
China Foundation for Human Rights Development (CFHRD)

Submission to United Nations

Universal Periodic Review of China

March 2018

1. China Foundation for Human Rights Development (CFHRD) closely follows and places great importance on the third cycle of Universal Periodic Review of China by UN Human Rights Council. Over the past few years, China has put great efforts in promoting and protecting human rights, especially the right to education of disabled children, but some problems still remain. This report mainly provides comments and proposes suggestion on inclusive education for disabled children.

2. We believe that the right to education of disabled children, especially the right to receive inclusive education, is protected by the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Rights of Persons with Disabilities*, and the *Convention on the Rights of the Child*. Suggestion on inclusive education for disabled children have been included in the concluding observations on the initial report of China adopted by the Committee on the Rights of Persons with Disabilities in September 2012, the concluding

observations on the combined third and fourth periodic reports of China adopted by the Committee on the Rights of the Child in October 2013, and the concluding observations on the second periodic report of China adopted by the Committee on Economic, Social and Cultural Rights in May 2014. Therefore, disabled children's right to inclusive education in China has become one of the human rights issues that attract international attention.

3. We believe China has formed an inclusive education system for disabled children with continuous legislative protection, policy support and financial investment provided by the government. The number of disabled children enrolled in regular schools has increased consistently and inclusive education of disabled children has made remarkable progress. But at the same time, there is a lack of understanding of inclusive education in society. The problems of lacking a clear classification of disabled children and the shortage of special education teachers still remain. There is a need for further improvement and development in these aspects.

4. We gladly notice that China has been actively promoting inclusive education for disabled children and improving relevant laws and regulations. In 2016, The State council of

China issued *The Outlines of 'the 13th Five-Year Plan' for Accelerating Well-off Process of Persons with Disabilities*, which further promoted the development of inclusive education and the establishment of support and guarantee system for “learning in regular classrooms”. It encourages regular schools with more disabled students to set up special education resource classrooms in order to increase their ability to accept students with disabilities and enlarge the scale of inclusive education.

5. In January 2017, the State Council of China officially revised the *Regulation on the Education of Persons with Disabilities*, which regulates all aspects of inclusive education.

(1) The Regulation stipulates inclusive education and normal education as the primary choices. Article 3 of the Regulation “actively promotes inclusive education” and states that “regular education or normal and special education methods shall be adopted in accordance with different types of disabilities and learning abilities, regular education shall be adopted as a primary choice”. (2) The Regulation clarifies the school starting age of disabled children. Article 14 states that “the starting age and schooling of children and adolescents with disabilities receiving compulsory education shall be the same as that of all local children and adolescents; when necessary, the starting age

and schooling may be appropriately raised”. (3) The Regulation provides guidance for the establishment of professional institutes and support system. Article 26 states that “the administrative departments for education of the people’s governments at the county level or above shall be in charge of making overall planning and supporting the special education schools to establish special education resource centres, and providing guidance and supportive service for special education in certain areas”. (4) The Regulation forms a dispute resolution mechanism. Article 21 stipulates that “disputes between schools and the parents or other guardians of children and adolescents with disabilities could be resolved by the administrative departments for education of the people's governments at the county level through application”, the administrative departments for education should authorize the Committee of Experts on Education of Persons with Disabilities to make comprehensive appraisal.

6. We gladly notice that after revising the *Regulation on the Education of Persons with Disabilities*, the Chinese government promptly formulated national plans to promote the inclusive education for persons with disabilities. In April 2017, the Ministry of Education of China and China Disabled Persons’

Federation issued *Notice about Doing a Good Job of the Work of Compulsory Education Enrollment of Children and Adolescents with Disabilities*, which requires making plans for education placement that guarantees all children receive education in accordance with their personal circumstances, and makes sure all school-age children and adolescents can be enrolled in schools under the policy of “all covered, zero refusal”. This notice especially regulates measures to safeguard the right to inclusive education, it requires governments from the district and county level to make overall plans to establish special education resource centres, allocate teacher resources, and create conditions for regular schools to accept children with disabilities. In July 2017, the Ministry of Education of China, together with other seven ministries of China, issued *The Second Stage of the Promotion Plan for Special Education (2017-2020)*, which states that “on the basis of implementing the CNY6000 subsidy per student of public funding in special education schools during the phase of compulsory education, some areas with better conditions can reasonably raise the annual budget according to the proportion of the students enrolled with severe or multiple disabilities.”

7. Under the promotion of legislation and supportive policy, inclusive education for persons with disabilities has improved rapidly. According to the *Statistical Communiqué on the National Education Development*, the number of disabled children receiving education in regular primary and middle schools has substantially increased. In 2014, there were 209,100 disabled students enrolled in schools, with 38,000 students enrolled in regular classrooms or special education classrooms in regular schools; in 2015, the number of enrolled disabled students reached 239,600, with 44,800 students enrolled in regular classrooms or special education classrooms in regular schools; in 2016, about 270,800 students were enrolled in schools, 51,800 students were enrolled in regular classrooms or special education classrooms in regular schools. All above data shows that the number of disabled children receiving inclusive education has dramatically increased.

8. We aware that there are still existing problems of inclusive education. (1) There is a lack of correct general understanding of inclusive education in Chinese society. (2) There is a lack of clear classification of disabled children, the result of “learning in regular classrooms” is not ideal. (3) There is a shortage of teachers and the needs of inclusive education

for disabled children cannot be fully satisfied.

9. We suggest the Chinese government further promote the concept of inclusive education in the society, establish an information system of disabled children and a mechanism of identification, evaluation and classification, strengthen the efforts of training special education teachers, and actively encourage teachers of regular education to participate in special education trainings.