**Questionnaire on good practices to ensure effective access to justice for persons with disabilities**

1. **Please provide information on any existing good practices in legislation, policies and/or institutional measures taken in your country to ensure effective access to justice for persons with disabilities on an equal basis with others, as required by article 13 of the** **Convention of the Rights of Persons with Disabilities.**

**Forming a legal system that protects the rights of persons with disabilities.** The Chinese legislature focuses on the inclusion of persons with disabilities in the formulation of laws to ensure equal access to legal protection for persons with disabilities. At the same time, it focuses on the formulation of specific laws that protect the rights of persons with disabilities, such as the *Law of the People's Republic of China on the Protection of Persons with disabilities*, *Regulations on the Education of Persons with Disabilities*, *Regulations on the Employment of Persons with Disabilities*. At present, a legal system that protects the rights of persons with disabilities has formed in China, with the Constitution as the fundamental law, with the criminal, civil and administrative laws as basis, with the *Law of the People's Republic of China on the Protection of Persons with Disabilities* as the framework, with the *Regulations on the Education of Persons with Disabilities*, the *Regulations on the Employment of Persons with Disabilities*, the *Regulations on the Construction of Accessibility*, the *Regulations on Disability Prevention and Rehabilitation of Persons with Disabilities* and other administrative regulations and a large number of local regulations as supports, and with United Nations *Convention of the Rights of Persons with Disabilities* as grounds. This is the premise and foundation of effective access to judicial protection for more than 85 million persons with disabilities in China.

**Improving the capability of persons with disabilities to protect their rights according to law.** The Chinese government has actively conducted legal publicity and education to enhance the whole people’s legal sense. The seventh five-year legal popularization plan, which is being implemented, provides for the publicity and popularization of laws concerning protection of the legal rights and interests of persons with disabilities as a key task. Relevant authorities have also actively carried out the "Special Action on the Study and Use of Laws for Persons with Disabilities", striving to enable their command of more legal knowledge and to better protect their rights and interests.

**Improving the convenience of making complaints and getting access to legal services for persons with disabilities according to law.** A national unified online complaint system and a national unified service hotline 12385 for persons with disabilities have been established throughout China, where persons with disabilities can reflect their various demands via email and telephone. A national unified public legal service hotline 12348 has been established and a national unified public legal service website is being established to facilitate access to various public legal services for all citizens, including persons with disabilities.

**Reducing costs of access to judicial protection for persons with disabilities.** In China, persons with disabilities in criminal cases and persons with disabilities with financial difficulties in civil and administrative cases may have access to legal aid service from lawyers or other professionals free of charge in accordance with the *Legal Aid Regulations*, the *Criminal Procedure Law of the People's Republic of China* and other laws and regulations, as long as they meet the conditions prescribed by law. For persons with disabilities and organizations of persons with disabilities without a regular source of income, payment of litigation costs may be deferred, reduced or exempted in accordance with the *Provisions of the Supreme People's Court on Providing Judicial Relief to Parties with Financial Difficulties*. Persons with disabilities who fail to obtain due compensation through litigation may receive a relief fund in accordance with the *Opinions on Establishing and Improving the National Judicial Relief System*. These measures are conducive to the reduction of various expenses paid by persons with disabilities in judicial proceedings.

1. **Please provide information on any existing good practices in place in your country, including strategies and guidelines, to facilitate the direct or indirect participation of persons with disabilities in judicial and other legal proceedings (e.g., as concerned parties, witnesses, jurors, judges, lawyers, experts.) including in the areas of:**

* **Recognition of the right to legal standing;**

All laws in China fully recognize and guarantee the legal status and rights of persons with disabilities equal to those of other citizens. The *Constitution of the People’s Republic of China* prescribes that all citizens of the People’s Republic of China are equal before the law. The *Law of the People's Republic of China on the Protection of Persons with Disabilities* prescribes that persons with disabilities enjoy rights equal to those of other citizens in political, economic, cultural, social, family life and other aspects; discrimination against disability is prohibited. There are no discriminatory provisions against persons with disabilities in the criminal law, civil law, administrative law, procedural law and other laws in China. A large amount of special support and convenience is granted to persons with disabilities as provided for in the labor law, education law and other laws in China.

* **Accessibility and access to information;**

The *Law of the People's Republic of China on the Protection of Persons with Disabilities*, the *Regulations on the Construction of Accessibility* and other laws and regulations prescribe that public service organizations and public places shall create conditions for persons with disabilities to get access to voice or text prompts, sign language, braille and other information exchange services, together with priority and supportive services. More than 10 national standards and more than 10 industry standards of Internet accessibility have been issued in China. A five-year plan has also been made in China to gradually achieve accessibility to the websites of main public service organizations. By taking these measures, the level of accessibility of main judicial authorities has gradually increased, resulting in more convenient access to relevant judicial information for persons with disabilities. As mentioned above, persons with disabilities can make complaints through the national unified online complaint platform and service hotline 12385 for persons with disabilities, or get access to various public legal services including legal aid through the hotline 12348. In 2010, the Supreme People's Court conducted unified deployment, based on which the construction of accessibility facilities in 693 new trial courts and more than 600 people's courts across the country have been completed, facilitating litigation for persons with disabilities. The *Criminal Procedure Law of the People's Republic of China* explicitly prescribes that a person who has a good command of sign language shall participate in the interrogation of a criminal suspect who is deaf or mute, and such circumstances shall be noted in the record.

* **Procedural, gender- and age-appropriate accommodations; and**

**Gender-appropriate.** Gender equality is a basic national policy in China. The *Constitution of the People's Republic of China*, the *Law of the People's Republic of China on the Protection of Women's Rights and Interests* and other laws and regulations explicitly prescribe that women enjoy rights equal to those of men in all aspects, and China is committed to eliminating all forms of discrimination against women. There are no unequal and exclusive provisions for the participation of women with disabilities in judicial proceedings in all laws of China. All citizens, including women with disabilities and men with disabilities, have equal rights in judicial proceedings. According to the *Law of the People's Republic of China on the Protection of Women's Rights and Interests*, organizations of women shall support women who need help in litigation, including women with disabilities. Organizations of women may expose and criticize through the mass media the acts infringing upon the rights and interests of special groups of women, and shall have the right to request competent authorities to conduct investigation and impose punishment according to law.

**Age-appropriate.** According to the *Law of the People's Republic of China on the Protection of Minors* and other laws and regulations, the people's court shall hear cases involving minors, including minors with disabilities, timely according to law and in consideration of the minors’ physiological and psychological features and their need for healthy growth. When minors, including minors with disabilities, are examined, interrogated or tried in judicial proceedings, their legal representatives or other relevant persons shall be informed to be present according to law. Many people's courts have also established special courts for minors to hear cases involving minors. According to the *Law of the People's Republic of China on the Protection of the Rights and Interests of the Elderly* and other laws and regulations, convenience shall be provided to the elderly with disabilities in judicial proceedings to achieve accessibility.

According to the work report of the Supreme People's Court, the people's courts at all levels resolutely punish crimes against women and children such as violence, abuse, abduction and sexual assault. 27,000 relevant cases were concluded in 2018 and 1,589 personal protection orders were issued in the trial of marriage and family cases. The parties to these cases include a certain percentage of women with disabilities and minors with disabilities.

* **Provision of legal aid.**

According to the *Legal Aid Regulations*, the *Criminal Procedure Law of the People's Republic of China* and other laws and regulations, any citizen, including a person with disabilities, may apply to legal aid agencies for legal aid if the legal requirements are met, as long as he or she has not entrusted an agent or a defender by reason of financial difficulties. Where a defendant who is blind, deaf or mute has not entrusted a defender in a criminal case, legal aid agencies shall provide legal aid without review of his or her financial situation when the people's court designates defense for the defendant. The national judicial administrative department requires legal aid agencies at all levels to provide priority, quality and preferential legal aid services for persons with disabilities. In 2018, a total of 54,000 persons with disabilities across the country received free legal aid services and more than 200,000 persons with disabilities received free legal consulting services. In order to facilitate the application of persons with disabilities for legal aid, legal aid agencies at all levels have set up more than 2,600 legal aid workstations for persons with disabilities in the federations of persons with disabilities to facilitate timely access to legal aid services nearby for persons with disabilities.

1. **Please provide information on any existing good practices in jurisprudence in your country related to the effective access to justice for persons with disabilities.**

The *Constitution of the People's Republic of China*, the *Law of People's Republic on the Protection of Persons with Disabilities* and other laws and regulations explicitly provide for the legal status of persons with disabilities equal to that of others before the law and the approach to and method of judicial relief in breach of the rights of persons with disabilities.

The *Criminal Procedure Law of the People's Republic of China*, the *Civil Procedure Law of the People's Republic of China*, the *Administrative Procedure Law of the People's Republic of China* and other procedural laws and regulations provide for the rights and obligations of persons with disabilities equal to those of others in judicial proceedings. At the same time, specific measures of reasonable accommodation in judicial proceedings for persons with disabilities are provided for, such as sign language interpreters are provided to persons with hearing impairment.

The *Legal Aid Regulations* and other laws and regulations stipulate persons with disabilities as key recipients of legal aid, and specific measures have been stipulated in relevant policies to "expand the scope of legal aid and lower the threshold of legal aid" for persons with disabilities, striving to improve access to legal aid for persons with disabilities.

1. **Please provide information on any existing good practices in your country to promote access to effective remedies and reparations in cases where the rights of persons with disabilities have been breached.**

According to the *Law of the People's Republic of China on the Protection of Persons with Disabilities* and other laws and regulations, there are at least four safeguardsin cases where the rights of persons with disabilities have been breached: First, persons with disabilities may make complaints to organizations of persons with disabilities, which shall safeguard the legal rights and interests of persons with disabilities and have the right to request competent departments or units to conduct investigation and impose punishments, and competent departments or units shall do so according to law and give replies thereto. Second, persons with disabilities shall have the right to request solutions from competent government departments. Third, persons with disabilities may apply to the arbitral agency for arbitration according to law. Fourth, persons with disabilities may file lawsuits with people's courts according to law. Persons with disabilities can decide which safeguard to choose for themselves.

In 2015, the federations of persons with disabilities at all levels replied to 40,000 letters, received 246,000 visits, answered 65,000 calls and responded 1789 online complaints from persons with disabilities.

1. **Please provide information on any innovative initiatives that have been taken in your country to promote and ensure effective access to justice for persons with disabilities.**

**The judiciary and organizations of persons with disabilities jointly formulate policies to promote effective access to justice for persons with disabilities.** The Supreme People's Procuratorate and China Disabled Persons’ Federation jointly issued the *Opinions on Effectively Protecting the Legal Rights and Interests of Persons with Disabilities in Procuratorial Work* in 2015, and the Supreme People's Court and China Disabled Persons’ Federation jointly issued the *Opinions on* *Effectively Protecting the Legal Rights and Interests of Persons with Disabilities in Trial and Enforcement Work* in 2018, further elaborating the provisions in laws for the protection of the rights of persons with disabilities and striving for access to fairness and justice in every judicial case for persons with disabilities. It is supposed to be pioneering for China to have the judiciary and organizations of persons with disabilities jointly formulate policies to promote effective access to justice for persons with disabilities.

**The judiciary promulgates typical cases of protection of the rights and interests of persons with disabilities, guiding the public to establish a correct view on persons with disabilities.** In 2016, the Supreme People's Court announced 10 typical cases of protection of the rights and interests of persons with disabilities, giving full play to the important exemplary and guiding role of judicial judgment in the society, shaping an equal and fair non-discriminatory atmosphere and an understanding, helping, respecting and caring social trend for persons with disabilities.

**A green channel of litigation for persons with disabilities is established to provide convenience to persons with disabilities as much as possible.** In Runzhou District People's Court of Zhenjiang City, Jiangsu Province, a green special label is put on the files of all the cases involving persons with disabilities, which will enter a green channel, enjoying convenience and efficiency in terms of procedures such as filing, hearing and enforcement. This practice has been promoted nationwide.

**Specific courts for persons with disabilities are established to improve the professional level of trial.** Courts for persons with disabilities have been set up in a number of people's courts across the country to specifically handle cases involving persons with disabilities. All facilities in the courts have been fully accessible and the professional level of judges to deal with cases involving persons with disabilities has been continuously improved. This practice has been promoted nationwide.

**Legal workers are trained to understand sign language while sign language interprets are trained to understand the law.** Where lawyers and other legal workers fail to understand sign language, sign language training programs have been actively developed to improve their communication with persons with hearing impairment in many parts of the country. Where sign language interpreters fail to understand legal knowledge, legal knowledge training programs have been actively developed to enable their command of more legal knowledge.

**A short message service for persons with hearing impairment to report to police is opened.** In China, the unified police hotline 110 only provide voice service, in which case persons with hearing impairment are unable to call the police. In order to solve this problem, the Chinese government has specially set up a number 12110 to enable reporting to police by short messages, which contributes to a more convenient way of reporting to police for all citizens, including persons with hearing impairment.