Health Care Reform

The Chinese government and Communist Party advanced policy priorities for health care reform during the Commission’s 2016 reporting year. Among them was a January 2016 announcement merging the New Rural Cooperative Medical Scheme (NRCMS) and the Urban Resident-Based Basic Medical Insurance Scheme (URBMI), two of China’s three health insurance schemes, to improve medical access and resources in rural areas for 802 million people covered by NRCMS and the distribution of benefits for 314 million people covered by URBMI. While precursor pilot projects that consolidated NRCMS and URBMI reported positive effects, uniform management of the merged schemes may be a challenge, according to one health official, because local-level governments are authorized to choose the government agency responsible for local oversight. In addition, migrant workers may lack adequate coverage under the merger unless the government addresses the limited portability of insurance benefits across provincial lines.

Government entities also addressed the problem of “commotions at hospitals” (yi’nao) that have flared up over patient-doctor disputes and grievances with medical treatment, some of which have become violent and resulted in fatalities of medical personnel. Four ministries issued measures in March 2016 to improve hospital security. In addition, in the Ninth Amendment to the PRC Criminal Law, which became effective in November 2015, impeding medical care was specified as a “social order” disturbance under Article 290, thereby strengthening the legal basis to impose harsher criminal penalties in the prosecution of yi’nao.

Transparency and Accountability

Propaganda officials issued censorship directives to media outlets to prohibit reporting on health-related issues deemed politically sensitive—such as patient-doctor disputes and scalping tickets to shorten patients’ wait times in hospital lines—or to limit coverage to authorized versions of the news—such as the U.S. Government’s blocking two shipments of contaminated pharmaceutical products from Tianjin municipality for import to the United States. A state-funded news outlet’s article in March 2016 about a business in Shandong province that distributed unrefrigerated vaccines in more than 20 provinces since 2010 was “taken offline,” and a censorship directive instructed that there be no further reprints or “hyp[ing]” of the article. The news about the vaccines generated considerable public concern, including joint letters from lawyer groups to high-level government entities that demanded government accountability, access to information, and stronger legal remedies. Official media and the government later reported on the government’s actions to investigate the perpetrators of the illegal vaccine business as well as possible health risks from tainted vaccines.

Parents who advocated for government accountability over harm to their children’s health and well-being encountered a range of official responses. In March 2016, for example, public security offi-
cials in Beijing municipality criminally detained five parent advocates for 30 days for protesting problematic vaccines. In April, authorities reportedly transferred 1,000 parents participating in a protest outside the National Health and Family Planning Commission in Beijing to an unofficial detention center. Some of the parents at that protest reportedly filed lawsuits before being detained.

Implementation of the PRC Mental Health Law

Forcibly committing individuals without mental illness to psychiatric facilities (bei jingshenbing) as a “form of retaliation and punishment by Chinese authorities against activists and government critics” reportedly remains a serious problem in China despite the PRC Mental Health Law’s (MHL) prohibition of such abuse. Prior to the UN Committee against Torture’s review of China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention) in November 2015, a network of human rights organizations highlighted the case of the ongoing psychiatric hospitalization of a former factory worker, Xing Shiku, as an example of the Chinese government’s disregard for its obligations as a State Party to the Convention. Other cases of individuals who remain detained in psychiatric facilities against their will for reportedly politically motivated reasons include Xia Funian, Wang Hedi, Xu Dajin, Wang Shou’an, and Zhang Wenhe.

The Chinese government has prioritized mental health policy as part of the “right to health” in national human rights efforts in recent years, yet officials and experts have observed a range of challenges in the implementation of the MHL since it became effective in 2013. These challenges include gaps in the legal framework regarding compulsory treatment and involuntary hospitalization procedures; a need for more psychiatric facilities and community-based rehabilitation services, and the psychiatrists and mental health specialists to staff them; poor coordination of responsibilities among the government agencies tasked with mental health work; and the financial burdens of accessing medical treatment without adequate insurance. Some localities issued plans to implement the National Mental Health Work Plan (2015–2020) with the launch of pilot projects in 37 municipalities and the drafting of new or revised local mental health regulations. A focus on individuals with severe mental disorders deemed at risk of violent behavior is evident in the national and local mental health policy agendas. Wang Guoqiang, Vice Minister of the National Health and Family Planning Commission, reportedly stated in June 2016 that new pilot projects should “strengthen the management work of those with severe mental disorders who are at risk of causing disruptive incidents and troubles [zhaoshi zhaohuo].” A Party-run media outlet, however, reported that the rate of “disruptive” incidents committed by individuals with mental illness is lower than that of the population at large, yet public stigma against those with psychosocial disorders persists.
Rights Protection and Health-Based Discrimination

Although Chinese laws and regulations contain provisions to prohibit discrimination due to disability and some health-based conditions, two Chinese scholars observed a gap between law and practice in rights protection for persons with disabilities in a law review article of March 2016, noting the “phenomenon of ‘heavy legislation, light implementation’” and infrequent citation in court decisions to laws protecting the rights of persons with disabilities. Provisions on employment discrimination and the right to work in the PRC Law on the Protection of the Rights of Persons with Disabilities were cited in a case dating from 2014 among a group of 10 model cases published by the Supreme People’s Court in May 2016, all of which featured the protection of the rights of persons with disabilities. In the 2014 case’s second instance (appeals) court decision, those provisions were used as the legal basis to dismiss the employer-defendant’s claim that the employee-plaintiff had misled the company by not stating she had a disability when she signed a labor contract. In May, a court in Guizhou province awarded financial compensation to the plaintiff in a case that legal experts noted was the first in which a court found in favor of a plaintiff claiming employment discrimination due to HIV/AIDS.

The court verdict reportedly did not acknowledge the incident as employment discrimination. Persons with disabilities and health-related conditions in China continued to face obstacles in attaining equal access to employment and education. In July and August 2016, for example, official media outlets reported on two cases in which individuals with visual impairments were denied university enrollment and government employment based on physical eligibility standards. Five lawyers subsequently called for a governmental review of the physical eligibility standards for university enrollment. Rights Defense Network, moreover, reported on blind individuals who faced harassment and detention for advocacy. In November 2015, authorities in Hefei municipality, Anhui province, took at least five blind advocates into custody for blocking an elevator while they sought to meet with the director of the Hefei branch of the China Disabled Persons Federation about access to welfare and social services.
Notes to Section II—Public Health

1 China’s 13th Five-Year Plan, Hearing of the U.S.-China Economic and Security Review Commission, 27 April 16, Testimony of Yanzhong Huang, Senior Fellow for Global Health, Council on Foreign Relations and Professor, School of Diplomacy and International Relations, Seton Hall University, 2.


12 China Digital Times, a news aggregation website based in California, translates propaganda directives and posts them to its website under the heading Ministry of Truth at http://chinadigitaltimes.net/china/directives-from-the-ministry-of-truth/.


20 Chen Fei, “SPP To Supervise Handling of Illegal Vaccine Business Cases” [Zuigaojian guapai duban feisa jingying yimiao xilie an], Xinhu, 22 March 16; “Illegal Vaccine Business Investigative Group From Multiple Agencies Arrives in Shandong and Starts Handling Investigative Work” [Shandong ji’an feisa jingying yimiao xilie anjian bumen lianhe diaocha zu fu shandong kaizhan anjian diaocha chuli gengzuo], Xinhu, 29 March 16; National Health and Family Planning Commission, “Risk Assessment Report: Safety and Effectiveness of Suspect Vaccines From the Cases of the Illegal Vaccine Business in Ji’an, Shandong” [Shandong ji’an feisa jingying yimiao xilie anjian she’an yimiao jiezong amanzhang he youxiaoxing fengxian gengzuo baogao], 13 April 16.

21 Rights Defense Network, “Vaccine Victim Yi Wenlong, Accused of 'Picking Quarrels and Provoking Trouble' Was Among Five Criminaly Detained, All Were Released” [Bei kong “xunxin zishi” zao xingju de yimiao shouhuzhi yi yizheng ding wu ren yi quanbei shifang], 12 April 16. For an example of an individual detained for discussing the tainted vaccines on social media, see Human Rights Campaign in China, “Because Hunan Citizen Liu Junjun Discussed the Tainted Vaccines Incident in a WeChat Friend Group, Authorities Administratively Detained Him for Six Days for Intentionally Disrupting Public Order” [Hunan gongmin liu junjun yin zai weixin pengyou quan tuoliu du yimiao shijian zao dangji yi guyi ruanzuang gonggong xizhu zui xingzheng jiaju liu tian], 6 April 16.

22 Chinese Parents Sue Amid Protests Over Tainted Vaccines,” Radio Free Asia, 19 April 16.

23 Ibid.


26 Chen Fei, “SPP To Supervise Handling of Illegal Vaccine Business Cases” [Zuigaojian guapai duban feisa jingying yimiao xilie an], Xinhu, 22 March 16; “Illegal Vaccine Business Investigative Group From Multiple Agencies Arrives in Shandong and Starts Handling Investigative Work” [Shandong ji’an feisa jingying yimiao xilie anjian bumen lianhe diaocha zu fu shandong kaizhan anjian diaocha chuli gengzuo], Xinhu, 29 March 16; National Health and Family Planning Commission, “Risk Assessment Report: Safety and Effectiveness of Suspect Vaccines From the Cases of the Illegal Vaccine Business in Ji’an, Shandong” [Shandong ji’an feisa jingying yimiao xilie anjian she’an yimiao jiezong amanzhang he youxiaoxing fengxian gengzuo baogao], 13 April 16.


31 Shen Fan and Zhao Fuduo, “Prevent ‘Forcible Commitment to Psychiatric Facilities,’ Scholar Recommends Compulsory Treatment Be Incorporated Into Human Rights Protection System” [Fangzhi “bei jingshenbing” xuezhe jianli yiqian yixiao naru renquan baohu zhi xiu], Caixin, 15 June 16.

32 Shen Fan and Zhao Fuduo, “Prevent ‘Forcible Commitment to Psychiatric Facilities,’ Scholar Recommends Compulsory Treatment Be Incorporated Into Human Rights Protection System” [Fangzhi “bei jingshenbing” xuezhe jianli yixiao naru renquan baohu zhi xiu], Caixin, 15 June 16.

33 Li Hongmei, “In China, Individuals With Severe Mental Illness Reach 4.3 Million Persons” [Woguo yanzhong jingshenbing juanjian de jianyi--yuxu yu zhi ji de zhiduo], 9 April 16; reprinted in Rights Defense Network, 10 April 16; Michael Woodhead, “Illegal Vaccine Fallout: Clinics Deserted as Public Lose [sic] Confidence; Lawyers Support Patients’ Rights; Failure Blamed on ‘Private Market,’” China Medical News (blog), 29 March 16.

34 Shen Fan and Zhao Fuduo, “Prevent ‘Forcible Commitment to Psychiatric Facilities,’ Scholar Recommends Compulsory Treatment Be Incorporated Into Human Rights Protection System” [Fangzhi “bei jingshenbing” xuezhe jianli yixiao naru renquan baohu zhi xiu], Caixin, 15 June 16.

35 Chen Fei, “SPP To Supervise Handling of Illegal Vaccine Business Cases” [Zuigaojian guapai duban feisa jingying yimiao xilie an], Xinhu, 22 March 16; “Illegal Vaccine Business Investigative Group From Multiple Agencies Arrives in Shandong and Starts Handling Investigative Work” [Shandong ji’an feisa jingying yimiao xilie anjian bumen lianhe diaocha zu fu shandong kaizhan anjian diaocha chuli gengzuo], Xinhu, 29 March 16; National Health and Family Planning Commission, “Risk Assessment Report: Safety and Effectiveness of Suspect Vaccines From the Cases of the Illegal Vaccine Business in Ji’an, Shandong” [Shandong ji’an feisa jingying yimiao xilie anjian she’an yimiao jiezong amanzhang he youxiaoxing fengxian gengzuo baogao], 13 April 16.

36 “Chinese Parents Sue Amid Protests Over Tainted Vaccines,” Radio Free Asia, 19 April 16.


49. 40 Wei Fangchao, “Mental Health Work Plan Issued, Will Seek Responsibility When Persons With Severe Mental Disorders Cause Incidents” [Jingshen weisheng gongzuo guihua fabu yanzhong jingshen zhang’ai huanzhe zhaoshi de zhaoshang], People’s Daily, 11 June 16; “Seeking Responsibility When National Standards and Regulations Are Not Effective in the Management of Individuals With Serious Psychiatric Disorders” [Guanyu zhaoshi de zhaoshang], 28 January 16.


43 Yin Li, “The Difficult Road ‘Back Home’ for Those Recovering From Mental Illness” [Jingshen jibing kangzhuo jiannan “hujia” li], Legal Daily, 16 May 16.

44 National laws and regulations that promote equal access to employment and education and prohibit health-based discrimination include the PRC Law on the Protection of Persons with Disabilities [Zhonghua renmin gongheguo canji ren biaozhun bei zhi jiuye qishi], passed 28 December 90, amended 24 April 08, effective 1 January 09, arts. 3, 28, 30; State Council, Regulations on the Protection of Persons with Disabilities [Canji ren jiuye tiaoli], issued 18 January 06, effective 1 March 06, art. 3; State Council, Regulations on the Employment of Persons with Disabilities [Canji ren jiuye tiaoli], issued 14 February 07, effective 1 May 07, arts. 3, 4, 13, 27. See also Li Jing and Li Jianfei, “Current Trends in the Development of the Chinese Social Security System for People With Disabilities,” Frontiers of Law in China, Vol. 11, No. 1 (March 2016), 9-11.

45 Supreme People’s Court (SPC), “Kong X and Beijing X Management Company Labor Dispute Case” [Kong mou yu beijing mou wuyi gongsi laodong zhengyi yishen minshi panjueshu], 19 August 14, reprinted in OpenLaw. Commission staff observed that the second instance (appeals) court decision in the Kong X case cited to the provisions on the rights to work and anti-employment discrimination from the old version of the PRC Law on the Protection of the Rights of Persons with Disabilities (1990) rather than the current version of the law (revised in 2008). See PRC Law on the Protection of the Rights of Persons with Disabilities [Zhonghua renmin gongheguo canji ren biaozhun bei zhi jiuye qishi], passed 28 December 90, effective 15 May 91, arts. 27, 34; PRC Law on the Protection of Persons with Disabilities [Zhonghua renmin gongheguo canji ren biaozhun bei zhi jiuye qishi], passed 28 December 90, amended 24 April 08, effective 1 July 08, arts. 30, 38. For the first instance trial verdict, which did not cite to the PRC Law on the Protection of the Rights of Persons with Disabilities, see Beijing Municipality No. 2 Intermediate People’s Court, Beijing Zhongshui Products Management Co., Ltd., and Kong X Labor Dispute Civil Appeal Judgment [Beijing zhongshui wuye guanli youxian gongsi yu kong x laodong zhengyi er shen minshi panjueshu], 19 March 14, reprinted in OpenLaw. Commission staff observed that the summary of the Kong X case on the SPC China Court Net web page, the put-questions to the provisions on the rights to work and anti-employment discrimination from the old version of the PRC Law on the Protection of the Rights of Persons with Disabilities (1990) rather than the current version of the law (revised in 2008). See PRC Law on the Protection of the Rights of Persons with Disabilities [Zhonghua renmin gongheguo canji ren biaozhun bei zhi jiuye qishi], passed 28 December 90, amended 24 April 08, effective 1 July 08, arts. 30, 38. For the first instance trial verdict, which did not cite to the PRC Law on the Protection of the Rights of Persons with Disabilities, see Beijing Municipality Xicheng People’s Court, Kong Xia and Beijing Zhongshui Products Management Co., Ltd., Labor Dispute First Instance Civil Judgment [Kong xia yu beijing zhongshui wuye guanli youxian gongsi laodong zhengyi yishen minshi panjueshu], 13 May 16, reprinted in OpenLaw.

46 Tan Jun, “Parents Questioned for Medical School’s Refusal to Admit Student With Low Color Vision” [Yixueyuan jushou shican kaosheng zao jiazhang zhiyi], Beijing Youth Daily, 26 July 16. See also Zhang Min and Jiang Xin, “Admissions Refused for Henan Student With Weak Color Vision” [Yixueyuan jushou shican kaosheng zao jiazhang zhiyi], Beijing Youth Daily, 26 July 16. See also Yang Qing, “Supreme People’s Court Publishes 10 Model Cases on Protecting the Rights and Interests of Persons With Disabilities” [Zuigao renmin fayuan gongbu 10 qi diye jiu shi yu beijing zhongshui wuye guanli youxian gongsi yu kong x laodong zhengyi er shen minshi panjueshu], 19 March 14, reprinted in OpenLaw.

47 Beijing Municipality No. 2 Intermediate People’s Court, Beijing Zhongshui Products Management Co., Ltd., and Kong X Labor Dispute Civil Appeal Judgment [Beijing zhongshui wuye guanli youxian gongsi yu kong x laodong zhengyi er shen minshi panjueshu], 19 March 14, reprinted in OpenLaw.


49 Ibid.


52 Wang Xiaofang, “Medical School Refuses to Accept Student With Low Vision” [Jingshen jibing kangfuzhe jiannan “huijia” lu], Legal Daily, 16 May 16. See also Yang Qing, “Supreme People’s Court Publishes 10 Model Cases on Protecting the Rights and Interests of Persons With Disabilities” [Zuigao renmin fayuan gongbu 10 qi diye jiu shi yu beijing zhongshui wuye guanli youxian gongsi yu kong x laodong zhengyi er shen minshi panjueshu], 19 March 14, reprinted in OpenLaw.

53 Tan Jun, “Person With Disability From Hunan Ranked First in Civil Servant Exam Ultimately Not Hired, Physical Eligibility Standards Are Said To Be Employment Discrimination” [Hunan yi canji ren kao gongzhi chengji di yi zuizhong luoxuan, tijian biaozhun bei zhi jiuye qishi], The Paper, 17 August 16. See also Yang Qing, “Supreme People’s Court Publishes 10 Model Cases on Protecting the Rights and Interests of Persons With Disabilities” [Zuigaofa gongbu 10 qi diye jiu shi yu beijing zhongshui wuye guanli youxian gongsi yu kong x laodong zhengyi er shen minshi panjueshu], 19 March 14, reprinted in OpenLaw.

54 Yin Li, “The Difficult Road ‘Back Home’ for Those Recovering From Mental Illness” [Jingshen jibing kangzhuo jiannan “hujia” li], Legal Daily, 16 May 16.
See Ministry of Education, Guiding Opinion on Regular University-Level Student General Admissions Physical Eligibility Work [Putong gaodeng xuexiao zhaosheng tijian gongzuozuo zhidaonian], 3 March 03; Ministry of Human Resources and Ministry of Health, Civil Servant General Recruitment Physical Eligibility Standards (Trial) [Gongwuyuan luyong tijian tongyong biaozhun (shixing)], issued 17 January 05, reprinted in State Administration of Civil Service, 29 October 08.


Rights Defense Network (RDN), “Blind Persons From Hefei Criminally Detained at Province’s Disability Federation Office While Asking To Meet With Director, Family Members of the Blind Persons Say Disability Federation Is Making Local Police Harass Disabled Persons” [Hefei shi mang ren dao sheng canlian yaoqiu jian canlian lingdao bei xingju, mang ren jiaren zhi canlian zhihui jingcha zhenya canji ren], 25 March 16. According to RDN, in December 2015, authorities in Hefei municipality, Anhui province, arrested five of the blind advocates on the charge of “gathering a crowd to disturb social order.” RDN reported that authorities released one individual (unnamed in the article) on bail (“release on guarantee pending investigation”). For information on the other four cases, see the Commission’s Political Prisoner Database records 2016-00244 on Li Xiaojun, 2016-00246 on Gao Junkai, 2016-00247 on Xu Zimao, and 2016-00248 on Fei Qinxu.