

## **Discrimination Based on Disability in Chinese Legal System and Practice**

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### Abstract

Persons with disabilities in China are still subject to direct or indirect, overt or covert, systemic or non-systemic discrimination in education, employment, banking, transport, mobility, and other areas of life. This paper will analyze such discrimination based on consideration of disability in the Chinese legal system and will recommend changes to improve the status of persons with disabilities.

*Keywords:* China, disabilities, legal system

### **Discrimination Based on Disability in Chinese Legal System and Practice**

China's current legal system has been in place for over the past 45 years since the country began its "Reform and Opening Up" policy. Two decades ago, China's ruling Communist Party announced its strategy of "Rule by Law," and in 2004, it wrote into the Constitution that "the State guarantees and protects human rights." In the area of disability rights, China's ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2008 has been followed by evident changes in the country's laws on disability. An increasing number of new laws and regulations have appeared at different levels. For example, China's "Law on the Protection of Disabled Persons (LPDP)," first promulgated in 1990, was thoroughly revised in 2008; in 2013, the "Mental Health Law" was passed; the State Council promulgated "Regulations on Disabled Persons' Employment" and "Regulations on the Construction of Barrier-free Environments" in 2007 and 2012 respectively; and "Regulations on the Education of Persons with Disabilities" and "Regulations on Disability Prevention and Rehabilitation of Persons with Disabilities" were passed in early 2017. Additionally, the Standing Committee of the National People's Congress (2022) published a draft of "Law on the Construction of Barrier-free Environment" (LCBE) for suggestions. The Ministry of Education, Bureau of Civil Aviation, and other departments passed statutes relating to disability within their own areas of responsibility. "Discrimination based on disability," "reasonable accommodation," and other concepts started to appear in the wording of China's laws.

But in marked contrast to this apparent plethora of legal reform, the actual practice of disability rights has remained rather bleak. China's disability human rights protection level remains relatively poor by international standards and there are still major inconsistencies with the CRPD. In China, persons with disabilities, as well as other disadvantaged groups, are

still widely regarded as unwanted, undesirable, or dangerous (Kanter, 1999; Jones & Marks, 1999).

Official Chinese statistics currently put the number of disabled people at around 85 million (United Nations, 2018). According to data from court cases and news reports, this huge population is still subject to direct or indirect, overt or covert, and systemic or non-systemic discrimination in education, employment, banking, transport, accessibility, and other areas of life. There are still numerous barriers to social inclusion and equal participation. This paper will view and analyze discrimination that exists in Chinese laws and practices, why such provisions do not comply with the CRPD, and how to eliminate these issues.

This paper is divided into three parts: the first part discusses the overall Chinese legal system dominated by the medical model, which results in extensive and structural discrimination against persons with disabilities; the second part analyzes the provisions and behaviors within government and other public sectors that constitute discrimination in specific fields, including education, employment, banking, and legal. This second part will also illustrate weak points in the latest legislation, such as the deficiencies of the LCBE. The last part attempts to summarize the challenges of Chinese people with disabilities and find possible solutions.

### **The legal system dominated by a medical model of disability**

The medical model of disability, also known as the deficit model, views people with disabilities as “sick” and in need of medical intervention (Kanter, 2014). The model locates the “problem” of disability within the person rather than in an environment that creates barriers to the full inclusion and participation of people with disabilities (Kanter, 2011).

Under the medical model, persons with disabilities tend to be the objects of legislation regarding medical rehabilitation, charity relief, or social welfare. It is obvious that the current Chinese legal system related to disability is dominated by the medical model (Cui & Chiu, 2020).

### **Overview of Chinese legal system**

The source of law today in China mainly takes the form of statutes. China's legal system can be divided into five levels: (1) the Constitution, occupying the highest position in the legal system; (2) the law enacted by the National People's Congress and the Standing Committee, and is universally binding; (3) the administrative regulations enacted by the State Council, implemented nationally but lower than law in the legal hierarchy; (4) local laws and regulations that are universally binding in administrative districts; (5) rules and regulations, which may be legislated by the State Council's ministries and commissions or local governments and can be relied upon during court adjudications.

It is worth mentioning that China ratified the CRPD in 2008, which means China has an international obligation to legislate in accordance with the CRPD.

### **Medical model in legal definition and terminology**

The medical model is first reflected in the Chinese Constitution. The parts related to disability in the Constitution are stipulated in Chapter 1: the basic rights and duties of citizens. The third paragraph of Article 45 stipulates that the state and society help to arrange the work, life, and education of the blind, deaf, dumb [sic], and other disabled citizens. The verb it uses is “arrange,” which means the work, life, and education of disabled citizens is dominated and controlled by the state and society. The individuals lack the right and freedom to make choices.

At the legal level, the People's Republic of China Law on the Protection of Disabled Persons (LPDP) comprises nine chapters and 68 articles covering rehabilitation, education, work and employment, cultural life, social security, and accessibility. The content and spirit of the LPDP may be regarded as embodying the basic approach of the existing law toward disability rights. But the LPDP is also dominated by the medical model, which is first revealed in the legal definition of disability. Article 2 of the LPDP stipulates that “a disabled person refers to one who suffers [sic] from abnormalities or loss of a certain organ or function, psychologically or physiologically, or in anatomical structure and has lost in whole or in part the ability to perform an activity in the way considered normal. Disabled persons are referred to as those with visual, hearing, speech or physical disabilities, mental retardation [sic], mental disorder, multiple disabilities and/or other disabilities.” The focus is on the “abnormality” of the individual's psychological and physiological aspects, and emphasizing personal physical defects and diseases. The LPDP draws a distinct boundary between persons with disabilities and “normal” people. Even the U.N. Committee on the Rights of Persons with Disabilities (the Committee) takes note of the prevalence of the medical model of disability in both the definition of disability and the enduring terminology and language of the discourse on the status of persons with disabilities.

### **The effects of the medical model**

Such medical model-oriented constitutional terms and legal definitions have deep effects on the whole legal system. Firstly, the laws fail to regulate discrimination based on disability. There is no comprehensive definition of discrimination against persons with disabilities in the LPDP as well as other laws. China does not consistently apply the concept of reasonable accommodation in relation to the principle of non-discrimination. What also concerns the Committee are the contradictions between many local law regulations and the

national law regarding the prohibition of discrimination.

Secondly, persons with disabilities in China lack their own civil society to express their own voices. The China Disabled Persons' Federation and its branches, as a governmental sector, almost monopolizes the representatives and resources regarding disability in China. The Committee is concerned that organizations of persons with disabilities outside of the China Disabled Persons' Federation are not included in the implementation of the CRPD.

Thirdly, nowadays, the Chinese official term for “disability,” whether in the government sector or legal documents, is “残疾 (can ji),” which means broken and diseased. Compared with the previous term “残废 (can fei),” which means broken and waste,<sup>1</sup> “can ji” seems to reflect some progress, but it still easily evokes negative associations regarding persons with disabilities.

In conclusion, the medical model exists not only in specific legal fields such as education, employment, and banking (as will be critiqued in detail in the following discussions) but also in many people's attitudes toward persons with disabilities. Persons with disabilities are treated as an inferior group, which may create barriers in their fight for equal rights.

### **Discrimination in specific fields**

#### **Discrimination in education**

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<sup>1</sup> “Can fei” has been used in Chinese official discourse for a long time and even today still affects some Chinese people's view of disability. For example, the U.N. named the year 1982 “International Year of Persons with Disabilities,” which translated into Chinese is “Guo ji can fei ren nian (international broken and waste people year).”

There is no doubt that education is the key for a person to obtain knowledge, communicate with peers, and participate in mainstream community life. In China, the educational system could be divided into two relatively independent systems, general education and special education. The law also requires that “general primary schools and junior middle schools must admit disabled children or juveniles who are able to adapt themselves to life and study there<sup>2</sup>; general senior middle schools, secondary occupational schools, and institutions of higher learning must admit disabled students who meet the state admission requirements and shall not deny their admission because of their disabilities.” But, there are high numbers of special schools in China and its policy is to actively develop these schools (U.N. Committee on the Rights of Persons with Disabilities, 2012). In practice, only students with certain kinds of impairments (physical disabilities or mild visual disabilities) are able to attend mainstream education, while all other children with disabilities are forced to either enroll in a special school or drop out altogether.

The first obstacle for students with disabilities to attend general schools is that some schools, especially universities, will refuse admission to students with disabilities as soon as they are aware of the students’ disabilities. According to some statistics, the students with disabilities admitted by universities account for only 0.14% of total students (Beijing News, 2019). In 2014, Wan-ling Liu, a student with myasthenia gravis was refused admission by Jiangxia College, although her score on the High College Entrance Examination had reached the admission score line (Chen, 2014). Jiangxia College stated that it based this decision on the fact that Wan-ling Liu could not adapt to studying and living on the campus

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<sup>2</sup> In China, primary school and junior middle school are also called “nine-year compulsory education,” which means each student has both the right and duty to accept such education in their school district.



independently because of her disability and the campus's lack of accessibility facilities. Wanling Liu is not a unique case. Many schools use the excuse of lack of accessibility to refuse students with disabilities rather than improving their accessibility and accommodations.

In recent years, the Chinese government revised several rules and regulations to promote inclusive education and provide equal opportunities in exams,<sup>3</sup> such as the college entrance examination, graduate examination, and college English test. However, almost no general school has a department like an Office of Disability Services or resource center to coordinate accommodations for students with disabilities, which becomes another roadblock for inclusive education. In other words, students with disabilities can rarely attend general schools unless they can study like other students without extra support. People sometimes forget that merely placing students with disabilities in general schools without accommodating their needs is not true inclusive education. Some schools even tend to suspend students with disabilities. Xiao Zhu, a student with intellectual disabilities, was suspended by his primary school when he was in the second grade (Chan Nian, 2018). The school announced that Xiao Zhu had difficulty following school activities due to his disability. Unfortunately, similar to Jiangxia College, the school blamed the student's failure on his own disability instead of the campus's denial of accessibility and accommodations. This is among the biggest challenges for students with disabilities, preventing them from enjoying inclusive education in China.

### **Discrimination in employment**

Persons with disabilities in China are not only isolated from the mainstream education

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<sup>3</sup> For example, in 2017, the State Council of China amended the People with Disabilities Education Ordinance, which set the principle of improving inclusive education.

system but are excluded from most of the open labor market.

First of all, the public sector, such as the administrative agencies, does not play a model role in recruiting persons with disabilities.<sup>4</sup> Instead, it takes the lead in discriminating against persons with disabilities. A huge obstacle for persons with disabilities to compete for government-employed public servant positions is the requirement of the “physical exam.” In China, for an applicant to be qualified as a public servant, the applicant must pass a paper exam, an interview exam, and a physical exam. Article 19 of the 2005 Civil Servant Recruitment General Physical Examination Standards (Trial) stipulates: “If a candidate’s best-corrected visual acuity is less than 0.8 for both eyes (standard logarithmic visual acuity 4.9) or those with obvious visual impairment of eye disease, the candidate is unqualified.” Article 20 stipulates: “If a candidate’s both ears have hearing impairments that disallow the candidate to hear voices within 3 meters after wearing a hearing aid, the candidate is unqualified.” These two provisions deprive persons with visual or hearing disabilities of the right to become public servants. Such laws constitute obviously direct discrimination, which violates Article 5 and Article 27 of the CRPD.

In another case, Fang Yuan was a low-vision student who graduated from a famous law school. She took the exam to apply for the position of clerk in the Chinese Supreme Court under the public servant system. Although she had no reasonable accommodation for the exam and did not have enough time to read and finish all of the questions in the paper exam, she still successfully passed both the paper exam and interview exam with an extremely high accurate percentage for the questions she could answer. However, she could

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<sup>4</sup> In fact, major developed countries always set government or other public sectors as examples to hire more employees with disabilities, which will encourage the private sectors to employ persons with disabilities actively.

not get the job in the end because her vision was less than 0.8, which is why she failed the physical exam. Fang Yuan's experience is the epitome of that encountered by most persons with disabilities in China. They experience direct discrimination from the existing requirements. China has, however, not established a judicial review system that allows them to challenge these unconstitutional rules.

In addition, the national standard for civil servants impacts the recruitment standards and provincial regulations for other jobs, such as for teachers. Besides discriminating against persons with visual or hearing disabilities, "The Henan Province Teacher Qualification Application Physical Examination Standards and Methods (Trial)" stipulates that "if a candidate's two upper limbs or two lower limbs cannot function; two lower limbs' unequal length is longer than 5 cm; scoliosis is more than 4 cm; muscle strength is below 2; or thorax is significantly deformed," the candidate is not qualified.

In addition, "The Shandong Province Teacher Qualification Medical Examination Standards and Operating Procedures" stipulate that "if a candidate has an upper limb or a lower limb that cannot move or [is] deformed; unsteady gait; a disabled upper limb (especially right hand) that affect the candidate's board writing ability; body deformities such as obvious 'chicken breast,' hunchback, or scoliosis of more than 3 cm; short stature," that candidate is unqualified (Beijing Yirenping Center, 2011). Such provisions appear in almost all provincial regulations related to teacher qualifications, which excludes most persons with physical disabilities from becoming a teacher.

Furthermore, as mentioned above, from the Constitution to laws, the keynote about disability employment in the Chinese government is "arrangement." Those with certain types of disabilities are organized to do the same kind of job. The vocational freedom of persons

with disabilities is not respected. The Committee is concerned that “the practice of reserved employment (such as the field of ‘blind massage’), ... discriminates against persons with disabilities in their vocational and career choices” (U.N. Committee on the Rights of Persons with Disabilities, 2012). In fact, taking visually impaired persons as an example, most are chosen to do the same job – massage. Almost all vocational training for the blind is limited to massage rather than other training that considers individual interests and ability (Ni, 2014). As a result, in many people’s minds, massage is the symbol of blindness. Such arrangements and practices are completely against the rights of free choice for persons with disabilities.

The phenomenon of fake employment is another problem in China. A quota policy requires that employees with disabilities occupy at least 1.5% of the total staff of each employer, no matter in the public sector or private sector. Otherwise, an employer must pay a levy for disability employment. Some “clever” employers pay their disabled employees the legal minimum wage and do not need them to work. In exchange, the employers submit information on their disabled employees and apply for an exemption from the levy. In this transaction chain, many agencies are active in matching employers who want to evade the levy with persons with disabilities to earn a commission (Traveling photographer, 2022). On the surface, it appears some persons with disabilities may get basic income without work, but such practices ultimately violate the rights and dignity of all persons with disabilities. Firstly, the quota policy is a kind of affirmative action to promote realization of disabled persons’ equal right to work. Besides equitable recruitment, the quota also provides accessibility and reasonable accommodations. However, fake employment is obviously contrary to the purpose of the quota policy. Secondly, fake employment denies persons with disabilities the ability to serve as a talented and capable human resource, rather than stereotyped as incompetent and pathetic. Thirdly, employment is an important way to address disabled persons’ social

inclusion. But under fake employment, employees with disabilities do not step into an office or have contact with colleagues, blocking their social participation. In short, fake employment is like a glass of toxic cocktail, tasting not bad at the beginning, but ultimately causing long-term harm.

### **Discrimination in banking**

The CRPD explicitly requires its contracting states to take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, control their own financial affairs, and have equal access to bank loans, mortgages, and other forms of financial credit, communicating that banking and other financial services are important in people's daily lives. However, these requirements are often violated.

In China, persons with disabilities face difficulty not only in accessing advanced banking services such as loans or mortgages but also primary ones such as opening an account or applying for credit cards. For example, Xiao Shi, who has a congenital visual impairment (Feng, 2017), worked since 2005 for a chain of healthcare companies in Changsha, Hunan Province, doing massage and earning a stable income. In September 2016, he applied for a China Guangfa Bank credit card. After the online application was approved, he went to the Hongxing branch of the bank in Changsha to activate the card. The bank informed him that he had to read the risk warning and then sign his name. Xiao Shi said he was blind and could not sign, but the bank insisted on his signature, and rejected his application because of "not being able to read the risk warning and not signing." The following month, Xiao Shi filed a lawsuit with the Yuhua District Court in Changsha City, requesting a judgment that the defendant issue a written apology to the plaintiff as redress for discrimination based on disability and promise to provide reasonable accommodations to blind people in their business (Xiao, 2017). Yuhua District Court dismissed Xiao Shi's claim.

The court pointed out that as a financial service institution, commercial banks have the freedom in market competition to choose the targets of their financial services. Commercial banks have the authority to exercise discretion and impose strict examination and approval procedures to protect credit safety and customer transaction security. The plaintiff argued that the bank should provide accommodations for completing the signing, such as allowing a recording, photocopying, or fingerprinting. The defendant said these flexible methods did not apply to the plaintiff for credit card activation. Although the defendant adopts far more rigorous methods and standardized review criteria compared to other commercial banks when approving credit card applicants, this was not found to constitute discrimination against the plaintiff or to violate his rights.

The experience of Xiao Shi is not a unique case; instead, most persons with disabilities in China have the experience of being refused in banking, especially when they need reasonable accommodations. Moreover, the court judgment may justify the bank's discrimination based on "financial security" or "freedom of transaction," although China is not a country of "stare decisis" (principle of recognizing prior case decisions). Actually, because of the lack of applicable legal definition for "discrimination," plaintiffs with disabilities can hardly win anti-discrimination lawsuits.

### **Discrimination in legal capacity**

The CRPD clearly stipulates that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Contracting states shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity. But in the Chinese legal system and judicial practice, there are several illustrations of failure to respect persons with disabilities' legal capacity.

Firstly, China passed the Maternal and Infant Health Care Law ("Eugenics Law") in 1995 (Gomez, 1996). China's Eugenics Law mandates the forced sterilization of people with "serious genetic defects." Recently, some congress representatives attempted to submit a bill to restate that each pregnant woman should accept mandatory screening for fetus defects (Jian Liang, 2015). If any fetus is found with a birth defect, the pregnant woman would need to get an abortion. The assumption was that persons with disabilities have no right to exist, which is a complete denial of their legal capacity. This has been compared to the Nazi genocide of Jewish people by reproductive intervention in the 1930s (Kanter & Dadey, 2018).

Secondly, the Chinese civil law system's current legal guardianship provisions do not recognize the rights of persons with disabilities to make their own decisions and to have their autonomy, will, and preferences respected (U.N. Committee on the Rights of Persons with Disabilities, 2012).

Thirdly, the deprivation of liberty on the grounds of disability is allowed in China. Many persons with actual or perceived impairments are involuntarily committed to psychiatric institutions for various reasons, such as being petitioners. Besides, many persons who live with intellectual and psychosocial impairments and require a high level of support lack adequate resources for their medical and social care and are thus permanently confined at home. For those involuntarily committed persons with actual or perceived intellectual and psychosocial impairments, the "correctional therapy" offered at psychiatric institutions represents inhuman and degrading treatment. In addition, not all medical experimentation lacking free and informed consent is prohibited by Chinese law.

### Lack of accessibility

Under the CRPD, accessibility is a basic principle. One specific provision (Cui & Chiu, 2020) requires contracted states to take appropriate measures to ensure persons with disabilities have access, on an equal basis with others, to the physical environment, transportation, information, and communications. In 2022, the National People's Congress of China published a draft of the LCBE for advice, which indicated the rules for a barrier-free environment have been enhanced from administrative regulation to national legislation.<sup>5</sup> The draft made some progress compared with the LPDP, Regulation on the Construction of Barrier-Free Environment, and other previous legislation. For example, the draft expanded the range of beneficiaries of the barrier-free environment from persons with disabilities to any social member in need, especially the elderly. However, the draft still left much to be desired, which could reflect the Chinese legal situation and dominance of the medical model.

Firstly, some provisions in the draft only focused on whether there is accessible facilitation rather than its usability. It is doubtful that such facilitation can really eliminate barriers; sometimes it can even create new barriers. For example, the second paragraph of Article 22 of the draft stipulates that people's governments at or above the county level support the promotion of the installation of elevators or other barrier-free facilities in existing residences. There is no doubt that elevators belong under accessible facilitation, but if an elevator is only equipped with a touch button and not Voice broadcast, it might create a new barrier for visually impaired users. The draft further failed to include accessibility standards for elevators, as well as the accessibility standards for blind roads (Cui & Chiu, 2020). That

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<sup>5</sup> Chinese official legislation uses the terminology “barrier-free environment,” which is approximately equal to “accessibility” under the CRPD.



means the intended beneficiaries can sometimes be harmed by the facilitation.

The second disadvantage of the draft was that it contained too many optional rules. Mandatory requirements are an important feature of law and are often in the form of legal obligations requiring the subject to act or not to act. Its operative term is "shall." Due to various reasons, optional rules occasionally appear in the law as a supplement to mandatory rules. Subjects who violate these rules will not bear the corresponding legal consequences, but the law expects subjects to abide by it or reward those who comply. "Encourage" is a typical term for such optional rules. Based on the characteristics of the law, the number of mandatory rules should be much more than that for optional rules. In the draft, according to approximate statistics, the expression "The state encourages" is used in at least 16 articles, many of which related to important standards in barrier-free environment construction. For example, Article 46 of the draft stipulates that the state encourage cultural, tourism, sports, financial, postal, telecommunications, commercial, catering, accommodation, and other service places to provide barrier-free services such as assistive devices, consultation, and guidance for those with accessibility needs. In fact, during the past years, several lawsuits based on discrimination against persons with disabilities in China resulted from public places' denial of accessible services (Cui & Chiu, 2020). By regarding accessibility as an optional rule, the draft asserts that denial of these services is not illegal, thus depriving persons with disabilities of their rights. Moreover, such optional rules were not only stipulated in the draft of the LCBE but are also widely found in other legislation in China, such as in the LPDP. The majority of Chinese laws related to disability equal rights look only like declarations rather than legal rules.

Furthermore, the draft failed to pave the way for broader use of the judiciary in resolving disputes regarding barrier-free environments. Chapter VI of the draft stipulated the

legal liability for violations of the LCBE, but most of them referred to administrative liability. One example states: “The people's government at the same level shall order corrections” and “punish those directly responsible officials.” Based on its openness, neutrality, and procedures, the judiciary often becomes the last resort in resolving disputes. In the past, when exam organizers refused to provide reasonable accommodation, public places denied persons with disabilities’ access to services, or other disability rights incidents occurred, many cases were resolved by appealing to the courts. This does not deny the fact that the administrative approach is indispensable to resolving disputes. But if the LCBE, as law, fails to offer a clear guide, persons with disabilities resort to the judiciary to protect their equal rights. Such rights have not made progress compared with previous legislation.<sup>6</sup> In previous cases regarding discrimination based on disability, the parties and courts often faced several difficulties in determining what kinds of interests were damaged, the amount of loss, which provisions were violated, or the relationship between accessibility and discrimination. The LCBE draft also has not addressed the above issues.

### Conclusion

The discrimination against persons with disabilities in China can be divided into three levels as follows. The first level is the direct threat to life, health, or freedom. This includes forced sterilization of people with genetic defects under the Eugenics Law, deprivation of freedom in psychiatric institutions, and medical experimentation without free and informed consent.

The second level of discrimination is the structural exclusion in certain fields, such as

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<sup>6</sup> Administrative liabilities, rather than judicial liabilities, were the primary liabilities stipulated in the LPDP.

education or employment that may substantially affect the development of one's life. For example, the suspension of Xiao Zhu perhaps led him to stay away from the general education system his whole life. The Physical Exam Standard materially ended Fang Yuan's public servant career. There has been a court holding that deprivation of employment might constitute economic persecution (*Li v. Attorney General of the U.S.*, 2005). Here, refusing persons with disabilities' access to public employment or inclusive education because they failed to meet certain "qualifications" can easily destroy one's life.

The third level is the occasional discrimination in particular affairs, such as in applying for credit cards or traveling by plane. Such discrimination on the surface may no seem life threatening, but when accumulated, can block access to a full life. Should the reason for Xiao Shi's credit card rejection become commonplace in banking or be imitated by other banks, it would damage persons with disabilities' financial rights.

To eliminate the above discrimination, we propose a number of recommendations for legislators or other rule-making departments to consider. These also could serve as future directions for policy advocacy:

- A. Gradually put an end to direct discrimination from the rules themselves. Abolish the existing physical examination standards, including the Civil Servant Recruitment General Physical Examination Standards (Trial), for entering public service examinations, or at least change the unreasonable restrictions for those with disabilities so that government departments can truly become examples of supporting equal employment for people with disabilities.
- B. The law should clearly define and explain such concepts as "discrimination" and "reasonable accommodation" so that "discrimination" can be applied as a legal

concept rather than just as a moral evaluation, thus reducing the obstacles in anti-discrimination cases. At the same time, this clarity would make people aware that refusal to provide reasonable accommodation is illegal.

- C. There should be more specific regulations in disability law about the legal consequences of violating the law. The single disincentive to violating the disability law is the embarrassment of a lawsuit. Otherwise, the legal consequences for violations can only be found in civil or administrative law. Relatively clear legal consequences could also encourage relevant governments and enterprises to take more seriously their obligation to protect disability rights.
- D. The law should raise the mandatory requirements and standards for accessibility construction. Accessible facilities should be mandatory in both physical and information environments. Also, the currently vague idea of information accessibility should be articulated and made a reality.

The law should stipulate rules regarding the violation of equal disability rights and what constitutes discrimination against disability, and support compensation for mental health damage. At present, the law does not impose additional legal responsibility on those who discriminate, thus lowering the cost of violating the law. At the same time, it is very difficult for persons with disabilities to obtain direct economic compensation in public interest disability litigation, which greatly affects their motivation to claim their rights. Of course, such a system could be very controversial.

With regard to persons with disabilities, another obstacle to the equal protection of their rights by law is their tolerance of violations and their unwillingness to assert their rights,

leading to their inability to make use of the law. Being unwilling to protect their rights stems from a lack of awareness of their rights. What this reflects is a gap between their recognition of the phenomenon of disability, intrinsic human dignity and worth, and social pluralism, and the spirit of universality communicated by and advocated in the CRPD and other international conventions. Therefore, as important as policy advocacy is empowering persons with disabilities to safeguard their own rights.

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