaged or occupied without authorization.

Article 41 — The State shall promote information exchange that is barrier-free. Public service institutions shall create conditions to provide text, Braille, sign language, audio, and other forms of barrier-free information exchange services for persons with disabilities. The State shall encourage and support the research, development, and application of barrier-free information exchange technologies and products.

Article 42 — Government departments shall take measures to create a barrier-free environment for persons with disabilities to participate in community life. Elections shall provide convenience for persons with disabilities to exercise their right to vote.

Article 43 — Organizations and individuals shall provide assistance to persons with disabilities in accessing public services. Guide dogs and other service animals accompanying persons with disabilities shall be allowed to enter public places in accordance with the relevant State provisions.

Chapter VIII — Legal Liability

Article 44 — Where the lawful rights and interests of persons with disabilities are infringed upon, the infringed person may file a complaint with the organization for persons with disabilities, which shall safeguard the lawful rights and interests of the person with a disability and shall have the right to demand that the relevant department investigate and handle the matter. The relevant department shall investigate and handle the matter in accordance with the law and provide a response.

Article 45 — Where the lawful rights and interests of persons with disabilities are infringed upon, they may apply to the relevant administrative department for handling or initiate arbitration or bring a lawsuit with the people's court in accordance with the law. Legal aid institutions and the people's courts shall provide legal aid or judicial assistance to persons with disabilities who need legal aid in accordance with the law.

Article 46 — Where a public servant commits any of the following acts, the entity where he or she works or the authority at the next higher level shall order him or her to make corrections, and shall impose administrative sanctions on the directly responsible person in charge and other directly responsible persons in accordance with the law: (1) discriminating against persons with disabilities in violation of the provisions of this Law; (2) failing to arrange employment for persons with disabilities at the prescribed proportion and refusing to pay employment security funds for persons with disabilities; (3) infringing upon the rights and interests of persons with disabilities in education, employment, social security, or other respects; and (4) other acts of infringing upon the lawful rights and interests of persons with disabilities in violation of the provisions of this Law.

Article 47 — Where an entity, in violation of the provisions of this Law, fails to pay employment security funds for persons with disabilities as required, the financial department shall give a warning and order it to pay within a prescribed time limit; where it fails to pay within the prescribed time limit, an overdue fine shall be

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imposed in accordance with the law.

Article 48 — Where an entity or individual, in violation of the provisions of this Law, occupies, damages, or misappropriates barrier-free facilities, the relevant competent department shall order it to make corrections and may impose a fine in accordance with the law. Where losses are caused, compensation shall be made in accordance with the law.

Chapter IX — Supplementary Provisions

Article 49 — The State Council shall, in accordance with this Law, formulate administrative regulations on the implementation of this Law. The people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government and their standing committees may formulate measures for the implementation of this Law.

Article 50 — This Law shall enter into force on May 15, 1991.

Disclaimer: This English translation is provided for reference purposes only. It is an unofficial translation prepared to assist foreign investors and businesses in understanding the general content of Chinese legislation on the protection of persons with disabilities. While every effort has been made to ensure accuracy, this translation has no official legal status. The original Chinese text adopted by the National People's Congress shall prevail as the sole authoritative version. Readers should consult qualified legal counsel for advice on specific legal questions concerning employment obligations and accessibility requirements for persons with disabilities in China. Neither Dan Young Business Consultancy nor the translator assumes any liability for reliance on this unofficial translation.

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