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**[ Title ]** Law of the People's Republic of China on the Protection of Disabled Persons (2008 Revision) [Effective]**【法规标题】** 中华人民共和国残疾人保障法(2008修订) [现行有效]**【法宝引证码】** CLI.1.104502(EN)**Date Issued:** 04-24-2008**Effective date:** 07-01-2008**Issuing authority:** Standing Committee of the National People's Congress**Area of law:** Civil Law**发布日期:** 2008-04-24**生效日期:** 2008-07-01**发布部门:** 全国人大常委会**类别:** 民法**【本法变迁史】**

中华人民共和国残疾人保障法[19901228]

中华人民共和国残疾人保障法(2008修订)

[20080424]

Order of the President of the People's Republic of China

(No. 3)

The Law of the People's Republic of China on the Protection of Disabled Persons was amended and adopted at the 2nd Session of the Standing Committee of the 11th National People's Congress on April 24, 2008. The Law of the People's Republic of China on the Protection of Disabled Persons, as amended, is hereby promulgated, and shall come into force as of July 1, 2008.

President of the People's Republic of China: Hu Jintao

April 24, 2008

中华人民共和国主席令

(第三号)

(相关资料: 法律4篇 行政法规3篇 部门规章9篇 其他规范性文件9篇 地方法规191篇 修订沿革 条文释义 相关论文16篇)

《中华人民共和国残疾人保障法》已由中华人民共和国第十一届全国人民代表大会常务委员会第二次会议于2008年4月24日修订通过, 现将修订后的《中华人民共和国残疾人保障法》公布, 自2008年7月1日起施行。

中华人民共和国主席 胡锦涛

2008年4月24日

**Law of the People's Republic of China on the Protection of Disabled Persons**

(Adopted at 17th Session of the Standing Committee of the 7th National People's Congress on December 28, 1990 and amended at the 2nd Session of the Standing Committee of the 11th National People's Congress on April 24, 2008)

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**中华人民共和国残疾人保障法**

(1990年12月28日第七届全国人民代表大会常务委员第十七次会议通过 2008年4月24日第十一届全国人民代表大会常务委员第二次会议修订)

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**第一章 总 则**

## Chapter I General Provisions

**Article 1** For the purposes of maintaining the lawful rights and interests of disabled persons, developing the cause of disabled persons and ensuring the disabled persons' equal and full participation in social life and their share of the material and cultural wealth of the society, this Law is enacted in accordance with the Constitution.

**第一条** 为了维护残疾人的合法权益, 发展残疾人事业, 保障残疾人平等地充分参与社会生活, 共享社会物质文化成果, 根据宪法, 制定本法。

(相关资料: 修订沿革 条文释义)

**Article 2** A disabled person refers to a person who suffers from the loss or abnormality of a certain organ or function, psychologically, physiologically or in human structure, and has lost all or in part the ability to normally carry out certain activities.

**第二条** 残疾人是指在心理、生理、人体结构上, 某种组织、功能丧失或者不正常, 全部或者部分丧失以正常方式从事某种活动能力的人。

残疾人包括视力残疾、听力残疾、言语残疾、肢体残疾、智力残疾、精神残疾、多重残疾和其他残疾的人。

残疾标准由国务院规定。

(相关资料: 修订沿革 条文释义)

Disabled persons include persons with visual, aural, speech and physical disabilities, mental retardation, mental disorder, multiple disabilities, etc.

The criteria for the classification of disabilities shall be formulated by the State Council.

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...dignity of disabled persons through mass media or by other means.

**Article 4** The State shall provide disabled persons with special assistance by adopting supplementary methods and supportive measures so as to alleviate or eliminate the effects of their disabilities and external barriers and ensure the realization of their rights.

**Article 5** The people's governments at and above the county level shall integrate the cause of disabled persons into the national economic and social development plan, intensify the leadership, make comprehensive coordination and incorporate the operating funds for the cause of disabled persons into the fiscal budget so as to establish a stable operating fund guarantee mechanism.

The State Council shall work out an outline for the development of the cause of disabled persons in China. The local people's government at or above the county level shall, according to the outline for the development of the cause of disabled persons in China, work out a program and annual plan on the development of the cause of disabled persons within its administrative area so as to make the cause of disabled persons develop in harmony with the economic and social development.

The institutions responsible for the work on disabled persons under the people's governments at and above the county level shall be responsible for organizing, coordinating, directing and urging the relevant departments to do a good job in the cause of disabled persons.

The people's governments at all levels and relevant departments shall keep in close contact with disabled persons, solicit their opinions and fulfill their respective functions in the work on disabled persons.

**Article 6** The state shall take measures to ensure that disabled persons participate in the administration of the state affairs, economy, cultural cause and social affairs according to law and through various channels.

In the formulation of laws, regulations, rules and public policies, the opinions of disabled persons and of their organizations shall be heard on the significant issues involving the rights and interests of disabled persons and the cause of disabled persons.

Disabled persons and their organizations shall have the right to express their opinions and offer suggestions to the state organs at various levels on the protection of the rights and interests of disabled persons, development of the cause of disabled persons, etc.

**Article 7** The whole society shall carry forward humanitarianism, understand, respect, care for and help disabled persons, and support the cause of disabled persons.

The state shall encourage the social organizations and individuals to provide disabled persons with donations, assistance and services.

State organs, social groups, enterprises, public institutions, and urban and rural organizations at the grassroots level shall do a good job on disabled persons within their jurisdiction.

State functionaries and other personnel engaged in the work on disabled persons should fulfill their duties according to law, and endeavor to serve the disabled persons.

**Article 8** The China Disabled Persons' Federation (hereinafter referred to as the CDPF) and its local branches shall, in the common interest of disabled persons, protect the lawful rights and interests of disabled persons, unite and educate disabled persons, and serve disabled persons.

The CDPF and its local branches shall, under relevant laws, regulations, articles of association or government authorization, carry out the work on disabled persons, and mobilize social forces to develop the cause of disabled persons.

**Article 9** The supporters of disabled persons must perform their obligation to support the disabled person.

The guardians of disabled persons must perform their duties of guardianship, and respect the wills and protect the lawful rights and interests of the persons under guardianship.

The family members and guardians of disabled persons shall encourage and help the disabled persons to build up their self-reliance capabilities.

**第四条** 国家采取辅助方法和扶持措施,对残疾人给予特别扶助,减轻或者消除残疾影响和外界障碍,保障残疾人权利的实现。

(相关资料: 修订沿革 条文释义)

**第五条** 县级以上人民政府应当将残疾人事业纳入国民经济和社会发展规划,加强领导,综合协调,并将残疾人事业经费列入财政预算,建立稳定的经费保障机制。

国务院制定中国残疾人事业发展纲要,县级以上地方人民政府根据中国残疾人事业发展纲要,制定本行政区域的残疾人事业发展规划和年度计划,使残疾人事业与经济、社会协调发展。

县级以上人民政府负责残疾人工作的机构,负责组织、协调、指导、督促有关部门做好残疾人事业的工作。

各级人民政府和有关部门,应当密切联系残疾人,听取残疾人的意见,按照各自的职责,做好残疾人工作。

(相关资料: 修订沿革 条文释义)

**第六条** 国家采取措施,保障残疾人依照法律规定,通过各种途径和形式,管理国家事务,管理经济和文化事业,管理社会事务。

制定法律、法规、规章和公共政策,对涉及残疾人权益和残疾人事业的重大问题,应当听取残疾人和残疾人组织的意见。

残疾人和残疾人组织有权向各级国家机关提出残疾人权益保障、残疾人事业发展等方面的意见和建议。

(相关资料: 条文释义)

**第七条** 全社会应当发扬人道主义精神,理解、尊重、关心、帮助残疾人,支持残疾人事业。

国家鼓励社会组织和个人为残疾人提供捐助和服务。

国家机关、社会团体、企事业单位和城乡基层群众性自治组织,应当做好所属范围内的残疾人工作。

从事残疾人工作的国家工作人员和其他人员,应当依法履行职责,努力为残疾人服务。

(相关资料: 修订沿革 条文释义)

**第八条** 中国残疾人联合会及其地方组织,代表残疾人的共同利益,维护残疾人的合法权益,团结教育残疾人,为残疾人服务。

中国残疾人联合会及其地方组织依照法律、法规、章程或者接受政府委托,开展残疾人工作,动员社会力量,发展残疾人事业。

(相关资料: 地方法规1篇 修订沿革 条文释义)

**第九条** 残疾人的扶养人必须对残疾人履行扶养义务。

残疾人的监护人必须履行监护职责,尊重被监护人的意愿,维护被监护人的合法权益。

残疾人的亲属、监护人应当鼓励和帮助残疾人增强自立能力。

禁止对残疾人实施家庭暴力,禁止虐待、遗弃残疾

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Disabled persons shall abide by laws and regulations, perform their due obligations, observe the public order and respect the social ethics.

**Article 11** The State shall, in a planned manner, carry out the disability prevention work, strengthen the leadership in this regard, publicize and popularize the knowledge about maternal and child health care and prevention of disabilities, establish a sound mechanism for the prevention, early detection and early treatment of birth defects, and in view of such disability-causing factors as heredity, disease, medicine, accident, calamity and environmental pollution, organize and mobilize social forces to take measures to prevent the occurrence and reduce the degree of disability.

The state shall establish a sound statistical investigation system for disabled persons so as to conduct statistical investigation and analysis of the status of disabled persons.

**Article 12** The state and society shall provide special assurance, benefits and preferential treatments to the disabled servicemen, line-of-duty disabled persons and other persons sustaining disability for protecting the interests of the state and the people.

**Article 13** The people's governments at all levels and relevant departments shall commend and award those disabled persons who have made outstanding achievements in the socialist construction and those entities and individuals who have made remarkable contributions to safeguarding the lawful rights and interests of, promoting the cause of and providing services to disabled persons.

**Article 14** The third Sunday of May each year shall be the National Day of Assisting Disabled Persons.

## Chapter II Rehabilitation

**Article 15** The state shall ensure the disabled persons' right to enjoy rehabilitation services.

The people's governments at all levels and relevant governments shall adopt measures to create favorable conditions for the rehabilitation of disabled persons, establish and improve disabled persons rehabilitation service system, carry out key rehabilitation projects in phases, help disabled persons resume normal functions or compensate for lost functions, and enhance their ability to participate in social life.

**Article 16** The rehabilitation work shall start from the reality, combine modern rehabilitation techniques with traditional Chinese rehabilitation techniques, regard the community as the base and the rehabilitation institutions as the core, and rely on the families of disabled persons; shall lay emphases on the rehabilitation projects which are practical, accessible and widely beneficial, and give priority to the salvage treatment and rehabilitation of disabled children. Scientific technologies meeting the rehabilitation requirements shall be developed, independent innovations shall be encouraged, and research, exploration and application of new rehabilitation technologies shall be strengthened, so as to provide more effective rehabilitation services to disabled persons.

**Article 17** The people's governments at all levels shall encourage and support social forces setting up rehabilitation institutions for disabled persons.

The local people's governments at all levels and relevant departments shall organize and direct the urban and rural community service organizations, medical treatment, prevention and healthcare institutions, organizations of disabled persons, families of disabled persons and other social forces to carry out the community rehabilitation work.

The educational institutions, welfare entities and other service institutions for disabled persons shall create conditions to carry out rehabilitation training activities.

Disabled persons shall, under the instructions of professionals and with the assistance from relevant workers, volunteers and family members, actively take part in the training on functional recovery, self-care ability and work skills.

残疾人应当遵守法律、法规,履行应尽的义务,遵守公共秩序,尊重社会公德。

(相关资料: [修订沿革](#) [条文释义](#))

**第十一条** 国家有计划地开展残疾预防工作,加强对残疾预防工作的领导,宣传、普及母婴保健和预防残疾的知识,建立健全出生缺陷预防和早期发现、早期治疗机制,针对遗传、疾病、药物、事故、灾害、环境污染和其他致残因素,组织和动员社会力量,采取措施,预防残疾的发生,减轻残疾程度。

国家建立健全残疾人统计调查制度,开展残疾人状况的统计调查和分析。

(相关资料: [修订沿革](#) [条文释义](#))

**第十二条** 国家和社会对残疾军人、因公致残人员以及其他为维护国家和人民利益致残的人员实行特别保障,给予抚恤和优待。

(相关资料: [修订沿革](#) [条文释义](#))

**第十三条** 对在社会主义建设做出显著成绩的残疾人,对维护残疾人合法权益、发展残疾人事业、为残疾人服务做出显著成绩的单位和个人,各级人民政府和有关部门给予表彰和奖励。

(相关资料: [修订沿革](#) [条文释义](#))

**第十四条** 每年5月的第三个星期日为全国助残日。

(相关资料: [修订沿革](#) [条文释义](#))

## 第二章 康 复

**第十五条** 国家保障残疾人享有康复服务的权利。

各级人民政府和有关部门应当采取措施,为残疾人康复创造条件,建立和完善残疾人康复服务体系,并分阶段实施重点康复项目,帮助残疾人恢复或者补偿功能,增强其参与社会生活的能力。

(相关资料: [修订沿革](#) [条文释义](#))

**第十六条** 康复工作应当从实际出发,将现代康复技术与我国传统康复技术相结合;以社区康复为基础,康复机构为骨干,残疾人家庭为依托;以实用、易行、受益广的康复内容为重点,优先开展残疾儿童抢救性治疗和康复;发展符合康复要求的科学技术,鼓励自主创新,加强康复新技术的研究、开发和应用,为残疾人提供有效的康复服务。

(相关资料: [修订沿革](#) [条文释义](#))

**第十七条** 各级人民政府鼓励和扶持社会力量兴办残疾人康复机构。

地方各级人民政府和有关部门,应当组织和指导城乡社区服务组织、医疗预防保健机构、残疾人组织、残疾人家庭和其他社会力量,开展社区康复工作。

残疾人教育机构、福利性单位和其他为残疾人服务的机构,应当创造条件,开展康复训练活动。

残疾人在专业人员的指导和有关工作人员、志愿者及亲属的帮助下,应当努力进行功能、自理能力和劳动技能的训练。

(相关资料: [修订沿革](#) [条文释义](#))

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**Article 19** Medical colleges and universities and other relevant educational institutions shall, in a planned manner, offer rehabilitation courses and related majors so as to foster various rehabilitation professionals.

The government and the society shall provide various forms of technical training for personnel engaged in the rehabilitation work, popularize knowledge of rehabilitation among disabled persons, their family members, relevant staff members and volunteers, and teach them methods of rehabilitation.

**Article 20** The relevant departments of the government shall organize and support the scientific research, production, supply and maintenance of rehabilitation appliances and auxiliary devices for disabled persons.

### Chapter III Education

**Article 21** The State shall ensure the disabled persons' equal right to education.

The people's governments at all levels shall regard the education of disabled persons as an integral part of the national educational cause, make an overall plan, strengthen the leadership, and create conditions for disabled persons to receive education.

The government, society and schools shall take effective measures to solve the actual difficulties in the schooling of disabled children and teenagers, and help them finish the compulsory education.

The people's governments at all levels shall provide gratuitous textbooks to disabled students and students from poor families of disabled persons receiving compulsory education and give them boarding stipend and other subsidies; and under the relevant provisions of the state, provide aids to disabled students and students from poor families of disabled persons receiving education other than the compulsory education.

**Article 22** The guideline of "combining popularization with quality enhancement and laying an emphasis on popularization" shall be observed in the education of disabled persons. The compulsory education shall be ensured, an emphasis shall be laid on the vocational education, the preschool education shall be actively carried out, and the education at and above the senior middle school level shall be gradually developed.

**Article 23** The education of disabled persons shall be carried out on the basis of their physical and psychological features and according to the following requirements:

- (1) Strengthening physical and psychological compensation and vocational training while providing ideological and cultural education;
- (2) Adopting normal or special education methods according to the disability category and receivability; and
- (3) The curricula, teaching materials, teaching methods and age requirements for admission and schooling for special education may be of appropriate flexibility.

**Article 24** The people's governments at and above the county level shall, on the basis of the number, distribution, disability categories and other factors of disabled persons, reasonably set up educational institutions for disabled persons, and encourage the social forces to run schools and donate funds to schools.

**Article 25** Ordinary educational institutions shall provide education to those disabled persons capable of receiving ordinary education, and offer convenience and aid for their study.

Ordinary primary schools and junior middle schools must admit disabled children or teenagers who are able to adapt themselves to the life and study there. Ordinary senior middle schools, secondary occupational schools and higher education institutions must admit disabled students who meet the admission requirements of the state, and shall not refuse to admit them for their disabilities. In case of refusal, the disabled student or his relative or guardian may require the relevant authority to deal with it, and the relevant authority shall order the school to admit the student.

Ordinary nursery education institutions shall admit disabled children who are able to adapt themselves to the life there.

**第十九条** 医学院校和其他有关院校应当有计划地开设康复课程, 设置相关专业, 培养各类康复专业人才。

政府和社会采取多种形式对从事康复工作的人员进行技术培训; 向残疾人、残疾人亲属、有关工作人员和志愿工作者普及康复知识, 传授康复方法。

(相关资料: [修订沿革 条文释义](#))

**第二十条** 政府有关部门应当组织和扶持残疾人康复器械、辅助器具的研制、生产、供应、维修服务。

(相关资料: [修订沿革 条文释义](#))

### 第三章 教育

**第二十一条** 国家保障残疾人享有平等接受教育的权利。

各级人民政府应当将残疾人教育作为国家教育事业的组成部分, 统一规划, 加强领导, 为残疾人接受教育创造条件。

政府、社会、学校应当采取有效措施, 解决残疾儿童、少年就学存在的实际困难, 帮助其完成义务教育。

各级人民政府对接受义务教育的残疾学生、贫困残疾人家庭的学生提供免费教科书, 并给予寄宿生活费等费用补助; 对接受义务教育以外其他教育的残疾学生、贫困残疾人家庭的学生按照国家有关规定给予资助。

(相关资料: [修订沿革 条文释义](#))

**第二十二条** 残疾人教育, 实行普及与提高相结合、以普及为重点的方针, 保障义务教育, 着重发展职业教育, 积极开展学前教育, 逐步发展高级中等以上教育。

(相关资料: [地方法规1篇 修订沿革 条文释义](#))

**第二十三条** 残疾人教育应当根据残疾人的身心特性和需要, 按照下列要求实施:

- (一) 在进行思想教育、文化教育的同时, 加强身心补偿和职业教育;
- (二) 依据残疾类别和接受能力, 采取普通教育方式或者特殊教育方式;
- (三) 特殊教育的课程设置、教材、教学方法、入学和在校年龄, 可以有适度弹性。

(相关资料: [修订沿革 条文释义](#))

**第二十四条** 县级以上人民政府应当根据残疾人的数量、分布状况和残疾类别等因素, 合理设置残疾人教育机构, 并鼓励社会力量办学、捐资助学。

(相关资料: [修订沿革 条文释义](#))

**第二十五条** 普通教育机构对具有接受普通教育能力的残疾人实施教育, 并为其学习提供便利和帮助。

普通小学、初级中等学校, 必须招收能适应其学习生活的残疾儿童、少年入学; 普通高级中等学校、中等职业学校和高等学校, 必须招收符合国家规定的录取要求的残疾考生入学, 不得因其残疾而拒绝招收; 拒绝招收的, 当事人或者其亲属、监护人可以要求有关部门处理, 有关部门应当责令该学校招收。

普通幼儿教育机构应当接收能适应其生活的残疾幼儿。

(相关资料: [修订沿革 条文释义](#))

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attached to ordinary education institutions shall offer compulsory education to disabled children and teenagers incapable of receiving ordinary education.

Special education institutions at and above the senior middle school level, special education classes attached to ordinary education institutions, and occupational education institutions for disabled persons shall provide the eligible disabled persons with literate education and occupational education at or above the senior middle school level.

An institution providing special education shall have places and facilities commensurate with the features of disabled persons in their study, rehabilitation and living.

**Article 27** The relevant departments of the government, employers of disabled persons and relevant social organizations shall carry out anti-illiteracy education, vocational training, business-starting training and other forms of adult education for disabled persons, and encourage them to become talents through self-study.

**Article 28** The state shall, in a planned manner, set up various levels and categories of teachers colleges and universities and majors for special education, and attach special education classes to ordinary teachers colleges and universities, to educate and train teachers for special education. Ordinary teachers colleges and universities shall offer courses or lectures on special education so that ordinary teachers could have the necessary knowledge of special education.

Teachers of special education and sign language interpreters shall enjoy allowances for special education.

**Article 29** The relevant departments of the government shall organize and support the research and application of Braille and sign language, the compilation and publication of special education teaching materials, and the research, production and supply of teaching apparatus and other auxiliary articles for special education.

#### Chapter IV Employment

**Article 30** The state shall ensure disabled persons' right to work.

The people's governments at all levels shall work out overall plans on the employment of disabled persons, and create conditions for their employment.

**Article 31** The guideline of "combining centralization with diffusion" shall be followed in the employment of disabled persons. Preferential policies and supportive and protective measures shall be adopted to gradually popularize, stabilize and rationalize the employment of disabled persons through multiple channels, at various levels and in a variety of forms.

**Article 32** The government and the society shall set up welfare enterprises for disabled persons, blind man massage institutions and other welfare entities to arrange centralized employment of disabled persons

**Article 33** The state shall adopt the pro rata employment arrangement system for disabled persons.

A state organ, social group, enterprise, public institution or private non-enterprise entity shall arrange employment of disabled persons in a prescribed proportion, and choose proper types of work and posts for them. If the prescribed proportion is not reached, it shall perform the obligation to ensure the employment of disabled persons under the relevant provisions of the state. The state shall encourage the entity employers to arrange employment of disabled persons in excess of the prescribed proportion.

The specific measures for the employment of disabled persons shall be formulated by the State Council.

**Article 34** The state shall encourage and support disabled persons choosing or carving out a career independently.

高级中等以上特殊教育机构、普通教育机构附设的特殊教育班和残疾人职业教育机构,对符合条件的残疾人实施高级中等以上文化教育、职业教育。

提供特殊教育的机构应当具备适合残疾人学习、康复、生活特点的场所和设施。

(相关资料: [修订沿革](#) [条文释义](#))

**第二十七条** 政府有关部门、残疾人所在单位和有关社会组织应当对残疾人开展扫除文盲、职业培训、创业培训和其他成人教育,鼓励残疾人自学成才。

(相关资料: [修订沿革](#) [条文释义](#))

**第二十八条** 国家有计划地举办各级各类特殊教育师范院校、专业,在普通师范院校附设特殊教育班,培养、培训特殊教育师资。普通师范院校开设特殊教育课程或者讲授有关内容,使普通教师掌握必要的特殊教育知识。

特殊教育教师和手语翻译,享受特殊教育津贴。

(相关资料: [修订沿革](#) [条文释义](#))

**第二十九条** 政府有关部门应当组织和扶持盲文、手语的研究和应用,特殊教育教材的编写和出版,特殊教育教学用具及其他辅助用品的研制、生产和供应。

(相关资料: [修订沿革](#) [条文释义](#))

#### 第四章 劳动就业

**第三十条** 国家保障残疾人劳动的权利。

各级人民政府应当对残疾人劳动就业统筹规划,为残疾人创造劳动就业条件。

(相关资料: [修订沿革](#) [条文释义](#))

**第三十一条** 残疾人劳动就业,实行集中与分散相结合的方针,采取优惠政策和扶持保护措施,通过多渠道、多层次、多种形式,使残疾人劳动就业逐步普及、稳定、合理。

(相关资料: [修订沿革](#) [条文释义](#))

**第三十二条** 政府和社会举办残疾人福利企业、盲人按摩机构和其他福利性单位,集中安排残疾人就业。

(相关资料: [修订沿革](#) [条文释义](#))

**第三十三条** 国家实行按比例安排残疾人就业制度。国家机关、社会团体、企业事业单位、民办非企业单位应当按照规定的比例安排残疾人就业,并为其选择适当的工种和岗位。达不到规定比例的,按照国家有关规定履行保障残疾人就业义务。国家鼓励用人单位超过规定比例安排残疾人就业。

残疾人就业的具体办法由国务院规定。

(相关资料: [修订沿革](#) [条文释义](#))

**第三十四条** 国家鼓励和扶持残疾人自主择业、自主创业。

(相关资料: [修订沿革](#) [条文释义](#))

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**Article 36** To an entity employer that has reached or exceeded the prescribed proportion for arranging employment of disabled persons or has employed disabled persons in a centralized manner, or to a disabled person engaged in an individual business, the state shall give tax preferences and support in such aspects as production, business operation, technology, capital, materials and place according to law. The state shall exempt a disabled person engaging in an individual business from the administrative charges according to law.

The people's governments at and above the county level and relevant departments shall determine the products or projects which are appropriate for disabled persons to produce or operate, give priority to arranging welfare entities for disabled persons to produce or operate the said products or projects, and in light of the production features of welfare entities for disabled persons, determine some products to be exclusively produced by welfare entities for disabled persons.

In the case of government procurement, under equal terms and conditions, priority shall be given to the purchase of products or services of welfare entities for disabled persons.

The local people's governments at all levels shall create posts for the public good which are fit for the employment of disabled persons.

Where a disabled person applies for being engaged in an individual business, the relevant department shall give priority to the issuance of business license to him.

For rural disabled persons engaged in various kinds of production, the relevant departments shall assist them in such aspects as production services, technical guidance, supply of agricultural materials, purchase and sale of agricultural and sideline products and grant of credit.

**Article 37** The public employment service agencies established by the relevant departments of the government shall provide gratuitous employment services to disabled persons.

The employment service agencies set up by the CDPF shall organize and carry out gratuitous vocational guidance, job referral and vocational training, and provide services and assistance for disabled persons to get employed and for entity employers to employ disabled persons.

**Article 38** The state shall protect the property ownership and the managerial decision-making power of welfare entities for disabled persons, and their lawful rights and interests shall not be infringed upon.

No discrimination shall be practiced against disabled persons in the employment, status regularization, promotion, determination of technical and professional titles, labor remunerations, welfare, rest and vacation, social insurances, etc., of employees.

An entity employer of disabled employees shall, in light of the features of disabled employees, provide them with proper working conditions and protection, and in light of their actual needs, renovate the working place, equipment and living facilities.

The state shall take measures to protect the lawful rights and interests of blind man healthcare and medical massage practitioners.

**Article 39** An entity employer of disabled persons shall carry out in-service technical training of disabled employees so as to enhance their work skills and technical level.

**Article 40** No entity or individual shall force any disabled person to work by means of violence, threat or illegal restriction of personal freedom.

## Chapter V Cultural Life

**Article 41** The state shall ensure that disabled persons enjoy an equal right to participate in the cultural life.

The people's governments at all levels and relevant departments shall encourage and help disabled persons to participate in various cultural, sports and recreational activities, and actively create conditions to enrich the spiritual and cultural life of disabled persons.

**第三十六条** 国家对安排残疾人就业达到、超过规定比例或者集中安排残疾人就业的用人单位和从事个体经营的残疾人,依法给予税收优惠,并在生产、经营、技术、资金、物资、场地等方面给予扶持。国家对从事个体经营的残疾人,免除行政事业性收费。

县级以上地方人民政府及其有关部门应当确定适合残疾人生产、经营的产品、项目,优先安排残疾人福利性单位生产或者经营,并根据残疾人福利性单位的生产特点确定某些产品由其专产。

政府采购,在同等条件下应当优先购买残疾人福利性单位的产品或者服务。

地方各级人民政府应当开发适合残疾人就业的公益性岗位。

对申请从事个体经营的残疾人,有关部门应当优先核发营业执照。

对从事各类生产劳动的农村残疾人,有关部门应当在生产服务、技术指导、农用物资供应、农副产品购销和信贷等方面,给予帮助。

(相关资料: [修订沿革](#) [条文释义](#))

**第三十七条** 政府有关部门设立的公共就业服务机构,应当为残疾人免费提供就业服务。

残疾人联合会举办的残疾人就业服务机构,应当组织开展免费的职业指导、职业介绍和职业培训,为残疾人就业和用人单位招用残疾人提供服务和帮助。

(相关资料: [条文释义](#))

**第三十八条** 国家保护残疾人福利性单位的财产所有权和经营自主权,其合法权益不受侵犯。

在职工的招用、转正、晋级、职称评定、劳动报酬、生活福利、休息休假、社会保险等方面,不得歧视残疾人。

残疾职工所在单位应当根据残疾职工的特点,提供适当的劳动条件和劳动保护,并根据实际需要对其劳动场所、劳动设备和生活设施进行改造。

国家采取措施,保障盲人保健和医疗按摩人员从业的合法权益。

(相关资料: [修订沿革](#) [条文释义](#))

**第三十九条** 残疾职工所在单位应当对残疾职工进行岗位技术培训,提高其劳动技能和技术水平。

(相关资料: [修订沿革](#) [条文释义](#))

**第四十条** 任何单位和个人不得以暴力、威胁或者非法限制人身自由的手段强迫残疾人劳动。

(相关资料: [条文释义](#))

## 第五章 文化生活

**第四十一条** 国家保障残疾人享有平等参与文化生活的权利。

各级人民政府和有关部门鼓励、帮助残疾人参加各种文化、体育、娱乐活动,积极创造条件,丰富残疾人精神文化生活。

(相关资料: [修订沿革](#) [条文释义](#) [相关论文1篇](#))

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**Article 43** The government and society shall take the following measures to enrich the spiritual and cultural life of disabled persons:

1. To serve disabled persons by timely publicizing and reporting information about the work and life of disabled persons through radio, film, television, newspapers and periodicals, books, network and other channels;
2. To organize and support the compilation and publication of Braille readers, talking books for visually impaired persons and other readers for disabled persons, and in light of the actual needs of visually impaired persons, set up reading rooms of Braille readers and talking books for visually impaired persons in a public library;
3. To launch television programs in sign language and special radio programs for disabled persons, and promote the adding of captions or narrations to television columns and film and television works;
4. To organize and support disabled persons carrying out mass cultural, sports and recreational activities, hold special artistic performances and sports games for disabled persons, and participate in international games and exchanges; and
5. To provide convenience and care for disabled persons at the cultural, sports, recreational and other public activity places, and set up activity places for disabled persons in a planned manner.

**Article 44** The government and society shall encourage and help disabled persons to be engaged in literature, art, education, science, technology and other creative work for the benefit of the people.

**Article 45** The government and society shall promote the mutual understanding and communication between disabled persons and other citizens, publicize the cause of disabled persons and deeds of support of disabled persons, carry forward the unyielding spirit of disabled persons, and advocate a social fashion of solidarity, friendship and mutual assistance.

## Chapter VI Social Security

**Article 46** The state shall ensure that disabled persons enjoy all social security rights.

The government and society shall take measures to improve the social security for disabled persons so as to guarantee and improve the life of disabled persons.

**Article 47** Disabled persons and their entity employers shall participate in the social insurance under the relevant provisions of the state.

The urban and rural organizations at grassroots level and families of disabled persons shall encourage and help disabled persons to participate in the social insurance.

Social insurance subsidies shall be granted to disabled persons living with real hardships under the relevant provisions of the state.

**Article 48** The people's governments at all levels shall, through multiple channels, provide living, education, housing and other social aids to disabled persons living with real hardships.

The people's governments at and above the county level shall take other measures to ensure the basic life of families of disabled persons which enjoy the treatment of minimum living guarantee but still live with some particular hardships.

The people's governments at all levels shall, under the relevant provisions, provide aids to poverty-stricken disabled persons in such aspects as basic medical treatment, rehabilitation services, and allocation and replacement of necessary auxiliary devices.

The local people's governments at all levels shall, as the case may be, grant nursing subsidies to disabled persons who cannot take care of themselves in life.

**第四十三条** 政府和社会采取下列措施, 丰富残疾人的精神文化生活:

- (一) 通过广播、电影、电视、报刊、图书、网络等形式, 及时宣传报道残疾人的工作、生活等情况, 为残疾人服务;
  - (二) 组织和扶持盲文读物、盲人有声读物及其他残疾人读物的编写和出版, 根据盲人的实际需要, 在公共图书馆设立盲文读物、盲人有声读物图书室;
  - (三) 开办电视手语节目, 开办残疾人专题广播栏目, 推进电视栏目、影视作品加配字幕、解说;
  - (四) 组织和扶持残疾人开展群众性文化、体育、娱乐活动, 举办特殊艺术演出和残疾人体育运动会, 参加国际性比赛和交流;
  - (五) 文化、体育、娱乐和其他公共活动场所, 为残疾人提供方便和照顾。有计划地兴办残疾人活动场所。
- (相关资料: [修订沿革 条文释义](#))

**第四十四条** 政府和社会鼓励、帮助残疾人从事文学、艺术、教育、科学、技术和其他有益于人民的创造性劳动。

(相关资料: [地方法规1篇 修订沿革 条文释义](#))

**第四十五条** 政府和社会促进残疾人与其他公民之间的相互理解 and 交流, 宣传残疾人事业和扶助残疾人的事迹, 弘扬残疾人自强不息的精神, 倡导团结、友爱、互助的社会风尚。

(相关资料: [修订沿革 条文释义](#))

## 第六章 社会保障

**第四十六条** 国家保障残疾人享有各项社会保障的权利。

政府和社会采取措施, 完善对残疾人的社会保障, 保障和改善残疾人的生活。

(相关资料: [修订沿革 条文释义](#))

**第四十七条** 残疾人及其所在单位应当按照国家有关规定参加社会保险。

残疾人所在城乡基层群众性自治组织、残疾人家庭, 应当鼓励、帮助残疾人参加社会保险。

对生活确有困难的残疾人, 按照国家有关规定给予社会保险补贴。

(相关资料: [修订沿革 条文释义](#))

**第四十八条** 各级人民政府对生活确有困难的残疾人, 通过多种渠道给予生活、教育、住房和其他社会救助。

县级以上地方人民政府对享受最低生活保障待遇后生活仍有特别困难的残疾人家庭, 应当采取其他措施保障其基本生活。

各级人民政府对贫困残疾人的基本医疗、康复服务、必要的辅助器具的配置和更换, 应当按照规定给予救助。

对生活不能自理的残疾人, 地方各级人民政府应当根据情况给予护理补贴。

(相关资料: [修订沿革 条文释义](#))

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The support and nursing institutions for disabled persons and workers thereof shall not insult, maltreat and abandon disabled persons.

**Article 50** The people's government at and above the county level shall, in light of the actual circumstances, provide convenience and preferences to disabled persons taking public transport. Disabled persons may carry necessary personal auxiliary devices free of charge.

Visually impaired persons may, upon valid certificates, take urban buses, trolleybuses, subways and ferries free of charge. The mailing and delivery of Braille readers shall be free of charge.

The state shall encourage and support telecommunication, radio and television service providers granting preferences to visually and aurally impaired persons and persons with speech disability.

The people's governments at all levels shall gradually increase other care and support for disabled persons.

**Article 51** The relevant departments of the government and organizations of disabled persons shall establish and improve the channels for all walks of life to make donations and provide services to disabled persons, encourage and support the development of charity for disabled persons, and carry out such activities for the public good as volunteer assistance of disabled persons.

#### Chapter VII Barrier-free Environment

**Article 52** The state and society shall take measures to gradually improve the barrier-free facilities, boost the barrier-free information communication, and create a barrier-free environment for disabled persons' equal participation in the social life.

The people's governments at all levels shall make overall plans on, conduct comprehensive coordination and intensify the supervision over the construction of a barrier-free environment.

**Article 53** The construction and renovation of barrier-free facilities shall meet the actual needs of disabled persons.

Newly constructed, reconstructed or expanded buildings, roads and transport facilities shall follow the relevant national standards for the engineering construction of barrier-free facilities.

The people's governments at all levels and relevant departments shall, under the provisions of the state on the engineering construction of barrier-free facilities, gradually push forward the renovation of already built facilities, and give priority to the renovation of public service facilities closely relating to the daily work and life of disabled persons.

Barrier-free facilities shall be maintained and protected in a timely manner.

**Article 54** The state shall take measures to create conditions for the barrier-free information communication of disabled persons.

The people's governments at all levels and relevant departments shall take measures to provide convenience for disabled persons to access public information.

The state and society shall research and develop information communication technologies and products suitable for the use by disabled persons.

Where visually impaired persons take various entrance examinations, occupational qualification examinations and appointment examinations held by the state, Braille or electronic examination papers shall be provided to them, or special workers shall be arranged to offer assistance.

**Article 55** Public service institutions and public places shall create conditions to provide disabled persons with voice and word hints, sign language, Braille and other information communication services, and preferential and auxiliary services.

The public transport shall gradually satisfy the requirements for barrier-free facilities. Where conditions

待、遗弃残疾人。  
(相关资料: 修订沿革 条文释义 相关论文1篇)

**第五十条** 县级以上人民政府对残疾人搭乘公共交通工具,应当根据实际情况给予便利和优惠。残疾人可以免费携带随身必备的辅助器具。

盲人持有有效证件免费乘坐市内公共汽车、电车、地铁、渡船等公共交通工具。盲人读物邮件免费寄递。

国家鼓励和支持提供电信、广播电视服务的单位对盲人、听力残疾人、言语残疾人给予优惠。

各级人民政府应当逐步增加对残疾人的其他照顾和扶助。

(相关资料: 修订沿革 条文释义)

**第五十一条** 政府有关部门和残疾人组织应当建立和完善社会各界为残疾人捐助和服务的渠道,鼓励和支持发展残疾人慈善事业,开展志愿者助残等公益活动。

(相关资料: 条文释义)

#### 第七章 无障碍环境

**第五十二条** 国家和社会应当采取措施,逐步完善无障碍设施,推进信息交流无障碍,为残疾人平等参与社会生活创造无障碍环境。

各级人民政府应当对无障碍环境建设进行统筹规划,综合协调,加强监督管理。

(相关资料: 修订沿革 条文释义)

**第五十三条** 无障碍设施的建设和改造,应当符合残疾人的实际需要。

新建、改建和扩建建筑物、道路、交通设施等,应当符合国家有关无障碍设施工程建设标准。

各级人民政府和有关部门应当按照国家无障碍设施工程建设规定,逐步推进已建成设施的改造,优先推进与残疾人日常工作、生活密切相关的公共服务设施的改造。

对无障碍设施应当及时维修和保护。

(相关资料: 修订沿革 条文释义)

**第五十四条** 国家采取措施,为残疾人信息交流无障碍创造条件。

各级人民政府和有关部门应当采取措施,为残疾人获取公共信息提供便利。

国家和社会研制、开发适合残疾人使用的信息交流技术和产品。

国家举办的各类升学考试、职业资格考试和任职考试,有盲人参加的,应当为盲人提供盲文试卷、电子试卷或者由专门的工作人员予以协助。

(相关资料: 条文释义)

**第五十五条** 公共服务机构和公共场所应当创造条件,为残疾人提供语音和文字提示、手语、盲文等信息交流服务,并提供优先服务和辅助性服务。

公共交通工具应当逐步达到无障碍设施的要求。有条件的公共停车场应当为残疾人设置专用停车位。



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**Article 57** The state shall encourage and support the research and development of barrier-free auxiliary equipment and barrier-free transport means.

**Article 58** A visually impaired person who brings a guide dog into and out of a public place shall abide by the relevant provisions of the state.

#### Chapter VIII Legal Liability

**Article 59** Where any of the lawful rights and interests of a disabled person is infringed upon, the disabled person may file a complaint with the organization of disabled persons, and the organization of disabled persons shall protect the lawful rights and interests of disabled persons and have the right to require the relevant department or entity to investigate and deal with the case. The relevant department or entity shall legally investigate and deal with the case and make a reply.

Where a disabled person needs help in the protection of his lawful rights and interests through litigation, the organization of disabled persons shall give support to him.

The organization of disabled persons shall have the right to require the relevant department to legally investigate and deal with any conduct infringing upon the interests of a specific group of disabled persons.

**Article 60** Where any of the lawful rights and interests of a disabled person is infringed upon, the disabled person shall have the right to require the relevant department to deal with it, or apply to the arbitral institution for arbitration, or bring a lawsuit in the people's court according to law.

Where a disabled person really needs legal aid or judicial assistance for financial hardship or any other reason, the local legal aid agency or the people's court shall help him by granting legal aid or judicial assistance to him.

**Article 61** Where anyone, in violation of this Law, fails to investigate and deal with an appeal, petition or report on infringement upon any of the rights and interests of a disabled person by buck-passing, delay or suppression, or make vindictive attacks on the person who makes the appeal, petition or report, his entity employer, the competent authority or the superior organ shall order correction, and impose sanctions on the directly liable person in charge and other directly liable persons.

Where a state functionary fails to legally perform his duties and timely stop the conduct infringing upon any of the rights and interests of a disabled person or provide necessary assistance to the victim disabled person, causing severe consequences, his entity employer or the superior organ shall impose sanctions to the directly liable person in charge and other directly liable persons.

**Article 62** Where anyone, in violation of this Law, derogates the personal dignity of a disabled person through mass media or by other means, the cultural, radio, film and television, press and publication or any other relevant competent authority shall, according to its functions, order correction, and impose an administrative punishment on the violator.

**Article 63** Where a relevant educational institution, in violation of this Law, refuses to admit a disabled student, or restrict the admission of disabled students by any additional requirement beyond the admission requirements as prescribed by the state, the relevant competent authority shall order correction, and impose sanctions on the directly liable person in charge and other directly liable persons.

**Article 64** Where anyone, in violation of this Law, discriminates against a disabled person in employment or any other aspect, the relevant competent authority shall order correction; and the disabled worker may bring a lawsuit in the people's court.

**Article 65** Where a support or nursing institution or any worker thereof, in violation of this Law, insults, maltreats or abandons a disabled person, the directly liable person in charge and other directly liable persons shall be subject to sanctions; and if a violation of public security administration is constituted, they

**第五十七条** 国家鼓励和扶持无障碍辅助设备、无障碍交通工具的研制和开发。

(相关资料: 条文释义)

**第五十八条** 盲人携带导盲犬出入公共场所, 应当遵守国家有关规定。

(相关资料: 条文释义)

#### 第八章 法律责任

**第五十九条** 残疾人的合法权益受到侵害的, 可以向残疾人组织投诉, 残疾人组织应当维护残疾人的合法权益, 有权要求有关部门或者单位查处。有关部门或者单位应当依法查处, 并予以答复。

残疾人组织对残疾人通过诉讼维护其合法权益需要帮助的, 应当给予支持。

残疾人组织对侵害特定残疾人群体利益的行为, 有权要求有关部门依法查处。

(相关资料: 修订沿革 条文释义)

**第六十条** 残疾人的合法权益受到侵害的, 有权要求有关部门依法处理, 或者依法向仲裁机构申请仲裁, 或者依法向人民法院提起诉讼。

对有经济困难或者其他原因确需法律援助或者司法救助的残疾人, 当地法律援助机构或者人民法院应当给予帮助, 依法为其提供法律援助或者司法救助。

(相关资料: 修订沿革 条文释义)

**第六十一条** 违反本法规定, 对侵害残疾人权益行为的申诉、控告、检举, 推诿、拖延、压制不予查处, 或者对提出申诉、控告、检举的人进行打击报复的, 由其在单位、主管部门或者上级机关责令改正, 并依法对直接负责的主管人员和其他直接责任人员给予处分。

国家工作人员未依法履行职责, 对侵害残疾人权益的行为未及时制止或者未给予受害残疾人必要帮助, 造成严重后果的, 由其在单位或者上级机关依法对直接负责的主管人员和其他直接责任人员给予处分。

(相关资料: 修订沿革 条文释义)

**第六十二条** 违反本法规定, 通过大众传播媒介或者其他方式贬低损害残疾人人格的, 由文化、广播电影电视、新闻出版或者其他有关主管部门依据各自的职权责令改正, 并依法给予行政处罚。

(相关资料: 条文释义)

**第六十三条** 违反本法规定, 有关教育机构拒不接收残疾学生入学, 或者在国家规定的录取要求以外附加条件限制残疾学生就学的, 由有关主管部门责令改正, 并依法对直接负责的主管人员和其他直接责任人员给予处分。

(相关资料: 条文释义)

**第六十四条** 违反本法规定, 在职工的招聘等方面歧视残疾人的, 由有关主管部门责令改正; 残疾人劳动者可以依法向人民法院提起诉讼。

(相关资料: 条文释义)

**第六十五条** 违反本法规定, 供养、托养机构及其工作人员侮辱、虐待、遗弃残疾人的, 对直接负责的主管人员和其他直接责任人员依法给予处分; 构成犯罪的, 依法追究刑事责任。

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building, road or traffic facility, or fails to timely maintain and protect any barrier-free facility, causing any consequences, the relevant competent authority shall deal with it according to law.

**Article 67** Where anyone, in violation of this Law, infringes upon any of the lawful rights and interests of a disabled person, and any other law or regulation provides for any administrative punishment, such a law or regulation shall apply. If any property loss or other damage is caused, the violator shall bear the civil liability. If a crime is constituted, the violator shall be subject to the criminal liability.

Chapter IX Supplementary Provisions

**Article 68** This Law shall come into force as of July 1, 2008.

设标准, 或者对无障碍设施未进行及时维修和保护造成后果的, 由有关主管部门依法处理。

(相关资料: [条文释义](#))

**第六十七条** 违反本法规定, 侵害残疾人的合法权益, 其他法律、法规规定行政处罚的, 从其规定; 造成财产损失或者其他损害的, 依法承担民事责任; 构成犯罪的, 依法追究刑事责任。

(相关资料: [修订沿革 条文释义](#))

第九章 附 则

**第六十八条** 本法自2008年7月1日起施行。

(相关资料: [修订沿革 条文释义](#))

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