

Introduction to the State Department Report on Disability Human Rights

The State Department's 2011 Country Reports on Human Rights Practices, released April 2011, represent the culmination of the U.S. State Department's review of the human rights records and situation in 194 countries around the world. The reports are supplied to Congress in accordance with law to assist in matters of foreign affairs.

USICD has consolidated the disability references from the 194 Country Reports into a comprehensive document. Each country summary within the document is organized into four possible subheadings:

1. **Constitution and Laws:** If and how a country's constitution or laws cover disability rights
2. **Persons with Disabilities:** Material drawn from the report's section on "Persons with Disabilities"
3. **Other Relevant References:** Disability highlighted elsewhere in a country's report (e.g. overlap with the section on children or the section on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, etc.)
4. **The Convention on the Rights of Persons with Disabilities:** The status of a country's signature and ratification of the CRPD (Note: ratification dates are in date/month/year format)

The following condensed reports are intended to be a resource only and do not necessarily reflect an endorsement of the quality of content or perspectives contained within the reports. All content is pulled directly from the State Department reports with the exception of the CRPD status which was added by USICD staff.

Contents

Africa	7
Angola	7
Benin	8
Botswana.....	8
Burkina Faso.....	9
Burundi.....	10
Cameroon.....	10
Cape Verde.....	11
Central African Republic	12
Chad	12
Comoros.....	13
Congo, Democratic Republic of the	13
Congo, Republic of the.....	14
Cote d'Ivoire	14
Djibouti.....	15
Equatorial Guinea	16
Eritrea.....	16
Ethiopia	17
Gabon.....	19
Gambia, The	19
Ghana	20
Guinea	21
Guinea-Bissau.....	21
Kenya.....	22
Lesotho.....	24
Liberia.....	25
Madagascar.....	26
Malawi.....	27
Mali	27
Mauritania.....	28
Mauritius.....	28
Mozambique	29
Namibia	30
Niger.....	31
Nigeria	31
Rwanda	32
Sao Tome and Principe	34
Senegal.....	34
Seychelles.....	35
Sierra Leone	36
Somalia.....	37
South Africa.....	38
South Sudan	40
Sudan	41

Swaziland	41
Tanzania	42
Togo	44
Uganda	45
Zambia.....	46
Zimbabwe.....	47
East Asia and the Pacific.....	49
Australia	49
Brunei Darussalam	50
Burma.....	50
Cambodia	51
China (includes Tibet, Hong Kong, and Macau)	52
<i>Tibet</i>	54
<i>Hong Kong</i>	54
Macau	55
Fiji.....	56
Indonesia.....	57
Japan	59
Kiribati	60
Korea, Democratic People's Republic of	61
Korea, Republic of	61
Laos	63
Malaysia	64
Marshall Islands	65
Micronesia, Federated States of	66
Mongolia	66
Nauru	68
New Zealand	68
Palau.....	69
Papua New Guinea.....	69
Philippines.....	70
Samoa.....	71
Singapore	72
Solomon Islands	73
Taiwan	74
Thailand.....	75
Timor-Leste	76
Tonga.....	78
Tuvalu.....	78
Vanuatu.....	79
Vietnam.....	79
Europe and Eurasia	81
Andorra	81
Armenia.....	82
Austria	83
Azerbaijan	84
Belarus	85

Belgium	87
Bosnia and Herzegovina.....	88
Bulgaria	89
Croatia.....	91
Cyprus	92
Czech Republic	94
Denmark.....	94
Estonia.....	95
Finland.....	96
France.....	97
Georgia.....	98
Germany.....	99
Greece	100
Hungary.....	101
Iceland.....	103
Ireland	104
Italy	104
Kosovo.....	105
Latvia	107
Liechtenstein.....	107
Lithuania.....	108
Luxembourg	108
Macedonia	109
Malta	111
Moldova	111
Monaco	112
Montenegro	113
Netherlands.....	116
Norway.....	117
Poland	118
Portugal.....	119
Romania	120
Russia	121
San Marino.....	124
Serbia	124
Slovakia	125
Slovenia.....	126
Spain.....	127
Sweden.....	128
Switzerland.....	129
Turkey	129
Ukraine.....	131
United Kingdom	132
Near East and North Africa.....	134
Algeria	134
Bahrain	134
Egypt	135

Iran	136
Iraq	137
Israel and the occupied territories.....	138
Jordan.....	139
Kuwait	142
Lebanon	143
Libya	144
Morocco	144
Oman.....	145
Qatar	146
Saudi Arabia	147
Syria.....	147
Tunisia	148
United Arab Emirates.....	149
Western Sahara.....	150
Yemen	150
South and Central Asia.....	152
Afghanistan	152
Bangladesh.....	153
Bhutan.....	154
India	155
Kazakhstan	158
Kyrgyz Republic	160
Maldives.....	162
Nepal	163
Pakistan.....	165
Sri Lanka	166
Tajikistan	166
Turkmenistan	167
Uzbekistan.....	168
Western Hemisphere	170
Antigua and Barbuda	170
Argentina.....	170
Bahamas, The.....	171
Barbados	172
Belize	172
Bolivia.....	173
Brazil.....	174
Canada	174
Chile	175
Colombia	176
Costa Rica.....	177
Cuba	177
Dominica	178
Dominican Republic	179
Ecuador	180
El Salvador.....	180

Grenada.....	182
Guatemala.....	182
Guyana	183
Haiti	184
Honduras.....	185
Jamaica.....	186
Mexico.....	187
Nicaragua	189
Panama	190
Paraguay	191
Peru.....	192
Saint Kitts and Nevis.....	193
Saint Lucia	194
Saint Vincent and the Grenadines	194
Suriname	195
Trinidad and Tobago	195
Uruguay.....	196
Venezuela.....	197

Africa

Angola

Constitution and Laws

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the government did not effectively enforce these prohibitions. Violence and discrimination against women, child abuse, child prostitution, trafficking in persons, and discrimination against persons with disabilities and indigenous persons were problems.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and access to health care or other state services, but the government did not effectively enforce these prohibitions. The constitution mentions persons with disabilities in articles 23 (principle of equality), 77 (health and social protection), 80 (childhood), 83 (disabled citizens), and 84 (former combatants and veterans). Article 83 grants persons with disabilities full rights without restrictions. The constitution permits the state to adopt a national policy to prevent, treat, rehabilitate, and integrate persons with disabilities, provide support for their families, remove obstacles to mobility, raise awareness in society, and foster special education and training opportunities.

Persons with disabilities included more than 80,000 land mine victims. The NGO Handicap International estimated that persons with disabilities constituted 10 percent of the population. However, a 2010 study estimated that 2.6 percent of the population had a physical or mental disability. Only 30 percent of persons with disabilities were able to take advantage of state-provided services such as physical rehabilitation, schooling, training, or counseling. According to MINARS statistics published in December, there were an estimated 150,000 persons with disabilities, most between the ages of 25 and 44, and 56 percent male. Of those persons with disabilities, 62 percent had physical disabilities (of whom 75 percent were ERW victims and 22 percent from polio), 28 percent had sensory disabilities, and 10 percent had mental disabilities. MINARS assisted approximately 90,000 persons with disabilities.

Presidential decree number 14 protects persons with disabilities. However, persons with disabilities found it difficult to access public or private facilities, and it was difficult for such persons to find employment or participate in the education system. MINARS sought to address problems facing persons with disabilities, including veterans with disabilities, and several government entities supported programs to assist individuals disabled by land mine incidents. During the 2008 election, the government provided voting assistance to persons with disabilities.

Other Relevant References

Persons with albinism were common victims of discrimination, although church groups worked to eliminate the abuse.

Convention on the Rights of Persons with Disabilities

Angola has not signed the convention.

Benin

Constitution and Laws

The constitution and laws prohibit discrimination based on race, gender, disability, language, and social status, but societal discrimination against women continued. Persons with disabilities were disadvantaged. The government did not take concrete measures to address those problems.

Persons with Disabilities

The law does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in education, access to health care, or provision of other state services; however, the law provides that the government should care for persons with disabilities. There were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities. The government operated few institutions to assist persons with disabilities. The Office for the Rehabilitation and the Insertion of Persons with Disabilities under the jurisdiction of the Ministry of Family coordinated assistance to disabled people through the Aid Fund for the Rehabilitation and Insertion of Persons with Disabilities (Fonds Ariph).

The labor code includes provisions to protect the rights of workers with disabilities, which were enforced with limited effectiveness during the year. The Office of Labor under the Ministry of Labor and Civil Service and the Ministry of Family are responsible for protecting the rights of persons with disabilities.

Convention on the Rights of Persons with Disabilities

Benin signed the Convention and the Optional Protocol on 8/2/2008.

Botswana

Constitution and Laws

The constitution and law prohibit governmental discrimination on the basis of ethnicity, race, nationality, creed, sex, or social status, and the government generally respected these provisions in practice. As long as a government job applicant is able to perform the duties of the position, he or she may not be discriminated against due to disability or language. However, the law does not prohibit discrimination by private persons or entities, and there was societal discrimination against women; persons with disabilities; minority ethnic groups, particularly the San; persons with HIV/AIDS; persons with albinism; and gays and lesbians.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in education, employment, access to health care, or the provision of other state services. The government has an effective national policy that provides for integrating the needs of persons with disabilities into all aspects of government policymaking. The government mandates access to public buildings or transportation for persons with disabilities. There was some

discrimination against persons with disabilities, and employment opportunities remained limited. The government did not restrict persons with disabilities from voting or participating in civil affairs, and some accommodations were made during elections to allow for persons with disabilities to vote. Although new government buildings were being constructed to assure access by persons with disabilities, older government office buildings remained largely inaccessible. Most new privately owned buildings provide disabled access. There is a Department of Disability Coordination in the Office of the President to assist persons with disabilities.

The Department of Labor is responsible for protecting the rights of persons with disabilities in the labor force and investigating claims of discrimination. Individuals can also bring cases directly to the Industrial Court. The government funded NGOs that provided rehabilitation services and supported small-scale projects for workers with disabilities.

Convention on the Rights of Persons with Disabilities

Botswana has not signed the Convention.

Burkina Faso

Constitution and Laws

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions. Discrimination against women and persons with disabilities remained problems.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, the provision of other state services, or other areas; however, the government did not effectively enforce these provisions. In April 2010 the government enacted additional legislation to expand the rights of persons with disabilities. The law provides for reduced-cost or free healthcare and access to education, and establishes codes for access to buildings, and access to employment persons with disabilities often faced societal and economic discrimination. Such persons who were able to work found it difficult to find employment, including in government service, because of deeply entrenched societal attitudes that persons with disabilities should be under the care of their families and not in the workforce.

Programs to aid persons with disabilities were limited. During the year the National Committee for the Reintegration of Persons with Disabilities and NGOs conducted awareness campaigns and implemented integration programs and capacity-building programs to manage income-generating activities better. High commissioners, teachers and NGOs worked together to inform citizens about the rights of persons with disabilities, specifically the rights of children with disabilities. A number of NGOs schooled and provided vocational training to persons with disabilities and provided equipment for them to work.

Convention on the Rights of Persons with Disabilities

Burkina Faso signed the Convention and the Optional Protocol on 23/5/2007. Burkina Faso ratified the Convention and Optional Protocol on 23/7/2009.

Burundi

Constitution and Laws

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, mental, sensory, or intellectual disabilities; however, the government was unable to promote or protect the rights of persons with disabilities with regard to employment, education, or access to health care. Although persons with disabilities were eligible for free health-care services through social programs targeting vulnerable groups, the benefits were not widely publicized or provided. The employment practice of requiring health certification from the Ministry of Public Health sometimes led to discrimination against persons with disabilities.

The Ministry of National Solidarity, Human Rights, and Gender coordinates assistance and protects the rights of persons with disabilities. The government did not enact legislation or otherwise mandate access to buildings, information, or government services for persons with disabilities. The government supported a center for physical therapy in Gitega and a center for social and professional reinsertion in Ngozi to assist individuals with physical disabilities.

Other Relevant Reference

During the year criminals who trafficked in body parts of persons with albinism kidnapped a five-month-old girl with albinism and hacked off the arm of a young boy with albinism to sell to traditional healers in Tanzania for use in magic charms.

Convention on the Rights of Persons with Disabilities

Burundi signed the Convention and the Optional Protocol on 26/4/2007.

Cameroon

Constitution and Laws

Persons with Disabilities

Due in part to the scarcity of facilities for persons with disabilities and lack of public assistance, the president in April 2010 promulgated a law to protect and promote the rights of persons with disabilities. The law requires that both new and existing government and private buildings be designed to facilitate access by persons with disabilities; secondary public education be tuition-free for persons with disabilities and children born of parents with disabilities; and initial vocational training, medical treatment, employment be provided “when possible,” and public assistance be provided “when needed.” During the year the government implemented the educational provisions of the law.

Societal discrimination continued against persons with albinism. Such discrimination occurred less frequently than in previous years, but employment opportunities for persons with albinism remained limited, although at least one such individual occupied a senior position in the government. In early August the Cameroon-based World Association for the Defense of the Interests and Solidarity of Albinos held its 13th National Week of Albinos. The organization called on the government to provide reduced healthcare costs, better access to education, and equal employment opportunities for persons with albinism.

Society largely treated those with disabilities as outcasts, and many felt that providing assistance was the responsibility of churches or foreign NGOs.

Other Relevant References

There was occasional discrimination against persons with albinism, although such incidents continued to decrease.

Convention on the Rights of Persons with Disabilities

Cameroon signed the Convention and the Optional Protocol on 1/10/2008

Cape Verde

Constitution and Laws

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status. The constitution stipulates that the government should create conditions for the gradual removal of all obstacles to the full exercise of human rights and equality before the law.

The law also prohibits racism, xenophobia, and other forms of discrimination.

However, violence and discrimination against women and children remained significant problems.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services. The government effectively enforced these provisions.

Persons with disabilities still faced daily obstacles that hindered their integration. Physical accessibility, communication means, and public transport appropriate for persons with disabilities often were lacking.

There were no reported cases in 2011 of abuse towards people with intellectual disabilities or mental health problems in prisons or psychiatric hospitals. Lack of physical accessibility in prisons for handicapped persons and prison facilities designed for the mentally ill were problems.

The government did not restrict the right of persons with disabilities to vote or participate in civil affairs and public life.

The government has created a quota system for the granting of scholarships and tax benefits to companies who employ individuals with disabilities. NGOs recognized these measures as partially effective in better integrating these citizens in society but also noted nonenforcement and inadequate regulation continued to be obstacles.

Several NGOs worked to protect the interests of the disabled. In February, the government adopted a Law of Mobility that sets technical standards for accessibility for persons with disabilities to a variety of public facilities and services.

The Ministry of Youth, Employment, and Human Resources (MERHJ) is the government organization responsible for protecting the rights of people with disabilities. The National Council on the Status of Disabled Persons works in partnership with the MERHJ as a consultative body responsible for proposing, coordinating, and monitoring the implementation of a national policy

Convention on the Rights of Persons with Disabilities

Cape Verde signed the Convention on 30/3/2007. Cape Verde ratified the Convention on 10/10/2011.

Central African Republic

Constitution and Laws

The constitution stipulates that all persons are equal before the law without regard to wealth, race, disability, language, or gender. However, the government did not enforce these provisions effectively, and significant discrimination existed.

Persons with Disabilities

The law prohibits discrimination against persons with both mental and physical disabilities. It also requires that for any company employing 25 persons or more, at least 5 percent of its staff must consist of sufficiently qualified persons with disabilities, if they are available. In addition the law states that each time the government recruits new personnel into the civil service, at least 10 percent of the total number of newly recruited personnel should be persons with disabilities. According to the Ministry of Family and Social Affairs, the provision was not automatic and depended on the availability of applications from persons with disabilities at the time of the recruitment decision by the interested ministry.

There were no legislated or mandated accessibility provisions for persons with disabilities, and such access was not provided in practice. Approximately 10 percent of the country's population had disabilities, mostly due to polio, according to the 2003 census. The government had no national policy or strategy for providing assistance to persons with disabilities, but there were several one-of-a-kind government and NGO-initiated programs designed to assist persons with physical disabilities, including handicraft training for persons with visual disabilities and the distribution of wheelchairs and carts by the Ministry of Family and Social Affairs.

The Ministry of Family and Social Affairs continued to work with the NGO Handicap International during the year to provide treatment, surgeons, and prostheses to persons with physical disabilities.

Convention on the Rights of Persons with Disabilities

Central African Republic signed the Convention and the Optional Protocol on 9/5/2007.

Chad

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, and while the government made efforts to enforce this prohibition in N'Djamena, it was unable to do so throughout the

country. There were no laws or programs to ensure access to buildings for persons with disabilities; however, the government operated a few education, employment, and therapy programs for such persons.

The country had numerous persons with disabilities caused by polio, and many such persons held ranking positions in the government.

The government, in conjunction with NGOs, continued to sponsor an annual day of activities to raise awareness of the rights of persons with disabilities. The Ministry of Social Action and Family is responsible for protecting the rights of persons with disabilities.

Convention on the Rights of Persons with Disabilities

Chad has not signed the Convention.

Comoros

Constitution and Laws

Although the law prohibits discrimination based on race, gender, disability, language, or social status, there were reports of discrimination against women and persons with disabilities.

Persons with Disabilities

The constitution and laws do not mandate access to buildings, information, and communication for persons with disabilities.

Handicap Comores, the country's nongovernmental center for persons with disabilities on Grande Comore, was run by a local NGO called Shiwe, or "Pillar." The center imported wheelchairs and prostheses.

There is no restriction on the right of persons with disabilities to participate in civic affairs.

Convention on the Rights of Persons with Disabilities

Comoros signed the Convention on 26/9/2007

Congo, Democratic Republic of the

Persons with Disabilities

Although the law prohibits discrimination against persons with disabilities, the government did not effectively enforce this provision, and persons with disabilities often found it difficult to obtain employment, education, or government services.

The law does not mandate access to buildings or government services for persons with disabilities. Some schools for persons with disabilities, including persons with visual disabilities, received private funds and limited public funds to provide education and vocational training.

An August 2010 *American Journal of Public Health* study found that overwhelming numbers of civilians in the conflict zone were suffering from symptoms associated with mental illness, ranging from post-traumatic stress disorder to depression.

Other Relevant References

On December 3, the government cut off the SMS function of cell phones in an effort to control information and limit demonstrations and violence in the aftermath of the national elections. Two associations of people with disabilities in South Kivu and Kinshasa protested this decision, stating that people with hearing and speech impairments used SMS as a primary means of communication, and without access to SMS their livelihoods were cut off and they were unable to receive alerts about potential violence. On December 28, the SMS function was restored...

... Discrimination against persons with albinism was [also] widespread and limited their ability to obtain employment, health care, and education, or to marry. Persons with albinism were frequently ostracized by their families and communities.

Children: Many churches in Kinshasa conducted exorcisms of children accused of witchcraft involving isolation, beating and whipping, starvation, and forced ingestion of purgatives. According to UNICEF children with disabilities or even speech impediments and learning disabilities were branded as witches. This practice sometimes resulted in parents abandoning their children. According to UNICEF as many as 70 percent of the street children it assisted claimed to have been accused of witchcraft.

Convention on the Rights of Persons with Disabilities

Democratic Republic of the Congo has not signed the Convention.

Congo, Republic of the

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or in the provision of other state services, although the government generally did not enforce the law.

There were no laws mandating access for persons with disabilities. The Ministry of Social Affairs is the lead ministry responsible for these issues.

Convention on the Rights of Persons with Disabilities

Republic of the Congo signed the Convention and the Optional Protocol on 30/3/2007.

Cote d'Ivoire

Human Rights Problems

[H]uman rights problems under the Gbagbo government included...discrimination against lesbian, gay, bisexual and transgender (LGBT) individuals, persons with disabilities, and persons with HIV/AIDS...

Discrimination against persons with disabilities and persons with HIV/AIDS also was a problem [under the Ouattara government...]

Persons with Disabilities

The law requires the government to educate and train persons with physical, mental, visual, auditory, and cerebral motor disabilities, hire them or help them find jobs, design houses and

public facilities for wheelchair access, and adapt machines, tools, and work spaces for access and use by persons with disabilities. However, wheelchair-accessible facilities for such individuals were not common, and there were few training and job assistance programs for persons with disabilities. The law also prohibits acts of violence against persons with disabilities and the abandonment of such persons; however, there were no reports that either the Gbagbo or Ouattara governments enforced these laws during the year.

There were no reports during the year that persons with disabilities were specific targets of abuse, but they reportedly encountered serious discrimination in employment and education. The government reserved 800 civil service jobs for persons with disabilities; however, in practice government employers sometimes refused to employ persons with disabilities.

The government financially supported special schools, associations, and artisans' cooperatives for persons with disabilities, but many such persons begged on urban streets and in commercial zones for lack of other economic opportunities. Persons with mental disabilities often lived on the street.

The Ministry of Family and Social Affairs and the Federation of the Handicapped are responsible for protecting the rights of persons with disabilities.

Convention on the Rights of Persons with Disabilities

Cote d'Ivoire signed the Convention and the Optional Protocol on 7/6/2007.

Djibouti

Constitution and Laws

The constitution and law prohibit discrimination on the basis of race, gender, or language; however, the government did not enforce the law effectively. The constitution does not directly address discrimination based on disability or social status. The government took steps during the year to increase protection of women, including campaigns against female genital mutilation (FGM), but societal discrimination against women and ethnic minorities persisted.

Persons with Disabilities

The constitution does not prohibit discrimination against persons with disabilities, although the labor code prohibits discrimination in employment against such persons. Persons with disabilities had access to education and public health services. The government did not mandate accessibility to buildings or government services for persons with disabilities, and such buildings were often inaccessible. There was societal discrimination against persons with disabilities. No government agency was charged specifically with protecting the rights of such persons. NGOs continued to organize seminars and other events that drew attention to the need for enhanced legal protections and better workplace conditions for persons with disabilities.

Other Relevant References

[H]uman rights problems included the use of excessive force, including torture by security forces; harsh prison conditions; arbitrary arrest and prolonged pretrial detention; denial of fair

public trial; interference with privacy rights; restrictions on freedoms of speech, press, assembly and association; lack of protection for refugees; corruption; discrimination against women; female genital mutilation (FGM); trafficking in persons; discrimination against persons with disabilities; and government denial of worker rights

Convention on the Rights of Persons with Disabilities

Djibouti ratified the Convention on 18/6/2012.

Equatorial Guinea

Persons with Disabilities

The law does not provide persons with disabilities any protection from discrimination in employment, education, or the provision of other state services, nor does it mandate access to buildings for persons with disabilities.

Educational services for persons with mental or physical disabilities were limited. The local Red Cross, with financial support from the government, managed the country's school for deaf children. The government, through the Ministry of Social Affairs, and the Catholic Church worked together to provide care for persons with mental disabilities in the Virgin Madre Maria Africa facility. The country's first lady gave several highly publicized donations to help persons living with disabilities.

Although not written into the law, the Ministry of Education and the Ministry of Health worked to protect the rights of persons with disabilities. Public service announcements regarding rights of persons with disabilities continued to be broadcast.

Convention on the Rights of Persons with Disabilities

Equatorial Guinea has not signed the Convention.

Eritrea

Constitution and Law

The law and unimplemented constitution prohibit discrimination against women, persons with disabilities, and discrimination based on race, language, and social status, but the government did not enforce these provisions.

Persons with Disabilities

The law and unimplemented constitution prohibit discrimination against persons with disabilities in employment, education, or in the provision of other state services. Reports of discrimination against persons with disabilities, especially in rural areas, were common. This was particularly the case for those who were not former liberation fighters. The government dedicated substantial resources to support and train the thousands of men and women with physical disabilities that resulted from the war for independence and the later conflict with Ethiopia. There are no laws mandating access for persons with disabilities to public roads, public or private buildings, information, and communications. A few hotels and government offices provided such access or employed guards that would provide assistance as needed. The

Ministry of Labor and Human Welfare was responsible for protecting the rights of persons with disabilities.

Other Relevant References

[A]buses included the following: unlawful killings by security forces; politically motivated disappearances; arbitrary arrest and detention, including of national service evaders and their family members; executive interference in the judiciary and the use of a special court system to limit due process; the detention of political prisoners and detainees; and infringement of privacy rights. They also included a lack of due process and excessive pretrial detention, and severe limits on freedom of movement and travel for all citizens, residents, and humanitarian agencies. All remaining international nongovernmental organizations (NGOs) were forced to close during the year, and the activities of the UN were severely restricted. Societal abuse and discrimination against women, the Kunama ethnic group, gay men and lesbians, members of certain religious groups, and persons with disabilities occurred. Female genital mutilation (FGM) was prevalent in rural areas. The government limited worker rights. Child abuse and forced child labor were problems.

Convention on the Rights of Persons with Disabilities

Eritrea has not signed the Convention.

Ethiopia

Persons with Disabilities

The constitution does not mandate equal rights for persons with disabilities. However, two laws prohibit discrimination against persons with physical and mental disabilities in employment and mandate access to buildings. It is illegal for deaf persons to drive.

The Right to Employment of Persons with Disabilities Proclamation prohibits employment discrimination on the basis of disability. It also makes employers responsible for providing appropriate working or training conditions and materials to persons with disabilities. The law specifically recognizes the additional burden on women with disabilities. The government took limited measures to enforce the law, for example, by assigning interpreters for hearing-impaired civil service employees.

The Ethiopian Building Proclamation mandates building accessibility and accessible toilet facilities for persons with physical disabilities, although specific regulations that define the accessibility standards have not been adopted. Buildings and toilet facilities were usually not accessible. Landlords are required to give persons with disabilities preference for ground-floor apartments, and this was respected in practice.

Women with disabilities were more disadvantaged than men with disabilities in education and employment. An Addis Ababa University study from 2008 showed that female students with disabilities were subjected to a heavier burden of domestic work than their male peers. The enrollment rate for girls with disabilities was lower than for boys at the primary school level, and this gap increased at higher levels of education. Girls with disabilities also were much more likely to suffer physical and sexual abuse than girls without disabilities.

There were approximately seven million persons with disabilities, according to the Ethiopian Federation of Persons with Disabilities. There were one mental hospital and an estimated 10 psychiatrists in the country. There were several schools for hearing and visually impaired persons and several training centers for children and young persons with intellectual disabilities. There was a network of prosthetic and orthopedic centers in five of the nine regional states.

The CSO law prohibits organizations receiving more than 10 percent of their funding from foreign sources from promoting the rights of persons with disabilities. Several domestic associations, such as the Ethiopian National Association of the Blind, Ethiopian National Association of the Deaf, and Ethiopian National Association of the Physically Handicapped continued to be affected negatively by the legislation.

Other Relevant Information

The CSO law prohibits charities, societies, and associations (NGOs or CSOs) that receive more than 10 percent of their funding from foreign sources from engaging in activities that advance human and democratic rights or promote equality of nations, nationalities, peoples, genders, and religions; the rights of children and persons with disabilities; conflict resolution or reconciliation; or the efficiency of justice and law enforcement services. There were 3,522 organizations registered before the CSO law was adopted, although not all were active, and as of June 2,059 CSOs--old and new--were registered under the law. Of these, 262 were foreign charities, 1,330 were "resident" charities, 371 were "local" charities, 62 were adoption agencies, and 34 were consortia. The government maintained that the majority of organizations that did not reregister were not functional organizations prior to the passage of the law. In December the government participated in the first session of a civil-society sector working group with donor countries and resident CSOs. Some human rights defender organizations adjusted by registering either as local charities, meaning that they could not raise more than 10 percent of their funds from foreign donors but could act in the enumerated areas, or as resident charities, which allowed foreign donations above 10 percent but prohibited activities in the enumerated areas.

[H]uman rights problems included torture, beating, abuse, and mistreatment of detainees by security forces; harsh and at times life-threatening prison conditions; arbitrary arrest and detention; detention without charge and lengthy pretrial detention; infringement on citizens' privacy rights, including illegal searches; allegations of abuses in connection with the continued low-level conflict in parts of the Somali region; restrictions on freedom of assembly, association, and movement; police, administrative, and judicial corruption; violence and societal discrimination against women and abuse of children; female genital mutilation (FGM); exploitation of children for economic and sexual purposes; trafficking in persons; societal discrimination against persons with disabilities; clashes between ethnic minorities; discrimination against persons based on their sexual orientation and against persons with HIV/AIDS; limits on worker rights; forced labor; and child labor, including forced child labor.

Convention on the Rights of Persons with Disabilities

Ethiopia signed the Convention on 30/3/2007. Ethiopia ratified the Convention on 7/7/2010.

Gabon

Constitution and Law

Although the constitution and law prohibit discrimination based on national origin, race, gender, disability, language, or social status, the government did not enforce these provisions consistently.

Persons with Disabilities

The law prohibits discrimination against persons with “physical, mental, congenital, and accidental” disabilities and requires access to buildings and services, although most public buildings did not provide adequate access. There were no reports of official discrimination against persons with disabilities, but societal discrimination occurred, and employment opportunities and treatment facilities for persons with disabilities were limited. In August the Ministry of Health funded income generation projects for 194 persons with disabilities.

Convention on the Rights of Persons with Disabilities

Gabon signed the Convention on 30/3/2007 and signed the Optional Protocol on 25/9/2007. Gabon ratified the Convention on 1/10/2007.

Gambia, The

Constitution and Laws

The constitution prohibits discrimination based on race, religion, gender, disability, language, or social status, and the government generally enforced these prohibitions. However, discrimination against women remained a problem.

Persons with Disabilities

The constitution prohibits exploitation of and discrimination against persons with disabilities in access to health services, education, and employment; however, there were no laws to ensure access to buildings for persons with disabilities, and very few buildings in the country were accessible to them. The law requires that judicial proceedings involving a person with disabilities take into account the disability. There were no laws or programs to ensure that persons with disabilities had access to information or communications.

Persons with severe disabilities experienced discrimination and subsisted primarily through private charity. Persons with less severe disabilities encountered less discrimination, including in employment for which they were physically and mentally capable.

The Department of Social Welfare is responsible for protecting the rights of persons with disabilities and worked with the Gambia Organization for the Visually Impaired and the School for the Deaf and Blind to help educate children with disabilities and to promote relevant skills. The department also worked with international donors to supply wheelchairs to some persons with disabilities. Several NGOs sought to improve awareness of the rights of persons with disabilities and encouraged their participation in sports and other physical activities. The NHRU specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on election days.

Convention on the Rights of Persons with Disabilities

The Gambia has not signed the Convention.

Ghana

Constitution

The constitution prohibits discrimination on the basis of race, gender, disability, language, or social status; however, enforcement was generally inadequate. Limited financial resources and a generally permissive societal attitude toward such discrimination contributed to its perpetuation. Courts were empowered to order specific enforcement of these prohibitions.

Persons with Disabilities

The law provides for the rights of persons with disabilities, including protection against exploitation and discrimination in employment, health care, and other domains. The National Council on Disability, mandated by law, was inaugurated in 2009. The government did not systematically or overtly discriminate against persons with disabilities, but such persons often experienced societal discrimination. The law provides persons with disabilities access to public buildings “as far as is practical.” Activists supporting the rights of persons with disabilities complained of the slow implementation of the Persons with Disability Act, especially the lack of legislative instruments to implement the new law. Despite the legal protection provided in the law, discrimination against persons with disabilities in employment and the inaccessibility of public buildings continued to be problems.

Persons with both mental and physical disabilities were frequently subjected to abuse and intolerance. Unlike in previous years, there were no reports of persons with disabilities being killed for ritual purposes.

Some religious groups believed that persons with mental disabilities were afflicted by demons that should be exorcised. The abuse of children with disabilities was common. In previous years there were reports that children with disabilities were tied to trees or under market stalls and caned regularly and of family members killing children with disabilities.

Human rights activists expressed concerns about prayer camps in which individuals believed to be possessed by evil spirits were chained up for weeks, physically assaulted, and denied food and water. Camp supervisors would sometimes diagnose mental illness as a “demonic affliction” and prevent patients from consuming food or water, often for seven consecutive days, to cleanse victims of their evil spirits. Some victims were thought to be as young as six years old. Families sent victims to be exorcised of evil spirits or cured of their physical or mental illnesses. Victims were held at the camps until they were considered healed. Reports indicated that these practices occurred in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong-Ahafo regions. In 2009 the Commonwealth Human Rights Initiative (CHRI) released a report on prayer camps based on interviews with current and former inmates. The report noted that some families caring for mentally ill members had insufficient financial resources and viewed prayer camps as an available option. The CHRI urged regulation of prayer camps; however, no regulations were implemented by year’s end.

Several government agencies and NGOs were involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Department of Social Welfare in the Ministry of Employment and Social Welfare (MESW), the Ministry of Education, and the Center for Democratic Development.

Other Relevant References

[H]uman rights problems included use of excessive force by police, resulting in deaths and injuries; prolonged pretrial detention; arbitrary arrest of journalists; corruption in all branches of government; violence against women and children, including female genital mutilation (FGM); societal discrimination against women, persons with disabilities, and persons with HIV/AIDS; ethnic killings and vigilante violence; ethnic discrimination and politically motivated violence; and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals.

Convention on the Rights of Persons with Disabilities

Ghana signed the Convention and the Optional Protocol on 30/3/2007.

Guinea

Persons with Disabilities

The law does not prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. There were no official reports of societal or governmental discrimination against persons with disabilities, but it was believed to be pervasive. The law does not mandate accessibility for persons with disabilities, and buildings and vehicles remained inaccessible. Few persons with disabilities worked in the formal sector, although some worked in the informal sector in small family businesses. Many lived by begging on the streets. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, but it was ineffective.

Convention on the Rights of Persons with Disabilities

Guinea signed the Convention on 16/5/2007 and signed the Optional Protocol on 31/8/2007. Guinea ratified the Convention and the Optional Protocol on 8/2/2008.

Guinea-Bissau

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities, mandate building access for them, or provide for equal access to employment and education. There were no government efforts to mitigate discrimination against persons with disabilities or ensure their access to buildings or streets. The government made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address health, housing, or food needs.

Convention on the Rights of Persons with Disabilities

Guinea-Bissau has not signed the Convention.

Kenya

Constitution and Law

The constitution and law prohibit discrimination based on race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth. Government authorities did not enforce effectively many of these provisions, and discrimination against women, lesbian, gay, bisexual and transgender (LGBT) persons, individuals with HIV/AIDS, persons with disabilities, ethnic groups, and persons suspected of witchcraft was a problem. There was also evidence that some government and opposition officials tolerated, and in some instances instigated, ethnic violence. The law criminalizes homosexual activity.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services; however, the government did not effectively enforce these provisions. The law provides that persons with disabilities should have access to public buildings, and some buildings had wheelchair ramps and modified elevators and restrooms; however, the government did not enforce the law, and new construction often did not include accommodations for persons with disabilities.

There was limited societal awareness regarding persons with disabilities and significant stigma attached to disability. Learning and other disabilities not readily apparent were not widely recognized. NGOs reported that persons with disabilities had limited opportunity to obtain education and job training at all levels due to lack of accessibility to facilities and resistance on the part of school officials and parents to devoting resources to students with disabilities. The KNCHR reported that fewer than 10 percent of children with special needs were enrolled in school and that no curriculum existed for teaching children with learning disabilities.

The KNCHR charged that the Kenya National Examination Council failed to provide adequate testing facilities and resources for students with disabilities. The council claimed that it provided exams in Braille and in large print for visually impaired candidates and gave them extra time to complete exams. The government was developing disability-specific curricula, but the process was slow because the government failed to allocate sufficient resources and staff.

There were significant barriers to accessing health care by persons with disabilities. They had difficulty obtaining HIV testing and contraceptive services, due to the perception that they did not or should not engage in sexual activity.

According to testimony provided to the KNCHR in Embu town during the year, pregnant women with disabilities encountered harsh treatment in maternity wards. Nurses demanded to know how they became impregnated and questioned their right to bear children. Mute mothers claimed that hospital staffs ignored them during delivery. Other unconfirmed reports indicated that hospital staffs performed--or tried to perform--tubal ligations on mothers with disabilities without informing them. Other expectant mothers with disabilities were sent away from hospitals for not having pads, cotton wool, or the fee of 2,000 shillings (\$23) required for delivery.

Few facilities provided interpreters or other accommodations to the deaf or those with hearing disabilities. The government assigned each region a sign-language interpreter for court proceedings. Nevertheless, cases of persons who were deaf or had hearing disabilities were often delayed or forced to adjourn due to the lack of standby interpreters, according to an official with the Deaf Outreach Program.

During the year the Kenya Society for the Mentally Handicapped (KSMH) sued the government for improperly excluding persons with mental disabilities from the most recent budget allocations for persons with disabilities. In August a court temporarily halted the allocation of such funds as a consequence of the lawsuit, and the case continued at year's end.

Not all polling stations were equipped with accommodations for persons with disabilities. However, during the most recent by-elections KSMH and the Disabled Voters of Kenya Alliance worked closely with the IIEC to ensure that all persons were able to cast their votes.

The Ministry of Gender, Children, and Social Development is the lead ministry for implementation of the law to protect persons with disabilities. The parastatal National Council for Persons with Disabilities assisted the ministry. Neither entity received sufficient resources to effectively address issues related to persons with disabilities.

Societal discrimination continued against persons with albinism, many of whom left their home villages due to fear of persecution and moved to urban areas where they believed they were safer. According to the International Federation for the Red Cross and Red Crescent Societies, numerous persons with albinism abandoned their villages and went into hiding between 2007 and 2009. Persons with albinism were attacked for their body parts, which were thought by some to confer magical powers and which could be sold for significant sums. Since 2007 at least seven persons with albinism were killed, the most recent killing occurring in December 2010. In August 2010 a man was arrested for attempting to sell a person with albinism for \$250,000. In 2010 the minister of planning promised to carry out a census of persons with albinism and provide them with sunscreen. However, the government offered little health care or other support. Due to societal discrimination, employment opportunities for persons with albinism were limited.

Other Relevant References

The constitution and law provide citizens the right to change their government through free and fair multiparty elections, and in 2007 citizens exercised this right through generally free and fair local and legislative elections held on the basis of universal suffrage. However, the manner in which the 2007 presidential election results were tallied raised serious doubts as to whether this right was respected at the presidential level.

In a peaceful August 2010 referendum, 67 percent of voters approved a new constitution, which provides for a bill of rights and reforms the electoral system, administration of land, and judiciary. The new constitution provides parliamentary representation for women, youth, persons with disabilities, ethnic minorities, and marginalized communities. Implementation of constitutional reforms continued during the year, although full implementation was expected to take years.

Human rights problems included police corruption; harsh and life-threatening prison conditions; arbitrary arrest and detention; prolonged pretrial detention; executive influence on the judiciary and judicial corruption; arbitrary interference with the home and infringement on citizens' privacy; restrictions on freedom of speech, press, and assembly; abuse and forced resettlement of internally displaced persons (IDPs); abuse of refugees, including killing and rape; official corruption; violence and discrimination against women; violence against children, including female genital mutilation (FGM); child prostitution; trafficking in persons; discrimination against persons with disabilities; interethnic violence; discrimination based on ethnicity, sexual orientation, and HIV/AIDS status; lack of enforcement of workers' rights; forced and bonded labor, including of children; and child labor.

Convention on the Rights of Persons with Disabilities

Kenya signed the Convention on 30/3/2007, and ratified the Convention on 19/5/2008.

Lesotho

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. However, the constitution recognizes customary law as a parallel legal system, and under it women remain disadvantaged with regard to property rights, inheritance, and succession rights. Persons with disability were disadvantaged regarding access to buildings, employment, and healthcare.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to healthcare, or the provision of other state services. The government approved a national disability policy in April that sets up a framework for inclusion of persons with disability in the poverty reduction strategy and social development programs. The Association of the Disabled actively promoted the rights and needs of persons with disabilities.

Laws and regulations stipulate that persons with disabilities should have access to public buildings. Buildings completed after 1995 generally complied with the law. Information for the blind in the form of Braille and JAWS (computer software used by visually impaired persons) was not widely available. Sign language was not provided by service providers in the government or private sector, so signing individuals could not access various state services. There were limited facilities for training persons with hearing and speaking disability.

The government did not effectively implement laws to ensure that persons with disabilities have access to information and communications. Media reports indicated that persons with disabilities experienced societal abuse. There was no record of such abuse in prisons, educational facilities, or mental health facilities.

Election law, which was respected in practice, provides for assisted voting for persons with disabilities. They are allowed to have anyone of their choosing assist them with voting, including the presiding officer at a polling station; there should also be a third person to verify that the voter's choices are respected.

The Ministry of Health and Social Welfare is responsible for protecting the rights of persons with disabilities.

Other Relevant References

[H]uman rights problems included lengthy pretrial detention and long trial delays and stigmatization of persons with HIV/AIDS. Societal abuses included sexual abuse, stigmatization of persons with disabilities, mob violence, human trafficking, and child labor.

Convention on the Rights of Persons with Disabilities

Lesotho ratified the Convention on 2/12/2008.

Liberia

Constitution and Law

The constitution prohibits discrimination based on ethnic background, sex, creed, place of origin, disability, ethnic origin, or political opinion; however, the government did not enforce these provisions effectively.

Persons with Disabilities

Although it is illegal to discriminate against persons with physical and mental disabilities, such persons did not enjoy equal access to government services. No laws mandate access to public buildings. Streets, schools, public buildings, and other facilities were generally in poor condition and inaccessible to persons with disabilities, although new curbs in Monrovia were built to be wheelchair accessible. Many citizens had permanent disabilities as a result of the civil war. Persons with disabilities faced societal discrimination, particularly in rural areas. Children with disabilities had access to education; however, a 2008-09 survey found only 0.8 percent of students enrolled in school were identified as disabled. The Ministry of Education named a director of special education to address the needs of children with disabilities. The National Commission on Disabilities conducted an assessment on eight special schools in the greater Monrovia area during the year; its results were pending.

The Journal of the American Medical Association published a Harvard Humanitarian Initiative study that concluded that 40 percent of the population had Post Traumatic Stress Disorder or other mental disabilities.

The government identified an estimated 16 percent of the population as disabled, but that number was believed actually to be higher due to the civil conflict.

The National Commission on Disabilities and the Ministry of Health and Social Welfare were responsible for protecting the rights of persons with disabilities; however, they did not always do so effectively.

Following the October 11 general election, the National Union of Organizations for the Disabled noted that persons with disabilities were frequently unable to enter polling places, and there was no provision of tactile ballot guides for the blind.

During the year the commission and ministry conducted a series of sensitization programs about persons with disabilities, but with limited effect. The commission also began work on a plan for the government's promotion of the rights of such persons in education, employment,

and livelihood. The plan was pending completion at year's end. NGOs provided some services to persons with disabilities.

Convention on the Rights of Persons with Disabilities

Liberia signed the Convention and the Optional Protocol on 30/3/2007.

Madagascar

Constitution and Law

The constitution and law prohibit all forms of discrimination, including on the basis of race, gender, disability, language, and social status; however, no specific governmental institutions were designated to enforce these provisions.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, broadly defines their rights, and provides for a national commission and regional subcommissions to promote the rights of persons with disabilities. In practice, however, these rights rarely were enforced, and the legal framework for promoting accessibility remained perfunctory. A 2005 study conducted by the NGO Handicap International found that persons with disabilities seldom had access to health care, education, employment, or accommodation for communication or other basic services, and women and girls with disabilities were often victims of physical violence. In general, access to education for persons with disabilities was limited, due to lack of adequate infrastructure, specialized institutions, and teachers. A network of women with disabilities, "Association des Femmes Handicapees de Madagascar," advocated for their rights.

The Ministry of Health is responsible for protecting the rights of persons with disabilities. Isolated projects at the community level had some success. In 2008 a public market in the city of Majunga gained special handicapped access; a health and transportation benefits program with identity cards was developed in the city of Fianarantsoa; and persons with disabilities had been successfully integrated into public schools in some areas where they previously had no access. With international funding in 2008, the city of Antsiranana worked to make city hall, health centers, and other administrative buildings accessible. However, reports continued that schools often rejected students with disabilities, claiming their facilities were not adequate. Local NGOs also provided evidence that persons with disabilities were routinely refused access and verbally abused by teachers throughout the education system, from primary school to university. A 2009 study found that the school attendance rate of children with disabilities was only 0.26 percent in 631 schools surveyed, due to the lack of specialized programs, poor understanding of the children's needs, and insufficient resources.

Other Relevant References

[H]uman rights problems included harsh prison conditions, sometimes resulting in deaths; lengthy pretrial detention; an inefficient judiciary that lacked independence; violence against and intimidation of journalists; restrictions on freedoms of speech, press, and assembly; official corruption and impunity; societal discrimination and violence against women, persons with disabilities, and the lesbian, gay, bisexual and transgender (LGBT) community; trafficking of women and children; and child labor, including forced child labor.

Convention on the Rights of Persons with Disabilities

Madagascar signed the Convention and the Optional Protocol on 25/9/2007.

Malawi

Constitution and Law

The law specifically provides for equal rights for women, forbids discrimination based on language or culture, race, disability, or social status, and provides for equality and recognition before the law for every citizen. However, the capacity of government institutions to ensure equal rights for all citizens was limited.

Persons with Disabilities

The Employment Act prohibits discrimination in employment; however, there is no comprehensive law governing discrimination against persons with disabilities. The law provides for the support of persons with disabilities through greater access to public places, fair opportunities in employment, and full participation in all spheres of society; however, limited resources prevented the government from protecting these rights in practice. The government had not mandated accessibility to buildings and services for persons with disabilities.

The Department of Persons with Disabilities and the Elderly, within the Ministry of Gender, Child, and Community Development is responsible for protecting the rights of persons with disabilities. There were public and privately supported schools and training centers that assisted persons with disabilities. There also were several self-supporting businesses run by and for persons with disabilities. The Malawi Rural Development Fund provided loans to persons with disabilities to support these activities.

Convention on the Rights of Persons with Disabilities

Malawi signed the Convention on 27/9/2007. Malawi ratified the Convention on 27/8/2009.

Mali

Constitution and Law

The constitution and law prohibit discrimination based on social origin and status, color, language, gender, or race, but not disability. In spite of relevant legislation, citizens generally were reluctant to file complaints or press charges of discrimination, based largely on cultural factors. Absent complaints or lawsuits, the government did not aggressively pursue violations of these laws.

Persons with Disabilities

There is no specific law protecting the rights of persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or in the provision of other state services. There is no law mandating accessibility to public buildings. The Ministry of Social Development, Solidarity, and the Elderly is charged with the protection of the rights of persons with disabilities. The ministry sponsored activities to promote opportunities for persons with disabilities to generate income and also worked with NGOs, such as the Malian Federation of Associations for Handicapped Persons, which provided basic services. There was a Bamako-

based school for the deaf that ostensibly falls under government responsibility, but support and resources were practically nonexistent.

Other Relevant References

The government provided some assistance to IDPs, allowed the ICRC access to IDPs, and permitted IDPs to accept assistance provided by humanitarian organizations. The distances involved, difficult terrain, and land mine concerns hampered assistance efforts. The government did not attack or target IDPs or forcibly return or resettle them. The government worked with the International Organization for Migration during the year to reintegrate citizens fleeing violence and government instability in Cote d' Ivoire, Tunisia, and Libya.

Convention on the Rights of Persons with Disabilities

Mali signed the Convention and the Optional Protocol on 15/5/2007. Mali ratified the Convention and the Optional Protocol on 7/4/2008.

Mauritania

Persons with Disabilities

The law prohibits discrimination against persons with physical disabilities in education, employment, or the provision of other state services, and there were no reports of governmental discrimination against persons with disabilities. However, persons with disabilities generally did not have access to buildings, information, and communications, and there were no government programs to provide such access. The government did not mandate preference in employment, education, or public accessibility for persons with disabilities, although it did provide some rehabilitation and other assistance for such persons. MASEF oversees social reinsertion programs for persons with disabilities.

Convention on the Rights of Persons with Disabilities

Mauritania ratified the Convention and the Optional Protocol on 3/4/2012.

Mauritius

Constitution and Law

The constitution and law specifically prohibit discrimination on the basis of race, caste, place of origin, political opinion, color, gender, disability, or language. While the government generally enforced these provisions, some societal discrimination occurred.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services, and the Training and Employment of Disabled Persons Board effectively enforced it. The law requires that buildings be accessible for persons with disabilities; however, many older buildings remained inaccessible to persons with disabilities, making it difficult for organizations in those buildings to hire many persons with disabilities. The law requires organizations employing more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities, and the government enforced this law. The government effectively

implemented programs to ensure that persons with disabilities had access to information and communications. The state-run television station aired a weekly news program for persons with disabilities. The government does not restrict the right of persons with disabilities to vote or participate in civic activities; however, during the May 2010 legislative elections, private radio stations reported that a few persons with disabilities were not able to vote because the polling stations were not accessible.

Other Relevant References

International election observers noted some problems including unequal representation due to electoral constituencies not being redrawn, the inability of persons who turned 18 between January 2009 and May 2010 to vote due to use of the 2009 voters roll, lack of accommodations for persons with disabilities, and lack of legal provisions to provide for domestic election observers. Also various candidates stated that some politicians distributed gifts in their constituencies prior to the May 2010 election, and that some polling materials were not available in Creole, a language spoken by more than 90 percent of the population.

Convention on the Rights of Persons with Disabilities

Mauritius signed the Convention and the Optional Protocol on 25/9/2007. Mauritius ratified the Convention on 8/1/2010.

Mozambique

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but in practice discrimination persisted against women and persons with HIV/AIDS.

Persons with Disabilities

The constitution and law stipulate that citizens with disabilities shall fully enjoy the same rights as all other citizens. However, the government provided few resources to implement this provision, and persons with disabilities frequently could be seen begging at traffic intersections. There were an estimated 300,000 persons with disabilities in the country. Discrimination was common against them in employment, education, access to health care, and the provision of other state services. Unequal access to employment was often cited as one of their biggest concerns. The law does not mandate access to buildings for persons with disabilities, and although the Ministry of Public Works and Habitation worked to ensure that public buildings in Maputo city provided access for persons with disabilities, progress has been very slow. Electoral law provides for the needs of voters with disabilities in the polling booths.

Concerns of persons with disabilities included lack of access to socioeconomic opportunities and employment, limited access to buildings and transportation, and a lack of wheelchairs. Facilities with special access were rare. There were few job opportunities for persons with disabilities in the formal sector.

The country's only psychiatric hospital was overwhelmed with patients and lacked the means to guarantee basic nutrition, medicine, or shelter. Doctors at the hospital also reported that many families abandoned members with disabilities.

Veterans with disabilities continued to assert non-receipt of pensions.

The Ministry of Women and Social Action is responsible for protecting the rights of persons with disabilities. The four-year National Action Plan in the Area of Disabilities announced in 2006 had not received any financing for implementation by year's end.

The city of Maputo offered free bus passes to persons with disabilities.

Other Relevant References

Because some traditional healers assert that the body parts of persons with albinism contained special curative or sexual strength, such persons could be subjected to violent attacks that resulted in mutilation or death.

MISA reported that despite the press freedom provisions in the constitution and the 1991 Press Law, other legislation inhibits the media. For example, a clause in the law on crimes against state security treats libel against the president, prime minister, and other senior political and judicial figures as a security offense. These laws were not invoked during the year. In response to the September 2010 violent protests, the government temporarily disabled the local cell-phone texting system, the protesters' primary method of communication, and subsequently required that all purchasers and owners of prepaid cell phones register with cellular service providers.

Convention on the Rights of Persons with Disabilities

Mozambique signed the Convention on 30/3/2007. Mozambique ratified the Convention on 30/1/2012.

Namibia

Constitution and Law

The constitution and law prohibit discrimination based on race, creed, gender, language, disability, social status, or religion, and specifically prohibit "the practice and ideology of apartheid"; however, the government did not effectively enforce all these prohibitions.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, health care, education, or the provision of any state services. Enforcement in this area was ineffective, and societal discrimination persisted.

The government does not require special access to public buildings, and some ministries remained inaccessible. However, during the year the government continued to require that all new government buildings include ramps. In addition, some street corners in the capital were outfitted with special signal crossings for the visually impaired.

The Office of the Prime Minister's Disability Advisory Unit was responsible for overseeing concerns of people with disabilities.

Other Relevant References

In contrast to 2010, there were no reports that persons with albinism were murdered and that their body parts were missing or mutilated, factors consistent with ritual killings.

Convention on the Rights of Persons with Disabilities

Namibia signed the Convention and the Optional Protocol on 25/4/2007. Namibia ratified the Convention and the Optional Protocol on 4/12/2007.

Niger

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not generally enforce these provisions, in large part because victims did not report discrimination or were pressured into handling it with traditional dispute mechanisms.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, and access to health care and other government services, and the government generally enforced these provisions. The law mandates that the state provide for such individuals, but there were no specific regulations mandating accessibility to buildings, transportation, and education for persons with disabilities. The government provided limited health care to persons with disabilities. Societal discrimination existed against persons with disabilities, particularly mental disabilities and leprosy. The Ministry of Population, Women's Promotion, and Children's Protection is responsible for protecting the rights of persons with disabilities, including those with sensory or intellectual disabilities.

Convention on the Rights of Persons with Disabilities

Niger signed the Convention on 30/3/2007, and signed the Optional Protocol on 2/8/2007. Niger ratified the Convention and the Optional Protocol on 24/6/2008.

Nigeria

Constitution and Law

The constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion; however, the government did not enforce the law effectively. The constitution prohibits discrimination based on the circumstances of a person's birth. However, the constitution does not explicitly prohibit discrimination based on disability.

Persons with Disabilities

The constitution does not prohibit explicitly discrimination based on disability; however, it prohibits discrimination based on the circumstances of one's birth. No laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or the provision of other state services. At year's end the president had not yet signed into law a disabilities bill passed in 2007 that sought to ensure education and accessibility for persons with disabilities. Government responsibility for persons with disabilities falls under the supervision of the Ministry of Women's Affairs and Social Development.

Mental health facilities remained almost nonexistent, although officials at individual prisons attempted to include specialized mental health facilities for prisoners with mental conditions.

All disabled prisoners stayed with the general inmate population without regard to disability, and no additional services were available.

Persons with disabilities faced social stigma, exploitation, and discrimination, and relatives often regarded them as a source of shame. Many families viewed children with disabilities who could not contribute to family income as liabilities and sometimes severely abused or neglected them. Many indigent persons with disabilities begged on the streets.

The government ran vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist those who were blind and other persons with physical disabilities to become self-supporting. Persons with disabilities established self-help NGOs, such as the Hope for the Blind Foundation in Zaria, Kano Polio Victims Trust Association, Joint National Association of Persons with Disabilities, Albino Foundation, and Comprehensive Empowerment of Nigerians with Disabilities. In 2008 the federal Ministry of Education estimated that there were 3.25 million school-age children with disabilities. Of these, only 90,000 (2.76 percent) enrolled in primary school and 65,000 (1.85 percent) in secondary school.

Other Relevant References

[S]erious human rights problems included sporadic abridgement of citizens' right to change their government, due to some election fraud and other irregularities; politically motivated and extrajudicial killings by security forces, including summary executions; security force torture, rape, and other cruel, inhuman, or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention center conditions; arbitrary arrest and detention; prolonged pretrial detention; denial of fair public trial; executive influence on the judiciary and judicial corruption; infringements on citizens' privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; official corruption; violence and discrimination against women; child abuse; female genital mutilation (FGM); the killing of children suspected of witchcraft; child sexual exploitation; ethnic, regional, and religious discrimination; trafficking in persons for the purpose of prostitution and forced labor; discrimination against persons with disabilities; discrimination based on sexual orientation and gender identity; vigilante killings; forced and bonded labor; and child labor.

Prisoners with mental disabilities remained incarcerated with the general prison population. Individual prisons made efforts to provide mental health facilities, but most prisons did not provide mental health care.

Convention on the Rights of Persons with Disabilities

Nigeria signed the Convention and the Optional Protocol on 30/3/2007. Nigeria ratified the Convention and the Optional Protocol on 24/9/2010.

Rwanda

Constitution and Law

The constitution provides that all citizens are equal before the law, without discrimination on the basis of ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith opinion,

economic status, culture, language, social status, or physical or mental disability. The government generally enforced these provisions. However, problems remained.

Persons with Disabilities

The constitution prohibits discrimination on the basis of physical or mental disability and establishes the National Council for Persons with Disabilities (NCPD) to assist in coordinating government efforts to provide for the rights of persons with disabilities. The law prohibits discrimination against people with physical, sensory, intellectual, and mental disabilities in regard to employment, education, access to health care, and the provision of other state services, and the government generally enforced these provisions. The law also mandates access to public facilities, accommodations for taking national exams, provision of medical care by the government, and monitoring of implementation by the NHRC. The government generally implemented all of the foregoing provisions. The NCPD designated one member in the Chamber of Deputies. The National Union of Disability Organizations in Rwanda (NUDOR) provided an umbrella civil society platform for advocacy on behalf of persons with disabilities.

In December 2010 MINALOC conducted a census to establish a database of persons with disabilities, to be used as a planning tool for development projects, training for therapists, medical practitioners, and teachers in special education, including vocational training programs.

On August 22, the government launched a campaign to enable people with disabilities to have a barrier-free environment. However, handicap accessibility remained a problem throughout the country.

Some Rwandans viewed disability as a curse or punishment, which could result in social exclusion and sometimes abandonment or hiding of children from the community. From November 26 to December 3, the NCPD organized the first annual Disability Week, culminating in National Disability Day on December 3, to sensitize Rwandans to problems faced by persons with disabilities. On December 23, the NCPD followed up with the country's first National Day of Children with Disabilities.

There was one government psychiatric referral hospital in Kigali, with district hospitals providing limited psychiatric services. All other mental health facilities were nongovernmental. In general facilities were underequipped and understaffed. Individuals can be committed by a judge to Ndera Psychiatric Hospital involuntarily but must be referred by district officials after counseling and consultations with family members.

There were numerous claims of employment discrimination against people with disabilities. For example, a recent graduate of the School of Finance and Banking filed a complaint against the brewery Bralirwa after it allegedly refused her a job because she was deaf. NUDOR worked with the NCPD on the resolution of such claims.

Institutes of higher education admitted students with disabilities, but only the National University of Rwanda and the Kigali Institute of Education were able to accommodate students with visual disabilities. However, few disabled students could reach the university level because many primary and secondary schools were unable to accommodate their disabilities.

Convention on the Rights of Persons with Disabilities

Rwanda ratified the Convention and the Optional Protocol on 15/12/2008.

Sao Tome and Principe

Constitution and Law

The constitution provides for the equality of all citizens regardless of gender, race, social origin or status, political views, creed, philosophical convictions, disability, or language; nevertheless, women faced societal discrimination.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, mental, or intellectual disabilities. Nevertheless, there were no reports of discrimination against such persons. The law does not mandate access to buildings, transportation, or services for persons with disabilities.

Convention on the Rights of Persons with Disabilities

Sao Tome and Principe did not sign the Convention.

Senegal

Constitution and Law

The constitution provides that men and women are equal under the law and prohibits discrimination based on race, gender, disability, language, or social status. However, gender discrimination was widespread in practice, and antidiscrimination laws, in particular laws against violence against women and children, generally were not enforced.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the government somewhat effectively enforced it. The law also mandates accessibility for persons with disabilities; however, there remained a lack of infrastructure to assist them, including in appropriately accessing voting sites. The Ministry of National Solidarity is responsible for protecting the rights of persons with disabilities.

The law reserves 15 percent of new civil service positions for persons with disabilities. However, according to the Senegalese National Association of People with Physical Disabilities, as of year's end the government failed to issue the executive decree required to make the law operational. The government operated schools for children with disabilities, provided grants for persons with disabilities to receive vocational training, and managed regional centers for persons with disabilities to receive training and funding for establishing businesses.

Several government programs that appeared to be earmarked for persons with disabilities offered services to other vulnerable populations, reducing resources for persons with disabilities. Due to a lack of special education training for teachers and facilities accessible to children with disabilities, only 40 percent of such children were enrolled in primary school.

Mental health treatment was not generally available, and incidents of abuse of the mentally disabled were common.

Other Relevant References

No civilian landmine-related deaths were noted during the year, indicating that awareness campaigns about land mines have been somewhat effective. However, some observers noted an increased use of land mines by the MFDC. Two civilian women were injured in a landmine attack on March 27 in Diankadiou, North Sindian. Handicap International continued work on an antimine campaign under the supervision of and in coordination with the National Mine Action Center, a governmental organization.

Several landmine accidents killed soldiers.

During the 29-year Casamance conflict, tens of thousands of persons left villages in the region due to fighting, forced removal, and land mines. Many persons reportedly became newly displaced during the year. The government estimated that 10,000 IDPs remain in the Casamance, although this number tended to fluctuate with the ebb and flow of the conflict. Some international humanitarian assistance agencies estimated the IDP number to be as high as 40,000. Some IDPs who attempted to return to their villages in rural communities south of Ziguinchor met with hostility from MFDC combatants, who survived on the same natural resources as returning IDPs.

During the year the government supplied food to and enrolled children of IDPs in local schools in Ziguinchor...

...In the Casamance region, talibes working in the fields were exposed to land mines left from the war.

Convention on the Rights of Persons with Disabilities

Senegal signed the Convention and the Optional Protocol on 25/4/2007. Senegal ratified the Convention on 7/9/2010.

Seychelles

Constitution and Law

The constitution and law affirm the right to be free from all types of discrimination but do not prohibit discrimination based on specific factors. In practice, there was no overt discrimination in housing, employment, education, or other social services based on race, gender, ethnicity, nationality, or disability.

Persons with Disabilities

Although the constitution and law provide for the right of persons with disabilities to special protection, including reasonable provisions for improving quality of life, no laws provide for access to public buildings, transportation, or state services, and the government did not provide such services. There was discrimination against persons with disabilities. For example, there were reports that some employers did not pay their employees with disabilities because the latter were already receiving disability social aid. The National Council for Disabled, a government agency under the Ministry of Social Development and Culture, developed work placement programs for persons with disabilities, although few such employment opportunities existed.

Convention on the Rights of Persons with Disabilities

Seychelles signed the Convention and the Optional Protocol on 30/3/2007. Seychelles ratified the Convention on 2/10/2009.

Sierra Leone

Persons with Disabilities

In March Parliament passed the Persons With Disabilities Act of 2011, which prohibits discrimination against persons with disabilities in employment and provision of state services. It further calls for free health care and education for the disabled, equal access to government buildings, housing, and public transportation, and provision of rehabilitation services; however, at year's end only three rehabilitation centers existed. At year's end NGOs supporting persons with disabilities claimed the government had made no headway on implementing the act's provisions. Given the high rate of general unemployment, work opportunities for persons with disabilities were few, and begging by them was commonplace. Children with disabilities were also less likely to attend school than other children.

There is considerable stigma associated with and discrimination against persons with mental health issues. The Sierra Leone Psychiatric Hospital in Kissy, the only inpatient psychiatric institution, had beds for 400 patients but housed only an estimated 100 patients due to staff and resource constraints, as the hospital was poorly funded by the government and received only small donations from private charities. Patients were generally released to their families or communities as soon as possible and received follow-up counseling on a regular basis. The hospital estimated that 100,000 people suffered severe depression, generally due to socioeconomic problems. Approximately 50,000 people suffered drug and alcohol-induced psychosis, or psychoses caused by diseases like malaria. There were an estimated 100,000 severe drug abusers using alcohol, marijuana derivatives, or cocaine. In addition the hospital estimated there were 25,000 mentally retarded persons and 25,000 people suffering from epilepsy. The vast majorities of these people remained untreated and received no public services. The hospital lacked sufficient beds, and patients easily destroyed mattresses. Patients were not provided sufficient food. Patient restraints were primitive and dehumanizing. The hospital did not have running water and only sporadic electricity due to lack of funds. Basic medications were available, but many drugs targeted at specific problems were lacking. Hospital staff was poorly paid; in September nurses, caterers, and cleaners threatened to strike until their salaries were augmented and they were provided with uniforms and raincoats.

In September, in an effort to expand mental health services to areas outside Freetown, the Ministry of Health and Sanitation, in collaboration with the World Health Organization, certified 25 mental health workers in Bo.

The Ministry of Health and Sanitation is responsible for providing free primary healthcare services to persons with polio and diabetic retinopathy as well as those who are blind or deaf. However, these services were not provided consistently, and organizations reported that many persons with disabilities had limited access to medical and rehabilitative care. The National Committee for Social Action provided some support through limited programs to vulnerable communities. The Ministry of Social Welfare, Gender, and Children's Affairs has a mandate to

provide policy oversight for issues affecting persons with disabilities but had limited capacity to do so.

Some of the many individuals maimed in the civil war, including those who had their limbs amputated, received special assistance from local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help victims acquire new work skills; however, amputees complained that they did not receive sufficient assistance compared to former combatants.

Other Relevant References

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to the views of local and international NGOs and generally acknowledged the problems raised. They often scheduled forums in conjunction with NGOs to discuss such topics as women's rights and the rights of the disabled.

[H]uman rights problems included abusive treatment by police; arbitrary arrest and detention; some restrictions on freedoms of press and assembly; discrimination and violence against women and girls, including female genital mutilation; official and societal discrimination against lesbian, gay, bisexual, and transgender individuals; discrimination against people with disabilities; and vigilante violence.

Convention on the Rights of Persons with Disabilities

Sierra Leone signed the Convention and the Optional Protocol on 30/3/2007. Sierra Leone ratified the Convention on 4/10/2010.

Somalia

Persons with Disabilities

Neither the TFC, nor the Somaliland constitution, nor the Puntland interim constitution specifically addresses discrimination on the basis of intellectual or physical disabilities, although they discuss support and/or protection for persons with disabilities more broadly. Under the TFC the state is responsible for the welfare of persons with disabilities, along with orphans, widows, war heroes, and the elderly. According to the Somaliland constitution, the state is responsible for the health, care, development, and education of mothers, children, the disabled, persons who have no one to care for them, and persons with mental disabilities. The Puntland interim constitution safeguards and advocates for the rights of orphans, persons with disabilities, and whoever needs the protection of the law. There are no laws to ensure building access for disabled persons.

In the absence of functioning governing institutions, the needs of most persons with disabilities were not addressed. Several local NGOs in Somaliland provided services for persons with disabilities and reported numerous cases of discrimination. Without a public health infrastructure, there were no specialized institutions to provide care or education for the

mentally ill. It was common for such persons to be chained to a tree or restrained within their homes.

Other Relevant References

Land mines throughout the country caused civilian deaths...

Fewer cases involving land mines and unexploded ordnance were reported than in previous years. On July 16, on the outskirts of Hudur, Bakol region, two children were killed and another wounded when ordnance they were playing with exploded.

Convention on the Rights of Persons with Disabilities

Somalia has not signed the Convention.

South Africa

Constitution and Law

The constitution and law prohibit discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, sexual orientation, or marital status. However, entrenched attitudes and practices exemplified in gender-based violence and employment inequities often resulted in the denial of these rights in practice.

Persons with Disabilities

The law prohibits discrimination on the basis of physical, sensory, intellectual, and mental disability; however, government and private sector discrimination existed. The law mandates access to buildings for persons with disabilities, but such regulations were rarely enforced, and public awareness of them remained minimal.

There were more than 100,000 students with disabilities in mainstream schools, and the Department of Basic Education allocated part of its budget for assistive devices, material resources, and assistive technology. In a 2010 speech, Minister of Basic Education Angie Motshekga stated eight schools had been converted to full-service, inclusive schools, and 20 more identified for future conversion. The UN Educational, Scientific and Cultural Organization reported during the year that children with disabilities between the ages of seven and 15 were 20 percent less likely to attend school than children without disabilities.

The law prohibits harassment of persons with disabilities and, in conjunction with the Employment Equity Act, provides guidelines on the recruitment and selection of persons with disabilities, reasonable accommodation for persons with disabilities, and guidelines on proper handling of employee medical information. Enforcement of this law was limited. The law also requires employers with more than 50 workers to create an affirmative action plan with provisions for achieving employment equity for persons with disabilities. Persons with disabilities constituted only an estimated 0.8 percent of the workforce. The Ministry for Women, Children, and Persons with Disabilities launched a Web site linking persons with disabilities with civil service job information, but the government did not meet its target of 2 percent of government positions occupied by persons with disabilities.

The law does not allow persons identified by the courts as mentally disabled to vote. The Mental Health Information Center of South Africa noted that 20 percent of the population suffered from a mental illness that significantly impairs living.

The Ministry for Women, Children, and Persons with Disabilities is charged with protecting the rights of persons with disabilities, enhancing their development opportunities, and monitoring government departments to ensure that disability issues are addressed in policies, hiring practices, building plans, and other matters. All provincial and local governments also have offices charged with protecting the rights of persons with disabilities, and there are representatives advocating for persons with disabilities at the Commission for Gender Equality and the SAHRC. NGOs also advocated for the rights of persons with specific disabilities such as blindness.

At year's end there were 16 persons with disabilities with seats in the upper and lower houses of parliament.

Other Relevant References

Rape, including spousal rape, is illegal but remained a serious and pervasive problem. Minimum sentencing for rape convictions is 10 years in prison for the first offense, 15 years for the second, and 20 for the third. Under certain circumstances--such as multiple rapes, gang rapes, or the rape of a minor or a person with disabilities--conviction results in a minimum sentence of life imprisonment (25 years), unless substantial and compelling circumstances exist to justify a lesser sentence. Perpetrators with previous rape convictions and perpetrators aware of being HIV-positive at the time of the rape also face a minimum sentence of life imprisonment, unless substantial and compelling circumstances exist to justify a lesser sentence. According to the 2010-11 SAPS annual report, there were 56,272 reported cases of rape and indecent assault during the year and a total of 66,196 reported sexual offense cases; many of the victims were elderly women. The true incidence of rape was thought to be much higher. According to a 2008 study by SAPS and the Centre for the Study of Violence and Reconciliation, only 4.1 percent of reported rape cases resulted in conviction.

Women, particularly black women, typically had lower incomes and less job security than men. Most women were engaged in poorly paid domestic labor and microenterprises, which did not provide job security or benefits. The Department of Trade and Industry (DTI) provided incentive grants to promote the development of small- and medium-size businesses and microenterprises for women, young persons, and persons with disabilities. DTI also operated the Isivande Women's Fund to improve women's access to formal finance in the absence of personal savings and in the face of gender-biased institutions.

[H]uman rights problems included arbitrary arrest; lengthy delays in trials and prolonged pretrial detention; forcible dispersal of demonstrations; pervasive violence against women and children; societal discrimination against women, persons with disabilities, and the lesbian, gay, bisexual, and transgender (LGBT) community; trafficking in persons; violence resulting from racial and ethnic tensions and conflicts with foreigners; and child labor, including forced child labor and child prostitution.

Convention on the Rights of Persons with Disabilities

South Africa signed the Convention and the Optional Protocol on 30/3/2007. South Africa ratified the Convention and the Optional Protocol on 30/11/2007.

South Sudan

Constitution and Law

The transitional constitution prohibits discrimination on race, gender, disability, language, and social status; however, the government did not effectively enforce the law.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The government has not implemented programs to ensure access to buildings for persons with disabilities. There were no mental health hospitals or institutions, and persons with mental illnesses were held in prisons.

Other Relevant References

Land mines planted by RMGs resulted in deaths and injuries. For example, on April 19, prior to the July 9 independence of South Sudan, the UN reported that an Adventist Development and Relief Agency truck carrying more than 56 metric tons of food detonated a land mine between Abeimnom and Mayom in Unity State. The driver and a passenger were injured.

On August 19 and 20, the detonation of two land mines in Bentiu, Unity State, resulted in at least five civilian deaths and injuries to numerous others. The government continued to cooperate with the UN Mine Action Group and other demining groups to remove land mines in the South.

Security forces and RMGs operating in South Sudan restricted the movement of UN personnel and other humanitarian groups. Conflict in intertribal areas impeded the delivery of assistance to vulnerable populations, particularly prior to independence on July 9. Trucks carrying humanitarian supplies were vulnerable to land mines and hijackings. For example, a World Food Program truck on its way to deliver food to schools was hijacked during the year. Establishing the identity of perpetrators was often difficult.

The government's capacity to assist IDPs and refugees was extremely limited, and most humanitarian aid was provided by the international community or host families and communities. The UN High Commissioner for Refugees (UNHCR), other UN agencies, international NGOs, domestic NGOs, and other donors provided shelter, emergency health-care services, water and sanitation services, food assistance, nonfood items, and livelihood assistance for IDPs. However, conflict along the border, RMG activity, attacks, lack of infrastructure and road access, land mines, heavy rains, and flooding impeded the delivery of assistance to refugees inside and outside conflict zones. UN assessments consistently concluded that some areas of South Sudan's border with Sudan remained unsafe for the return of IDPs.

Convention on the Rights of Persons with Disabilities

South Sudan has not signed the Convention.

Sudan

Constitution and Law

The interim national constitution prohibits discrimination based on race and gender, but the government did not effectively enforce these provisions. The law does not address discrimination based on disability, language, or social status.

Persons with Disabilities

While the law does not specifically prohibit discrimination against persons with disabilities, it stipulates “the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment, and full participation in society.” The government has not enacted laws or implemented effective programs to ensure access to buildings for persons with disabilities. Credible sources noted prisoners with mental disabilities were chained 24 hours a day if they were considered a danger to themselves. Mentally disabled prisoners were not exempted from trial, although their cases could be deferred during treatment.

Other Relevant References

The UN reported both the SAF and Sudan Peoples’ Liberation Army-North (SPLA-N) allegedly laid antipersonnel land mines in Kadugli, resulting in civilian deaths.

Convention on the Rights of Persons with Disabilities

Sudan signed the Convention on 30/3/2007. Sudan ratified the Convention and the Optional Protocol on 24/4/2009.

Swaziland

Constitution and Law

The constitution prohibits discrimination based on race, gender, disability, age, ethnicity, religion, political opinion, or social status; however, the government did not consistently enforce the law.

Persons with Disabilities

The constitution provides for the rights of persons with disabilities, but it does not differentiate between physical and mental disabilities and requires parliament to enact relevant implementing legislation, which parliament has not done. Parliament had not passed laws to prohibit discrimination against persons with disabilities in employment or to provide access to health care or other state services by year’s end. Persons with disabilities complained of government neglect. No law mandates accessibility for persons with disabilities to buildings, transportation, or government services, although government buildings under construction included some improvements for those with disabilities, including access ramps. Public transportation was not user friendly for disabled persons, and the government does not provide any means of alternative accessible transport.

The Office of the Deputy Prime Minister and its Department of Social Welfare are responsible for protecting the rights of persons with disabilities.

On February 11, the *Swazi Observer* reported that police officers turned away Shadrack Nyaka, a person with disabilities who had come to register a charge of assault against his landlord. According to police, Nyaka was turned away because he could not speak, and police could not understand him since there are no sign language experts in the police stations.

There is one school for the deaf and one special education alternative school for children with physical or mental disabilities. Only 25 percent of adults with disabilities were employed, mostly in the private sector, according to a 2006 study conducted by the Ministry of Health and Social Welfare. The hospital for persons with mental disabilities, located in Manzini, was overcrowded and understaffed.

Other Relevant References

There was social stigma attached to albinism. Several people with albinism stated they were discriminated against, called names, and were at risk of being killed for ritual purposes. The government condemned such acts but took no further action.

Child abuse, including rape of children and incest, was a serious problem, but the crime was rarely reported, the government seldom punished perpetrators of abuse, and penalties seldom matched the crime. Many children became HIV positive as a result of rape. Most sexual assaults on girls occurred at home; fewer than half of sexual assaults were reported. Children with disabilities, children out of school, and orphans were at particular risk. According to a recent report by the Swaziland Violence Surveillance System, at least 2,619 children were reported abused from January to June this year. Punishment for child abuse was minimal, and even perpetrators of abuse that resulted in death were generally fined no more than 200 emalangeni (\$29)

Convention on the Rights of Persons with Disabilities

Swaziland signed the Convention and the Optional Protocol on 25/9/2007.

Tanzania

Constitution and Law

The constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race, social status, or religion. Discrimination based on gender, age, or disability was not explicitly prohibited by law but was discouraged publicly in official statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS or disabilities persisted, and ethnic tensions continued in some parts of the country.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities. In 2010 the government passed the Persons with Disability Act to address the overall protection of disabled persons. Previous implementing legislation focused on specific, disjointed areas such as employment and access to healthcare, but most employers believed that disabled individuals were incapable of working, and most persons with disabilities remained unemployed.

Approximately 9 percent of the population consisted of persons with a disability, and persons with physical disabilities were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate financial resources. Although the government mandates access to public buildings, transportation, and government services for persons with disabilities, few buildings were accessible. New public buildings were being built in compliance with the law, but funds to retrofit existing structures were unavailable.

There were five members of mainland parliament with disabilities. One member of parliament elected in 2010, Salum Bar'wan, was the first with albinism. During the election campaign, his opponents repeatedly claimed that people with albinism lack vitamin C and therefore do not have the ability to think clearly.

The Ministries of Education, Justice, and Labor are responsible for enforcing the rights of persons with disabilities for education, legal claims, and labor rights, respectively. The Department of Social Welfare has responsibility for coordinating matters related to persons with disabilities.

Other Relevant References

There were three persons with disabilities in the Zanzibar House of Representatives...

Following death sentences given to 10 persons in 2010 for killing persons with albinism, this type of violence decreased significantly. In the Lake Zone, practitioners of witchcraft previously sought albino body parts in the belief that they could be used to create power and wealth. During the year, however, police confirmed only one killing connected to albinism. CHRAGG reported that it did not receive any complaints concerning albinism issues.

In March the district commissioner of Muheza intervened in the case of a young woman with albinism whose parents had kept her locked in a room for three years. The district commissioner negotiated her release and treatment in a local hospital.

On October 14, a man in the Geita region attacked Adam Robert, a 12-year-old with albinism. The assailant used a machete to sever three of Robert's fingers. At year's end the assailant was missing, but the police arrested five persons in connection with the attack, including Robert's father, stepmother, and a witch doctor who allegedly planned the attack. At year's end the case was pending in court...

The union and Zanzibar governments have separate labor laws. Workers on the mainland have the right to form and join independent trade unions, conduct legal strikes, and bargain collectively. In practice, however, some private mining and construction companies did not allow workers to form unions and in some cases terminated their employment. During the year the Tanzania Mines, Energy, Construction and Allied Workers' Union (TAMICO) recorded more than 200 unfair terminations of active unionized workers. Trade unions must consist of more than 20 employees and are required to register with the government. A trade union or employers' association must register within six months of its establishment; failure to register is a criminal offense. The law provides the registrar in the Ministry of Labor with significant control over trade unions, including the right to deregister unions if there is overlap within an enterprise. Unions have to submit financial records and a membership list to the registrar annually. The registrar can suspend a trade union if it determines that the union violates the

law or endangers public security. Association with an international trade union requires government approval. Although the law does not specifically prohibit antiunion discrimination, in practice it is treated like other forms of legally defined discrimination (based on disability, religious affiliation, etc.). Trade Union Congress of Tanzania (TUCTA) officials stated that there were many instances of discrimination of union workers, particularly in mining companies. Disputes on grounds of antiunion discrimination must appear before the Commission for Mediation and Arbitration (CMA). Reinstatement is not mandatory.

[H]uman rights problems included restrictions on freedoms of press and assembly; some limitations on religious freedom, primarily in Zanzibar; restrictions on the movement of refugees; official corruption, including judicial corruption and inefficiency, particularly in the lower courts; societal violence against women and persons with albinism; child abuse, including female genital mutilation (FGM); and discrimination based on sexual orientation. Trafficking in persons, both internal and international, as well as child labor were problems.

Convention on the Rights of Persons with Disabilities

Tanzania signed the Convention on 30/3/2007, and signed the Optional Protocol on 29/9/2008. Tanzania ratified the Convention and the Optional Protocol on 10/11/2009.

Togo

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these provisions effectively.

Persons with Disabilities

The law prohibits discrimination against persons with physical, mental, and sensory disabilities in employment, education, access to health care, or in the provision of other state services, but the government did not effectively enforce these provisions. There was no overt government discrimination against persons with disabilities, and such persons held government positions, but societal discrimination against persons with disabilities was a problem. The government does not mandate accessibility to public or private facilities for persons with disabilities, although some public buildings had ramps. While the law nominally obliges the government to aid persons with disabilities and shelter them from social injustice, the government provided only limited assistance.

The Agency for Handicapped Persons, under the Ministry of Social Action and National Solidarity, is responsible for protecting the rights of persons with disabilities. During the year the ministry held awareness campaigns to fight discrimination and to promote equality; it also distributed food and clothing and provided some skills training to persons with disabilities.

Other Relevant References

[H]uman rights abuses included arbitrary arrest and detention, including lengthy pretrial detention, and executive influence over the judiciary. The government infringed on citizens' privacy rights and restricted freedoms of press, assembly, and movement. Official corruption was pervasive. Discrimination and violence against women were problems. Child abuse,

including female genital mutilation (FGM) and sexual exploitation, occurred. Trafficking in persons and societal discrimination against persons with disabilities were problems. Official and societal discrimination persisted against persons with disabilities; regional and ethnic groups; and members of the lesbian, gay, bisexual and transgender (LGBT) community. Societal discrimination against persons with HIV was significant. Child labor, including forced child labor, was a problem

Convention on the Rights of Persons with Disabilities

Togo signed the Convention and the Optional Protocol on 23/9/2008. Togo ratified the Convention and the Optional Protocol on 1/3/2011.

Uganda

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status. The government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, or mental disabilities in employment, education, access to health care, and the provision of other state services. The government did not enforce the law effectively, and persons with disabilities faced societal discrimination and limited job and educational opportunities. The UHRC also received complaints of discrimination in employment and access to transport and other public services. Most schools in the country did not accommodate persons with disabilities. There was no statutory requirement that buildings be accessible to persons with disabilities. While the law requires that children with disabilities be given necessary special facilities, a September survey conducted by the National Council on Disability showed that 80 percent of hospitals and health centers lacked access ramps.

The law reserves five seats in parliament for representatives of persons with disabilities. However, a government-sponsored NGO managed elections to these five seats in a process that was not transparent. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and the Ministry of Gender, Labor, and Social Development, but both agencies lacked sufficient funding to undertake any significant initiatives

Other Relevant References

According to the UNHCR, only 30,000 IDPs, or about 1.6 percent of the 1.8 million persons internally displaced by the 20-year LRA conflict, remained in four camps in the North at year's end as the vast majority of IDPs continued a difficult reintegration into their original communities. Authorities continued the process of closing IDP camps, 247 of which have been closed in recent years. Conditions in IDP camps improved as a result of the lowered IDP population. Many who remained in IDP camps were considered "extremely vulnerable individuals" due to age or disabilities, according to international humanitarian organizations.

The law requires elections through electoral colleges for the seats reserved for special-interest groups in parliament: 112 seats were reserved for women, five for organized labor, five for persons with disabilities, five for youth, and 10 for UPDF. However, the five persons with disabilities were selected via an opaque “electoral college” process organized by a single government-supported NGO.

Other Relevant References

The three most important human rights problems in the country were lack of respect for the integrity of the person (including unlawful killings, torture, and other abuse of suspects and detainees); unwarranted restrictions on civil liberties (freedom of assembly, the media, and association); and violence and discrimination against marginalized groups (women, including female genital mutilation victims; children, including victims of sexual abuse and ritual killing; persons with disabilities; and the lesbian, gay, bisexual, and transgender community).

Convention on the Rights of Persons with Disabilities

Uganda signed the Convention and the Optional Protocol on 30/3/2007. Uganda ratified the Convention and the Optional Protocol on 25/9/2008.

Zambia

Constitution and Law

The constitution and law prohibit discrimination based on race, ethnic group (tribe), gender, place of origin, marital status, political opinion, color, disability, language, social status, or creed. However, the government did not effectively enforce the law, and violence and discrimination against women and children, discrimination based on sexual orientation, trafficking in persons, and discrimination against persons with disabilities remained problems.

Persons with Disabilities

The law prohibits discrimination in general, but there is no law that specifically prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, the provision of other state services or in other areas. Although the government did not restrict persons with physical or mental disabilities from voting or participating in civic affairs, the law prohibits those with mental disabilities from holding public office. Persons with disabilities faced significant societal discrimination in employment and education.

The Ministry of Education, Science and Vocational Training, and the Ministry of Community Development, Mother and Child Health have responsibility for ensuring the welfare of persons with disabilities. However, public buildings, schools, and hospitals rarely had facilities to accommodate persons with disabilities. The government did not mandate accessibility to public buildings and services for persons with disabilities. No patterns of abuse of persons with disabilities in prisons were reported.

Other Relevant References

[S]erious human rights problems included long trial delays; arbitrary interference with privacy; restrictions on freedom of speech, press, assembly, and association; government corruption;

violence and discrimination against women; child abuse; trafficking in persons; discrimination based on sexual orientation and against persons with disabilities; restrictions on labor rights; forced labor; and child labor.

Convention on the Rights of Persons with Disabilities

Zambia signed the Convention on 9/5/2008, and signed the Optional Protocol on 29/9/2008. Zambia ratified the Convention on 1/2/2010.

Zimbabwe

Constitution and Law

The constitution and law provide that no person can be deprived of fundamental rights, such as the right to life, liberty, and security of person, based on one's race, tribe, place of origin, political opinions, color, creed, gender, or disability. Nevertheless, the constitution allows for discrimination, primarily against women, on the grounds of "customary law." Discrimination against women and persons with disabilities persisted. The government and ZANU-PF continued to infringe on the right to due process, citizenship, and property ownership in ways that affected the white minority disproportionately.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services, including education and health care. Nevertheless, the law was not widely known or implemented by government institutions. The lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation was slow. NGOs continued to lobby to include persons with albinism in the definition of "disabled" under the law. Persons with disabilities faced harsh societal discrimination. Traditional belief viewed persons with disabilities as bewitched and, consequently, as persons who should be locked away. Children with disabilities often were hidden when visitors arrived.

Children with disabilities were discriminated against in educational institutions. The unavailability of essential services, including sign language interpreters, Braille materials, and ramps, prevented children with disabilities from attending school. Many schools refused to accept children with certain disabilities.

According to the National Association of Societies for the Care of the Handicapped, persons with disabilities were a forgotten and invisible group in society. The organization also reported that only 33 percent of children with disabilities had access to education.

Persons with mental disabilities also suffered from inadequate medical care and general provision of health services. There were eight centralized mental health institutions in the country with a capacity of more than 1,300 patients, in addition to the three special institutions run by the ZPS for long-term patients and those considered to be dangerous to society. Inpatients in the eight centralized institutions received cursory screening, and most waited for at least one year for a full medical review. A shortage of drugs and adequately trained mental health professionals resulted in patients not being properly diagnosed and not receiving

adequate therapy. There were fewer than 10 certified psychiatrists working in public and private clinics and teaching in the country. There was a 50 percent vacancy rate for psychiatric-trained nurses. More than 90 percent of the available psychiatric services were provided at the mental institution in Bulawayo. NGOs reported patients subjected to deplorable living conditions due in part to shortages of food, water, clothing, and sanitation. Budgetary constraints and limited capacity at these institutions resulted in persons with mental disabilities being kept at home and cared for by family, normally in chains and without treatment.

Prison inmates in the three facilities run by the ZPS were not necessarily convicted prisoners. Inmates with psychiatric conditions were examined by two doctors, who were required to both confirm a mental disability and recommend that a patient either be released or returned to a mental institution. In practice prisoners with mental disabilities routinely waited as long as three years before being evaluated. Prisoners with confirmed mental disabilities were increasingly sent to prison rather than mental institutions due lack of capacity in those institutions.

The five-year program launched in 2009 by the National Association of Societies for the Care of the Handicapped provided civic education to persons with disabilities with the goal of encouraging greater civic participation.

Other Relevant References

Due to a lack of health care professionals and medications, prisoners with confirmed mental disabilities were generally sent to prison rather than mental institutions.

ZANU-PF's control and manipulation of the political process effectively negated the right of citizens to change their government. Prison conditions were harsh. Lengthy pretrial detention was a problem. Executive influence and interference in the judiciary continued, and the government infringed on citizens' privacy rights. Freedoms of speech, press, assembly, association, and movement were restricted, and the government continued to evict citizens, invade farms, and demolish homes and informal marketplaces. The government impeded nongovernmental organization (NGO) efforts to assist those displaced and other vulnerable populations. The government arrested, detained, and harassed NGO members. Government corruption remained widespread, particularly at the local level. Violence and discrimination against women; child abuse; trafficking of women and children; and discrimination against persons with disabilities, racial and ethnic minorities, the lesbian, gay, bisexual, and transgender (LGBT) community, and persons with HIV/AIDS were problems. Government interference with labor-related events occurred. Child labor, including the worst forms of child labor, was a problem.

Convention on the Rights of Persons with Disabilities

Zimbabwe has not signed the Convention.

East Asia and the Pacific

Australia

Constitution and Laws

Federal laws prohibit discrimination based on gender, disability, race, color, descent or national or ethnic origin, marital status, and age. An independent judiciary and a network of federal, state, and territorial equal opportunity offices effectively enforced the law.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment; education; access to premises; provision of goods, services (including health services), and facilities; accommodation; purchase of land; activities of clubs and associations; sport; and the administration of federal laws and programs. The government effectively enforced the law.

The disability discrimination commissioner, who is part of the HRC, promotes compliance with federal laws that prohibit discrimination against persons with disabilities. The commissioner also promotes implementation and enforcement of state laws that require equal access to buildings and otherwise protect the rights of persons with disabilities, including ensuring equal access to communications and information. The law also provides for mediation by the HRC of discrimination complaints, authorizes fines against violators, and awards damages to victims of discrimination.

The HRC's annual report stated that 823 complaints citing 2,176 alleged grounds of discrimination were filed under the Disability Discrimination Act from July 2010 to June 2011. Of these, 31 percent were employment related, and 35 percent involved the provision of goods and services. The HRC resolved 961 complaints during the period, 465 through conciliation. In August the government stated it would develop a National Disability Insurance Scheme (NDIS) with the states and territories, following the release of the Productivity Commission's final report on the issue. In December the government announced the establishment of a new agency to design and implement the NDIS.

Other Relevant References

Federal and various state laws prohibit discrimination on the grounds of HIV-positive status. The HRC reviews complaints of discrimination on the grounds of HIV/AIDS status under the category of disability-related complaints, but a specific breakdown of HIV/AIDS-related cases was not available. There were no reports of violence against persons based on HIV/AIDS status.

The Convention on the Rights of Persons with Disabilities

Australia signed the Convention on 30/3/2007. Australia ratified the Convention on 17/7/2008 and the Optional Protocol on 21/8/2009.

Brunei Darussalam

Constitution and Laws

The law does not contain specific provisions prohibiting discrimination based on race, sex, disability, language, or social status.

Persons with Disabilities

The law does not prohibit discrimination against or mandate accessibility or other assistance for persons with disabilities. The government provided educational services for children with disabilities, but the level of services available was uneven. The Department for Community Development conducted several programs targeted at promoting awareness of the needs of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Brunei Darussalam signed the Convention on 18/12/2007.

Burma

Persons with Disabilities

There are no laws specifically prohibiting discrimination against persons with physical, sensory, intellectual and mental disabilities in employment, education, access to health care, or the provision of other state services; the government does not provide ample protections for these persons. The government did not actively discriminate against persons with disabilities in employment, access to health care, education, or the provision of other state services or other areas, but there were few official resources to assist persons with disabilities. There are no laws mandating accessibility to buildings, public transportation, or government facilities.

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training. The government operated three schools for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities. However, the government provided inadequate funds for its schools and programs for persons with disabilities.

Military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay. Official assistance to nonmilitary persons with disabilities in principle included two-thirds of pay for up to one year for a temporary disability and a tax-free stipend for permanent disability; however, the government did not provide job protection for private sector workers who became disabled.

The Convention on the Rights of Persons with Disabilities

Burma ratified the Convention on 12/7/2011.

Cambodia

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not generally protect these rights.

Persons with Disabilities

The 2009 Law on the Protection and Promotion of the Rights of Persons with Disabilities prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities. It includes persons with mental illnesses and intellectual impairments in the definition of persons with disabilities and requires that public buildings and government services, including education, be accessible to persons with disabilities. The MOSAVY holds overall responsibility for protecting the rights of persons with disabilities, although the law assigns specific tasks to other ministries, including the Ministries of Health, Education, Public Works and Transport, and National Defense. The government requested that all television channels adopt sign language interpretation for programming; as of September one major television station had sign language interpretation, and the Ministry of Information was working with the other stations to develop such capabilities. The government continued efforts to implement the law, although the full period for compliance in some cases extends to 2015. As of September the Council of Ministers had approved four subdecrees to support the law.

Programs administered by various NGOs brought about substantial improvements in the treatment and rehabilitation of persons with disabilities, but they faced considerable societal discrimination, especially in obtaining skilled employment.

There are no legal limitations on the rights of persons with disabilities to vote or participate in civic affairs, but the government did not make any concerted effort to assist them in becoming more civically engaged. MOSAVY is responsible for making policy to protect the rights of persons with disabilities and for rehabilitation and vocational skills training for such persons.

Other Relevant References

Throughout the year Phnom Penh municipal authorities arrested dozens of persons--usually the homeless, mentally ill, drug users, or commercial sex workers--during systematic street sweeps. Detainees typically lost all money and belongings in the course of a sweep. Authorities called the street sweeps part of an effort to "regulate society." Occasionally authorities placed the detainees in a Ministry of Social Affairs, Veterans, and Youth (MOSAVY)-operated rehabilitation facility 15 miles from Phnom Penh. Detainees were told they were free to leave but would not be provided transportation.

The Convention on the Rights of Persons with Disabilities

Cambodia signed the Convention and Optional Protocol on 1/10/2007.

China (includes Tibet, Hong Kong, and Macau)

Constitution and Laws

There were laws designed to protect women, children, persons with disabilities, and minorities. However, some discrimination based on ethnicity, sex, and disability persisted.

Persons with Disabilities

The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities access to programs designed to assist them.

The MCA and the China Disabled Persons Federation, a government-organized civil association, are the main entities responsible for persons with disabilities. In 2009 government officials confirmed that there were 83 million persons with disabilities living in the country. According to government statistics, in 2008 there were 3,731 vocational education and training facilities, which provided training and job-placement services for 774,000 persons with disabilities. More than 4.5 million persons with disabilities were employed in cities and towns; 17.2 million were employed in rural areas. Government statistics stated that 7.4 million persons with disabilities enjoyed “minimum-life-guarantee” stipends; nearly three million had social insurance.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juvenile offenders. In 2007 the Ministry of Education reported that nationwide there were 1,618 schools for children with disabilities. According to NGOs, there were approximately 20 million children with disabilities, only 2 percent of whom had access to special education that could meet their needs.

According to the China Disabled Persons Federation, in 2010 more than 519,000 school-age children with disabilities received compulsory education, 68.2 percent of them in inclusive education, and 31.8 percent in 1,705 special schools and 2,775 special classes. NGOs claimed that while the overall school enrollment rate was 99 percent, only 75 percent of children with disabilities were enrolled in school. Nationwide, 243,000 school-age children with disabilities did not attend school. Nearly 100,000 organizations existed, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs to integrate persons with disabilities into society.

The physical abuse of children can be grounds for criminal prosecution. However, misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems. According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty.

Unemployment among adults with disabilities remained a serious problem. Under the Employment Promotion Law, local governments are required to offer incentives to enterprises that hired persons with disabilities. Regulations in some parts of the country also require

employers to pay into a national fund for the disabled when the employees with disabilities do not make up the statutory minimum percentage of the total workforce.

Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their “gradual” implementation; however, compliance with the law was lax. Students with disabilities were discriminated against in access to education. The law permits universities to exclude otherwise qualified candidates from higher education.

The law forbids the marriage of persons with certain acute mental illnesses, such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law stipulates that local governments must employ such practices to raise the percentage of healthy births.

Other Relevant References (China)

As in previous years, citizens did not have the right to change their government. Other human rights problems during the year included: extrajudicial killings, including executions without due process; enforced disappearance and incommunicado detention, including prolonged illegal detentions at unofficial holding facilities known as “black jails”; torture and coerced confessions of prisoners; detention and harassment of lawyers, journalists, writers, dissidents, petitioners, and others who sought to peacefully exercise their rights under the law; a lack of due process in judicial proceedings; political control of courts and judges; closed trials; the use of administrative detention; restrictions on freedom to assemble, practice religion, and travel; failure to protect refugees and asylum seekers; pressure on other countries to forcibly return citizens to China; intense scrutiny of and restrictions on nongovernmental organizations (NGOs); discrimination against women, minorities, and persons with disabilities; a coercive birth limitation policy that in some cases resulted in forced abortion or forced sterilization; trafficking in persons; prohibitions on independent unions and a lack of protection for workers’ right to strike; and the use of forced labor, including prison labor. Corruption remained widespread.

There were widespread reports of activists and petitioners being committed to mental health facilities and involuntarily subjected to psychiatric treatment for political reasons. According to *China News Weekly*, the Ministry of Public Security (MPS) directly administers 22 high-security psychiatric hospitals for the criminally insane (also known as anfang facilities). From 1998 to May 2010, more than 40,000 persons were committed to anfang hospitals. In May 2010 an MPS official stated in a media interview that detention in anfang facilities was not appropriate for patients who did not demonstrate criminal behavior. However, political activists, underground religious believers, persons who repeatedly petitioned the government, members of the banned Chinese Democracy Party (CDP), and Falun Gong adherents were among those housed with mentally ill patients in these institutions. Regulations governing security officials’ ability to remand a person to an anfang facility were not clear, and detainees had no mechanism for objecting to claims of mental illness by security officials. Patients in these hospitals reportedly were medicated against their will and forcibly subjected to electric shock treatment.

Institutionalized Children: The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages.

The government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. Adopted children were counted under the birth limitation regulations in most locations. As a result, couples that adopted abandoned infant girls were sometimes barred from having additional children.

Reports of forced labor continued. For example, in Sichuan Province local authorities in Leibo County apologized to the public in August for repeated cases of enslaving, trading, and even killing mentally handicapped workers. According to the county's authorities, 227 victims had been saved by annual crackdown campaigns since 2009. In September a local television station in the capital city of Henan Province, Zhengzhou, reported the existence of a trading center of abducted slave laborers, including many mentally handicapped laborers, near the city's railway station. Many illegal brick kilns with slave labor were found subsequently, and local police rescued a total of 30 slave laborers. Illegal brick kilns using slave labor were also found in Guangdong Province. Fourteen enslaved and abused laborers were rescued in May in Huizhou. Three of the victims were under age 18.

Tibet

Relevant References

According to the TCHRD, Sonam Choedon, a nun detained after participating in a 2008 protest at Pangri-Na Nunnery in Lhoba Township, Ganzi (Kardze) County, Ganzi (Kardze)TAP, was released from detention in October 2010, reportedly suffering from severe mental disability after having been pistol whipped in detention.

Hong Kong

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services, and the government effectively enforced these provisions. The government generally implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications, although some restrictions were reported.

The Social Welfare Department, directly or in coordination with NGOs and employers, provided training and vocational rehabilitation services to assist persons with disabilities. As of September a total of 16,634 persons were participating in these various programs.

As of March 31, the government employed 3,317 civil servants with disabilities, out of a total workforce of 156,886. Persons with disabilities filled 2 percent of Legco Secretariat positions, 1 percent of judicial positions, and 2 percent of nonjudicial positions in the judiciary.

Instances of discrimination against persons with disabilities persisted in employment, education, and the provision of some public services. The law calls for improved building access and sanctions against those who discriminate. As of July 31, the EOC received 346 complaints under the ordinance and handled 520 cases (including cases carried over from the previous year).

Despite inspections and the occasional closure of noncompliant businesses, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities. Following Chief Executive Tsang's October 12 policy address, a number of persons with disabilities protested that the government discriminated against them. They claimed persons with severe disabilities who lived with their families could only qualify for social security by moving out of their families' homes and living alone or if every member of their families quit their jobs.

Other Relevant References

Government Human Rights Bodies: There are an Office of the Ombudsman and an Equal Opportunity Commission (EOC), both appointed by the government but independent in their operations. Both organizations operated without interference from the government and published critical findings in their areas of responsibility. EOC Commissioner Lam Woon-kwong continued to serve as a vocal public advocate on minority rights, access to public and commercial buildings for persons with disabilities, and other issues within the EOC's responsibility.

Macau

Constitution and Laws

The law stipulates that residents shall be free from discrimination based on race, gender, disability, language, or social status, and many laws carry specific prohibitions against discrimination; the government effectively enforced the law.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government generally enforced these provisions in practice. The law mandates access to buildings, information, and communications for persons with disabilities. The government enforced the law effectively. The Social Welfare Institute is primarily responsible for coordinating and funding public assistance programs to persons with disabilities. There is a governmental commission to rehabilitate persons with disabilities, with part of the commission's scope of work addressing employment.

The Convention on the Rights of Persons with Disabilities

China signed the Convention on 30/3/2007 and ratified the Convention on 1/8/2008.

Fiji

Constitution and Laws

The abrogated constitution prohibits discrimination based on race, sex, place of origin, ethnicity, sexual orientation, color, primary language, economic status, age, or disability. The government generally enforced these provisions effectively, although there were problems in some areas. After the constitution's abrogation, only the 2007 Employment Relations Promulgation (ERP), which came into force in 2008, had similar provisions, but these are limited to workers and industrial relations matters.

Persons with Disabilities

Under the abrogated constitution, all persons are considered equal under the law, and discrimination against persons with disabilities in employment, education, provision of housing and land, or provision of other state services is illegal. Since the constitution's abrogation, no new decree has addressed specifically the rights of persons with disabilities; however, existing statutes provide for the right of access to places and all modes of transport generally open to the public. Public health regulations provide penalties for noncompliance; however, there was very little enabling legislation on accessibility for persons with disabilities, and there was little or no enforcement of laws protecting them.

Building regulations require new public buildings to be accessible to persons with disabilities, but only a few existing buildings met this requirement. By law all new office spaces must be accessible to persons with disabilities. There were only a small number of disabled-accessible vehicles in the country. The Fiji Disabled People's Association, an NGO, reported that most persons with disabilities were unemployed due to lack of sufficient education and training and negative attitudes of employers. There were no programs to improve access to information and communications for persons with disabilities, in particular those with hearing or vision impairments, had difficulty accessing public information. There were a number of community organizations to assist those with disabilities, particularly children.

Most persons with mental and intellectual disabilities were separated from society and typically were supported at home by their families. The 2010 Mental Health Decree stipulates that treatment should be provided for persons with mental and intellectual disabilities in the community, public health, and general health systems. Institutionalization of persons with severe mental disabilities was in a single underfunded public facility in Suva. There were a number of special schools offering primary education for persons with physical, intellectual, and sensory disabilities; however, cost and location limited access. Opportunities for a secondary school education for those with disabilities were very limited.

The Fiji National Council for Disabled Persons, a government-funded statutory body, worked to protect the rights of persons with disabilities. Several NGOs also promoted attention to the needs of persons with various disabilities.

The Convention on the Rights of Persons with Disabilities

Fiji signed and ratified the Convention on 2/6/2010.

Indonesia

Constitution and Laws

The constitution does not explicitly prohibit discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. However, in practice the government sometimes failed to defend these rights, particularly for minority communities.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or provision of other state services. The law also mandates accessibility to public facilities for persons with disabilities; however, the government did not enforce this provision. The government classifies persons with disabilities into three categories: physically disabled, intellectually disabled, and physically and intellectually disabled. These categories are further divided for schooling. The government estimated that approximately 3.7 percent of the population had a disability. However, one NGO found 16.8 percent of the population in West Java had a significant hearing deficiency.

The government restricts the rights of persons to vote or participate in civil affairs by not enforcing accessibility laws.

Few buildings and virtually no public transportation facilities were accessible to persons with disabilities. The law requires companies that employ more than 100 workers to set aside 1 percent of positions for persons with disabilities. However, the government did not enforce the law, and persons with disabilities faced considerable discrimination.

In urban areas only a few city buses offered wheelchair access, and many of those had their hydraulic lifts vandalized, rendering them unusable. Few companies provided facilities for persons with disabilities, and fewer companies employed such persons. Surabaya's airport opened in 2006 and was not accessible for persons with disabilities. Lack of funds was generally cited as the primary reason for not improving accessibility.

Access to information and communications technology for persons with disabilities is limited. The government taxes hearing aids as electronics, rather than medical equipment, making them prohibitively expensive.

In 2003 the government stated the country was home to 1.3 million children with disabilities; the actual number was believed to be much higher. The law provides children with disabilities with the right to an education and rehabilitative treatment. A government official alleged many parents chose to keep children with disabilities at home; however, many schools refused to accommodate such children, stating they lacked the resources to do so. According to 2008-09 government statistics, there were 1,686 schools dedicated to educating children with disabilities, 1,274 of them run privately. According to NGOs, more than 90 percent of blind children were illiterate. Some young persons with disabilities resorted to begging for a living.

Children with disabilities were sent to separate schools, and mainstream education was extremely rare. The country's universities did not offer a degree in special education.

During the year NGOs reported that people with disabilities were housed in care facilities in unsafe, dirty conditions throughout Riau Province. The government has taken no action.

The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities. To date, they have taken no actions to improve respect for the rights of persons with disabilities.

Other Relevant References

According to an October 11 expose by *Tempo Magazine*, two Police Academy cadets were injured so severely in hazing incidents that they had to be discharged from the academy for physical disability; one cadet suffered from partial paralysis and the other dealt with decreased motor function. The *Tempo Magazine* article reported that between January and September, the academy had received at least 13 reports of hazing-related violence. Academy administrators set up military police patrols around the campus and dormitories to prevent future abuses. No information regarding accountability in these cases was available at year's end.

The law limits periods of pretrial detention. Police are permitted an initial 20-day detention, which can be extended to 60 days by the prosecutors while the investigation is being completed; prosecutors may detain a suspect for a further 30 days during the prosecution phase and may seek a 20-day extension from the courts. The district and high courts may detain a defendant up to 90 days during trial or appeal, while the Supreme Court may detain a defendant 110 days while considering an appeal. Additionally, the court may extend detention periods up to another 60 days at each level if a defendant faces a possible prison sentence of nine years or longer or if the individual is certified to be mentally disturbed. During the year authorities generally respected these limits in practice. The antiterrorism law allows investigators to detain for up to four months before charges must be filed any person who, based on adequate preliminary evidence, is strongly suspected of committing or planning to commit any act of terrorism.

All adult citizens, age 17 or older, are eligible to vote except active members of the military and the police, convicts serving a sentence of five years or more, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice. Married juveniles are legally adults and allowed to vote.

The Convention on the Rights of Persons with Disabilities

Indonesia signed the Convention on 30/3/2007. Indonesia ratified the Convention on 11/30/2011.

Japan

Constitution and Laws

The law prohibits discrimination on the basis of race, gender, disability, language, and social status. Although the government enforced these provisions, discrimination against women, ethnic minority group members, and foreigners remained problems.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services, and the government in the main enforced these provisions. However, in practice such persons faced limited access to these services, and the Federation of Bar Associations complained that discrimination was undefined and thus not enforceable through judicial remedies. The 2009 government-established advisory committee to help develop laws to enable Japan to ratify the UN Convention on the Rights of Persons with Disabilities did not attain its objective by year's end.

The law mandates that the government and private companies hire minimum proportions of persons with disabilities (including mental disabilities). Companies with more than 300 employees that do not comply must pay a fine of 50,000 yen (approximately \$650) per vacant position per month. Public employment of persons with disabilities exceeded minimum proportions, but according to Ministry of Health, Labor, and Welfare statistics, the private sector lagged despite increases over previous years.

Accessibility laws mandate that new construction projects for public use must include provisions for persons with disabilities. In addition the government grants low-interest loans and tax benefits to operators of hospitals, theaters, hotels, and other public-use facilities if they upgrade or install features to accommodate persons with disabilities. In the July 4 report of her July 2010 visit, the UN special rapporteur on the human right to safe drinking water and sanitation raised concern about housing discrimination that negatively affected the accessibility of persons with disabilities to water and sanitation.

According to NGOs an estimated 20,000 homeless persons could not receive disability pensions and livelihood protection allowances, because they were considered to be without residence. As a result, due to inadequate protection by the social safety net and the social stigma against homelessness, a significant number of homeless individuals committed petty crimes to obtain the food and shelter provided by living in prison.

Mental health professionals criticized as insufficient government efforts to reduce the stigma of mental illness and inform the public that depression and other mental illnesses are treatable and biologically based. Police and prison authorities were particularly slow in providing treatment of mental illness and have no protocol for offering psychiatric therapy.

Other Relevant References

The leading human rights problems included the lack of due process for pretrial detainees; the exploitation of children; and societal discrimination against women in employment, children

born out of wedlock, ethnic minority group members, persons with disabilities, and foreigners, including permanent residents.

Authorities reportedly held prisoners condemned to death in solitary for an average of almost eight years until their execution--and according to Amnesty International (AI) in March, some of these prisoners were kept in solitary for decades--although authorities allowed them to receive visits by their families, lawyers, and others. AI also concluded that a number of death-row inmates had become mentally ill as a result of the isolation, although authorities summarily denied requests for their mental health records so no independent determination could be made. The law states that a prisoner's insanity is grounds for suspending an execution, but the government reported that there has never been such a case.

Reliable NGOs and foreign diplomats also reported that some facilities continued to provide inadequate food and medical care. Foreign diplomats confirmed numerous cases in which the prison diet was inadequate to prevent significant weight loss, including loss of muscle mass. Cases of slow and inadequate medical treatment were documented, including in detainees and prisoners with preexisting medical conditions. Police and prison authorities were particularly slow in providing treatment of mental illness and continued to have no protocol for offering psychiatric therapy. NGOs, lawyers, and doctors also criticized medical care in police-operated pre-indictment detention centers and immigration detention centers. Poor sanitary and health conditions in the latter continued to result in complaints of common fungal infections among detainees. In the July 4 report of her July 2010 visit, the UN special rapporteur on the human right to safe drinking water and sanitation raised concern about prisoner sanitation in protection cells.

The Convention on the Rights of Persons with Disabilities

Japan signed the Convention on 28/9/2007.

Kiribati

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities; however, there were no formal complaints of discrimination in employment, education, or the provision of other state services for persons with physical, sensory, intellectual, or mental disabilities. Accessibility of buildings, communications, and information for persons with disabilities is not mandated, and there were no special accommodations for persons with disabilities. There were two main nongovernmental organizations that supported and advocated for persons with disabilities: Te Toa Matoi (Disabled Persons' Organization) and the School for the Disabled. The school offered special elementary education classes and programs for children with disabilities from age six to age 14. The central hospital on Tarawa had a wing for persons with mental disabilities, and there was a psychiatrist working on Tarawa. Physiotherapy services also were offered at the hospital for persons with physical disabilities.

There was no government agency specifically responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Kiribati has not signed the Convention.

Korea, Democratic People's Republic of

Persons with Disabilities

A 2003 law mandates equal access for persons with disabilities to public services; however, implementing legislation had not been passed. Traditional social norms condone discrimination against persons with physical disabilities. Although veterans with disabilities were treated well, other persons with physical and mental disabilities have been reportedly sent out of Pyongyang into internal exile, quarantined within camps, and forcibly sterilized. It was not known whether the government restricted the right of persons with disabilities to vote or participate in civic affairs.

The Korean Federation for the Protection of the Disabled (KFDP) was founded in 1999 to coordinate the work with the disabled population country-wide.

The UN Committee on the Rights of the Child repeatedly has expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services. UNICEF has noted that very high levels of malnutrition indicate serious problems for both the physical growth and psychosocial development of young children. The UN Food and Agriculture Organization (FAO) estimated that 7.8 million people, 33 percent of the population, were undernourished. The FAO estimated 32 percent of children suffered from stunted growth.

Other Relevant References

Exile: It was not known whether the law prohibits forced exile; the government reportedly forced the internal exile of some citizens. In the past it forcibly resettled tens of thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses, although there were reports that social engineering was also involved. For example, although disabled veterans were treated well, other persons with physical and mental disabilities, as well as those judged to be politically unreliable, were sent out of Pyongyang into internal exile.

The Convention on the Rights of Persons with Disabilities

The Democratic People's Republic of Korea has not signed the Convention.

Korea, Republic of

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state

services or other areas, and the government effectively enforced the law. The government effectively implemented laws and programs to ensure that persons with disabilities had access to buildings, information, and communications. The law establishes penalties for deliberate discrimination of up to three years in prison and 30 million won (approximately \$26,000). The government, through the Ministry of Health and Welfare, continued to implement a comprehensive set of policies that included encouraging public and private buildings and facilities to provide barrier-free access, providing part-time employment, and employing a task force to introduce a long-term care system. The government operated rehabilitation hospitals in six regions, plus a national rehabilitation research center to increase opportunities and access for persons with disabilities.

Any business with 50 full-time employees or more is required to meet an employment quota for persons with disabilities (3 percent for government agencies, 2.3 percent to 3 percent for public organizations, and 2.3 percent for private companies). Foreign companies operating in the export processing zones (EPZs) are exempt from these requirements. Any private company or public organization with 100 full-time workers or more is subject to a monthly penalty amounting to 530,000 won (approximately \$460) for each person with a disability whom it fails to hire and, if the employment rate of workers with disabilities does not reach 50 percent of the required quota, an additional charge is imposed. During the year authorities charged establishments that failed to employ any persons with disabilities based on the minimum wage (approximately 940,000 won per month or \$800). The government enforced this new requirement in phases, beginning with employers of 300 or more full-time workers and expanding gradually to include employers with 100 or more full-time workers.

Another part of enforcement involved disclosing in the media and the official gazette the names of businesses that fail to meet the quotas. In July the Ministry of Employment and Labor published the names of 39 government ministries and local governments, 64 public institutions, 749 private companies with 300 employees or more, and 1,357 private companies with between 100 and 300 employees that failed to meet the quotas.

On October 4, the Support for the Activities of Persons with Disabilities Act that the National Assembly passed in January became effective. Under it the government provided assistance to persons with disabilities, including bathing, home nursing care, and mobility assistance. The government also provided financial assistance to low-income persons with severe disabilities.

On August 4, the National Assembly passed the Support for Children with Disabilities Welfare Act (scheduled to become effective in August 2012). It would provide support for the health and welfare of children with disabilities, including a support center, nursing service, and medical aid. The government also expanded services for children with disabilities by providing monthly financial aid to those with brain damage, furnishing up to 320 hours per year of in-home services to the families of children with disabilities, and operating a cultural program and family camp.

In July for the first time in the company's history, the Korean Broadcasting System hired a visually impaired anchor. The anchor competed with 522 other candidates to obtain the highly sought-after position. Broadcasting companies continued to provide closed captions and signing interpreters for their hearing-impaired audiences.

Other Relevant References

The law forbids discrimination on the basis of race, gender, disability, and social status, and the government effectively enforced it.

The Convention on the Rights of Persons with Disabilities

The Republic of Korea signed the Convention on 30/3/2007 and ratified the Convention on 11/12/2008.

Laos

Persons with Disabilities

The constitution provides citizens protection against discrimination but does not specify that these protections apply to persons with disabilities. Regulations promulgated by the Ministry of Labor and Social Welfare and the Lao National Commission for the Disabled protect such persons against discrimination, although the regulations lack the force of law.

The Ministry of Health has primary responsibility for protecting the rights of persons with disabilities. Because of the large number of disabilities resulting from unexploded ordnance accidents, the ministry worked extensively on this issue, especially in coordination with international NGOs, to operate the Cooperative Orthotic and Prosthetic Enterprise that supplied prosthetic limbs, corrected clubfeet, and provided education to deaf and blind persons.

According to the Ministry of Public Works and Transport, the law requires that construction projects begun after 2009 provide facilities to persons with disabilities and elderly individuals, particularly in the construction of buildings, roads, and public places. The law does not mandate accessibility to buildings built before its enactment or government services for persons with disabilities, but during the year the Ministry of Labor and Social Welfare established regulations regarding building access and built some sidewalk ramps in Vientiane. While there was some progress on accessibility, the lack of resources for infrastructure slowed the retrofitting of most buildings. There were no reports of discrimination in the workplace.

Other Relevant References

The law provides for safe working conditions and higher compensation for dangerous work. The law has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment. In case of death or injury on the job, employers are responsible for compensating a worker or the worker's family. Employers generally fulfilled this requirement in the formal economic sector. The law also mandates extensive employer responsibility for those disabled at work, and this provision appeared effectively enforced.

The Convention on the Rights of Persons with Disabilities

Laos signed the Convention on 15/1/2008 and ratified the Convention on 25/9/2009.

Malaysia

Persons with Disabilities

Neither the constitution nor other laws explicitly prohibit discrimination based on physical or mental disabilities, but the government promoted public acceptance and integration of persons with disabilities.

The government did not discriminate against persons with disabilities in employment, education, access to health care, or in the provision of other state services. A public sector regulation reserves 1 percent of all public-sector jobs for persons with disabilities. The government did not mandate accessibility to transportation for persons with disabilities, and few older public facilities were adapted for such persons. New government buildings were generally outfitted with a full range of facilities for persons with disabilities.

A code of practice serves as a guideline for all government agencies, employers, employee associations, employees, and others to place suitable persons with disabilities in private sector jobs.

Special education schools existed but were not sufficient to meet the needs of the population with disabilities.

Following protests by disabled persons in past years, the government undertook initiatives to promote public acceptance of persons with disabilities, make public facilities more accessible to such persons, and increase budgetary allotments for programs aimed at aiding them. Recognizing that public transportation was not “disabled-friendly,” the government maintained its 50 percent reduction of the excise duty on locally made cars and motorcycles adapted for persons with disabilities. The Ministry of Human Resources was responsible for safeguarding the rights of disabled persons.

On September 9, Minister Shahrizat announced that the cabinet approved a proposal requiring all local authorities include a person with disabilities on planning and development committees. The proposal also suggested that local authorities set up an access auditing unit for the purpose of recommending access improvements for such persons to buildings and facilities.

The 2008 Persons with Disabilities Act recognizes the rights of persons with disabilities to enjoy the benefits of public transport, housing, education, employment, and health care. However, there is no penalty for those who do not comply with its provisions. For example, there are bylaws requiring new buildings to provide access for persons with disabilities but also loopholes that allow local authorities to exempt compliance. Critics called the act a “toothless tiger.”

A prominent advocate for persons with disabilities pointed out that practical difficulties continued to outweigh any prodisabled laws or policies. For example, the 1 percent set-aside for public sector jobs was not in fact filled, and buildings still lacked adequate toilet and other facilities. He described elementary schools as being practically inaccessible to disabled students, requiring parents who had the means to come to school to carry their children up and down stairs, feed them, and carry their books to class. Some public transportation was equipped with ramps that can manually be put in place to assist disabled patrons, but they

required driver assistance and were seldom used. The government does not pay caregivers of persons with disabilities.

Other Relevant References

The constitution provides for equal protection under the law and prohibits discrimination against citizens based on race, sex, religion, descent, or place of birth. The law is silent on discrimination based on disabilities. However, the constitution also provides for the “special position” of ethnic Malays and the indigenous groups of the eastern states of Sabah and Sarawak (collectively, bumiputra), and discrimination based on this provision persisted. One of the requirements to be considered an ethnic Malay is to be able to speak the Malay language.

The Convention on the Rights of Persons with Disabilities

Malaysia signed the Convention on 8/4/2008 and ratified the Convention on 19/7/2010.

Marshall Islands

Persons with Disabilities

The constitution states that no person may be treated in a discriminatory manner under law or by public officials, but it does not include disability in its listing of specific prohibited grounds of discrimination. In practice persons with physical, sensory, intellectual, and mental disabilities faced difficulties in obtaining employment and accessing health care and other state services. There were no laws or policies designed to ensure access for individuals with disabilities to buildings, public transport, education, communications, or information. There were no building codes, and in practice most buildings were not accessible to persons with disabilities. Hospitals and two major grocery stores had ramps for persons with disabilities.

The government provided minimal support for persons with mental disabilities.

There were no psychiatric facilities in the country. Persons whom the police deemed as exhibiting psychotic behavior were held with the general prison population and visited by a doctor. When prison officials protested the disruptions caused by this practice, other arrangements, such as house arrest, were made.

There is no government agency specifically charged with protecting the rights of persons with disabilities in general. The Ministry of Health is charged with treating mental and physical disabilities, and the Ministry of Education is responsible for supporting special education for children with disabilities. In practice there were no special education classes for children with disabilities, except for a small foreign-funded class providing three months of instruction for the hearing impaired at Ebeye on Kwajalein Atoll and in Majuro. The attorney general is responsible for handling court cases involving complaints of discrimination against persons with disabilities, but no such cases were brought during the year.

Other Relevant References

Maternal mortality was approximately 0.15 to 0.3 percent (four reported maternal deaths in 2009 and two in 2010, with approximately 1,340 births per year in the country), although maternal deaths in the outer islands may have been underreported. A large number of

premature babies were born to young teenage mothers, with a resulting high number of babies born with physical and mental deficiencies.

The Convention on the Rights of Persons with Disabilities

Marshall Islands has not signed the Convention.

Micronesia, Federated States of

Persons with Disabilities

The law prohibits discrimination in public service employment against persons with physical disabilities. There were no reports of discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, access to health care, or provision of other state services; however, persons with disabilities usually did not seek employment outside the home. The government provided children with disabilities, including learning disabilities, special education, including instruction at home if necessary and if foreign funding was available. Neither laws nor regulations mandate accessibility to public buildings or services for persons with disabilities. In practice many buildings had ramps or only one story. There was one elevator in the two-story Pohnpei State government building. No policies or programs ensured access to information and communications for persons with disabilities.

Due to a lack of facilities for treating mentally ill persons, the government housed some individuals with mental illnesses but no criminal background in jails. The authorities provided separate rooms in jails for persons suffering from mental illness, and state health departments provided medication as part of their programs to provide free treatment to all mentally ill residents.

The national Health Services Department is responsible for protecting the rights of persons with disabilities but does not provide significant services.

Other Relevant References

At year's end the four states' prisons had approximately 95 inmates held in facilities with a total capacity of 150 prisoners. Pohnpei held 18 persons, including one woman; Yap held 16 persons, including one female inmate; Kosrae held 13 inmates (all male); and Chuuk reportedly held 48 inmates, including one female prisoner and one mentally ill prisoner. Pretrial detainees usually were held within the same facility but separately from convicted prisoners. The female prisoners were held separately from male prisoners.

The Convention on the Rights of Persons with Disabilities

The Federated States of Micronesia signed the Convention on 23/9/2011.

Mongolia

Persons with Disabilities

The labor law prohibits discrimination in employment and education against persons with disabilities. The law defines the types of disabilities as including those concerning physical,

sensory, and mental but not intellectual attributes. The Law on Social Protection of the Disabled gives provincial governors and the Ulaanbaatar governor the responsibility to implement measures to protect the rights of persons with disabilities. However, the government did little to execute such measures, and in practice most persons with disabilities faced significant barriers to employment, education, and participation in public life.

In February 2010 a new law took effect that mandates standards of physical access for persons with disabilities to newly constructed public buildings; however, by year's end the law had not been applied. Government buildings and public transportation remained largely inaccessible to persons with disabilities. Despite a law introducing standards for road construction, the persistence of open manholes, protruding obstacles, and unheeded crosswalks prevented many persons with disabilities from moving freely.

Persons with disabilities could not fully participate in the political process; little accommodation was made for such persons at polling stations. There were no persons with disabilities in the parliament. The Mongolian National Federation of Disabled People's Organization (MNFDPPO) estimated that, in the 2009 presidential election, only 34 percent of the electorate with disabilities cast a ballot. In comparison, the overall turnout rate for the voting age population was 55 percent. Persons with sight and hearing disabilities had difficulty remaining informed about public affairs due to a lack of accessible broadcast media.

The government implemented various policies to provide benefits to and promote respect for persons with disabilities. It provided tax benefits to enterprises that hired persons with disabilities. Additionally, the law requires workplaces to hire three persons with disabilities for every 50 employees or pay a fine. However, NGOs reported that enforcement was a problem because most companies were reluctant to hire disabled persons and preferred to pay the fine. Furthermore the government failed to employ individuals with disabilities in the ratio required of employers.

There were several specialized schools for youth with disabilities, but these students could also attend regular schools. However, in practice children with disabilities had limited access to education. The MNFDPO estimated that of 33,000 children with disabilities, 60 percent failed to complete secondary education. The MNFDPO encouraged vocational education centers to work with children with disabilities so that they could eventually be capable of running small businesses.

The law requires the government to provide benefits according to the nature and severity of the disability. Although the government generally provided benefits, the amount of financial assistance was low, and it did not reach all persons with disabilities owing to the absence of any system for such persons. The MNFDPO stated that benefits were provided in an ad hoc manner, often failing to meet the needs of the recipients.

Other Relevant References

Other human rights issues included poor conditions in detention centers, arbitrary arrests, government interference in the media, religious discrimination, including continued refusal by some provincial governments to register Christian churches, unlawful deportation of foreign citizens, opaque and complicated procedures for stateless persons to gain citizenship, secrecy

laws and a lack of transparency in government affairs, inadequate measures to counter domestic violence against women, trafficking in persons, discrimination against persons with disabilities, discrimination against ethnic minorities, and violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons.

The Convention on the Rights of Persons with Disabilities

Mongolia ratified the Convention and the Optional Protocol on 13/5/2009.

Nauru

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities. Nonetheless, there was no reported discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. No legislation mandates services for persons with disabilities or access to public buildings. The government provides a welfare benefit to persons with disabilities. As part of aiding the participation in society of persons with disabilities, in 2009 the government began installing mobility ramps in public buildings. However, many buildings in the country were not accessible. Department of Education teachers provided rudimentary classes for a small group of students with disabilities; classes were held at a teacher's home.

There is no government agency with specific responsibility for protecting the rights of persons with disabilities. There are no formal mechanisms to protect persons with mental disabilities.

The Convention on the Rights of Persons with Disabilities

Nauru has not signed the Convention.

New Zealand

Constitution and Laws

The law prohibits discrimination on the basis of race, sex, disability, age, and national or ethnic origin, and the government actively enforced these prohibitions.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment; education; access to places and facilities; and the provision of goods, services, housing, and accommodation. The government is prohibited from discriminating on the basis of physical, sensory, intellectual, or mental disability, unless such discrimination can be "demonstrably justified." During the year the HRC received 279 disability-related complaints, which represented 26 percent of the total complaints received. Compliance with access laws varied.

The government's Office for Disability Issues worked to protect and promote the rights of persons with disabilities. In addition, during the year both the HRC and the Mental Health Commission continued to address mental health problems in their antidiscrimination efforts.

The Convention on the Rights of Persons with Disabilities

New Zealand signed the Convention on 30/3/2007 and ratified the Convention on 25/9/2008.

Palau

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally observed these provisions.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities. The Disabled Persons' Anti-discrimination Act and the Programs and Services for Handicapped Children Act cover both persons with mental disabilities and persons with physical disabilities, and the government enforced the provisions of these acts. No discrimination was reported against persons with disabilities in employment, education, access to health care, or the provision of other state services. The government provides a monthly stipend of \$50 for persons with disabilities. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice. Public schools had special education programs to address problems encountered by persons with disabilities.

The government agency Ngak Mak Tang (Everyone Matters) is responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Palau signed the Convention on 20/9/2011.

Papua New Guinea

Persons with Disabilities

Although the constitution prohibits discrimination against persons with physical or mental disabilities, there are no antidiscrimination laws. Persons with physical, sensory, intellectual, and mental disabilities faced discrimination in employment, education, access to health care, and provision of other state services. No legislation mandates accessibility to buildings, and most buildings were not accessible. There were no policies or programs to assist persons with disabilities in obtaining access to communications and information.

Through the National Board for the Disabled, the government granted funds to a number of nongovernmental organizations that provided services to persons with disabilities. The government provided free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities. In several provinces, apart from the traditional clan and family system, services and health care for persons with disabilities did not exist. Most persons with disabilities did not find training or work outside the family structure.

Other Relevant References

Other human rights problems included arbitrary or unlawful killings by police; poor prison conditions; lengthy pretrial detention; infringement of citizens' privacy rights, particularly in highland areas; government corruption; abuse and sexual exploitation of children; trafficking in persons; discrimination against persons with disabilities; intertribal violence; and ineffective enforcement of labor laws.

The Convention on the Rights of Persons with Disabilities

Papua New Guinea signed the Convention on 6/2/2011.

Philippines

Constitution and Laws

The constitution and law prohibit discrimination against women, children, persons with disabilities, and minorities; however, vague regulations and budgetary constraints hindered implementation of these protections.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and other social services. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments, but in practice many barriers remained.

The National Council for the Welfare of Disabled Persons formulated policies and coordinated the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. DOLE's Bureau of Local Employment maintained registers of persons with disabilities that indicate their skills and abilities, monitored private and public places of employment for violations of labor standards regarding persons with disabilities, and promoted the establishment of cooperatives and self-employment projects for persons with disabilities. One reliable NGO reported that the government continued to have limited means to assist persons with disabilities in finding employment, and such persons had limited recourse when their rights were violated because of the financial barriers to filing a lawsuit.

The DSWD operated two assisted-living centers in Metro Manila and five community-based vocational centers for persons with disabilities nationwide. From January to September, the DSWD provided services to 2,684 persons with disabilities.

Advocates for persons with disabilities contended that equal-access laws were ineffective due to weak implementing regulations, insufficient funding, and government programs that were inadequately focused on integration. Many public buildings, particularly older ones, lacked functioning elevators. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Government efforts to improve access to transportation for persons with disabilities were limited. Two of Manila's three light-rail lines were wheelchair accessible, but many stops

continued to have unrepaired, out-of-service elevators. Buses lacked wheelchair lifts, and one NGO claimed that private transportation providers, such as taxis, often overcharged persons with disabilities or refused them service. A small number of sidewalks had wheelchair ramps, which were often blocked, crumbling, or too steep; the situation was worse in many smaller cities and towns.

The constitution provides for the right of persons with physical disabilities to vote, although persons with mental disabilities are disqualified from voting. Persons with physical disabilities may have the assistance of a person of their choice in order to vote. In practice many persons with disabilities did not vote because of the physical barriers described above.

Other Relevant References

Other human rights problems included allegations of prisoner/detainee torture and abuse by security forces, violence and harassment against leftist and human rights activists by local security forces, disappearances, warrantless arrests, lengthy pretrial detentions, overcrowded and inadequate prison conditions, killings and harassment of journalists, continued internally displaced persons (IDPs), violence against women, local government restrictions on the provision of birth-control supplies, abuse and sexual exploitation of children, trafficking in persons, limited access to facilities for persons with disabilities, lack of full integration of indigenous people, absence of law and policy to protect persons from discrimination based on sexual orientation and gender identity, suspected vigilante killings, child labor, and ineffective enforcement of worker rights.

The Convention on the Rights of Persons with Disabilities

The Philippines signed the Convention on 25/9/2007 and ratified the Convention on 15/4/2008.

Samoa

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these provisions in practice. However, politics and culture reflected a heritage of matai privilege and power, and members of certain families of high traditional status possessed some advantages.

Persons with Disabilities

There is no law pertaining specifically to the status of persons with disabilities or regarding accessibility for them. Tradition dictates that families care for persons with disabilities, and this custom was observed widely in practice. There were no reports of discrimination against persons with disabilities, including physical, sensory, intellectual, and mental disabilities, in the areas of employment, education, access to health care, or the provision of other state services. Many public buildings were old, and only a few were accessible to persons with disabilities. Most new buildings provided better access, including ramps and elevators in most multistory buildings.

The Ministry of Women, Community, and Social Development has responsibility for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Samoa has not signed the Convention.

Singapore

Persons with Disabilities

The MCYS is responsible for protecting the rights of persons with disabilities. MCYS' Enabling Masterplan 2007-11 outlined a five-year policy roadmap for the programs and services in the disability sector.

Electoral law allows those voters who, incapacitated by blindness or other physical cause, are unable to vote in the manner described by law to receive voter assistance by other authorized citizens to mark and cast their ballots.

The government maintained a comprehensive code on barrier-free accessibility; it established standards for facilities for persons with physical disabilities in all new buildings and mandated the progressive upgrading of older structures. There was no comprehensive legislation addressing equal opportunities for persons with disabilities in education or employment; however, the National Council of Social Services, in conjunction with various voluntary associations, provided an extensive job training and placement program for persons with disabilities. A tax deduction of up to S\$100,000 (approximately \$76,500) was available to employers to defray the expense of building modifications to benefit employees with disabilities. The country allows guide dogs for the blind into public places and on trains, but the laws do not cover buses and taxis. During the year 100 percent of public trains and 47 percent of buses were wheelchair accessible. All major pedestrian thoroughfares have curb cuts.

Informal provisions permit university matriculation for those with visual or hearing impairments or other physical disabilities. Approximately 10,200 children with intellectual disabilities attended mainstream schools during the year. There were 20 special education schools that enrolled 4,854 students. All primary and secondary schools were equipped with basic handicap facilities such as handicap toilets and first-level wheelchair ramps. Approximately 22 percent of all primary and 19 percent of secondary schools were equipped with full-handicap facilities.

The government provided funds for two distinct types of early education programs for children with special needs. The Early Intervention Program for Infants and Children (EIPIC) provides educational and therapy services for children up to age six who have handicaps or special needs. There were 1,485 children enrolled in the 12 EIPIC programs. At the 18 Integrated Child Care Program Centers (ICCPs), special needs children engaged in the same group activities as the other children while also receiving enhancements of the normal child care curriculum. During the year, 95 special needs children were enrolled in the ICCPs.

Other Relevant References

Institutionalized Children: The Children and Young Persons Act created a juvenile court system and established protective services for children orphaned, abused, “troubled,” or with disabilities. MCYS worked closely with the National Council for Social Services to oversee children’s welfare cases. Voluntary organizations operated most of the homes for children, while the government funded a substantial portion of living expenses and overhead, as well as expenses for special schooling, health care, and supervisory needs.

The Convention on the Rights of Persons with Disabilities

Singapore has not signed the Convention.

Solomon Islands

Constitution and Laws

The constitution provides that no person--regardless of race, place of origin, color, or disability--shall be treated in a discriminatory manner with respect to access to public places. The constitution further prohibits any laws that would have discriminatory effects and provides that no person should be treated in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remained the victims of discrimination in the male-dominated society. Unemployment remained high, and there were limited job opportunities for persons with disabilities.

Persons with Disabilities

There is no law or national policy protecting persons with physical, sensory, intellectual, or mental disabilities, and no legislation mandates access to buildings for such individuals. In practice very few buildings were accessible to persons with disabilities. There were no special accommodations for persons with disabilities to ensure access to information and communications. Their protection and care were left to the extended family and NGOs. The country had one educational facility for children with disabilities, which was supported almost entirely by the ICRC. A disability center in Honiara assisted persons with disabilities in finding employment; however, with high unemployment countrywide and few jobs available in the formal sector, most persons with disabilities, particularly those in rural areas, did not find work outside of the family structure.

Persons with mental disabilities were cared for within the family structure; there were very limited government facilities for such persons. The Kilufi Hospital in Malaita operated a 10-bed ward for the treatment of psychiatric patients. A psychiatrist resident in Honiara ran a clinic at the National Referral Hospital.

The Ministry of Home Affairs is responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Solomon Islands signed the Convention on 23/9/2008 and the Optional Protocol on 24/9/2009.

Taiwan

Constitution and Laws

The constitution provides for equality of citizens before the law irrespective of sex, religion, race, class, or party affiliation. The MOI is in charge of protections for persons with disabilities. The authorities enforced these laws effectively.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and sets minimum fines for violations. The law was enforced.

The MOI and the CLA are responsible for protecting the rights of persons with disabilities. The law stipulates that the authorities must provide services and programs to members of the population with disabilities. Free universal medical care is provided to persons with disabilities. NGOs continued to assert that more public nursing homes were needed and that current programs, such as home care services, needed to be expanded to meet the growing needs of those with disabilities, a growing number of which were elderly persons.

In January the LY passed the Protection Act on the Rights of the Disabled to increase job opportunities for the blind. According to the law, blind individuals must account for 10 percent of employees hired by governing agencies and state-run enterprises with more than 10 employees.

The law stipulates that new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. In November, however, a disabilities rights group staged a large protest complaining that transportation equipment still fails to meet the basic needs of disabled persons in most areas of Taiwan.

Other Relevant References

While courts are required to appoint counsel after an indictment is filed, the law does not specify what lawyers could or should do to protect the rights of indigent criminal suspects during initial police questioning. The Judicial Yuan (JY) and the NPA operate a program to provide legal counsel during initial police questioning to qualifying indigent suspects who have a mental disability or have been charged with a crime punishable by three or more years in prison. Detained persons may request the assistance of the Legal Aid Foundation (LAF), which provides professional legal assistance through its 21 branch offices to persons who would not otherwise have legal representation. The LAF is a nongovernmental organization that is funded by the JY, in accordance with the Legal Aid Act of 2004. The LAF provided these services to all individuals. During regular consultations with police and when participating in police conferences, LAF officials constantly remind police of their obligation to notify suspects of the existence of such counseling. Whether a suspect should be detained incommunicado or held under house arrest is proposed by the prosecutor and decided by the court. Suspects and prisoners may be prohibited from receiving visitors, but they are entitled to meet and consult with their legal counsel.

The Convention on the Rights of Persons with Disabilities

Taiwan has not signed the Convention.

Thailand

Constitution and Laws

The constitution provides for equal treatment without respect to race, gender, religion, disability, language, or social status. Nonetheless, in practice some discrimination existed, and government enforcement of equal protection statutes was uneven.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, access to health care, or the provision of other state services, but government enforcement was not effective. The law also mandates that persons with disabilities have access to information, communications, and newly constructed buildings, but these provisions were not uniformly enforced. The law allows employment discrimination against persons with disabilities, and activists continued to work for amendments.

Persons with disabilities who register with the government are entitled to free medical examinations, wheelchairs, and crutches. The government provided five-year, interest-free, small business loans for persons with disabilities.

The Community Based Rehabilitation Program remained active in all provinces, while the Community Learning Center for People with Disabilities project operated in 30 provinces. A National People with Disabilities Day is observed annually on November 14.

The government maintained 43 special schools for students with disabilities. The Ministry of Education reported that there were 76 centers nationwide offering special education programs for preschool-age children, one in each province. All state schools nationwide, approximately 30,000, are required by law to accept students with disabilities. There also were nine government-operated and at least 23 NGO-operated training centers for persons with disabilities, including both full-time and part-time or seasonal centers. The government operated 111 state shelters specifically for persons with disabilities, including two day care centers for autistic children. In addition there were private associations providing occasional training for persons with disabilities. There were reports of schools turning away students with disabilities, although the government claimed that such incidents occurred because schools did not have appropriate facilities to accommodate them.

Some persons with disabilities who found employment were subjected to wage discrimination. Government regulations require private firms either to hire one person with a disability for every 100 other workers or contribute to a fund that benefits persons with disabilities, but this provision was not uniformly enforced. Government officials estimated that as many as half of all firms complied with the law during the year; the chairman of the Council of Disabled People of Thailand believed the number to be 35 to 45 percent, mostly due to inadequate government follow-up with companies. Some state enterprises had discriminatory hiring policies.

Other Relevant References

On September 12, Bangkok's Central Administrative Court ordered the Ministry of Defense to stop describing transgender persons as "permanently mentally disabled" in conscription records, and the military reportedly complied. Some rights advocates considered this a significant step toward reducing the harmful effects on future employment opportunities caused by the policy of relieving gay and transgender persons from duty under the draft because of their assumed detrimental effect on the military's strength, image, and discipline.

Recordkeeping was generally substandard, infrequent, and out of date, with prisoners tracked through letters and phone calls rather than a modern online data-sharing system. Authorities often gave nonviolent offenders, minors, and convicts with disabilities alternative penalties rather than imprisonment, such as probation, suspended sentences, fines, or restrictions on movement. Official 2009-10 statistics showed fewer than 17 percent of convictions resulted in prison sentences served.

Other human rights problems included poor, overcrowded, and unsanitary prison and detention facility conditions; occasional arbitrary arrests and detention; government limits on freedom of assembly; insufficient protection for vulnerable populations, including refugees; violence and discrimination against women; sex tourism; sexual exploitation of children; trafficking in persons; discrimination against persons with disabilities, minorities, hill tribe members, and foreign migrant workers; child labor; and some limitations on worker rights.

The Convention on the Rights of Persons with Disabilities

Thailand signed the Convention on 30/3/2007 and ratified the Convention on 29/7/2008.

Timor-Leste

Constitution and Laws

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a problem, and discrimination against women, persons with disabilities, and members of minority groups occurred.

Persons with Disabilities

Although the constitution protects the rights of persons with disabilities, the government has not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. There were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services; however, in many districts children with disabilities were unable to attend school due to accessibility problems.

Training and vocational initiatives did not address the needs of persons with disabilities. In the past some persons with mental disabilities faced discriminatory or degrading treatment due in part to a lack of appropriate treatment resources or lack of referral to existing resources; it was not clear whether this situation had improved. Mentally ill persons were incarcerated with the general prison population and were denied needed psychiatric care. An office in the Ministry of

Social Solidarity was responsible for protecting the rights of persons with disabilities. Persons with disabilities are eligible for monthly special monetary stipends through the Ministry of Social Solidarity.

Other Relevant References

Rape and Domestic Violence: Gender-based violence remained a serious concern. Although rape is a crime, punishable by up to 20 years in prison, failures to investigate or prosecute cases of alleged rape and sexual abuse were common, as were long delays. Authorities reported that the backlog of court cases led some communities to address rape accusations through traditional law, which does not always provide justice to victims. The definition of rape under the penal code appears broad enough to make spousal rape a crime, although that definition had not been tested in the courts. An UNMIT report released in September described a lack of accountability in the cases of nine women with disabilities who were raped during the year. The UNMIT report suggested the women were targeted for attack because of their disability.

In May 2010, parliament passed the Law against Domestic Violence. The law was enacted to provide protection and defense to vulnerable groups including women, children, the elderly, and persons with disabilities, against all forms of violence, exploitation, discrimination, abandonment, oppression, sexual abuse, and mistreatment. During the year, the authorities received 210 reports of domestic abuse. The Ministry of Justice was investigating 81 cases, the police were investigating 16 cases, the court was processing 20 cases and two people were convicted of domestic abuse.

UNMIT and NGO personnel noted allegations of mistreatment of prisoners by prison guards during the first 72 hours of imprisonment and a lack of special facilities for the mentally ill, who consequently were detained with other prisoners.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Women's access to family planning information, education, and supplies was limited principally by economic considerations. Contraceptive use was low, although the Ministry of Health and NGOs promoted both natural and modern family planning methods, including the distribution of intrauterine devices, injectable contraceptives, and condoms. The results of a demographic and health survey released in 2010 indicated significant improvements in mortality rates, but adult women continued to suffer from higher mortality than men, and 42 percent of such deaths were associated with pregnancy and childbirth. According to 2010 estimates by the UN Population Fund, the maternal mortality rate in the country was 370 deaths per 100,000 live births. Thirty percent of women had skilled attendance during childbirth, 61 percent of mothers received antenatal care from a medical professional, and only 32 percent of mothers received postpartum care. Women and men had equal access to diagnostic and treatment services for sexually transmitted diseases, including HIV/AIDS. An UNMIT report released in September described a woman with disabilities who was sterilized without consent after giving birth.

The Convention on the Rights of Persons with Disabilities

Timor-Leste has not signed the Convention.

Tonga

Persons with Disabilities

There are no legally mandated provisions for services for persons with physical, sensory, intellectual, or mental disabilities. There were no formal complaints of discrimination in employment, education, and provision of other government services. However, there were no programs to ensure access to buildings for persons with disabilities, and in practice most buildings were not accessible. There also were no programs to ensure access to communications and information for persons with disabilities. The Tonga Red Cross Society operated a school for children with disabilities and conducted occasional home visits. A program of the Ministry of Education, Women, and Culture to assimilate children with disabilities into primary schools continued during the year. The queen mother ran a center providing accommodation and meals for adults with disabilities. There was an NGO advocating on behalf of persons with disabilities.

There was no specific government agency with responsibility for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Tonga signed the Convention on 15/11/2007.

Tuvalu

Persons with Disabilities

The law does not prohibit discrimination on the basis of physical, sensory, intellectual, or mental disability. There were no known reports of discrimination against persons with disabilities in employment, education, or the provision of other state services. However, supplementary state services to address the special needs of persons with disabilities were very limited. There are no mandated building accessibility provisions for persons with disabilities. Although the one multistory government building had elevators, they were not operational, and there were no elevators in other multistory buildings. Persons with disabilities had limited access to information and communications. The Fusi Alofa Association (Tuvalu National Disabled Persons Organization) and the Tuvalu Red Cross undertook regular home visits to persons with disabilities and conducted educational programs to raise community awareness of the rights of persons with disabilities and advocate for such persons. The Fusi Alofa Association ran basic education classes in Funafuti for children with disabilities who were not able to attend school.

The Community Affairs Department in the Ministry of Home Affairs and Rural Development is responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Tuvalu has not signed the Convention.

Vanuatu

Persons with Disabilities

There is no law specifically prohibiting discrimination against persons with physical, sensory, intellectual, or mental disabilities. There is a national policy designed to protect the rights of persons with disabilities, but the government did not implement it effectively. There were no special programs to assist persons with disabilities and no legislation mandating access to buildings, information, and communications for them. Their protection and care were left to the traditional extended family and NGOs. In practice most buildings were not accessible to persons with disabilities. Due to a high rate of unemployment, few jobs were available for persons with disabilities. Persons with mental illness generally did not receive specialized care; members of their extended families usually attended to them.

Other Relevant References

At year's end the prison system held a total of 183 inmates, including 158 convicted prisoners and 25 pretrial detainees. There were two female prisoners and three male juvenile prisoners (defined by law as persons under age 16). Although there is no legislated maximum capacity for existing prison facilities, the total prison capacity during the year was 210. Male inmates were incarcerated in overcrowded facilities. Persons deemed mentally unfit to stand trial were held with the general prison population.

The Convention on the Rights of Persons with Disabilities

Vanuatu signed the Convention on 17/5/2007 and ratified the Convention on 23/10/2008.

Vietnam

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement of these prohibitions was uneven.

Persons with Disabilities

The constitution provides for the protection of persons with physical disabilities. The law prohibits discrimination against or maltreatment of persons with disabilities; encourages their employment; and requires equality for them in accommodation, access to education, employment, health care, rehabilitation, transportation, and vocational training.

The provision of services to persons with disabilities, although limited, improved during the year. The Ministry of Transportation implemented accessibility codes for public transportation facilities, trained transportation agency officials and students on the use of the codes, and developed training materials for bus drivers to assist individuals on and off buses. The government also put in place four accessible bus routes in Ho Chi Minh City and Danang with accessible buses and distributed free bus tickets (or reduced the fares for) 26,000 individuals in Hanoi and Ho Chi Minh City.

Construction and major renovations of new government and large public buildings are required to include access for persons with disabilities, but enforcement was sporadic. New buildings and facilities in larger urban cities were built with ramps and accessible entries. The Ministry of Construction maintained enforcement units in the cities of Hanoi, Ho Chi Minh, Danang, Quang Nam, and Ninh Binh to enforce barrier-free codes and provided training on construction codes for inspectors and architectural companies in more than 20 provinces during the year.

Access to education for children with disabilities, including blindness, deafness, and mobility restrictions, was extremely limited. The law provides for preferential treatment for firms that recruit persons with disabilities and for fines on firms that do not meet minimum quotas that reserve 2 to 3 percent of their workforce for workers with disabilities, but the government enforced these provisions unevenly. Firms that have 51 percent of their employees with disabilities may qualify for special government-subsidized loans.

The government respected the political and civil rights of persons with disabilities. For example, by law ballot boxes may be and were brought to the homes of individuals unable to go to a polling station.

The government supported the establishment of organizations aiding persons with disabilities. Such persons were consulted in the development or review of national programs, such as the national poverty reduction program, vocational laws, and various educational policies. The National Coordination Committee on Disabilities and its ministry members worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The government operated a small network of rehabilitation centers to provide long-term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for persons with disabilities.

Other Relevant References

It was unclear how strictly the government enforced provisions for wages, hours, and benefits or the exceptions for certain female employees. MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the law, but enforcement was inadequate for many reasons, including low funding and a shortage of trained enforcement personnel. The VGCL asserted that authorities did not always prosecute violations. MOLISA acknowledged shortcomings in its labor inspection system, emphasizing that the country had an insufficient number of labor inspectors. There were approximately 140 general labor inspectors plus small numbers of additional inspectors focused on persons with disabilities, social insurance, export recruiting companies, etc. The VGCL stated, and MOLISA acknowledged, that low fines on firms for labor violations failed to act as an effective deterrent against violations.

The Convention on the Rights of Persons with Disabilities

Vietnam signed the Convention on 22/10/2007.

Europe and Eurasia

Albania

Constitution and Laws

The law prohibits discrimination on the basis of gender; race; color; ethnicity; language; gender identity; sexual orientation; political, religious, or philosophical beliefs; economic, education, or social situation; pregnancy; parentage; parental responsibility; age; family or marital condition; civil status; residence; health status; genetic predispositions; disability; or affiliation with a particular group. No cases have been presented in court to test enforcement since the law was passed in 2010.

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. However, employers, schools, health care providers, and providers of other state services sometimes discriminated against such persons. The law mandates that new public buildings be accessible to persons with disabilities, but the government only sporadically enforced the law. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

Persons with disabilities are not restricted from participating in civic affairs. However in practice resource constraints and lack of infrastructure make it difficult for them to participate fully in many activities. The government has set up social services agencies to protect the rights of persons with disabilities, but the agencies are often unable to implement their programs for lack of funding.

The ombudsman regularly inspects mental health institutions. The admission and release of patients at mental health institutions was a problem due to lack of sufficient financial resources to provide adequate psychiatric evaluations.

Convention on the Rights of Persons with Disabilities

Albania signed the Convention on 22/12/2009.

Andorra

Constitution and Law

The constitution and law declare all persons equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, opinions, disability, language, or social condition. For the most part, the government effectively enforced these provisions.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government enforced it effectively. The law mandates access to public buildings, information, and communications for persons with disabilities, and the government generally enforced this provision. Nevertheless, societal discrimination against persons with disabilities existed on a small scale in the form of social and cultural barriers. Persons with disabilities also faced disadvantages in the labor market.

According to the National Commission of Assessment (Conava), schools continued to implement the law to adapt infrastructure to the needs of children with disabilities. An association for persons with disabilities operated in the principality. There is no restriction for persons with disabilities to participate in civic affairs.

Convention on the Rights of Persons with Disabilities

Andorra signed the Convention and the Optional Protocol on 27/4/2007.

Armenia

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. In practice the government did not effectively enforce these prohibitions.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree mandate accessibility to buildings, including schools, for persons with disabilities, but in practice very few buildings or other facilities were accessible. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities but failed to do so effectively. Official statistics showed there were 177,076 persons with disabilities as of December 31.

In spite of the large number of officially registered persons with disabilities, disabled persons are seldom seen outside the home due to the social stigma associated with disabilities. In extreme cases the social stigma sometimes prompts families to hide their disabled children completely from public view, thus depriving them of access to education and integration into society.

Persons with all types of disabilities experienced problems in virtually all spheres of life, including health care, social and psychological rehabilitation, education, transportation, communication, access to employment, and social protection. Access to information and communications was a particularly significant problem for persons with sensory disabilities.

Hospitals, residential care, and other facilities for persons with serious disabilities remained substandard. According to official data, more than 90 percent of persons with disabilities who were able to work were unemployed.

In February the media reported that the Diplomatic School of the Ministry of Foreign Affairs refused to consider the application of Artak Beglaryan because he was blind. Beglaryan, a graduate of the International Relations Department of Yerevan State University, appealed to the Administrative Court, claiming that blindness was not included on the list of the health problems precluding public service. He accused the ministry of discrimination. On October 10, the Administrative Court turned down Beglaryan's appeal, holding that the Ministry of Foreign Affairs had no responsibility for its Diplomatic School.

The Helsinki Association's 2011 report included a chapter on the conditions for patients in psychiatric clinics. The report described a number of significant shortcomings in such clinics, in particular poor sanitary and hygienic conditions, inadequate access to communications and information, and inadequate medical care.

There were widespread reports of corruption and arbitrary rulings in the Medical-Social Expertise Commission, a governmental body under the Ministry of Labor and Social Affairs that determines a person's disability status. In his 2010 annual report, the ombudsman noted an increase in complaints about the commission's decisions. Citizens complained that the commission arbitrarily deprived them of disability status despite their worsening health.

Other Relevant References

During the year suspicious deaths occurred in the military under noncombat conditions, while hazing and other mistreatment of conscripts by officers and fellow soldiers, and a lack of accountability for such actions, continued. Allegations of torture continued. Many prisons were overcrowded, unsanitary, and lacking in medical services for inmates. Police reportedly beat citizens during arrest and interrogation. Authorities continued to arrest and detain criminal suspects without reasonable suspicion and to detain individuals arbitrarily due to their opposition political affiliations or political activities. Authorities and laws restricted religious freedom for certain groups. Corruption remained a problem, with authorities taking limited measures to curb it. Domestic violence remained a problem but largely went unreported to authorities. Human trafficking was a problem, but authorities made efforts to combat it. Persons with disabilities experienced discrimination in almost all areas of life. Lesbian, gay, bisexual, and transgender (LGBT) persons were subjected to societal abuse and discrimination by military and prison authorities. There were reports of forced labor. Workers' rights were limited and existing labor laws weakly enforced.

Convention on the Rights of Persons with Disabilities

Armenia signed the Convention and the Optional Protocol on 30/3/2007. Armenia ratified the Convention on 22/9/2010.

Austria

Constitution and Law

The law provides for protection against discrimination based on race, gender, disability, language, or social status, and the government generally enforced these protections. In

October the parliament passed a law prohibiting public incitement against persons with disabilities.

Persons with Disabilities

The law protects persons with physical, sensory, intellectual, and mental disabilities from discrimination in housing, education, employment, and access to health care and other government services. The government's performance in enforcing these provisions was mixed.

Federal law mandates access to public buildings for persons with physical disabilities; however, NGOs complained that many public buildings lacked such access due to insufficient enforcement of the law and low penalties for noncompliance. Persons with disabilities generally had access to information and communications.

The law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life threatening. However, authorities have not performed any involuntary sterilization in recent years. The law prohibits the sterilization of minors.

The Ministry of Labor, Social Affairs, and Consumer Protection handles disability-related problems. The government funded a wide range of programs for persons with disabilities, including the providing transportation and other assistance to help integrate schoolchildren with disabilities into regular classes and employees with disabilities into the workplace.

Other Relevant References

[R]eported abuses included shortcomings in detention centers, particularly those holding persons awaiting deportation. Freedom of speech was restricted by laws that criminalize the public denial, belittlement, approval, or justification of Nazi genocide, and by laws forbidding incitement, insult, or expressions of contempt toward a group because of its members' race, nationality, or ethnicity. Public corruption remained a problem, as did violence against women and children. There were unconfirmed reports that female genital mutilation (FGM) was practiced among some immigrant groups. There were some anti-Semitic incidents, including physical attacks, taunting, property damage, and vilifying and threatening letters and telephone calls. Laws mandating access for persons with disabilities were not adequately enforced.

Convention on the Rights of Persons with Disabilities

Austria signed the Convention and the Optional Protocol on 30/3/2007. Austria ratified the Convention and the Optional Protocol on 26/9/2008.

Azerbaijan

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, but the government did not always respect these prohibitions in practice or effectively enforce them.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services, but the government did not enforce these provisions effectively. Employment discrimination remained a problem. A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

There were no laws mandating access to public or other buildings, information, or communications for persons with disabilities, and most buildings were not accessible.

Care in facilities for persons with mental and other disabilities varied; some provided adequate care, while in others, qualified caregivers, equipment, and supplies were inadequate to maintain sanitary conditions and provide a proper diet.

The Ministries of Health and Labor and Social Welfare are responsible for protecting the rights of persons with disabilities.

Convention on the Rights of Persons with Disabilities

Azerbaijan signed the Convention and the Optional Protocol on 9/1/2008. Azerbaijan ratified the Convention and the Optional Protocol on 28/1/2009.

Belarus

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status. In practice the government did not always enforce these prohibitions. Problems included violence against women and children; trafficking in persons; and discrimination against persons with disabilities, Roma, ethnic minorities, and members of the lesbian, gay, bisexual, and transgender (LGBT) community.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, and other government services, and discrimination was common in practice.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities which accounted for more than half a million persons. The law mandates that transport, residences, and businesses be accessible to persons with disabilities. However, in practice few public areas were wheelchair accessible. The National Association of Disabled Wheelchair Users estimated that more than 90 percent of persons with physical disabilities were unable to leave their places of residence without assistance and their places of residence were not accommodated for wheelchair users. While authorities claimed that 30 percent of the country's total infrastructure was accessible, disability rights organizations disputed this figure.

A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them. Local NGOs reported that 80 percent of persons with disabilities were unemployed. Authorities provided minimal welfare benefits for persons with disabilities, and calculations of pensions did not take disability status into account. Members of the country's Paralympics teams received half the salaries and prize money of athletes without disabilities.

The country's lack of independent living opportunities left many persons with disabilities no choice but to live in state-run institutions. Approximately 70 such institutions existed across the country. Disability rights organizations reported that the quality of care in these facilities was low, and instances of mistreatment and abuse were reported. Persons with physical disabilities and persons with mental disabilities frequently were mixed within facilities and not provided specialized care. Public transportation was free to persons with disabilities, but neither the subway in Minsk nor the bus system was wheelchair accessible. According to government statistics, two percent of the country's public transportation network was accessible.

Disability rights organizations reported difficulty organizing advocacy activities, given impediments to freedom of assembly, censorship of materials, and the government's unwillingness to register assistance projects. For example, an independent group advocating for rights of persons with disabilities reported that the Belarus State University rejected an application from a visually impaired woman to enroll into a legal program despite high test scores. They cited a lack of specialized equipment to accommodate her disability. She was subsequently accepted after intervention by human rights advocates.

In November a wheelchair user was unable to file a complaint to a Minsk district court because the court was located in an old building without ramps. Advocates also noted that persons with disabilities, especially visually and hearing impaired, lacked the ability to address violations of their rights easily and completely as courts often failed to provide special equipment and sign language translation.

Other Relevant References

[H]uman rights problems included abuses by security forces, which beat detainees and protesters, used excessive force to disperse peaceful demonstrators, and reportedly used torture and/or maltreatment during investigations and in prisons. Prison conditions remained extremely poor. Authorities arbitrarily arrested, detained, and imprisoned citizens for criticizing officials, for participating in demonstrations, and for other political reasons. The judiciary lacked independence, and suffered from inefficiency and political interference; trial outcomes often were predetermined, and many trials were conducted behind closed doors or in absentia. Authorities continued to infringe on citizens' privacy rights. The government further restricted civil liberties, including freedom of speech, press, assembly, association, religion, and movement. The government seized printed materials from civil society activists and prevented independent media from disseminating information and materials. The government continued to hinder or prevent the activities of some religious groups, at times fining them or restricting their services. Authorities harassed human rights groups, nongovernmental organizations (NGOs), and political parties, refusing to register many and then threatening them with criminal prosecution for operating without registration. Official corruption in all branches of

government remained a problem. Violence and discrimination against women were problems, as was violence against children. Trafficking in persons remained a significant problem. There was discrimination against persons with disabilities, Roma, ethnic and sexual minorities, persons with HIV/AIDS, and those who sought to use the Belarusian language. Authorities harassed and at times dismissed members of independent unions, severely limiting the ability of workers to form and join independent trade unions and to organize and bargain collectively.

There were very few women in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. Women's groups also voiced concerns about the feminization of poverty, particularly among women with more than two children, female-headed households, women taking care of family members with disabilities or older family members, and rural and older women.

Convention on the Rights of Persons with Disabilities

Belarus has not signed the Convention.

Belgium

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. The law identifies 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color of skin, descent, national origin, and ethnic origin. A separate law governs gender discrimination in the workplace. Under a directive issued by the Board of Prosecutors General, police and prosecutors must cite racial motivation if present when reporting or recording offenses. In such instances the prosecutor must escalate the case (e.g., in a racially motivated crime, the charge would additionally include a hate crime offense).

Persons with Disabilities

The law provides for the protection of persons with physical, sensory, intellectual, and mental disabilities from discrimination in employment, education, and access to health care and other state services. In 2010 the CEOOR noted an increase of complaints for alleged discrimination based on disability or health condition. The CEOOR received 319 complaints in 2010, compared with 255 in 2009. Most were employment-related and concerned access to private and public buildings and services, including public transport and access to banks, bars, and restaurants. While the government mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings were still inaccessible because of preservation orders.

Other Relevant References

In 2010 most complaints received by the CEOOR concerned nationality and ethnic descent (42 percent), physical disabilities (18 percent), and discrimination on the grounds of religious and philosophical orientation (12 percent). Discriminatory acts primarily took place at work or over the Internet. The CEOOR deemed 22 percent of the complaints it received to be justified.

Convention on the Rights of Persons with Disabilities

Belgium signed the Convention and the Optional Protocol on 30/3/2007. Belgium ratified the convention and the Optional Protocol on 2/7/2009.

Bosnia and Herzegovina

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce these prohibitions effectively.

Persons with Disabilities

The law in both entities prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. However, there was discrimination against persons with disabilities in all these areas.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. Persons with disabilities resulting from service during the 1992-95 conflict were given a privileged status above civilian war victims and persons who were born with disabilities.

The Federation's law mandates that all public buildings must be retrofitted to provide access to persons with disabilities and new buildings must also be accessible by mid-2011. However, buildings were rarely accessible to persons with disabilities in practice. Several government buildings, including the Federation government and parliament buildings, were not in compliance with the law. The RS had comparable laws for public access, but few older public buildings were accessible.

At year's end an estimated 1,900 persons with varying degrees of intellectual disabilities were institutionalized, although a growing number of programs for children with disabilities were available in schools. During the year an estimated 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available. The Federation government also continued a pilot program during the year for assisted living in Tuzla, which included 20 persons with intellectual disabilities. As of year's end no such programs existed in the RS.

During the year there was little progress in improving conditions for persons with disabilities. Experts noted that throughout the country entitlement to benefits for disabled persons is not based on needs. Consequently, certain categories of persons with disabilities did not receive adequate financial benefits. Federation authorities adopted the Strategy for Persons, while the RS, implemented its own strategy.

In the Federation the Institute for Medical Disability Status Classification, staffed by medical professionals and overseen by five relevant Federation ministries in cooperation with an advisory NGO, determined the severity of each person's specific disability and level of assistance needed. In the RS, the government social workers in the Center for Social Welfare

under the entity Ministry of Health and Social Welfare evaluated persons for disabilities and assistance.

Other Relevant References

[H]uman rights problems in the country included deaths from landmines; mistreatment of prisoners; police failure to inform detainees of their rights or allow effective access to legal counsel prior to questioning; government corruption; discrimination and violence against women and sexual and religious minorities; discrimination against persons with disabilities; trafficking in persons; and limits on employment rights.

Convention on the Rights of Persons with Disabilities

Bosnia and Herzegovina signed the Convention and the Optional Protocol on 29/7/2009.

Bosnia and Herzegovina ratified the Convention and the Optional Protocol on 12/3/2010.

Bulgaria

Constitution and Law

The law prohibits discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued, particularly against persons with disabilities; ethnic minorities; and lesbian, gay, bisexual, and transgender (LGBT) persons. Trafficking in persons continued to be a problem.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services; however, the government did not effectively enforce these provisions in practice. Societal discrimination against persons with disabilities persisted.

The law requires improved access to buildings for persons with disabilities, and some new public works projects took this requirement into account. However, enforcement of this law lagged in existing, unrenovated buildings. The law promotes the employment of persons with disabilities; however, enforcement was poor, and 90 percent of persons with disabilities were unemployed, primarily due to lack of access to adequate education, lack of skills, and lack of accessible transportation. For the most part employers did not equip workplaces to accommodate persons with disabilities.

The constitution provides the right of all citizens to vote, and the law provides specific provisions to ensure that persons with disabilities have access to the polls. However, authorities sometimes did not enforce these provisions.

The country's generally poor infrastructure for disabled people provided them with inadequate access to education, healthcare, and social services. Persons with mental and physical disabilities, including very young children, were often in institutions separated from the rest of society. The remote locations of most institutions prevented the hiring of qualified staff and

hampered access to timely medical assistance. Despite some incremental improvements, conditions in institutions for persons with disabilities remained poor.

The government continued to lack a policy for children with disabilities, who had inadequate access to education, healthcare, and social services. NGOs criticized the government for not moving toward an inclusive, community-oriented model of education, socialization, and health care for persons with disabilities. Critics maintained the government continued budgeting funds (more than 242 million levs [\$161.7 million] in 2010) to support organizations and nontransparent programs for persons with disabilities instead of adopting more cost effective measures.

The government operated 24 institutions for children and youth with disabilities. Children with varying types and degrees of disability were placed in the same institution. As of June there were 820 children with disabilities in public institutions, compared with 941 in 2010. According to the National Network for Children, 9,000 children with disabilities (approximately 54 percent of all such children) were integrated in the mainstream public schools.

The Interagency Council for Integration of Persons with Disabilities was responsible for developing the policy supporting persons with disabilities. The Ministry of Labor and Social Policy, through its executive agency for persons with disabilities, was responsible for protecting the rights of disabled persons and worked with government-supported national representative organizations to that end. However, human rights groups remained concerned about the lack of vision and transparency regarding financial and other support to the national representative organizations as well as the poor capacity of the agency to implement any reforms.

In June the government approved a long-term strategy to bring cohesiveness and to coordinate the various programs which address the employment of persons with disabilities. The strategy also aimed to create more job-related opportunities and to improve social integration.

Other Relevant References

[H]uman rights problems included harsh conditions in prisons and detention facilities, including overcrowding. Mistreatment of prisoners and detainees, especially members of minorities, was also alleged. There were also long delays in the judicial system; apparent abuse of wiretapping; violence and discrimination against women; violence against children; discrimination against members of the Romani and Turkish ethnic minorities; anti-Semitic vandalism; trafficking in persons; and discrimination against persons with disabilities, against lesbian, gay, bisexual, and transgender persons, and persons with HIV/AIDS.

Juries are not used. In cases involving serious crimes, two lay judges join a professional judge. If a crime carries a sentence of more than 15 years' imprisonment, two professional judges and three lay judges hear the case. In such circumstances, a majority vote determines verdicts. A defense attorney is mandatory if the alleged crime carries a punishment of 10 or more years in prison; if the defendant is a juvenile, foreigner, or person with mental or physical disabilities; or if the accused is absent. Defendants have the right to be present at their trial and can demand a retrial if they were convicted in absentia, unless they were evading justice at the time of the first trial. Defendants have the right to confront witnesses, examine evidence, and present their

own witnesses and evidence. The law provides for the right of appeal, which was widely used. Trial procedures apply equally to all defendants.

The law defines hate speech as speech that instigates hatred, discrimination, or violence based on race, ethnicity, nationality, religion, sexual orientation, marital or social status, or disability. In April the National Assembly adopted amendments to the penal code providing for one to four years' imprisonment for hate speech. The Organization for Security and Cooperation in Europe (OSCE) expressed concerns that the amendments could be abused to restrict freedom of expression and bar legitimate criticism by journalists.

The government investigated complaints of discrimination, issued rulings, and imposed sanctions against violators. The law allows individuals to pursue a discrimination case through the court system or through the CPD. The CPD's mandate expired in 2009, but authorities did not select new members. Many legal experts were concerned that the law is not precise whether the old CPD members retained their authority. Notwithstanding, in the 10 months through October, the CPD received 685 complaints, up from 663 in 2010. The majority of the complaints concerned personal status, age, and disability discrimination. The commission found 177 cases of discriminatory practices and imposed 53 fines totaling 49,100 leva (\$32,800) on violators.

Convention on the Rights of Persons with Disabilities

Bulgaria signed the Convention on 27/9/2007, and signed the Optional Protocol on 18/12/2008. Bulgaria ratified the Convention on 22/3/2012.

Croatia

Constitution and Law

The law prohibits discrimination based on gender, age, race, disability, language, or social status; and the government generally enforced these prohibitions.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services; however, discrimination occurred. The law provides for grants of 2,200 kunas (\$377) in monthly compensation to the unemployed parents of children with disabilities. The law also provides compensation to foster care families.

During the year 862 persons with disabilities found employment, while 5,903 remained unemployed. Almost 68 percent of unemployed persons with disabilities were unemployed for more than a year.

The ombudsman for persons with disabilities reported the majority of complaints received by her office in 2010 involved welfare and pension payments (22 percent), accessibility (12 percent), followed by work and unemployment, legal matters, and health care (9 percent each). The ombudsman viewed the lack of community-based services and underdeveloped disability compensation as the main obstacles to implementing the National Plan for

Deinstitutionalization and Transformation of Social Welfare Homes adopted in March. The office actively cooperated with NGOs dealing with persons with disabilities.

In a letter to former prime minister Kosor on January 20, Human Rights Watch and the Mental Disability Advocacy Center criticized the government for doing little to deinstitutionalize persons with intellectual or mental disabilities. According to the letter, 9,000 persons with intellectual or psychosocial disabilities remained institutionalized; this number is expected to increase.

The law mandates access to buildings for persons with disabilities; however, the government did not always enforce this provision, and the law did not mandate that existing facilities be retrofitted. While there were improvements in larger cities, access to public facilities for persons with disabilities remained limited.

Convention on the Rights of Persons with Disabilities

Croatia signed the Convention and the Optional Protocol on 30/3/2007. Croatia ratified the Convention and the Optional Protocol on 15/8/2007.

Cyprus

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these prohibitions.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the government generally enforced these provisions. While the law mandates that public buildings and tourist facilities built after 1999 be accessible to all, government enforcement was ineffective. Older buildings frequently lacked access for persons with disabilities. There were no appropriate institutions for adults with mental disabilities who were in need of long-term care.

The amended People with Disabilities Law, which extended the ombudsman's authority to cover discrimination based on disabilities in both the private and public sectors, had not been fully implemented by year's end. Problems facing persons with disabilities included narrow or nonexistent sidewalks and lack of transport, parking spaces, accessible toilets, and elevators. During the year the ombudsman examined two complaints of discrimination against persons with disabilities. The ombudsman investigated a complaint by the Association of Parents of Persons with Mental Disabilities that persons with mental disabilities were discriminated against in relation to persons with other disabilities in the area of subsidized transport. The investigation did not establish discriminatory treatment but recommended to the Ministry of Labor and Social Insurance the immediate amendment of government programs to allow subsidies for the general transport of persons with disabilities, including mental disabilities, and a special subsidy for their transport to schools, care centers, and related places.

There are no long-term care facilities specifically for persons with mental disabilities, but many such persons were housed at the Athalassa Psychiatric Hospital. In February parents of children with special needs complained to the House of Representatives Committee on Human Rights about a lack of services and opportunities for children with severe forms of mental disability after they graduated from special school at the age of 21. According to a study presented at a meeting of the committee in May 2010, one in three patients discharged from the Athalassa facility lived in a retirement home and experienced difficulty integrating into society. Ten percent of these former patients were under the age of 30. Members of the committee noted there was no infrastructure to support mental health patients with the result that, when they left the psychiatric hospital, their medication was stopped. There were no programs for their social integration or aftercare in general, a situation that could lead to serious problems.

In November the House Committee on Human Rights discussed the lack of reintegration plans for psychiatric patients discharged from the Athalassa Psychiatric Hospital. According the information presented to the committee by the Social Welfare Services, 300 former patients of the hospital were at the time living in homes for the elderly due to lack of half-way houses. Members of the committee pointed out that there has been no progress in developing any reintegration plans and improving benefits to persons with psychiatric conditions. One committee member stressed that existing legislation discriminates against psychiatric patients, entitling them to lower benefits than persons with other disabilities.

On December 13, the ombudsman, in her capacity as the head of the National Mechanism for the Prevention of Torture, visited Athalassa Psychiatric Hospital and collected material for a report with recommendations for the improvement of patients' living conditions and the protection of their rights.

In August 2010 the Paraplegics Association complained that new public buses, introduced in June of that year as part of the overhaul of the public transport system, did not meet the needs of wheelchair users in that they only had space for one wheelchair instead of two. After a meeting with the minister of communications and works in September 2010, the Paraplegics Association stated that the government had agreed that all future orders for buses would provide for two wheelchair spaces. The government also agreed to modify buses then in use if demand showed a need for two wheelchair spaces.

The Ministry of Labor and Social Insurance's Service for the Care and Rehabilitation of the Disabled was responsible for protecting the rights of persons with disabilities. The minister of labor and social insurance chaired the Pancyprian Council for Persons with Disabilities, which included representatives of government services, organizations representing persons with disabilities, and employer and employee organizations. The council monitored actions that affected the protection of the rights of persons with disabilities and served as a forum for such persons to contribute to public policy.

Convention on the Rights of Persons with Disabilities

Cyprus signed the Convention and the Optional Protocol on 30/3/2007. Cyprus ratified the Convention and the Optional Protocol on 27/6/2011.

Czech Republic

Constitution and Law

The law prohibits discrimination based on gender, age, disability, race, ethnic origin, nationality, sexual orientation, religious faith, or personal belief. The government did not effectively enforce these provisions. Significant societal discrimination against Roma persisted, and trafficking in persons also remained a problem.

Persons with Disabilities

The law prohibits discrimination against persons with physical, mental, and other disabilities in employment, education, access to health care, and the provision of other state services, and the government generally enforced these provisions. Nevertheless, persons with disabilities faced a shortage of public accommodations and were unemployed at disproportionately high rates.

Of Prague's 57 metro stations, 30 were accessible to persons with disabilities, including only five of the 15 major stations in the city center. A majority of buses and new tramcars have low-floor entry doors to accommodate passengers with disabilities. The metro, bus, and tram systems provide stop announcements and equipment for visually impaired riders.

The ombudsman is required to make regular visits to all governmental and private workplaces of persons with physical restrictions to examine conditions, ensure that fundamental rights are respected, and advocate for improved protection against mistreatment. His office made these visits throughout the year.

The government continued its program to aid persons with disabilities, Mobility for All, and selected 16 additional projects for funding. Mobility for All aims to build barrier-free sidewalks, crossings, crossroads, and handicapped elevators in government institutions, purchase barrier-free buses, and provide barrier-free access to government institutions, schools, libraries, galleries, and museums.

Convention on the Rights of Persons with Disabilities

The Czech Republic signed the Convention and the Optional Protocol on 30/3/2007. The Czech Republic ratified the Convention on 28/9/2007.

Denmark

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced the law effectively. However, there were instances of violence against women, child abuse, and trafficking in persons.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care or other state services, and other areas, and the government effectively enforced these provisions in practice. The law mandates access to

buildings, education, information, and communications for persons with disabilities, and the government generally enforced these provisions in practice.

The parliamentary ombudsman monitored the equal treatment of persons with disabilities. Each year the ombudsman receives a significant number of complaints related to discrimination against persons with disabilities.

Convention on the Rights of Persons with Disabilities

Denmark signed the Convention on 30/3/2007. Denmark ratified the Convention on 24/7/2009.

Estonia

Constitution and Law

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced the prohibitions. Nevertheless, violence against women and child abuse were problems.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The government generally enforced these provisions. The law does not mandate access to buildings for persons with disabilities; few older buildings were accessible, although new or renovated buildings generally were. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, and local governments are responsible for the provision of social welfare services to persons with disabilities. The government focused on developing rehabilitation services to improve the ability of persons with disabilities to cope independently and increase their social inclusion. The state compensates persons with disabilities requiring prosthetics and orthopedic or other technical aids for 50 to 90 percent of the cost of such devices.

Other Relevant References

Nearly all stateless persons were long-term residents; they could vote in local, but not parliamentary, elections. There are statutory procedures that offer opportunities for obtaining citizenship, but some human rights observers regarded them as inadequate. In the case of newborn children, the legal chancellor recommended reversing the law in order to grant automatic citizenship to the children of legal residents but permit children to be stateless at the request of their parents. Individuals of undetermined citizenship were eligible to apply for naturalization, but must pass language and civics tests. In 2010, 54 percent of those taking the test at the level required to acquire citizenship passed. Authorities have adopted policies, such as funding civics and language courses and simplifying the naturalization process for persons with disabilities, to facilitate acquisition of citizenship by those stateless persons who wish it. Although many residents preferred Russian citizenship or statelessness to Estonian citizenship, some human rights observers continued to criticize the government's integration policies as too

one sided. In its annual report for 2010, the EHRC noted that the continuing fall in the rate of naturalization was unlikely to be reversed unless the citizenship law was liberalized.

The legal chancellor, an independent official with a staff of over 40 persons, performs the role of human rights ombudsman. The legal chancellor reviews legislation for compliance with the constitution; oversees authorities' observance of fundamental rights and freedoms and the principles of good governance; and helps resolve accusations of discrimination based on gender, race, nationality (ethnic origin), color, language, religion, social status, age, disability, and sexual orientation. The legal chancellor also makes recommendations to ministries and local governments, requests responses, and has the authority to appeal to the Supreme Court. The legal chancellor compiles an annual report for parliament. Public trust in the office was high, and the government was responsive to the reports and decisions issued by the office.

Roma, who numbered fewer than 1,000, reportedly faced discrimination in employment and other areas. The government took steps to emphasize the importance of education for Romani children, but their dropout rate remained high. In response to complaints that approximately 10 Romani children were inappropriately placed in schools for children with learning disabilities, a social worker contended that this was the only available mechanism to prepare the children for school. One leader of the Romani community publically criticized Romani parents for inadequate preparation of their children for school.

Convention on the Rights of Persons with Disabilities

Estonia signed the Convention on 25/9/2007. Estonia ratified the Convention and the Optional Protocol on 30/5/2012.

Finland

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status, and the government effectively enforced these prohibitions. However, there were reports of violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The government effectively enforced these provisions.

Laws mandating access to buildings for persons with disabilities generally were enforced, although many older buildings remained inaccessible. Most forms of public transportation were accessible, but problems continued in some geographically isolated areas. The Ministry for Social Affairs and Health and the Ministry of Employment and the Economy are responsible for protecting the rights of persons with disabilities, and do so effectively.

Some 200,000 persons with disabilities live in the country. On August 24, the Finnish Broadcasting Company reported persons with physical disabilities were underrepresented in

the labor market, even though many of them would like to work. A survey by the innovation fund Sitra and the VATES Foundation published on August 24 found that companies were interested in hiring persons with disabilities but, among other things, wanted more information about various financial aid available to them and prospective employees. According to the survey, one third of the group was able to work, and many members of the group sought regular part-time jobs.

Other Relevant References

On June 1, legislation entered into force that defines coercion into a sexual act or intercourse, including with a defenseless person (i.e., intoxicated or disabled), as a crime as severe as rape. Sentences for such offenses are consistent with those for rape.

Convention on the Rights of Persons with Disabilities

Finland signed the Convention and the Optional Protocol on 30/3/2007.

France

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other government services. The government generally enforced these provisions effectively.

During the year the Fund Management Organisation for the Professional Integration of People with Disabilities (Agefiph) reported that 19.3 percent of persons with disabilities were unemployed, twice the national rate. The law requires that at least 6 percent of the work force of companies with more than 20 employees be persons with disabilities. Noncompliant companies could face criminal fines. Although many companies were unaware of this legal obligation, in practice persons with disabilities made up on average 6 percent of the work force of companies that were subject to the law. More than six of the 14 government ministries did not meet the 6 percent goal.

The law provides for government compensation to persons for the consequences of a disability and requires that buildings, education, and employment be accessible to them. The law requires that any new building with public or community space and any existing public building be accessible for persons with disabilities. Many buildings as well as transportation systems did not meet these requirements. The law also requires the establishment of centers in each administrative department to assist disabled persons with receiving compensation and employment assistance.

In September 2010 the president announced that social security payments to adults with disabilities would continue to increase by 5 percent per year until 2012. During the year the government paid adults with disabilities 743.62 euros (approximately \$967) per month.

Convention on the Rights of Persons with Disabilities

France signed the Convention on 30/3/2007, and signed the Optional Protocol on 23/9/2008. France ratified the Convention and the Optional Protocol on 18/2/2010.

Georgia

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status. However, the government did not always enforce these prohibitions effectively.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. However, the government was not effective in enforcing these provisions. Discrimination, including social, educational, and employment discrimination, against persons with disabilities was a problem. Most schools did not provide appropriate educational services because of a lack of qualified instructors.

The law mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. However, very few public facilities or buildings were accessible, although notably the newly constructed presidential residence, the Ministry of Internal Affairs, Ministry of Justice, Ministry of Education, and Office of the Public Defender's buildings complied with the law.

There were nine major committees in the country that evaluated children with disabilities and assisted with their integration in schools. Approximately 200 schools became accessible during the year by providing access ramps and other facilities. During the year standards for day care centers for children with disabilities were developed and all centers were evaluated based on these standards. The evaluations revealed problems in the majority of centers, including poor quality of services, lack of adaptation of buildings to special needs, and poor access to learning materials. The Ministry of Education closed five boarding schools for children with disabilities and transferred students to inclusive education facilities during the year. However, families reported the ministry did not provide transitional costs, such as transportation, in many cases.

In the 2010 *Situation of Human Rights and Freedoms in Georgia* report, the Public Defender's Office noted that living conditions at institutions for persons with mental and physical disabilities were poor, including poor ventilation, lack of heat, lack of access to hygiene products, and poor nutrition. Patients who were admitted voluntarily were not allowed to leave of their own free will. The report noted a serious shortage of medical, psychological, and social rehabilitation services so severe that residents could not leave their rooms for years due to the unadapted environment and the lack of wheelchairs.

Convention on the Rights of Persons with Disabilities

Georgia signed the Convention and Optional Protocol on 10/7/2009.

Germany

Constitution and Law

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these provisions in practice.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, and the provision of other federal state services. The relevant law makes no specific mention of persons with sensory or intellectual disabilities, but these are believed to be subsumed under the other headings. The government effectively enforced these provisions. While special schools were often better equipped to take care of students with disabilities, critics argued that such separation prevented the full integration of children with disabilities into the professional world and society as a whole.

On June 15, the federal cabinet agreed on a national plan of action to implement changes in laws that support rights for persons with disabilities, based on the UN Convention on Rights for People with Disabilities. It also provided 100 million euros (\$130 million) in additional funds for a period of five years. Some private groups complained the implementation measures were too vague and practical plans for improvements were missing.

On August 1, a regulation went into effect in Bavaria to give children with disabilities unlimited access to secondary schools under certain circumstances.

The government promoted the employment of persons with disabilities through a number of measures. As of September 1, pursuant to an agreement between the German Railway and the Federal Ministry for Labor and Social Affairs, persons with disabilities who fulfill certain requirements can use all regional trains within the country free of charge. In addition employers with a minimum of 20 employees must hire persons with disabilities to fill at least 5 percent of all positions, and for noncompliance face a fine of between 100 euros (\$130) and 290 euros (\$377) per month. According to the Sozialverband VdK Deutschland, this regulation applies to about 135,000 companies; however, 38,000 chose to pay the noncompliance fine.

The federal government provided payments of 518.2 million euros (\$673.7 million) per year through 2019 to the states to support barrier-free buildings. Efforts continued to improve barrier-free access to public transportation.

By law the federal government is required to provide barrier-free access to communications, especially in the field of administrative Internet sites and official forms and notifications.

The Office of the Federal Commissioner for Matters relating to Persons with Disabilities is the principal government contact in all matters related to persons with disabilities and has specific responsibility for protecting their rights. The Ministry of Labor and Social Affairs; the Ministry of

Family, Senior Citizens, Women, and Youth; and the Ministry of Transport, Building, and Urban Affairs also have responsibilities for addressing the needs of persons with disabilities. The German Institute for Human Rights has been designated to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities in the country.

Other Relevant References

Right-wing extremist offenses were a source of significant public and official concern. In November police arrested persons linked to a right-wing extremist group, the National Socialist Underground, for the killings of nine persons with Turkish or Greek backgrounds as well as one policewoman over a period of 13 years. Members of the extreme right also perpetrated a number of anti-Semitic acts, the most widespread of which were the desecration of Jewish cemeteries or other monuments with graffiti including swastikas and racist slogans. Challenges facing persons with disabilities were the topic of public discussion: e.g., some nongovernmental organizations (NGOs) questioned the practice of teaching children with disabilities in designated schools with special facilities, fearing that this segregates the children from society and hinders their future integration as full members of society. Finally, there was also some societal violence and discrimination because of sexual orientation.

Convention on the Rights of Persons with Disabilities

Germany signed the Convention and Optional Protocol on 30/3/2007. Germany ratified the Convention and the Optional Protocol on 24/2/2009.

Greece

Constitution and Law

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. However, the government did not protect these rights consistently in practice.

Persons with Disabilities

The law prohibits discrimination against persons with all known disabilities in employment, education, access to health care, or the provision of other government services. In practice NGOs and organizations for disability rights reported that government enforcement of these provisions was uneven. The law mandates access to buildings for persons with disabilities and special ramps for the sidewalks and means of public transportation; however, authorities enforced this law poorly. Activists for the rights of persons with disabilities reported that, although special ramps for sidewalks were being constructed throughout the country, sidewalks and special ramps were overwhelmingly occupied by parked vehicles, thus hindering accessibility for persons with disabilities. The general lack of accessibility forced such persons to remain at home and led to serious social exclusion. Research by the Polytechnic School of Athens during the year revealed that 69 percent of the country's ports were not accessible to passengers with disabilities. The law allows service animals to accompany blind persons in all mass transit, but blind activists claimed they faced serious problems when attempting to use city transportation with their dogs.

Only 5 percent of public buildings were fully accessible to persons with disabilities, with the majority of these in Athens; even buildings with special ramps did not, for the most part, have accessible elevators or lavatories. The deputy ombudsman for social welfare handled complaints related to persons with disabilities, especially those related to employment, social security, and transportation.

In 2009 the Ministry of Health and Social Solidarity estimated there were 180,000 children with disabilities with special educational needs. The Teachers' Association estimated in 2009 that only 18,500 of these children attended primary school and that of these only 10 percent would attend secondary school, due to a lack of either local special education schools or accessibility. According to NGOs working on this issue, the situation worsened over the year.

The Confederation of the Disabled reiterated during the year that education was not available for persons with serious disabilities, and many such persons were forced either to leave school due to lack of accessibility or to accept a low-quality education at the special education schools. The confederation stated that only two of the 10 universities in Athens were accessible to persons with disabilities and that 80 percent of children in special schools for children with disabilities were housed in buildings unsuitable to their needs.

The Confederation of the Disabled estimated the unemployment rate for persons with disabilities to be 84 percent in 2010 and called unemployment the greatest social problem they faced.

Other Relevant References

NGOs reported that societal discrimination based on sexual orientation and gender identity was widespread but focused on gay relationships. Transgender persons were exempt from military service on disability grounds.

Convention on the Rights of Persons with Disabilities

Greece signed the Convention on 30/3/2007 and Optional Protocol on 27/9/2010. Greece ratified the Convention on 31/5/2012.

Hungary

Constitution and Law

While the constitution and law prohibit discrimination based on race, gender, disability, language, or social status, the government failed to fully enforce these rights in practice.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. However, persons with disabilities frequently faced discrimination and prejudice. Government sources estimated there were 600,000 persons with disabilities, while disability organizations estimated the number to be approximately one million.

NGOs continued to complain about the lack of independent oversight over government-run long-term care institutions for persons with mental disabilities. According to the Hungarian Association for Persons with Intellectual Disabilities, there were 23,000 persons with mental disabilities living in long-term care institutions. There were sporadic reports that employees of such institutions used inappropriate physical restraints on patients. NGOs also noted that there was no legal regulation or government strategy for deinstitutionalization of persons living in such institutions.

The international NGO Mental Disability Advocacy Center (MDAC) criticized the government for failing in its obligation to protect the rights of persons with disabilities who were under the legal guardianship of others, particularly in their access to employment, education, and health care. According to the center, one of the key problems was a lack of alternatives to guardianship for persons with disabilities needing support in making certain decisions. According to NGOs, almost 67,000 adults were under guardianship.

Under the constitution, citizens placed under guardianship by a court immediately lose their right to vote. The new Fundamental Law, which will become effective in 2012, defers to the courts to decide on suffrage for persons with limited mental capacity. The MDAC harshly criticized the “mental ability” provision calling it an “unsophisticated disguise for disability-based discrimination,” as it could be applied to people with intellectual disabilities and people with psychosocial disabilities. NGOs noted that polling places were generally not accessible to persons with disabilities and that election materials were not available in easy-to-read format.

A government decree requires all companies with more than 20 employees to reserve 5 percent of their work positions for persons with physical or mental disabilities and provides fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities. In 2010 approximately 8 percent of working-age persons with mental disabilities were employed.

Both the central government and municipalities continued to renovate public buildings to make them accessible to persons with disabilities. Under the law, buildings operated by the central government were to have been made accessible by 2010, while those operated by municipalities were given until 2013 to meet the goal. There was no data available on the percentage of government buildings that were not accessible, but NGOs contended many public buildings remained inaccessible. NGOs claimed that the right to public schooling was not honored for children with severe and multiple disabilities because public elementary schools are not obliged to enroll disabled children.

The lead agency for protecting the rights of persons with disabilities is the Ministry of National Resources.

Other Relevant References

Segregation of Romani schoolchildren remained a problem. NGOs and government officials estimated that one-third of Romani children were educated in segregated classes and that 20 percent were placed without justification in remedial classes for children with mental disabilities, effectively segregating them from other students. Schools with a majority of

Romani students employed simplified teaching curricula, were generally less well equipped, and were in significantly worse physical condition than those with non-Romani majorities.

Convention on the Rights of Persons with Disabilities

Hungary signed the Convention and Optional Protocol on 30/3/2007. Hungary ratified the Convention and the Optional Protocol on 20/7/2007.

Iceland

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status. Various laws implement these prohibitions, and the government effectively enforced them.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. There were no reports of official discrimination in these areas. The law provides that persons with disabilities receive preference for government jobs when they are at least as qualified as other applicants. However, disability rights advocates asserted that the law was not fully implemented and that persons with disabilities constituted a majority of the country's poor.

The government ensured that persons with disabilities have access to buildings, information, and communications. Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs; that public property managers reserve 1 percent of parking spaces (a minimum of one space) for persons with disabilities; and that sidewalks outside the main entrance of such buildings be kept clear of ice and snow to the extent possible. Violations of these regulations are punishable by a fine or a jail sentence of up to two years; however, the main association for persons with disabilities complained that authorities rarely, if ever, assessed penalties for noncompliance.

The Ministry of Welfare was the lead government body responsible for protecting the rights of persons with disabilities. It coordinated the work of six regional offices that provided services and support to persons with disabilities. It also maintained a diagnostic and advisory center in Reykjavik that aimed to create conditions allowing persons with disabilities to lead normal lives.

Other Relevant References

The children's ombudsman, who is appointed by the prime minister but acts independently of the government, has a mandate to protect children's rights, interests, and welfare. When investigating complaints, which typically involved physical and psychological abuse and inadequate accommodation for children with illnesses or disabilities, the ombudsman had access to all public and private institutions that housed or otherwise cared for children. The ombudsman was not empowered to intervene in individual cases but could investigate them for indications of a general trend. The ombudsman could also initiate cases at her discretion. While

the ombudsman's recommendations are not binding on authorities, generally they were adopted.

Convention on the Rights of Persons with Disabilities

Iceland signed the Convention and Optional Protocol on 30/3/2007.

Ireland

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these provisions. Discrimination against racial and ethnic minorities, including immigrants and Travellers, remained a problem.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental, disabilities in employment, education, access to health care, or the provision of other state services; the government effectively enforced these provisions. The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications. The National Disability Authority has responsibility for setting and implementing disability standards, as well as directing disability policy.

Other Relevant References

Human rights groups continued to criticize understaffing and working conditions at the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities.

Convention on the Rights of Persons with Disabilities

Ireland signed the Convention on 30/3/2007.

Italy

Constitution and Law

The law prohibits discrimination based on race, gender, ethnic background, and political opinion. It provides some protection against discrimination based on disability, language, or social status. The government generally enforced these prohibitions; however, some societal discrimination continued against women; persons with disabilities; immigrants; Roma; and lesbian, gay, bisexual, and transgender persons.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in the areas of employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions, but there were incidents of societal discrimination. Antigone claimed there was a pattern of abuse in prisons

and mental health facilities, highlighting a number of deaths that may have resulted from poor care for persons with disabilities. On March 16, a parliamentary committee released a report on six criminal detention centers for inmates with psychiatric problems. The committee found that several of the centers had poor living conditions and did not provide adequate patient treatment. On July 27, police shut down 49 cells in two psychiatric facilities visited by the committee and arrested two Aversa hospital prison guards after charging them with sexually abusing a transsexual detainee on March 10.

Although the law mandates access to government buildings for persons with disabilities, mechanical barriers, particularly in public transport, continued to pose challenges. Many cities lacked infrastructure (such as subway elevators, funicular stations, and ramps on sidewalks) for persons who were wheelchair bound or had limited mobility. The Ministry of Labor and Welfare was responsible for protecting the rights of persons with disabilities.

A government agency, the *Institute for the Development of Vocational Training for Workers*, estimated there were three million persons with disabilities in the country, of whom 93 percent lived with their families.

Other Relevant References

[T]here were reports that police occasionally used excessive force against individuals, particularly immigrants detained in connection with common criminal offenses or in the course of identity checks. There were also reports of abuse and poor care of inmates with psychological disabilities in prisons and mental health facilities (see section 6, Persons with Disabilities).

Convention on the Rights of Persons with Disabilities

Italy signed the Convention and Optional Protocol on 30/3/2007. Italy ratified the Convention and the Optional Protocol on 15/5/2009.

Kosovo

Constitution and Law

The law specifically prohibits discrimination on the basis of race, gender, ethnic origin, disability, social status, or language. The government did not effectively enforce these prohibitions.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services. However, the situation for persons with disabilities remained difficult. The government did not effectively implement laws and programs to provide persons with disabilities access to buildings, information, and communications. The Office of the Ombudsperson itself was not accessible for persons with physical disabilities.

The Ministry of Labor and Social Welfare is the government agency responsible for protecting the rights of persons with disabilities. By law protection and provision of services is offered to

all citizens. However, there was considerable discrimination in practice, and ensuring the rights of persons with disabilities was not a government priority. Kosovo Mental Disability Rights International (K-MDRI) found that the government was failing to implement its national action plan for people with disabilities and highlighted failures of the Ministry of Labor to provide opportunities for persons with disabilities to be integrated into society.

According to HandiKos, a local disability rights NGO, authorities did not adequately implement laws and governmental action plans relating to persons with disabilities. As a result children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient access to health and social services.

There were legal protections for children with disabilities. According to the Ministry of Education, there were seven special residential schools for children with disabilities and 77 special needs classrooms attached to regular schools. The ministry reported that at year's end 1,179 pupils were receiving special education. According to the UN Development Program (UNDP), children with disabilities faced a number of barriers to access to mainstream educational facilities, including the lack of transportation to and from educational facilities, special training for teachers, and appropriate infrastructure. As a result, only 10 percent of children with disabilities were enrolled in mainstream schools. The Ministry of Labor lacked funding and personnel to implement laws to provide support to families of children with disabilities.

According to K-MDRI and the CPT, persons with mental disabilities continued to be detained without legal basis in isolated conditions. K-MDRI noted that there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect their rights within institutions. The World Health Organization (WHO) estimated there were 14,000 persons with mental disabilities in the country. K-MDRI reported an estimated 50,000 persons with mental disabilities living isolated and stigmatized lives outside of institutions.

The government-operated Shtime/Stimlje Institute maintained a facility for persons with developmental or intellectual disabilities with 56 residents run by the Ministry of Labor and a separate psychiatric facility with 57 residents, run by the Ministry of Health. Citing insufficient training for staff and a lack of rehabilitative programming for patients and residents, K-MDRI advocated closing the Shtime/Stimlje facility and placing its patients and residents into homes and apartments in urban areas where they could be integrated in the community.

During the year the Ministry of Health hired a person with special needs to conduct outreach to persons with disabilities. The ministry operated eight integration and community homes across the country, providing inpatient care for 75 persons with mental disabilities. In addition the Ministry of Labor operated another 10 community homes with approximately 10 to 15 residents in each facility. K-MDRI reported that while these homes were intended to be transitional, most residents spent years there with little prospect of integration into the community. According to the WHO there were not enough facilities to provide care for persons with mental disabilities, and employment opportunities for persons with mental disabilities were limited.

Other Relevant References

Roadblocks that Serb hardliners established in the northern part of the country seriously restricted basic rights, including freedom of movement and movement of goods. Serb hardliners also employed violence and intimidation against domestic opponents and international security forces, resulting in deaths and injuries during the year. A third area of serious concern was societal discrimination against minority communities, persons with disabilities, and members of the lesbian, gay, bisexual and transgender (LGBT) community, as well as domestic violence, particularly against women.

Convention on the Rights of Persons with Disabilities

Kosovo has not signed the Convention

Latvia

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status; the government generally enforced these prohibitions effectively.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to healthcare, or the provision of other state services, and the government generally enforced these provisions. The law mandates access to buildings for persons with disabilities; however, most buildings were not accessible. The law grants additional assistance to children with disabilities, allowing them and their chaperones to use public transportation free of charge. The law also allows families of children who have been diagnosed with a disability to receive state-funded counseling.

Convention on the Rights of Persons with Disabilities

Latvia signed the Convention on 18/7/2008 and Optional Protocol on 22/1/2010. Latvia ratified the Convention on 1/3/2010 and the Optional Protocol on 31/8/2010.

Liechtenstein

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, or ethnic group. The government effectively enforced these prohibitions.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or the provision of other state services or other areas.

The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications, and disabled persons

readily had access. The law mandates that all public kindergartens and schools, as well as public transportation systems, must be accessible to persons with disabilities by 2012. During the year 296 buildings were “barrier-free,” an increase of 46 over the past five years. The law requires recently constructed public buildings to be barrier-free by 2027 and older public buildings by 2019.

Convention on the Rights of Persons with Disabilities

Liechtenstein has not signed the Convention.

Lithuania

Constitution and Law

The law prohibits and penalizes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government programs and efforts at enforcement, discrimination against women and ethnic and sexual minorities persisted.

Persons with Disabilities

The Law on Equal Treatment prohibits discrimination against persons with disabilities, although it does not specify what kind of disabilities and there was no proactive enforcement. During the year the equal opportunities ombudsman investigated 11 cases of alleged discrimination based on disability. The law mandates accessibility of buildings for persons with disabilities. According to 2009 data from the Department of Statistics, 38 percent of housing was accessible to persons with disabilities.

Individuals involuntarily declared incapacitated have no right to appeal the decision in court.

The mental health system was widely regarded as inadequate. Although in 2007 the government approved a National Strategy for Mental Health, this area remained among the least reformed areas in the health sector.

The Ministry of Social Security and Labor and the Council for the Affairs of the Disabled are the two primary governmental organizations responsible for developing equal opportunities in the labor market and improving government effectiveness in meeting the needs of and augmenting the social security net for persons with disabilities. The Ministry of Health is responsible for making health services equally accessible to all inhabitants of the country.

Convention on the Rights of Persons with Disabilities

Lithuania signed the Convention and Optional Protocol on 30/3/2007. Lithuania ratified the Convention and the Optional Protocol on 18/8/2010.

Luxembourg

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services or other areas, and the government effectively enforced these provisions. The law does not require government or privately owned buildings to be accessible to persons with disabilities, but the government subsidized the construction of “disabled friendly” structures. The NGO Aid for Handicapped Children advocated for the protection of the rights of persons with disabilities.

The law establishes quotas requiring businesses that employ more than 25 persons to hire workers with disabilities and pay them prevailing wages, but the government acknowledged that these laws were not applied or enforced consistently. Reportedly, private companies with at least 25 workers had to include at least one employee with a disability. For larger companies, the workforce must consist of between 2 and 4 percent of employees with a disability. For state and all public companies, at least 5 percent of the workforce must be classified as disabled.

Convention on the Rights of Persons with Disabilities

Luxembourg signed the Convention and Optional Protocol on 30/3/2007. Luxembourg ratified the Convention and Optional Protocol on 26/9/2011.

Macedonia

Constitution and Law

The constitution and law prohibit discrimination based on gender, race, disability, religion, national, social, or political affiliation, and provides for fines ranging from 400 to 1,000 euros (\$520 to \$1,300) on individuals or legal entities found guilty of discrimination. The government generally enforced these prohibitions. In January the government implemented the Law on Prevention and Protection from Discrimination to protect individuals and legal entities against most forms of discrimination, including from direct and indirect discrimination based on gender, race, skin color, membership in a marginalized group, ethnicity, language, nationality, social origin, religion or religious belief, other beliefs, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health condition, or any other discrimination ground provided for by law or a ratified international agreement. Although sexual orientation is not listed in the law as a basis of discrimination, the Commission for Protection from Discrimination handled one case of discrimination on the basis of sexual orientation under the “other beliefs” category.

Human Rights Problems

[S]ignificant human rights problems reported during the year included poor conditions and overcrowding in some of the country’s prisons, domestic violence, and some discrimination against women and persons with disabilities. There was societal prejudice against members of the lesbian, gay, bisexual, and transgender (LGBT) community, who were the subject of harassment and use of derogatory language, including in the media. Macedonia was also a source, destination, and transit country for men, women, and children for sex trafficking and forced labor.

Persons with Disabilities

Persons with disabilities faced discrimination in employment, education, and access to health care and other state services. The law requires persons with physical or mental disabilities to obtain approval from a medical commission of the government to serve in supervisory positions in both the private and public sectors. The law provides incentives to certain “shelter companies” to provide employment for persons with disabilities, but NGOs reported that restrictions on which companies qualified limited employment opportunities for persons with disabilities. The new antidiscrimination law, implemented in January, allows for those who allege discrimination to submit their complaints to the Commission for Protection from Discrimination.

The law requires that only new buildings be made accessible to persons with disabilities. Many public buildings remained inaccessible. Inconsistent inspection resulted in construction of new facilities that were not accessible. NGOs reported the situation was improving over time.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented the full integration of persons with disabilities into society.

The Ministry of Labor and Social Policy is responsible for integrating persons with disabilities into economic life and for the payment of benefits. In practice disability benefits did not cover the cost of living. Advocates indicated that employment and life-skills training programs for persons with mental and physical disabilities were very limited and did not contribute significantly to their economic integration.

Other Relevant References

At the Demir Kapija Special Institution for persons with mental disabilities, the CPT observed relaxed, positive relations between staff and residents. However, concerns were raised that the health-care needs of residents were not adequately met. National authorities responded that the quality of residential care improved following the recruitment of additional staff.

The country’s seven-member Commission for Protection from Discrimination has a mandate to review discrimination complaints, issue recommendations, and promote the implementation of the law. The commission does not have the power to punish offenders. From January until November the commission received 58 complaints and resolved 36. Twenty-two were still in process. The commission did not have a full-time staff and was located in an office that was not accessible to persons with physical disabilities. Unlike the ombudsman, the commission reviews complaints from both the public and the private sectors. However, the public was largely unaware of the commission’s existence. Citizens who are not satisfied with the outcome of their complaint can seek remedy in court. The written opinion of the commission is admitted as evidence. As of mid-December no case was resolved in court.

Convention on the Rights of Persons with Disabilities

Macedonia signed the Convention on 30/3/2007 and Optional Protocol on 29/7/2009. Macedonia ratified the Convention on 29/12/2011.

Malta

Constitution and Law

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions in practice.

Persons with Disabilities

The law prohibits both the public and private sectors from discriminating against persons with physical, sensory, intellectual and mental disabilities in employment, education, health care, physical access, access to goods and services, housing, and insurance, and the government effectively enforced these provisions. As of the end of September, the National Commission for Persons with Disabilities (NCPD), the agency responsible for enforcement of this law, was working on 158 pending discrimination complaints from previous years. During 2010-2011, the NCPD opened investigations into 126 new cases and satisfactorily concluded 64.

Convention on the Rights of Persons with Disabilities

Malta signed the Convention and Optional Protocol on 30/3/2007.

Moldova

Constitution and Law

The law prohibits discrimination based on race, gender, disability, ethnicity, or social status; however, the government did not always enforce these prohibitions effectively

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to public facilities, health care, or the provision of other state services, but the law was rarely enforced.

During the year the government adopted a strategy and action plan on the social inclusion of persons with disabilities. In July the Ministry of Labor, Social Protection and Family presented a roadmap designed to improve social inclusion of persons with disabilities. Under the roadmap and with financial support from international donors, the ministry undertook a number of actions, including bringing the legislative framework in line with EU standards, reforming the residential system, deinstitutionalizing children with disabilities and placing them with foster families, building community houses, and improving skills of social workers.

There were approximately 176,000 persons with disabilities, including 16,000 children, in the country, a large number of whom often faced discrimination, social exclusion, poverty, unemployment, and lack of access to public services.

Official regulations mandate access to buildings for persons with disabilities, and most government buildings provided such access. While many newly built or reconstructed private buildings were accessible, older buildings often were not. The government provided few resources to train those with disabilities. The Social Assistance Division in the Ministry of Labor,

Social Protection, and Family and the National Labor Force Agency were responsible for protecting the rights of individuals with disabilities.

In 2010 authorities approved a framework regulation on organization, operation, and quality standards of “community houses” for persons with mental disabilities. Such community houses were designed and established to take the place of boarding facilities for children with mental disabilities.

There were 9,500 persons nationwide with visual impairments, of whom 3,500 were fully blind. Ballots were not available in Braille. Voters unable to complete a ballot on their own have the right to ask another person to help them vote, although this jeopardized their right to a secret ballot. During the November 2010 parliamentary election, authorities tested a new method of direct, secret voting for persons with visual impairments at one Chisinau polling station.

In Transnistria, children with disabilities and special educational requirements rarely attended school and lacked access to specialized resources.

Although the law provides for equal employment opportunities and prohibits discrimination against persons with disabilities (with the exception of jobs requiring specific health standards), in practice many employers either failed to accommodate or avoided employing such persons.

Other Relevant References

Conditions for children in orphanages and other institutions generally remained very poor. Major problems included inadequate food, “warehousing” of children, lack of heat in winter, and disease. NGOs estimated that approximately 25 percent of the children in orphanages had one or two living parents but had been abandoned when their parents left the country in search of employment. Children abandoned by parents often lived in poverty and were particularly vulnerable to trafficking and labor exploitation. UNICEF estimated that 50 percent of the children who were institutionalized had disabilities.

Various government ministries ran orphanages and boarding schools. The Ministry of Labor, Social Protection, and Family maintained two boarding schools for 675 children with disabilities and three asylums providing temporary (to one year) shelter, counseling, and other assistance to up to 110 children from socially vulnerable families. The Ministry of Education oversaw 53 boarding schools with 5,813 students. The ministry reported that 35 percent of these children were orphans or had been abandoned. The other 65 percent came from socially vulnerable families whose parents could not maintain even basic living conditions

Convention on the Rights of Disabilities

Moldova signed the Convention on 30/3/2007 and ratified the Convention on 21/9/2010.

Monaco

Constitution and Law

The constitution provides that all nationals are equal before the law. It differentiates between rights accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents (including inviolability

of the home). The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it.

Persons with Disabilities

The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions. The government has enacted and effectively implemented laws ensuring access to public buildings for persons with disabilities, and the country has a handicapped-equipped beach. According to government statistics, the Social Welfare Services provided assistance to approximately 2 percent of minors (persons under 18) who were considered either to have disabilities or to be in danger.

Convention on the Rights of Persons with Disabilities

Monaco signed the Convention on 23/9/2009.

Montenegro

Constitution and Law

The constitution and laws prohibit discrimination based on race, sexual orientation, gender, disability, language, or social status. The government did not effectively enforce these prohibitions. Although the Assembly in July 2010 adopted a comprehensive law prohibiting discrimination based on these and other grounds, the Office of the Ombudsman, which is responsible for the law's implementation, lacked the human, technical, and financial resources for its enforcement.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, pensions, allowances, family care and support, buildings, information and communication. The constitution also provides persons with mental disabilities with the right to be placed in adequate residential institutions and the right to foster care and support or other state services. However, societal discrimination against persons with disabilities effectively limited their access to these benefits, and authorities did not actively prosecute infractions. While authorities generally enforced the requirement that new public buildings include access for persons with disabilities, a continuing lack of access to older public buildings, hospitals, and public transportation was a problem.

Although there were some improvements in government efforts to address the rights of persons with disabilities, they remained one of the most vulnerable population groups, often abandoned and marginalized. According to the 2011 census, 11 percent of the population had difficulty performing everyday activities due to illness, disability, or age. The ministries of health, labor and social welfare, education and sports, science, culture, and human and minority rights have responsibilities for protecting the rights of persons with disabilities.

On May 19, the government adopted a law on discrimination against persons with disabilities that complemented the legal framework by specifying the forms of discriminatory actions that were illegal. Authorities improved facilities available to persons with disabilities confined in the Komanski Most Institution for Children with Disabilities. Nevertheless the government announced during the year that a legal deadline requiring all public facilities to be accessible by 2013 would likely be extended.

Discriminatory treatment persisted. Regulations providing protection, encouraging employment, and securing housing for persons with disabilities were not consistently implemented. Although persons with disabilities are entitled to health care within the general health care system, often it was not delivered in a satisfactory manner. For example, a student in the “June 1” center for children and youth complained to the ombudsman that the dentist in the Podgorica clinical center refused to provide her with medical help because the dentist was frightened by her handicap. Disability allowances were inadequate. Education for children with mental and physical disabilities remained inadequate. Many parents turned to the ombudsman because their children had problems in schools; the ombudsman recommended that assistants be introduced as a mandatory requirement for the education of children with special needs. The government continued to implement its plan to construct daycare centers for children with disabilities in all 21 municipalities; six centers were in operation by year’s end.

Unemployment remained a serious problem for persons with disabilities. Authorities provide incentives to employers who hire persons with disabilities and penalties for those who do not meet a quota system for employing them. Employers who do not abide by the law must contribute to a fund for helping persons with disabilities, but they often chose this option in the belief that employees with disabilities would be unable to meet the requirements of the job. NGOs claimed that the fund dispensed little money with few visible results and objected to its practice of returning unused funds to the state budget at the end of the budgetary year. The nontransparent use of these funds garnered significant public concern.

NGOs contended that the government was significantly behind in implementing its plan to integrate persons with disabilities.

According to the Association of Young Persons with Disabilities, 10 persons with disabilities were studying at local universities during the year, compared with three in 2001.

Despite laws entitling persons with mental disabilities to accommodation and education in institutions appropriate to their needs, mental health care remained inadequate. Institutionalized persons often become wards of the state and live in isolation in outdated and underfunded treatment facilities. Institutionalization perpetuated stigmatization of the mentally ill. A December 1 NGO report on psychiatric and mental hospitals in Kotor, Podgorica, and Niksic cited many of these deficiencies. At the same time it noted that the authors had observed no instances of the mistreatment of patients.

Partly in response to the CPT’s March 2010 report, which detailed the “appalling” mistreatment of residents of the Komanski Most Institution for Persons with Special Needs, authorities initiated or continued a number of improvements in that institution during the year. Physical conditions remained substandard in some respects and staff shortages persisted, but there

were improvements in the women's section and cafeteria. A central heating system and video surveillance were installed. Children were separated from adults and men from women. Educational opportunities outside the institution were made available, and more flexible daily activity plans were developed. Use of the isolation room was discontinued and use of leather restraints was strictly limited and recorded in a log.

In June authorities reached an agreement with six NGOs that permits them to make unannounced visits to Komanski Most and the Ljubovic Center for Children and Youth, a correctional facility for juvenile offenders. On November 15, the NGOs presented a report on Komanski Most that noted a significant improvement in the residents' living conditions, primarily due to a change in managing directors (in 2010), as well as additional investment in refurbishment. However, the report found that recent increases in personnel were insufficient to resolve a considerable shortage in staff and health services needed further improvement.

Other Relevant References

Criminal trials are generally public, but sessions may be closed during the testimony of state-protected witnesses. Juries are not used. Professional judges preside over trials. Lay judges assist them in determining verdicts, but the judges generally determine the sentences. Defendants have the right to be present at their trials and to consult with an attorney in a timely manner in pretrial and trial proceedings. Defendants have a right to an attorney and an attorney is provided at public expense when a defendant is a disabled person, in detention, destitute, or indicted on a charge carrying a possible sentence greater than 10 years. These rights were generally respected. Defendants and their attorneys have the right to access government-held evidence relevant to their cases. Defendants enjoy a legal presumption of innocence. Courts may try defendants in absentia but must repeat the trials if the convicted individuals are later apprehended. Both the defense and the prosecution have the right of appeal. Defendants' rights were generally respected and extended to all citizens.

Tuition for primary education was free, but except for those whose families who benefited from social welfare programs, students' families had to provide books and school supplies. The government provided books for children without parents, those with disabilities, special social cases, and children in the Romani, Ashkali, and Egyptian communities. The ombudsman noted, however, that the government failed to provide sufficient books in a timely fashion to such pupils in higher grades. NGO programs and grants helped provide books and other school resources for Romani, Ashkali, and Egyptian children.

The deputy ombudsman investigated alleged violations of children's rights. The office of the ombudsman received 59 complaints in 2010 and made 11 recommendations to the appropriate authorities, mainly involving socially vulnerable children who had disabilities or were poor, orphaned, or living in institutions. A survey by the NGO Center for Children's Rights in cooperation with 19 other NGOs noted an increase of juvenile delinquency, drug use, and begging, and violence against minors. Romani children remained a particularly vulnerable group, and many problems involving refugee children were still not resolved. Mid-2009 estimates of the number of children with disabilities ranged between 6,000 and 7,000.

A March report by the ombudsman, regarding the status of persons with disabilities in the orphanage in Bijela, described conditions for children with mental disabilities as inadequate. Problems included overcrowding, and a shortage of professional staff. Accessibility for persons with physical disabilities was also inadequate. In a report on its 2008 visit to the country released in March 2010, the CPT criticized the treatment of 15 children in the Komanski Most Institution for Persons with Special Needs, where children with mental disabilities were held together with adults in unsanitary conditions and without sufficient supervision to prevent their mistreatment. Since the visit, authorities have taken a number of steps to respond to these criticisms (see Persons with Disabilities).

The use of “temporary” workers was a major issue between trade unions and employers, since employers had considerable leverage over the terms of employment of temporary workers, particularly women, older workers, and those with disabilities. Amendments to the Labor Law adopted on November 24, restricted “temporary” employment to two years. The Ministry of Labor and Social Welfare and the Union of Free Trade Unions of Montenegro had various interpretations about the date when the amendments were to enter into force.

Government efforts to combat discrimination were modest. At the end of May, the Ministry for Human and Minority Rights launched a 75,000 euro (\$97,500) campaign to prevent discrimination based on gender, sexual orientation, and disability. A group of NGOs called unsuccessfully for an end to the campaign, claiming that it was superficial, stilted, not focused on actual challenges, and not delivering positive results. In November the government made a final decision to establish an Antidiscrimination Council chaired by the prime minister.

One of the most important human rights problems facing the country was the mistreatment of refugees and other persons displaced as a consequence of conflicts in the 1990s and the absence of a resolution of their legal status. Another was societal discrimination based on gender, sexual orientation, ethnicity, age, and disability. Corruption continued to be a serious problem, despite some improvements in the government’s battle against it. It was fostered by extensive cronyism and nepotism, weak controls over conflicts of interest, and the failure of the executive and judicial branches to identify and prosecute corrupt high-ranking officials.

Convention on the Rights of Persons with Disabilities

Montenegro signed the Convention and Optional Protocol on 27/9/2007. Montenegro ratified the Convention and the Optional Protocol on 2/11/2009.

Netherlands

Constitution and Law

The constitution prohibits discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the government generally enforced these prohibitions.

Persons with Disabilities

Discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services is illegal

in all parts of the kingdom. The law requires that persons with disabilities have access to public buildings, information, and communications, but public buildings and public transport often were not easily accessible in practice. The law provides penalties for discrimination, but government enforcement was inadequate, and there were some reports that such discrimination occurred. Of the 406 complaints of discrimination the CGB received in 2010, 17 percent related to persons with disabilities. Almost 30 percent of these concerned insufficient facilities for children with disabilities at schools. Although CGB rulings are not binding, authorities usually implemented them.

Other Relevant References

While freedom of expression was generally respected, it is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or disability. There were no reports of successful prosecutions during the year. Convictions were rare because courts were reluctant to restrict freedom of expression, especially when it took place within the context of a public debate.

Convention on the Rights of Persons with Disabilities

Netherlands signed the Convention on 30/3/2007.

Norway

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced this prohibition in practice, although there were reports of violence against women and children, some anti-Semitism, and stigmatizing statements against immigrants and Muslims.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the government effectively enforced these provisions. The law applies generally to all persons with disabilities without enumerating specific types of disabilities. It mandates access to public buildings, information, and communications for persons with disabilities. The MCESI and the State Council on Disability share the responsibility to protect the rights of persons with disabilities. The State Council served as an advisory body for the MCESI, which coordinated national policy, and managed the social benefits system for persons with disabilities. All educational institutions are required to have an appointed contact person for students with disabilities as well as a plan of action to include this group of students.

Convention on the Rights of Persons with Disabilities

Norway signed the Convention on 30/3/2007.

Poland

Constitution and Law

The constitution prohibits discrimination in political, social, and economic life “for any reason whatsoever.” The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. On January 1, a new antidiscrimination law entered into force that prohibits discrimination on the grounds of race, ethnic origin, nationality, religion, belief, opinion, disability, age, or sexual orientation. The new law requires the ombudsman to monitor implementation of the principles of equal treatment, support victims of discrimination, and carry out independent research. Ombudsman Irena Lipowicz publicly stated, however, that her office did not have enough funding to monitor discrimination and would struggle to fulfill its additional duties.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The government restricts the right of persons with certain mental disabilities to vote or participate in civic affairs. The government effectively enforced these provisions; however, there were reports of some societal discrimination against persons with disabilities.

The law states that buildings should be accessible for persons with disabilities, and at least three laws require retrofitting of existing buildings to provide accessibility. Public buildings and transportation generally were accessible.

The Ministry of Labor and Social Policy is responsible for disability-related matters. During the year the government plenipotentiary for persons with disabilities organized training sessions for central and local government officials to encourage them to hire persons with disabilities. The state fund for rehabilitation of persons with disabilities continued a nationwide campaign encouraging companies to employ them. The fund granted money to NGOs to organize media campaigns on the rights of disabled persons.

Other Relevant References

A government ombudsman for children’s rights issued periodic reports on problems affecting children, such as pedophilia on the Internet, improving access to public schools for children with disabilities, and providing better medical care for children with chronic diseases. The ombudsman’s office also operated a 24-hour hotline for abused children. In 2010, the last year for which statistics were available, the ombudsman received 19,665 complaints of infringements of children’s rights under the country’s laws, an increase of 5,205 from 2009. Of that number, almost 40 percent related to the right to be brought up in a family and cited such factors as: limitation of parental rights because of a divorce and the need for better support for foster families, 23 percent to the right to protection against abuse and exploitation, 11 percent to the right to education, and 9 percent to the right to adequate social conditions.

In December 2010 some restaurants and clubs in Poznan denied entry to members of the Romani community. On February 22, the Poznan prosecutor refused to initiate a criminal investigation into these complaints, but two security guards who did not admit the Roma to a

restaurant were charged with a petty offense and fined 1,000 zloty (\$310) each. The Roma Association appealed the case, and the prosecutor reopened it on April 14. The Roma Association reported that, despite government assistance programs, many Romani children did not attend public school. This was because of either financial constraints or fears that teachers would encourage assimilation and discourage traditional practices. However, according to the Ministry of the Interior and Administration, 2,764 of the 3,369 Romani children between the ages of six and 16 were enrolled in school in the 2009-10 school year, the latest data available. The association stated that inadequacies in Romani children's education made it impossible for Roma to escape their poverty. In October the association reported that many Romani children were placed in schools for children with mental disabilities, even though two-thirds were intellectually able to study in regular schools. Research by the Jagiellonian University in Krakow showed that the improper placement might have resulted from improper testing by psychologists. On May 31, the Ministry of Internal Affairs and Administration reported that in 2010, 16.8 percent of Romani children were placed in schools for children with mental disabilities.

During the first six months of the year, the government's AIDS Center reported one official incident of discrimination against a person with HIV/AIDS and a mental illness. The person was refused readmission to a state-funded home for persons with mental disabilities. The patients' rights ombudsman intervened and ordered the patient admitted to the home.

Convention on the Rights of Persons with Disabilities

Poland signed the Convention on 30/3/2007.

Portugal

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status, and the government effectively enforced these prohibitions.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government effectively enforced the law. The law also mandates access to public buildings for persons with disabilities, and the government implemented these provisions in practice; however, no such legislation covers private businesses or other facilities.

The Ministry of Solidarity and Social Security oversees the National Bureau for the Rehabilitation and Integration of Persons with Disabilities, which is responsible for the protection, professional training, rehabilitation, and social integration of persons with disabilities, as well as for the enforcement of related legislation.

Convention on the Rights of Persons with Disabilities

Portugal signed the Convention and Optional Protocol on 30/3/2007. Portugal ratified the Convention and the Optional Protocol on 23/9/2009.

Romania

Constitution and Law

The law forbids discrimination based on race, gender, disability, ethnicity, nationality, language, religion, social status, beliefs, sexual orientation, age, noncontagious chronic disease, HIV infection, or belonging to an underprivileged category. However, the government did not enforce these prohibitions effectively, and women, as well as Roma and other minorities, were often subjected to discrimination and violence.

Persons with Disabilities

The law prohibits discrimination against all persons with disabilities in employment, education, access to health care, and the provision of other services. However, the government did not fully implement the law, and discrimination against persons with disabilities remained a problem.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice the country had few facilities specifically designed to accommodate persons with disabilities, and persons with disabilities could have extreme difficulty navigating city streets or gaining access to public buildings. However, the number of buildings with facilities for persons with disabilities increased during the year.

According to the Ministry of Labor, Family, and Social Protection, 690,496 persons with disabilities were registered at the end of June, and only 12.04 percent were employed.

According to reports in previous years by the Center for Legal Resources, a human rights NGO, the procedures for commitment, living conditions, and treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and were below professional norms.

In many cases people with disabilities face institutional and societal discrimination, such as an occurrence during the year of a person being denied access to a club because he was in a wheelchair.

In August the CNCD fined a member of the European Parliament, Gigi Becali, for using the word “handicapped” in a derogatory sense for people with disabilities by calling a journalist “handicapped” in order to insult him.

Some minors were sent to psychiatric hospitals without the consent of their legal guardians. According to human rights NGOs, there was no system to ensure that government-run care institutions observed the rights of children with mental disabilities.

Other Relevant References

[T]here were reports from nongovernmental organizations (NGOs) and the media that police mistreated and abused prisoners, pretrial detainees, and Roma, primarily through excessive force and beatings. There were also reports that some personnel in state institutions mistreated abandoned children with physical disabilities and subjected children in state orphanages to lengthy incarceration as punishment for misbehavior...

During the year there were reports that police and gendarmes mistreated and harassed detainees and Roma. Prison conditions remained poor. The judiciary lacked impartiality and was sometimes subject to political influence. Property restitution remained extremely slow, and the government failed to take effective action to return Greek Catholic churches confiscated by the former Communist government in 1948. A restrictive law on religion remained in effect. There were continued reports of violence and discrimination against women as well as child abuse. Anti-Semitic articles continued to be published and anti-Semitic, racist, xenophobic, and nationalistic views continued to be disseminated via the Internet. Government agencies provided inadequate assistance to persons with disabilities and neglected persons with disabilities who were institutionalized. Societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons and individuals with HIV/AIDS, particularly children, remained problems. A new labor code eliminated the legal basis for collective bargaining at the national level, reduced protections against antiunion discrimination, and generally weakened workers' position vis-a-vis employers.

Convention on the Rights of Persons with Disabilities

Romania signed the Convention on 26/9/2007 and Optional Protocol on 25/9/2008. Romania ratified the Convention on 31/1/2011.

Russia

Persons with Disabilities

Several laws prohibit discrimination against persons with disabilities or mandate their equal treatment; however, the government generally did not enforce these laws. Citizens with disabilities continued to face discrimination and denial of equal access to education, employment, and social institutions. According to information provided by the NGO Perspektiva, persons with mental disabilities were severely discriminated against in both education and employment. In addition the conditions of guardianship imposed upon them by courts deprived them of practically all personal rights.

Conditions in institutions for adults with disabilities were often poor, with unqualified staff and overcrowding. Institutions rarely attempted to develop the abilities of residents, who were frequently confined to the institutions and sometimes restricted in their movement within the institutions themselves.

Federal law on the protection of persons with disabilities requires that buildings be made accessible to persons with disabilities, but authorities did not enforce the law, and in practice many buildings were not accessible.

The lack of elevators in metro systems across Russia severely inhibited a wheelchair-bound person from using the system without assistance. In 2010 Moscow city officials adopted a proposal known as the “Strategy for Raising Quality of Life for the Disabled 2010-2020.” In its 2011 fiscal year budget, the city allocated 2.5 billion rubles (\$77.6 million) toward developing a more accessible city environment for persons with disabilities. Officials reported that, in the second half of 2010, 54 percent of city public buildings were made accessible to disabled persons; 34,600 ramps were introduced on city streets; and 40 percent of buses, 25 percent of trolley-buses, and 14 percent of pedestrian crossing lights were adapted for persons with special needs.

In June the St. Petersburg subway system prohibited wheelchair users. While subway management modified the decision in response to public pressure; the use of the system by persons in wheelchairs remained difficult. By July wheelchair-bound individuals could use a reserve escalator only if accompanied by two assistants, one of whom could be subway staff (although staff was not obliged to assist). Persons using wheelchairs could also use some city buses, which were equipped with low floors for access. However, persons using wheelchairs found it difficult to travel anywhere in the city unaccompanied, since sidewalks often have high curbs and public transportation stops were not constructed in a way that made them easily accessible.

There are laws establishing employment quotas for persons with disabilities at the federal and local levels. However, some local authorities and private employers continued to discourage such persons from working, and there was no penalty for failure to honor quotas. According to the NGO Perspektiva, only 9 percent of persons with disabilities held a permanent job. Many of them worked at home or in special organizations. In Moscow several dozen companies were equipped to employ physically disabled persons.

According to government reports, of approximately 450,000 school-age children with disabilities, an estimated 200,000 did not receive any education. Of the 250,000 who received an education, 140,000 attended regular schools, 40,000 studied at home, and 70,000 attended special schools. Because special schools made up only 3 percent of all schools, most children with disabilities could not study in the communities where they lived and were isolated from other members of the community.

Authorities generally segregated such children from mainstream society through a system that institutionalized them until adulthood. Observers concluded that issues of children’s welfare often were ignored, and there were few means of addressing systemic problems of abuse. Human rights groups alleged that children with disabilities in state institutions were poorly provided for and, in some cases, physically abused by staff members. Graduates of state institutions also often lacked the necessary social, educational, and vocational skills to function in society.

There appeared to be no legal mechanism by which individuals could contest their assignment to a facility for persons with disabilities. The classification of categories of disability to children with mental disabilities often followed them through their lives. The labels “imbecile” and “idiot,” which were assigned by a commission that assesses children with developmental problems at the age of three and signify that a child is uneducable, were almost always

irrevocable. Even the label “debil” (slightly retarded) followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or individual caregivers, but there were few advocates for the rights of institutionalized children.

On April 28, the Moscow City Duma passed a law on the education of persons with disabilities in Moscow, which observers believed created some improvements in education for persons with disabilities.

The election laws contain no special provisions concerning the accessibility of polling places, and the majority of polling places were not accessible to persons with disabilities. However, mobile ballot boxes were generally brought to the homes of the disabled to allow them to vote.

In March the government adopted the State Program on Accessible Environment for 2011-15 with a total budget of 47 billion rubles (\$1.5 billion). The goal of the pilot program was to provide access to services in healthcare, culture, transport, information and communications, education, social protection, sports, and housing facilities for persons with disabilities.

The mandates of government bodies charged with protecting human rights include the protection of persons with disabilities. These bodies carried out a number of inspections in response to complaints from disability organizations and, in some cases, appealed to the responsible agencies to remedy individual situations. Inspections by the Ombudsman’s Office of Homes for Children with Mental Disabilities continued to disclose severe violations of children’s rights and substandard conditions.

Other Relevant References

Human rights organizations expressed concern that Romani children in schools experienced discrimination. According to Memorial a number of schools refused to register Romani students on the grounds that they lacked documents, while others segregated Romani students or placed them in classes designed for children with learning disabilities because of their ethnicity.

While there was free expression on the Internet and in some print and electronic media, self-censorship and the government’s ownership of and pressure on some print and most broadcast media outlets limited political discourse. Some journalists and activists who publicly criticized or challenged the government or well-connected business interests were subject to physical attack, harassment, increased scrutiny from government regulatory agencies, politically motivated prosecutions, and other forms of pressure. Attacks on and killings of journalists and activists occurred, and a number of high-profile cases from previous years remained unsolved. During the December Duma elections, Web sites that published reports of electoral fraud were disabled by distributed denial of service (DDoS) attacks.

Convention on the Rights of Persons with Disabilities

Russia signed the Convention on 24/9/2008.

San Marino

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, and the government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. The Ministry for Territory has not fully implemented a law that mandates easier access to public buildings by persons with disabilities, and many buildings were inaccessible.

Other Relevant References

The minimum age of consent for sex is 18 years, and the penalty for sexual acts with a minor is imprisonment for a period of six months to three years. The penalty increases to a period of two to six years if the child is under 14 years of age or is under the age of 18 and has physical or mental disabilities. The law prohibits child pornography, including performances, works, and material, and provides for punishment of anyone trading in or providing or in any way distributing child pornography material. The law punishes anyone who provides information aimed at enticing or sexually exploiting children under the age of 18. The penalty for this type of crime is imprisonment for a period of from two to six years, which is increased to four to 10 years if it involves sexual intercourse or if it has been committed to the detriment of a child under 14 years of age or a child under the age of 18 who has physical or mental disabilities.

Convention on the Rights of Persons with Disabilities

San Marino signed the Convention and Optional Protocol on 30/3/2007. San Marino ratified the Convention and the Optional Protocol on 22/2/2008.

Serbia

Constitution and Law

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively. However, discrimination against women, LGBT persons, and ethnic minorities; trafficking in persons; and violence against women and children were problems.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The government generally enforced the law. However, lack of access to older public buildings and public transportation was a problem. The law mandates access for persons with disabilities to new public buildings, and the government generally enforced this provision in practice.

The law prohibits physical, emotional, and verbal abuse in all schools, and there were no reports of abuse in special education facilities. According to the commissioner for equality, persons with disabilities were among the groups facing the greatest levels of discrimination.

Unemployment and discrimination in hiring remained a serious problem for persons with disabilities. A lack of workplace accommodations combined with discrimination and overall high unemployment made it difficult for persons with disabilities to obtain work.

The Ministries of Labor and Social Policy, Education, and Health had sections with responsibilities to protect persons with disabilities. The Ministry of Labor and Social Policy had a broad mandate to liaise with NGOs, distribute social assistance, and monitor laws to ensure the rights of persons with disabilities were protected. . The Ministries of Health and Education offered assistance and protection in their respective spheres.

Other Relevant References

According to the NGOs Felicitas and Center for Democracy, the most common violations of workers' rights involved work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers' withholding maternity leave allowances; discrimination based on sex and age; discrimination against persons with disabilities; unsafe working conditions; and general harassment. According to Nezavisnost, the Ministry of Labor and Social Policy's Labor Inspectorate continued to help the union reinstate members who had been fired for union activities.

Convention on the Rights of Persons with Disabilities

Serbia signed the Convention and Optional Protocol on 17/12/2007. Serbia ratified the Convention and the Optional Protocol on 31/7/2009.

Slovakia

Constitution and Law

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; the government made efforts to enforce these prohibitions in practice. All government agencies are required to create special favorable conditions for groups who are victims of discrimination, including but not limited to, employment, education, and vocational training.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. Persons with disabilities were able to vote and participate in civic affairs. In practice, however, experts reported that access to buildings and higher education remained a problem, and laws to provide assistance to students with disabilities have not been implemented with regard to school facilities or educational materials. There were reports that persons with severe physical disabilities received less than the minimum wage in some instances.

NGOs reported limited resources for psychiatric care outside of Bratislava, a lack of community-based psychiatric care, and an absence of mechanisms to monitor human rights violations against persons with such disabilities. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Healthcare, continued to use cage beds to restrain patients. The law prohibits both physical and nonphysical restraints in social care homes, managed by the Ministry of Labor, Social Affairs, and Family. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the health ministry.

Legislation requiring television stations to provide voiceover for blind viewers has not been implemented by any Slovak broadcaster. While by law mandatory standards for access to buildings are defined, NGOs noted they were not fully implemented, although access to privately owned buildings improved more rapidly than access to state buildings.

The Government Council on Human Rights, National Minorities, and Gender Equality operated a committee for persons with disabilities. The council served as a governmental advisory body and NGOs working on disability issues are represented. The committee's first session, held in June, dealt with procedural and status issues.

Other Relevant References

While education is universal, free through the postsecondary level, and compulsory until the age of 15, Romani children exhibited a lower attendance rate than other children. Although Romani children comprised only 15 percent of the total number of children under the age of 16, they were disproportionately enrolled in "special" schools for children with mental disabilities, despite diagnostic scores that were often within the average range of intellectual capacity. In many special schools, the registered student body was nearly 100 percent Roma, according to NGO reports.

The law provides for the protection of children from exploitation in the workplace; however, there were reports that Romani children in some settlements were exploited for commercial sex. NGOs reported that most Romani victims, including children with disabilities, were exploited by family members or other Roma.

Convention on the Rights of Persons with Disabilities

Slovakia signed the Convention and Optional Protocol on 26/9/2007. Slovakia ratified the Convention and the Optional Protocol on 26/5/2010.

Slovenia

Constitution and Law

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other government services, and the government generally enforced these provisions in practice. The

law mandates access to buildings for persons with disabilities. The government implemented laws and programs to ensure that persons with disabilities had access to buildings, information, and communications, but modification of public and private structures to improve access continued at a slow pace, and many buildings were not accessible in practice. The Ministry of Labor, Family, and Social Affairs has primary responsibility for protecting the rights of persons with disabilities.

Convention on the Rights of Persons with Disabilities

Slovenia signed the Convention and Optional Protocol on 30/3/2007. Slovenia ratified the Convention and the Optional Protocol on 24/4/2008.

Spain

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it effectively.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, access to information technology and communication, including social media, and the provision of other state services. The government generally enforced these provisions effectively. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions; however, levels of assistance and accessibility differed between regions. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities.

The law provides for fines of up to one million euros (\$1.3 million) for discrimination against disabled persons.

On January 21, the State Federation of Deaf People expressed its regret that the Senate had allocated funds to interpret between Spanish official languages without considering allotting funds to hire sign language interpreters.

Other Relevant References

The law provides that persons who provoke discrimination, hatred, or violence against groups or associations for racist, anti-Semitic, or other references to ideology, religion or belief, family status, membership within an ethnic group or race, national origin, sex, sexual orientation, illness, or disability, may be punished with imprisonment for one to three years.

Penalties for recruiting children or persons with disabilities into prostitution is imprisonment from one to five years (previously it was one to four years); if the child is under the age of 13, the term of imprisonment is four to six years. The same sentence applies to those who seek child prostitutes. The penalty for pimping children or persons with disabilities into prostitution is imprisonment from four to six years and, if the minor is under 13, the term of imprisonment is five to 10 years. The penalty for recruiting children or persons with disabilities for child pornography is one to five years' imprisonment; if the child is under the age of 13,

imprisonment is five to nine years. In addition individuals who contact children under the age of 13 through the Internet for the purpose of sexual exploitation face imprisonment of one to three years.

Convention on the Rights of Persons with Disabilities

Spain signed the Convention and Optional Protocol on 30/3/2007. Spain ratified the Convention and the Optional Protocol on 3/12/2007.

Sweden

Constitution and Law

While the constitution and law prohibit discrimination based on race, gender, age, disability, language, social status, or sexual orientation, the government did not always effectively enforce these prohibitions.

Persons with Disabilities

The law prohibits employers from discriminating against persons with physical, sensory, intellectual, and mental disabilities in hiring decisions and prohibits universities from discriminating against students with disabilities in making admission decisions. No other specific law prohibits discrimination against persons with disabilities. The discrimination ombudsman is responsible for protecting the rights of persons with disabilities.

The law on discrimination does not cover accessibility. Regulations for new buildings require full accessibility, and similar requirements exist for some, but not all, public facilities. However, many buildings and some means of public transportation remained inaccessible.

The number of reports of discrimination against persons with disabilities increased during the year. During the year there were 563 reports of governmental discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. Most other cases involved lack of access to buildings used by the public, such as apartments, restaurants, and bars. Many cases were handled through mediation procedures rather than formal court hearings.

Other Relevant References

At the national level, the country has seven ombudsmen: four justice ombudsmen, the chancellor of justice, the children's ombudsman, and the discrimination ombudsman with responsibility for ethnicity, gender, transsexual identity, religion, age, sexual orientation, and disabilities. There are normally ombudsmen down to the municipal level as well. The ombudsmen enjoyed the government's cooperation and operated without government or party interference. They had adequate resources and generally were considered effective. The children's ombudsman published a number of reports and publications for children and those working to protect children's rights. The discrimination ombudsman published material throughout the year to prevent discrimination. On February 17, a government statement clarified the mission of the discrimination ombudsman and reduced the processing time for reported cases.

[R]eported problems included use of excessive force by police, forced deportation of Iraqis and others to areas deemed unsafe, the trafficking of women and children, discrimination against persons with disabilities, and wage abuse of mainly foreign seasonal berry pickers.

Convention on the Rights of Persons with Disabilities

Sweden signed the Convention and Optional Protocol on 30/3/2007. Sweden ratified the Convention and the Optional Protocol on 15/12/2008.

Switzerland

Constitution and Law

The constitution prohibits discrimination based on race, gender, disability, language, or social status. The government generally enforced these prohibitions effectively.

Persons with Disabilities

The constitution and federal law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas, and the government generally enforced the prohibition. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions in practice.

The Federal Equal Opportunity Office for Persons with Disabilities promoted awareness of the law and respect for the rights of the disabled through counseling and financial support for projects to facilitate their integration in society and the labor market.

In October the Disabled Persons Federation criticized plans for new double-decker trains scheduled to start operations on interurban rail lines in 2013 for lack of handicap accessibility. The federation complained that entering the trains in a wheelchair was difficult, and the special cars for handicapped persons alienated them. According to the federation, the trains did not meet the standards as defined by the disabilities act. The federation appealed to the federal administrative court, where the case was pending at year's end.

Convention on the Rights of Persons with Disabilities

Switzerland has not signed the Convention.

Turkey

Constitution and Law

The law prohibits discrimination based on race, gender, religion, disability, language, or social status. The government did not enforce these prohibitions effectively. The constitution allows measures to be taken to advance gender equality, as well as measures to benefit children, seniors, persons with disabilities, widows, and veterans without violating the constitutional prohibition against discrimination. The government maintained hotlines to prevent the exploitation of women, children, persons with disabilities, and senior citizens, although some human rights groups questioned their effectiveness.

Persons with Disabilities

The constitution permits positive discrimination for persons with disabilities and the law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The government did not always enforce the law effectively. The law requires all responsible institutions to make necessary arrangements for easy access for the disabled in open areas and on mass transportation by July 2012, but little progress had taken place by the end of the year. In June a new entity responsible for protecting disabled persons, the Disabled and Senior Citizens Directorate General, was formed under the Family and Social Policies Ministry. During the year the government's domestic violence hotline received 11,003 calls from individuals with disabilities and 1,401 from the elderly.

In 2010 (with arrangements in the FY 2010 budget) the state employed an estimated 7,500 citizens with disabilities. On February 13, a law was passed introducing a central examination to facilitate employment of the disabled by the state. The law, which went into effect on October 3, also tasks employers not to give certain assignments, such as night shifts, to personnel with disabilities and to ensure them flexible working hours.

On April 7, the Disabled and Senior Citizens Directorate General inaugurated a program aimed at mobilizing governors in selected provinces in Central Anatolia and the eastern Black Sea regions to implement awareness programs, include disabled citizens in social life, and train caretakers for the disabled.

The law mandates access to buildings and public transportation for persons with disabilities, but access in most cities was extremely limited, and there is no clear system of fines or other punishment for noncompliance. On April 26, the Ministry of Interior issued a circular directing that municipality buses be upgraded to accommodate disabled citizens.

During the June 12 parliamentary elections, for the first time, the Supreme Election Board automatically assigned citizens registered with disabilities to vote at polling sites with easy access for disabled persons.

Other Relevant References

The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law also requires that the government provide indigent detainees with a public attorney in criminal cases where the defendant requests an attorney. In cases where the potential sentence is greater than five years, or where the defendant is a child or is disabled, a defense attorney is appointed even without the defense request. Detainees were generally allowed prompt access to family members. However, human rights organizations reported difficulties in helping families find out whether a relative had been detained because the government refused to release such information to the organizations or the families.

The provision of legal interpretation services is limited to situations where a defendant does not have sufficient command of Turkish to defend himself or herself or where the defendant or victim is disabled. In December 2010 a Diyarbakir court rejected a request by 17 defendants to defend themselves in Kurdish while they stood trial for supporting of terrorism after returning

from Iraq in 2009. However, a Sanliurfa court the same month allowed defendants to defend themselves in Kurdish. Inconsistent court decisions regarding the use of languages other than Turkish were prevalent throughout the country.

Convention on the Rights of Persons with Disabilities

Turkey signed the Convention on 30/3/2007 and Optional Protocol on 28/9/2009. Turkey ratified the Convention on 28/9/2009.

Ukraine

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and other state services; however, the government generally did not enforce these laws.

As of January, according to the State Committee for Statistics, the number of persons with disabilities was 2,709,982, including 165,121 children. NGOs complained that the government did not allocate adequate resources to help those with disabilities.

According to Semen Gluzman of the Ukrainian Psychiatric Association (UPA), patients in mental health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and medicines. According to the UPA, insufficient funding, the absence of public watchdog councils at psychiatric hospitals, patients' lack of access to legal counsel, and poor enforcement of legal protections deprived patients with disabilities of their right to adequate medical care.

According to the law, employers must allocate 4 percent of employment opportunities to persons with disabilities. NGOs noted that many of those employed to fill these positions received a nominal salary to meet the requirement but did not actually work at their companies. During the first nine months of the year, 7,900 persons with disabilities received jobs through government employment-placement services, according to the Ministry of Social Policy.

The Ministry of Education confirmed there were 382 specialized secondary schools and boarding schools with a total of 46,327 children, as well as 40,371 classes with inclusive education serving 69,621 children with special educational needs. In general secondary schools there were 508 classes for children with disabilities serving 4,845 children.

Advocacy groups maintained that despite existing legal guarantees most public buildings remained inaccessible to persons with disabilities. Access to essential services and activities such as employment, education, health care, transportation, and financial services remain difficult. NGOs expressed concern over the lack of programs to promote the integration of students with disabilities into the general student population and noted that the lack of needs assessment programs by state-funded employment centers led to the placement of graduates with disabilities in inappropriate jobs.

Other Relevant References

In November the UHHRU reported that unknown persons attacked, beat, and assaulted Andriy Fedosov, a disability rights activist and investigator who uncovered poor living conditions and abuse in psychiatric hospitals in Crimea. Fedosov confirmed the attack and left the country with assistance from human rights organizations. In December he requested asylum in France. Both Human Rights Watch (HRW) and Amnesty International had previously expressed concern about Fedosov, saying the attacks appeared to be in retaliation for his activist work.

Trafficked women worked as housekeepers, seamstresses, dishwashers, or workers at small and large manufacturing plants abroad. Some women with small children and persons with disabilities were trafficked abroad for begging. Men were exploited in construction and manufacturing. Internal trafficking of Ukrainian citizens and exploitation of foreigners also occurred. The IOM assisted 568 adult victims (men and women) of labor exploitation as well as 12 minors.

Convention on the Rights of Persons with Disabilities

Ukraine signed the Convention and Optional Protocol on 24/9/2008. Ukraine ratified the Convention and the Optional Protocol on 4/2/2010.

United Kingdom

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government routinely enforced the law effectively. The human rights commissions in England, Wales, and Scotland have mandates to combat discrimination based on race, sex, religion and belief, sexual orientation, and age. The Bermudian constitution and laws protect the human rights of inhabitants of Bermuda, with the exception of protection against discrimination based on sexual orientation and age.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government effectively enforced this in practice.

The law requires that all public service providers (except in the transportation sector) make “reasonable adjustments” to ensure their services are available to persons with disabilities. The law forbids employers from harassing or discriminating against job applicants or employees with disabilities. In August the Bermudian Parliament enacted the Human Rights (Unreasonable Hardship) Amendment Act 2011 to protect the rights of the disabled in the workplace; the act requires employers to “modify the circumstances of employment” to accommodate persons with disabilities, so long as there is no “unreasonable hardship” on the employer.

The mandate of UK’s Equality and Human Rights Commission (EHRC) included work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The EHRC provided legal advice and support for individuals, a hotline for persons with disabilities and employers, and policy advice to the government. It may also conduct formal investigations,

arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

Convention on the Rights of Persons with Disabilities

The United Kingdom signed the Convention on 30/3/2007 and Optional Protocol on 26/2/2009.

The United Kingdom ratified the Convention on 8/6/2009 and the Optional Protocol on 7/8/2009.

Near East and North Africa

Algeria

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, although in practice the government did not effectively enforce these provisions, and there was widespread social discrimination against persons with disabilities. Few government buildings were accessible to persons with disabilities. Public enterprises that downsized generally ignored a requirement that they reserve 1 percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment. The Ministry of National Solidarity provided some financial support to health-care-oriented NGOs, but for many NGOs such financial support represented approximately 2 percent of their budgets.

The ministry maintained that there were two million individuals with disabilities in the country, of whom the largest percentages were classified as “chronically ill” or “other” (38 and 30 percent, respectively). However, according to the Algerian Federation of Wheelchair Associations, there were three million persons with disabilities living in the country. The government estimated that approximately 44 percent of disabled citizens had some form of motor disability, 32 percent had communication difficulties, and 24 percent suffered from a visual disability. The government classified approximately 193,000 individuals as “fully disabled” and claimed during the year to have appropriated 9.54 billion dinars (approximately \$129 million) for their welfare.

The Convention on the Rights of Persons with Disabilities

Algeria signed the Convention and Optional Protocol on 30/3/2007. Algeria ratified the Convention on 12/4/2009.

Bahrain

Constitution and Laws

The constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens. These rights were protected unevenly, depending on an individual’s social status, sect, or gender. The law does not specifically prohibit discrimination based on race, gender, disability, language, religion, sect, or social status. The law deprives foreign workers, who make up approximately half the population, of many fundamental legal, social, and economic rights.

Persons with Disabilities

The law protects the rights of persons with disabilities, and a variety of governmental, quasigovernmental and religious institutions are mandated to support and protect persons with disabilities. The government respected these rights in practice. New public buildings in the

central municipality must include facilities for persons with disabilities. The law does not mandate access to other nonresidential buildings for persons with disabilities.

There were no official reports of discrimination against persons with disabilities in employment, education, or access to health care. According to anecdotal evidence, however, disabled persons routinely suffered lack of access to education and employment. The one government school for children with hearing disabilities did not operate past the 10th grade. Some public schools had specialized education programs for children with learning disabilities, physical handicaps, speech impediments, and Down syndrome, but the government did not fund private programs for children who could not find appropriate programs in public schools.

The law requires the government to provide vocational training for persons with disabilities who wish to work. The law also requires any employer of more than 100 persons to hire at least 2 percent of its employees from the government's list of workers with disabilities. However, the government did not monitor compliance. The government placed persons with disabilities in some public sector jobs.

The Convention on the Rights of Persons with Disabilities

Bahrain signed the Convention on 25/6/2007 and ratified the Convention on 22/9/2011.

Egypt

Constitution and Laws

The provisional constitution prohibits discrimination against citizens on the basis of race, origin, language, religion, creed, disability, or social status. Equality of the sexes was included in the 1971 constitution but not in the provisional constitution. Many aspects of the law discriminate against women and religious minorities, and the government did not effectively enforce prohibitions against such discrimination. On October 16, the SCAF issued a decree making it a crime under the penal code to discriminate on the basis of gender, origin, religion, language, religion, or creed.

Persons with Disabilities

The law provides that all businesses must designate 5 percent of their positions for persons with physical or mental disabilities, but activist groups reported that this provision was not enforced. There are no laws prohibiting discrimination against persons with disabilities in education, access to health care, or the provision of other state services, nor are there laws mandating access to buildings or transportation. Widespread societal discrimination continued against persons with disabilities, particularly mental disabilities, resulting in a lack of acceptance into mainstream society. Government-operated treatment centers for persons with disabilities, especially children, were poor.

On March 3, approximately 200 persons with disabilities protested in Cairo, calling for better protection of their rights. On October 31, 12 persons with disabilities threatened to set themselves on fire near the cabinet building in order to draw attention to the lack of employment opportunities available to them.

The Ministries of Education and Social Solidarity shared responsibility for protecting the rights of persons with disabilities. There was a Supreme Council for Disabilities within the Ministry of Social Solidarity, but activists reported it was inactive. Persons with disabilities rode government-owned mass transit buses free of charge and received special subsidies to purchase household products, wheelchairs, and prosthetic devices. Persons with disabilities also received expeditious approval for the installation of new telephone lines and received reductions on customs duties for specially equipped private vehicles. The government also worked closely with UN agencies and other international aid donors to design job-training programs for persons with disabilities.

Other Relevant References

One media report indicated an effort by the government to intentionally commit a sane person to an institution for the mentally ill. On October 23, media reports confirmed by family members alleged that a military court referred detained blogger Maikel Nabil Sanad to an institution for the mentally ill in Cairo. The facility reportedly refused to admit him and released a statement suggesting the referral was made for political purposes.

The Convention on the Rights of Persons with Disabilities

Egypt signed the Convention on 4/4/2007. Egypt ratified the Convention on 14/4/2008.

Iran

Constitution and Laws

Although the constitution formally prohibits discrimination based on race, gender, disability, language, and social status “in conformity with Islamic criteria,” the government did not effectively enforce these prohibitions. The government increased gender segregation and discrimination against women throughout the year.

Persons with Disabilities

The law generally prohibits discrimination against persons with disabilities by government actors, with some notable exceptions. For example, the laws did not apply to private actors, and the electoral laws prohibit blind and deaf individuals from running for parliament. While the law provides for state-funded vocational education for persons with disabilities, according to domestic news reports, vocational centers were confined to urban areas and unable to meet the needs of the entire population. There are laws ensuring public accessibility concerning government-funded buildings, and new structures appeared to have high-level access for physically disabled individuals. There also were efforts to increase accessibility of historical sites. However, government buildings themselves remained largely inaccessible, and general building accessibility for persons with disabilities remained a widespread problem. There was limited access to information, education, and community activities by persons with disabilities in the country.

With respect to the prohibition of blind and deaf individuals running for the Majlis, the Shahrzad News reported on November 14 that 67 Majlis members requested permission to bring a floor debate on the issue, but their motion was denied.

The Welfare Organization of Iran is the principle governmental agency charged with protecting the rights of persons with disabilities.

Other Relevant References

Hundreds of domestic NGOs focused on issues such as health and population, women's rights, development, disability, youth, environmental protection, human rights, minority rights, and sustainable development, despite the restrictive environment, including pressure not to accept foreign grants. Professional groups representing writers, journalists, photographers, and others attempted to monitor government restrictions in their respective fields, as well as harassment and intimidation against individual members of their professions. Under the law NGOs must register with the Interior Ministry and apply for permission to receive foreign grants. According to various sources, independent human rights groups and other NGOs faced intensifying harassment and threat of closure from government officials as a result of prolonged and often arbitrary delays in obtaining official registration.

In mid-October human rights organizations reported that security forces had arrested disabled war veteran and Mousavi campaign member Hossein Fayezi at his home and confiscated his personal belongings. At year's end he remained incommunicado.

The law defines transgender persons as mentally ill, encouraging them to seek medical help in the form of gender-reassignment surgery. The government provided grants of as much as 4.5 million toman (\$4,500) and loans of as much as 5.5 million toman (\$5,500) for transgender persons willing to undergo gender reassignment surgery. Human rights activists and NGOs reported that some members of the gay and bisexual community were pressured to undergo gender reassignment surgery to avoid legal and social consequences in the country.

The Convention on the Rights of Persons with Disabilities

Iran ratified the Convention on 23/10/2009.

Iraq

Constitution and Laws

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits discrimination on the basis of race, disability, or social status. The government was ineffective in enforcing these provisions in practice.

Persons with Disabilities

The constitution states that the government, through laws and regulations, should care for and rehabilitate persons with disabilities and special needs in order to reintegrate them into society. There are no laws, however, prohibiting discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. Access for persons with disabilities to buildings and in educational and work settings remained inconsistent.

The government has programs to help persons with disabilities. However, numerous media reports documented the challenges these programs faced, including large special needs

populations and the lack of qualified, trained personnel. Amputees, persons with other major physical injuries, and persons with mental/psychological trauma were the focus of most media reports. The Ministry of Health provided medical care, benefits, and rehabilitation, when available, and persons with disabilities could qualify for benefits from other agencies, including the Prime Minister's Office. The Ministry of Labor and Social Affairs operated several institutions for children and young adults with disabilities, although the quality of care was unknown. The Ministry of Health's most recent estimate of the number of persons with physical and mental disabilities was two to three million, approximately 10 percent of the population.

Other Relevant References

In the IKR both public and private shelters for women existed, but space was limited and service delivery was poor, with private shelters providing a slightly higher level of service. In areas outside the IKR, NGOs ran shelters without official approval. Some NGOs provided assistance to victims through community mental health workers. Other NGOs provided legal assistance to victims. NGOs played a key role in providing services to victims of domestic violence who received no assistance from the central government. Authorities frequently attempted to mediate between women and their families--instead of utilizing legal remedies--so that the women could return to their homes. Other than marrying or returning to their families (which often resulted in the family or community victimizing the shelter resident again), there were few options for women who were housed at shelters.

The Convention on the Rights of Persons with Disabilities

Iraq has not signed the Convention.

Israel and the occupied territories

Constitution and Laws

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, and the government was generally effective in enforcing these prohibitions.

Persons with Disabilities

The law provides a framework to prohibit discrimination against persons with disabilities in access to employment, education, health care, and selected other state services. The legislation mandates access to buildings, transportation, and physical accommodations and services in the workplace. According to NGOs the government made limited progress in enforcing these laws.

Societal discrimination and lack of accessibility persisted in employment, transportation, housing, and education. The unemployment rate for hard-of-hearing persons was 14 percent, compared to 7 percent of the broader population, although NGOs said the figure was underreported. The average monthly income of people with disabilities was 64 percent lower than monthly income for other workers, according to NGOs. Most train stations maintained access for persons with disabilities, but interurban buses did not. As of September 2010 approximately 70 percent of buses did not have such access. In housing, few community-based independent living options were available for persons with mental or intellectual disabilities. The government and NGOs cooperated and built infrastructure and materials for students with

disabilities during the year. NGOs noted that hard-of-hearing students sometimes were channeled into inappropriate tracks such as schools for mentally disabled persons. Such problems were generally more acute in the Israeli Arab population.

The Commission for Equal Rights of People with Disabilities within the Ministry of Justice is responsible for protecting the rights of persons with disabilities but relies on government ministries to enact regulations. The commission took legal action in the areas of accessibility and employment and issued regulations to provide access to services and public sites. According to three NGOs (Bekol, Bizchut, and Al Manarah), however, implementation of these regulations was slow overall, especially for Israeli Arab communities. The Division for Integrating Persons with Disabilities in the Labor Market within the Ministry of Industry examines and promotes employment for persons with disabilities. The Ministry of Social Affairs and Social Services provides out-of-home placement and sheltered employment for persons with cognitive, physical, and communication disabilities. It also handles criminal investigations involving persons with certain disabilities, either victims or offenders, when police request assistance. The National Insurance Agency provides financial benefits and stipends, the Ministry of Health provides mental health and rehabilitation services, and the Ministry of Education provides special education services. A report during the year by the Commission for Equal Rights of Persons with Disabilities found that the socioeconomic status of people with disabilities was worse than that of the general population.

Other Relevant References

According to the Ministry of Welfare, there were many cases of children with disabilities who were sexually assaulted that awaited investigation during the year.

The national minimum wage was 21 NIS (\$5.50) per hour; many foreign workers received less. The official poverty line was 2,413 NIS (\$632) for one person per month and 5,116 NIS (\$1,340) for a family of three. Persons with disabilities whose working capacity was reduced due to their disability earned between 19 and 50 percent of minimum wage. Youth below the age of 18 earned between 60 and 83 percent of the minimum wage. The law allows a maximum 43-hour workweek at regular pay and paid annual holidays. Premium pay for overtime was 125 percent for the first two hours and 150 percent for any additional hours, with a limit of 15 hours of overtime per week. Some workers, such as migrant workers in the homecare sector, were not covered by the law.

The Convention on the Rights of Persons with Disabilities

Israel signed the Convention on 30/3/2007.

Jordan

Constitution and Laws

The constitution states that all citizens are equal under the law and prohibits discrimination based on race, language, and religion; however, discrimination on the basis of gender, disability, and social status is not specifically prohibited. The penal code does not address discrimination, thereby severely limiting judicial remedies.

Persons with Disabilities

The law generally provides equal rights to persons with disabilities, but such legal protections were not upheld in practice. Activists noted that the 2007 law on the rights of persons with disabilities still lacked implementing regulations. The Higher Council for the Affairs of People with Disabilities (HCAPD), a government body, works with ministries, the private sector, and NGOs to formulate and implement strategies to assist persons with disabilities. During the parliamentary elections in 2010, the Ministry of Interior issued procedures for elections to include provisions to guarantee the accessibility of certain polling stations and allow people with visual impairment to bring a personal assistant with them when they vote. Citizens and NGOs universally reported that persons with disabilities faced problems accessing education, transportation, and other services, particularly in rural areas.

The HCAPD reported that educational accommodations were more readily available at the university level than in elementary and secondary schools. At all levels of education, children with certain types of disabilities were excluded from studying certain subjects and often could not access critical educational support services, such as sign language interpretation. General education teachers were not trained to work with students with various disabilities; families of children with disabilities reported that teachers and principals often refused to include children with disabilities in mainstream classrooms. The Ministry of Education provided accessible transportation to specialized centers for children with disabilities but not to mainstream schools. Students with intellectual disabilities fell under the authority of the Ministry of Social Development rather than the Ministry of Education.

The Special Buildings Code Department is tasked with enforcing accessibility provisions and oversees retrofitting of existing buildings to comply with building codes. The vast majority of private and public office buildings continued to have limited or no access for persons with disabilities; municipal infrastructure such as streets, sidewalks, and intersections were not accessible.

The law mandates that public and private sector establishments with between 25 and 50 workers employ at least one person with disabilities, and establishments with more than 50 workers must reserve 4 percent of their positions for persons with disabilities. However, the law lacked implementing regulations and was rarely enforced; in addition, employers who state that the nature of the work is not suitable for people with disabilities are exempt from the quota. A variety of activities, including opening and using bank accounts and applying for a job, require a medical letter certifying that the bearer is competent to perform the task in question. Human rights activists considered the letter a large barrier to participation in public life; some medical professionals were not aware of the full range of accommodations available and thus certified individuals as not able to perform certain tasks. During the year several individuals with visual impairment reported that they sought employment as teachers but were rejected on the basis of their disability and were directed instead to teaching assistant and other supporting positions for which they were overqualified.

The forced sterilization of women and girls with intellectual disabilities was a common practice during the year (see Women).

Human rights activists and the media reported that children and adults with disabilities were vulnerable to physical and sexual abuse while in institutions, rehabilitation centers, or other care settings, including their family homes (see section 1.c.).

Other Relevant References

Rape and Domestic Violence: The law stipulates a sentence of at least 10 years' imprisonment with hard labor for rape of a girl or woman age 15 years or older. Spousal rape is not illegal. The law does not explicitly ban domestic violence. The government did not enforce these laws effectively, and violence and abuse against women was widespread. Violence against women was reported more frequently in rural areas than in major cities, but women's rights activists speculated that many incidents in cities went unreported as violence against women remained a taboo issue, due to societal and familial pressures. There were no statistics available regarding the number of abusers prosecuted, convicted, or punished. Human rights activists stated that girls and women with disabilities were particularly at risk from gender-based violence.

Reproductive Rights: Couples have the basic right to decide freely and responsibly the number, spacing, and timing of their children, and individuals were able to make such decisions free from discrimination and coercion. Contraceptives were generally accessible to all men and women, both married and single, and provided free of charge in public clinics. Comprehensive essential obstetric, prenatal, and postnatal care is provided throughout the country in the public and private sectors. The Higher Council for the Affairs of Persons with Disabilities and civil society activists reported that forced sterilization of women and girls with intellectual disabilities was a common practice. The Higher Council reported that annually approximately 64 hysterectomies were performed on women with intellectual disabilities. A hospital official confirmed that three to four such operations were conducted annually, often at the behest of the victims' families.

Education: Education is compulsory from ages six through 16 and free until age 18. However, no legislation exists to enforce the law or to punish guardians for violating it. Children without legal residency do not have the right to attend public school. Children of female citizens and noncitizen fathers, for example, must apply for and pay 30 dinars (\$42) for residency permits every year, and permission is not guaranteed. Children with disabilities experienced extreme difficulty in accessing constitutionally guaranteed early and primary education (see section 6; Persons with Disabilities).

Human rights activists reported that some persons with disabilities were subjected to cruel and inhumane treatment at institutions and rehabilitation centers. In September the Family Protection Department (FPD) investigated a case in which a management official abused a 12-year-old child with cerebral palsy at a private rehabilitation center accredited by the Ministry of Social Development.

The law bans those between the ages of 16 and 18 from working in potentially hazardous jobs, limits working hours for such children to six hours per day, mandates one-hour breaks for every four consecutive working hours, and prohibits these children from working after 8 p.m. on national or religious holidays and on weekends. On July 23, the Ministry of Labor expanded the list of potentially hazardous jobs to include work involving explosive or flammable materials;

mining; work that requires special protective gear; work involving sharp machines, screws, or electric belts; and work involving exposure to traffic or other moving vehicles, carpentry, mechanical work, welding, and blacksmithing. Also included are service jobs involving work with the elderly, addicts, or people with mental illnesses.

The Convention on the Rights of Persons with Disabilities

Jordan signed the Convention and Optional Protocol on 30/3/2007. Jordan ratified the Convention on 31/3/2008.

Kuwait

Constitution and Laws

The law prohibits discrimination based on race, origin, disability, or language; discrimination based on social status is not addressed. In practice the government did not uniformly or consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, Bidoon, noncitizens, and domestic and expatriate workers.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, and mental disabilities and imposes penalties on employers who refrain without reasonable cause from hiring persons with disabilities. The law also mandates access to buildings for persons with disabilities. The government generally enforced these provisions. There were no specific reports of discrimination against persons with disabilities; however, noncitizens with disabilities did not have access to government-operated facilities or receive stipends paid to citizens with disabilities that covered transportation, housing, job training, and social welfare.

In June 2010 the government approved a new disability law that had not been implemented at year's end, reportedly because of conflicts with existing law. The law provides larger disability grants, reduced working hours, and improved housing loans for citizens and Bidoon with mental or physical disabilities. It requires government employers with workforces of 50 persons or more to recruit at least 4 percent of their workforce from vocationally trained persons with special needs. The law also allows citizens with disabilities, or those with children with disabilities, to receive larger than normal housing grants and earlier pensions. Although Bidoons are not normally entitled to receive housing grants, the new provisions include Bidoon with disabilities.

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constitute the government's Higher Council for Handicapped Affairs, which makes policy recommendations, provides direct financial aid to persons with disabilities, and facilitates their integration into schools, jobs, and other social institutions. The government supervised and contributed to schools and job and training programs oriented to persons with special needs. The National Assembly has a Committee for Disabled Affairs.

Other Relevant References

The government restricted the operations of domestic and international human rights groups and limited cooperation with them. The law permits the existence of NGOs; however, the

government continued to deny licenses to some NGOs. NGOs may not engage in political activity and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the KHRS and the Kuwaiti Society for Fundamental Human Rights. Local licensed NGOs devoted to the rights or welfare of specific groups, such as women, children, foreign workers, prisoners, and persons with disabilities, were permitted to operate without government interference. A few dozen local unlicensed human rights groups operated without government restriction during the year. The government and various National Assembly committees met regularly with local NGOs and responded to their inquiries.

The Convention on the Rights of Persons with Disabilities

Kuwait has not signed the Convention.

Lebanon

Constitution and Laws

The law, providing for equality among all citizens, prohibits discrimination based on race, gender, disability, language, or social status. The government generally respected these provisions; however, in practice, enforcement was not consistent, and some aspects of the law and traditional beliefs discriminated against women.

Persons with Disabilities

Although prohibited by law, discrimination against persons with disabilities continued. The law defines a “disability” as a physical, sight, hearing, or mental impairment. The law stipulates at least 3 percent of all government and private sector positions be filled by persons with disabilities, provided such persons fulfill the qualifications for the position; however, there was no evidence the law was enforced in practice. The law mandates access to buildings by persons with disabilities, but the government failed to amend building codes. Many persons with mental disabilities were cared for in private institutions, several of which the government subsidized.

The Ministry of Social Affairs and the National Council of Disabled are responsible for protecting the rights of persons with disabilities. According to the president of the Arab Organization of Disabled People, little progress has been made since the law on disabilities was passed in 2000. Approximately 100 relatively active but poorly funded private organizations made most of the efforts to assist persons with disabilities.

In 2009 the Ministry of Interior issued a decree to provide accessibility to polling stations for persons with special needs during the parliamentary elections; however, a Lebanese Physically Handicapped Union study showed that only six polling stations out of 1,741 satisfied all six criteria for accessibility.

The Convention on the Rights of Persons with Disabilities

Lebanon signed the Convention and Optional Protocol on 14/6/2007.

Libya

Constitution and Laws

Qadhafi-era law prohibits discrimination based on race, sex, religion, disability, or social status. The Qadhafi government did not enforce these prohibitions effectively, particularly with regard to women and minorities. The Constitutional Declaration contains clear references to equal rights, stating that all citizens are equal before the law in enjoying civil and political rights, equal opportunities, and the duties of citizenship without discrimination on the basis of religion, sect, language, wealth, sex, descent, political views, social status, or regional, family, or tribal affiliations.

Persons with Disabilities

The Qadhafi-era law provided for the rights of persons with physical, sensory, intellectual, and mental disabilities and provided for monetary and other types of social assistance. In addition a number of organizations provided services to persons with disabilities. Few public facilities had adequate access for persons with physical disabilities, resulting in restricted access to employment, education, and health care. There was limited access to information or communications.

The conflict caused injuries and disabilities among fighters and civilians, including children maimed by mortar or gunfire or injured due to remaining unexploded ordnance. The interim government made efforts to set up mechanisms to address issues among the war-wounded, including the evacuation of large numbers of injured to hospitals in other countries. Several international aid organizations operated in the country clearing land mines and the explosive remnants of war.

Other Relevant References

There were additional reports that numerous deaths in custody occurred due to mistreatment. For example, HRW reported that in late August guards at the Zarouq School detention facility in Misrata beat to death Ashraf Salah Muhammad, a mentally ill man from Tawargha, in an attempt to learn a password for a radio.

The Convention on the Rights of Persons with Disabilities

Libya signed the Convention on 1/5/2008.

Morocco

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, social status, faith, culture, regional origin, or any other personal circumstance. In practice the government generally enforced the law, although societal discrimination against women was a problem, particularly in rural areas.

Persons with Disabilities

The new constitution codifies the government's role in protecting the rights of persons with disabilities. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care; however, the

government generally did not effectively enforce these provisions. The law also provides for regulations and building codes that assure access for persons with disabilities, although the government did not effectively implement these laws and regulations. While building codes have required accessibility for all persons since 2003, the codes exempt most preexisting structures and were rarely enforced upon new structures. Government policy provided that persons with disabilities should have equal access to information and communications, but special communication devices for the blind and deaf were generally not widely available.

The Ministry of Social Development, Family, and Solidarity has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the public sector and 5 percent in the private sector. Both sectors were far from achieving such quotas. Since 2008 the government has opened some 400 integrated classes for children with learning disabilities, but in practice integration was largely left to private charities. Typically, families supported persons with disabilities, although some survived by begging.

Other Relevant References

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. High-level misdemeanors occur when the victim suffers injuries that result in 20 days of disability from work. Low-level misdemeanors occur for victims who suffer disability for less than 20 days. NGOs reported that the courts rarely prosecuted perpetrators of low-level misdemeanors.

The Convention on the Rights of Persons with Disabilities

Morocco signed the Convention on 30/3/2007. Morocco ratified the Convention and the Optional Protocol on 8/4/2009.

Oman

Persons with Disabilities

The law provides persons with disabilities, including physical, sensory, intellectual, and mental disabilities, the same rights as other citizens in employment, education, access to health care, or the provision of other state services. However, persons with disabilities continued to face some discrimination. The law mandates access to buildings for persons with disabilities, but many older buildings, including government buildings and schools, were not retrofitted to conform to the law. The law also requires private enterprises employing more than 50 persons to reserve at least 2 percent of positions for persons with disabilities. In practice this regulation was not widely enforced.

There is no protective legislation to provide for equal educational opportunities for persons with disabilities.

The Ministry of Social Development is responsible for protecting the rights of persons with disabilities. During the year the government partnered with NGOs and the private sector to address the needs of persons with disabilities and combat cultural and societal discrimination against such persons through special seminars and vocational training. The government

provided alternative education opportunities for more than 500 children with disabilities, including overseas schooling when appropriate; this was largely due to lack of capacity within the country. In addition, the Ministry of Education in the past partnered with the International Council for Educational Reform and Development to create a curriculum for students with mental disabilities within the standard school system, which was in place throughout the year.

Other Relevant References

No registered or fully autonomous domestic human rights groups existed. There were civil society groups that advocated for persons protected under human rights conventions, particularly women and the disabled. These groups were required to register with the Ministry of Social Development.

Recent Elections: On October 15, approximately 60 percent of 518,000 registered voters participated in elections for the Consultative Council. Electoral commissions reviewed potential candidates against a set of objective educational and character criteria (high school education, no criminal history or mental illness) before allowing candidates' names on the ballot. The Ministry of Interior closely monitored campaign materials and events. There were no notable or widespread allegations of fraud or improper government interference in the voting process. The government did not allow independent monitoring of the elections.

The Convention on the Rights of Persons with Disabilities

Oman signed the Convention on 17/3/2008. Oman ratified the Convention on 6/1/2009.

Qatar

Constitution and Laws

The constitution prohibits discrimination based on nationality, race, language, religion, and disability but not gender or social status. In practice, Qatari custom outweighed government enforcement of nondiscrimination laws, and legal, cultural, and institutional discrimination existed against women, noncitizens, and foreign workers.

Persons with Disabilities

The law prohibits discrimination against and requires the allocation of resources for, persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and other state services or other areas. There was no underlying pattern of abuse at education facilities, mental health facilities, or prisons. The government is charged with acting on complaints from individuals and the NHRC and enforcing compliance. The law requires that 2 percent of jobs in government agencies and public institutions be reserved for persons with disabilities. Private sector businesses employing a minimum of 25 persons are required to hire persons with disabilities. Employers who violate these employment provisions are subject to fines. There were no reports of violations during the year.

Private and independent schools in general provided most of the required services for students with disabilities, but government schools did not. Few public buildings met the required standards of accessibility for persons with disabilities, and new buildings generally did not

comply with standards. The SCFA is charged with ensuring compliance with the rights and provisions mandated under the law, but compliance was not effectively enforced.

The Convention on the Rights of Persons with Disabilities

Qatar signed the Convention and Optional Protocol on 9/7/2007. Qatar ratified the Convention on 13/5/2008

Saudi Arabia

Constitution and Laws

The law prohibits discrimination based on race but not gender, disability, language, or social status. The law and tradition discriminated on the basis of gender. The government generally reinforced Sharia-based traditional prohibitions on discrimination on the basis of disability, language, or social status but did not effectively enforce laws prohibiting discrimination based on race.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. There is no legislation mandating public accessibility to buildings, information, and communications. Newer commercial buildings often included such access, as did some newer government buildings. Persons with disabilities had equal access to information and communications.

Information about patterns of abuse of persons with disabilities in prisons and educational and mental health institutions was not available. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities. Vocational rehabilitation projects and social care programs increasingly brought persons with disabilities into the mainstream.

The Convention on the Rights of Persons with Disabilities

Saudi Arabia ratified the Convention and the Optional Protocol on 24/6/2008.

Syria

Constitution and Laws

The constitution provides for equal rights and equal opportunity for all citizens and prohibits discrimination based on race, gender, disability, language, or social status. The government did not enforce the law effectively or make any serious attempt to do so.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector workforce, but the government did not effectively enforce these provisions. The law protects persons with disabilities from discrimination in education, access to health, or provision of other state services, and it reserves 4 percent of government jobs and 2 percent of private jobs for persons with disabilities. Private businesses are eligible for tax exemptions after hiring persons with disabilities.

The government did not effectively implement access for persons with disabilities to buildings, communication, or information.

The Ministry of Social Affairs and Labor is responsible for assisting persons with disabilities and worked through dedicated charities and organizations to provide assistance, often to promote self-sufficiency through vocational training.

The Convention on the Rights of Persons with Disabilities

Syria signed the Convention on 30/3/2007 and ratified the Convention and Optional Protocol on 10/7/2009.

Tunisia

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected this provision in practice; however, women face significant barriers to their economic participation, and certain laws adversely affected women.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities and mandates that at least 1 percent of public and private sector jobs be reserved for persons who have disabilities; however, NGOs reported that this law was not widely enforced, and many employers were apparently unaware of its existence.

There was some discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services.

A 1991 law, which remained in effect after the revolution, requires all new public buildings to be accessible to persons with physical disabilities, and the government enforced the law. Persons with disabilities did not have access to most buildings built before 1991. The government issues cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The government provides tax incentives to companies to encourage the hiring of persons with physical disabilities. The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities.

The Independent Elections Commission (IEC) took steps to accommodate voters with disabilities. The IEC's publicity campaign for voter registration, which ran from July 11 to August 14, targeted such voters; for example, television advertisements showed a woman using sign language to encourage deaf voters to register. Another advertisement featured a presentation in sign language by a young man discussing why voting is important for the country's future. Billboards promoting voter registration displayed a young man in a wheelchair extolling citizens to vote. During the October 23 Constituent Assembly elections, election observers noted infrastructure such as ramps at polling stations and polling staff accommodating disabled voters in accordance with electoral procedures.

The Convention on the Rights of Persons with Disabilities

Tunisia signed the Convention and Optional Protocol on 30/3/2007. Tunisia ratified the Convention and the Optional Protocol on 2/4/2008.

United Arab Emirates

Constitution and Laws

The constitution provides for equality for citizens without regard to race or social status, and the law prohibits discrimination based on disability; however, legal and cultural discrimination existed and went unpunished. The constitution does not prohibit discrimination based on gender or language, nor does it provide for equality for noncitizens.

Persons with Disabilities

The law prohibits discrimination against persons who have physical and mental disabilities; however, the government was slow to implement and enforce the law.

Most public buildings provided some form of access for persons with disabilities in accordance with the law.

Health care provided in the Ministry of Social Affairs' five federal rehabilitation centers, as well as those in private centers, reportedly was inadequate; the rehabilitation centers lacked qualified individuals who specialized in physical and other medical therapies. Rehabilitation centers focused almost exclusively on medical rehabilitation for people with disabilities and failed to address the need for vocational rehabilitation. Rehabilitation centers considered individuals with disabilities as subjects of medical care and medical "cures," which impeded social and economic integration and the recognition of the individuals' human rights and human dignity.

Various departments within the Ministries of Labor, Education, and Social Affairs were responsible for protecting the rights of persons with disabilities, and the government effectively enforced these rights in areas related to employment, housing and other entitlement programs. The emirate of Abu Dhabi reserved 2 percent of government jobs for citizens with disabilities, and other emirates and the federal government included statements in their human resources regulations emphasizing that priority should be given to hire citizens with disabilities in the public sector. The employment of persons with disabilities in the private sector remained a significant challenge due to a lack of training and opportunities, a lack of public awareness, and prevalent societal discrimination.

The Community Development Authority of Dubai, among other government agencies, carried out some public awareness campaigns during the year to improve understanding of sexual and psychological harassment faced by children with physical and mental disabilities.

Officials overseeing the September 24 FNC election assisted voters with disabilities, and polling stations had wheelchair ramps at both the men and women's entrances. Moreover, a blind candidate from Sharjah ran in the FNC election.

Other Relevant References

Rape and Domestic Violence: The law criminalizes rape and it is punishable by death under the penal code. The penal code does not address spousal rape. The penal code allows men to use physical means, including violence, at their discretion against female and minor family members. Domestic abuse cases may be filed as assault without intent to kill, punishable by 10 years in prison if death results, seven years for permanent disability, and one year for temporary injury.

The Convention on the Rights of Persons with Disabilities

United Arab Emirates signed the Convention on 8/2/2008 and Optional Protocol on 12/2/2008. United Arab Emirates ratified the Convention on 19/3/2010.

Western Sahara

No disability references found.

The Convention on the Rights of Persons with Disabilities

Western Sahara has not signed the Convention.

Yemen

Constitution and Laws

The law provides for equal rights and equal opportunity for all citizens; however, the government did not consistently enforce the law. Discrimination based on race, gender, and disability remained serious problems. One group, the marginalized Akhdam community, faced societal discrimination based on social status. Societal discrimination severely limited women's ability to exercise equal rights.

Persons with Disabilities

Several laws mandate the rights and care of persons with disabilities, but there was discrimination against such persons. No law mandates accessibility of buildings, information, and communications for persons with disabilities.

Information about patterns of abuse of persons with disabilities in educational and mental health institutions was not available.

Authorities imprisoned persons with mental disabilities without providing adequate medical care. According to the Ministry of Human Rights, nurses and doctors watched the inmates. In some instances authorities detained without charge persons with mental disabilities and placed them in prisons with criminals. The MOI reported that at times family members brought relatives with mental disabilities to MOI-run prisons, asking officers to imprison the individuals. At year's end MOI-run prisons in Sana'a, Aden, and Ta'iz operated in conjunction with the Red Crescent semiautonomous units for prisoners with mental disabilities; conditions in these units reportedly were deficient. At year's end neither the MOI nor Ministry of Health had acted on a 2005 MOI initiative to establish centers for persons with mental illness.

The MSAL is responsible for protecting the rights of persons with disabilities. The government's Social Fund for Development and the Fund for the Care and Rehabilitation of the Disabled, administered by the MSAL, provided limited basic services and supported more than 60 NGOs to assist persons with disabilities.

By law, 5 percent of government jobs should be reserved for persons with disabilities, and the law mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with disabilities. It was unclear to what extent these laws were implemented.

The Convention on the Rights of Persons with Disabilities

Yemen signed the Convention on 30/3/2007 and Optional Protocol on 11/4/2007. Yemen ratified the Convention and the Optional Protocol on 26/3/2009.

South and Central Asia

Afghanistan

Constitution and Laws

The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, religion, and gender.

Persons with Disabilities

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and ensure the active participation in society of persons with disabilities. The MoLSAMD drafted and the cabinet approved a five-year National Action Plan on March 16, which directs ministries to provide vocational training, establish empowerment centers, distribute food, build handicapped ramps in some government offices, conduct public awareness programs about the disabled, and take other steps to assist Afghans with disabilities.

The government and NGOs estimated that there were up to 900,000 mobility-impaired persons, of whom approximately 40,000 were limb amputees. The MoLSAMD stated that it provided financial support to 79,202 individuals with disabilities. The MoLSAMD accorded special treatment to families of those killed in war.

In the Meshrano Jirga, two of the presidentially appointed seats were reserved for persons with disabilities.

Other Relevant References

There were numerous generally peaceful protests during the year related to a variety of causes, including the parliamentary impasse and the special tribunal, the rights of persons with physical disabilities, and concerns over public land use. Citizens also frequently protested against civilian casualties allegedly caused by progovernment forces. In August citizens in Zabul province took to the streets to protest night raids and at least three protesters were killed by police. The Zabul police chief claimed that the police opened fire due to insurgents present in the crowd who killed an officer.

The constitution provides for seats for women and minorities in both houses of parliament. The constitution provides for at least 68 female delegates in the lower house of the national assembly, while 10 seats are provided for the Kuchi ethnic minority. According to the constitution, the president should appoint one-third of the members, including two members

with physical disabilities and two Kuchis. Fifty percent of the president's appointees to the upper house must be women.

Displaced Children: The Ministry of Labor, Social Affairs, Martyrs, and Disabled's (MoLSAMD) estimated that the number of street children in Kabul dropped during the year from previous NGO estimates of 37,000 street children in urban areas, but no new survey had been undertaken by the National Census Directorate at year's end. Street children had little or no access to government services, although several NGOs provided access to basic needs, such as shelter and food. Overall, experts stated up to 40 percent of children worked to help their impoverished families.

The Convention on the Rights of Persons with Disabilities

Afghanistan has not signed the Convention.

Bangladesh

Constitution and Laws

Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsh penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. Women, children, minority groups, and persons with disabilities were often confronted with social and economic disadvantages.

Persons with Disabilities

The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

The 2001 Disabled Welfare Act and its 2008 regulations represent the country's comprehensive disability legislation; however, the law's impact is limited due to vague obligations, a weak implementation mechanism, and a sweeping indemnity clause. Most provisions create positive obligations, which are difficult to enforce. For example, the obligation on the government to provide persons with disabilities free education until the age of 18 has not been translated into tangible results. The law indemnifies all government employees from prosecution, limiting enforcement.

The law excludes children with "mental deficiency" from compulsory public education. The law provides inadequate safeguards against involuntary institutionalization and minimal oversight of guardians and caregivers. For example, at least 40 prisoners with psychosocial disabilities remained in the standard prison system, where some of them have been for nearly two decades.

The law bars persons with disabilities from applying for civil or judicial service positions. Public interest litigation initiated in April 2010 challenged both regulations, but persons with disabilities were routinely denied the opportunity to sit for examinations and were denied appropriate reasonable accommodations.

The law contains extensive accessibility requirements for new buildings. In practice, however, plans for new buildings were approved for construction without close compliance with these specifications.

Persons with disabilities were legally afforded the same access to information rights as those without disabilities, but family dynamics often influenced whether or not these rights were used.

The law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, Department of Social Services, and National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities. Government facilities for treating persons with mental disabilities were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities. Several NGOs, including Handicap International, had programs focusing on helping and raising awareness about persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Bangladesh signed the Convention on 9/5/2007. Bangladesh ratified the Convention on 30/11/2007 and the Optional Protocol on 12/5/2008.

Bhutan

Constitution and Laws

The constitution prohibits discrimination on the basis of race, sex, disability, language, religion, politics, or social status.

Persons with Disabilities

The law does not specifically protect the rights of citizens with disabilities, but it does direct the government to try to provide security in the “event of sickness and disability.” There was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce the law consistently. Under the Disability Prevention and Rehabilitation Program, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities into schools, and foster community awareness and social integration. The approximately 22,000 persons with physical disabilities living in the country (3.4 percent of the population according

to 2005 estimates) lacked necessary infrastructure. There is no government agency specifically responsible for protecting the rights of persons with disabilities.

There were three special education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates visually impaired children, and an education resource unit for the hearing impaired in Paro. There were also special education facilities in Thimphu designed to meet the needs of children who have physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to persons with disabilities. A new NGO, the Disabled Persons' Association of Bhutan, was formed in September to change public perception of disability and assist persons with disabilities.

Other Relevant References

All citizens are entitled to free medical care. The government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability, and in the event of death, their families were entitled to compensation. Labor regulations grant workers the right to leave work situations that endanger their health and safety.

The law stipulates that defendants must receive fair and speedy trials, and the government generally respected this right in practice. A preliminary hearing must be convened within 10 days of registration of a criminal matter with the appropriate court. Before registering any plea, courts must determine whether an accused is mentally sound and understands the consequences of entering a plea. Defendants enjoy a presumption of innocence, and cases must be proved beyond a reasonable doubt to obtain convictions. The government has prescribed a standing rule for all courts to clear all cases within a year. There is no trial by jury, as the country has an inquisitorial judicial system.

The Convention on the Rights of Persons with Disabilities

Bhutan signed the Convention on 21/9/2010.

India

Constitution and Laws

The law prohibits discrimination on the basis of race, gender, disability, language, religion, place of birth, or social status, and the government worked with varying degrees of success to enforce these provisions.

Persons with Disabilities

The constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act (PDA) provides equal rights for persons with the following disabilities: blindness, low vision, leprosy-cured (those cured of leprosy but who still lack sensation in extremities or suffer from deformity), hearing impairment, locomotor disability,

mental retardation, and mental illness. The law is weakened by a clause that links implementation of programs to the “economic capacity and development” of the government.

On August 8, the Ministry of Social Justice and Empowerment (MSJE) informed parliament that the government had identified an additional 199 districts across the country as future locations for District Disability Rehabilitation Centers (DRC). The DRCs are to provide comprehensive rehabilitation services to the rural disabled, such as early detection and medical intervention/surgical correction; fitting of artificial aids and prosthetics; therapeutic services; educational services; vocational training; and community awareness. There were approximately 200 government-run centers across the country that provided comprehensive, integrated rehabilitation services to persons with disabilities.

During the year the central government relaunched the National Portal of India Web site to be accessible to all users, regardless of the device used, technology involved, or ability of the viewer. External Web sites were maintained by the respective departments, which were responsible for making the sites accessible to persons with disabilities. In 2010 the MSJE was the first government Web site to fulfill the accessibility norms for persons with disabilities.

Discrimination against persons with physical and mental disabilities in employment, education, and access to health care was more pervasive in rural areas. Despite legislation that all public buildings and transport be accessible to the disabled, there was limited accessibility. One notable exception is the Delhi metro system, which was designed to be accessible to those with physical disabilities. Mumbai installed new pedestrian crossing at busy intersections that did not have audible signals for visually impaired users. A national newspaper reported the signals were silenced after local residents complained they were too noisy.

On July 22, the Delhi government announced that it would provide free public bus passes to mentally disabled persons along with escorts.

The MHFW estimated that 6 to 7 percent of the population suffered from a mental or psychosocial disability and that 25 percent of the mentally ill were homeless. Disabled rights activists estimated that the country had 40 to 90 million persons with disabilities.

Most of those with mental disabilities were dependent on public health-care facilities and fewer than half of those who required treatment or community support services received such assistance. There was a severe shortage of trained staff; a WHO report released in September 2010 estimated that the country had less than one psychiatrist for every 300,000 persons, and most psychiatrists worked in urban areas. In rural areas the ratio shrank to less than one psychiatrist per one million persons. Continued lack of awareness about mental disability led many patients, particularly in rural areas, to seek assistance from traditional healers before seeking regular medical treatment.

The PDA requires that 3 percent of public sector jobs be reserved for persons with physical, hearing, or visual disabilities. The government continued to allocate funds to programs and NGO partners to increase the number of jobs filled. Private sector employment of persons with disabilities remained low, despite PDA benefits to private companies, where persons with disabilities constituted more than 5 percent of the workforce. The state government of Tamil Nadu passed an order in 2010 reserving 3 percent of all positions in state public services and

educational institutions for physically disabled persons and in all positions where reservations were applied for Scheduled Caste/Scheduled Tribes and Backwards Classes.

The law also stipulates that 3 percent of all educational places be reserved for persons with disabilities, but the MSJE stated that students with disabilities made up only an estimated 1 percent of all students. Some schools continued to segregate children with disabilities or deny their enrollment due to lack of infrastructure, equipment, and trained staff. UNICEF estimated that between 6 and 10 percent of all children in the country were born with disabilities. On August 10, the MHRD informed parliament that 183 students with disabilities were enrolled in central education institutions in 2010-11.

The MSJE continued to offer scholarships to persons with disabilities to pursue higher education. University enrollment of students with disabilities remained low for several reasons, including inaccessible infrastructure, limited availability of resource materials, nonimplementation of the 3 percent reserved job requirement, and harassment. For example, on June 22, a Delhi University student had to be carried up to the first floor for a bachelor of business study interview because the building did not have a ramp or elevator for physically disabled persons, nor did the department hold the interview on the ground floor.

On March 16, the MHRD informed parliament that there was no proposal to establish schools for disabled children in every district of the country. The MHRD noted that the objective of the central government-sponsored schemes “Inclusive Education for the Disabled at the Secondary State” and the “Sarva Shiksha Abhiyan” (SSA-Education for All) provided for disabled children in all government and government-aided schools. In February 2010 Delhi’s SSA began training teachers to provide home tutoring for children with disabilities.

On June 6, newspapers reported that the Delhi government had not yet recruited permanent teachers for children with disabilities despite a 2009 directive from the Delhi High Court requiring that at least two special teachers be employed at each school on a permanent basis. The Delhi government claimed to have hired 300 specially trained teachers, but the Municipal Corporation of Delhi stated that such posts had not yet been created and that no teachers had been employed.

On June 26, the central government approved two new scholarship schemes for students with disabilities in Jammu and Kashmir. The schemes are to provide 1,500 scholarships for physically disabled persons to facilitate their higher education.

Other relevant references

Most encounter killings, in which security forces and police extrajudicially killed alleged criminals or insurgents, occurred in areas in conflict, but the practice reportedly occurred elsewhere in the country as well. For example, on August 8, Special Police Officer (SPO) Abdul Majid and territorial army soldier Noor Hussain took a mentally disabled civilian to Surankot forest in Jammu and Kashmir and then launched an operation with the police and the 25 Rashtriya Rifles unit to eliminate a “dreaded terrorist” in the area. When the bullet-riddled body was found, the SPO said that he wanted to be a constable and the soldier requested a

cash reward of 200,000 rupees (\$3,790). Both were arrested and charged with murder for the fake encounter. The identity of the victim was not reported.

In April 2010 members of the dominant Jat community burned 10 Dalit homes in Mirchpur, Haryana, killing 70-year-old Tara Chand and his disabled daughter Suman and injuring more than a dozen other individuals. On September 24, newspapers reported that of the 97 persons accused, 82 of them were acquitted by a Delhi court. Fifteen persons were convicted but none were found guilty of murder; three were convicted of culpable homicide not amounting to murder, with a maximum 10-year jail term. After the verdict was announced, calm prevailed, with both sides agreeing that the arrest of 97 persons was unjustified.

The Convention on the Rights of Persons with Disabilities

India signed the Convention on 30/3/2007. India ratified the Convention on 1/10/2007.

Kazakhstan

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce the law. Violence against women, trafficking in persons, and discrimination against non-Kazakhs in government, persons with disabilities, and those involved with homosexual activity were problems.

Persons with Disabilities

According to the Ministry of Labor and Social Protection, there were 506,000 persons with disabilities (3 percent of the total population) in the country, although analysts argued that the real number was higher. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care, and in the provision of other state services or other areas, but significant discrimination exists in the areas of employment, education, and access to government services.

The law protects access to information for persons with disabilities. The government produced periodicals, scientific journals, reference literature, and fictional works that were recorded either on disk or in Braille. The law requires one national television channel to broadcast news programs with sign-language translation. NGOs believed that implementation of the laws on disability was lacking, and the Nur Otan party's Institute of Parliamentary Development has concluded that access for disabled persons to information and communications was insufficient.

The law requires companies to set aside 3 percent of their jobs for persons with disabilities. International and local observers noted some improvement regarding the rights of persons with disabilities. Nevertheless, there were reports that persons with disabilities faced difficulty integrating into society and finding employment. According to NGOs, 3 percent of persons with disabilities were employed, and 90 percent of employers who declined to hire persons with disabilities did so because of an applicant's disability. The law mandates access to buildings for

persons with disabilities. Vice Minister of Labor and Social Protection Assel Nusupova identified the two biggest problems facing persons with disabilities as poor infrastructure and lack of access to education. Persons with disabilities had difficulty accessing public transportation. The government did not make a concerted effort to address these problems.

Citizens with mental disabilities could be committed to state-run institutions without their consent or judicial review. In practice the government committed persons at a young age with the permission of their families. Institutions were poorly managed and inadequately funded.

There are no regulations regarding the rights of patients in mental hospitals; human rights observers believed this led to mass abuse of patients' rights. NGOs reported that patients often were drugged and isolated for minor infractions, and experienced poor conditions and a complete lack of privacy. In response to NGO reports, prosecutors disclosed 7,000 violations of mental patients' rights ranging from illegal institutionalization, to restricting access to information and unlawful extension of patients' stays. Prosecutors punished 45 officials as a result of the investigation. NGOs reported that orphanages for children with physical and mental disabilities were overcrowded and unsanitary, with insufficient staff to care adequately for children's needs.

The government did not restrict the right of persons with disabilities to vote and arranged home voting for individuals who could not travel to polling places as a result of their disability.

The Ministry of Labor and Social Protection was the primary government agency responsible for protecting the rights of persons with disabilities; the Ministries of Health and Education also assisted in their protection. Statistics on disability issues are unavailable.

Other Relevant References

Persons detained, arrested, or accused of committing a crime have the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. The law does not require police to inform detainees that they have the right to an attorney, and in practice police did not do so. Human rights observers alleged that law enforcement officials dissuaded detainees from seeing an attorney, gathered evidence through preliminary questioning before a detainee's attorney arrived, and, in some cases, used corrupt defense attorneys to gather evidence. The law states that the government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or faces serious criminal charges. In practice public defenders often lacked the necessary experience and training to assist defendants. Defendants are barred from freely choosing their defense counsel if the cases against them involve state secrets. The law only allows lawyers who have special clearance to work on such cases.

Defendants in criminal cases have the right to counsel and to a government-provided attorney if they cannot afford counsel. Under the criminal procedure code a defendant must be represented by an attorney when the defendant is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years of imprisonment. In practice defense attorneys reportedly participated in only half of all criminal cases, in part because the government did not provide sufficient funds to pay them. The law also provides

defendants the right to be present at their trials, to be heard in court, to confront witnesses against them, and to call witnesses for the defense. They have the right to appeal a decision to a higher court. According to observers, defense attorneys played a narrow role in trials, which were dominated by prosecutors.

Other reported abuses included: arbitrary or unlawful deprivation of life; military hazing that led to deaths; detainee and prisoner torture and other abuse; harsh and life-threatening prison conditions; arbitrary arrest and detention; infringements on citizens' privacy rights; restrictions on freedom of religion; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); violence and discrimination against women; abuse of children; trafficking in persons; discrimination against persons with disabilities and ethnic minorities; societal discrimination against gay, lesbian, bisexual, and transgender persons, and persons with HIV/AIDS; forced labor; and child labor.

The Convention on the Rights of Persons with Disabilities

Kazakhstan signed the Convention and Optional Protocol on 11/12/2008.

Kyrgyz Republic

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status. Although women were active in government, education, civil society, the media, and small business, they encountered gender-based discrimination. Rights activists claimed authorities failed to apprehend or punish perpetrators of crimes of discrimination during the year.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but in practice such persons faced discrimination in employment, education, access to health care, and the provision of other state services. The law mandates access to buildings for persons with disabilities and requires access to public transportation and parking, and it authorizes subsidies to make mass media available to persons with hearing or visual disabilities and free plots of land for the construction of a home; however, the government generally did not ensure that these provisions of the law were implemented. In addition persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

The lack of resources made it difficult for persons with disabilities to receive adequate education. Although children with disabilities have the right to an education, Gulbara Nurdavletova of the Association of Parents of Children with Disabilities stated that most were denied entry into schools. Parents sometimes established special educational centers for their children, but they did not receive government assistance.

Serious problems continued within psychiatric hospitals. The government did not provide basic needs such as food, water, clothing, heating, and health care, and facilities were often

overcrowded. Inadequate funding played a critical factor. In 2008 a parliamentary commission reported violations of patients' rights in a number of mental hospitals, mainly due to lack of funding.

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other patients were also committed involuntarily, including children without mental disabilities who were too old to remain in orphanages. The Youth Human Rights Group monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group noted gross violations by staff at several institutions, including depriving young patients of sufficient nourishment and physically abusing them.

The Office of the Prosecutor General is responsible for protecting the rights of psychiatric patients and persons with disabilities. According to local NGO lawyers, the members of the Prosecutor's Office had no training and little knowledge of the protection of these rights and were ineffective in assisting citizens with disabilities. Most judges lacked the experience and training to determine whether persons should be referred to psychiatric hospitals, and the practice continued of institutionalizing individuals against their will.

The country does not have centralized statistics about those with disabilities, but authorities estimated the number between 20,000 and 30,000.

Dastan Bekeshev, a blind member of parliament, stated that local society discriminated heavily against persons with disabilities. He contended that the 2008 law requiring all employers to provide special quotas (approximately 5 percent of working positions) for people with disabilities had not been implemented.

Other Relevant References

The following additional human rights problems existed: arbitrary killings by law enforcement officials; poor prison conditions; lack of judicial impartiality; harassment of nongovernmental organizations (NGOs), activists, and journalists; pressure on independent media; authorities' failure to protect refugees adequately; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious minorities, and other persons based on sexual orientation or gender identity; child abuse; trafficking in persons; and child labor.

Education: The law provides for compulsory and free education for the first nine years of schooling, or until age 14; secondary education is free and universal until age 17. However, financial constraints prevented the government from providing free basic education for all students, and the system of residence registration restricted access to social services, including education for certain children, such as refugees, migrants, and noncitizens. The law carries penalties for parents who do not send their children to school or who obstruct their attendance. This law was only sporadically enforced, particularly in rural areas. Families who kept children in public schools often had to pay burdensome and illegal administrative fees. The government continued to fund two programs to provide school supplies and textbooks to low-income children and those with mental or physical disabilities. Legally, all textbooks should be free of charge, but the government was unable to provide them to all students.

The law provides for the protection of children from economic exploitation and from work that poses a danger to their health or development; however, child labor remained a widespread problem. The minimum legal age for basic employment is 16, except for work considered by the government to be “light,” such as selling newspapers. In addition, children as young as 14 may work with the permission of a parent or guardian. The law prohibits the employment of persons under 18 at night, underground, or in difficult or dangerous conditions, including the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Children who are 14 or 15 may work up to five hours a day; children who are 16 to 18 may work up to seven hours a day. These laws also apply to children with disabilities.

State orphanages and foster homes lacked resources and often were unable to provide proper care. Some older children were transferred to mental health care facilities even when they did not exhibit mental health problems. According to data provided by the Government Social Protection Development Agency, more than 20,000 children lived in state institutions or foster care.

The law prohibits all forms of forced or compulsory labor; however, there were reports that such practices occurred, especially involving foreign laborers in agriculture. The government did not fully implement legal prohibitions. Unlike in previous years, there were no reports by the NGO Mental Health and Society during the year that psychiatric hospital patients were forced to work or provide domestic service for doctors and local farmers.

The Convention on the Rights of Persons with Disabilities

The Kyrgyz Republic signed the Convention on 21/9/2011.

Maldives

Constitution and Laws

The law provides for the equality of all citizens, but there is no specific provision to prohibit discrimination based on race, gender, religion, disability, or social status. Women traditionally were disadvantaged, particularly in the application of sharia in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Persons with Disabilities

The constitution provides for the rights and freedom from discrimination of persons with disabilities, and a Special Needs Act was put in place in July 2010. The purpose of the act is to protect the rights of persons with disabilities and to provide financial assistance. Additionally, the president created the Council to Protect the Rights of People with Disabilities. As mandated in the act, anyone with disabilities is entitled to Rf 2,000 (\$156) every month. The Ministry of Health and Family maintains a list of persons with disabilities. By December the ministry had received 5,336 applications, of which 3,865 were deemed eligible, and 3,566 were receiving the allowance.

Government programs provided services for persons with disabilities, including special educational programs for persons with sensory disabilities. Inadequate facilities made it difficult for persons with disabilities to participate in the workforce.

There were multiple NGOs working to increase awareness and improve support for persons with disabilities, including Hand in Hand, the Association of Disability and Development, Handicap International, and the Care Society.

In April 2010 the HRCM, in conjunction with the UNDP, released a report on the rights of persons with disabilities. The report found that most schools took children only with very limited to moderate disabilities and not those with more severe disabilities. There was virtually no access to or transition to secondary-level education for children with disabilities. Additionally there was no mental health care available in Male; there were only two psychiatrists working in the country, who dealt mostly with drug rehabilitation. There also was a lack of quality residential care. There were more than 31 persons with disabilities waiting for a place at the Home for People with Special Needs as of March.

The government established disability awareness and empowerment campaigns on some of the more populous islands. The government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities. When family care was unavailable, persons with disabilities lived in the Ministry of Health and Family's Institute for Needy People, which also assisted elderly persons. When requested the government provided free medication for all persons with mental disabilities on the islands, but follow-up care was infrequent. The government also provided assistive devices, such as wheelchairs, crutches, spectacles, hearing aids, and special seats for children with cerebral palsy.

The Convention on the Rights of Persons with Disabilities

Maldives signed the Convention on 2/10/2007. Maldives ratified the Convention on 5/4/2010.

Nepal

Constitution and Laws

The law prohibits discrimination based on race, caste, gender, disability, language, or social status. However, the government did not effectively enforce these prohibitions. The Caste Discrimination and Untouchability Act, passed in May, criminalizes discrimination based on caste. As of year's end, its effectiveness was unclear. A rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas.

Persons with Disabilities

The interim constitution does not address the rights of persons with disabilities. Government efforts to enforce laws and regulations to improve rights and benefits for persons with

disabilities were not effective. The law mandates access to buildings, transportation, employment, education, and other state services, but these provisions generally were not enforced. The government did not effectively enforce laws regarding persons with disabilities.

According to Handicap International, persons with physical and mental disabilities faced discrimination in employment, education, access to health care, and the provision of other state services. The Ministry of Women, Children, and Social Welfare is responsible for the protection of persons with disabilities, the Ministry of Education provides scholarships for children with disabilities, and the Ministry of Local Development is responsible for allocating 5 percent of the budget of local development agencies for disability programs. Some NGOs working with persons with disabilities received funding from the government. However, most persons with physical or mental disabilities relied almost exclusively on family members for assistance.

Other Relevant References

Other human rights problems included extremely poor prison conditions, with conditions at detention centers even worse. Officials sometimes used antiterrorism legislation to justify excessive use of force. Corruption existed at all levels of government and the police, and the courts remained vulnerable to political pressure, bribery, and intimidation. The government sometimes restricted freedom of assembly. The government limited freedoms for refugees, particularly for the Tibetan community. Discrimination against women was a problem, and citizenship laws that discriminate based on gender contributed to statelessness. Domestic violence against women remained a serious problem, and dowry-related deaths occurred. Violence against children was widespread, although rarely prosecuted, and commercial sexual exploitation of children remained a serious problem. Discrimination against persons with disabilities, some ethnic groups, and persons with HIV/AIDS was a problem. Violence associated with caste-based discrimination occurred. There were some restrictions on worker rights, and forced and bonded labor and child labor remained significant problems.

Rape and Domestic Violence: Violence against women remained a problem. Under the civil code, sentences for rape vary between five and 12 years, depending on the female victim's age. The law also mandates five years' additional imprisonment in the case of gang rape or rape of pregnant women or women with disabilities. The victim's compensation depends on the degree of mental and physical torture. Under the law the definition of rape includes marital rape, and the husband can be jailed for three to six months. Most incidents of rape went unreported, although in those rape cases that were reported, police and the courts were responsive. During fiscal year 2010-11, 481 cases of rape and 151 cases of attempted rape were filed with police, compared with 376 cases of rape and 101 cases of attempted rape in the previous fiscal year, according to the Women's Police Cell, a special unit of the NP that investigates crimes against women.

The Convention on the Rights of Persons with Disabilities

Nepal signed the Convention and Optional Protocol on 3/1/2008. Nepal ratified the Convention and the Optional Protocol on 7/5/2010.

Pakistan

Persons with Disabilities

The law provides for equality of the rights of persons with disabilities, but the provisions were not always implemented in practice. After dissolution of the Ministry of Social Welfare and Special Education in April, its affiliated departments, including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled (NCRD), and National Trust for the Disabled, were handed over to the Capital Administration and Development Division. The special education and social welfare offices were devolved to the provinces and are responsible for protecting the rights of persons with disabilities.

In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the educational needs of persons with disabilities. At the higher-education level, special departments provided special education at Allama Iqbal Open University, the University of the Punjab, and Karachi University. According to the Leonard Cheshire Foundation, most children with disabilities did not attend school; at the primary level specifically the percentages for those out of school were 50 percent for girls and 28 percent for boys.

The government declared the federal capital and provincial capitals as disabled-friendly cities and granted permission to persons with disabilities to take central superior service exams. It also established 127 special education centers in main cities. Employment quotas at the federal and provincial levels require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. In practice this right was protected only partially due to a lack of adequate enforcement mechanisms. Families cared for most individuals with physical and mental disabilities. In some cases criminals forced persons with disabilities into begging and took most of the proceeds they received.

Organizations that refused to hire persons with disabilities could choose to pay a fine to a disability assistance fund. This obligation rarely was enforced. The NCRD provided job placement and loan facilities as well as subsistence funding. There were no restrictions on the rights of persons with disabilities to vote or participate in civil affairs. However, voting was difficult for persons with disabilities because of severe difficulties in obtaining transportation and access to polling stations.

Other Relevant References

Police often did not segregate detainees from convicted criminals. Prisoners with mental illness usually lacked adequate care and were not separated from the general prison population.

The Convention on the Rights of Persons with Disabilities

Pakistan signed the Convention on 25/9/2008 and ratified the Convention on 5/7/2011.

Sri Lanka

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these rights in practice; however, there were instances where gender and ethnic-based discrimination occurred.

Persons with Disabilities

The law forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities; however, in practice discrimination occurred in employment, education, and provision of state services. On April 27, the Supreme Court reinforced a 2009 directive that steps be taken to provide easy access for persons with disabilities to public buildings, but there was little progress by year's end. There were regulations on accessibility, but in practice accommodation for access to buildings for persons with disabilities was rare. On May 11, the government appointed a consultant on accessibility in health sector buildings to implement these regulations more effectively.

The government took steps to support participation by persons with disabilities in civic affairs. For example, on July 10, the Election Department announced a provision for a disabled person to be accompanied by another when voting in elections.

Persons with disabilities faced difficulties due to negative attitudes and societal discrimination. In some rural areas the belief of many residents that physical and mental disabilities were contagious led to long-term isolation of such persons, who in some cases rarely or never left their homes.

Other Relevant References

Discrimination against persons with disabilities and against the ethnic Tamil minority continued, and a disproportionate number of victims of human rights violations were Tamils. Discrimination against persons based on their sexual orientation and against persons with HIV/AIDS were problems. Limits on workers' rights and child labor remained problems.

The Convention on the Rights of Persons with Disabilities

Sri Lanka signed the Convention on 30/3/2007.

Tajikistan

Constitution and Law

The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status, but in practice there was discrimination against women and persons with disabilities. Trafficking in persons remained a problem.

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having either physical or mental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not have the resources to provide legal safeguards. The law requires government buildings, schools, hospitals, and transportation to be accessible to persons with disabilities, but the government did not enforce these provisions. To attend school, children must be deemed “medically fit” by doctors. Many children with disabilities were not able to attend school because doctors considered them to be not “medically fit.”

The government’s Commission on Fulfillment of International Human Rights, the Society of Invalids, and local and regional governmental structures are charged with protecting the rights of persons with disabilities. Although the government maintained group living and medical facilities for persons with disabilities, funding was limited and facilities were in poor condition.

The Convention on the Rights of Persons with Disabilities

Tajikistan has not signed the Convention.

Turkmenistan

Constitution and Law

Although the law prohibits discrimination based on race, gender, disability, language, ethnic minority status, or social status, discrimination continued to be a problem, as did violence against women.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. However, in practice persons with disabilities encountered discrimination and regularly were denied work, education, and access to health care and other state services because of strong cultural biases.

The government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to meet basic needs. The government considered persons with disabilities who received subsidies as being employed and therefore ineligible to compete for jobs in the government, the country’s largest employer.

Some students with disabilities were unable to obtain education because there were no qualified teachers, and facilities were not accessible for persons with disabilities. Students with disabilities did not fit the unofficial university student profile and were not admitted to universities. The government placed children with disabilities, including those with mental disabilities, in boarding schools where they were to be provided with education and employment opportunities, if their condition allowed them to work; in practice neither was provided. Special schools for those with sensory disabilities existed in the larger cities. The

government began construction of boarding schools with rehabilitation centers for persons with disabilities in each province and in Ashgabat.

Although the law requires new construction projects to include facilities that allow access by those with disabilities, compliance was inconsistent and older buildings remained inaccessible. A lack of consistent accessibility standards resulted in some new buildings with inappropriately designed access ramps. The Ministry of Social Welfare was responsible for protecting the rights of persons with disabilities. This ministry provided venues and organizational support for activities conducted by NGOs that assist persons with disabilities.

Other Relevant References

Child Abuse: There were isolated reports of child abuse. In 2006 the UN Committee on the Rights of the Child issued recommendations that called on the government to focus efforts on issues of family and alternative care, juvenile justice, child abuse prevention, health and welfare, education, children with disabilities, and special protection measures.

The minimum monthly wage for all sectors is 400 manat (\$140). An official estimate of the poverty-level income was not available. The standard legal workweek is 40 hours with weekends off. The law states that overtime or holiday pay should be double the regular payment. Maximum overtime in a year is 120 hours and cannot exceed four hours in two consecutive days. The law prohibits pregnant women, women that have children up to three years of age, women with disabled children under age 16, and single parents with two or more children from working overtime.

Consensual same-sex sexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to one human rights NGO, homosexuality was considered a mental disorder by authorities, and gay men were sometimes sent to psychiatric institutions for treatment.

The Convention on the Rights of Persons with Disabilities

Turkmenistan ratified the Convention on 4/9/2008 and the Optional Protocol on 10/11/2010.

Uzbekistan

Constitution and Laws

The law and constitution prohibit discrimination on the bases of race, gender, disability, language, and social status. Nonetheless, societal discrimination against women and persons with disabilities existed, and child abuse persisted.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but there was some societal discrimination against those with disabilities.

The government continued its efforts to confirm the disability levels of citizens who receive government disability benefits. Officially, authorities conducted the confirmations to ensure the

legitimacy of disability payments, but unconfirmed reports suggested that some persons with disabilities had their benefits unfairly reduced in this process.

The law allows for fines if public buildings are not accessible for the disabled, but disability activists reported that accessibility remained inadequate, noting, for example, that many of the high schools constructed in recent years have exterior ramps, but no interior modifications that would allow wheelchair accessibility.

The law does not provide effective safeguards against arbitrary or involuntary institutionalization. However, there were no reports during the year of persons being held at psychiatric hospitals despite showing no signs of mental illness.

The Ministry of Health controlled access to health care for persons with disabilities, and the Ministry of Labor and Social Protection facilitated employment of persons with disabilities. There were no reports of problems regarding accessibility of information and communications. No information was available regarding patterns of abuse in educational and mental health facilities.

Other Relevant References

Amnesty: On December 5, the Senate approved a prisoner amnesty. According to its terms, women, underage offenders, men over age 60, foreign citizens, and persons with disabilities or documented serious illnesses were eligible. The bill also included first-time offenders convicted of participation in banned organizations and the commission of crimes against peace or public security who “have firmly stood on the path to recovery.” Amnesty options included release from prison, transfer to a work camp, or termination of a criminal case at the pretrial or trial stage.

The Convention on the Rights of Persons with Disabilities

Uzbekistan signed the Convention on 27/2/2009.

Western Hemisphere

Antigua and Barbuda

Persons with Disabilities

The constitution contains antidiscrimination provisions, but no specific laws prohibit discrimination against, or mandate accessibility for, persons with disabilities. There were few reports of discrimination against persons with disabilities in employment, access to health care, or in the provision of other state services. However, there were anecdotal cases of children, because of disabilities, who were unable to take themselves to the restroom and thus being denied entry to school.

The Convention on the Rights of Persons with Disabilities

Antigua and Barbuda signed the Convention and Optional Protocol on 30/3/2007.

Argentina

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions in practice.

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. A specific law also mandates access to buildings for persons with disabilities. While the federal government has protective laws, many states have not adopted the laws and have no mechanisms to ensure enforcement. An employment quota law reserves 4 percent of federal government jobs for persons with disabilities, but NGOs and special interest groups claimed the quota often was not respected in practice.

According to the Ministry of Labor's Office for Disabled Persons, more than 12,000 persons with disabilities had obtained jobs through Ministry of Labor programs in the city of Buenos Aires as of May 27. The programs included various benefits for disabled workers, such as free job training programs.

A pattern of inadequate facilities and poor conditions continued in some mental institutions. For example, the Jose T. Borda Hospital Psychiatric Hospital in Buenos Aires remained in poor condition and failed to provide basic necessities to patients, according to local human rights organizations and press reports. In July the Ombudsman's Office reported that the hospital lacked gas supplies, heating, and warm water for three months during the winter.

The National Advisory Committee for the Integration of People with Disabilities, under the National Council for Coordination of Social Policies, has formal responsibility for actions to accommodate persons with disabilities.

The government's actions to improve respect for the rights of persons with disabilities included a program that Buenos Aires Province started in September establishing economic incentives for municipalities that hire persons with disabilities to serve as civil servants. The program stipulated that municipalities participating in the program would receive a subsidy payment from the provincial Ministry of Labor.

The Convention on the Rights of Persons with Disabilities

Argentina signed the Convention and Optional Protocol on 30/3/2007. Argentina ratified the Convention and the Optional Protocol on 2/9/2008.

Bahamas, The

Persons with Disabilities

There is no specific law protecting persons with physical or mental disabilities from discrimination in employment, education, access to health care, or the provision of other state services. However, provisions in other legislation address the rights of persons with disabilities, including a prohibition of discrimination on the basis of disability. Although the law mandates access for persons with physical disabilities in new public buildings, the authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. Advocates for persons with disabilities complained of widespread job discrimination and general apathy on the part of private employers and political leaders toward the need for training and equal opportunity.

The Disability Division within the Ministry of Labor and Social Development reported providing the following services during the year: disability allowances to disabled persons; financial assistance to procure prosthetics, wheelchairs, hearing aids, and other assistive devices; regular prosthetic committee meetings; annual government grants to NGOs serving the disabled community; crisis intervention counseling; and Braille classes.

In May the media reported allegations of patient abuse at the Sandilands psychiatric facility. Orderlies were accused of violently abusing institutionalized patients, and nurses were said to be too afraid to speak out.

A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

Other Relevant References

The Department of Social Services is responsible for abandoned children up to 18 years of age but had very limited resources at its disposal. The government found foster homes for some children, and the government hospital housed abandoned children with physical disabilities when foster homes could not be found.

The Convention on the Rights of Persons with Disabilities

The Bahamas has not signed the Convention.

Barbados

Persons with Disabilities

There are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services, other than constitutional provisions asserting equality for all. In practice persons with disabilities faced some discrimination. The Ministry of Social Care, Constituency Empowerment, and Community Development operated a Disabilities Unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties for children with disabilities at public schools. Although persons with disabilities continued to face social stigma preventing them from fully participating in society, attitudes were slowly evolving. Persons with disabilities generally experienced hiring discrimination as well as difficulty in achieving economic independence.

The Barbados Council for the Disabled, the Barbados National Organization for the Disabled, and other NGOs indicated that access and transportation remained the primary challenges facing persons with disabilities. Many public areas lacked the necessary ramps, railings, parking, and bathroom adjustments to accommodate such persons, and affordable, reliable transportation for them remained elusive. However, some measures were made to address transportation concerns through private transportation providers and disabled rights NGOs.

While no legislation mandates provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, most new buildings had ramps, reserved parking, and special sanitary facilities for such persons. The Barbados Council for the Disabled and other NGOs promoted and implemented sensitization and accessibility programs designed to help persons with disabilities enjoy the inclusion and services that other citizens enjoy.

The Disabilities Unit continued numerous programs for persons with disabilities, including Call-a-Ride and Dial-a-Ride public transportation programs, sensitization workshops for public transportation operators, inspections of public transportation vehicles, sign language education programs, integrated summer camps, and accessibility programs.

The Convention on the Rights of Persons with Disabilities

Barbados signed the Convention on 19/7/2007.

Belize

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions.

Persons with Disabilities

Although the law does not expressly prohibit discrimination against persons with physical and mental disabilities, the constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility for persons with disabilities.

Informal government-organized committees for persons with disabilities were tasked with public education and enforcing protection. Private companies and NGOs provided services to persons with disabilities. The Ministry of Education maintained an educational unit offering limited special education programs within the regular school system. There were two schools and four special education centers for children with disabilities.

The prime minister's wife continued advocacy campaigns on behalf of persons with disabilities, partnered with CARE-Belize to promote schools that made efforts to create inclusive environments for persons with disabilities, and proposed a program for Belize City to support children with disabilities. In November construction started on a mental health day-care resource center in Belize City to facilitate social support and training for income generation of the homeless and people with mental health problems as well as provide daily meals, medical referrals, and recreation activities for beneficiaries.

The Convention on the Rights of Persons with Disabilities

Belize signed the Convention on 9/5/2011 and ratified the Convention on 2/6/2011.

Bolivia

Constitution and Laws

The constitution explicitly prohibits discrimination based on race, gender, disability, language, or social status.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The law requires wheelchair access to all public and private buildings, duty-free import of orthopedic devices, a 50 percent reduction in public transportation fares for persons with disabilities, and expanded teaching of sign language and Braille. However, the government did not effectively enforce these provisions. In addition societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society.

The National Committee for Persons with Disabilities is responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Bolivia signed the Convention and Optional Protocol on 13/8/2007. Bolivia ratified the Convention and the Optional Protocol on 16/11/2009.

Brazil

Constitution and Laws

The law prohibits and penalizes discrimination on the basis of race, gender, disability, or social status, but discrimination continued against women, Afro-Brazilians, gays and lesbians, and indigenous persons.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, and access to health care, and the federal government effectively enforced these provisions. While federal and state laws provide for access to buildings for persons with disabilities, states did not enforce them effectively.

Federal laws establish the basic rights to accessibility and access to information for persons with disabilities. The National Council for the Rights of Handicapped Persons and the National Council for the Rights of the Elderly, both within the SDH, have primary responsibility for promoting the rights of persons with disabilities. According to the SDH, specific problems included the short supply of affordable orthotics and prosthetics, scarcity of affordable housing with special adaptations, need for more accessibility to public transport, and shortage of schools with facilities for physically challenged persons.

Beginning in July all residences built under the second version of the Ministry of Cities' public housing program must be constructed to meet accessibility standards for persons with disabilities.

In July the Sao Paulo state governor launched the Fast Track Employment Program, which offers public financial assistance for vocational training in 330 of 628 state public-sector job vacancies to persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Brazil signed the Convention and Optional Protocol on 30/3/2007. Brazil ratified the Convention and the Optional Protocol on 1/8/2008.

Canada

Constitution and Laws

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government enforced legal provisions effectively.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or in other areas, and the government effectively enforced these prohibitions. The government effectively implemented laws and programs mandating access to buildings, information, and communications for persons with disabilities.

A class-action lawsuit against the Huronia Regional Centre, a former facility operated by the province of Ontario for persons with developmental disabilities, which was filed in 2010 by former residents alleging systemic abuse and neglect, remained pending at year's end. In August a court in Ontario allowed two similar lawsuits against the Rideau Regional Centre and the Southwest Regional Centre to proceed.

Proper facilities existed for the treatment of the mentally ill, but mental health advocates asserted that the prison system was not sufficiently equipped or staffed to provide the care necessary for those in the criminal justice system, resulting in cases of segregation and self-harm.

Other Relevant References

There were no known reports of societal violence or discrimination against persons with HIV/AIDS. Courts generally interpreted prohibitions against discrimination on the basis of disability in federal and provincial human rights statutes to include discrimination against persons with HIV/AIDS.

The Convention on the Rights of Persons with Disabilities

Canada signed the Convention on 30/3/2007. Canada ratified the Convention on 11/3/2010.

Chile

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government enforced these prohibitions. However, such discrimination continued to occur.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services, and the government effectively enforced these provisions. However, persons with disabilities suffered forms of de facto discrimination. Law 20,422, which came into effect in February 2010, establishes norms for equal opportunity and social inclusion for persons with disabilities. The law provides for universal equal access to buildings, information, and communications. However, most public buildings did not comply with legal accessibility mandates. An improved transportation system in Santiago provided additional, but still limited, accessibility for persons with disabilities. Public transportation outside of the capital remained problematic.

The 2010 law also created the National Service for the Disabled (SENADIS), which replaced the National Fund for Persons with Disabilities. SENADIS operates under the jurisdiction of the Ministry of Planning and has responsibility for protecting the rights of persons with disabilities and creating programs to promote their better integration into society.

A number of communities around Santiago built parks that cater to the needs of children with physical, visual, and hearing impairments. This effort was part of a larger government initiative to provide universal access to public spaces.

Other Relevant References

In isolated instances prisoners died due to lack of clear prison procedures and insufficient medical resources. Prison officials reported that there were 161 deaths during the year, compared with 249 in 2010. Prisoners with HIV/AIDS and mental disabilities failed to receive adequate medical attention in some prisons.

The Convention on the Rights of Persons with Disabilities

Chile signed the Convention and Optional Protocol on 30/3/2007. Chile ratified the Convention and the Optional Protocol on 29/7/2008.

Colombia

Constitution and Laws

Although the law specifically prohibits discrimination based on race, gender, disability, language, or social status, in practice many of these prohibitions were not enforced.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government sought to enforce these prohibitions. No law mandates access to public buildings, information, and telecommunications for persons with disabilities, limiting the power of the government to penalize schools or offices without access, but both national and local governments promoted programs aimed at improving access for the disabled. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

Other Relevant References

Despite several government initiatives to enhance IDP access to services and awareness of their rights, many IDPs continued to live in poverty with unhygienic conditions and limited access to health care, education, or employment. In 2004 the Constitutional Court ordered the government to reformulate its IDP programs and policies, including improving the registration system. Since then the court has issued more than 100 follow-up decisions, some addressing specific cross-cutting issues such as gender, disabled persons, and ethnic minorities, and others analyzing specific policy components such as land and housing.

The Convention on the Rights of Persons with Disabilities

Colombia signed the Convention on 30/3/2007 and ratified on 10/5/2011.

Costa Rica

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, health-care access, or other state services. There were no reports of discriminatory practices in education or in the provision of other state services. The Ombudsman's Office reported that despite institutional efforts to improve the situation, there were isolated instances where a lack of interagency coordination prevented the implementation of comprehensive strategies to protect the fundamental rights of persons with disabilities. The Ombudsman's Office reported problems in access to employment for persons with disabilities.

Although the law mandates access to buildings for persons with disabilities, the government did not enforce this provision in practice, and many buildings remained inaccessible to persons with disabilities. During 2010 the Ombudsman's Office received reports of lack of access to public transportation, including noncompliance with accessibility requirements or malfunctioning of hydraulic wheelchair lifts for public transportation vehicles.

A political party, Accessibility without Exclusion, represented the interests of persons with disabilities and held four seats in the Legislative Assembly.

The Convention on the Rights of Persons with Disabilities

Costa Rica signed the Convention and Optional Protocol on 30/3/2007. Costa Rica ratified the Convention and the Optional Protocol on 1/10/2008.

Cuba

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, or social status. However, racial discrimination occurred frequently.

Persons with Disabilities

There was no known law prohibiting official discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. However, a Ministry of Labor and Social Security resolution gives persons with disabilities the right to equal employment opportunities and equal pay for equal work. There are no laws mandating accessibility to buildings, communications facilities, or information for persons with disabilities, and in practice facilities and services were rarely accessible to persons with disabilities.

The Special Education Division of the Ministry of Education is responsible for the education and training of children with disabilities. The Ministry of Labor and Social Security is in charge of the Job Program for the Handicapped.

In January 2010 at least 26 patients died of hypothermia and malnutrition at the government-run Mazorra Psychiatric Hospital in Havana when temperatures dropped to near freezing; hospital employees had sold the patients' food, medicine, and blankets on the black market. On January 31, a court sentenced 14 individuals, including the hospital's director, to prison terms of up to 15 years for their role in the deaths.

Other Relevant References

Political prisoners and the general prison population were kept in similar conditions. By refusing to wear standard prison uniforms, political prisoners frequently were denied certain privileges such as access to prison libraries and standard reductions in the severity of their sentence (for example, being transferred from a maximum-security to a medium-security prison or work camp). The government sometimes placed healthy prisoners in cells with mentally disturbed inmates. Political prisoners also reported being threatened or harassed by fellow inmates whom they thought were acting on orders of prison authorities.

The Convention on the Rights of Persons with Disabilities

Cuba signed the Convention on 26/4/2007. Cuba ratified the Convention on 6/9/2007.

Dominica

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities, and there is no legal requirement mandating access to buildings for such persons. Other than lack of access, there was no reported formal discrimination against them in employment, education, access to health care, or the provision of other state services. However, many employers refused to hire persons with disabilities, and unemployment among them was very high.

The government funded a special school for the hearing impaired and partially assisted two other schools for vision impaired and mentally challenged children. One of the public schools also had a program for autistic children. However, the education of children with disabilities remained a serious challenge, as many of the children were in rural areas.

Other Relevant References

There were no government restrictions on the formation of local human rights organizations, although no such groups existed. Several advocacy groups, such as the Association of Disabled People, the Dominica National Council of Women (DNCW), and a women's and children's self-help organization, operated freely and without government interference.

The minimum wage law establishes a base wage of EC\$5.00 (approximately \$1.87) per hour for all public and private workers. The minimum wage varies according to category of worker, with the lowest minimum wage set at EC\$4.00 (\$1.50), and the maximum at EC\$5.50 (\$2.06) per hour. Most workers (including domestic employees) earned more than the legislated minimum

wage as prevailing wages were much higher than statutory minimum wages. Enforcement is the responsibility of the labor commissioner. Labor laws provide that the labor commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate to enable that person to be employed gainfully. The labor commissioner has not authorized subminimum wages for the last few years.

The Convention on the Rights of Persons with Disabilities

Dominica signed the Convention on 30/3/2007.

Dominican Republic

Constitution and Laws

Although the new constitution prohibits discrimination based on race, gender, disability, language, and social status, such discrimination existed, and the government seldom acknowledged its existence or made efforts to address the problem.

Persons with Disabilities

Although the law prohibits discrimination against persons with disabilities, these individuals encountered discrimination in employment and in obtaining other services. The law provides for physical access for persons with disabilities to all new public and private buildings, but the authorities did not enforce this provision. The Dominican Association for Rehabilitation, which had 23 branches around the country, received a large subsidy from the Secretariat of Public Health and from the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities. The association cited the lack of accessible public transportation for persons with disabilities as a major impediment. The 2000 disability law states that the government should ensure that people with disabilities have access to the labor market and cultural, recreational, and religious activities.

Discrimination against persons with mental illness was common across all public and private sectors, and there were few resources dedicated to the mentally ill.

Other Relevant References

There were also insufficient efforts to segregate and provide services to mentally ill prisoners, except in the case of the CRCs in which the mentally ill were separated and received medical treatment, including therapy, for their illnesses.

The Convention on the Rights of Persons with Disabilities

The Dominican Republic signed the Convention and Optional Protocol on 30/3/2007. The Dominican Republic ratified the Convention and the Optional Protocol on 18/8/2009.

Ecuador

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status. However, the government did not fully enforce these prohibitions. Women; persons with disabilities; indigenous persons; Afro-Ecuadorians; and lesbian, gay, bisexual, and transgender (LGBT) persons continued to face discrimination.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and grants them priority and specialized care in the public and private sectors. The interagency National Council on Disabilities oversees government policies regarding persons with disabilities. Although the law mandates access to buildings and promotes equal access to health, education, social security, employment, transport, and communications for persons with disabilities, the government did not fully enforce it. The law requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities. In 2010, according to government information, only 35 percent of the 1,532 audited companies complied with this law.

An initiative called Ecuador without Barriers, led by the vice president of the country, sought to create jobs for persons with disabilities, provided funding to more than 200 municipalities to improve access to public buildings, and opened training and rehabilitation centers. The initiative also monitored the degree of compliance by companies that hire persons with disabilities. In addition to this program, the government was building centers for those considered intellectually disabled. The caregivers of persons with severe disabilities received a government monthly subsidy of \$240.

The law directs the electoral authorities to provide access and facilitate voting to persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in the May 7 national referendum.

The Convention on the Rights of Persons with Disabilities

Ecuador signed the Convention and Optional Protocol on 30/3/2007. Ecuador ratified the Convention and the Optional Protocol on 3/4/2008.

El Salvador

Constitution and Laws

Although the constitution and the legal code provide that all persons are equal before the law and prohibit discrimination regardless of race, gender, disability, language, or social status, in practice the government did not effectively enforce these prohibitions. There was discrimination against women; persons with disabilities; lesbian, gay, bisexual, and transgender (LGBT) persons; and indigenous people. The SIS, headed by First Lady Vanda Pignato, made efforts to overcome traditional bias in all these areas.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. According to the National Council for Comprehensive Attention to Persons with Disability (CONAIPD), the government did not allocate sufficient resources to enforce these prohibitions effectively, particularly in education, employment, and transportation, and did not effectively enforce legal requirements for access to buildings, information, and communications for persons with disabilities. There are almost no access ramps or provisions for the mobility of persons with sight and hearing disabilities.

Only 5 percent of businesses and no government agency fulfilled the legal requirement of hiring one person with disabilities for every 25 hires.

On March 17, the Legislative Assembly amended the electoral code to allow deaf, blind, and mute people to run as municipal and legislative candidates.

Several public and private organizations promoted the rights of persons with disabilities, including the Telethon Foundation for Disabled Rehabilitation and the Salvadoran National Institute for the Disabled (ISRI). The Rehabilitation Foundation, in cooperation with ISRI, continued to operate a treatment center for persons with disabilities. However, CONAIPD reported that the government provided minimal funding for ISRI. The vast majority of persons with disabilities received care at home by relatives with little or no government support or supervision.

CONAIPD--composed of representatives of multiple government entities--is the government agency responsible for protecting disability rights, but it lacks enforcement power.

There were no reported patterns of abuse in prisons or in educational or mental health facilities, although CONAIPD reported isolated incidents, including sexual abuse, in those facilities.

CONAIPD reported that persons were fired after becoming disabled, persons with disabilities were not considered for work for which they qualified, and some schools would not accept children with disabilities due to lack of facilities and resources. There is no formal system for filing a complaint with the government.

During the year the SIS and CONAIPD conducted awareness campaigns, provided sensitivity training, promoted employment of persons with disabilities, and trained doctors and teachers about rights of persons with disabilities.

Other Relevant References

Rape and Domestic Violence: The law criminalizes rape. While not specifically addressed in the law, spousal rape may be considered a crime if the actions meet the criminal code definition of rape. The law requires the OAG to prosecute rape cases whether or not the victim presses charges, and the law does not permit the victim's pardon to nullify the criminal charge. The penalty for rape is six to 10 years' imprisonment, but the law provides for a maximum sentence of 20 years for rape of certain classes of victims, including children and persons with disabilities.

The Convention on the Rights of Persons with Disabilities

El Salvador signed the Convention and Optional Protocol on 30/3/2007. El Salvador ratified the Convention and the Optional Protocol on 14/12/2007.

Grenada

Persons with Disabilities

The constitution and law do not protect job seekers with disabilities from discrimination in employment. Although the law does not mandate access to public buildings or services, building owners increasingly incorporated disabled access into new construction and premises renovation. The government provided for special education throughout the school system; however, most parents chose to send their children to three special education schools operating in the country. Persons with disabilities had full access to the health-care system and other public services, faced no discrimination in access to information and communication, and suffered no restrictions on the right to vote or to participate fully in civic affairs. The government and nongovernmental organizations (NGOs) continued to provide training and work opportunities for such persons. The Ministry of Social Services includes an office responsible for looking after persons with disabilities, as well as the Council for the Disabled, which reviews disability-related issues.

Other Relevant References

In July a prison guard shot and killed a man who was allegedly breaching the fence at Her Majesty's Prison; the DPP concluded there was no criminal liability. In November the police killed a mentally unstable man who attacked an officer with a machete, in which the DPP also found no criminal liability. Both cases were referred to the coroner for further investigation. At year's end the CID, in coordination with the DPP, was investigating the December 26 death of a Canadian-Grenadian citizen whom police allegedly beat while in custody.

The Convention on the Rights of Persons with Disabilities

Grenada signed the Convention on 12/7/2010.

Guatemala

Constitution and Laws

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. In practice the government frequently did not enforce these provisions due to inadequate resources, corruption, and a dysfunctional judicial system.

Persons with Disabilities

The constitution contains no specific prohibitions against discrimination based on physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. The law, however, mandates equal access to public facilities and provides some other legal protections. In many cases persons with physical and mental disabilities did not enjoy these rights, and the government devoted few

resources to addressing the problem. The law does not mandate that persons with disabilities have access to information or communications. The National Council for Persons with Disabilities reported that few of the country's persons with disabilities attended educational institutions or held jobs. The council, composed of representatives of relevant government ministries and agencies, is the principal government entity responsible for protecting the rights of persons with disabilities. It met regularly to discuss initiatives and had a budget of five million quetzales (\$640,000).

There were minimal educational resources for persons with special needs, and the majority of universities did not have accessible facilities for persons with disabilities.

On December 10, a group of 35 persons with disabilities protested at the Urban Transport (Transurbano) headquarters in Guatemala City over the lack of accessible public transportation in the country. Transurbano's spokesperson dismissed the protesters as misinformed.

The National Hospital for Mental Health, the principal health provider for persons with mental illness, lacked basic supplies, equipment, hygienic living conditions, and adequate professional staffing.

Other Relevant References

On June 17, former chief of the defense staff Hector Mario Lopez Fuentes was arrested on charges of genocide, crimes against humanity, and forced disappearance. Prosecutors claimed that Lopez Fuentes gave the orders that resulted in 12 massacres and the deaths of 317 people between 1982 and 1983 in the Ixil region of the Quiche Department. Retired brigadier general Jose Mauricio Rodriguez Sanchez, the director of military intelligence under Lopez Fuentes, was arrested on October 12 and also charged with these crimes. At year's end both suspects were being held in preventive detention awaiting trial. On October 24, former defense minister Oscar Humberto Mejia Victores, charged with being the intellectual author of a policy of genocide, surrendered to authorities in connection with the Lopez Fuentes and Rodriguez Sanchez cases. However, government medical experts declared the 80-year-old unfit to stand trial due to age-related mental illness. He was being held in a military hospital at year's end.

The Convention on the Rights of Persons with Disabilities

Guatemala signed the Convention and Optional Protocol on 30/3/2007. Guatemala ratified the Convention and the Optional Protocol on 7/4/2009.

Guyana

Constitution and Laws

While the constitution prohibits discrimination based on race, gender, disability, language, social status, religion, or national origin, the government did not always effectively enforce these prohibitions.

Persons with Disabilities

The constitution mandates the state to "take legislative and other measures" designed to protect disadvantaged persons and persons with disabilities. The law provides for equal

protection and for a National Commission on Disabilities to advise the government, coordinate actions on issues affecting persons with disabilities, and implement and monitor the law. The commission focused its attention on sensitizing the public about the law and on compliance. The commission conducted workshops, meetings, and panel discussions and provided advocacy for persons living with disabilities. Lack of appropriate infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. The Open Door Center offered assistance and training to persons with disabilities throughout the year.

Other Relevant References

There was one death in prison, which occurred when three prisoners attacked a fourth, who died as a result of a fractured skull. Authorities charged the three with murder. Following an inmate-upon-inmate killing in 2010, the GPS announced measures to keep mentally unstable inmates segregated from the general prison population until construction of a separate facility to hold them, and authorities held 35 inmates isolated from the general prison population at the Georgetown facility.

The Convention on the Rights of Persons with Disabilities

Guyana signed the Convention on 11/4/2007.

Haiti

Constitution and Laws

The law does not specifically prohibit discrimination on the grounds of race, gender, disability, language, or social status. It does provide for equal working conditions regardless of gender, beliefs, or marital status. However, no effective governmental mechanism administered or enforced these provisions.

Persons with Disabilities

The constitution and laws do not explicitly prohibit discrimination against persons with physical and mental disabilities, and there were no reports of discrimination by the government against persons with disabilities in employment, education, access to health care, or the provision of other state services. However, because of widespread and chronic poverty, a shortage of public services, and limited educational opportunities, persons with disabilities were severely disadvantaged.

The Secretariat of State for the Integration of Handicapped Persons (SEIPH) is the lead government agency responsible for providing assistance to persons with disabilities and ensuring that their concerns are taken into account, especially during the reconstruction phase. In practice the UN provided most of the coordination and NGOs provided most of services, with SEIPH acting primarily as an advocate within the government. SEIPH estimated there were 800,000 persons with disabilities, plus an estimated additional 5,000-10,000 as a result of injuries from the 2010 earthquake, including 5,000 new amputees. Only 3 percent of children with disabilities had access to schools. Handicap International provided comprehensive services to a limited number of persons including prostheses, psychosocial counseling, and training.

The conditions in the state hospital for mental illness were well below international standards, with patients often living in harsh conditions. Patients were frequently restrained in order to keep them from wandering, and many of them were kept isolated in small rooms without windows and without adequate or regular access to hygiene. Staff in the hospitals were insufficient to meet patients' needs and were often untrained for providing mental health services. As a group, people with mental illness or developmental disabilities were consistently marginalized, neglected, and abused in general society. For example, family members frequently tied up persons with cognitive disabilities or mental illness for long periods of time. There was a general stigma against all forms of mental illness. Much of this neglect and abuse stems from a lack of understanding of mental health, mental illness, and disability. A lack of quality mental health services, as well as a lack of advocacy and awareness-raising activities in support of this population, exacerbated and perpetuated the misunderstanding. There were only approximately 20 psychiatrists in the country, most of whose training and credentials were antiquated. Under such conditions the majority of the mentally ill did not receive adequate mental health services.

The Convention on the Rights of Persons with Disabilities

Haiti ratified the Convention and the Optional Protocol on 23/7/2009.

Honduras

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, but it was not effectively enforced. Political, military, and social elites generally enjoyed impunity under the legal system. Women and other vulnerable groups continued to suffer social and economic discrimination.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. Enforcement is the responsibility of the Secretariat of Labor and Social Security (STSS) ; however, it focuses primarily on workplace safety and pay issues. Statutory provisions make it illegal for an employer to discriminate against a worker based on disability. There were no verifiable reports of discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The law requires access to buildings for persons with disabilities. In practice few buildings were accessible, and the federal government did not effectively implement laws or programs to ensure such access. The government has a disabilities unit in the Secretariat of Social Development and a special commissioner for disabilities in the Secretariat of the Presidency.

Other Relevant References

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held with the general prison population. Authorities at the Dr. Marco Aurelio Soto National Penitentiary at Tamara reported that, while their facility was the only prison in the

country with an antiretroviral treatment program, the facility did not have necessary materials to test for or diagnose HIV/AIDS, tuberculosis, or diabetes. For the nearly 3,000 inmates held at Tamara, there was only one dentist, and the surgical facility lacked anesthesia, surgical gloves, and needles.

The Convention on the Rights of Persons with Disabilities

Honduras signed the Convention on 30/3/2007 and Optional Protocol on 23/8/2007. Honduras ratified the Convention on 14/4/2008 and the Optional Protocol on 16/8/2010.

Jamaica

Persons with Disabilities

There are no laws prohibiting discrimination against persons with disabilities or mandating accessibility for persons with disabilities. Although the government ratified the UN Convention on the Rights of Persons with Disabilities in 2007, there were no reports of actions taken to implement the provisions of the convention. Persons with disabilities encountered discrimination in employment and denial of access to schools. Discrimination in access to education was particularly pronounced at the primary level. Fewer problems were reported in secondary schools, and tertiary institutions, including community colleges, were increasingly drafting policies ensuring full inclusion of persons with disabilities. Health care reportedly was universally available.

Prior to the December elections, Human Rights Watch pointed out that many polling stations were inaccessible to persons with disabilities, but the government responded that it would be impractical to make changes to ensure accessibility so close to the elections. Nonetheless, election officials made efforts to accommodate voters with accessibility issues, by recruiting other voters to carry a wheelchair up a flight of steps or moving and carrying the prefabricated cardboard voting booth to the voter. After the December elections, both houses of Parliament announced plans to provide the oath of allegiance in Braille to accommodate visually impaired persons.

The Ministry of Labor has responsibility for the Jamaica Council for Persons with Disabilities, which had a budget of 54 million (\$661,770) in 2010-11. The council distributes economic empowerment grants of up to J\$50,000 (\$613) to persons with disabilities to help them embark on small entrepreneurial ventures, such as vending or furniture making, or to provide them with assistive aids, such as prosthetics or hearing aids. Smaller rehabilitation grants of up to J\$15,000 (\$185) are available for similar purposes. The Ministry of Labor also has responsibility for the Early Stimulation Project, an education program for children with disabilities, as well as the Abilities Foundation, a vocational program for older persons with disabilities.

Other Relevant References

Other scheduled trials included that of police corporal Malica Reid, charged with the November 2010 killing of prominent businessman Frederick “Mickey” Hill, which began on October 28 and was rescheduled for January 2012. The case of Detective Sergeant Lloyd Kelly, charged with the July 2010 killing of a mentally disturbed man, was also to go to court in January 2012. The

Home Circuit Court rescheduled the trial of three policemen, Loui Lynch, Paul Edwards, and Victor Barrett, involved in the 2004 abduction and killing of Kemar Walters and Oliver Duncan, to April 16, 2012. The Special Coroner Court was scheduled to consider the 2007 police shooting deaths of Dexter Hyatt and Tian Wolfe in November but postponed it to a later date.

Overcrowding and poor living conditions remained severe problems. At the St. Catherine Adult Correctional Institution in Spanish Town, inmates shared dark, unventilated, and dirty cells. Designed to hold 800 inmates, the facility held 1,200. Constructed to hold 50 detainees, each cell held an average of 138 detainees. Police officers at the facility reported that the mentally ill detainees were locked up in the bathroom of the holding section. Some detainees also were held in the prison's medical facility.

Throughout the system medical care was poor, primarily a result of having only three full-time doctors and one full-time nurse on staff. Four part-time psychiatrists cared for at least 225 diagnosed mentally ill inmates in 12 facilities across the island. Prisoners in need of dentures and unable to eat the prison food encountered difficulties gaining access to a dentist. Prison food was poor, and prison authorities frequently ignored inmates' dietary restrictions.

If a detainee requests access to counsel, the law requires police to contact duty counsel (a private attorney who volunteers to represent detainees at police stations and until cases go to trial) under the Legal Aid Program; however, authorities continued to wait until after detainees had been identified in a lineup before contacting duty counsel for them. There was a functioning bail system, and detainees were provided with prompt access to family members. A constitutional amendment passed during the year ensures legal assistance if someone does not have sufficient means to pay for legal representation and provides that a civil organization may initiate an application on behalf of a detainee or a mentally ill person.

The Convention on the Rights of Persons with Disabilities

Jamaica signed the Convention and Optional Protocol on 30/3/2007. Jamaica ratified the Convention on 30/3/2007.

Mexico

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status. While the government continued to make progress enforcing these provisions, significant problems, particularly violence against women, persisted.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other services. However, the government did not effectively enforce all these stipulations. Public buildings and facilities in Mexico City did not comply with the law requiring access for persons with disabilities, although the federal government stated that entrances, exits, and hallways in all of its offices were accessible to persons with disabilities. The education system provided special education for approximately 485,170 students with disabilities nationwide.

According to the National Commission for Persons with Disabilities, 63 percent of children with disabilities between the ages of six and 14 attended school, compared with 92 percent for those in the same age range without disabilities. Only 4 percent of the overall population with disabilities had finished university. According to the National Council to Prevent Discrimination, 60 percent of all persons with disabilities reported insufficient access to public or private health care. The CNDH received 41 complaints of discrimination against persons with physical disabilities and six complaints of discrimination against persons with mental disabilities during the year.

The secretary of health collaborated with the secretaries of social development, labor, and public education, as well as with the Integral Development of the Family (DIF) and the Office for the Promotion and Social Integration of the Disabled, to protect the rights of persons with disabilities. The government established offices and programs for the social integration of persons with disabilities, including a program to enhance job opportunities and launch an online portal to disseminate information and assistance.

In its 2010 study, Disability Rights International (DRI) found widespread human rights abuses in mental institutions and care facilities across the country, including those for children. Abuses against disabled persons included lack of access to justice, the use of physical and chemical restraints and unconsented lobotomies on some patients, physical and sexual abuse, and trafficking of children with mental disabilities. Persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or outsiders at facilities where there was little supervision.

DRI reported in 2010 that at the Samuel Ramirez Moreno Psychiatric Hospital in Mexico City, a man was restrained with a helmet and arm restraints during the day and bed restraints at night from at least March to September 2010. Authorities at the institution stated that long-term restraints were the only option they had to control the patient and that they were not administering any other form of treatment or therapy to improve his condition.

At the Cruz del Sur Psychiatric Hospital in Oaxaca in 2010, DRI investigators found a woman being held in a bed with restraints despite evidenced distress because she spoke an indigenous language that no member of the staff knew. The staff planned to keep her in restraints until members of her family arrived and could translate.

According to a 2010 survey by the National Council to Prevent Discrimination, 55 percent of persons with disabilities reported an income insufficient to cover their basic needs. More than 50 percent of those surveyed stated that their primary source of income was their family and only 40 percent reported having a job.

Other Relevant References

Instances of cruel, inhuman, and degrading treatment were reported to occur in public mental health institutions, including the use of unconsented lobotomies on persons with disabilities

Institutionalized Children: The NGO Disability Rights International found in a 2010 study that mentally disabled children in orphanages and care facilities were subject to a number of grave abuses, including trafficking in persons

The Convention on the Rights of Persons with Disabilities

Mexico signed the Convention and Optional Protocol on 30/3/2007. Mexico ratified the Convention and the Optional Protocol on 17/12/2007.

Nicaragua

Constitution and Laws

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. In practice the government often did not enforce these legal prohibitions, and aggrieved persons filed few discrimination suits or formal complaints.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but in practice such discrimination was widespread in employment, education, access to health care, and the provision of state services. Laws related to persons with disabilities did not stipulate penalties for noncompliant companies, although penalties may be issued under the general labor inspection code. MiFamilia, the Ministry of Labor (MITRAB), and the PDDH are among government agencies responsible for the protection and advancement of rights for persons with disabilities. The government did not effectively enforce the law with regard to the protection of such individuals; did not mandate accessibility to buildings, information, and communications for them; and did not make information available on efforts to improve respect for their rights. Independent media reported that fewer than 1 percent of public sector employees were persons with disabilities, although that percentage is mandated by law, and that public institutions lacked coordination with the MITRAB regarding rights for persons with disabilities.

Persons with disabilities continued to have problems accessing schools, public health facilities, and other public institutions. Complaints continued regarding the lack of a handicap-accessible public transportation system in Managua. The government launched a fleet of 110 new buses during the year, some of which were handicap-accessible. However, in October *La Prensa* reported that only one of the handicap-accessible buses was operating and that bus stop facilities were not handicap-accessible.

Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care was generally poor.

The 2011 World Health Organization *World Report on Disability* estimated that only 0.40 percent of persons with disabilities attended compulsory elementary education. In 2010 MINSa reported that only one out of five students with disabilities finished primary school.

Other Relevant References

Trials are public, and the law provides defendants with the option of a jury trial. Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants are presumed innocent until proven guilty and have the right of access to all information and evidence registered with the government, as well as the right to know why and how it was obtained, but only during the discovery and trial phases, not during the pretrial period. Defendants can confront and question witnesses and also have the right to appeal a conviction. The law extends these rights to all citizens regardless of gender, ethnicity, disability, or other status. The courts continued to use the Napoleonic legal process for cases that were initiated before December 24, 2002.

The Convention on the Rights of Persons with Disabilities

Nicaragua signed the Convention on 30/3/2007 and Optional Protocol on 21/10/2008. Nicaragua ratified the Convention on 7/12/2007 and the Optional Protocol on 2/2/2010.

Panama

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, but the government allegedly did not always enforce these prohibitions effectively.

Persons with Disabilities

The law prohibits discrimination based on physical or mental disability, but the constitution permits the denial of naturalization to persons with mental or physical disabilities. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs. In practice persons with disabilities experienced substantial discrimination in access to employment, education, health care, and other state services. Some public schools admitted children with mental and physical disabilities, but most did not have adequate facilities for children with special needs. The government installed ramps in some schools and mainstreamed some children with disabilities. Few private schools admitted children with special needs.

In June a group of persons with disabilities challenged Law 35 before the Supreme Court on grounds of discrimination and the protection of private information. The law, passed in August 2010, mandates that the National Electoral Tribunal include a person's disabilities as well as blood type and allergies on their national identification card in case of emergency. The law also requires the National Transportation Authority to include the same information on a state-issued drivers' license. By year's end there was no ruling from the court.

The National Secretariat for the Social Integration of Persons with Disabilities (SENADIS) is the government agency responsible for protecting the rights of persons with disabilities. The Ministry of Education and MIDES share responsibilities for educating and training minors with disabilities. SENADIS also distributes subsidies to NGOs dealing with disabilities issues.

The law stipulates a 2 percent quota for persons with disabilities within the workforce. The Ministry of Labor and Labor Development (MITRADEL) is responsible for referring workers with

disabilities to employers for suitable jobs; however, in practice successful hiring by private sector employers remained difficult. From January to September, the Ombudsman's Office received 12 complaints of government violations involving the labor rights of persons with disabilities.

The government inaugurated with international funding four playgrounds accessible to persons with disabilities. In April the government decreed April Autism Month. The decree mandates interagency coordination for the development of educational and service programs for people with autism. In July the government signed an agreement with the Spanish NGO ONCE to provide training of blind and low-vision workers on ways to access the job market.

The government provided them with 50 balboas (\$50) per month and donated rehabilitation equipment to low-income persons with disabilities. The government also provided five vehicles to state-run hospitals and physical rehabilitation centers to allow for the proper transfer of patients in wheelchairs.

In September the Ministry of Social Development launched the Guardian Angel program, which provides a subsidy of 80 balboas (\$80) per month for children with severe physical disabilities. To qualify, the parents or guardian of a child must submit medical certification as to the severity of the disability and the child's dependency on another person. The family must also be living in poverty to qualify.

The Convention on the Rights of Persons with Disabilities

Panama signed the Convention and Optional Protocol on 30/3/2007. Panama ratified the Convention and the Optional Protocol on 7/8/2007.

Paraguay

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status. However, women, LGBT persons, and indigenous persons faced discrimination in practice.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law does not mandate accessibility for persons with disabilities, and most of the country's buildings were inaccessible. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The Ministry of Education estimated that at least half of all children with disabilities did not attend school because public buses could not accommodate them. The National Institute for the Protection of Exceptional People is responsible for legally confirming disability status.

As of March there were 686 government employees with disabilities, constituting approximately 1 percent of public-sector employees. On February 23, the Asuncion City Council approved an ordinance establishing architectural requirements for accessibility to buildings and

on sidewalks, as well as fines for lack of compliance. There are no laws to ensure access to information and communications.

Other Relevant References

Discrimination and violence against women; indigenous persons; persons with disabilities; and lesbian, gay, bisexual, and transgender (LGBT) persons continued, as did trafficking in persons. Exploitation of child labor and violations of worker rights also remained serious problems.

The Convention on the Rights of Persons with Disabilities

Paraguay signed the Convention and Optional Protocol on 30/3/2007. Paraguay ratified the Convention and the Optional Protocol on 3/9/2008.

Peru

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement lagged and discrimination persisted.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and establishes infractions and sanctions for noncompliance with specified norms. The constitution addresses social security, health, education, and employment matters for persons with disabilities as well as their right to engage in business, trade, and industry. The law provides for the protection, care, rehabilitation, security, and social inclusion of persons with disabilities; mandates that public spaces be free of barriers and accessible to persons with disabilities; and provides for the appointment of a disability rights specialist in the Ombudsman's Office. In addition the law mandates that Internet sites maintained by governmental, institutional, and other service providers be accessible to persons with disabilities and requires accessibility through the inclusion of sign language or subtitles in all educational and cultural programs on public television and in media alternatives in all public libraries.

In practice the government devoted limited resources to enforcement and training, and many persons with physical disabilities remained economically and socially marginalized. Governments at the national, regional, and local levels made little effort to provide access to public buildings. There were no interpreters for the deaf in government offices and no access to recordings or Braille for the blind. The majority of government Web sites remained inaccessible to persons with disabilities, and only the congressional television channel offered sign language interpretation.

The government failed to enforce laws safeguarding and attending to persons with mental disabilities in situations of social abandonment. The number of medical personnel providing services in psychiatric institutions was insufficient to care for all patients.

The Anne Sullivan Center for Persons with Disabilities reported cases of people who were denied the right to vote in the national elections during the year. One egregious case involved

an individual who received training from elections officials on voting procedures but was subsequently labeled “disabled” and involuntarily removed from the voter registry.

A human rights ombudsman report published in December stated that many children with disabilities were unable to attend public schools due to lack of physical access. Nearly half of the country’s public schools had no entrance ramps, and 88 percent lacked restrooms usable by persons with disabilities. Relatively few teachers (39 percent) had received any training in inclusive education.

Other Relevant References

The following human rights problems also were reported: killings by security forces of protesters during demonstrations, harsh prison conditions, abuse of detainees and inmates by prison security forces, lengthy pretrial detention and inordinate trial delays, intimidation of the media, incomplete registration of internally displaced persons, and discrimination against women. There also was discrimination against individuals with disabilities; members of racial and ethnic minority groups; indigenous persons; lesbian, gay, bisexual, and transgender persons; and persons with HIV/AIDS. Other problems were a lack of labor law enforcement and the exploitation of child labor, particularly in informal sectors.

Congressional committees included the Justice and Human Rights Committee and a committee for Health, Population, Family, and Persons with Disabilities. They issued no reports and had limited policy impact.

The court also ruled in the Pucayacu II case, sentencing Enrique de la Cruz Salcedo to 17 years in prison for the extrajudicial killing of seven persons in 1985. Another suspect in the case was found not guilty due to a mental illness he allegedly suffered at that time; a third suspect had fled, leading authorities to postpone his trial until his eventual capture.

The Convention on the Rights of Persons with Disabilities

Peru signed the Convention and Optional Protocol on 30/3/2007. Peru ratified the Convention and the Optional Protocol on 30/1/2008.

Saint Kitts and Nevis

Persons with Disabilities

While the law prohibits discrimination, it does not specifically cite discrimination against persons with disabilities. There was no reported discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The building code mandates access to buildings for persons with disabilities, but this code was not always followed or enforced.

Persons who are mentally ill and deemed a menace to society can be incarcerated for life; there were four such persons in the prison. Ministry of Health nurses in the various district health centers deal with persons with mental illness, and the General Hospital has a wing dedicated to caring for patients with mental illness.

Other Relevant References

There were no governmental restrictions on human rights groups, and there were several organizations that worked with marginalized groups such as women, children, the mentally challenged, the elderly, and the disabled.

The Convention on the Rights of Persons with Disabilities

Saint Kitts and Nevis has not signed the Convention.

Saint Lucia

Constitution and Laws

The constitution prohibits discrimination, but there was no specific legislation addressing discrimination in employment or against persons with disabilities.

Persons with Disabilities

No specific legislation protects the rights of persons with disabilities or mandates provision of government services for them. The government is obliged to provide disabled access to all public buildings, but only a few government buildings had ramps to provide access. There was no rehabilitation facility for persons with physical disabilities, although the Health Ministry operated a community-based rehabilitation program in residents' homes. There were schools for the deaf and the blind up to the secondary level. There also was a school for persons with mental disabilities; however, children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults.

A full mental health hospital and wellness center entered into full operation in 2010.

The Convention on the Rights of Persons with Disabilities

Saint Lucia signed the Convention on 22/9/2011.

Saint Vincent and the Grenadines

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services, and the government generally observed these prohibitions in practice. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was difficult. Communications were available for persons with disabilities, but the government did not have any programs to facilitate communication through technology. There were no restrictions on voting or other civic participation. The government partially supported a school for persons with disabilities. A separate rehabilitation center treated approximately five persons daily. The Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities is responsible for assisting persons with disabilities.

Other Relevant References

The August 2010 incident where a police officer shot and killed a mentally disturbed man during a civil disturbance and accidentally shot three girls went to a coroner's inquest. The coroner's jury ruled that the suspect's death was a death by misadventure.

The Convention on the Rights of Persons with Disabilities

Saint Vincent and the Grenadines ratified the Convention and the Optional Protocol on 29/10/2010.

Suriname

Constitution and Laws

The law prohibits discrimination based on race and ethnicity but does not address discrimination based on disability, language, or social status. In practice various sectors of the population--such as women, Maroons, Amerindians, persons with HIV/AIDS, and LGBT persons--suffered forms of discrimination.

Persons with Disabilities

There are no laws prohibiting discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of state services. In practice persons with disabilities suffered from discrimination when applying for jobs and services. Some training programs were provided for persons with visual or other disabilities. There are no laws or programs to ensure that persons with disabilities have access to buildings. A judge may rule that a person with a cognitive disability be denied the right to vote, take part in business transactions, or sign legal agreements. Persons with disabilities had equal access to information and communications. There were no reports of abuse in educational facilities for persons with disabilities. A Ministry of Social Affairs working group remained responsible for protecting the rights of persons with disabilities, but it made limited progress during the year.

The Convention on the Rights of Persons with Disabilities

Suriname signed the Convention on 30/3/2007.

Trinidad and Tobago

Persons with Disabilities

There are no statutes either prohibiting discrimination on the basis of disability or mandating equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, or other citizen services.

In practice persons with disabilities (an estimated 16 percent of the population) faced discrimination and denial of opportunities in the form of architectural barriers, employer reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist children with special needs to

study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect.

Transportation was a particular concern, with only two buses accessible by persons with disabilities for a special on-call transportation service. A majority of bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There were no restrictions on access to information, communications, voting, or participation in civic affairs.

The Convention on the Rights of Persons with Disabilities

Trinidad and Tobago signed the Convention on 27/9/2007.

Uruguay

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively, although societal discrimination against some groups persisted.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services; however, the government did not effectively enforce these provisions or promote programs to ensure access to buildings, information, and communications. Persons with disabilities reported discrimination in employment despite government efforts to assist in individual cases. While it did not discriminate against persons with disabilities, the government did not provide sufficient services such as accessible transportation.

The Uruguayan Institute for Educational Psychology reported that school-age children with disabilities, such as blindness or Down syndrome, received specially adapted laptops under Plan Ceibal (the Uruguayan One Laptop per Child program).

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. The law mandating accessibility for persons with disabilities to new buildings or public services was not consistently enforced. The law reserves 4 percent of public-sector jobs for persons with physical and mental disabilities, but the quota went unfilled.

Other Relevant References

Government Human Rights Bodies: The Commission Against Racism, Xenophobia, and All Forms of Discrimination, headed by the Ministry of Education and Culture's director for human rights, includes government, religious, and civil society representatives. The commission is responsible for proposing policies and specific measures to prevent and combat racism, xenophobia, and discrimination. Between its creation in 2007 and March 2010, the commission investigated 70 cases of alleged discrimination from Afro-Uruguayans, persons with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) persons. However, the commission has had no allocated

budget since the Mujica administration assumed office in March 2010. NGOs asserted that the commission did not react to several high-profile discrimination cases during the year.

The Convention on the Rights of Persons with Disabilities

Uruguay signed the Convention on 3/4/2007. Uruguay ratified the Convention on 11/2/2009.

Venezuela

Constitution and Laws

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; however, discrimination against women, persons with disabilities, and indigenous persons and discrimination based on sexual orientation were problems. On August 22, the National Assembly passed the Organic Law against Racial Discrimination, which President Chavez signed into law on December 19. The law aims to eliminate all forms of racial discrimination, creates a new National Institute against Racial Discrimination to enforce the law, and provides for up to three years' imprisonment for acts of racial discrimination.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, and the provision of other state services, but the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were practically nonexistent. Online resources and access to information were generally available to persons with disabilities. The National Commission for Persons with Disabilities (Conapdis), an independent agency affiliated with the Ministry for Participation and Social Development, and the Mission Jose Gregorio Hernandez advocate for the rights of persons with disabilities and provide them with medical, legal, occupational, and cultural programs. Through the new Mission for the Children of Venezuela, announced on November 25, the government has undertaken to provide monthly subsidies of BsF 600 (\$140) to heads of households for each disabled child or adult whom they support.

The Convention on the Rights of Persons with Disabilities

Venezuela has not signed the Convention.