

# On the Chinese Model for the Protection of the Rights of Persons with Disabilities

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**Abstract:** *Persons with disabilities are equal members of the Chinese social family and an important force in upholding and developing socialism with Chinese characteristics. They are also equal members of the global human family and an important force in the development of human civilization. In the global effort to advance sustainable development, persons with disabilities require special care and attention. The positioning of persons with disabilities and their cause by the Communist Party of China (CPC) determines that the protection and development of the rights of persons with disabilities are of great significance. General Secretary Xi Jinping's important discourses on respecting and protecting human rights are the theoretical foundation for the protection of the rights of persons with disabilities. The constitutional principle of "the state shall respect and protect human rights" is the fundamental institutional basis for the protection of the rights of persons with disabilities, while the modernization of the cause of persons with disabilities is the direction for the protection of their rights. Since the founding of the People's Republic of China, through long-term exploration and practice, the Chinese model for the protection of persons with disabilities has undergone a historic transformation from single relief to comprehensive protection, from passive "offering results" to active "teaching methods," from "relief" to "empowerment," and from welfare relief to rights protection. This has led to the formation of the "Chinese model" for the protection of the rights of persons with disabilities. This model is centered on persons with disabilities and includes a value system for the protection of the human rights of persons with disabilities that encompasses respect, equality, shared prosperity, empowerment, participation, development, among other elements. It also features an integrated policy leadership, a systematic legal protection, a multi-stakeholder collaborative promotion, and a coordinated domestic and international approach as its distinct characteristics.*

**Keywords:** rights of persons with disabilities ♦ core values ♦ legal protection ♦ Chinese model

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At different stages of human societal development, the protection of the rights of persons with disabilities<sup>1</sup> and other vulnerable groups has remained a widely

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<sup>1</sup> Regarding conceptual terminology of persons with disabilities: The international community increasingly recognizes that barriers to social participation for persons with disabilities often stem from societal obstacles rather than their impairments. Therefore, some propose replacing *cánjí* (残疾, disability) with *cánzhàng* (残障, disabling barriers) to emphasize negative environmental factors. At present, the concept of "*cánjí rén* (残疾人)", or persons with disabilities, is used in both the *Constitution* and other laws of China. This paper uses *cánjí rén* (残疾人) to

discussed social issue. Whether in traditional self-sufficient agrarian societies or modern industrialized and information-based societies, this matter holds particular significance. Correctly understanding and addressing the rights of persons with disabilities serves as a crucial benchmark for measuring societal progress. In contemporary China — home to one of the world's largest populations of persons with disabilities — this represents a paramount challenge in the Communist Party of China's governance and advancement of Chinese modernization, as well as a highly concerning issue of human rights and rights as a whole.

Through sustained practice, it has become increasingly evident that the survival and development of persons with disabilities largely depend on legal empowerment and rights protection — specifically, the legal protection of rights. Prior to the adoption of the *Convention on the Rights of Persons with Disabilities* (CRPD) by the United Nations (UN), persons with disabilities were often marginalized in international law, with their concerns and needs rarely reflected in global resolutions or declarations. This neglect resulted in the exclusion of disability-related issues from international human rights agendas, including even the UN Millennium Development Goals, where the protection of the rights of persons with disability went unemphasized. The enactment of the CRPD in 2006 marked the formal entry of disability-related issues into the core framework of international human rights law. Governments, international and regional organizations, and extensive disabled communities worldwide have since engaged in rigorous study of the Convention while advocating for the realization and enforcement of relevant rights.<sup>2</sup>

The protection of the rights of persons with disabilities serves as a vital indicator of societal progress, and the advancement of human rights of persons with disabilities constitutes an integral component of the human rights cause under socialism with Chinese characteristics. Since the founding of the People's Republic of China, especially since the launch of reform and opening-up, the Party and government have consistently prioritized disability-related issues within the domain of people's wellbeing, though for a period such efforts predominantly focused on welfare provisions and relief assistance rather than framing issues through rights-based or human rights frameworks.<sup>3</sup> Following the 18<sup>th</sup> National Congress of the Communist Party of China (CPC), the CPC Central Committee with Comrade Xi Jinping at its core not only explicitly declared that "in the course of completing the building of a moderately prosperous society in all respects by 2020, not a single person with disabilities should be left behind"<sup>4</sup> and "China would continue to champion the cause of persons with disabilities, so that they could develop in an all-round way and achieve common prosperity,"<sup>5</sup> but also elevated the protection and advancement of their rights to the level of respect for and protection of fundamental human rights,

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align with China's *Constitution* and legal terminology.

<sup>2</sup> Zhang Wenxian, "An In-Depth Interpretation of the *Universal Declaration of Human Rights* with the Common Values of Humanity As the Research Paradigm," *Human Rights* 3 (2024): 1-12.

<sup>3</sup> Qu Xiangfei, "The UN *Convention on the Rights of Persons with Disabilities* and China's Disability Model Transformation," *Study & Exploration* 11 (2013): 64.

<sup>4</sup> State Council Information Office, "Equality, Participation and Sharing: 70 Years of Protecting the Rights and Interests of Persons with Disabilities in the PRC," *People's Daily (Overseas Edition)*, July 26, 2019, Sec. 6.

<sup>5</sup> *Ibid.*

positioning that as a state and societal imperative, and ushering in a new era of rights protection and development wherein the rights of persons with disabilities have gained heightened clarity and substantive content, while policy and legal frameworks protecting these rights have progressively matured. To enhance the quality and efficacy of such protection, rigorous scholarly study on the rights of persons with disability is imperative to provide robust theoretical underpinnings for legislation, law enforcement, and judicial protection — a mandate that constitutes the core motivation and objective of this paper. Commencing with an elucidation of the legal basis underpinning the protection of the rights of persons with disabilities and its Chinese model, this study successively analyzes the core values, distinctive features, and macro-structural manifestations of the Chinese model for the protection of the rights of persons with disabilities as it endeavors to construct a logical continuum traversing historical and contemporary dimensions, social and legal spheres, domestic and international contexts, and present conditions and future trajectories to ultimately crystallize a distinctly Chinese epistemology, discourse, and theoretical framework on the rights of persons with disabilities and their protection.

## **I. The Legal Basis for the Protection of the Rights of Persons with Disabilities**

China's protection of the rights of persons with disabilities — and the Chinese model for protecting such rights that has emerged from its practices — are grounded in robust theoretical foundations, institutional guarantees, and developmental imperatives. Specifically, General Secretary Xi Jinping's important discourses on respecting and protecting human rights are the theoretical foundation for the protection of the rights of persons with disabilities. The constitutional principle of "the state shall respect and protect human rights" is the fundamental institutional basis for the protection of the rights of persons with disabilities, while the modernization of the cause of persons with disabilities is the direction for the protection of their rights.

### **A. General Secretary Xi Jinping's important discourses on respecting and protecting human rights are the theoretical foundation for the protection of the rights of persons with disabilities**

The full enjoyment of human rights by all is a grand vision for human society and an unwavering pursuit of the CPC. For a century, the CPC has consistently regarded securing people's rights and interests and enhancing their wellbeing as its fundamental mission, continually advancing the flourishing development of human rights in China. General Secretary Xi Jinping emphasizes that "Combining the principle of universal human rights with the reality of modern times, China remains committed to a path for human rights that accords with its prevailing conditions. Adhering to a people-centered vision, China takes the rights to subsistence and development as the primary and basic human rights, works for coordinated progress in economic, political, social, cultural and environmental rights, defends social fairness and justice, and promotes the right to all-round development."<sup>6</sup> Particularly

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<sup>6</sup> Xi Jinping, "Following a Human Rights Development Path Suited to China's National Conditions," in *The*

since the 18th CPC National Congress, General Secretary Xi has articulated a series of important discourses on respecting and protecting human rights. These discourses, characterized by their far-reaching vision, rich connotations, and profound insights, have laid a solid theoretical foundation for human rights protection and development. General Secretary Xi has inherited and developed the Marxist perspective on human rights — especially the ideals that "the free development of each is the condition for the free development of all"<sup>7</sup> and that future society will constitute "a higher form of society in which the free and well-rounded development of every individual is its fundamental principle"<sup>8</sup> — thereby establishing a contemporary Chinese perspective on human rights.

A distinctive feature of the contemporary Chinese perspective on human rights is that it not only concerns the universal human rights of all people and the all-around development of human rights, but also pays special attention to, respects, and protects vulnerable groups such as women, children, the elderly, and persons with disabilities, embodying the fair concept that the fruits of development should be shared by all people. With regard to the protection of the rights of persons with disabilities, General Secretary Xi has pointed out that "Persons with disabilities are a group facing special difficulties and need special care and attention. Enabling persons with disabilities to live and work in peace and contentment, with no worries about food and clothing, and to live a happy and better life is an important embodiment of the fundamental purpose of our Party to serve the people wholeheartedly, and an inevitable requirement of China's socialist system."<sup>9</sup> This important statement profoundly clarifies the responsibility of the Party and the state for the special protection of persons with disabilities, and highlights the value orientation that regards the happy life of persons with disabilities as an inherent part of the cause of human rights. It emphasizes "special care and attention" to persons with disabilities, which actually requires guaranteeing the basic livelihood and long-term development of persons with disabilities through special support measures, so as to achieve substantive equality for persons with disabilities in terms of quality of life and development opportunities. This is not only a manifestation of humanitarian care, but also a full reflection of the fundamental purpose of our Party to serve the people wholeheartedly and the superiority of the socialist system.

Moreover, the status and role of persons with disabilities in social development have been highly affirmed by General Secretary Xi Jinping. He further pointed out that "Persons with disabilities are equal members of the social family, an important force in the development of human civilization, and a major force in upholding and developing socialism with Chinese characteristics."<sup>10</sup> This assertion fully confirms the equal status and value of persons with disabilities in society, and highlights the

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*Governance of China III* (Beijing: Foreign Languages Press, 2020), 288.

<sup>7</sup> Karl Marx and Friedrich Engels, *Collected Works of Karl Marx and Friedrich Engels*, vol. 2 (Beijing: People's Publishing House, 2009), 53.

<sup>8</sup> Liu Tongfang, "Reflection on the Premise of 'Free Development of All,'" *Leading Journal of Ideological & Theoretical Education* 10 (2023): 30.

<sup>9</sup> Party History Research Center of the CPC Central Committee, *Xi Jinping on Respecting and Protecting Human Rights* (Beijing: Central Party Literature Press, 2021), 115.

<sup>10</sup> *Ibid.*, 115.

significance of their "equal participation" in social life and sharing of development achievements — persons with disabilities are not onlookers or passive recipients of assistance, but active participants and contributors to social construction. This respect for the subjectivity and contributing role of persons with disabilities is also reflected in the encouragement of General Secretary Xi Jinping to them. He emphasizes that "Just as able-bodied people can live a wonderful life, so can persons with disabilities. Each of us should cherish life, pursue health, and strive to create a wonderful life worthy of the times."<sup>11</sup> This encourages persons with disabilities to be self-respecting, self-confident, self-reliant, and strive to create a wonderful life. Such statements demonstrate respect for the dignity and potential of every member of society, align with the concept advocated by international human rights law that persons with disabilities should fully participate in and integrate into society, and embody the modern human rights spirit of inclusive development.

Under the care and attention of the CPC Central Committee with Comrade Xi Jinping at its core, and with vigorous societal support, China has achieved historic progress in the development of undertakings for persons with disabilities, with a leapfrog advancement in the protection of their rights. Since the reform and opening-up, the rights protection, employment and entrepreneurship opportunities, and living conditions of persons with disabilities in China have undergone fundamental improvements. Persons with disabilities have become a stable and important force in advancing reform and development. In particular, the goal of "in the course of completing the building of a moderately prosperous society in all respects by 2020, not a single person with disabilities should be left behind" has been achieved as scheduled. The educational level and employment rate of persons with disabilities in both urban and rural areas have risen significantly, and their basic livelihood has been reliably guaranteed. However, China still has over 85 million persons with disabilities, involving 260 million family members. Affected by multiple factors, persons with disabilities still face numerous difficulties in rehabilitation, education, employment, and social participation. There remains a gap between the protection of their rights and the people's aspiration for a better life. Protecting the equal rights and interests of persons with disabilities and promoting their sharing of development achievements remain major tasks with a long way to go.

In addressing the formidable challenges confronting the protection of the rights of persons with disabilities, General Secretary Xi Jinping has articulated that "Party committees and governments at all levels must accord high priority to disability-related undertakings, treating the advancement of such endeavors as an inherent responsibility. All development initiatives should incorporate disability considerations, with continuous refinement of institutional safeguards for the rights and interests of persons with disabilities."<sup>12</sup> He further emphasizes that "People's organizations and social organizations should leverage their strengths to enhance protection for the rights and interests of specific groups such as women, children,

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<sup>11</sup> Ibid., 125.

<sup>12</sup> Ibid., 116.

older people, and those with disabilities."<sup>13</sup> These strategic measures substantially enhance the institutional framework for the protection of the rights of persons with disabilities, providing robust support for their equal participation in social life. Simultaneously, they reflect the principle of "reasonable accommodation" in international human rights law, which mandates the provision of accessible environments and necessary support to eliminate barriers to participation for persons with disabilities, thereby transforming formal equality into substantive equality.

In summary, General Secretary Xi Jinping's important discourses on respecting and protecting human rights profoundly integrate the universal rule of human rights development with China's specific national conditions, delivering potent political and legal basis for protecting the rights of persons with disabilities. The ideas General Secretary Xi Jinping advocates for protecting the rights of persons with disabilities, fully aligned with and mutually reinforcing to universally recognized concepts in international human rights law such as "equal participation," "substantive equality," and "reasonable accommodation," have elevated the theoretical depth of China's framework for the protection of the rights of persons with disabilities, and have become both a solid theoretical foundation and a practical action guide for advancing the protection in the new era.

**B. The constitutional principle of "the state shall respect and protect human rights" is the fundamental institutional basis for the protection of the rights of persons with disabilities**

As the fundamental law and overarching charter, the essence of the *Constitution* lies in its respect for and protection of human rights. Just as Karl Marx and Vladimir Lenin advocated, the *Constitution* should be "the Bible" that enshrines the people's rights. China's *Constitution* of 1982 stipulates comprehensive provisions on fundamental civil rights, reflecting the state's profound commitment to human rights protection. Since the launch of reform and opening-up, the Party and state have consistently adhered to a people-centered development philosophy, prioritizing the continuous enhancement of constitutional systems in the field of human rights in step with the times. Building upon a comprehensive review of the development and practical experience regarding fundamental civil rights, the *Fourth Amendment to the Constitution* in 2004 enshrined the principle that "the state shall respect and protect human rights" in the *Constitution*. This fully demonstrates the commitment of the Party and state to people-centered governance and represents their pursuit of protecting the people's rights at an elevated level. The incorporation of this human rights concept into the *Constitution* elevates respect for and protection of human rights to a fundamental constitutional principle, showcasing the core value orientation of China's *Constitution* centered on human rights protection. It enshrines in the fundamental law the Party's governance philosophy of serving the people and protecting their livelihood rights, marking a new stage in the advancement of human rights in China. The constitutional inclusion of this principle holds significant implications. First, it transforms the CPC's governance philosophy of respecting and

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<sup>13</sup> Xi Jinping, "Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights," *Qiushi* 12 (2022): 9.

protecting human rights into a constitutional principle, endowing it with supreme legal status and effect, thereby facilitating the comprehensive advancement of human rights protection under the constitutional framework. Writing the human rights concept into the *Constitution* stands as a milestone in China's human rights development, elevating the protection of rights into an obligation and responsibility at the level of fundamental national law. Second, as an overarching concept encompassing various rights, human rights provide theoretical underpinning and institutional logic for the fundamental rights of citizens. The incorporation of the concept of human rights into China's *Constitution* has led to a more comprehensive normative system for citizens' fundamental rights, with enriched content and expanded protection for various emerging rights such as the right to education and social security rights under the framework of "human rights," which has broadened the perspective of fundamental rights protection and provided a new foundation for the constitutional normative function of citizens' basic rights.<sup>14</sup> As a constitutional principle and norm, the "human rights clause" serves not only as an interpretative benchmark to strengthen the protection of fundamental rights and constrain public power, but also as an opportunity to integrate universal human rights concepts into the constitutional system.<sup>15</sup> Third, by enshrining the principle that "the state shall respect and protect human rights," the *Constitution* imposes binding obligations on state organs and their personnel to protect human rights. This signifies that respecting and protecting human rights is no longer merely a moral duty or political declaration, but a constitutional mandate with supreme legal authority. All state institutions must adhere to the baseline of not infringing upon human rights in exercising their powers, prioritizing the protection of citizens' fundamental rights — including the rights to life, dignity, and property — as a core governance criterion. This transformation reinforces constraints on public power, establishing "restraining power through rights protection" as a rule-of-law principle. In judicial practice, courts, procuratorates, and other bodies now apply the constitutional human rights principle to strengthen judicial protection of human rights, ensuring accessible remedies for rights violations and lawful redress for citizens whose rights are infringed. Fourth, the incorporation of human rights into the *Constitution* has provided a fundamental legal and institutional basis for improving the human rights protection legal system, strengthening law enforcement and judicial safeguards for human rights, and enhancing the rule-of-law-based protection of human rights. The constitutional principle on human rights serves as a guiding framework for the formulation and revision of relevant laws. Following the adoption of the *Amendment to the Constitution* in 2004, the legislature accelerated the pace of human rights-related legislation. A series of laws and regulations protecting citizens' rights were successively enacted or amended — including the *Property Law*, *Labor Contract Law*, *Law on Promotion of Employment*, and *Law on Penalties for Administration of Public Security* — all of which embodied enhanced protection for fundamental civil rights. Notably, the human rights principle directly drove

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<sup>14</sup> Qian Kun, "Fundamental Rights as Democratic Rights," *Northern Legal Science* 3 (2024): 54.

<sup>15</sup> Han Dayuan and Xiao Junfeng, "Normative Effect of 'Human Rights Provisions' in China's Constitution," *Northern Legal Science* 3 (2024): 6.

improvements in legal systems concerning anti-discrimination, social security, and judicial remedies, making the human rights protection legal system increasingly comprehensive. These institutional developments have reinforced human rights protection through law enforcement and judicial channels, elevating the level of rule-of-law-based human rights protection. It can be said that since the constitutional incorporation of human rights, China has gradually established a *Constitution*-centered system of human rights norms and implementation mechanisms. The principle of "the state shall respect and protect human rights" is being effectively realized through the construction of legal institutions.

The constitutional incorporation of the concept of human rights carries particular and profound significance for the protection of the rights of specific groups, including persons with disabilities. Generally speaking, groups such as women, children, the elderly, and persons with disabilities often find themselves in relatively vulnerable positions due to physiological or social reasons, requiring special attention and protection in terms of economic livelihood, social participation, psychological needs, and rights and interests protection. The Party and the state have always attached great importance to the protection of human rights of vulnerable groups and have repeatedly emphasized that state organs at all levels shall prioritize the human rights of vulnerable groups when fulfilling their human rights protection responsibilities. In accordance with the constitutional principle that "the state shall respect and protect human rights," the state has further strengthened special protection for the rights and interests of specific groups such as persons with disabilities. Beyond the general human rights principle outlined in the "General Principles," China's current *Constitution* includes dedicated provisions in the chapter "Fundamental Rights and Obligations of Citizens" to protect the rights and interests of specific groups. For example, Article 45 of the *Constitution* stipulates that "Citizens of the People's Republic of China shall have the right to material assistance from the state and society when they are aged, ill or have lost the capacity to work," and "The state and society shall assist arrangements for the work, livelihood and education of citizens who are blind, deaf, mute or have other disabilities." This provision directly reflects the state's concern for and protection of the rights to subsistence and development of disadvantaged groups such as persons with disabilities. Additionally, through provisions such as Articles 48 and 49, the *Constitution* safeguards women's equal rights, protects the rights and interests of women and children, and stipulates the obligation of adult children to support and assist their elderly parents, thereby providing clear constitutional foundations for the rights of specific groups. It is evident that China's *Constitution* adopts a dual approach — combining general human rights principles with special provisions for the rights of specific groups — to ensure equal protection for all citizens while addressing the particular difficulties and needs of vulnerable groups such as persons with disabilities.

Guided by the constitutional human rights principle, the state has implemented this principle in the field of the protection of the rights of persons with disabilities through improved legislation and policies. The state has continuously enacted and refined specialized laws to protect the rights and interests of persons with disabilities,

while formulating targeted plans and policies to translate the human rights principle into concrete objectives for the development of disability-related initiatives. At the same time, the state's overarching framework for human rights protection emphasizes special safeguards for groups such as persons with disabilities. From legislation to policy, these institutional arrangements collectively construct a Chinese model for the protection of the rights of persons with disabilities, ensuring the practical implementation of the constitutional human rights principle in the protection of their rights and interests.

In summary, the constitutional principle that "the state shall respect and protect human rights" provides fundamental value guidance and institutional basis for the protection of the rights of persons with disabilities. Under the leadership of this principle, China has continually improved its system for the protection of the rights and interests of persons with disabilities through constitutional norms and supporting legal and policy measures, driving progress in disability-related initiatives. Strengthening the protection of human rights of special groups such as persons with disabilities enables them to share, alongside all citizens, the achievements of material, cultural, and institutional progress. This represents both an important hallmark of the advancement of human rights civilization and an inevitable requirement for advancing Chinese modernization in all respects.

### **C. The modernization of the cause of persons with disabilities is the direction for the protection of their rights**

Since socialism with Chinese characteristics entered a new era, the CPC with Comrade Xi Jinping at its core has integrated the fundamental principles of Marxism with the specific realities of China's reform and opening-up as well as socialist modernization drive, and with fine traditional Chinese culture, creating a new Chinese path to modernization. It has promoted coordinated progress in economic, political, cultural, social, and ecological advancement, thus creating a new form of human civilization. Based on the overall framework of Chinese modernization, related concepts such as Chinese economic modernization and Chinese legal modernization can be derived. Guided by this path of modernization development, continuously advancing the modern transformation of the system for the protection of the rights of persons with disabilities through China's development path has become a strategic approach for the undertakings for persons with disabilities to achieve leapfrog development. This means that the modernization of undertakings for persons with disabilities must be based on China's reality, integrate into the process of Chinese modernization, incorporate the protection of the rights of persons with disabilities into the national modernization strategy, and ensure that the undertakings for persons with disabilities advance in step with economic and social development and promote each other. Therefore, promoting the modernization of undertakings for persons with disabilities essentially means continuously improving the level of protection of the rights of persons with disabilities within the framework of Chinese modernization, and effectively achieving the modernization goals of "equality, participation, and sharing" for persons with disabilities in the new era.

In the practice of advancing the development of human rights, China has blazed

a path of human rights development suited to its national conditions, which specifically presents six characteristics: first, upholding CPC leadership; second, respecting the principal position of the people; third, proceeding from China's realities; fourth, focusing on basic human rights, primarily the rights to subsistence and development; fifth, protecting human rights according to the law; and sixth, taking an active part in global governance on human rights.<sup>16</sup> These six main characteristics are all vividly reflected in the cause of the protection of the rights of persons with disabilities, and the first and second ones are used as examples to illustrate. The CPC Central Committee with Comrade Xi Jinping at its core has adhered to a systematic approach in planning the development of human rights, striving to address the issues of unbalanced and inadequate development of human rights, promoting more effective protection of human rights of specific groups, and advancing the comprehensive development of various human rights. It is precisely because of this that persons with disabilities can obtain the opportunity to equally share human rights with other citizens, and the protection of the rights of persons with disabilities has gained the most fundamental political guarantee. It is precisely because we adhere to a people-centered approach, respect the principal position of the people, comprehensively advance the cause of human rights with the fundamental interests of the people as the starting point and goal, and effectively safeguard people's wellbeing and basic human rights that the scenario of "human rights are not special privileges bestowed on some people or a small minority but universal rights to be enjoyed by all the people"<sup>17</sup> has taken shape. In this process, the majority of persons with disabilities actively participate in human rights practices as holders of rights, truly becoming equal participants, promoters, and beneficiaries in the development of the cause of human rights.

"Human rights are the rights that human beings possess and should possess by virtue of their natural attributes and social essence as human beings."<sup>18</sup> Therefore, "it is the pursuit of all societies to protect the life, value, and dignity of every person and ensure their entitlement to human rights."<sup>19</sup> This requires attaching importance not only to the universal human rights enjoyed by ordinary citizens but also to the specific human rights of particular groups, emphasizing that the human rights of all social strata, groups and ethnic groups are interdependent and indivisible. It calls for promoting balanced and coordinated development, protecting and advancing the rights and freedoms of all people, and enhancing the systematic, holistic and synergistic development of the cause of human rights. This development concept that attaches equal importance to universal human rights and specific human rights embodies a distinct orientation of "inclusive equality" — ensuring the interests of the majority while not neglecting the rights of minority groups such as persons with disabilities, so as to achieve common progress in the protection of the rights of all

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<sup>16</sup> Xi Jinping, "Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights," *Qiushi* 12 (2022): 4-10.

<sup>17</sup> *Ibid.*, 7.

<sup>18</sup> Wang Jiafu and Liu Hainian, *The Human Rights Encyclopedia of China* (Beijing: Encyclopedia of China Publishing House, 1998), 481.

<sup>19</sup> Xi Jinping, "Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights," *Qiushi* 12 (2022): 4.

members of society. Some scholars have further advocated the "developmentalism of human rights," emphasizing that everyone's free, comprehensive and coordinated development is the ultimate purpose of human rights, and that human rights should be implemented and promoted in the course of development, thus clarifying the dialectical and unified relationship between human rights and development.<sup>20</sup> This is highly consistent with China's concept of coordinating the right to development with other rights in the practice of human rights.

Since the 18<sup>th</sup> CPC National Congress, all plenary sessions of the CPC Central Committee have included in their reports the protection of the basic rights and interests of persons with disabilities and the improvement of the social security and service system for persons with disabilities as part of the modernization of the national governance system and governance capacity. Chinese path of human rights development attaches importance to both the universal human rights of ordinary citizens and the specific human rights of particular groups. It emphasizes that the human rights of all social strata, groups and ethnic groups are interdependent and indivisible, and should be promoted in a balanced and coordinated manner to protect and advance the rights and freedoms of all people, so as to enhance the systematic, holistic and synergistic development of the cause of human rights. The modernization of undertakings for persons with disabilities is a modernization with Chinese characteristics, one that promotes common prosperity for persons with disabilities and realizes their all-around development, embodying the organic unity of national modernization, social modernization and the modernization of humans.<sup>21</sup> The modernization of undertakings for persons with disabilities is an important dimension in the process of socialist modernization with Chinese characteristics. It is not only an inherent requirement for building a comprehensively modern civilized society, but also a key symbol demonstrating the superiority of the system and measuring the level of development.

## **II. Core Values of the Chinese Model for the Protection of the Rights of Persons with Disabilities**

The rights of persons with disabilities can be attributed to "the human rights of persons with disabilities" in terms of their nature, and the protection of the rights of persons with disabilities is essentially the respect for and protection of the human rights that persons with disabilities should enjoy as human beings. The content of the rights (human rights) of persons with disabilities is very extensive, including both the basic rights (human rights) shared with ordinary people and the "specific rights" they enjoy based on the fact of disability. Based on this view of human rights, the core values of the Chinese model for the protection of the rights of persons with disabilities include six elements.

### **A. Respect: protecting the personal dignity and freedom of persons with**

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<sup>20</sup> Chang Jian, "Human Rights Implications of Bringing the Building of a Moderately Prosperous Society in All Respects to a Successful Completion," *Human Rights* 2 (2020): 18.

<sup>21</sup> Li Caimao, "Modernization of Disability Programs: Core Connotations and Pathways," *Disability Research* 3 (2023): 3.

## disabilities

Human dignity is an inherent right of all human individuals and the fundamental basis for the legal protection of the rights of persons with disabilities.<sup>22</sup> "Human dignity, as an instinct-like need and desire of human beings, has existed since the emergence of humankind. For any person, regardless of the group or category they live in, the society or era they are in, or their natural characteristics and social attributes, this need and desire to be human is always inherent in their life and coexists with life."<sup>23</sup> Respect for persons with disabilities not only reflects the recognition and respect for them as independent individuals, but also demonstrates the society's recognition of human diversity and individual values.

Respecting human dignity is a core principle of human rights protection. Article 1 of the *Universal Declaration of Human Rights* states that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."<sup>24</sup> Article 38 of China's *Constitution* clearly stipulates that "The personal dignity of citizens of the People's Republic of China shall not be violated. It is prohibited to use any means to insult, libel or falsely accuse citizens." All people, all citizens, including persons with disabilities, should enjoy equal dignity and rights. Persons with disabilities should not only be regarded as equal members of society, but also be provided with necessary support and assistance to ensure that they can fully realize their potential and value.

In the protection of the rights of persons with disabilities, the maintenance of their dignity is specifically reflected in the following aspects: first, legal recognition and protection. The most prominent way for the law to protect dignity is to declare and enforce specific provisions that prohibit the impairment or infringement of human dignity.<sup>25</sup> The law should clearly stipulate that persons with disabilities enjoy equal rights and dignity with other citizens. The CRPD emphasizes that "all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention."<sup>26</sup> Such legal protection should include not only formal equality, but also substantive support to ensure that persons with disabilities can participate equally in social life. Second, elimination of discrimination and prejudice. Maintaining the dignity of persons with disabilities requires eliminating all forms of discrimination, prejudice and barriers in all fields. Equal access to education and labor rights play an important role in the self-realization of persons with disabilities, serving as important channels to ensure

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<sup>22</sup> Tang Mingze, "Why Rights Protect Free Will," *Law Science* 4 (2024): 46.

<sup>23</sup> Qi Yanping, *Protection of the Rights of Vulnerable Groups in Society* (Jinan: Shandong People's Publishing House, 2006), 32.

<sup>24</sup> Universal Declaration of Human Rights, Art. 1, United Nations General Assembly, December 10, 1948, Paris, accessed June 28, 2024, <https://www.un.org/zh/about-us/universal-declaration-of-human-rights>.

<sup>25</sup> Jeremy Waldron, *On Human Dignity*, Zhang Zhuoming trans. (Beijing: Commercial Press, 2024), 185.

<sup>26</sup> United Nations Convention on the Rights of Persons with Disabilities, December 13, 2006, Art. 5, accessed June 28, 2024, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

their realization of self-worth and social participation, and helping to improve their quality of life and social status.<sup>27</sup> Through education and publicity, public awareness of the rights of persons with disabilities should be enhanced to promote social acceptance and inclusion of persons with disabilities. For example, Article 8 of the CRPD states the need to raise awareness throughout society regarding persons with disabilities and to combat stereotypes and prejudices relating to persons with disabilities.<sup>28</sup> The *Plan for Protection and Development of Disabled People During the 14th Five-Year Plan (2021-2025) Period* issued by the State Council of China in 2021 emphasizes that full argumentation should be conducted in legislation involving persons with disabilities, anti-disability discrimination assessments should be carried out, and opinions should be widely solicited from persons with disabilities, organizations of persons with disabilities and all sectors of society to ensure the fairness and rationality of legislation. Third, provision of support and services. Maintaining the dignity of persons with disabilities also requires providing appropriate support and services to help them overcome obstacles in life and realize their self-worth. In terms of social security, this includes support in areas such as medical care, education and employment.<sup>29</sup> Fourth, social participation and decision-making. Respecting the dignity of persons with disabilities should also be reflected in their right to participate in social activities and decision-making processes. Persons with disabilities should have the right and freedom to express their opinions and participate in decision-making processes that affect their lives.<sup>30</sup> Respecting and protecting human dignity is not only a legal requirement, but also an important symbol of social civilization and progress. By protecting the personal dignity of persons with disabilities, society can better achieve fairness and justice, and enjoy greater harmony and common development.

### **B. Equality: resisting and eliminating discrimination, and striving to achieve fairness and justice**

Equality is one of the basic value pursuits of a modern society ruled by law. Protecting the equal rights of persons with disabilities means that in the process of legislation, law enforcement and judicature, it is necessary to ensure that persons with disabilities can enjoy equal rights and opportunities with other citizens. According to the *Human Rights Action Plan of China (2021-2025)*, effective plans for comprehensively protecting the equal rights of persons with disabilities include adhering to the supremacy of life and health and improving emergency guarantee; paying attention to practical difficulties and providing basic livelihood security; and

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<sup>27</sup> Hu Yuhong, "Individual Uniqueness and the Justification of Human Dignity," *Law Review* 2 (2021): 39-54.

<sup>28</sup> United Nations Convention on the Rights of Persons with Disabilities, December 13, 2006, Art. 8, accessed June 28, 2024, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

<sup>29</sup> For example, Article 13 of the UN *International Covenant on Economic, Social and Cultural Rights* stipulates: "Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms."

<sup>30</sup> For example, Article 29 of the *Convention on the Rights of Persons with Disabilities* stipulates "ensure that persons with disabilities can effectively and fully participate in political and public life ... including the right and opportunity for persons with disabilities to vote and be elected." See United Nations Convention on the Rights of Persons with Disabilities, December 13, 2006, Art. 29 accessed June 28, 2024, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

emphasizing judicial protection to ensure equal relief. For the protection of the rights of persons with disabilities, the realization of the value of equality includes the following aspects:

First, by formulating and improving laws such as the *Law on the Protection of Persons with Disabilities* and the *Law on Building a Barrier-free Living Environment*, clear anti-discrimination clauses are established to prohibit any form of discrimination based on disability. These legal provisions ensure that persons with disabilities have equal opportunities in various fields such as education, employment and medical care. At the same time, various social security policies are implemented, such as employment support, education subsidies and medical security for persons with disabilities, to help them overcome obstacles in life and achieve substantive fairness. The *Plan for Protection and Development of Disabled People During the 14th Five-Year Plan (2021-25) Period* clearly proposes to raise the level of the rule of law in undertakings for persons with disabilities: "implement the provisions on protecting the rights and interests of persons with disabilities in the *Constitution*, the *Civil Code* and other laws and regulations, improve the legal system for protecting the rights and interests of persons with disabilities, and promote the effective implementation of the *Law on the Protection of Persons with Disabilities* and other laws and regulations." The implementation of the CRPD imposes on the state the positive obligation to eliminate external barriers and provide procedural support. In China's system for the protection of the rights of persons with disabilities, equal access to judicial protection for persons with disabilities is ensured through legislation and policies. Judicial practice can deeply explore the difficulties in the practice of protecting the right to development of persons with disabilities, which in turn can act on the legal system itself, refining the protection of the right to development of persons with disabilities by laws, systems and policies.<sup>31</sup> Second, through the construction and renovation of accessible facilities, persons with disabilities are guaranteed equal participation in social life. Laws stipulate that newly built, renovated and expanded buildings, roads, transportation facilities, etc., should comply with the construction standards for accessible facilities projects, so as to ensure that persons with disabilities can travel unimpeded and participate in social life. On this basis, legal aid and judicial relief mechanisms for persons with disabilities are established and improved to ensure that they can protect their rights in accordance with the law. When the rights of persons with disabilities are infringed, they can receive timely legal relief and protection.<sup>32</sup>

### **C. Shared prosperity: striving to promote the common prosperity of persons with disabilities with all the people both materially and spiritually**

The Report to the 20<sup>th</sup> CPC National Congress points out that Chinese

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<sup>31</sup> Ding Peng, "Institutional Innovations for Equal Judicial Protection of Persons with Disabilities," *Anti-Discrimination Law Review* 10 (2023): 105-122.

<sup>32</sup> The *Guideline on Strengthening Efforts Concerning Legal Services for People with Disabilities*, jointly issued by China's Ministry of Justice and the China Persons with disabilities' Federation, mandates that a convenient and efficient legal service network for the disabled, covering both urban and rural areas with high quality, should be formed to ensure such people have equal rights and opportunities to enjoy basic public legal services. Additionally, legal aid thresholds are to be lowered through: strict implementation of relevant provisions in the *Legal Aid Law*; expanded coverage for civil and administrative legal aid cases; dynamic adjustments to financial eligibility criteria; and pilot initiatives exempting applicants with severe disabilities from financial means verification — all aimed at protecting their lawful rights and interests.

modernization "is the modernization of common prosperity for all. Achieving common prosperity is a defining feature of socialism with Chinese characteristics and involves a long historical process. The immutable goal of our modernization drive is to meet the people's aspirations for a better life. We will endeavor to maintain and promote social fairness and justice, bring prosperity to all, and prevent polarization."<sup>33</sup> Comprehensively deepening reform has injected an inexhaustible driving force into the development in the new era; tackling tough issues in reform has brought huge benefits to all people, including persons with disabilities and other groups with special difficulties.<sup>34</sup> Since the 18<sup>th</sup> CPC National Congress, the CPC Central Committee, the State Council and relevant departments have introduced a series of major measures, improved the system for the protection of the rights and interests of persons with disabilities, enhanced the social security and strengthened public services for them. The lives of the majority of persons with disabilities have been comprehensively improved, their sense of gain, happiness and security have been significantly enhanced, and the goal of "in the course of completing the building of a moderately prosperous society in all respects by 2020, not a single person with disabilities should be left behind" has been achieved as scheduled. The CPC Central Committee has led the people of all ethnic groups across the country to resolutely win the battle against poverty, enabling 7.1 million rural persons with disabilities to get rid of absolute poverty.<sup>35</sup> The protection and services for persons with disabilities have shifted from covering a part of the population to covering all people, from temporary assistance to institutionalized protection, and from individual assistance to regular services.<sup>36</sup> "Common prosperity" is "comprehensive prosperity," that is, common prosperity including both material and spiritual aspects. Common prosperity in the material sense means that all people can achieve such things as having access to childcare, education, employment, medical care, elderly care, housing, support for the weak, and freedom from worries about food, clothing and illness. Common prosperity in the spiritual sense means that all people believe in the core socialist values and the traditional virtues of the Chinese nation, uphold self-respect, self-confidence, rationality, calmness, positivity, friendliness, inclusiveness, honesty and trustworthiness, and enjoy sufficient spiritual and cultural needs as well as a sense of gain, happiness, security, pleasure, dignity and decency.

Taking such common prosperity as an essential feature of socialism with Chinese characteristics, an important feature of Chinese modernization, and a major symbol of the people's happy life has put forward a more inspiring value pursuit and testing standard for the protection of the rights of persons with disabilities. The Report to the 20th CPC National Congress emphasizes the guiding ideology of "taking economic

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<sup>33</sup> Xi Jinping, *Hold High the Great Banner of Socialism with Chinese Characteristics and Strive in Unity to Build a Modern Socialist Country in All Respects — Report to the 20<sup>th</sup> National Congress of the Communist Party of China* (Beijing: People's Publishing House, 2022), 22.

<sup>34</sup> Li Caimao, "Modernization of Disability Programs: Core Connotations and Pathways," *Disability Research* 3 (2023): 6.

<sup>35</sup> Ding Xuexiang, "Create a Better and Happier Life for People with Disabilities in the Pursuit of Chinese Modernization," *People's Daily*, September 19, 2023, Sec. 2.

<sup>36</sup> Cheng Kai, "Improving Social Security and Service Systems for Persons with Disabilities in Chinese Modernization," *Disability Research* 4 (2024): 7.

system reform as the driver, and taking promoting social fairness and justice and improving people's wellbeing as the immutable goal," and clarified the basic principle of "adhering to a people-centered approach," the development goal of "raising people's quality of life," and major measures such as "improving the institutional system for ensuring and improving people's wellbeing," which have provided a strong driving force for the further development of undertakings for persons with disabilities. General Secretary Xi Jinping pointed out that "China will continue to promote comprehensive development and common prosperity of persons with disabilities."<sup>37</sup> To achieve the value goal of common prosperity, we must treat persons with disabilities equally in the primary distribution and ensure that they receive equal pay for equal work; in the secondary distribution, we should strengthen the regulatory role of distribution through taxation, social security, transfer payments, etc., ensure that an appropriate amount of public wealth is used for undertakings for persons with disabilities, and overcome the obstacles in material conditions that restrict persons with disabilities from moving toward common prosperity; in the tertiary distribution, we should encourage more enterprises, entrepreneurs, and individuals who have become rich first to carry forward the humanitarian spirit and socialist responsibilities, and support and help persons with disabilities improve their living, medical, rehabilitation and other conditions through public welfare, charity, donations and other means, so that all persons with disabilities can live a decent life and equally share public services. These preferential policies and laws will strongly support the protection of the rights of persons with disabilities and the development of undertakings for them, and create a political and social environment of mutual care and assistance.

#### **D. Empowerment: striving to enhance the survival and living capabilities of persons with disabilities in the digital age**

With the development of digital technology, the internet, algorithmic software, artificial intelligence, and other technologies have been widely applied in human society, bringing immense benefits to people and making their lives better. However, at the same time, the digital divide has become increasingly prominent, and persons with disabilities, as a whole, find themselves at a disadvantage in terms of this divide, facing multiple challenges in their survival and daily lives. The "digital divide" manifests itself in various fields such as economy, politics, culture, and society. It arises from disparities in the possession, application, and sharing of data resources and information technologies among different groups of people, leading to social differentiation and issues of social justice. Developing justice not only needs to consider overall effectiveness but also should balance social interests with individual interests, especially the digital interests of digitally vulnerable groups.<sup>38</sup> It is necessary to identify and mitigate these risks to ensure that technology is applied under human supervision in a manner that promotes sustainable development and fully protects human rights. The *Global Digital Compact*, adopted by the UN General

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<sup>37</sup> "Xi Jinping's Congratulatory Letter to the High-level Intergovernmental Meeting on the Midpoint Review of the Asian and Pacific Decade of Persons with Disabilities (2013-2022)," *People's Daily*, December 1, 2017, Sec. 1.

<sup>38</sup> Wang Xigen and Duan Yun, "China's Experience of Digital Development Rights Protection and Its World Significance," *Study and Practice* 7 (2023): 22.

Assembly in September 2024, sets forth goals and principles such as "expanding inclusion in and benefits from the digital economy for all" and "harnessing digital technologies to advance all human rights, including the rights of the child, the rights of persons with disabilities and the right to development."<sup>39</sup> Narrowing and eliminating the "digital divide," striving to enable all people to equally access digital technologies and products, and achieving common prosperity and development in the digital life are prominent issues to be addressed in the construction of a Digital China. Given the disadvantaged position of persons with disabilities in the application of digital technologies, the protection of their rights must empower them to bridge and eliminate this digital divide. General Secretary Xi Jinping has pointed out that "We must meet people's expectations and needs, accelerate the popularization of information services, reduce application costs, provide the people with information services that are accessible, affordable, and of good quality, so that hundreds of millions of people can have a stronger sense of gain in sharing the fruits of internet development."<sup>40</sup> Through technological upgrading and institutional guarantees, modern information technology can become an important means to strengthen the scientific management of undertakings for persons with disabilities, improve the quality of basic public services for them, and provide data support and technical assistance for the all-around development of these undertakings. We need to provide targeted and tailor-made capacity building for digitally vulnerable groups, including persons with disabilities, to ensure that they can meaningfully participate in the design and implementation of plans. In accordance with the decisions and arrangements of the CPC Central Committee and the State Council, the Office of the Central Cyberspace Affairs Commission, the Ministry of Education, the Ministry of Industry and Information Technology, and the Ministry of Human Resources and Social Security jointly issued a work document on improving the digital literacy and skills of the whole nation, which specially emphasizes that we need to effectively solve the prominent difficulties encountered by persons with disabilities in using intelligent technologies and realizing inclusive "digital accessibility" public policies and services for all groups of people. Improving the digital literacy and skills of the whole nation requires attention to key groups, especially helping persons with disabilities enhance their skills in using intelligent technologies, so that more of them can apply these technologies with ease in scenarios such as medical treatment, travel, code display, code scanning, payment, shopping, entertainment, and security, thereby crossing the "digital divide." This is by no means a matter of mere convenience in life, but rather a matter concerning the protection of the human rights of persons with disabilities. The state and society have the obligation to create a sound digital living environment for persons with disabilities, especially by empowering them through digital technology training, enabling them to enjoy the better life created by digital technology like other people, and promoting social media platforms to establish safe, reliable, and accessible reporting mechanisms, including special ones suitable for persons with

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<sup>39</sup> *Global Digital Compact*, UN General Assembly Resolution A/RES/79/1, September 22, 2024.

<sup>40</sup> Xi Jinping, "Speech at the Symposium on Cyberspace Security and Informatization," *People's Daily*, April 26, 2016, Sec. 2.

disabilities.<sup>41</sup> The application of these technologies not only reflects society's care for persons with disabilities but also promotes the maximum utilization of information resources and the overall progress of society. In addition, Articles 29, 30, 34, and 36 of the *Law on Building a Barrier-free Living Environment*, among others, stipulate that people's governments at all levels and their relevant departments shall provide convenience for persons with disabilities and the elderly in accessing public information, including adopting accessible information exchange methods such as voice, large characters, braille, and sign language. Furthermore, special preferential treatment should be given to persons with disabilities to enable them to afford and access various intelligent assistive devices, such as intelligent wheelchairs, visual aids, and hearing aids, which can greatly improve their quality of life and self-care ability. Through legal support and the application of science and technology, assistive technologies have been popularized, helping persons with disabilities better integrate into society and enhancing their sense of gain and happiness.

#### **E. Participation: protecting the right of persons with disabilities to participate in political and public affairs**

Ensuring the right to participation for persons with disabilities aims to guarantee their equal participation in social, political, economic, and cultural life, and enhance their autonomy and social status. It mainly includes the following aspects: first, protecting the political participation rights of persons with disabilities. Through legislation, their rights to participate in politics and deliberation, as well as the rights to vote and stand for election, are protected, ensuring that they can express their opinions in the political decision-making process and participate in the management of public affairs.<sup>42</sup> Second, promoting social participation. With the support of laws and policies, persons with disabilities should be encouraged to engage in social activities such as cultural and sports events, community services, etc. This not only helps elevate their social status but also promotes social inclusion and harmonious development.<sup>43</sup> In addition, the innovative concepts of social governance has been fully integrated into the development process of undertakings related to persons with disabilities. Laws and regulations closely related to the cause of persons with disabilities, such as the *Law on the Protection of Persons with Disabilities* and the *Law on Building a Barrier-free Living Environment*, have been widely publicized and implemented, significantly strengthening the awareness of persons with disabilities in respecting, learning, abiding by, and using the law. The extensive participation and cooperation of all sectors of society constitute an important driving force for

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<sup>41</sup> For example, through accessible website content design, voice-interactive application features, and public electronic information displays with voice prompt systems, these measures significantly facilitate information access and communication for persons with disabilities. Furthermore, they strive to enhance the usability, accessibility, and affordability of digital technology platforms, services, software, and educational courses through multilingual and multimodal interfaces designed for disability inclusion. See *Global Digital Compact*, UN General Assembly Resolution A/RES/79/1, September 22, 2024.

<sup>42</sup> Article 6 of the *Law on the Protection of Persons with Disabilities* stipulates that persons with disabilities have the right to participate in the management of state and social affairs and to express their opinions on laws, rules and regulations that affect their rights and interests.

<sup>43</sup> Smart J., "The Power of Models of Disability," *Journal of Rehabilitation* 75(2) (2009): 3-11. The newly revised *Law the People's Republic of China on Sports* stipulates that the state shall, in accordance with the law, guarantee citizens' equal rights to participate in sports activities, and shall provide special protection for the rights of minors, women, the elderly, and people with disabilities to participate in sports activities.

advancing the cause of persons with disabilities, contributing to the comprehensiveness and effectiveness of protecting their rights. This echoes the national policy of "improving the social security system and care service system for persons with disabilities." The increasingly sound social security system provides basic support for the realization of the right to participation of persons with disabilities. As the social security system for persons with disabilities continues improving, China has established a comprehensive system of living allowances for persons with disabilities in need, nursing allowances for severely persons with disabilities, and rehabilitation assistance for children with disabilities. It has also incorporated the poverty alleviation of rural persons with disabilities into the national poverty alleviation strategy and provided targeted assistance as a key group. Third, facilitating economic participation. This means protecting the labor rights and employment opportunities of persons with disabilities. Through the implementation of employment support policies, provision of vocational training and employment services, persons with disabilities are helped to achieve economic independence and realize their self-worth.<sup>44</sup>

#### **F. Development: Promoting the free and all-around development of persons with disabilities**

The rights to subsistence and development are the primary basic human rights. The *Universal Declaration of Human Rights* stipulates that "Everyone, as a member of society, has the right to social security and is entitled to realization ... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality." The UN *Declaration on the Right to Development* proclaims that "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized;" "The human person is the central subject of development and should be the active participant and beneficiary of the right to development;" "States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom." In previous research and protection practices concerning the rights of persons with disabilities, sufficient attention has been paid to the right to subsistence, but insufficient attention has been given to the right to development.<sup>45</sup> In the new era and new journey of comprehensively advancing the building of a strong country and national rejuvenation through Chinese modernization, development must be placed on an equally important position. The value pursuit of development is not only the protection of the basic rights of persons with disabilities, but also the promotion of their all-around development. Protecting the right to development of

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<sup>44</sup> United Nations Convention on the Rights of Persons with Disabilities, December 13, 2006, Art. 27, accessed June 28, 2024, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

<sup>45</sup> Su Huiyang, "Theoretical System and Institutional Practice for Guaranteeing Development Rights of Persons with Disabilities," *Population and Development* 1 (2022): 91.

persons with disabilities means providing necessary support and resources through various legal and policy measures to help them achieve self-development and social value. It specifically includes the following aspects: first, access to high-quality education, which lays a solid foundation and creates conditions for personal development. Through the formulation and implementation of laws and regulations such as the *Compulsory Education Law*, the *Higher Education Law*, the *Vocational Education Law*, and the *Regulations on Education for Individuals with Disabilities*, the right of persons with disabilities to receive education is protected. Regardless of their physical conditions, they should have the opportunity to receive equal and high-quality education that is commensurate with their acceptance ability. High-quality and equal education not only provides persons with disabilities with a key to change their destiny, but also cultivates diverse talent for society, promoting the balanced and diversified development of human resources.<sup>46</sup> Second, full employment. Employment is one of the main forms to realize the right to development of persons with disabilities. The state should focus on improving the employment environment for persons with disabilities, provide them with stable employment opportunities, maximize the protection of their employment rights, and enable them to obtain development opportunities, acquire development skills, and enjoy development achievements in work and labor. The rapid development of undertakings for persons with disabilities has laid a solid foundation for steadily advancing the modernization of these undertakings. However, the development of undertakings for persons with disabilities is still unbalanced and inadequate, and there is still a large gap between the income level of persons with disabilities and the social average level.<sup>47</sup> The capacity to serve persons with disabilities in rural areas and at the grassroots level is still relatively weak. In particular, families with multiple disabled members still face economic difficulties, mental stress, and caregiving challenges. Discrimination and prejudice against persons with disabilities still exist, and incidents of infringement on their legitimate rights and interests occur from time to time.<sup>48</sup> These issues must be paid attention to and promoted to be solved in the process of social development. To promote the common prosperity and all-around development of persons with disabilities, we must fully implement the new development concept, promote the high-quality development of undertakings for persons with disabilities, actively expand channels for families with members with disabilities to increase their income through employment, and accelerate the improvement of the bottom-line and basic livelihood security system for persons with disabilities.

### **III. Distinctive Features of the Chinese Model for the Protection of**

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<sup>46</sup> UN News, "Human Rights Day: UN Promotes Reducing Inequalities, Advancing Human Rights," accessed June 28, 2024, <https://news.un.org/zh/story/2021/12/1095892>.

<sup>47</sup> China Persons with disabilities' Federation, "Statistical Bulletin on the Development of Disability Programs in China (2021)," accessed February 4, 2025, <https://www.cdpf.org.cn/zwgk/zccx/tigb/0047d5911ba3455396faefcf268c4369.htm>.

<sup>48</sup> Zhao Shukun, "Legal Protection Issues and Research Trends for Persons with Disabilities," *Academic Exchange* 7 (2015): 95-100.

## **the Rights of Persons with Disabilities**

Since entering the new era, under the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era and General Secretary Xi Jinping's important discourses on respecting and protecting human rights, the academic community on human rights has kept pace with the times, maintained fundamental principles while making innovations, enriched and developed the Chinese model for the protection of human rights with new concepts and practices, and applied it to the practice of protecting the rights of persons with disabilities. This has formed a model for the protection of the rights of persons with disabilities characterized by integrated policy leadership, systematic legal protection, multi-stakeholder collaborative promotion, and coordinated domestic and international approach, which can also be called the "Chinese system for protecting the rights of persons with disabilities."

### **A. Integrated policy leadership**

Since the 18<sup>th</sup> CPC National Congress, the Party and the government have attached great importance to the protection of the rights of persons with disabilities, and have successively introduced a series of landmark policies, which have played a crucial leading role in the development of undertakings for persons with disabilities, and their evolution process has also shown distinctive characteristics. The *Decision of CPC Central Committee on Major Issues Concerning Comprehensively Deepening Reform* adopted at the Third Plenary Session of the 18<sup>th</sup> CPC Central Committee for the first time included "improving the system for protecting the rights and interests of persons with disabilities and the classified protection system for children in distress" into the national reform agenda, which marked a solid step taken by the Party and the government in protecting the rights and interests of persons with disabilities. The Report to the 19<sup>th</sup> CPC National Congress further emphasized that "we will develop programs for people with disabilities and work to provide better rehabilitation services for them," clarifying the direction for the development of undertakings for persons with disabilities. The Fourth Plenary Session of the 19<sup>th</sup> CPC Central Committee proposed "improving the assistance system for persons with disabilities," refining specific measures for protecting the rights and interests of persons with disabilities. The Report to the 20<sup>th</sup> CPC National Congress required that "for people with disabilities, we will improve the social security and service systems and promote all-around development of related programs," expanding the depth and breadth of protecting the rights and interests of persons with disabilities. The resolution of the Third Plenary Session of the 20<sup>th</sup> CPC Central Committee reaffirmed and deepened this policy direction. With the gradual implementation of these policies, China has gradually built a comprehensive and systematic policy system for the protection of the rights and interests of persons with disabilities, demonstrating the continuous attention and firm determination of the Party and the government to protect the rights and interests of persons with disabilities. These top-level designs and policy measures have provided more comprehensive and powerful protection for persons with disabilities, leading the continuous development of undertakings for them.

The *Outline of the 14<sup>th</sup> Five-Year Plan (2021-2025) for National Economic and Social Development and the Long-Range Objectives Through the Year 2035 of the People's Republic of China*, adopted by the National People's Congress in 2021, embodies the state's care for persons with disabilities and the protection of their rights in the form of overall planning. The outline includes a special chapter entitled "Basic Rights and Interests of Women, Children, and People with Disabilities," emphasizing that "Gender equality, child development, and disability care, among others, are key components of our national policy to protect the rights of disadvantaged groups, including women, children, and people with disabilities, and give them opportunities to thrive." In the section "Support for people with disabilities," it systematically plans that the assistance system for people with disabilities will be improved to help them participate in the system of basic medical care and basic old-age insurance, and make dynamic adjustments to the standards of living allowances for the disabled in need and nursing subsidies for the severely disabled. Employment support will be offered to the disabled, including better protecting their labor rights and interests, prioritizing vocational skills training, and supporting them to start their own businesses; measures will be taken to provide the disabled with quality services and service facilities, including improving the policy system for the building and maintenance of accessible environment, and equipping families with disabled people with accessible facilities.

The *Human Rights Action Plan of China (2021-2025)* incorporates the protection of the rights of persons with disabilities into the chapter "Protecting the Rights of Particular Groups," stating that "China will continue to ensure equal rights for ethnic minority groups, women, children, the elderly, persons with disabilities, and other disadvantaged groups and improve special protection for them. It will introduce a mechanism to this end, for both everyday work and special occasions, to provide for the well-rounded development of all." The contents concerning the protection of the rights and interests of persons with disabilities include "ensuring the right to participate," "improving welfare for persons with disabilities," "raising quality of rehabilitation services," "ensuring special education for those in need," "promoting employment for the disabled," "building an accessible environment," and "supporting the R&D and manufacturing of smart assistive devices." At the same time, it puts forward various effective measures in such fields as the right to participate, welfare, rehabilitation services, special education, employment, accessible environment, and assistive technologies.

## **B. Systematic legal protection**

The legal protection of the rights of persons with disabilities through norms such as the *Constitution*, laws, administrative regulations, and local regulations constitutes the legal basis for protecting the rights of persons with disabilities. After decades of efforts, China has established a relatively systematic legal norm system for the protection of the rights of persons with disabilities, with the *Constitution* as the guide, the *Law on the Protection of Persons with Disabilities* as the basic law, and other laws, administrative regulations, local regulations, and rules as support.

1. The *Constitution* provides the fundamental legal basis for the protection of the rights of persons with disabilities. China's *Constitution* not only clearly stipulates that

"the state shall respect and protect human rights," but also specifically prescribes the basic rights and obligations of all citizens of the People's Republic of China, including persons with disabilities, in political, economic, cultural, social, and other aspects. Article 45 of the *Constitution* also requires the state and society to provide material assistance to citizens when they are aged, ill or have lost the capacity to work, and to help arrange for the work, livelihood and education of citizens with disabilities. This lays a fundamental legal basis for the all-around protection of the rights of persons with disabilities.<sup>49</sup>

2. The *Law on the Protection of Persons with Disabilities* is China's first special law aimed at comprehensively protecting the rights of persons with disabilities and promoting their all-around development. Its formulation and implementation mark the beginning of China's undertakings for persons with disabilities entering the track of the rule of law.<sup>50</sup> The *Law on the Protection of Persons with Disabilities* specifies and refines the confirmation and protection of the rights of persons with disabilities stipulated in the *Constitution*. Its core lies in confirming that persons with disabilities are equal subjects of rights in law, enjoying extensive rights and freedoms, including both the general rights of citizens and the specific rights of persons with disabilities. It not only ensures the implementation of the purposes of "equality," "participation" and "sharing" in the *Constitution*, but also ensures that the large number of persons with disabilities and the elderly in China can enjoy equal rights with other citizens and be protected from infringement.<sup>51</sup> It has achieved a leap from survival care to dignity protection in terms of value orientation, completed the transformation from differential treatment to reasonable accommodation in terms of protection methods, and realized the elevation from principle declaration to rule-based governance in terms of institutional effectiveness, vividly interpreting the "people-centered" development concept through legal practice. The *Law on the Protection of Persons with Disabilities*, promulgated in 1990, has undergone a comprehensive revision in 2008 and an amendment in 2018, forming a unique system for the protection of the rights and interests of persons with disabilities. The two amendments have shown three core characteristics: first, establishing a stepped protection framework of "equal rights and empowerment"; second, forming an institutional innovation paradigm of "combining rigidity and flexibility"; and third, realizing the organic unity of "international integration" and "local innovation."

Regarding protection concepts, the legislative system has achieved a paradigm shift from passive relief to proactive empowerment. The 2008 revision introduced the principle of "prohibition of discrimination" for the first time, and the 2018 amendment added provisions on information accessibility, extending the protection dimension to the field of digital equality and promoting persons with disabilities to shift from "passive assistance" to "active participation." This progressive legal thinking not only inherits the core concepts of international human rights conventions

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<sup>49</sup> Hou Jingjing, *Research on the Protection of Cultural Rights for Persons with Disabilities in China* (Beijing: Beijing Normal University Press, 2015), 226.

<sup>50</sup> Deng Pufang, *The Call of Humanitarianism*, vol. 3 (Beijing: Huaxia Publishing House, 2006), 19-20.

<sup>51</sup> Han Dayuan, "Protection of the Rights and Interests of Persons with Disabilities in China: Ideas, System and Challenges," *Human Rights* 2 (2018): 30.

but also innovatively incorporates "digital human rights" into the scope of protection, forming a forward-looking rights protection system.

Regarding institutional construction, the legislative system presents the innovative feature of combining the rigidity of norms with the flexibility of incentives. To address the employment difficulties of persons with disabilities, the "quota employment" system established by the 2008 revision focuses on obligation constraints; while the 2018 amendment adds an over-quota reward mechanism, stimulating market vitality through the dual regulation of "obligation + incentive." In the field of education protection, the transformation from "admitting those with general educational ability" to "equipping with special education resources" reflects the institutional deepening from equality of access to fairness in the process, effectively balancing the universal requirements of rights protection and the differential needs of implementation paths.

The innovation of the implementation mechanism highlights the governance wisdom of full-chain protection. The "legal aid system" established by the 2018 amendment breaks through the post-relief model of traditional legal aid, establishing a complete protection chain covering legal popularization, infringement prevention, dispute mediation, and judicial relief. At the same time, by expanding the subject of punishment to financial departments, a collaborative mechanism of administrative supervision and professional supervision has been formed, significantly enhancing the implementation of the system. These innovations not only absorb international advanced experience but also are rooted in local governance practices, demonstrating the institutional advantages of the socialist rule of law with Chinese characteristics.

3. Other laws, administrative regulations, and local regulations are also crucial for the protection of the rights of persons with disabilities. Article 128 of the *Civil Code* establishes the principle of priority of special laws,<sup>52</sup> endowing the *Law on the Protection of Persons with Disabilities* with priority application in the civil field and forming a normative structure where "special laws take precedence, and general laws provide a safety net." Article 1041 of the *Civil Code* lists persons with disabilities as key protected objects of marriage and family rights and interests,<sup>53</sup> which, together with the special protection clauses for persons with disabilities in Articles 260 and 262 of the *Criminal Law*,<sup>54</sup> constructs an all-around protection system ranging from civil rights and interests to criminal protection. Through the dual efforts of prohibitive norms and empowering norms, the legal system forms a closed-loop of rights protection. On the one hand, the *Criminal Law* draws red lines for infringing on the

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<sup>52</sup> Article 128 of the *Civil Code* stipulates that "Where there are laws particularly providing for the protection of the civil-law rights of the minors, the elderly, the disabled, women, or the consumers, such provisions shall be followed."

<sup>53</sup> Article 1041 of the *Civil Code* specifically stipulates in the context of protecting marriage and family that "The lawful rights and interests of women, minors, the elderly, and persons with disabilities are protected."

<sup>54</sup> Article 260 of the *Criminal Law* stipulates: "Whoever maltreats a minor, an elderly, a sick person, a person with disability, or any other person of whom he is a guardian or caretaker, if the circumstances are grave, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody." Article 262 stipulates: "Whoever, by means of violence or coercion, organizes persons with disabilities or minors under the age of 14 to panhandle, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine."

rights and interests of persons with disabilities through prohibitive norms; on the other hand, the *Compulsory Education Law* and the *Law on Building a Barrier-free Living Environment*, through empowering clauses, clarify that persons with disabilities enjoy the right to equal education<sup>55</sup> and the right to use accessible environments<sup>56</sup>, and set positive obligations for the government and society to act. This legislative model "combining blocking and channeling" not only curbs infringement acts but also creates conditions for the realization of rights. Equal education not only serves as a key opportunity for the disabled community to achieve social mobility, opening up a feasible path for them to change their life circumstances at the individual level; it also provides solid support for the cultivation of diverse talent at the social level, promoting the balanced allocation of human resources in structure and the diversified expansion in types. The right to use accessible environments has promoted the construction and renovation of accessible facilities, which, while providing convenience for the lives of persons with disabilities, reflects society's pursuit of inclusive values. Moreover, this right extends to information access, public services, and other aspects, ensuring that persons with disabilities can equally enjoy social resources and participate in social life. The *Law on Building a Barrier-free Living Environment* not only stipulates the accessibility transformation of physical spaces,<sup>57</sup> but also innovatively establishes information accessibility standards to promote digital inclusion. The *Labor Law* and the *Social Insurance Law*, through institutional designs such as job retention and social security subsidies, eliminate institutional barriers for persons with disabilities to participate in economic life. This coordinated improvement of "hard environments" and "soft environments" has substantially expanded the space for persons with disabilities to participate in society. While strengthening the protection of individual rights, the legal system focuses on building a mechanism of social co-governance. The *Law on the Protection of Persons with Disabilities* stipulates the coordination obligations of social organizations,<sup>58</sup> which, together with the incentive clauses for disability-assistance charity in the *Charity Law*,<sup>59</sup> forms an institutional linkage to mobilize social forces to participate. This "individual-society" dual-dimensional protection model not only safeguards the

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<sup>55</sup> Article 19 of the *Compulsory Education Law* stipulates: "The local people's governments at the county level or above shall, where necessary, set up schools (classes) of special education so as to provide compulsory education to the school-age children and adolescents who have eyesight, hearing and intellectual impairments. The schools (classes) of special education shall have places and facilities which suit the study, recovery and living features of the children with disabilities. Ordinary schools shall accept school-age children and adolescents with disabilities who are able to receive ordinary education, to study along with the normal classes and shall provide assistance for their study and recuperation."

<sup>56</sup> Article 2 of the *Law on Building a Barrier-free Living Environment* stipulates: "The state shall take measures to promote the construction of barrier-free environments, providing convenience for people with disabilities and the elderly to safely pass through roads, enter and exit buildings, use their affiliated facilities, take public transportation, obtain, use and exchange information, and obtain social services."

<sup>57</sup> Article 10 of the *Law on Building a Barrier-free Living Environment* stipulates: "The state shall encourage and support enterprises, institutions, social organizations, individuals and other social forces to participate in the construction of barrier-free environments through donations, volunteer services and other means."

<sup>58</sup> Article 5 of the *Law on the Protection of Persons with Disabilities* stipulates: "People's governments at and above the county level shall incorporate the work on disability into their economic and social development programs under strengthened leadership and with overall coordination, and shall include expenditure on disability programs in budget arrangements with a view to establishing mechanisms of guaranteed resources."

<sup>59</sup> Article 35 of the *Charity Law* stipulates: "Donors can donate through charitable organizations or directly to beneficiaries."

individual dignity of persons with disabilities but also promotes the formation of an inclusive social ecology.<sup>60</sup> In addition, China's legislation focuses on the institutional integration of international standards and local practices; has absorbed principles such as "reasonable accommodation" and "universal design" from the CRPD, and realized the localization of international rules through the "universal application" standard established by the *Law on Building a Barrier-free Living Environment*. At the same time, it has innovated protection measures with Chinese characteristics, such as the *Law on Promotion of Employment* incorporating the employment of persons with disabilities into government performance assessments,<sup>61</sup> forming a distinctive path combining administrative guarantees and market regulation. It can thus be seen that China's legal protection of the rights of persons with disabilities has broken through the limitations of a single departmental law, forming a multi-dimensional protection framework with the *Constitution* as the guide, special laws as the core, and related laws as support. This framework not only reflects the legal system's special attention to vulnerable social groups but also demonstrates the practical innovation of the legal principle of "substantive equality"<sup>62</sup> in contemporary China, providing an institutional model for building an inclusive society.

### **C. Multi-stakeholder collaborative promotion**

The cause of human rights is an important part of the cause of socialism with Chinese characteristics. Fully protecting the rights of persons with disabilities, comprehensively enhancing their wellbeing, improving their development capabilities, and promoting their equal participation are inherent requirements of socialism, as well as important symbols of social fairness, justice, and civilization progress. In the process of modernizing the cause of persons with disabilities, the comprehensive leadership of the Party, government's dominance, judicial protection, and social collaboration have formed a strong synergy in protecting the rights of persons with disabilities, jointly protecting their rights and advancing the all-around development of the cause.

First, the CPC plays a leading role in overall planning and coordinating all parties in promoting the protection of the rights of persons with disabilities. Firstly, policy formulation and direction guidance. Through policy formulation, direction guidance, resource integration, and mobilization of the whole society, the Party provides a strong political guarantee and powerful spiritual motivation for the development of the cause of persons with disabilities. On the one hand, the Party has charted the course for the development of the cause through top-level design and strategic planning. These policies and guidelines not only reflect the Party's concern and attention to the cause, but also provide an action plan for governments at all levels and all sectors of society to promote its development. On the other hand, the Party has

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<sup>60</sup> Chen Youwu and Chang Yanqun, *Legal Protection of Human Rights of Persons with Disabilities* (Beijing: China Procuratorial Press, 2014), 1.

<sup>61</sup> Article 29 of the *Law of the People's Republic of China on Promotion of Employment* stipulates: "The State guarantees the persons with disabilities' right to work. People's governments at all levels shall make overall plans for the employment of the disabled and create conditions for their employment. When an employing unit recruits persons, it shall not discriminate against persons with disabilities."

<sup>62</sup> Mao Junxiang, "Original Theoretical Contributions of General Secretary Xi Jinping's Important Discourses on Respecting and Protecting Human Rights," *Science of Law* 5 (2023): 6-7.

actively advanced the legalization of the protection of the rights and interests of persons with disabilities, led the formulation and improvement of a series of laws and regulations related to the rights and interests of persons with disabilities, and promoted the formulation of a series of supporting regulations and policy measures, further refining the specific content and implementation paths of laws on the protection of the rights and interests of persons with disabilities. Secondly, resource integration and policy support. Through the formulation of financial investment policies, the intensity of financial support for the cause has been increased to ensure the smooth implementation of various tasks and projects in this field. At the same time, the Party has actively encouraged and guided social capital to invest in the cause, forming a diversified fund investment mechanism and providing a solid material foundation for its development. Through extensive social mobilization and resource integration, a sound atmosphere has been created in which the whole society cares about and supports the cause of persons with disabilities. The Party encourages and supports social organizations, enterprises, public institutions, volunteers, and other forces from all sectors to participate in the cause, providing services and support for persons with disabilities in rehabilitation, education, employment, culture, and sports, and jointly promoting the development of the cause. Finally, spiritual guidance and culture building. In promoting the protection of the rights of persons with disabilities, the Party has always carried forward the humanitarian spirit and advocated a good social trend of caring for, respecting, and helping persons with disabilities. Through various forms such as publicity and education, and cultural activities, the public's awareness and support for the cause of persons with disabilities have been enhanced, and a social atmosphere of caring for them has been fostered. By supporting cultural and artistic creation by persons with disabilities and organizing cultural and artistic activities for them, their spiritual and cultural life has been enriched, and their cultural literacy and self-confidence have been improved. Efforts have been made to promote the development and popularization of cultural products for persons with disabilities to meet their diverse cultural needs, and promote their all-around development and integration into society.

Second, the State Council and local people's governments at various levels play a dominant role in promoting the protection of the rights of persons with disabilities. The protection of the rights of persons with disabilities and the development of related programs exhibit a distinct administrative dominance. The State Council, administrative organs at all levels, and their functional departments provide comprehensive support and safeguards for persons with disabilities through measures including formulating policies and regulations, planning and implementing projects, integrating social resources, improving the service system, and strengthening supervision and management. Firstly, governments at all levels and their functional departments formulate specialized policies and plans according to the needs of disability-related undertakings, providing an institutional framework for the protection of the rights of persons with disabilities. Secondly, through fiscal allocations, special subsidies, and transfer payments, they ensure the necessary material foundation for the development of disability-related undertakings. Thirdly,

the government actively promotes the construction of the service system for persons with disabilities, strengthening the development of service institutions and facilities for rehabilitation, education, employment, residential care, culture, sports, and other services. Fourthly, as the primary duty-bearer for human rights protection, the government utilizes its authority in law enforcement, policy formulation, and implementation to drive the efficient operation of human rights endeavors.<sup>63</sup> The Chinese government is committed to building a comprehensive social support system to promote the all-around development of the cause of persons with disabilities. This includes providing equal opportunities for education, protecting employment rights, ensuring the comprehensiveness and accessibility of medical and health services, encouraging persons with disabilities to participate in cultural and sports activities, and promoting changes in social attitudes and awareness. The government provides diversified services based on the varying needs of persons with disabilities.

Third, judicial organs provide judicial guarantees for the realization of the rights of persons with disabilities. Judicial organs play an irreplaceable role in promoting the protection of the rights of persons with disabilities through various means such as application of law and judicial interpretation, judicial assistance and legal aid, severe crackdown on illegal and criminal acts that infringe upon the rights and interests of persons with disabilities, promotion of accessible litigation services, and supervision as well as law enforcement inspections.<sup>64</sup> Firstly, judicial organs provide legal support for the protection of the rights of persons with disabilities through judicial interpretation. People's courts, people's procuratorates, public security organs, and judicial administrative organs at all levels shall, in accordance with the requirements of the national legal publicity and education plan, earnestly implement the responsibility system for popularizing legal knowledge that "whoever enforces the law shall popularize the law," and include the specific contents of the *Constitution*, *Civil Code*, *Criminal Law* and other laws concerning the protection of persons with disabilities, as well as the *Law on the Protection of Persons with Disabilities*, into the key contents of legal popularization in their own systems, so as to enhance the whole society's awareness of protecting the rights and interests of persons with disabilities in accordance with the law.<sup>65</sup> Secondly, judicial organs shall, in accordance with the law, severely punish all kinds of illegal and criminal acts that infringe upon the rights and interests of persons with disabilities, and effectively protect the personal and property safety of persons with disabilities. Relevant judicial interpretations emphasize that public security organs at all levels shall, in accordance with the law, severely punish all kinds of illegal and criminal acts that infringe upon the rights and interests of persons with disabilities; people's procuratorates at all levels shall, in accordance with the law, approve arrests and initiate prosecutions in a strict and prompt manner for

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<sup>63</sup> Zhang Wanhong, "Pursuit of Excellence: The Past Development and New Progress of the *Human Rights Action Plans of China*," *Human Rights* 5 (2021): 56.

<sup>64</sup> Zhao Shukun and Xu Yanxia, "Protection and Improvement of Persons with disabilities' Rights Based on 516 Judicial Cases," *Disability Research* 1 (2021): 27.

<sup>65</sup> The Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of Justice, and the China Persons with disabilities' Federation, "Opinions on Deeply Studying and Implementing Xi Jinping Thought on Rule of Law and Effectively Strengthening Judicial Protection for Persons with Disabilities" (announced and implemented on February 11, 2022).

cases that seriously infringe upon the life and property safety of persons with disabilities and cases that infringe upon the interests of disabled groups. Thirdly, in the process of handling cases, judicial organs provide judicial assistance and legal aid for persons with disabilities who meet the conditions, so as to ensure that the litigation rights of persons with disabilities are effectively protected. Finally, judicial organs actively promote accessible litigation services to ensure that persons with disabilities are treated equally in judicial activities. For example, the *Ten Opinions on Providing Better Litigation Services for Persons with Disabilities* clearly require that people's courts at all levels shall improve the construction of accessible facilities, strengthen accessible information exchange, and provide detailed litigation services to ensure that persons with disabilities can participate in litigation activities without barriers.

Fourth, social organizations and the public play an active role in participation and support in promoting the protection of the rights of persons with disabilities. Social organizations such as persons with disabilities' federations and charitable foundations provide social support for the realization of the social rights of persons with disabilities. They give full play to their respective expertise and complement each other, forming an efficient and collaborative working mechanism<sup>66</sup> that injects new vitality into the development of undertakings for persons with disabilities. Through various means such as policy advocacy, service provision, rights protection, fund raising and distribution, and social mobilization, they have jointly built a social network supporting the all-around development of persons with disabilities. These efforts have not only improved the living conditions and social status of persons with disabilities, but also promoted the continuous progress and development of undertakings for persons with disabilities. Charitable foundations and other social organizations provide necessary financial support for undertakings for persons with disabilities by raising resources such as donations and materials. These funds are used in various aspects such as improving the living conditions of persons with disabilities, providing rehabilitation services, and supporting education and training, effectively alleviating the economic pressure on persons with disabilities and their families.<sup>67</sup> The cause of persons with disabilities requires the recognition and participation of the whole society. Governments at all levels, persons with disabilities' federations, charitable foundations and other social organizations, through extensive social mobilization and advocacy activities, have increased social attention and support for undertakings for persons with disabilities, created a sound social atmosphere for promoting the progress of such undertakings, and stimulated the enthusiasm of all sectors of society for caring about and supporting undertakings for persons with disabilities.

#### **D. Coordinated domestic and international approach**

General Secretary Xi Jinping's important discourses that "democracy and human rights are the common pursuit of humankind" and "the full enjoyment of human rights by all is a great dream of human society" provide fundamental guidance for us to

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<sup>66</sup> Peng Chao, *Legislative Research on Fundamental Rights in China* (Beijing: China Social Sciences Press, 2022), 211.

<sup>67</sup> Zhou Lulu, "The Practice and Achievements in Protecting the Rights of Persons with Disabilities in China," *China News Release (Practice Edition)* 4 (2024): 34-38.

coordinate the domestic and international protection of the rights of persons with disabilities and build a fair, equitable, open, and inclusive global governance framework for the human rights of persons with disabilities.

Domestically, the foundation and mechanism for coordinating domestic and international protection lie, first and foremost, in the fundamental legal orientation of China's *Constitution* that respects and protects human rights. Laws such as the *Law on the Protection of Persons with Disabilities*, administrative regulations, which stipulate equal and integrated protection of the rights of persons with disabilities, also embody a legal orientation toward foreign exchanges and cooperation. The Chinese government provides all-around support for strengthening international exchanges and cooperation in disability affairs. As an active promoter and earnest practitioner of the CRPD, China widely disseminates the concepts of the Convention across society, continuously improves the implementation mechanism for treaty obligations, and proactively participates in the review of China's implementation reports on the Convention by the UN Committee on the Rights of Persons with Disabilities, among other efforts.

Globally, the international human rights law system has laid the foundation for the international protection of the rights of persons with disabilities. International human rights instruments such as the *Universal Declaration of Human Rights*, which affirm the inherent dignity and fundamental rights of all human beings, have established an international legal basis for persons with disabilities to enjoy equal access to various fundamental rights and freedoms, as well as a foundation of international law and justice for their equal enjoyment of basic rights, freedoms, and wellbeing. As the first comprehensive international convention on the protection of the rights of persons with disabilities, the CRPD has sorted out and integrated provisions related to the rights of persons with disabilities in existing international human rights law, confirmed the rights of persons with disabilities, stipulated the obligations of State Parties, international cooperation, national supervision, international assessment, and other matters, thus providing a legal basis for countries to carry out cooperation in the field of protecting the rights of persons with disabilities. Other documents such as the *World Programme of Action Concerning Persons with Disabilities* and the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*, as auxiliary documents to the CRPD, have also supported international cooperation in disability affairs. Meanwhile, the Chinese government, the China Persons with disabilities' Federation, and other organizations have actively advocated for and participated in international cooperation, fulfilled obligations under the CRPD, implemented the disability-related sustainable development goals in the 2030 Agenda for Sustainable Development, engaged in international disability affairs, carried out practical exchanges and cooperation with disabled groups under the Belt and Road Initiative, and deepened cooperation in disability affairs with other countries and regions. The human rights of persons with disabilities have become a consensus and common value of all humankind that transcend national borders. This special consensus and common value determine that the protection of the rights of persons with disabilities must necessarily involve the coordinated advancement and

development of both domestic and international protection, so as to better build a community with a shared future for persons with disabilities.

## Conclusion

"It is through women that one observes the degree of liberation of a society; through children, the degree of hope; through the poor, the degree of justice; and through persons with disabilities, the degree of civilization."<sup>68</sup> The legal protection of the rights of persons with disabilities should not merely treat them as objects of welfare or protection, but rather recognize them as subjects of rights, enabling them to enjoy all human rights and fundamental freedoms equally and fairly. The formulation of concepts such as "rights of persons with disabilities" and "human rights of persons with disabilities" has completely transformed the traditional perception that disability-related issues are merely social problems to be addressed through "welfare," "charity," or even "benevolence." Instead, it has ushered in a new era in which the state fulfills its obligation to respect and protect the human rights of persons with disabilities.<sup>69</sup>

To protect and advance the rights of persons with disabilities, it is necessary to establish and develop an independent knowledge system of Chinese human rights studies. This system explores ways to protect the rights of persons with disabilities through legal, policy, educational, and social collaborative approaches. Chinese human rights studies emphasize recognizing persons with disabilities as subjects of rights, ensuring they enjoy equal rights and opportunities to participate in decision-making, and highlighting their active role and significant status in society. In doing so, persons with disabilities not only share in the fruits of social development but also achieve a dual enhancement of their value as rights subjects and their social value.

Chinese path of human rights development and the modernization of undertakings for persons with disabilities have jointly shaped the Chinese model for the protection of the rights of persons with disabilities. This model has formed a value system for the human rights of persons with disabilities centered on respect, equality, shared prosperity, empowerment, participation, and development, and established a leadership system for the cause of human rights of persons with disabilities featuring Party committee leadership, government's dominance, and social participation, as well as a protection system characterized by integrated policy leadership, systematic legal protection, multi-stakeholder collaborative promotion, and coordinated domestic and international approach.

Chinese modernization is a multi-dimensional historical process that not only encompasses national development and the grand blueprint of national rejuvenation, but also includes care for individual fates and humanistic concern for specific

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<sup>68</sup> Xu Xianming, "Address at the International Forum on Social Security & Social Service for People with Disabilities," in *Research on Social Security and Services for Persons with Disabilities*, China Disability Research Society ed. (Beijing: Huaxia Publishing House, 2010), 10.

<sup>69</sup> Chen Youwu and Chang Yanqun, *Legal Protection of Human Rights of Persons with Disabilities* (Beijing: China Procuratorial Press, 2014), 1.

groups.<sup>70</sup> In this process, incorporating the protection of the rights of persons with disabilities into the track of the rule of law embodies the distinctive characteristics, prominent advantages, and strong vitality of Chinese modernization and the modernization of undertakings for persons with disabilities.

(Translated by *CHEN Feng*)

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<sup>70</sup> Feng Ziyi, Shen Xiangping et al., "Humanistic Implications and Practical Development of Chinese Modernization," *Jianghai Academic Journal* 2 (2023): 5-20.