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ACADEMIC NEWS

FRONTIER OF LAW IN CHINA, RENMIN LAW SCHOOL, AND HARVARD PROJECT ON DISABILITIES CO-HOST "THE INTERNATIONAL CONFERENCE ON DISABILITY RIGHTS"

On May 28, 2015, the participants of "The International Conference on Disability Rights" gathered in Mingde Law Building of Renmin University to discuss the cutting edge issues on disability rights in China and worldwide. The representatives from Disabled People's Organizations (DPOs), the parent group of persons with disabilities, and academics from various law schools participated in the conference co-organized by the journal of *Frontiers of Law in China*, Renmin Law School and Harvard Project on Disabilities (HPOD).

Prof. HAN Dayuan, Dean of Renmin Law School addressed the human rights issue underlying the rights of persons with disabilities in his welcome speech. He emphasized that to promote disability rights in China, it is far from enough to take actions only by the gouvernment, but it is the duty of the whole society. He said many social problems would be solved in the future when the society embraces the concept of human right, and academic events, like the conference are meaningful to promote the concept.

Prof. ZHU Jingwen from Renmin Law School spoke on behalf of the editorial board of *Frontiers of Law in China.* He introduced the Journal and expressed the Journal's support for research on disability rights.

The keynote speech was delivered by Prof. Michael Stein from Harvard Law School. He focused on the issue of sexual and reproductive rights of persons with disabilities. He pointed out that adjudication of sexual and reproductive rights has long overlooked the theme of equal access to sexual and reproductive healthcare, but centered on involuntary sterilization and forced abortion. Such unbalanced attention is largely due to the stigma that depicts persons with disabilities as unable to engage in sexual and reproductive activities, which can be seen from different jurisdictions. Judgments rest on the notion of serving the convenience of the public rather than the need of the people. However, UN Convention on the Rights of Persons with Disabilities (CRPD) breaks this historical stereotype by requiring equal access to all types of healthcare. The Convention mandates respect for family and parenting relationships, and protects an individual's autonomy even when his/her decision needs to be made with supporting mechanism. Nevertheless, to realize these rights requires efforts on specific programming, resource commitments, and the breakdown of stigma, which needs all the participants to discuss and consider in their future research.

PANEL 1

In the first panel of the conference, moderated by Prof. ZHU Yan from Renmin Law School, Prof. Kevin Michael Cremin from Columbia Law School, Prof. LI Jianfei from Renmin Law School gave their presentations Prof. Michael Waterstone from Northwestern Law School made his comments.

Prof. Cremin focused on the issue of access to justice for persons with disability and enforcement of the CRPD. He first explained the principle of access to justice in terms of Article 13 and other relevant articles of the Convention. He then analyzed the implementation guidance for state parties, state party reports and Committee feedback. From his own examinations, Prof. Cremin pointed out that most state parties failed to provide enough detailed information as required by Article 13, while on the other hand, the Committee's feedback was limited and somewhat inconsistent. He suggested that the Committee should adopt clearer and more consistent guidance.

Prof. LI introduced both achievements and problems of the legal protection for the disabled in China. China does well in making a large number of legislations on protecting persons with disability and in international participation. However, there are still problems like discrimination in employment, difficulties for persons with disability to have equal rights of education, barrier-free facilities occupied or blocked, and shortage of rehabilitation treatment.

Prof. Waterstone commented briefly on the relationship between legislation and implementation. From his experience as a lawyer, he talked about the practical issues of persons with disability in terms of access to justice, technoogical innovation, exercise of voting right, and the relationship between persons with disability and the police. Also, Prof. Waterstone found lots of challenges that both China and the U.S. are facing such as employment discrimination. The U.S. also had trouble of job training, health insurance, transportation and other accommodations for persons with disabilities.

PANEL 2

The second panel discussed the topic of "the Importance of Promoting New Concept and Improving Policies," moderated by Associate Prof. GUO Rui from Renmin Law School. Ms. DAI Rong, Mr. FU Gaoshan and Ms. HAN Wanchuan gave their speeches, on which Dr. CUI Fengming from HPOD made comments.

Ms. DAI Rong made a close analysis of the situation, the needs and feasibility of employment for people with mental and intellectual disabilities, based on the research by her team. They found many problems including wide ignorance of relevant policies and poor policy implementation supervision. Ms. DAI suggested improvements to these problems, such as establishing the job information network for persons with disability. Finally, she introduced the achievements they had made in Guangzhou which encouraged her to promote supportive employment in the future.

The founder of Beijing One Plus One Cultural Development Center for Persons with

Disabilities, Mr. FU Gaoshan analyzed the Chinese terms used to describe persons with disabilities. He said that the way of describing persons with disability, and the notion underneath of helping them indicates that the public took a madical perspective towards disability. Persons with disability are regarded as the object to be assisted and rectified. Mr. FU made a comparison between medical perspective and social perspective, which regarded persons with disability as one part, as everyone else, of the society.

Ms. HAN Wanchuan, the interim president of Rong Ai Rong Le Support Center for Families of Children with Intellectual and Developmental Disabilities talked about her experience of accompanying children with disabilities to struggle for medical treatment and rehabilitation. She claimed that the inaccessible medical system greatly restricted disable people in survival and development. This is caused by the society's discrimination, the lack of resources of medical health services and problems of children with disabilities themselves. Ms. HAN claimed that more opportunities for children with disabilities to take active participation in social activities should be created.

Dr. CUI Fengming, the director of China program of HPOD gave her comments on the speeches in this panel. First, she emphasized the crucial role of DPOs and NGOs as backbones in promoting the cause of disabilities. Then, she concluded that the transformation of ideas towards disability is the common focus of the three speeches, which shall be implemented and supported according to CRPD.

PANEL 3

The third panel focused on the new social perspective and its outcome in specific areas. Prof. XU Qiaoxian and Dr. CUI Fengming gave speeches, and Prof. XU Jiacheng made comment.

Prof. XU Qiaoxian from Nanjing Normal University of Special Education raised the antithesis between medical perspective and social perspective in rehabilitation. Under the social perspective, rehabilitation should take place in community, because compared to that in institution, which is prevalent currently, community-based rehabilitation would benefit persons with disabily. They would get more support and care from their families and get better recognition in their community. Although some obstacles including the profession of health care workers need to be resolved, this transition conforms to the idea of CRPD, and is taking place in many areas.

Dr. CUI Fengming put forward the topic concerning the attempt of integrated education for children with disability. She pointed out that under the traditional medical perspective, *de facto* separation still exists in experimented integrated education, as the single assessment system was designed for children without disability. Real integrated education could only be constructed under a social perspective with diversified assessment system. Pixian County was appraised as an exemplary practice of integrated education. Special education is included in integrated education to give support to disabled children to help their development and assimilation. She concluded that four stages of a virtuous circle could ultimately beget modern integrated education.

Prof. XU Jiacheng from Beijing Union University made his comments on the two speeches. He claimed that new concept brings new practices, as a compendium of the presentations. According to Prof. XU, China has gone through an arduous path to recognize the rights of persons with disability. Nowadays, transition of rehabilitation from institution-based to community-based, and absorption of special education into integrated education are all taking place, backed by the acceptance of the rights, based in CRPD. He believed as a subject of right, every person with disability, especially every child should be conferred social, legal and other supports to realize themselves.

At the end of the conference, Professor LIN Jia from Renmin Law School gave her speech of the session. She appreciated the participation and thorough researches made by all the scholars. She then summarized all the topics discussed, and underscored the significance of education for disable people. In the perspective of law, she concluded that for China to keep its way towards of the human rights protection, four missions are be completed as follows: promoting the understanding of human right, improving legislation completion, enhancing fairly legal practice and holding firmly the idea and responsibility of protecting human rights.

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