

CHINA, Hong Kong, CHINA and Macao, CHINA

Specific references to women and girls with disabilities

CRPD Committee 2012 Country Review

List of Issues (LOI), 8 May 2012 CRPD/C/CHN/Q/1

Concluding Observations (CO), 15 October 2012 CRPD/C/CHN/CO/1

Compiled by Myra Kovary, 31 March 2013

CHINA

Women with disabilities (Article 6):

The Committee requested data on the Programme for the Development of Chinese women (2001-2010) and how it has improved the situation of women and girls with disabilities. (LOI, Para 27)

The Committee requested information about positive action measures that have been taken to advance the situation of women with disabilities. (LOI, Para 27)

The Committee made no reference to the situation of women with disabilities under Article 6 in its concluding observations.

Girls with disabilities (Article 7):

The Committee requested data, disaggregated by sex, on the number and percentage of children living with disabilities living in institutions/rehabilitation centers and those living with their own families or foster families. (LOI, Para 28)

The Committee urged the State party to take measures to fight the widespread stigma in relation to boys and girls with disabilities and revise their strict family planning policy, so as to combat the root causes for the abandonment of boys and girls with disabilities. It asked the State party to provide sufficient community-based services and assistance also in rural areas. (CO, Para 14)

Freedom from exploitation, violence and abuse (Article 16):

The Committee requested information regarding:

- 1) how the Law on the protection of persons with disabilities, the Marriage Law and the Law on the protection of minors are implemented with regard to persons with disabilities and their protection against violence. (LOI, Para 17)
- 2) data on the prevalence of exploitation, abuse and violence against persons with disabilities, disaggregated by sex. (LOI, Para 17)

- 3) how the work of Shenyang city's 110 Domestic Violence Report Centre reflects upon the incidences of violence against persons with disabilities. (LOI, Para 17)

The Committee made no follow up comments with respect to gender on these issues in its concluding observations.

Forced sterilization, abortion and infanticide (Articles 8, 10, 12, 17, 23 and 25):

The Committee requested information on awareness-raising programmes targeting eugenic prevention practices, practices of infanticide against children with disabilities and forced abortion and/or sterilization practices. (LOI, Para 5)

The Committee requested data on forced sterilization used as a method of family planning and an explanation of how the right to an informed choice of methods of contraception is implemented with regard to persons with disabilities. (LOI, Para 18)

The Committee expressed deep concern that the State party's laws and its society accept the practice of forced sterilization and forced abortion on women with disabilities without their free and informed consent and called upon the State party to revise its laws and policies in order to prohibit compulsory sterilization and forced abortion on women with disabilities. (CO, Paras 33 and 34)

Work and employment (Article 27):

The Committee requested gender disaggregated data on the employment/unemployment rate of persons with disabilities compared to the rate of persons without disabilities in China, and on the number of persons with disabilities in sheltered workshops. (LOI, Para 24)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Adequate standard of living and protection (Article 28):

The Committee requested information on programmes specifically targeted at the reduction of the poverty of women with disabilities. (LOI, Para 25)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Statistics and data collection (Articles 1 - 4 and Article 31):

The Committee requested information on the number of persons with disabilities in China, disaggregated by sex. (LOI, Para 1)

The Committee noted that disaggregated appropriate information, including statistical and research data which enables the State party to formulate and implement policies to give effect to the Convention, is often not available due to laws and regulations on guarding State's secrets as revised in 2010. (CO, Para 47)

The Committee recommended reviewing the secrecy laws and appropriately revising them so that information on issues and problems regarding the implementation of the Convention – e.g. the number of sterilized women with disabilities or the number of involuntary commitments to institutions – can be publicly discussed. (CO, Para 48)

HONG KONG, CHINA

Women with disabilities (Articles 1 – 4 and 6):

The Committee requested information regarding how the use of different percentages for the purpose of administering the Comprehensive Social Security Assistance Scheme complies with the Convention's definition of disability, disaggregated by sex, on, in particular, whether a person with a degree of disability under 50 per cent is entitled to such social benefits. (LOI, Para 31)

The Committee asked whether the State party includes a gender perspective in its public policies relating to persons with disabilities to address the needs and rights of women with disabilities, and whether any positive action measures have been taken to advance their more vulnerable situation. (LOI, Para 45)

The Committee expressed concern about the discrimination faced by women and girls with disabilities and the lack of action of the government of Hong Kong, China, to reduce the occurrence of discrimination, such as neglecting article 6 in the promotion of the Convention. (CO, Para 57)

The Committee recommended that the Women's Commission of Hong Kong, China, should integrate the amelioration of the living situation of women and girls with disabilities into their mandate and include a representative of women with disabilities in its Commission. The Committee also asked Hong Kong, China, to raise awareness on article 6 of the Convention, so as to ensure that women with disabilities enjoy their rights on an equal basis with men. (CO, Para 58)

Equal recognition before the law (Article 12):

The Committee requested data, disaggregated by sex, on how many persons with disabilities have been put under guardianship and on the number of rulings modifying the capacity to act, if any. (LOI, Para 35)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Freedom from exploitation, violence and abuse (Articles 6 and 16):

The Committee was troubled by the repeated occurrence of domestic violence against women and girls with disabilities. (CO, Para 57)

The Committee called upon Hong Kong, China, to prevent domestic violence against women with disabilities and to prosecute and punish the perpetrators and all those responsible. (CO, Para 58)

The Committee expressed concern about the incidents of women and girls with intellectual disabilities being subjected to sexual violence. (CO, Para 65)

The Committee suggested that Hong Kong, China, continue investigating these incidents and prosecute the perpetrators and all those responsible. It also recommended that sex education be taught to children and adolescents with intellectual disabilities and that the law enforcement personnel be trained on handling violence against women and girls with disabilities. (CO, Para 66)

Forced psychiatric interventions, sterilization and abortion (Article 12, 17, 23 and 25):

The Committee requested information on the existing safeguards assuring that medical treatment, including psychiatric treatment, abortion and sterilization, is undertaken only with the full and informed consent of the person with a disability. (LOI, Para 38)

The Committee made no follow up comments on this issue in its concluding observations.

Education (Article 24):

The Committee requested data, disaggregated by sex, on the overall percentage of students with disabilities attending regular schools and the percentage of students attending special schools. (LOI, Para 40)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Work and employment (Article 27):

The Committee requested data, disaggregated by sex, on the rate of unemployment for workers with disabilities as compared with workers without disabilities. (LOI, Para 43)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Participation in political and public life (Article 29):

The Committee requested data, disaggregated by sex on the number of persons with disabilities holding public office and the proportion of those in senior positions. (LOI, Para 44)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

MACAO, CHINA

Women and girls with disabilities (Articles 1 – 4, 6 and 7):

The Committee requested updated statistical data regarding persons with disabilities, as disaggregated as possible, including by sex and age. (LOI, Para 46)

The Committee requested information on article 38 of the Basic Law, which provides protection for “women’s legitimate rights and interests”. (LOI, Para 61)

The Committee asked whether the State party includes a gender perspective in its public policies relating to persons with disabilities to address the specific needs of women and girls with disabilities, and whether any positive action measures have been taken to advance their more vulnerable situation. (LOI, Para 61)

The Committee made no follow up comments with respect to gender on these issues in its concluding observations.

Equal recognition before the law (Article 12):

The Committee requested data on the percentage of persons with disabilities placed under guardianship, disaggregated by sex. (LOI, Para 53)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Freedom from exploitation, violence and abuse (Article 16):

The Committee expressed concern about the heightened risk of violence against women and girls with disabilities becoming victims of domestic violence and abuse. (CO, Para 90)

The Committee recommended that services and information be made accessible to these victims and encouraged Macao, China, to set up a complaint mechanism and conduct mandatory training for the police force on this issue. (CO, Para 91)

Education (Article 24):

The Committee requested information on the percentage of persons with disabilities in mainstream education as compared to the percentage of those in special education facilities, disaggregated by sex. (LOI, Para 57)

The Committee made no follow up comments with respect to gender on these issues in its concluding observations.