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Barriers to Education for Persons with Disabilities in China

A blind girl reads Braille text in her class at the Shanghai School for the Blind. 2007 Reuters/Nir Elias

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The mother of Chen Yufei tried hard to find a school for her son, a nine-year-old boy with attention-deficit/hyperactivity disorder (ADHD) and an intellectual disability. When Chen was 7 she brought him to a nearby school, but the principal would not let him enroll because he would affect other children. Reluctant, Chens mother turned to special education schools, but she could not find one: the district in which they live did not have one. Eventually she got Chen accepted in a special education school in another district after two years and a hefty bribe. She still bitterly resents this experience, as she believes her son would make much better progress if he were in a mainstream school.

Across China, children and young people with disabilities confront discrimination in schools. This report documents how mainstream schools deny many such children admission, ask them to leave, or fail to provide appropriate classroom accommodations to help them overcome barriers related to their disabilities. While children with mild disabilities are in mainstream schools where they continue to face challenges, children with more serious disabilities are excluded from the mainstream education system, and a significant number of those interviewed by Human Rights Watch receive no education at all.

Internationally, there is a growing recognition that inclusion making mainstream education accessible for children with disabilities is a key element in realizing the right to education. The Convention on the Rights of Persons with Disabilities (CRPD), the most recent international human rights treaty, mandates that state parties ensure an inclusive education system at all levels.

By ratifying the CRPD in 2008, the Chinese government made a commitment to the goal of full inclusion. Yet it has no clear and consistent strategy to achieve that goal. It continues to devote too few resources to the education of students with disabilities in mainstream schools while at the same time actively developing a parallel system of segregated special education schools. Inclusive education is not just a legal obligation, and it benefits not only students with disabilities a system that meets the diverse needs of all students benefits all learners and is a means to achieve high-quality education and more inclusive society. While an inclusive education system cannot be achieved overnight, the Chinese governments current policies and practices raise questions about the extent of its commitment to do so.

The Chinese government has taken important steps to promote the rights of people with disabilities. Internationally, it was supportive of the development and adoption of the CRPD. Domestically, it passed the Law on the Protection of Persons with Disabilities (LPDP), which outlines the rights of people with disabilities as well as a number of regulations on disability. It has pledged greater funding for the education of people with disabilities and has taken steps such as waiving miscellaneous school fees to facilitate their access to education.[1]

However, a closer look at education for people with disabilities reveals a grimmer picture. According to official statistics, over 40 percent of people with disabilities are illiterate and 15 million live on less than one dollar a day in the countryside. The Chinese government has an impressive record in providing primary education for children without disabilities, achieving near-universal compulsory education for such children. But according to official statistics, the rate for children with disabilities is much lower: about 28 percent of such children should be receiving compulsory basic education but are not.

The Chinese government has often been considered a model in reaching the Millennium Development Goal regarding the provision of primary education to all children but the picture dramatically changes if the data are disaggregated to focus on enrollment rates for children with disabilities. Bars to enrollment, expulsion from schools, and lack of adequate support in mainstream schools, as well as lack of information about and trouble reaching special education schools, are the main reasons for the enrollment gap.

Discrimination against children and young people with disabilities permeates all levels of education in the mainstream system. Schools sometimes deny enrollment outright, but they are often more subtle, convincing the parents to take their children out of the schools with a variety of arguments. Schools sometimes place conditions on parents, such as requiring that they accompany their children to and in school every day, before they allow their children to study in the schools. While Chinese laws and regulations contain provisions prohibiting discrimination on the basis of disability, the provisions are often vague, fail to precisely define discrimination, and do not outline effective redress mechanisms.

The Chinese government also does not have a clear policy on reasonable accommodation in mainstream schools defined in the CRPD as necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden. In interviews with Human Rights Watch, parents told of carrying their children up and down stairs to classrooms or bathrooms located upstairs several times a day. Students with hearing impairments said they could not follow along because the teachers walk around while teaching and do not to provide written notes, and there is no sign language instruction in most schools. They told us that students who are blind or who have limited vision are not provided with magnified printed materials or tests. Some mainstream schools exclude students with disabilities from the examination system; they do not get graded and their progress is not otherwise evaluated. In some rural areas, the governments policy of consolidating mainstream schools in recent years has had a negative effect on students with disabilities, as schools to which they are assigned are further away and provide no transportation.

While some teachers and principals in mainstream schools make Herculean efforts to provide reasonable accommodation to students with disabilities out of the goodness of their hearts, as one interviewee put it such support is not institutionalized. In both policy and practice, the mainstream education system is set up in such a way that the teachers focus is on students without disabilities; it is the child with a disability who is expected

to adapt to the system.

Teachers find that the burden of supporting students with disabilities rests entirely on their shoulders, as they are provided with little support to ensure reasonable accommodations in the classrooms. There is no staff support to assist the teachers, who often have to teach large classes of 30 to 60 students. Training for teachers and administrators in mainstream schools is limited and little funding goes to ensure that such schools are adequately resourced to educate these students. There is also little incentive for teachers to provide support to students with disabilities because doing so does not impact their performance ratings or prospects for promotion.

As a result, many students with disabilities literally find themselves sitting in classrooms without being able to follow the curriculum. This leads to failing performance and declining confidence, which only reinforces the effects of existing discrimination. China calls its scheme for students in the mainstream education system study along with the class; because of the obstacles such children face, it has come to be jokingly referred to as sit along with the class or muddle along with the class. A large percentage of students with disabilities eventually drop out of school or move to special education schools. Once in the special education system, there is little hope of their being able to cross back to the mainstream school system. Families with children with disabilities should have a choice in selecting the most appropriate educational settings for their children, but currently do not have a meaningful choice.

In China, special education schools have fulfilled an important function in providing access to education for children with disabilities, and they are generally well-resourced with both teachers and equipment. However, special education schools separate children with disabilities from those without, which in many cases is not what the children or their parents want. Special education schools are fewer in number and typically farther away than mainstream schools and parents often know little about them, deterring parents from sending their children to them. And they often require the removal of children from their families and communities and placement in a residential institution from a young age. Moreover, many students with severe disabilities are excluded even from special education schools.

Children with disabilities rarely stay in school beyond junior middle school, and for those who aspire to do so, choices are limited. The Chinese government maintains a system of physical examinations for secondary school students who wish to enter mainstream institutions of higher education. During this process, people with disabilities are required to declare their disabilities, and the results of the medical exams are sent directly to the universities. The government also has guidelines advising higher education institutions to bar or restrict access to students with what they refer to as certain physical and mental defects. In addition, students who are blind have very limited access to mainstream universities, as the government fails to readily provide Braille or electronic versions of the *gaokao*, the university entrance exam.

While there are vocational schools for people with disabilities as well as higher education institutions in the special education system, they tend to focus on training for skills and professions that are traditionally reserved for people with disabilities. For example, the blind are trained in massage therapy and the hearing impaired are trained in visual arts. Students with disabilities who aspire to other professions face daunting challenges. This includes the education profession itself: bureaus of education typically prohibit the hiring of teachers with certain disabilities.

Parents play a pivotal role in determining whether a child with disabilities is brought to school and whether the child can overcome the barriers in the system. However, many parents interviewed by Human Rights Watch lacked essential information about their childrens educational rights and options. While almost all of the children we interviewed had disability cards issued by the China Disabled Persons Federation (CDPF), a quasi-governmental disability body, the CDPF has not effectively reached out to parents about their childrens education, let alone helped them identify and remove barriers in mainstream schools. The CDPF and the Ministry of Education, which oversees education, also fail to proactively address discrimination and ensure that reasonable accommodation is provided in mainstream schools.

Human Rights Watch calls on the Chinese government to make an explicit commitment towards a truly inclusive education system by revising existing laws and regulations and by drawing up a clear strategic plan towards such a goal. The government should formulate a policy of reasonable accommodation consistent with international law, set up a mechanism to monitor and provide effective redress in cases of discrimination, and develop outreach programs to support parents so that they are informed of their childrens rights and education options. Failure to ensure access to inclusive and quality education is not only a violation of human rights, but also increases burden on families and incurs economic, social, and welfare costs.

More specifically, the Chinese government should:

Detailed recommendations can be found at the end of this report.

This report is based on 62 interviews conducted in 12 provinces in China between December 2012 and May 2013. Forty-seven of those interviews were with children[2] and young people with disabilities or their parents. Of the 47, 38 were under age 18 (children, as defined in international law) and 9 were over age 18; 12 were out of school (6 had never been to school while six had dropped out) while 35 were in school (18 in mainstream schools and 17 in special education schools). We interviewed 30 of the 47 in the presence of their parents or grandparents. The rest of our 62 interviews were advocates for people with disabilities, educators, government officials, and academics.

All of the children and young people we interviewed were or should have been in school after the Chinese governments 2008 ratification of the CRPD.

Human Rights Watch interviewed children and young people with a range of disabilities, including physical, sensory (hearing and visual), speech, intellectual, and mental disabilities. Some of the interviewees had multiple disabilities. Almost all of them had disability cards issued by China Disabled Persons Federation (CDPF). These cards, which use the classifications prescribed in Chinese law, identify the holders as having the following disabilities: visual, hearing, speech, physical, intellectual, mental, multiple disabilities, and other. [3] Parents used these categories when describing their childrens disabilities, but some pointed out that the categories were inaccurate or did not capture the full range of their childrens disabilities. Since Human Rights Watch was not in a position to identify the interviewees disabilities, we have used the CDPF classifications in this report.

In each interview, Human Rights Watch explained the purpose of the interview, how the interview materials would be used and distributed, and sought the participants permission before the discussions started. Interviewees were told that they could terminate the interviews any time they wished, or refuse to answer any questions. All the interviews were conducted in Chinese but some required interpretation from the regional dialect or sign language into Mandarin. Human Rights Watch ensured that when interviewing these children and young people, the way we asked the questions was appropriate for their age and sensitive to their disabilities. No interviewee received financial or other compensation in return for interviewing with us.

We were also careful to protect all interviewees identities and have replaced their real names with pseudonyms in the report.

Because the Chinese government does not allow independent nongovernmental organizations to conduct human rights research in China, it was difficult for Human Rights Watch to obtain interviews with people in their official capacity. We were only able to interview a handful of government officials, academics, and educators and administrators in public schools. Despite these restrictions, we believe the findings of this report are nationally representative as our interviewees were drawn from 12 Chinese provinces and our analysis is based on national laws and regulations.

For the report, Human Rights Watch also consulted a number of international disability experts. We also reviewed relevant English- and Chinese-language domestic and international press reports, official documents, UN documents, NGO reports, and academic articles. Our findings are generally consistent with those set forth in these other sources.

According to official Chinese sources, an estimated 83 million people in China 6.3 percent of the population have disabilities.[4] This is far below the global disability prevalence rate estimated by the World Bank in 2011, which is 15 percent, and is likely an underestimate.[5] If the World Bank prevalence rate is used, the number is 200 million.

As is often the case in other countries, people with disabilities in China are the countrys largest minority. [6] In China, over 40 percent of people with disabilities are illiterate and 15 million live under one dollar a day in the countryside, according to official figures.[7] The largest group is people with physical disabilities, with a population of 25 million, followed by those with hearing, multiple, visual, mental, intellectual, and speech disabilities.[8] There is currently no data on those with autism.[9] The government reports that 75 percent of people with disabilities live in rural areas.[10]

The Chinese government has presented itself as a champion of people with disabilities both domestically and internationally. It passed the LPDP in 1990 and issued administrative regulations including the Regulations on the Education of People with Disabilities (REPD)[11] in 1994; these protect the rights to education, employment, and accessible environments for people with disabilities.[12] Internationally, the Chinese government has supported major events concerning people with disabilities, notably including the first international NGO summit on disability held in Beijing in 2000.[13]

In 1988 the Chinese government established the China Disabled Persons Federation (CDPF) under the leadership of Deng Pufang, who has paraplegia and is the son of the late Deng Xiaoping, Chinas political leader in the 1980s.[14] According to its constitution, the CDPF aims to represent, serve and manage[15] people with disabilities. Although the government often refers to the CDPF as a nongovernmental organization, it acts under the direct supervision of Chinas chief administrative authority, the State Council. It has a nationwide network reaching every part of China and 80,000 full-time workers, with its headquarters in Beijing.[16] It is responsible for a wide range of matters relating to people with disabilities including education, employment, rehabilitation, culture, sports, advocacy, publications, and residential care.

The CDPF is mandated to assist the Ministry of Education in the development and implementation of education programs, carrying out vocational training, and promoting and researching the use of Braille and sign language. [17] At the local level, it conducts home visits, provides financial aid to students, subsidizes assistive devices, collects data on people with disabilities, and operates rehabilitation centers for children with disabilities. [18] Despite its laudable mandate, however, a number of independent Chinese disability activists have accused the CDPF of corruption, misallocation of funds, hindering their work and threatening them, and failing to represent and fight for the rights of people with disabilities. [19]

In addition to the CDPF, a number of international and domestic organizations provide services to people with disabilities in China, and a handful of them focus on advocating for the rights of people with disabilities. Most prominent among the latter are the Beijing Yirenping Center and the Enable Disability Studies Institute. [20] The Chinese government tightly controls freedom of association in China and it is difficult for such organizations to legally register with the Ministry of Civil Affairs. Even if they are allowed to operate, they are closely monitored, sometimes harassed, and at risk of co-optation by the government. [21]

There are four levels of education in China: pre-school, primary education (ages 6 to 12), secondary education (ages 13 to 18, which includes junior middle school, senior middle school, and vocational school), and higher education (ages 19 to 23). The Chinese governments policy is to guarantee nine years of free compulsory education, including six years of primary and three years of secondary education. A child starts primary school when they are six years old, though in some areas children can begin school when they are seven.[22]

The Ministry of Education oversees education at all levels in China from pre-school to universities, as well as vocational training schools and special education schools. It is also responsible for drafting legislation on education, developing curriculum and teaching materials, and training and certifying teachers. The allocation of education funding is uneven in China, particularly at the compulsory education level where local governments are responsible for providing adequate resources. This leads to wide gaps between rural and urban areas and between rich coastal and poor inland regions.[23]

The Chinese government currently operates two main systems of education which people with disabilities may attend: mainstream schools and special education schools.[24] In the special education system, students are divided according to type of disability there are schools for the blind, for the deaf, and for those with intellectual disabilities; some special education schools can accommodate children with multiple types of disabilities.

Special education schools started in China in the 1950s soon after the establishment of the Peoples Republic of China, providing important access to education for people with disabilities when educational opportunities were otherwise very limited. Schemes for the education of students with disabilities in mainstream schools are called study along with the class or learning in regular class (LRC). According to Ministry of Education statistics, there were 1,767 special education schools enrolling 398,700 children with disabilities in 2011; that same year mainstream schools provided education to another 225,200 children with disabilities (including via special education classes in mainstream schools).[25] There are also some privately run special education schools or rehabilitation institutions that provide education to children with disabilities.

As noted above, CDPF statistics show that about 28 percent of children with disabilities in the compulsory education years do not go to school, but this figure is not entirely reliable because official statistics regarding disability and education from different government agencies are conflicting and inconsistent.[26] Considering that nearly all Chinese children in the general population go to school at this stage, a 28 percent non-attendance rate is an astonishing gap. Among those children with disabilities who are out of school, 80 per cent are in rural areas.[27] In its policies and plans for education the Chinese government has outlined various targets to raise the enrollment rate for children with disabilities.[28] The vision is to raise the rate to match that of children without disabilities, and to raise the rate in rural areas to at least 90 percent enrollment by 2015. While official statistics show steady progress in raising the enrollment rate of children with disabilities since 2007, the government is unlikely to meet these targets unless it addresses the problems documented in this report.

The education of people with disabilities has consequences far beyond childhood it affects employment opportunities, quality of life, and the extent to which people with disabilities will be able to support themselves and lead independent lives. [29] The failure to include people with disabilities in education and later in employment has important implications not only for these individuals and their immediate families but also the wider society and the economy. According to a 2006 study by the International Labor Organization, China loses as much as US$ 111.7 billion, or about 3 per cent of its GDP, as a result of lost productivity stemming from excluding persons with disabilities from the workforce. [30]

The Chinese government is party to the Convention on the Rights of the Child (CRC), the International Convention on Economic, Social, and Cultural Rights (ICESCR), and the CRPD. The ICESCR and CRC guarantee everyone the right to education by making primary education compulsory and free, secondary education available and accessible, and higher education accessible on the basis of capacity.[31] The ICESCR also obliges governments to ensure that the material conditions of teaching staff will be continuously improved.[32] States are also obliged to take measures to encourage regular attendance by children at schools and the reduction of child drop-out rates.[33] With respect to children, states are required to undertake such measures to the maximum extent of their available resources.[34]

Specifically, children with disabilities should receive and have effective access to education.[35] The CRPD articulates in greater detail the right to education for people with disabilities: they enjoy this right without discrimination and on the basis of equal opportunity, they have a right to an inclusive education system at all levels, and they have a right to learn skills so that they can participate within their community fully and equally.[36]

Chinas Compulsory Education Law (CEL) stipulates that all children who have reached the age of six must go to school.[37] The LPDP explicitly guarantees the right to education for people with disabilities.[38] The LPDP stipulates that the governments priorities are to ensure that students with disabilities have access to compulsory education and to develop vocational training, noting that efforts shall be made to implement education at pre-school as well as higher education levels.[39] The Regulations on the Education of Persons with Disabilities (REPD) spell out in greater detail how the education of people with disabilities is to be provided at all levels as well as how teachers of people with disabilities are to be certified, trained, and remunerated. In addition to these laws and regulations, the Ministry of Education also issues rules and normative documents on the education of people with disabilities.[40] Finally, the State Council has issued long-term plans that give broad outlines of the education of people with disabilities from pre-school to vocational training and higher education levels and makes commitments to teacher training and subsidizing students with disabilities.[41]

International law prohibits discrimination on the basis of disability, which is defined under the CRPD as any distinction, exclusion or restrictionwhich has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms.[42] In terms of education, the CRPD requires that people with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.[43] This obligation of non-discrimination applies both to public as well as private actors, and at all levels of education, including higher education and vocational training.[44]

The Chinese Constitution proclaims that all Chinese citizens are equal before the law. [45] The LPDP also prohibits discrimination on the basis of disability.[46] These are statements of principle, however, and neither the Constitution nor the LPDP define discrimination, outline consequences for discrimination, or provide guidance on how to prove discrimination in court.[47]

The proposed amendments to the REPD, released by the Ministry of Education in February 2013 for public comment, offer a small improvement in article 48, which spells out a number of consequences for discrimination, including sanctions by educational authorities and apologies and compensation to the offended party. Such consequences apply only in cases of obvious discrimination, but there is no definition of discrimination or details about the kind of discrimination that should be considered obvious in the proposed amendments.

The CRPD requires states to make education inclusive at all levels.[48] The CRC also stipulates that education of people with disabilities should be conducive to the childs social inclusion.[49] The Committee on the Rights of the Child, a body of independent experts that monitors treaty implementation and issues general recommendations, has stated that legislation which compulsorily segregates disabled children in segregated institutions for care, treatment or education[50] is incompatible with the treaty.

In an inclusive education system, all students learn in the same schools in their communities regardless of whether they are disabled and non-disabled, girls and boys, children from majority and minority ethnic groups, refugees, children with health problems, working children, etc. [51] It requires that the system make modifications to the content and methods of education and provide support to meet the diverse needs of all learners. [52] Inclusive education therefore is not only relevant for the education of students with disabilities, but should benefit all children and be central to the achievement of high-quality education for all learners and the development of more inclusive societies. [53] Studies have shown that students with disabilities achieve better academic results in an inclusive environment when given adequate support than they do in special education settings. [54]

Inclusive education should be distinguished from two other approaches to educating people with disabilities. One is segregation, where children with disabilities are placed in educational institutions that are separate from the mainstream education system. Another is integration, where children are placed in mainstream schools as long as they can fit in these schools and meet their demands. Unlike inclusive education, integration tends to regard the disabled child rather than the school as the one who needs to change.[55] Inclusion focuses on identifying and removing the barriers to learning and changing practices in schools to accommodate the diverse learning needs of individual students. In China, there is often confusion over the concepts of integration (*ronghe*) and inclusion (*quanna*) by academics and policy makers and the two terms are often used interchangeably.[56]

The affirmation of the right to inclusive education is part of an international shift from a medical model of viewing disability to a social model. A couple of decades ago, disability was considered a defect that needed to be fixed. Disability today is viewed as an interaction between individuals and their environment, and the emphasis is on identifying and removing discriminatory attitudes and barriers in the environment.[57]

While the CRPD advocates the goal of full inclusion, it also states that the primary consideration should be the best interests of the child. [58] In some circumstances, such as when an inclusive education system is not yet functional or necessary accommodations cannot be reasonably provided, it may be more effective for the child to be educated in special education settings for part or all of the time. The CRPD emphasizes the voice and choice of children with disabilities. [59] It is important that the government make efforts to ensure mainstream education is inclusive and accessible for children with disabilities, and make special education available so that children with disabilities have meaningful choices.

As mentioned above, the Chinese government is currently operating two main parallel systems of education for people with disabilities: special education and mainstream schools.[60] The two streams exist in parallel and rarely interact. For example, the training of teachers in these two systems is separate: teachers are either trained for the special education system or for the mainstream system. The goals for the two education systems are different while the mainstream system aims to propel students through the educational ladder and into universities, with a strong focus on succeeding in national academic exams, the special education system mostly focuses on getting students through compulsory education and providing vocational training.

Although the two systems do overlap in some areas, the facts remain that they are separate and parallel and that there are systematic barriers preventing students with disabilities from entering and staying in the mainstream system. Children with disabilities are entitled to attend mainstream schools only if they are able to adapt themselves to study in ordinary classes[61] and can study along with the class. This is in essence a form of integrated education it is the students with disabilities who have to adapt to the education system, not the reverse.

In its review of the Chinese governments compliance with the CRPD in September 2012, the Committee on the Rights of Persons with Disabilities expressed concern about the high number of special schools and the State partys policy of actively developing these schools and recommended that the government reallocate[s] resources from the special education system to promote inclusive education in mainstream schools.[62] So far, the Chinese government has not taken concrete steps to meet this recommendation. The governments 10-year education plan, issued in July 2010, includes specific targets and clear timelines for building more special education institutions but no comparable targets and timelines for the education of students with disabilities in mainstream schools. And while funding for special education schools has nearly quadrupled in the past decade, funding dedicated to mainstream schools specifically for the education of students with disabilities has seen little growth; most local governments have not dedicated funding to help mainstream schools implement learning in regular class (LRC) schemes.[63]

The governments proposed amendments to the REPD continue to call for the building of new special education schools, including segregated institutions of higher education. [64] Under the amendments, a new panel of experts will be established to place people with disabilities in either segregated schools or mainstream schools according to the types of disabilities and their learning abilities [65] and their ability to receive an ordinary education. [66] In other words, the proposed mechanism continues to segregate a category of persons with disabilities from the mainstream school system, and this decision is made by a group of experts without any participation by families with children with disabilities in the process.

To realize the right to inclusive education, the CRPD requires states to ensure reasonable accommodation. As defined by the CRPD, reasonable accommodation means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burdento ensure to people with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.[67] In education, it more specifically means steps that allow students to get an equal education by limiting as much as possible the effects of their disabilities on their performance,[68] with the caveat that the steps not impose significant difficulty or expense on the government.[69] State parties also have an obligation to ensure that the education of people with disabilities, especially those who are deaf and blind, is provided in the most appropriate languages and modes and means of communication for the individual.[70] The CRPD also requires that state parties promote the availability and use of assistive devices.[71]

Examples of reasonable accommodation include holding classes on the ground floor; providing note-takers; allowing for additional time for note-taking or during exams; priority seating for students to minimize distractions and enable them to see and hear the teachers; providing assistive devices such as magnifying equipment or tape recorders; providing sign-language instructors; reading aloud written materials for students with visual impairments; and structural modifications to schools, such as ramps.[72]

An important part of ensuring reasonable accommodation is training teachers, school administrators, and education officials in methods to support persons with disabilities. According to the CRPD, such training should include disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.[73] It is crucial that teachers are given adequate support so that they can provide accommodations to students with disabilities.

Relevant Chinese regulations stipulate the establishment of resource rooms within mainstream schools and resource centers in a given area to provide guidance, equipment, and support to facilitate education for children with disabilities in the mainstream education system.[74] They also stipulate that teacher training institutions include classes on special education and that educational authorities include training in special education at all levels of teachers training programs.[75]

While the provision for resource rooms and resource centers is certainly a step in the right direction, any positive effect they might have is hampered by the fact that Chinese laws and regulations do not clearly require that schools provide students with disabilities reasonable accommodation as defined in international law. The closest equivalent is in the LPDP requirement that the government provide special assistance to people with disabilities so as to alleviate or eliminate the impact of their disabilities and external barriers and ensuring the realization of their rights.[76] However, the choice of the phrase special assistance suggests that such assistance is out of the ordinary rather than a necessity and a right.

Similarly, the REPD states that mainstream schools should provide help to [meet] special learning and rehabilitation needs; and the Education Law and the CEL stipulate that schools should provide assistance and convenience the vagueness of the terms again raises questions about whether the accommodations are rights to which students are entitled or favors bestowed by the schools.[77] Another set of government regulations, Regulations on Construction of a Barrier-free Environment, was enacted to ensure equal participation of persons with disabilities and other members of the community in social life,[78] but the regulations only refer to general accessibility measures. The proposed amendments to the REPD mention reasonable accommodations twice, but provide no definition of the term or examples of the kind of support schools are obligated to provide to students with disabilities.[79] None of the laws, regulations, or the proposed REPD amendments outline any consequences if the government or the schools do not offer such support. They also do not recognize denial of reasonable accommodation as a form of discrimination, as required under the CRPD.[80]

More problematically, the limited assistance and help that schools must provide is conditioned on whether children are able to adapt themselves to study in ordinary classes, as stipulated in the CEL and the REPD.[81] On the one hand, schools are supposed to provide assistance and flexibility to students with disabilities; on the other, students are supposed to show themselves able to adapt to study in mainstream classes. In practice, the burden of proof is on the students themselves during enrollment, throughout the academic year, and as they advance in school to show that they can adapt to existing school requirements.

Although the Chinese government is obligated by international law to ensure that all children have access to the general education system regardless of disabilities, families told Human Rights Watch that children and young people with disabilities are denied admission by mainstream schools in their areas, pressured to leave the schools, or effectively expelled because of their disabilities. They also reported that schools do not provide reasonable accommodation. Teachers are not given the necessary support or training to work effectively with students with disabilities; classrooms are physically inaccessible and lack appropriate materials; and student evaluation methods lack flexibility.

Some children and young people with disabilities do overcome all these barriers to education. Parents play a crucial role in this process, but generally lack awareness of their childrens educational rights and options. Many parents told Human Rights Watch, for example, that they were unaware of the concept of reasonable accommodations or that the government and schools are legally required to take measures that allow children with disabilities to study at mainstream schools. Instead, as noted above, several told us that it is their children who are defective and need to adapt to the classrooms. A few parents with financial means told Human Rights Watch that they quit their jobs to accompany their children in school, moved to a different neighborhood with more accepting schools, or started new private schools for their children and others whom mainstream schools would not accept just to improve the odds of their children getting the education guaranteed to them by law.

Most children whose parents are unable or unwilling to provide support are denied the opportunity to be educated altogether. Among the 47 families interviewed by Human Rights Watch, six children and young people

with disabilities never attended school and six dropped out from mainstream schools along the way. Most of those who do not attend schools live in rural areas.

Nine of the 36 families we interviewed who had tried to enroll their child in mainstream schools were denied admission by one or more schools. One mother, Zhao Yibin, told Human Rights Watch that after kindergarten no mainstream primary school would take her son, who has albinism and limited vision:

The mother of Chen Yufei said the mainstream school in her village refused to enroll her nine-year-old boy because of his disabilities.

In explaining their reasons for not enrolling children with disabilities, schools cite a lack of resources to care for them and fear of taking on extra tasks and responsibilities, or simply say that the children cant learn, [84] are different from normal children, [85] or might affect other children. [86] Song Jianjun, the mother of a child with autism, told Human Rights Watch:

Mother of seven-year-old Chen Yusheng, who has a physical disability, told Human Rights Watch:

The reluctance of mainstream schools to admit children with disabilities is also related to the highly competitive education system that focuses on test scores. In many parts of China, there is a key school system that rewards better-performing mainstream schools with more resources and funding, and children with disabilities are often seen as a burden to these schools. A staff member at China Disabled Persons Federation (CDPF) told Human Rights Watch:

Some mainstream schools require that parents to take care of their children at school as a pre-condition of admitting the children. A disability rights activist told us she met a couple of students who have severe mobility disabilities and were initially refused admission, but the parents pleaded to the school. According to her:

A few parents told Human Rights Watch that before children with disabilities are admitted, they have to sign agreements with the school releasing the school of responsibility should their children fall ill or be hurt.

In two out of the nine cases we investigated in which children were denied enrollment in mainstream schools, the children are currently out of school. One is Yu Yuechun, a 13-year-old with an intellectual disability, whose grandmother told Human Rights Watch that schools would not enroll him because he cant learn. Prior to that, he was expelled from school after half a year.

The struggle to enroll children with disabilities in mainstream schools does not end when the child begins to attend classes. Several parents told Human Rights Watch that school administrators or teachers pressured them to remove their children from school. A parent-advocate who runs a rehabilitation center for autistic children and is the mother of an autistic boy told Human Rights Watch that many parents who come to her center have had bad experiences at mainstream schools:

Although Zhengs son has managed to stay in the mainstream school, the teacher keeps suggesting that he take a leave of absence from school. In another case, the mother of Wang Le, a child with a severe hearing impairment, told Human Rights Watch that after studying in a mainstream school for half a year, the school tried to get her to transfer him to a special education school:

Li Shengrong, a 15-year-old girl with an intellectual disability, told Human Rights Watch that her school complained about her ability to learn and expelled her after alleging that she cheated on an exam. A number of children with intellectual disabilities reported to Human Rights Watch that schools used similar excuses regarding behavioral problems when expelling them or asking them to leave:

These students also told Human Rights Watch that they were dismissed from mainstream schools after they were neglected and bullied by teachers and fellow students. In the words of 16-year-old Chen Ping, who now studies in a private special education school for children with intellectual disabilities:

Human Rights Watch research found that little to no accommodation is provided in mainstream schools for students with disabilities at all stages of education. Students with severe mobility impairments said they need to go up and down the stairs to get to their classrooms or use the bathrooms. Those with hearing impairments said they have no written notes provided and there is no sign language instruction available; mainstream schools described to Human Rights Watch do not readily provide visual aids, Braille, electronic materials, or enlarged texts for students with visual impairments. Children with intellectual disabilities are expected to sit through the entire curriculum together with the rest of the class with little modification to the curriculum or teaching methods to meet their learning abilities and needs. None of the schools at which the interviewees study have resource rooms.

Our interviewees also described a lack of flexibility in the evaluation of student performance in the mainstream system, noting that schools fail to modify tests or exams to accommodate students with disabilities. In higher education, blind students are effectively barred from mainstream education because Braille or electronic exam papers are generally unavailable during *gaokao*, while deaf students are severely disadvantaged as listening exams are a requirement for a national standardized English test required for university graduation.

Students with disabilities and their parents told Human Rights Watch that few teachers take the initiative to provide them with reasonable accommodation and, in some cases, teachers neglected or even humiliated them.[97] While a few said that their teachers have better teaching styles or provide them with better support, such efforts are inconsistent. Lack of support and training to teachers and school administrators, lack of funding to schools for inclusive education, and the fact that evaluation of educators rarely takes into account the performance of students with disabilities all contribute to schools failures to ensure reasonable accommodation.

One important way of providing reasonable accommodation is to modify teaching styles and methods. However, most parents and students with disabilities interviewed responded negatively when asked whether teachers adjusted their teaching methods to meet their needs:

Students with intellectual disabilities are expected to sit through the entire curriculum together with the rest of the class as one parent puts it, even when they cant understand.[99] Worse still, a number of students with intellectual disabilities or autism and their parents reported to Human Rights Watch that teachers intentionally ignored them due to their poor academic performance. Mother of Chen Xiaoling, who has intellectual and visual impairments, said Chen was placed in the back of the class.

Similarly, the mother of Zheng Yu, who has an intellectual disability, told Human Rights Watch:

A few interviewees reported being given some accommodations in mainstream schools, but the efforts are inconsistent and sporadic at best, dependent on the attitudes of individual teachers and schools. [102] Some teachers have teaching styles that make it easier for students with disabilities to follow. Sixteen-year-old Liu Yiyuan said some of her teachers wrote down notes on the blackboard and spoke slowly; others did not write anything down and she couldnt keep up. [103] None of her teachers provided written notes and they walked around the classroom while teaching, sometimes standing at the back of the class.

The accommodations also tend to be less available in higher grades, as teachers face greater time pressure to prepare students for *gaokao*. The mother of a 15-year old girl with a hearing impairment explained:

Whether or not a child is provided with accommodations in schools depends on the attitudes of teachers and school administrators. In the words of Zheng Juns mother, it depends on your luck if you meet a teacher or a principal who is relatively better.[105] A scholar focusing on inclusive education told Human Rights Watch that much of the variation in teacher attitudes can be attributed to government failure to institutionalize the guarantee of reasonable accommodation:

Parents, students, teachers, and principals told Human Rights Watch that the main reasons for failure to provide reasonable accommodation are inadequate support to teachers and large class sizes. With 30 to 60 students in a mainstream school classroom and no support staff to care for children with disabilities, teachers have little time to devote to individual students, much less to make adjustments to teaching styles, teaching materials, or evaluation mechanisms for the one or two students with disabilities in the class. [107]

Liang Sisi, mother of a child with cerebral palsy, told Human Rights Watch that with so many children in the class, the teachers is too busy to care for her daughter. She added that the school principal was reluctant to enroll her child because the school had no extra hands to provide care for these students, and the responsibilities land on the teachers. She explained:

Such lack of support can also lead teachers to become frustrated with students with disabilities, according to two educators in mainstream schools who spoke with Human Rights Watch. One teacher told us that her student, a 6-year-old boy who has intellectual and mental disabilities, keeps hitting other students and doesnt respond when she calls him, as if he has no ears.[109] The childs academic performance is just bad.[110] The mother of Wang Le, a boy who has a severe hearing impairment, said his teacher would

Because of the lack of government or school support for educators, as one parent put it, it is the parent who provides the support.[112] The same parent noted that when the teachers are good, then they help you or ask the other students to help you, but most of the time, the burden falls on the parents.[113] In some cases, schools make the parents agree to provide support as a condition for enrollment, or the parents take the initiative to offer such support in a bid to get their children enrolled.

In China, the performance of many schools and teachers is evaluated on the basis of the average grades of students. Some schools treat students with disabilities as audit students or otherwise exclude their grades from the class average in order to ensure that children with disabilities do not lower the schools overall score. For example, the mother of Yang Shun, a 12-year-old girl with an intellectual disability, told Human Rights Watch:

One family described a school principals calculation about whether to admit their daughter, basing his decision on her likely academic ability. The experience of Xu Lele, a 15-year-old girl with hearing and speech disabilities, illustrates this point. Her mother told us:

One teacher even told the mother of Zheng Jun, a child with autism, that regardless of how well or poorly he might be doing, it has no bearing on my performance [evaluation]. [116] Mrs. Zheng clearly feels that her son is being discriminated against. She explained:

Because the performance of students with disabilities does not form part of their or the schools evaluation, teachers and school administrators often are not inclined to exert themselves on behalf of students with disabilities. Education officials acknowledged that there isnt any system of assessment for the quality of study along with the class schemes.[118] As one scholar who studies inclusive education puts it:

Teachers and school administrators lack training in inclusive education, while schools lack funding for providing support to the teachers to make accommodations possible.[120] Although the Law on the Protection of Persons with Disabilities (LPDP) and the Regulations on the Education of Persons with Disabilities (REPD) stipulate that institutions that train mainstream teachers must include courses on teaching students with disabilities, a survey of these institutions show that only 13.9 percent of them do so, and only a minority of those do so regularly.[121] Although on-the-job training is available from bureaus of education, the sessions are short and the number of teachers trained remains low. Most teachers of students with disabilities still have not received such training, and there is no clear timeline to ensure that such standards are met for all mainstream teachers.[122]

The principal of the school attended by Zheng Leyan, a girl with an intellectual disability, told Human Rights Watch that he wished that her class teacher could be trained in special education. According to him, the local bureau of education has never made such arrangements. I have no idea how they teach [children with disabilities], he said.[123]

Another principal told us that he has never heard of training available for teachers in mainstream schools designed for teaching children with disabilities, even though he has been at the school for more than a decade, while training for other basic teaching skills are available from time to time.[124]

Mainstream schools often receive little or no funding to provide accommodations for children with disabilities, even though Chinese regulations on disability and education stipulate that funding be allocated by local education bureaus to mainstream schools for that purpose.[125] In a 2006 survey, only 7.7 percent of mainstream schools that enrolled students with disabilities reported that their local bureaus of education had earmarked sufficient funds for these children, while over half of the respondents said there was either no designated funding or that the funding was very little.[126]

Educators interviewed by Human Rights Watch also said that while they have to report to the local bureau of education that they have children with disabilities in the school, they receive no additional funding from the bureau for the children.[127] Rather than being earmarked to ensure reasonable accommodations, available funding is used to waive miscellaneous fees and provide a small cash subsidy to the students with disabilities (the policy of liangmian yibu or two waivers and one subsidy), or goes to provide a small subsidy for teachers to motivate[128] them to better educate students with disabilities in their classrooms.

A number of parents told Human Rights Watch that they are their childrens sole means of transport. And for children with disabilities affecting their mobility, when parents fall ill, are injured, or otherwise cannot afford to take the time to accompany their children to school, then the children are forced to stay home. Yang Ranran, mother of a boy with a mobility disability as a result of cerebral palsy, told Human Rights Watch of their plight after she broke her leg:

There is no general transportation scheme to take students with disabilities to mainstream schools. In replies to an information disclosure request filed by a disability activist in February 2013, all six municipal and provincial education bureaus that directly responded to a question regarding provision of transport to students with disabilities denied that lack of transportation was a problem for students with disabilities, saying that students with disabilities either live in residential facilities or near the mainstream schools they attend. [130] This is very likely untrue for some mobility-impaired students, and for those who live near mainstream schools, a short trip to the school can be very long given their impairments. [131]

As noted above, about 75 percent of people with disabilities in China live in rural areas, and government consolidation of mainstream schools in rural areas is estimated to have closed down half of all rural schools in the past decade.[132] This has meant that mainstream schools are now even further away from some rural students.[133] This places an extra burden on parents because they need to organize transport or rent a room near the schools to accompany their child. Some of these schools provide residential facilities, but there is no support staff to take care of children with disabilities.

A number of parents of children with disabilities told Human Rights Watch that the distance to the nearest mainstream school was one of the main reasons their child was no longer attending school. For example, Chen Xiaolings mother told us that Chen dropped out of school when she was 13 because:

Similarly, father of Zheng Leyan, who has an intellectual disability, told Human Rights Watch that Zheng will drop out of school once she finished primary four because he and his wife cannot afford to give up working in the fields to accompany her to school, especially when she cant learn.

The grandmother of 13-year-old Zhang Xiaoli, who has mobility and intellectual disabilities and dropped out of school after finishing primary school, told Human Rights Watch the following about her granddaughter:

Parents and students we interviewed also said that mainstream schools and local governments fail to ensure that students with disabilities both have easy access to their classrooms and are provided with alternative means of communication and assistive devices.

While students with mild physical disabilities generally have few problems getting around school, those with more severe mobility impairments told Human Rights Watch that getting to school as well as getting around school is difficult. Liang Sisi, mother of a girl with cerebral palsy, told Human Rights Watch that much of her day is spent caring for her daughter at school:

Visual aids and large print materials are not readily available for students with visual impairments in mainstream schools.[138] They also typically do not offer Braille and are not equipped with Braille teachers.[139] As a result, most students who are blind or with low vision go to special education schools because they have better facilities than mainstream schools and because mainstream schools are reluctant to accept them.

Braille or electronic exam papers are also not readily available during public university entrance exams including *gaokao*, which means that blind students are almost entirely excluded from mainstream higher education. In 2012, Wang Qiuyi, a blind student who studied in a special education school, applied for Braille papers for *gaokao* in Shandong Province but the provincial bureau of education rejected her request. The bureaus explanation, according to a news report, was as follows:

However, the LPDP stipulates that for school entrance exams, career qualification exams and placement exams which blind people take part in, Braille or electronic exam papers or assistance from specialized staff shall be available.[141] The Regulation on the Construction of Barrier-Free Environments also has a similar requirement.[142] In response to an information disclosure request sent to all 31 provinces and municipalities, out of eight bureaus of education which responded directly to the question only the Shanghai bureau said that it had provided Braille exam papers in the past four years.[143]

In another case in 2011, Dong Lina, a young blind woman, applied to the Beijing Bureau of Education to take qualification exams to become a radio host after she completed a tertiary level self-study course. According to media reports, the bureau struck down her request on grounds that there was no such precedent and that [given her] physical condition [she] should not participate in this professional examination. [144] Dong later sought help from an anti-discrimination organization, the Beijing Yirenping Center, which publicized her case widely and filed complaints to the bureau. The bureau then promised to provide an accommodation for Dong, and she took the series of exams starting in January 2012. After this case, the Beijing Bureau of Education promised that such accommodations would be available to all people with visual impairments who take professional tertiary-level qualifications exams in Beijing, and a couple of other blind students have since been provided with electronic exam papers for other subjects in Beijing. [145]

Parents and young people with disabilities also told us of arbitrary treatment in the distribution of hearing aids. Instead of ensuring that children and young persons with hearing impairments are equipped with these devices to meet their educational needs, interviewees told Human Rights Watch that the provision of these devices is often based on other criteria. A disability rights activist said the hearing equipment is only given to those who are poor and children are not prioritized; a CDPF staff member said that they only distributed the devices if individuals make an application for them; a couple of parents said that they were only available to young children under a certain age limit.[146] The mother of a 16-year-old with hearing impairment who studies in a mainstream school told Human Rights Watch that her child was only able to afford a good pair of hearing aids with the financial assistance of her uncle. The mother said:

Information about where and how to obtain these devices is also not readily available to the parents. Two families we spoke with reported that their children had no hearing aids because they did not know how to apply for them.[147] Whether or not a child with a hearing impairment gets a quality assistive device depends on a variety of factors and their own efforts to search for funding. The governments Regulations on the Education of People with Disabilities (REPD) do not mention the provision of assistive devices for students with disabilities. A current university student who lost her hearing while she was in secondary school told Human Rights Watch that she had to take a part-time job to afford the hearing aid.

Students with disabilities are entitled, under a reasonable accommodation framework, to have their academic abilities evaluated by methods other than the fixed standards applied to other students in the educational system. A Ministry of Education document entitled Methods for Managing the Study Along with the Class Scheme for Persons with Disabilities (MMSACS) stipulates that assessment of these students should be flexible and available in a variety of forms, as well as that the assessment of these students should be included in the overall assessment of mainstream students to better integrate students with and without disabilities.[149]

While the policy looks good on paper, some parents told Human Rights Watch that schools failed to provide any modifications to homework, tests, or exams to accommodate their children. One child with cerebral palsy who writes slowly has never been given extra time to write his exams. Another parent said the class teacher denied her request to reduce the volume of the written homework assigned to her child, who has autism and is poor at responding to questions in written format.[150] Yet another interviewee with hearing impairments reported that she has to take English listening exams at schools.[151]

Students with hearing impairments are exempted from the listening portion of *gaokao* exams but not from the listening exams for the College English Test, which are national exams administered by the Ministry of Education. University students are often required to pass these exams in order to graduate at both bachelor and graduate levels.[152] As interviewee Li Hongdan put it, she could only guess the answers to the listening test as she could barely hear anything.[153] Li tried to speak to her teachers about providing accommodations during the internal school assessment, but she was rebuffed.

The shortcomings described above fail not only students with disabilities but their parents and teachers as well. Other than those involving mild physical disabilities, in almost all the cases we examined the parents or children said they were failing academically or had already withdrawn from mainstream school. One aim of mainstreaming is to combat stereotypes and prejudices, but placing these children in mainstream schools without ensuring reasonable accommodations undermines this important goal.

While some of our interviewees reported that they were treated well in school, a number said they were treated badly by fellow students. Tong Ying, a 17-year-old girl with physical disabilities, told Human Rights Watch that she prefers special education school.

In turn, these barriers lead to declining confidence and a lack of interest in learning among students with disabilities. Some eventually drop out while others transfer to special education schools. Eleven of our interviewees joined special education schools after they were rejected, effectively expelled, or otherwise excluded from the mainstream system. In one interview, Du Ting, a 15-year-old girl with a hearing impairment, left a mainstream school because she was scolded and sworn at by fellow students, who felt she was lower than other children in the mainstream school.[155] Chen Xiaoling, who has intellectual and visual impairments, quit school after primary four because she was afraid that others would laugh at her due to her poor academic performance.[156] Chen Yangfei left school in 2012 at age 8 because he had no motivation to learn as a result of barriers due to hearing and speech impairments.[157]

All of these barriers undermine the intended purpose of inclusive education, which is to respond to the diversity of needs of all learners,[158] and to ensure the full development of human potential and sense of dignity and self-worth.[159]

Few students with disabilities reach higher education. Those who do tend to be ones who have physical or mild disabilities, and they face additional barriers as a result of government policy.

All students applying to universities must submit the results of a detailed physical examination, along with their academic records, for consideration. These include a record of the students self-reported medical history, including the presence of disabilities, along with a doctors assessment.[160] The Ministry of Education, the Ministry of Health, and the CDPF have a set of guidelines advising universities on the type of physiological defects and illnesses that make a person unable to take care of themselves or complete their studies, and these can be grounds for denying them admission to universities in general.[161] Although only guidelines, they send a clear signal to universities that they can discriminate in admissions on the basis of students physical or mental attributes or disabilities.

Under each disability or illness, the guidelines list fields of study for which applicants may be denied admission based on their disability and fields of study for which they are advised not to apply. Many of the qualifications requirements appear irrelevant to the subject, while some others are not essential to success in the subject if the students are given accommodations and support. The official introductory note accompanying the guidelines states that schools cannot deny admission to people with disabilities of the limbs whose disabilities do not affect ones learning of the applied profession,[162] a step which is in the right direction but nonetheless flawed. The clause is limited by its terms to applicants with certain physical disabilities, and it still gives university administrators broad discretion to deny admission whenever they determine that a particular disability might affect learning.

Ran Yanshan, who has a visual impairment as a result of albinism, told Human Rights Watch that he was denied admission to study a Bachelors degree program in English at Guangxi University, his top choice, after he failed to pass the visual component of the physical examinations.

The guidelines also put people with disabilities in a difficult position. If they state their conditions fully as required, they risk discrimination by the universities; if they fail to report their disabilities, they risk being subsequently rejected due to dishonesty. In past years, a number of press reports have documented that several students with disabilities were rejected by universities for failure to report their disabilities.[164]

The guidelines also authorize universities to impose more detailed restrictions based on characteristics of applicants as long as they are consistent with the guidelines. For example:

Data available between 2001 and 2007 from the CDPF indicates that, on average, about 8.3 percent of candidates with disabilities were not admitted even though they had obtained the required scores and that, encouragingly, the percentage has gradually declined over the years. This relatively small percentage, however, must factor in how many students with disabilities never reach higher education, as well as the reality that others may be dissuaded from applying to their preferred universities and academic fields by the government guidelines described above.

Certain local bureaus of education as well as universities give advice in the media as well as on their websites that encourages students with disabilities to choose colleges and professions that fit their physical conditions.[168] Students with disabilities told Human Rights Watch that they did take such an approach to increase the odds of entering universities. One told us:

Another university student, Wang Lele, who has a physical disability, told Human Rights Watch that lack of information about the physical examination system and which schools might reject her on the basis of disabilities led her to avoid certain schools and subjects:

Ran Yanshan also told Human Rights Watch that prior to being denied admission to university on the grounds of his visual disability, he had carefully chosen subjects that do not have a strong visual requirement.

The Convention on the Rights of Persons with Disabilities (CRPD) requires that the Chinese government employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, prohibits discrimination in employment, and requires that employers provide reasonable accommodations in the workplace.[172] While there are teachers with disabilities in the special education system, government policies discriminate against them in the mainstream school system.

The Ministry of Educations Regulations for Implementation of >Teacher Qualifications, [173] which went into effect in 2000, gave provincial governments autonomy in setting the criteria for physical checkups to determine eligibility as a teacher, which led to a proliferation of local policies and regulations that discriminate against people with disabilities. A 2011 survey conducted by a disability rights advocate found that government policies on teachers qualifications in 20 out of 21 provinces included provisions that discriminate against people with disabilities.[174] For example, physical examination standards for teachers set out by

Anhui province list 19 types of disqualifying health conditions, including: inability to hear within a 2 meter range in both ears, corrected vision of less than 5.0 in both eyes, and inability to move upper or lower limbs.[175]An individual with any of these health conditions is not eligible to be a teacher. Shanxi province sets out a similar set of disqualifying criteria, such asglaucoma, retinaandoptic nerve diseases,color blindness, and color weakness.[176]

These discriminatory physical examination standards have prevented people with disabilities from entering the teaching profession and receiving equal treatment as teachers, according to media reports. Guo Sheng, who had childhood polio that left him with limited mobility in the lower body, taught as a temporary substitute teacher for 20 years, as his height does not meet the requirement of taller than 1.6 meters as required for a male teacher. [177] In Anhui Province, the local board of education rejected an application by Zhu Qihong, a middle school teacher who lost his right arm, to qualify as a high school teacher because he did not meet the physical standards. [178] Zhu was previously eligible to teach in middle school as he had qualified before amendments were made to the Anhui physical examination standards of teachers in 2004. In Yunnan Province, the local board of education reportedly refused to sign a teaching contract with a college graduate with a teaching degree after they found out that his left forearm was amputated. [179]

In general, special education schools in China have trained teachers and appropriate equipment and facilities and are resourced and funded well. Over half of the students we interviewed who studied in this system said they like studying in these schools. Most of the students who transferred to these schools from mainstream schools noted that their new teachers give them better and more individualized support, and they report that they are generally happier and more confident in these schools.

However, there are a number of problems with the special education system. The schools are far away from some of their prospective students. Most are isolated from their immediate communities and do not serve certain disability populations, notably students with autism. The slower pace of progress through the curricula, limited subject choices beyond basic education level, and lower academic standards make it difficult for students to rejoin the mainstream system.

There are currently 1,767 special education schools in China, which, given the size of the country, means they are still few and far between compared to mainstream schools. [180] Moreover, special education schools tend to be located in urban or administrative centers, and thus are especially difficult to reach for students who live in rural areas (as noted above, 75 percent of people with disabilities in China live in rural areas). [181] Even if there are special education schools in a particular area, they may serve a specific disability such as hearing, visual, or intellectual disability and children with other disabilities may still need to travel long distances. [182] Some students have to be removed from their families and communities from a young age to study in these schools, most of which provide residential facilities.

Six out of 17 Human Rights Watch interviewees who study in special education schools live in the schools. Some of these students return home on weekends, while some do so only during longer holidays every several months. Parents told Human Rights Watch that they are deterred from sending their children to these schools as they prefer to have their children living with them:

Attendance at such remote special education schools can impact the psychological health of the children too. Chen Fei, a teacher in a residential special education school, told Human Rights Watch that many children are no longer used to living at home with their families and would prefer not to visit home.

Article 19 of the Convention on the Rights of Persons with Disabilities (CRPD) obliges states to ensure that people with disabilities enjoy full inclusion and participation in the community and prevent isolation or segregation from the community. However, a number of interviewees reported that students at special education schools are discouraged from leaving the gated premises, and the students have little interaction with people and places outside.

The special education system is especially difficult for children such as those with autism who do not fit under any of the official disability categories and who thus do not have their own dedicated special education schools. As they are rejected by mainstream schools as well, their only alternative is often expensive privately run special education schools. One parent told Human Rights Watch:

Another problem with special education institutions is that the academic standards lag behind those of mainstream schools, which makes it difficult for students to cross back into the mainstream system.[187] According to an education expert in China:

The Chinese government has provided people with disabilities with opportunities beyond compulsory education, but they are usually restricted to vocational training in special education schools or special education colleges. [189] The Regulations on the Education of Persons with Disabilities (REPD) states that priority is given to vocational education while education at or above senior middle school level is being gradually developed. [190]

The types of skill training available in the special education system are limited, especially for students with visual and hearing impairments, and appear to be based on stereotypical views of disabilities and market availability.[191] For example, massage and music are available for the blind, and visual arts and beauty for those who are deaf or who have hearing impairments. This is inconsistent with article 24 (1) of the CRPD, which obligates states to ensure that education aims to develop to the fullest potential of people with disabilities. A 15-year-old boy with a visual impairment who is studying at a special education school told Human Rights Watch:

Another recent graduate from a special education technical college told Human Rights Watch that students in his college are also placed in different vocational training classes depending on their disabilities massage for the blind, fashion design for the hearing impaired, computer studies for those with physical disabilities. He was trained in massage and he works as a masseur, but he doesnt like it.

In another example, at Special Education College of Changchun University, one of the 18 mainstream higher education institutions in China that have special education colleges for students with disabilities, only five subjects are available.[194] They are acupuncture and massage, musical performance, painting, art, and design and animation. A major in special education is only available for able-bodied students.[195]

Parental attitudes and resources play an important role in determining whether children with disabilities can overcome the multiple barriers preventing them from attending school or getting a proper education. In some cases, however, parents and grandparents themselves are the first barrier: they do not think that their children are capable of learning and thus do not bring them to school. To ensure that children with disabilities have access to education, a critical step is to inform parents about their childrens right to education and their educational options.

The parents we spoke with said they had little regular contact with the China Disabled Persons Federation (CDPF) or the Ministry of Education regarding their childrens education, had little awareness of their childrens right to education and to reasonable accommodation in mainstream schools, and had little information about the special education schools near them.

When parents already have little confidence in their childrens ability to learn, barriers in the education system add to the equation, tipping the balance towards not bringing their children to school. The grandmother of 12-year-old Zheng Ding, who has cerebral palsy, told Human Rights Watch that he has no ability to learn because he has no strength in his limbs or torso:

Zheng lives in a Cantonese-speaking area, but he learned to understand Mandarin from the cartoons he watched. He has no friends and only ventures out when his grandparents have a moment to carry him on their backs for a walk.

Lu Xiaoyan, a 14-year-old who has a physical disability, told Human Rights Watch that she would really like to go to school, but her father said she cannot because everything is inconvenient at school, she cannot even eat a meal on her own, and that there is no one who can care for her there.[197] Similarly, 13-year-old Zhang Xiaoli wanted to go to secondary school after she finished primary education, but her grandmother has never brought her there because the school is too far away and she cannot arrange the transportation. She worries that the school would not enroll Zhang, and explained that she cannot learn anyway.[198]

While in theory two systems of education are available to children with disabilities, parents have little knowledge about special education schools and how their children can get access to them.[199] When asked whether she knows about special education schools, the grandmother of Yu Yuechun, a 13-year-old dismissed from school because of his intellectual disability, told Human Rights Watch:

Parents of children with disabilities who spoke with Human Rights Watch also have little knowledge about the type of support and modifications that could have helped their children get a quality education in mainstream schools. A number of parents we interviewed said that they did not expect the class to adapt to their children, since it is their children who are the problem, especially because the class size is often big and the teacher is already very busy with the other children. One parent told us:

Because mainstream schools can refuse to enroll children with disabilities or ask them to leave, some parents with disabilities are often grateful that their children can go to school. To them, asking for support for their children would be a luxury.[202] One parent explained to Human Rights Watch:

According to a disability rights activist who frequently visits children with disabilities in rural areas, parents almost never ask for any form of accommodation.

Although the CDPF maintains a comprehensive database of children with disabilities who have disability cards and reaches out to some of them regularly by conducting home visits, it fails to consistently help them and their parents identify and surmount barriers to education. Almost all the children interviewed by Human Rights Watch who were out of school have disability cards issued by the CDPF, but only two have regular contact with members of the CDPF. Of the two, only one was contacted about education: after the child, who has hearing and speech impairments, was dismissed from school and no other mainstream schools nearby were willing to take him, the CDPF helped to place him in a special education school.[205] The rest of the interviewees said they had no contact with the CDPF after obtaining disability cards.

Yang Ranran, the mother of a 14-year-old with mobility impairment who is currently out of school due to lack of transport, told Human Rights Watch:

The lack of outreach and information is especially problematic in rural areas. Parents often go to work in cities and leave their children in the care of grandparents, who often have little education or few resources to navigate the barriers to education. When asked whether the CDPF has contacted her about Zhang Xiaolis education, Zhangs grandmother told Human Rights Watch:

A former staff member at an international disability organization that has programs in China said that this lack of information, coupled with a lack of a proper referral system, makes it hard for parents of children with disabilities to find out where and how they can get their children educated or get access to services.[208] The grandmother of Zheng Ding, who has cerebral palsy, told us:

When confronted with discrimination, students with disabilities and their parents sometimes seek help from the CDPF. The CDPF plays the role of the broker between parents and schools to find solutions. CDPF official Zheng Wei told Human Rights Watch that he had handled three cases of denied admissions and he got the children enrolled in schools of their choice after first talking to the schools and then to the local bureau of education to put pressure on the schools.[210]

However, a number of parents complained to Human Rights Watch about CDPF interventions. The mother of Chen Yufei, a boy with Attention-deficit/hyperactivity disorder (ADHD) and intellectual disability, explained that the CDPF failed to act after she told them about her boy being rejected by mainstream schools:

Song Jianjun, the mother of an autistic son, told us that the CDPF and the local bureau of education avoided addressing her sons situation. Her son was denied enrollment by the local mainstream school and the closest special education school only admits children with visual, hearing, and intellectual disabilities, leaving him effectively without education. She said:

A CDPF official, speaking on condition of anonymity, told Human Rights Watch that the quasi-governmental organizations intervention is often not to ensure reasonable accommodation, but to take the path of least resistance. This often results in placing the children in special education schools.

Theoretically, those facing discrimination could take legal action against the schools or the government. But as one parent explained, she doesnt understand such things.[214]

The Ministry of Education has also contributed to the problem by failing to take action in cases of discrimination. In response to an information disclosure request sent to all 31 provincial and municipal bureaus of education by a disability activist in 2013, only five bureaus directly answered a question about denying admission to children with disabilities.[215] Those five which included the bureau for Gansu Province wrote that they had never taken any action against schools for denying admission because they had never found any such incidents or never received any such complaints,[216]a claim that seems implausible on its face. Indeed, one of the cases we investigated for this report involved discriminatory denial of admission to a disabled child by a school in Gansu Province.[217]

Human Rights Watch was able to find and interview only one person with a disability who had taken legal action against discrimination. Zheng Shaoliang told Human Rights Watch that he tried to sue a university after it rejected his application but accepted those of other applicants with lower scores, which he believed to be the result of discrimination based on his physical disability. But the courts would not register the case. In his own words:

Zheng said the CDPF offered to help by hiring him a lawyer, but later withdrew its support because the lawyer said it was unlikely for him to win because the CDPF did not wish to confront a government department higher up in the hierarchy:

The Convention on the Rights of Persons with Disabilities (CRPD) requires that governments adopt immediate, effective and appropriate measures[220] to raise awareness in society about people with disabilities, combat stereotypes about them, promote respect for their abilities and contributions, and, importantly, encourage society to view people with disabilities as independent and autonomous rights holders with dignity equal to other human beings rather than as objects of pity and charity.[221]

Despite its ratification of the CRPD, the Chinese government continues to use pejorative terms to refer to people with disabilities. The term for people with disabilities, *canjiren*, which is used in official documents including the official translation of the CRPD and is prevalent among Chinese people, literally means impaired and sick people.[222] In its review of China, the Committee on the Rights of Persons with Disabilities noted the prevalence of the medical model, rather than the social model, in the governments definition of disability, official discourse, and official awareness-raising campaigns.[223]

The Committee also pointed out that the government tended to depict people with disabilities as helpless and dependent human beings segregated from the rest of society.[224] In awareness-raising events and disability-related meetings, the government has stressed the importance of caring for people with disabilities in communities.[225] While it is commendable for the government to encourage students to love and to care for fellow students with disabilities, that alone does not fulfill the governments legal obligations under the CRPD. Li Hongdan, a 22-year-old university student with a hearing impairment, described a help the disabled event jointly organized by the school and the CDPF:

The government also fails to engage in robust public education efforts to inform parents and people with disabilities about their educational rights. The Committee specifically asked the government to inform all people with disabilities, especially those living in rural areas, of their rights, specifically the right to attend schools.[227] Although a number of provincial and municipal bureaus of education have said they provided some funding for events to publicize the right to education for people with disabilities, it is unclear how much they have done.[228] The CDPF has a rights defense department[229] within the organization that aims to publicize the implementation of the Law on the Protection of Persons with Disabilities (LPDP) and other disability-related regulations and to enhance the rights awareness of people with disabilities,[230] according to some of its work reports. Yet a CDPF staff member who is also a disability rights activist in his private capacity told Human Rights Watch:

Most parents of children with disabilities drew a blank when asked about the educational rights of their children. As one parent put it:

Some municipalities and provinces in China, especially in coastal regions, are making efforts toward a more inclusive education system. In Beijing, for example, the municipal government has announced that it will stop building more special education schools and instead will shift resources to integrate students into mainstream schools. It says it will improve the physical accessibility of mainstream schools and hire rehabilitation teachers to provide support to students with disabilities.[233] Beijing municipal authorities have also reportedly established resource centers to provide support to teachers of students with disabilities in mainstream schools[234] Beijing and other cities in more developed parts of the country, including Shanghai, Qingdao City in Shandong Province, and Guangzhou City in Guangdong Province, have also established resource rooms in mainstream schools.[235] The bureau of education in Xinjiang Uyghur Autonomous Region has also reportedly equipped all new schools with accessibility features and converted four mainstream schools to improve accessibility in recent years.[236]

Inclusive education does not have to be costly. For example, to improve physical accessibility it might be sufficient to move a classroom to the ground floor with no further building modifications necessary. Even where modifications are necessary to ensure that buildings are physically accessible to people with disabilities, making the necessary adjustments usually costs only 1 percent of the overall building cost.[237]

With some other disabilities, such as hearing impairments or deafness, modifications to teaching technique can make huge differences. In Beijings Chaoyang District, the bureau of education reportedly trains teachers to accommodate students with disabilities.[238] Teachers are taught to avoid walking around the classroom while talking, to keep background noise to a minimum in the classroom, to consider the contrast of colors in designing teaching materials and presentations, and to pair students with hearing and visual impairments and those without to provide some assistance in class.

The costs are often higher, of course, for students with more severe and multiple disabilities. Even in these cases, however, simple accommodations can still be helpful in aiding learning. And in these cases, the government can mobilize parents and set up parents networks to provide support to the students. But it is essential that parents be given a choice as to whether or not to play a support role and be given resources, training, and support when they choose to do so. While providing accommodations to students who need the most support can be expensive, it is important to keep in mind that developing and maintaining a separate and complex special education school system as is the case in China might cost more than accommodating most students with disabilities within an inclusive system.[239]

Some provincial government authorities have shown an interest in improving access to mainstream schools and a willingness to test out inclusive education approaches. Hopefully, through these initiatives the national Ministry of Education and its provincial and local offices will recognize that inclusive education can be achieved and reasonable accommodation can be provided, make commitments to replicating successful projects nationally, and develop a national strategy on inclusive education.

It is critical for the Chinese government to immediately review and revise its laws and regulations to provide clear legal definitions of non-discrimination and reasonable accommodation, consequences for non-compliance, and an effective redress mechanism to deal with potential grievances. The government should also affirm its commitment to inclusive education and formulate a concrete plan to ensure that teachers and school administrators are provided with adequate funding, training, and an evaluation mechanism that motivates and supports teachers to carry out inclusive education. Central to this plan are parents and children and young people with disabilities the government should ensure that they are informed about childrens educational rights and options and empower them to get involved in the formulation and implementation of the plan at all levels of education. Only then will education of students with disabilities be more than just muddling along with the class and genuine inclusive education become a reality.

This report was reviewed and edited by Sophie Richardson, China director; Bede Sheppard, senior researcher in the Children's Rights Division; Shantha Rau Barriga, Disability Rights Division director; General Counsel Dinah Pokempner; and Joseph Saunders, deputy program director. Human Rights Watch is also grateful to two experts on disability in China, who wish to remain anonymous, for reviewing the report.

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Attention-deficit/hyperactivity disorder (ADHD): ADHD is a chronic condition that leads to the inability to sustain attention and to impulsive and hyperactive behavior.[240] ADHD develops during childhood and might last through adulthood. It is a common condition that is estimated to affect between 3 to 5 percent of all children.[241]

Albinism: Albinism refers to a genetic condition characterized by a deficiency of melanin pigmentation in the skin, hair, and eyes that provides protection from the suns ultraviolet rays. Albinism affects people of all races and is not hereditary. People with albinism often have poor vision and are at greater risk of skin cancer.[242]

Autism: Present from early childhood, autism is a condition characterized by great difficulty in communicating and forming relationships with other people and in using language and nonverbal communication. Autism is believed to be caused by a combination of genetic and environmental factors which influence early brain development.[243]

Cerebral palsy: Cerebral palsy is an impairment of muscular function and weakness of the limbs caused by lack of oxygen to the brain immediately after birth, brain injury during birth, or a viral infection. Often accompanied by poor motor skills, it sometimes involves speech and learning difficulties.[244]

Intellectual disability: An intellectual disability is characterized by significant limitations both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior, which covers a range of everyday social and practical skills.

Gaokao** or* **The National Higher Education Entrance Examination:* A nationwide academic examination that is administered in the last year of high school. It is considered very important as entrance to all higher education institutions in China depend on results from this exam, which is offered once a year. Almost all high school students in China take the *gaokao*.

Mental disability: Mental disability describes persons with mental health problems such as depression, bipolar disorder, and schizophrenia. Mental health difficulties are considered disabilities when they affect a persons full and effective participation in society and are thus often called psychosocial disabilities.

ADHD Attention-deficit/hyperactivity disorder

CDPF China Disabled Persons Federation

CEL The Compulsory Education Law

CRC Convention on the Rights of the Child

CRPD Convention on the Rights of Persons with Disabilities

ICESCR The International Covenant on Economic, Social and Cultural Rights

LPDP Law on the Protection of Persons with Disabilities

LRC Learning in regular class

MMSACS Methods for Managing the Study Along with the Class Scheme for Persons with Disabilities

REPD The Regulations on the Education of Persons with Disabilities

[1] See, e.g., China vows to spend more on education for disabled, *China Daily*, September 12, 2008, http://www.chinadaily.com.cn/bizchina/2008-09/12/content_7021268.htm (accessed January 3, 2013); Liu Weifeng, Disabled Students Get New Focused Attention, *China Daily*, April 6, 2004, http://www.chinadaily.com.cn/english/doc/2004-04/06/content_320831.htm (accessed January 3, 2013).

[2] In this report, the word child refers to anyone under the age of 18. The Convention on the Rights of the Child (CRC) states: For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. CRC, art. 1, adopted November 20, 1989 (entered into force September 2, 1990), ratified by China March 2, 1992.

[3] Law of the Peoples Republic of China on the Protection of the Disabled Person (, LPDP), adopted on December 28, 1990 by the National Peoples Congress. It was revised on April 24, 2008 by the National Peoples Congress and effective since July 1, 2008, http://www.cdpf.org.cn/english/law/content/2008-04/10/content_84949.htm (accessed April 11, 2013).

[4] National Bureau of Statistics of the People's Republic of China, Report and explanation of the major figures in the second sampling survey of people with disabilities in 2006 (2006), http://news.xinhuanet.com/politics/2006-12/01/content_5419388.htm (accessed April 23, 2013).

[5] World Health Organization and the World Bank, World Report on Disability, 2011, http://www.who.int/disabilities/world_report/2011/accessible_en.pdf (accessed May 7, 2013).

[6] United Nations, Factsheet on persons with disabilities: Overview, http://www.un.org/disabilities/default.asp?id=18 (accessed April 2, 2013).

[7] National Bureau of Statistics of the People's Republic of China, No.2 report and explanation of the major figures in the second sampling survey of people with disabilities in 2006 (2006), November 21, 2007,

http://www.cdpf.org.cn/sytj/content/2007-11/21/content_30316035_3.htm (accessed April 16, 2013); 15m impoverished disabled people live in rural China, *China Daily*, April 11, 2013, http://www.chinadaily.com.cn/business/2013-04/11/content_16392948.htm (accessed April 16, 2013).

[8] China Disabled Persons Federation (CDPF), The total number of persons with disabilities, the types and levels of disabilities by the end of 2010 (2010), June 26, 2012, http://www.cdpf.org.cn/sytj/content/2012-06/26/content_30399867.htm (accessed April 23, 2013).

[9] The Chinese government has begun a three-year project to collect data on those with autism, which is believed to affect millions in China. See Nick Compton, China moves to tackle autism with first study of prevalence, *South China Morning Post,* April 2, 2013.

[10] National Bureau of Statistics of the People's Republic of China, No.2 report and explanation of the major figures in the second sampling survey of people with disabilities in 2006 (2006), November 21, 2007, http://www.cdpf.org.cn/sytj/content/2007-11/21/content_30316035_3.htm (accessed April 16, 2013).

[11]*Regulations on Education of Disabled Persons (, REPD),* promulgated as State Council Decree 161, on August 13, 1994. http://www.cdpf.org.cn/zcfg/content/2001-11/06/content_30316064.htm (accessed April 11, 2013)

[12] Others include Regulations on the Employment of Persons with Disabilities (), adopted by the State Council on February 25, 2007, which came into force on May 1, 2007; and Regulations on Barrier-Free Construction (), adopted by the State Council on June 13, 2012, which came into effect on August 1, 2012.

[13] The summit resulted in the Beijing Declaration on the Rights of People with Disabilities in the New Century, which called for the formulation of the Convention on the Rights of Persons with Disabilities (CRPD). CDPF, Great humanitarian cause: the cause of people with disabilities in the past 50 years (50), July 23, 2002, http://www.cdpf.org.cn/lilun/content/2002-07/23/content_30316822.htmhttp://www.gov.cn/fwxx/cjr/content_1740464.htmMichael Ashley Stein, China and Disability Rights, *Loyola of Los Angeles International and Comparative Law Review*, vol. 33, no.7, 2010, p.12, http://digitalcommons.lmu.edu/ilr/vol33/iss1/2.

[14] Stein, China and Disability Rights, p.20.

[15] CDPF, Constitution of the CDPF (), undated http://www.cdpf.org.cn/clgk/content/2011-04/13/content_30318400.htm (accessed June 6, 2013).

[16] CDPF, About Us, undated, http://www.cdpf.org.cn/english/aboutus/aboutus.htm (accessed April 22, 2013)

[17] CDPF, Education (), undated, http://www.cdpf.org.cn/jiaoy/jy.htm April 23, 2013).

[18] The Peoples Republic of China, Implementation of the Convention on the Rights of Persons with Disabilities: Initial reports submitted by States Parties under article 35, February 8, 2011, paragraphs 96 and 146.

[19] Paul Mooney, In the shadows, *South China Morning Post,* August 15, 2012; Human Rights Watch interview with CDPF staff member and disability rights advocate, Guangdong Province, February 2013; Human Rights Watch interview with NGO member who works closely with the CDPF, Guangdong Province, February 2013.

[20] These two organizations provide legal consultation, legal aid, litigation, and research for people with disabilities and focus on education, employment, and accessibility issues.

[21] For a discussion about freedom of association in China, see Chinese Human Rights Defenders, Reining in Civil Society: The Chinese governments use of laws and regulations to persecute freedom of association, August 7, 2009, http://www.chrdnet.com/2009/08/reining-in-civil-society-the-chinese-governments-use-of-laws-and-regulations-to-persecute-freedom-of-association/ For reports of harassment for disability organizations, see, for example, Aizhixing, A Forum on the Registration of and Tax Payment for Non-government Organizations; Call for Strengthened Contact between NGOs (), September 20, 2009, http://chinarightsgroup.blogspot.hk/2008/09/1077.html; Yirenping Volunteers Hold Anti-Discrimination Demonstration, Are Taken Away by Police (), August 10, 2010, http://news.boxun.com/news/gb/china/2010/08/201008101602.shtml. For a discussion about the Chinese governments co-optation of civil society organizations and making them align with government policies, see Andreas Fulda, Government procurement of CSO services in the PR China: Doing the partys work? China Policy Institute Policy Paper, no. 4, 2013, http://www.nottingham.ac.uk/cpi/documents/policy-papers/cpi-policy-paper-2013-no-4-dr-andreas-fulda-government-procurement-of-cso-services-in-the-prc.pdf.

[22] Compulsory Education Law of the Peoples Republic of China (, CEL), adopted in 1986 and amended by the National Peoples Congress on June 29, 2006, and effective since September 1, 2006, art. 11.

[23] Wen Wang and Zhirong Jerry Zhao, Public Budgeting and Financial Management Development in China' Symposium,*Journal of Public Budgeting, Accounting & Financial Management*, May 17, 2010, http://ssrn.com/abstract=1669908 (accessed June 3, 2013).

[24] There is a third system home-based teaching (or sending teachers to [students] homes programs) but it serves only small numbers of students and is not addressed in this report.

[25] Ministry of Education, 2011 National Education Development Statistics Bulletin (2011), http://www.moe.edu.cn/publicfiles/business/htmlfiles/moe/moe_633/201208/141305.html (accessed April 24, 2013). According to this annual bulletin, 398,700 students with disabilities attended special education schools while 225,200 of them attended mainstream school in 2011. However, the Chinese government stated in its state report to the Committee on the Rights of Persons with Disabilities in 2010 that 159,000 students studied in special education schools while 269,000 students attended mainstream schools. The discrepancy between Ministry of Educations annual educational statistics bulletin and the state party report figures are great, with one suggesting students with disabilities are mostly in mainstream schools, the other suggesting the opposite. Here we have used the statistics from Ministry of Education for two reasons. First, all schools report to Ministry of Education about the number of students with disabilities and its figures are more likely to provide an accurate count. Second, Ministry of Educations annual statistical bulletin has provided figures on students with disabilities since 1988, providing a bigger dataset to work with. We remain concerned about the discrepancies in data from these two sources, however; the discrepancies suggest caution is in order in interpreting any statistical information regarding students with disabilities in China.

[26] The figure, 28 percent (or more precisely, 27.9 percent), comes from the CDPF, 2011 annual national disability status and well-off process monitoring report (2011), September 13, 2012, p.10, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&ved=0CDkQFjAB&url=http%3A%2F%2Fwww.cdpf.org.cn%2Flilun%2Fcontent%2Fsite281%2F20120927%2F0023ae64b1ad11ce389605.doc&ei=2GidUeHnCPCSi (accessed May 23, 2013). However, the percentage becomes 17 percent if using the following official figures: : the number of children out of school (126,000, data available from the CDPF) and the number of children with disabilities in school (398,700 in special education schools plus 225,200 in mainstream schools, data available from Ministry of Education). Calculations: 126,000/(126,000+398,700+225,200)x100%=16.8%.As discussed in footnote 25, the different official statistics for the number of students in mainstream schools and those in special education schools also seriously contradict each other. CDPF, 2001 National Disabled People Development Statistics Bulletin (2011), http://www.gov.cn/fwxx/cjr/content_2104842.htm (accessed April 24, 2013); Ministry of Education, 2011 National Education Development Statistics Bulletin (2011), http://www.moe.edu.cn/publicfiles/business/htmlfiles/moe/moe_633/201208/141305.html (accessed April 24, 2013).

[27] Xinhua, Over 82,800 disabled Chinese kids lack schooling, May 31, 2012. http://news.xinhuanet.com/english/china/2012-05/31/c_131623811.htm

[28] Ministry of Education and Other Departments, Notice on Further Accelerating the Development of Special Education, forwarded by the General Office of the State Council (), forwarded by the State Council on May 7, 2009, paragraph 1; and Notice on Poverty Relief Program on People with Disabilities in Rural Areas (2011-2020) (2011-2020), issued by the State Council January 3, 2012, Chapter 4 paragraph 4.

[29] As one World Bank study points out, disability is associated with long-run poverty in the sense that children with disabilities are less likely to acquire the human capital that will allow them to earn higher incomes. Deon Filmer, Disability, Poverty and Schooling in Developing Countries: Results from 11 Household Surveys, World Bank, November 2005, http://siteresources.worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Disability-DP/0539.pdf (accessed June 24, 2013).

[30] Sebastian Buckup, The price of exclusion: The economic consequences of excluding people with disabilities from the world of work, International Labor Organization. http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_119305.pdf (accessed April 16, 2013).

[31] CRC, art. 28; The International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 13(2)(a)-(d).

[32] ICESCR, art. 13(2e).

[33] CRC, art. 28(1e).

[34] CRC, art. 4.

[35] CRC, art.23(3).

[36] CRPD, art. 24(1).

[37] CEL, art. 4.

[38] LPDP, art. 21.

[39] LPDP, art. 22.

[40] Two such recent regulations are: Ministry of Education and Other Departments, Notice on Further Accelerating the Development of Special Education, forwarded by the General Office of the State Council (), forwarded by the State Council on May 7, 2009; and Ministry of Education, Methods for Managing the Study Along with the Class Scheme for Persons with Disabilities (, MMSACS), issued in April 2011.

[41] Ministry of Education, Outline of Chinas National Plan for Medium

and Long-term Education Reform and Development ((2010-2020)), issued on July 29, 2010; Disabled Persons' Work Committee of the State Council, The Twelve Five Year Plan Outline on Disabled in China (), issued on May 16, 2011.

[42] CRPD, art. 2.

[43] CRPD, art. 24(2a).

[44] CRPD, arts. 4(1e) & 24(1 &5).

[45] Chinese Constitution, art. 33.

[46] LPDP, art. 3.

[47] Stein, China and Disability Rights, pp. 21-22. While anti-discrimination activists in the past decade have won a number of court cases, their legal arguments tended to focus on aspects of the law other than discrimination because it is difficult to prove discrimination in Chinese law.

[48] CRPD, art. 24(1).

[49] CRC, art. 23.

[50] Committee on the Rights of the Child, Report on the sixteenth session (CRC/C/69), November 26, 1997, http://tb.ohchr.org/default.aspx?ConvType=20&docType=36 (accessed May 26, 2013).

[51] Enabling Education Network, Report to Norad on desk review of inclusive education policies and plans in Nepal, Tanzania, Vietnam and Zambia, November 2007, http://www.eenet.org.uk/resources/docs/Policy_review_for_NORAD.pdf (accessed May 17, 2013), p. 9. Save the Children, Making Schools Inclusive, 2008, http://www.savethechildren.org.uk/en/docs/making-schools-inclusive.pdf (accessed May 5, 2013), p. 10.

[52] UNESCO, Guidelines for Inclusion: ensuring access to education for all, 2005, http://unesdoc.unesco.org/images/0014/001402/140224e.pdf (accessed May 5, 2013).

[53] UNICEF, The Right of Children with Disabilities to Education: A Rights-based Approach to Inclusive Education, 2012, http://www.unicef.org/ceecis/IEPositionPaper_ENGLISH.pdf (accessed May 5, 2013), p.8.

[54] UNESCO, Inclusive Education, 2011, http://www.unesco.org/new/en/education/themes/strengthening-education-systems/inclusive-education/ (accessed June 6, 2013). Inclusion International, Better Education for All: A Global Report, October 2009, http://inclusion-international.org.cluster.cwcs.co.uk/wp-content/uploads/Better-Education-for-All_Global-Report_October-2009.pdf (accessed June 6, 2013).

[55] Specialized classes within mainstream schools, such as to provide Braille training or physiotherapy, may be beneficial for students with disabilities if the special classes complement or facilitate their participation in mainstream classes.

[56] Li La, Relationship between inclusive education and integrated education (), *Shanghai Research on Education*, vol. 5, 2011, doi: 10.3969/j.issn.1007-2020.2011.05.004

[57] UNICEF, The Right of Children with Disabilities to Education: A Rights-based Approach to Inclusive Education, 2012, http://www.unicef.org/ceecis/IEPositionPaper_ENGLISH.pdf (accessed May 5, 2013), p.16.

[58] CRPD, art. 7 (2).

[59] CRPD, art. 7 (3).

[60] According to the Chinese government, special education schools act as the backbone of education for these children, while regular schools are the mainstream suggesting that the two systems are equally important. Chinese government report to the Committee on CRPD. Para. 64.

[61] CEL, art. 19 and REPD, art. 21.

[62] Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of China, adopted by the Committee at its eighth session (1728 September 2012), October 15, 2012, para. 36.

[63] Pang Xiaguang, Mainstreaming children with disabilities: present and future development proposals in China (), *A Journal of Modern Special Education*, vol. 9, 2012, doi:10.3969/j.issn.1004-8014.2012.09.006.

[64] Proposed amendments to the Regulations on the Education of Persons with Disabilities (REPD), art. 23.

[65] Proposed amendments to the REPD, art. 4.

[66] Proposed amendments to the REPD, art. 14.

[67] CRPD, art. 2.

[68]University of Iowa, Office of Equal Opportunity and Diversity, Assisting Students with Disabilities: A Guide to Instructors, 2004, http://www.uiowa.edu/~eod/education/publications/assisting-students.html (accessed June 18, 2011).

[69] Ibid.

[70] CRPD, art. 24(3c).

[71] CRPD, art. 26(3).

[72] University of Iowa, Office of Equal Opportunity and Diversity, Assisting Students with Disabilities: A Guide to Instructors, 2004, http://diversity.uiowa.edu/eod/assisting-students-disabilities-guide-instructors (accessed April 11, 2013); Roger H. Martin, ABCs of Accommodations, *The New York Times*, October 30, 2012, http://www.nytimes.com/2012/11/04/education/edlife/guide-to-accommodations-for-college-students-with-disabilities.html (accessed April 11, 2013); Special Education Support Service, Department of Education and Skills, Government of Ireland, What is Reasonable Accommodation in relation to examinations run by the State Examinations Commission?, 2007, http://www.sess.ie/faq/what-reasonable-accommodation-relation-examinations-run-state-examinations-commission (accessed May 30, 2013).

[73] CRPD, art. 24(4).

[74] MMSACS, arts. 12, 20 and 30.

[75] LPDP, art. 28; REPD, art. 41; MMSACS, arts. 25 and 26.

[76] LPDP, art. 4.

[77] REPD, art. 21; The Education Law, art. 38; CEL, art. 19.

[78] Regulations on Barrier-Free Construction, art. 1.

[79] Proposed amendments to the REPD, arts. 3 and 40.

[80] CRPD, art.2.

[81] CEL, art. 19 and REPD, art. 21.

[82] Human Rights Watch interview with mother of a 15-year-old boy with albinism, Shandong Province, January 2013.

[83] Human Rights Watch interview with mother of a 9-year-old boy who has ADHD and intellectual disability, Henan Province, January 2013.

[84] Human Rights Watch interview with grandmother of a 13-year-old boy with intellectual disability, Hunan Province, January 2013.

[85] Human Rights Watch interview with mother of an 18-year-old man with intellectual disabilities, Fujian Province, December 2012.

[86] Human Rights Watch interview with mother of a 7-year-old who has a physical disability, Guangdong Province, December 2012.

[87] Human Rights Watch interview with mother of a 12-year-old boy with autism in Zhejiang Province, January 2013.

[88] Human Rights Watch interview with mother of a 7-year-old who has a physical disability, Guangdong Province, December 2012.

[89] Human Rights Watch interview with CDPF staff and disability advocate, Guangdong Province, February 2013.

[90] Human Rights Watch interview with disability advocate, Guangdong Province, February 2013.

[91] Human Rights Watch interview with mother of a 9-year-old boy who has a physical disability, Henan Province, January 2013.

[92] Human Rights Watch interview with the grandmother of a 13-year-old boy who has intellectual disability, Hunan Province, January 2013.

[93] Human Rights Watch interview with mother of an 11-year-old boy with autism, Shandong Province, January 2013.

[94] Human Rights Watch interview with an 8-year-old boy with hearing impairments, Guangdong Province, February 2013.

[95] Human Rights Watch interview with a 15-year-old girl with an intellectual disability, Jiangsu Province, January 2013.

[96] Human Rights Watch interview with a 16-year-old girl with an intellectual disability, Jiangsu Province, January 2013.

[97] Human Rights Watch interview with the grandmother of a 15-year-old girl with multiple disabilities, Guangdong Province, December 2012; Human Rights Watch interview with a mother of an 8-year-old boy who has multiple disabilities, Guangdong Province, December 2012; Human Rights Watch interview with a 16-year-old girl with an intellectual disability, Jiangsu Province, January 2013; Human Rights Watch interview with a 19-year-old woman with a physical disability, Henan Province, December 2012.

[98] Human Rights Watch interview with a 22-year-old woman with a hearing disability, Sichuan Province, January 2013.

[99] Human Rights Watch interview with parents of a 16-year-old girl who has an intellectual disability, Guangdong Province, December 2012.

[100] Human Rights Watch interview with a mother of a 15-year-old girl who has multiple disabilities, Guangdong Province, December 2012.

[101] Human Rights Watch interview with a mother of an 8-year-old boy who has multiple disabilities, Guangdong Province, December 2012.

[102] Human Rights Watch interview with mother of a 14-year-old girl with hearing impairments, Hubei Province, December 2013; Human Rights Watch interview with the mother of a 15-year-old girl with hearing impairments, Jiangxi Province, January 2013; Human Rights Watch interview with mother of a 16-year-old girl with a hearing disability, Gansu Province, January 2013; Human Rights Watch interview with mother of a 9-year-old with a physical disability, Guangdong Province, February 2013.

[103] Human Rights Watch interview with mother of a 16-year-old girl with hearing impairments, Gansu Province, January 2013.

[104] Human Rights Watch interview with mother of a 15-year-old with hearing impairments, Gansu Province, January 2013.

[105] Human Rights Watch interview with mother of an 11-year-old boy with autism, Shandong Province, January 2013.

[106] Human Rights Watch telephone interview with a scholar who studies inclusive education, April 2013.

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