

## PUBLIC HEALTH

*Report of the UN Special Rapporteur on Extreme Poverty and Human Rights*

During the Commission's 2017 reporting year, the UN Special Rapporteur on extreme poverty and human rights issued a report that assessed whether the Chinese government's poverty alleviation efforts, many of which dovetail with public health and the right to health,<sup>1</sup> "have ensured full respect for human rights in China."<sup>2</sup> The report, based on the Special Rapporteur's official mission to China in August 2016, commended the government's massive scale of poverty alleviation in China over the past three decades,<sup>3</sup> noting improved mortality rates and greater access to healthcare and health insurance.<sup>4</sup> The Special Rapporteur, however, observed that the government has overly emphasized development goals,<sup>5</sup> and highlighted fundamental challenges, including:

- the Chinese Communist Party's "leading role" over government, civil society, and public participation, which is difficult to "reconcile" with individual rights protection and accountability mechanisms;<sup>6</sup>
- the government's top-down approach, which leaves "marginal" space for non-governmental organizations and affected individuals to participate in policymaking and advocacy;<sup>7</sup> and
- the lack of publicly available, accurate data,<sup>8</sup> such as on the employment of persons with disabilities<sup>9</sup> and the number of children completing compulsory education.<sup>10</sup>

*Developments in Mental Health Policy and Law*

The government and Party continued to prioritize mental health in public health policymaking.<sup>11</sup> Despite implementation of the PRC Mental Health Law (MHL), which became effective in 2013,<sup>12</sup> significant challenges in the treatment of mental health disorders include the shortage of psychiatrists, psychiatric nurses, and community-based rehabilitation services.<sup>13</sup> According to a psychiatric expert at Shanghai Jiao Tong University, resources are concentrated primarily in urban, developed areas in eastern China; rural areas and less developed areas of central and western regions "lag far behind in availability of services."<sup>14</sup> A senior health official reported in April 2017 that more than 50 percent of individuals with severe mental illness live in poverty.<sup>15</sup>

## INVOLUNTARY AND FORCED PSYCHIATRIC COMMITMENT

The MHL provides protections against wrongful involuntary admission and treatment,<sup>16</sup> which are intended, in part, to prevent the forced commitment to psychiatric facilities of individuals without mental illness (*bei jingshenbing*).<sup>17</sup> In June 2017, a district court in Zhumadian municipality, Henan province, reportedly invoked these provisions in a lawsuit against a psychiatric hospital for having involuntarily committed a man for 19 days in 2015 to undergo "conversion therapy" at the direction of his wife and her family.<sup>18</sup> The court found in favor of the plaintiff, noting that his hospitalization "infringed on his personal liberty" as he did not meet the MHL's standard of dangerousness to himself or to others

under which an individual may be involuntarily committed.<sup>19</sup> News media, moreover, reported a positive outcome for a case in Shanghai municipality known as the first under the MHL.<sup>20</sup> In July 2017, the plaintiff in that case, after 15 years in a psychiatric facility, obtained approval to discharge himself following a psychiatric evaluation that found the plaintiff “possessed full competence in civil matters.”<sup>21</sup> Prior to that evaluation, the plaintiff remained subject to his guardian’s refusal to allow discharge<sup>22</sup> ever since his initial involuntary commitment due to schizophrenia.<sup>23</sup>

The Commission continued to observe reports of official use of forced psychiatric commitment in response to activities the government deemed to be “troublemaking” or politically sensitive,<sup>24</sup> including petitioning the government over legal grievances and rights violations. Reports of petitioners and others whom public security officials temporarily committed to psychiatric facilities this past year included Sheng Lanfu,<sup>25</sup> Ren Naijun,<sup>26</sup> and Zhu Liangqun.<sup>27</sup> In January 2017, authorities reportedly released petitioner Li Jiafu after more than two years’ detention at a Zhejiang province psychiatric facility.<sup>28</sup> The Paper—a state-funded news outlet—continued to cover the case of Xu Xueling, a petitioner sentenced to four years in prison in April 2016 by a court in Shandong province on the charge of “picking quarrels and provoking trouble.”<sup>29</sup> Media coverage of her case linked her petitioning to her grievances over two instances of *bei jingshenbing* imposed by authorities for “stability maintenance,”<sup>30</sup> which a news outlet described as a form of extrajudicial detention.<sup>31</sup> The December 2016 arrest<sup>32</sup> of Liu Feiyue—founder of the human rights website Civil Rights & Livelihood Watch (CRLW)<sup>33</sup>—may have consequences for grassroots reporting of forced psychiatric commitment given CRLW’s regular coverage of the topic.<sup>34</sup>

#### *Health-Based Discrimination*

Health-based discrimination in access to employment, welfare, education, and medical treatment, as well as difficulties in accessing legal relief or accountability, reportedly remain widespread,<sup>35</sup> despite prohibitions to prevent it under Chinese laws and regulations.<sup>36</sup> Contributing factors, according to rights lawyers, include a lack of compliance with the law and inconsistencies among laws and regulations.<sup>37</sup> The Special Rapporteur on extreme poverty and human rights also cited “access to basic services and . . . problems of exclusion” due to the multidimensional character of poverty<sup>38</sup> as factors that create barriers for persons with disabilities, ethnic minority groups, and the rural poor.<sup>39</sup> The following reports from this past year illustrate aspects of these challenges.

- **Employment.** Two HIV-positive men—one in Guangdong province<sup>40</sup> and the other in Jiangxi province<sup>41</sup>—pursued legal remedies after being deemed ineligible for employment following physical examinations that disclosed their health status to their employers. In June 2017, the plaintiff in the Guangdong case won his case on appeal in China’s first-ever judgment that held an employer-defendant violated Chinese law by discriminating against a plaintiff because he or she was HIV positive.<sup>42</sup> The court, however, rejected the plaintiff’s re-

quest to be reinstated to his job.<sup>43</sup> The plaintiff in the Jiangxi case appealed the trial court's dismissal of his claims in October 2016,<sup>44</sup> but withdrew the appeal in June 2017 after settlement.<sup>45</sup> In a November 2016 letter to the central government, a group of lawyers cited the Jiangxi case, asserting the Civil Servants' General Recruitment Physical Eligibility Standards—which designate HIV/AIDS a disqualifying factor for government employment<sup>46</sup>—are the “most significant systemic obstacle” for persons living with HIV/AIDS in accessing equal employment opportunities.<sup>47</sup>

- **Welfare.** In March 2017, the Beijing News reported on the death of an autistic teenager in Shaoguan municipality, Guangdong,<sup>48</sup> that raised concerns about the oversight of care centers and government accountability in providing welfare to those in need.<sup>49</sup> Poor quality food and negligence by a care center in Shaoguan and additional negligence on the part of police and a homeless shelter in Dongguan municipality, Guangdong, contributed to the boy's death.<sup>50</sup> Coverage of the case, moreover, revealed that at least 20 individuals had died at the Shaoguan care center between January 1 and February 18, 2017.<sup>51</sup>

- **Education.** In a positive development, the government revised the regulatory framework on access to education for students with disabilities, including revised Regulations on Education for Disabled Persons (Regulations)<sup>52</sup> that stipulate local governments should provide funding in official budgets for the education of disabled students,<sup>53</sup> and revised provisions on reasonable accommodations for students with disabilities who take the college entrance exam (*gaokao*).<sup>54</sup> In June 2017, news media reported education authorities in Shanghai municipality and Guangxi province provided accommodations for a few dozen students with disabilities taking the *gaokao*.<sup>55</sup> Human Rights Watch cautioned that the revised Regulations were not sufficient to ensure inclusive education standards at mainstream schools.<sup>56</sup> A research survey released in March 2017 found that nearly 30 percent of children with disabilities are asked to leave mainstream schools due, in part, to a shortage of teachers with special education training.<sup>57</sup>

## Notes to Section II—Public Health

<sup>1</sup> Office of the United Nations High Commissioner for Human Rights and World Health Organization, *The Right to Health*, Fact Sheet No. 31, June 2008, 1–4. See also State Council Information Office, “National Human Rights Action Plan of China (2009–2010),” 13 April 09, secs. I(2)–(4), III(3); State Council Information Office, “National Human Rights Action Plan of China (2012–2015),” 11 June 12, secs. I(2)–(4), III(2)–(5); State Council Information Office, “National Human Rights Action Plan of China (2016–2020),” August 2016, reprinted in *Xinhua*, 29 September 16, secs. I(2), (3), (5); III(3)–(5).

<sup>2</sup> UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 15; Office of the United Nations High Commissioner for Human Rights, “End-of-Mission Statement on China, by Professor Philip Alston, United Nations Special Rapporteur on Extreme Poverty and Human Rights,” 23 August 16.

<sup>3</sup> UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, paras. 12–14, 56 (achieving “almost universal health coverage”), 76 (“strong and genuine commitment to building a ‘moderately prosperous society’”).

<sup>4</sup> *Ibid.*, paras. 13, 56.

<sup>5</sup> *Ibid.*, para. 45; Human Rights in China, “UN Expert: Chinese Government Needs ‘Genuine Accountability,’” 23 August 16.

<sup>6</sup> UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 16.

<sup>7</sup> *Ibid.*, paras. 6(b)–(g), 7, 8, 30, 32, 36. The Special Rapporteur censured this “top-down” approach as manifested in the Chinese government’s intrusive control over his meeting schedule in China, which prevented and obstructed a variety of non-governmental stakeholders from meeting with him. He stressed that the Chinese government’s control over his schedule was contrary to the level of access that is expected during Special Rapporteur missions. Additionally, the Special Rapporteur pointed out that the China Federation for Persons with Disabilities, which facilitated some of the meetings during his mission, is led by government officials and performs government functions; thus “it hardly qualifies as a civil society organization.”

<sup>8</sup> *Ibid.*, para. 29.

<sup>9</sup> *Ibid.*, para. 35.

<sup>10</sup> *Ibid.*, paras. 54, 55.

<sup>11</sup> National Health and Family Planning Commission, “Text Transcript of Regular News Conference in April” [Guojia weisheng jishengwei 4 yue lixing xinwen fabuhui wenzi shilu], 7 April 17; National Health and Family Planning Commission, Propaganda Department, et al., *Guiding Opinion on Strengthening Mental Health Services* [Guanyu jiaqiang xinli jiankang fuwu de zhidao yijian], issued 30 December 16; State Council, “‘13th Five-Year’ Hygiene and Health Plan” [“Shisan wu” weisheng yu jiankang guihua], 10 January 17, 3(1, 7, 11, 12); State Council General Office, “National Mental Health Work Plan (2015–2020)” [Quanguo jingshen weisheng gongzuo guihua (2015–2020 nian)], 18 June 15. See also Bin Xie, “Strategic Mental Health Planning and Its Practice in China: Retrospect and Prospect,” *Shanghai Archives of Psychiatry*, Vol. 29, No. 2 (2017), 115.

<sup>12</sup> PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13; “Li Keqiang: Promoting the Emphasis of Healthcare Services’ Shift Downward and Deepening Resources for Clinical Treatment” [Li keqiang: tuidong yiliao fuwu zhongxin xiayi he zhenliao ziyuan xiachen], *Caixin*, 21 December 16; State Council General Office, “National Mental Health Work Plan (2015–2020)” [Quanguo jingshen weisheng gongzuo guihua (2015–2020 nian)], 18 June 15; State Council Information Office, “National Human Rights Action Plan of China (2016–2020),” August 2016, sec. I(5).

<sup>13</sup> Su Weichu, “Total Number of Registered Individuals With Severe Mental Disorders Is 5.4 Million, Still Have Major Shortage of Psychiatrists” [Quanguo zai ce yanzhong jingshen zhang’ai huanzhe 540 wan jingshen ke yisheng quekou renguan hen da], *Jiemian*, 7 April 17; Qiuping Zhong et al., “China Mental Health Reform—Perspective About Psychiatric Nursing Assistants,” *Journal of Preventive Medicine & Healthcare*, 31 March 17; Bin Xie, “Strategic Mental Health Planning and Its Practice in China: Retrospect and Prospect,” *Shanghai Archives of Psychiatry*, Vol. 29, No. 2 (2017), 116. See also Liu Jiaying, “More Than Half of Those With Severe Mental Disorders Fall Into Poverty, Overall Increase in Depression-Related Mental Disorders” [Zhongguo guoban yanzhong jingshen zhang’aizhe xian pinkun yiyu zhang’ai zongti shangsheng], *Caixin*, 7 April 17.

<sup>14</sup> Bin Xie, “Strategic Mental Health Planning and Its Practice in China: Retrospect and Prospect,” *Shanghai Archives of Psychiatry*, Vol. 29, No. 2 (2017), 116.

<sup>15</sup> National Health and Family Planning Commission, “Text Transcript of National Health and Family Planning Commission Regular News Conference in April” [Guojia weisheng jishengwei 4 yue lixing xinwen fabuhui wenzi shilu], 7 April 17; Liu Jiaying, “More Than Half of Those With Severe Mental Disorders Fall Into Poverty, Overall Increase in Depression-Related Mental Disorders” [Zhongguo guoban yanzhong jingshen zhang’aizhe xian pinkun yiyu zhang’ai zongti shangsheng], *Caixin*, 7 April 17.

<sup>16</sup> PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 75(5), 78(1).

<sup>17</sup> Danuta Mendelson and Nuannuan Lin, “Mental Health Legislation (Civil) in Australia and China: A Comparative Perspective,” *Journal of Law and Medicine*, Vol. 23, No. 4 (June 2016), 775. See also Liu Xing and Gao Siwei, “‘Mental Health Law’ Puts End to ‘Forcible Psychiatric Commitment’” [“Jingshen weisheng fa” zhongjie “bei jingshenbing”], *China Youth Daily*, 29 October 12; “China Adopts Mental Health Law, Protecting Rights,” *Xinhua*, 26 October 12.

<sup>18</sup>Xing Bingyin, “Gay Man From Henan Forcibly Committed for 19 Days, Sued Psychiatric Hospital and Won Lawsuit, Compensated 5,000” [Henan tongxinglian nanzi bei qiangzhi zhiliao 19 tian zhuanggao jingshenbing yuan shengsu, huo pei 5 qian], *The Paper*, 3 July 17; “Gay Man From Henan Sued Psychiatric Hospital” [Henan tongxinglian nanzi zhuanggao jingshenbing yuan], *Radio Free Asia*, 13 July 17. See also Li Tiezhu, “Trial Postponed in Case of ‘Gay Man Forcibly Committed to Psychiatric Hospital’ in Henan” [Henan “tongxinglian bei jingshenbing” an yanqi kaiting], *Beijing Youth Daily*, 22 September 16.

<sup>19</sup>“Gay Man From Henan Sued Psychiatric Hospital” [Henan tongxinglian nanzi zhuanggao jingshenbing yuan], *Radio Free Asia*, 13 July 17; Jonathan Tchong, *Human Rights Watch*, “Dispatches: China Court Rules Against Forced Conversion Therapy,” 10 July 17; Cai Jiabin and Li Rongde, “Court Rules Hospital Violated Gay Man’s Liberty,” *Caixin*, 5 July 17. See also Yang Shao and Bin Xie, “Operationalizing the Involuntary Treatment Regulations of China’s New Mental Health Law,” *Shanghai Archives of Psychiatry*, Vol. 25, No. 6 (2013), 384.

<sup>20</sup>Wang Jingshuo, “Litigant in ‘First Case Under Mental Health Law’ Obtains Approval To Discharge Himself From Hospital” [“Jingshen weisheng fa di yi an” dangshiren huozhun zixing banli chuyuan shouxu], *China Youth Daily*, 8 August 17; Qu Zhengzhou, “That the Rights of Mentally Ill Persons Have Been Ignored Makes Me Cry” [Jingshenbing huanzhe quanli bei hushi lingren xixu], *Yanzhao Metropolitan Daily*, reprinted in *Phoenix News*, 9 August 17. See also CECC, 2014 Annual Report, 9 October 14, 124–25; CECC, 2015 Annual Report, 8 October 15, 203.

<sup>21</sup>Wang Jingshuo, “Litigant in ‘First Case Under Mental Health Law’ Obtains Approval To Discharge Himself From Hospital” [“Jingshen weisheng fa di yi an” dangshiren huozhun zixing banli chuyuan shouxu], *China Youth Daily*, 8 August 17. See also Yang Shao and Bin Xie, “Operationalizing the Involuntary Treatment Regulations of China’s New Mental Health Law,” *Shanghai Archives of Psychiatry*, Vol. 25, No. 6 (2013), 384–85. According to Shao and Xie, one of the challenges involuntarily committed patients face regarding hospital discharge under the PRC Mental Health Law is that “[in] China, hospitals are not permitted to simply discharge involuntarily admitted patients on their own recognizance, they need to be discharged to the family member or organization that signed the admission procedures.”

<sup>22</sup>Wang Jingshuo, “Litigant in ‘First Case Under Mental Health Law’ Obtains Approval To Discharge Himself From Hospital” [“Jingshen weisheng fa di yi an” dangshiren huozhun zixing banli chuyuan shouxu], *China Youth Daily*, 8 August 17; Qu Zhengzhou, “That the Rights of Mentally Ill Persons Have Been Ignored Makes Me Cry” [Jingshenbing huanzhe quanli bei hushi lingren xixu], *Yanzhao Metropolitan Daily*, reprinted in *Phoenix News*, 9 August 17.

<sup>23</sup>Luo Jieqi, “Involuntarily Committed for 10 Years, Lawsuit Against Psychiatric Hospital Allowed To File” [Fei ziyuan zhu yuan shi nian su jingshenbing yuan huo li’an], *Caixin*, 24 December 13.

<sup>24</sup>Civil Rights & Livelihood Watch, “2016 Year-End Summary on Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2016 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17; “Petitioners Forcibly Committed to Psychiatric Hospitals, Disguises Control of Personal Liberty” [Fangmin bei guan jingshenbing yuan bianxiang kongzhi renshen ziyou], *Radio Free Asia*, 2 February 17.

<sup>25</sup>Voice of Petitioners, “After Dalian Petitioner Sheng Lanfu Held for Ten Days, Faced Forced Commitment in Psychiatric Hospital and Treatment for Fifteen Days” [Dalian fangmin sheng lanfu bei ju shi tian hou zao qiangsong jingshenbing yuan zhiliao shiwu tian], 4 April 17.

<sup>26</sup>Rights Defense Network, “Shanghai Online Political Commentator Ren Naijun Released From Detention Center, Then Forcibly Committed to Psychiatric Hospital, Family Had To Make 6 Promises for Him To Be Allowed To Return Home” [Shanghai wangluo zhenglun zuojia ren naijun huoshi likai kanshousuo you bei zhuang jingshenbing yuan jiaeren zuochu 6 xiang chengnuo cai huozhun huojia], 22 May 17.

<sup>27</sup>Civil Rights & Livelihood Watch, “Zhu Liangqun Maltreated While at Detention Center and Forcibly Detained at Psychiatric Hospital” [Zhu liangqun zai kanshousuo zaoshou nuedai bing bei qiangzhi song jingshenbing yuan], 27 December 16.

<sup>28</sup>Voice of Petitioners, “Forcibly Committed to Psychiatric Hospital for Over Two Years, Zhejiang Petitioner Li Jiafu Released” [Bei guan jingshenbing yuan liang nian duo de zhejiang fangmin li jiafu huoshi], 27 January 17; “Petitioners Forcibly Committed to Psychiatric Hospitals, Disguises Control of Personal Liberty” [Fangmin bei guan jingshenbing yuan bianxiang kongzhi renshen ziyou], *Radio Free Asia*, 2 February 17.

<sup>29</sup>Song Jiangxuan, “Shandong Petitioner Forcibly Committed to Psychiatric Hospital Twice, Is Found Not To Have Mental Illness Before Criminal Sentencing, Appeal Rejected” [Shandong fangmin liang ci bei song jingshenbing yuan, huoxing qian you bei rending mei bing, shensu zao bohui], *The Paper*, 4 January 17. See also Song Jiangxuan, “Petitioner From Shandong Forcibly Committed to Psychiatric Hospital Sentenced to 4 Years: Coerced Money From Government, Now No Longer Mentally Ill” [Shandong ceng bei song jingshenbing yuan fangmin zhongshen pan 4 nian: qiangna zhengfu qian, xian mei jingshenbing], *The Paper*, 22 July 16; Song Jiangxuan, “Shandong Petitioner Committed to Psychiatric Hospital Two Times, Prior to Sentencing She Was Evaluated as ‘Showing No Signs of Mental Illness’” [Shandong fangmin liang ci bei song jingshenbing yuan, panxing qian you bei jiangding “wu jingshenbing biaoqian”], *The Paper*, 13 June 16. According to *The Paper*’s report in January 2017, in December 2016, a Shandong court denied Xu’s legal challenge of her conviction, holding that Xu’s repeated petitioning established the basis of the offense. For more information on Xu Xueling, see the Commission’s Political Prisoner Database record 2017-00018.

<sup>30</sup>Huang Yuhao, “Many Petitioners From Xintai, Shandong, Seeking To Petition in Beijing Sent to Psychiatric Hospitals” [Shandong xintai duoming yu jin jing shangfangzhe bei qiang song jingshenbing yuan], *Beijing News*, reprinted in *Sina*, 8 December 08; Song Jiangxuan, “Shandong Petitioner Committed to Psychiatric Hospital Two Times, Prior to Sentencing She Was Evaluated as ‘Showing No Signs of Mental Illness’” [Shandong fangmin liang ci bei song jingshenbing yuan, panxing qian you bei jiangding “wu jingshenbing biaoqian”], *The Paper*, 13

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June 16. See also Andrew Jacobs, “Whistle-Blowers in Chinese City Sent to Mental Hospital,” *New York Times*, 8 December 08.

<sup>31</sup>[Editorial] Beware of Arbitrary Psychiatric Treatment Due to Petitioning Dilemma” [(Shelun) jingti xinfang kunju xia de jingshenbing shouzhi luanxiang], *Southern Metropolitan Daily*, 14 June 16.

<sup>32</sup>Rights Defense Network, “Bulletin on CRLW Director Liu Feiyue’s Case: Family Members Receive ‘Arrest Notice’ From Suizhou, Hubei, Public Security Bureau” [Minsheng guan cha fuzeren liu feiyue an tongbao: jiashu shoudao hubei suizhou shi gong’anju jifa de “daibu tongzhishu”], 11 January 17.

<sup>33</sup>Civil Rights & Livelihood Watch, “Civil Rights & Livelihood Watch Founder Liu Feiyue Criminally Detained on Charge of Subversion of State Power” [Minsheng guan cha fuzeren liu feiyue bei yi dianfu guojia zhengquan zui xingju], 24 November 16; Nomaan Merchant, “China Detains Editor of Human Rights Website for Subversion,” *Associated Press*, 25 November 16; “Rights Website Founder Detained on Subversion Charges in China’s Hubei,” *Radio Free Asia*, 25 November 16.

<sup>34</sup>Chinese Human Rights Defenders, “Liu Feiyue,” 19 December 16; Nomaan Merchant, “China Detains Editor of Human Rights Website for Subversion,” *Associated Press*, 25 November 16. See also Civil Rights & Livelihood Watch, “2016 Year-End Summary on Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2016 nian zhongguo jingshen jian kang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17; Civil Rights & Livelihood Watch, “2015 Year-End Summary on Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2015 nian zhongguo jingshen jian kang yu renquan (bei jingshenbing) nianzhong zongjie], 8 February 16; Civil Rights & Livelihood Watch, “2014 Year-End Report on Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2014 nian zhongguo jingshen jian kang yu renquan (bei jingshenbing) nianzhong baogao], 14 January 15; Civil Rights & Livelihood Watch, “2013 Year-End Report on Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [Erlingyisan nian zhongguo jingshen jian kang yu renquan (bei jingshenbing) nianzhong baogao], 13 February 14.

<sup>35</sup>See, e.g., “AIDS in China: Mostly Sexually-Transmitted, Discrimination Widespread” [Zhongguo ai xianzhuang: xing chuanbo weizhu shou qishi pubian], *Deutsche Welle*, 1 December 16 (employment discrimination); Zeng Yu and Wang Chengwei, “For Blind Students, Braille Exams Pave Way to Higher Education,” *Sixth Tone*, 17 November 16 (access to education); Yang Jingru and Sha Lu, “I Would Like a Set of Exam Papers in Braille” [“Wo jiushi xiangyao yi fen mangwen shijuan”], *Beijing News*, 16 May 17 (access to education); Catherine Lai, “China’s New Rules on Education for People With Disabilities Still Fall Short, Says NGO,” *Hong Kong Free Press*, 25 February 17 (access to education); C. Hutchison et al., “Financial Barriers and Coping Strategies: Qualitative Study of Accessing Multidrug-Resistant Tuberculosis and Tuberculosis Care in Yunnan,” *BMC Journal*, 22 February 17 (access to medical treatment); Li Jie, “More Than Half of HIV-Positive Persons of Multiple Sexual Orientations Have Delayed Medical Care” [Guoban HIV yangxing duoyuan xingbiezhe ceng tuoyan jiu yi], *Southern Daily*, 7 December 16 (access to medical treatment).

<sup>36</sup>National laws and regulations that promote equal access to employment and education and prohibit health-based discrimination include the PRC Law on the Protection of Persons with Disabilities [Zhonghua renmin gongheguo canjiren baozhang fa], passed 28 December 90, amended 24 April 08, effective 1 July 08, arts. 3, 30–40; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiu ye cun fa], passed 30 August 07, effective 1 January 08, arts. 3, 29, 30; State Council, Regulations on the Treatment and Control of HIV/AIDS [Aizibing fangzhi tiaoli], issued 18 January 06, effective 1 March 06, art. 3; State Council, Regulations on the Employment of Persons with Disabilities [Canjiren jiu ye tiaoli], issued 14 February 07, effective 1 May 07, arts. 3, 4, 13, 27. See also Wan Yanhai, “AIDS, Human Rights and Public Security in China,” *University of British Columbia*, Peter A. Allard School of Law, Asia Pacific Dispute Resolution Project, Working Paper 16–1, 13 June 16.

<sup>37</sup>“On the Eve of AIDS Day, 60 Lawyers Advocate for the End of Employment Discrimination in Letter to State Council” [Aizibing ri qianxi, 60 lushi jianyan guowuyuan xiaochu jiu ye qishi], *China Free Press*, 28 November 16; Chu Hua, “Hearing Held on First Case in Guangzhou Involving Employment Discrimination Against HIV-Infected Person, Plaintiff Asks for Renewal of Contract” [Guangzhou shouci aizi ganranzhe jiu ye qishi an kaiting yuangao yaoqiu xuqian hetong], *Knews*, 21 December 16; Gao Feng, “Legal Community Urges Guarantees So That Persons With HIV/AIDS Seeking Employment Do Not Face Discrimination” [Falu jie cu baozhang aizibingren qiuzhi bu shou qishi], *Radio Free Asia*, 28 April 17.

<sup>38</sup>UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 21.

<sup>39</sup>*Ibid.*, paras. 34–36.

<sup>40</sup>Chu Hua, “Hearing Held on First Case in Guangzhou Involving Employment Discrimination Against HIV-Infected Person, Plaintiff Asks for Renewal of Contract” [Guangzhou shouci aizi ganranzhe jiu ye qishi an kaiting yuangao yaoqiu xuqian hetong], *Knews*, 21 December 16.

<sup>41</sup>“AIDS in China: Mostly Sexually-Transmitted, Discrimination Widespread” [Zhongguo ai zhuangkuang: xing chuanbo wei zhu shou qishi pubian], *Deutsche Welle*, 1 December 16.

<sup>42</sup>“First Case of Person With HIV/AIDS Winning Employment Discrimination Lawsuit Against Work Unit” [Quanguo shouli aizibingren gao danwei jiu ye qishi shengsu], *Radio Free Asia*, 21 June 17; Yang Hai and Lin Jie, “The First Winning Lawsuit” [Di yi ci shengsu], *China Youth Daily*, 28 June 17. See also Chu Hua, “Hearing Held on First Case in Guangzhou Involving Employment Discrimination Against HIV-Infected Person, Plaintiff Asks for Renewal of Contract” [Guangzhou shouci aizi ganranzhe jiu ye qishi an kaiting yuangao yaoqiu xuqian hetong], *Knews*, 21 December 16.

<sup>43</sup>Yang Xiaomei and Gan Shangzhao, “Final Ruling Announced in Guangdong’s First Case of Employment Discrimination Due to HIV/AIDS” [Guangdong shouli aizibing jiuye qishi an zhongshen xuanpan], People’s Court News, reprinted in China Court Net, 21 June 17.

<sup>44</sup>“AIDS in China: Mostly Sexually-Transmitted, Discrimination Widespread” [Zhongguo ai zhuangkuang: xing chuanbo wei zhu shou qishi pubian], Deutsche Welle, 1 December 16.

<sup>45</sup>“Guy in Jiangxi With AIDS Sues Human Resources Bureau and Wins 50,000 Yuan in Compensation, Legal Community Advocates Eliminating Discrimination at the Source” [Jiangxi aizi xiao huo qisu rensheju huochang wu wan yuan lushi jie hujing qingchu qishi yuantou], China Free Press, 6 June 17.

<sup>46</sup>Ministry of Human Resources and Ministry of Health, Civil Servants’ General Recruitment Physical Eligibility Standards (Trial) [Gongwuyuan luyong tujian tongyong biao zhun (shixing)], issued 17 January 05, reprinted in State Administration of Civil Service, 29 October 08, art. 18.

<sup>47</sup>“On the Eve of AIDS Day, 60 Lawyers Advocate for the End of Employment Discrimination in Letter to State Council” [Aizibing ri qianxi, 60 lushi jianyan guowuyuan xiaochu jiuye qishi], China Free Press, 28 November 16. China Free Press included a copy of the lawyers’ letter and the list of cosigners. “Chinese Lawyers Call for End to HIV Testing of New Employees on World AIDS Day,” Radio Free Asia, 1 December 16.

<sup>48</sup>Wang Jingyi and Deng Yuchen, “An Autistic Youth’s Road to Death” [Yige zibizheng shaonian de siwang zhi lu], Beijing News, 20 March 17; Chen Yuanyuan, “Why Is There a High Frequency of Deaths at Care Centers Among Persons Receiving Emergency Assistance?” [Bei jiu zhu renyuan heyi zai tuoyang zhongxin gaopin siwang], Beijing News, 20 March 17; Wang Jingyi, “Follow-up on ‘Investigation Into Death of Autistic Youth at Lianxi Care Center,’ Xinfeng County Head: Life Is Precious, We Are Responsible” [“Lianxi tuoyang zhongxin zibizheng shaonian siwang diaocha” zhuzhong xinfeng xianzhang: renming guantian women you zeren], Beijing News, 20 March 17. See also Chris Buckley and Adam Wu, “Autistic Boy’s Death One of Many Linked to Squalid ‘Care Center’ in China,” New York Times, 20 March 17.

<sup>49</sup>Cai Jiaxin and Sheng Menglu, “20 Deaths in 49 Days Exposed at Care Center, Inadequate Oversight, Who Will Be Held Responsible?” [49 tian wang 20 ren bao tuoyang zhongxin jianguan shicha shui lai danze?], Caixin, 21 March 17; “High Rate of Death at Homeless Shelter in Shaoguan, Guangdong, Raises Public Attention” [Guangdong shaoguan yi tuoyang zhongxin siwang lu gaofa yulun guanzhu], Radio Free Asia, 21 March 17; Zhou Ke, “Guangdong Conducting Serious Investigation Into Responsible Persons for Lianxi, Xinfeng Care Center Incident” [Guangdong yansu chachu xinfeng lianxi tuoyang zhongxin shijian zerenren], Xinhua, 27 March 17; “Responsible Persons in Shaoguan ‘Care Center Death Incident’ Taken Under Control” [Guangdong shaoguan “tuoyang zhongxin siwang shijian” fuzeren bei kongzhi], CCTV, 21 March 17; Chris Buckley and Adam Wu, “Autistic Boy’s Death One of Many Linked to Squalid ‘Care Center’ in China,” New York Times, 20 March 17.

<sup>50</sup>Wang Jingyi and Deng Yuchen, “An Autistic Youth’s Road to Death” [Yige zibizheng shaonian de siwang zhi lu], Beijing News, 20 March 17; Chen Yuanyuan, “Why Is There a High Frequency of Death at Care Centers Among Persons Receiving Emergency Assistance?” [Bei jiu zhu renyuan heyi zai tuoyang zhongxin gaopin siwang], Beijing News, 20 March 17; Wang Jingyi, “Follow-up on ‘Investigation Into Death of Autistic Youth at Lianxi Care Center,’ Xinfeng County Head: Life Is Precious, We Are Responsible” [“Lianxi tuoyang zhongxin zibizheng shaonian siwang diaocha” zhuzhong xinfeng xianzhang: renming guantian women you zeren], Beijing News, 20 March 17.

<sup>51</sup>Chen Yuanyuan, “Why Is There a High Frequency of Death at Care Centers Among Persons Receiving Emergency Assistance?” [Bei jiu zhu renyuan heyi zai tuoyang zhongxin gaopin siwang], Beijing News, 20 March 17; Cai Jiaxin and Sheng Menglu, “20 Deaths in 49 Days Exposed at Care Center, Inadequate Oversight, Who Will Be Held Responsible?” [49 tian wang 20 ren bao tuoyang zhongxin jianguan shicha shui lai danze?], Caixin, 21 March 17.

<sup>52</sup>State Council, Regulations on Education for Persons with Disabilities [Canjiren jiaoyu tiaoli], issued 23 August 94, amended 1 February 17, effective 1 May 17. See also CECC, 2013 Annual Report, 10 October 13, 122.

<sup>53</sup>State Council, Regulations on Education for Persons with Disabilities [Canjiren jiaoyu tiaoli], issued 23 August 94, amended 1 February 17, effective 1 May 17, art. 48; Hu Hao et al., “Protecting Persons With Disabilities’ Enjoyment of the Equal Right To Receive an Education—Three Major Highlights of the Revised ‘Regulations on Education for Persons With Disabilities’” [Baozhang canjiren xiangyou pingdeng jieshou jiaoyu de quanli—xiuding hou de “canjiren jiaoyu tiaoli” tuxian san da liangdian], Xinhua, 23 February 17.

<sup>54</sup>Ministry of Education and China Disabled Persons Federation, Nationwide Provisions for the Uniform Management of Ordinary College- and Higher-Level School Entrance Examinations for Participating Students With Disabilities [Canjiren canjia putong gaodeng xuexiao zhaosheng qianguo tongyi kaoshi guanli guiding], 27 April 17; “‘New Regulations’ Again Released for Disabled Students Taking College Exam: Braille Test-Takers Can Extend Exam Time by a Half” [Canjiren gaokao zaichu “xingui”: mangwen kaosheng ke yanchang yiban kaoshi shijian], Jiemian, 29 April 17.

<sup>55</sup>Lin Yanhua, “Guangxi To Provide Reasonable Accommodation for Disabled and Special Needs Student Test-Takers, Fostering a Warm and Harmonious College Exam” [Guangxi wei canji, teshu kaosheng tigong heli bianli dazao wenxin hexie gaokao], China News Service, 6 June 17; Li Jing, “Shanghai Municipal Education Commission Foreign Language Listening Skills Items for Attention, 18 Students With Hearing Disabilities Took Test for Free” [Shanghai shi jiaowei fa waiyu tingli zhuyi shixiang, 18 ming tingli canji kaosheng mian ceshi], The Paper, 7 June 17.

<sup>56</sup>Human Rights Watch, “China: New Rules for Students With Disabilities Inadequate,” 6 March 17; Catherine Lai, “China’s New Rules on Education for People With Disabilities Still Fall Short, Says NGO,” Hong Kong Free Press, 25 February 17. See also CECC, 2013 Annual Report, 10 October 13, 122.

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<sup>57</sup>Save the Children, “Integrated (Inclusive) Education Round Table Convened, Release of Sample Survey Report on Mainstreaming Students” [Quanna (ronghe) jiaoyu zuotanhui zhaokai fabu suiban jiu du chouyang diaocha baogao], 7 March 17; “About 30 Percent of Chinese Students With Disabilities Are Asked by Schools To Drop Out of School” [Zhongguo canji xuesheng zhong jin sancheng ceng bei xuexiao yaoqiu tuixue], Radio Free Asia, 15 March 17. Radio Free Asia noted that official statistics show that the percentage of disabled children in total receiving compulsory education is around 70 percent.