

Consolidated Disability Findings from the 2011 State Department Country Reports on Human Rights Practices

East Asia and the Pacific

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.

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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 Matao (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.