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**NGO Information Note for the Universal Periodic Review of China  
Third Cycle, November 6, 2018**

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Women Enabled International (WEI) works at the intersection of women’s rights and disability rights to advance the rights of women and girls with disabilities around the world. Through advocacy and education, WEI increases international attention to—and strengthens international human rights standards on—issues such as violence against women, sexual and reproductive health and rights, access to justice, education, legal capacity, and humanitarian emergencies. Working in collaboration with women with disabilities rights organizations and women’s rights organizations worldwide, WEI fosters cooperation across movements to improve understanding and develop cross-cutting advocacy strategies to realize the rights of all women and girls.

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### I. Introduction

1. Women and girls with disabilities<sup>1</sup> around the world face discrimination and human rights abuses based on both their gender and disability status. This intersectional discrimination means that women with disabilities face barriers to their full exercise of rights that are unique from and disproportionate to those experienced by men with disabilities and nondisabled women. Despite China's international commitments to ensure the rights of women with disabilities, human rights violations manifest in all areas of their lives in China and are particularly present when women with disabilities experience violence—by family members, intimate partners, caregivers in state- and privately-run institutions, and human traffickers. The unavailability of disaggregated and appropriate data and statistics regarding women with disabilities has left violations of their rights largely invisible. Furthermore, women with disabilities face barriers to accessing justice in China, compounding these rights violations and leaving them unaddressed.
2. During China's previous Universal Periodic Reviews (UPRs) in 2009 and 2013, it did not receive any recommendations specifically addressing human rights abuses faced by women with disabilities. However, in 2009, China supported UPR recommendations "enhancing the status of women" and "supporting persons with disabilities."<sup>2</sup> In 2013, China agreed to respond in due time to UPR recommendations to combat discrimination and abandonment of children with disabilities as well as to "provide sufficient community services and assistance in rural regions," and to "improve the collection and publishing of gender-specific data."<sup>3</sup> As this Information Note shows, while China has taken some measures, it has failed to fully implement these recommendations, particularly as related to women with disabilities.
3. This submission is based almost exclusively on desk research into laws, reports, data, and research available in English and Chinese. Due to the treatment of human rights defenders in China and the particular political sensitivities surrounding the UPR process, we were not able to consult with organizations representing women with disabilities in China for fear of putting them at risk. Because this on-the-ground consultation has not been possible, and there is limited data and research about women with disabilities in China, issues affecting this group remain largely invisible. We hope that U.N. Member States will take the opportunity of the China UPR to bring these issues forward with China.
4. This information note provides background on the situation of women with disabilities in China, highlighting specifically violence against women with disabilities, lack of appropriate data and statistics, and barriers to accessing justice. WEI also provides suggestions for questions and recommendations to direct towards China during its third UPR.

### II. Background

5. According to the World Health Organization (WHO) and the World Bank, approximately 15% of people worldwide are persons with disabilities, and women with disabilities account for 19.2% of the total population of women around the world.<sup>4</sup> However, official statistics from China indicate a much smaller percentage of persons with disabilities in the country. According to China's official statistics, in 2010, approximately 6.21% of the population, or 85.02 million people, had disabilities, among whom 41.20 million or 48.45% were women.<sup>5</sup> The significant difference between global estimates and

these Chinese statistics is likely due to a narrow definition of disability in China, which includes just specific types of individual impairments confirmed by a medical diagnosis.<sup>6</sup> In 2012, the Committee on the Rights of Persons with Disabilities (CRPD Committee), which monitors State implementation of the Convention on the Rights of Persons with Disabilities (CRPD), expressed concern about China's definition of disability and recommended introducing the human rights model of disability into Chinese disability policy<sup>7</sup> so that it works to remove barriers hindering the full and equal participation of persons with disabilities, instead of focusing on a "cure" or "fix" to disability.

6. Chinese law and policies fail to effectively address the persistence of deep-rooted stereotypes against women and persons with disabilities. According to the World Economic Forum, China's world rank for gender parity has fallen from 57<sup>th</sup> in 2008<sup>8</sup> to 100<sup>th</sup> out of 144 countries in 2017.<sup>9</sup> The **Law on Protection of Persons with Disabilities (1990, amended in 2008)** still defines persons with disabilities as "abnormal."<sup>10</sup> Although since 2015 China has loosened its population policy by allowing couples to have two children, most family planning regulations still specify that a couple can have one more child if one or both of the born children have disabilities,<sup>11</sup> reinforcing the stereotypes that children with disabilities are less valuable than those without disabilities and cannot make contributions to their families and the society. In addition, the lack of a gender perspective in disability policy renders the needs of women with disabilities invisible<sup>12</sup> and has resulted in little research into violence against women with disabilities,<sup>13</sup> as highlighted further below.
7. **The General Provisions of the Civil Law in China (2017)** do not recognize full legal capacity for all and limit the "legal capacity to act" of many people with disabilities, in violation of Article 12 of the CRPD.<sup>14</sup> All persons with disabilities, regardless of supposed "mental capacity," may be deprived of legal capacity.<sup>15</sup> People who are adjudicated as having limited or no legal capacity will be placed under guardianship,<sup>16</sup> while even those who do not undergo these legal proceedings may still be forced to identify a guardian in order to be certified as a person with a disability and obtain disability benefits.<sup>17</sup> Individuals under guardianship cannot sue in courts by themselves according to the **Civil Procedure Law (1991, amended in 2012)** or the **Criminal Procedure Law (1979, amended in 2012)**, and only their guardians can sue on their behalf.<sup>18</sup> These laws have a number of specific implications for the rights of women with disabilities, including by increasing vulnerability to violence and reproductive rights violations and impacting their ability to access justice,<sup>19</sup> explored in more detail below.
8. Lack of and limited access to relevant data also leaves women with disabilities vulnerable to rights violations. Comprehensive, accurate, and accessible data and information are critical to assessing progress as to the implementation of a country's human rights obligations, understanding the current surrounding issues, and developing effective solutions to complex challenges.<sup>20</sup> Without this data and information, a country cannot be held accountable for human rights violations in its territory and cannot make informed policies so as to fulfill its human rights obligations. China's state secrets system makes it exceedingly difficult to obtain accurate and reliable human rights-related information.<sup>21</sup> For example, according to the **Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Family Planning Work (1995)**, statistics such as on induced abortions, infanticide and child abandonment are classified.<sup>22</sup> Though the **Regulation on Open Government Information (2008)** provides that Chinese citizens have the right to request specific government disclosure, in reality Agencies routinely fail to respond to these requests by claiming that the requested information constitutes state secrets,<sup>23</sup> the determination of which is vague, discretionary and non-transparent.<sup>24</sup>

### III. Violence against Women with Disabilities in China

9. Violence against women with disabilities worldwide takes many unique forms, and women with disabilities experience violence at higher rates than other women. According to the former U.N Special Rapporteur on Violence against Women (SRVAW), Rashida Manjoo, violence against women with disabilities can be of a "physical, psychological, sexual or financial nature and include neglect, social

isolation, entrapment, degradation, detention, denial of health care, forced sterilization and psychiatric treatment.”<sup>25</sup> Violence against women with disabilities also has unique causes, including violence that is perpetuated by stereotypes “that attempt to dehumanize or infantilize, exclude or isolate them, and target them for sexual and other forms of violence.”<sup>26</sup>

10. Under China’s international human rights obligations, it has a duty to prevent and punish gender-based violence against all women committed by State actors and to exercise due diligence to protect women from violence committed by others.<sup>27</sup> This section explores how violence against women with disabilities manifests in China, and how the content and implementation of the current legal framework fails to fulfill China’s obligation to prevent and punish this violence.

#### *Domestic Violence against Women with Disabilities*

11. Worldwide, women with disabilities experience domestic violence by intimate partners and family members in all of its forms—physical, sexual, emotional, psychological, and financial—at twice the rate of other women.<sup>28</sup> However, there is little reliable data on the extent of domestic violence against women with disabilities in China. A 2010 national survey of married women generally in China found that 24.7% of respondents reported experiencing domestic violence by their spouse.<sup>29</sup> Although worldwide data indicate that women with disabilities experience violence, including domestic violence, at higher rates than other women, as noted above, the data in the 2010 national survey is not disaggregated by disability, and there is no comparable national data on domestic violence against women with disabilities. According to a provincial survey of married Chinese women with disabilities in 2010, 19.1% of respondents had experienced domestic violence by their spouse within marriage—including neglect, insult, battery, financial control, confinement, and “forced sex” (note that China does not explicitly recognize marital rape as a crime).<sup>30</sup> This survey, however, did not provide information about domestic violence against nondisabled married women in the same province.<sup>31</sup> Both the national and provincial surveys are also limited, because they do not encompass all the forms of domestic violence experienced by women with disabilities, including violence perpetrated by family members, caregivers or other intimate partners, or other unique forms of violence experienced by women with disabilities such as withholding medication and other support or forced institutionalization. Without reliable disaggregated data revealing the actual prevalence of all forms of domestic violence against women with disabilities, the scale of the problem will stay invisible and unaddressed.
12. According to the 2010 provincial survey, women with disabilities from rural areas experience domestic violence at a higher rate than those from urban areas.<sup>32</sup> Due to stigmatization and stereotypes, women with disabilities are seen as a burden to the family and they are often subject to violence not only from their intimate partners, but also other family members as well as caregivers.<sup>33</sup> The media has covered multiple incidents of physical abuses against older women with disabilities by domestic helpers at home and in nursing homes for the elderly.<sup>34</sup> Women with disabilities in China face barriers to leaving abusive families and relationships, because—due to high unemployment rates and low levels of education—they may not be able to support themselves and live independently.<sup>35</sup>
13. Information on legal recourse and support are not accessible for women with disabilities who experience domestic violence in China. According to the same 2010 provincial survey, nearly 80% of women with disabilities have no knowledge of laws prohibiting domestic violence or protecting the rights of persons with disabilities.<sup>36</sup> In addition, local governments are reluctant to share legal information with persons with disabilities, worrying that their workload will increase if persons with disabilities know more about their rights.<sup>37</sup> Legal information about domestic violence is not available in accessible formats in general. For instance, while the All China Women’s Federation and the public security authorities in a number of cities in China have set up hotlines for domestic violence victims, no evidence shows that they are accessible to deaf women.<sup>38</sup> Currently, shelters for domestic violence victims in China are mostly built within “relief stations” that are set up to accommodate homeless people, lacking independent personnel and funds to provide appropriate services to domestic violence victims.<sup>39</sup> Therefore, in 2016 only 149

persons were admitted to the approximately 2000 shelters.<sup>40</sup> In addition, lack of accessible facilities and services in general<sup>41</sup> has created a substantial barrier for women with disabilities when seeking help. This barrier is even more prevalent in rural areas, where there are hardly any accessible facilities in general.<sup>42</sup>

14. China adopted the **Anti-Domestic Violence Law** in 2015, stipulating that special protection should be provided to victims of domestic violence with disabilities. However, the law does not specify what special protection is provided and there are no provisions regarding accessibility and reasonable accommodations for women with disabilities in shelters and accessing justice.<sup>43</sup> In addition, the definition of domestic violence does not explicitly include neglect, sexual violence, or financial deprivation, which are common forms of domestic violence, in particular against women with disabilities.<sup>44</sup>
15. As mentioned above, women with disabilities who are deprived of legal capacity cannot take legal action on their own. The **Anti-Domestic Violence Law** provides that close relatives, police, local women's federations, and other community agencies can apply for protection orders for individuals under guardianship.<sup>45</sup> However, since domestic violence happens mostly in the private sphere, it is extremely difficult to get public authorities involved. The Law also provides that guardianship should be removed in cases in which a guardian perpetrates domestic violence against the individual under guardianship, but only when there is a "severe" infringement of the lawful rights of the individual and only upon application by the individual's close relatives, the community/village committee, local governmental agencies or his/her employer.<sup>46</sup> Consequently, the law does not only deny women with disabilities' capacity to dispute the adequacy of their abusive guardians, but also imposes discriminatory restrictions on when a victim under guardianship can take actions against the perpetrator (only when there are severe violations). All this affects women with disabilities disproportionately in the context of domestic violence.
16. In 2014, the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) expressed concern to China about the lack of sufficient data on all forms of violence against women, including the prevalence of incidents, the content of compensation awarded to women who are victims of violence and the number of court orders against convicted perpetrators.<sup>47</sup> The CEDAW Committee recommended that China encourage the use of protection orders, ensure the availability of sufficient and adequately equipped shelters for domestic violence victims, encourage reporting by victims of all forms of violence against women and girls, and effectively investigate complaints, prosecute acts of violence against women, adequately punish the perpetrators.<sup>48</sup> In terms of legal capacity, in 2012, the CRPD Committee urged China to adopt measures to repeal the laws, policies, and practices which permit guardianship and trusteeship for adults and take legislative action to replace regimes of substituted decision-making with support for making decisions, when needed and requested.<sup>49</sup> It also recommended that China collect data on the prevalence of exploitation, abuse, and violence against persons with disabilities.<sup>50</sup>

#### *Abandonment of girls with disabilities*

17. Due to widespread stigma surrounding children with disabilities and a deep-rooted preference for boys over girls, girls with disabilities in China are particularly subject to abandonment.<sup>51</sup> According to the China Report on Child Welfare Policies, in 2013 the number of orphans in China reached 574,000 and 80% of them had severe "congenital diseases."<sup>52</sup> According to statistics from adoption agencies in the United States of America, there are about 5,000 orphans from China adopted every year, and they are mostly abandoned girls with different kinds of "birth defects."<sup>53</sup> Another reason for the high number of abandoned girls with disabilities is that parents cannot afford the medical expenses to care for their children with disabilities.<sup>54</sup> The intersection of stigma and discrimination based on age, gender, and disability can also result in femicide against girls with disabilities. For instance, on June 23, 2018, an 8-year-old girl with cerebral palsy was pushed into a river by her father and grandfather and drowned in Nanjing city.<sup>55</sup> A similar incident occurred one month later in Hefei city, where a father killed his 12-

year old daughter with cerebral palsy and turned himself in.<sup>56</sup>

18. As noted above, Chinese law and policy still disfavor girls with disabilities. In 2015, several National People's Congress representatives proposed to increase financial support for prenatal diagnosis to "block" the birth of babies with "defects" because babies with birth defects are "a heavy burden" to their families and the society.<sup>57</sup>
19. The Committee on the Rights of the Child (CRC Committee), CRPD Committee, and CEDAW Committee have all expressed concerns about the abandonment of children with disabilities, in particular girls with disabilities, in China.<sup>58</sup> In its 2012 review of China, the CRPD Committee also expressed concern that children with disabilities are often placed in isolated institutions,<sup>59</sup> which is a form of abandonment. It urged China to take measures to fight widespread stigma in relation to boys and girls with disabilities; revise its strict family planning policy so as to combat the root causes of the abandonment of boys and girls with disabilities; provide sufficient community-based services and assistance, including in rural areas; and collect data on the prevalence of exploitation, abuse and violence against persons with disabilities.<sup>60</sup> In its 2014 review of China, the CEDAW Committee also expressed concerns about lack of data and recommended that the Chinese government strengthen its system of comprehensive data collection on all forms of violence against women, including femicides.<sup>61</sup>

#### *Sexual Violence against and Trafficking of Women and Girls with Disabilities*

20. Women with disabilities, especially women with intellectual or psychosocial disabilities, are subject to sexual violence across China, and this violence is often left unaddressed. Although there is no national data available on the prevalence of such violence, multiple media reports have shown how severe the situation is.<sup>62</sup> In one report, an 18-year old woman with an intellectual disability was raped by a 55-year old man from the same town multiple times and up to 6 times a day. The woman's father was working out of town most of the time and the perpetrator would sexually assault the woman when her mother was not at home.<sup>63</sup> In another report, a 15-year old girl with an intellectual disability was raped by a 70-year old neighbor, and her parents only found out when she was 8-months pregnant. The perpetrator told the girl that he would buy her snacks and took her home and raped her.<sup>64</sup> In a similar report, 4 villagers used pocket money to lure an 18-year old woman with disabilities and raped her multiple times in their homes or in old empty houses in the village.<sup>65</sup>
21. Most victims of sexual assault live in rural areas, where women with intellectual disabilities often live unattended by family members<sup>66</sup> and where community-based services and assistance is lacking.<sup>67</sup> Most perpetrators are victims' neighbors or acquaintances and are aware that victims are unable to report them.<sup>68</sup> Indeed, due to lack of sex education and family/community support, most victims were not able to report sexual assaults against them by themselves.<sup>69</sup> As a consequence, women with disabilities in many cases were raped multiple times and the incidents only got disclosed when they became pregnant.<sup>70</sup> In two reported cases, the perpetrators even kept the women at home, used them as "sex slaves" and had them give birth to several children.<sup>71</sup> According to the Procuratorate in Shenzhen city, in 2013 it prosecuted 18 cases of sexual assault against women with intellectual disabilities, none of which were reported by the victim herself and most of which were reported by their parents after multiple rapes or when pregnancy was discovered.<sup>72</sup> Because of this delayed reporting and the absence of support services to facilitate the victim's testimony, it has been very difficult for the perpetrators to get convicted.<sup>73</sup> In addition, there is no available information regarding whether specific counselling services or other support are provided for women with intellectual disabilities subject to sexual violence.
22. Law and policy in China have not adequately addressed sexual violence against women with intellectual disabilities. **The Criminal Law (1979, amended in 2015)** provides that rape and molestation are crimes.<sup>74</sup> However, due to lack of awareness of the nature of these crimes and lack of support, very few victims with intellectual disabilities are able to report sexual violence against them.<sup>75</sup> In addition, there is no available information regarding whether any measures have been taken to help women with intellectual or psychosocial disabilities navigate the justice system. Rather the whole legal system still

sees persons with disabilities as having no capacity to make decisions on their own behalf, as reflected in China's legal guardianship scheme and its disapproval of persons with disabilities' status as witnesses. In August 2018, the Supreme People's Court and China Disabled Persons' Federation jointly issued the Opinion on Effectively Safeguarding Lawful Rights of Persons with Disabilities in Trials.<sup>76</sup> While the Opinion still focuses on preferential measures such as speedy trials and the provision of governmental legal aid, it does not address the fundamental obstacles for persons with disabilities to equally access justice, such as recognition of their legal capacity to sue and to act as witnesses, nor does the Opinion address barriers faced by women with disabilities in accessing justice, in particular women with intellectual or psychosocial disabilities.<sup>77</sup>

23. At the same time, Chinese law may prevent some women with disabilities from engaging in consensual sex. As early as 1984, a judicial interpretation of the Criminal Law issued by the Supreme People's Court provided that knowingly having sex with women with severe psychosocial or intellectual disabilities is considered as rape in all circumstances.<sup>78</sup> While there is no law on how to effectively protect women with intellectual disabilities from unwanted sex, such a provision tends to deny sexual agency to women with psychosocial and intellectual disabilities in general.

#### *Trafficking*

24. Women with intellectual and psychosocial disabilities are also subject to trafficking and become "procreation tools."<sup>79</sup> The current imbalanced sex ratio in China, which is due to its longstanding population policy, has led to increased trafficking of women for marriage and reproductive purposes,<sup>80</sup> and women with intellectual and psychosocial disabilities are more severely affected due to isolation and lack of community support, as shown in the incidents below. Though there is a lack of available data on the prevalence and evolving patterns of human trafficking in China, the United Nations Action for Cooperation Against Trafficking in Persons (U.N.-ACT) has observed a recent increase in the trafficking of disabled persons (notably those with psychosocial disabilities, or those who are Deaf and mute) in China, and the traffickers have become more organized.<sup>81</sup> In 2015, there were reports of two large organized trafficking groups that had trafficked two dozen women with intellectual and psychosocial disabilities across China over the last 3 years, and the youngest victim was 13 years old.<sup>82</sup> These women were locked up during the course of trafficking and were mainly sold to poor families in rural areas who wanted to have children.<sup>83</sup> In one case, the abducted woman with intellectual disabilities gave birth to five children and died five months after the fifth child was born.<sup>84</sup> Women with intellectual and psychosocial disabilities are targeted also because their families see them as burdens and so choose to sell them or do not pursue them if they go missing. For example, in a few cases, when the women who were trafficked were sent back to their own families after police intervened, their families refused to take them or even sent them back to the "buyer."<sup>85</sup>
25. Chinese law does provide protections against trafficking for women, but the law is inadequately applied to women and girls with disabilities. The **Law on the Protection of Women's Rights and Interests (1992, amended in 2005)** prohibits trafficking in women.<sup>86</sup> **The Criminal Law** provides that trafficking in women and children is a crime.<sup>87</sup> In 2008 and 2013, China promulgated two national action plans and a few policy documents against trafficking, initiated a few joint projects among various departments, and launched anti-trafficking campaigns through television, print media and online platforms.<sup>88</sup> However, no known measures have been taken to tackle trafficking of women with disabilities in particular, such as providing appropriate sex education as well as community support services for women with disabilities, making sure legal information regarding sexual violence and trafficking is available to women with disabilities in all accessible formats, and facilitating their participation in law enforcement and judicial process. In its 2014 review of China, the CEDAW Committee expressed concern about the absence of comprehensive anti-trafficking legislation and the lack of clarity as to whether domestic law criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labor, forced marriage and illegal adoption, and it recommended that China adopt comprehensive anti-trafficking legislation in compliance with international standards.<sup>89</sup>

### *Violations of Sexual and Reproductive Rights*

26. Violations of women's sexual and reproductive health and rights, such as forced sterilizations, forced abortion, and forced pregnancy, are forms of gender-based violence that may amount to torture or cruel, inhuman, or degrading treatment.<sup>90</sup> In China, reproductive choices are likely to be taken away from women with disabilities. Due to false and discriminatory stereotypes about the sexuality and ability of women with disabilities to parent, as well as the desire of caretakers to control their menstrual cycles, women with disabilities in China are discouraged from having children and are even subject to forced sterilization and abortion.<sup>91</sup> In 2005, staffers from an orphanage in Nantong city removed the uterus of two girls with intellectual disabilities because they could not clean up their menstrual discharge, and the staffers worried that they would get pregnant later.<sup>92</sup> This is only one of many incidents that severely violated the reproductive rights of women with disabilities. Further anecdotal evidence shows that due to lack of supervision and no access to justice, institutionalized women with disabilities are more vulnerable to such violations. As noted above, statistics such as those on induced abortions, infanticide and child abandonment are classified under Chinese law.<sup>93</sup> According to Human Rights Watch, patients in mental health institutions in China are also frequently deprived of the right to make decisions regarding treatment and confinement; forced medications and violence are rife.<sup>94</sup>
27. As mentioned above, many women with disabilities in China do not enjoy full legal capacity under civil law, which still gives authorization to a third party to make decisions for women with disabilities. In addition, Chinese law still allows for women with disabilities to be subjected to forced reproductive health interventions, including forced sterilization, abortion, and contraception, often done with the sanction of partners, parents, institutions, or guardians but without the woman's or girl's consent.<sup>95</sup> The **Law on Maternity and Infant Health Care (2007)** provides that the termination of pregnancy or sterilization should be subject to the consent and signing of the woman involved, but if the woman has been deprived of legal capacity, the law requires only the consent of her guardian.<sup>96</sup> In reality, anecdotal evidence shows that doctors sometimes assume that women with disabilities lack legal capacity and let their family members make reproductive health decisions. Furthermore, the **Mental Health Law (2013)** provides that medical facilities can perform surgeries or experimental clinical treatments for mental illnesses without seeking consent from the patients if consent "cannot be sought," and there are no safeguards which prevent abuse such as criteria for obtaining consent and effective access to external supervision and justice mechanisms for when treatment occurs without consent.<sup>97</sup> Though the law provides that patients or their guardians and close relatives can sue in case of rights violations by the institutions, this provision contradicts **The General Provisions of the Civil Law in China (2017)** and in reality courts may not recognize the legal capacity of individuals with mental disabilities to sue independently. Therefore, women with disabilities incarcerated in institutions may be subject to forced sterilization or abortion without recourse.
28. Following its review of China in 2012, the CRPD Committee called upon China to revise its laws and policies in order to prohibit compulsory sterilization and forced abortion of women with disabilities.<sup>98</sup> The CRPD Committee also took note that disaggregated appropriate information, including statistical and research data that enables the State Party to formulate and implement policies to give effect to the CRPD, is often not available due to laws and regulations on guarding State secrets.<sup>99</sup> The CEDAW Committee expressed similar concerns about lack of data and recommended that China strengthen its system of comprehensive data collection on all forms of violence against women, including femicides.<sup>100</sup>

### **IV. Conclusions and Suggested Questions and Recommendations for the UPR of China**

29. As this submission demonstrates, there are still many ways in which China has failed to fulfill its human rights obligations, particularly for women with disabilities. With this in mind, we recommend that States ask the following questions and give the following recommendations to China during its upcoming UPR.
30. Questions for Interactive Dialogue:

- Please provide data—disaggregated by gender, disability, age, and other factors—on prevalence of all forms of violence against women with disabilities, in comparison to women without disabilities, including rape, other forms of sexual violence, trafficking, domestic violence, and forced reproductive health interventions, the number of reports to police, the number of prosecuted cases, and legal redress in those cases.
- What has been done to provide special protection to women with disabilities experiencing domestic violence? How many shelters exist? Are they accessible to women with disabilities and are staff trained to meet their needs? Is information about shelters and domestic violence available and accessible to women with disabilities? For example, are anti-domestic violence helplines accessible for deaf women; are materials available in alternative formats for blind women?
- What has been done to tackle stereotypes about persons with disabilities, especially women and girls with disabilities, including that they are burdens to society, are incapable of making decisions for themselves and are incapable of caring for their children?
- What has been done to address sexual violence and trafficking of women with psychosocial and intellectual disabilities? Are sex education and legal information on sexual violence and trafficking available, accessible, and appropriate to women with disabilities, in particular women with intellectual and psychosocial disabilities and especially in rural areas?
- What has been done to supervise different types of institutions, in particular psychiatric institutions, and to make certain that the rights of institutionalized women are protected?

### 31. Recommendations to China:

- Improve data collection on persons with disabilities in general, and women and girls with disabilities in particular, including on violence and sexual and reproductive health and rights. Ensure disaggregation of data on these topics by gender, age, and disability, among other factors.
- Undertake public campaigns and provide training to governmental and judicial personnel on gender equality and the rights of persons with disabilities so that these institutions can effectively combat all forms of violence against women with disabilities in homes, in public, and in institutions.
- Abolish systems of guardianship and repeal laws that allow guardians or others to make important decisions about the lives and health of women with disabilities without their consent and ensure that support for decision-making is available.
- Amend the Law on Maternity and Infant Health Care to outlaw sterilization and abortion of women with disabilities without the consent of the woman herself.
- Amend the Anti-Domestic Violence Law to include all forms of domestic violence experienced by women with disabilities and take concrete measures to address the needs of women victims with disabilities, including but not limited to providing accessible information and services to women with disabilities such as shelters and legal help.
- Adopt and implement comprehensive anti-trafficking legislation criminalizing all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced marriage, and reproduction, and ensuring access to justice and guaranteeing relevant services and support for women with disabilities.
- Provide accessible and understandable sex education and relevant legal information to women with disabilities, in particular women with intellectual and psychosocial disabilities and especially those in rural areas.

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<sup>1</sup> This report will address the situation of women with disabilities throughout the life cycle. Any reference to ‘women with disabilities’ should be interpreted to include girls with disabilities unless otherwise indicated.

<sup>2</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: China*, Recs. 114.14, 114.15, U.N. Doc. A/HRC/11/25 (2009).

<sup>3</sup> *Id.*, Recs. 186.88, 186.94, 186.101.

<sup>4</sup> World Health Organization and World Bank, *World Report on Disability* 28-29 (2011).

<sup>5</sup> CRPD Committee, *Response by the Government of the People’s Republic of China to the List of Issues*, Issues. 1.1, 1.2, U.N. Doc. CRPD/C/CHN/Q/1/Add.1 (2012).

- <sup>6</sup> Xiaoying Zheng *et al.*, *Twenty-year trends in the prevalence of disability in China*, 89 Bulletin of the World Health Organization (2011), <http://www.who.int/bulletin/volumes/89/11/11-089730/en/>.
- <sup>7</sup> CRPD Committee, *Concluding Observations: China*, ¶¶ 9 & 10, U.N. Doc. CRPD/C/CHN/CO/1 (2012) [hereinafter CRPD Committee, *China*].
- <sup>8</sup> World Economic Forum, *The Global Gender Gap Report 2008* 10, [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2008.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2008.pdf).
- <sup>9</sup> World Economic Forum, *The Global Gender Gap Report 2017* 11, [http://www3.weforum.org/docs/WEF\\_GGGR\\_2017.pdf](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf).
- <sup>10</sup> The Law of the People's Republic of China on the Protection of Persons with Disabilities provides that a disabled person refers to one who suffers from abnormalities of 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. See CRPD Committee, *Response by the Government*, *supra* note 5, Issues. 1.1.
- <sup>11</sup> Laney Zhang, *China: 2016 revised provincial family planning regulations*, Global Legal Monitor, Feb. 6, 2017, <http://www.loc.gov/law/foreign-news/article/china-2016-revised-provincial-family-planning-regulations/>.
- <sup>12</sup> Liu Bohong, *Development of Women with Disabilities in China: Challenges, Needs and Strategies (Chinese)*, 2 DISABILITY STUDIES 15 (2013) [hereinafter Liu Bohong, *Development of Women with Disabilities in China*].
- <sup>13</sup> Patricia A. Findley, *Women with Disabilities' Experience with Physical and Sexual Abuse: Exploring International Evidence*, Research Report #10 1 (2013), [https://socialwork.rutgers.edu/sites/default/files/research\\_report\\_10.pdf](https://socialwork.rutgers.edu/sites/default/files/research_report_10.pdf).
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